

BRF 26-092 Crown land legislation review – Cabinet paper, minor policy decisions, and other updates

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

Rā / Date: 13 October 2025

Ngā mahi matua kia mahia/key actions required

Minita/Minister	Key action required:	Deadline
Hon Chris Penk, Minister for Land Information	<p>Note the summary of stakeholder feedback and LINZ's comments in Appendix 1.</p> <p>Indicate in Appendix 2 your decisions on two minor secondary use decisions.</p> <p>Circulate the attached Cabinet paper and Regulatory Impact Statement for Ministerial consultation.</p>	15 October 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

Excuse. Hanu.

Resend the Hanu.

Pūtake/Purpose

- 1 The purpose of this briefing is to seek your agreement to commence Ministerial consultation on the draft Cabinet paper and Regulatory Impact Statement, decisions on two minor policy matters relating to the secondary use permit system, and to update you on stakeholder feedback, afforestation and managing wilding conifer risks, marginal strip provisions, and the timeline for upcoming advice.

Pānui whāinga/Key messages

Cabinet paper and Regulatory Impact Statement

- 2 Following departmental consultation, the draft Cabinet paper and Regulatory Impact Statement (RIS) have been prepared and are ready for Ministerial consultation. Departments were broadly supportive of the proposals. LINZ will work with your office to finalise the documents ahead of lodgement with the Cabinet Office on 30 October, for consideration by ECO on 5 November.

Minor policy decisions to enable secondary uses

- 3 LINZ recommends including a legislative power to amend the schedule of secondary use activities by Order in Council, guided by clear criteria and consultation requirements, to ensure flexibility to respond to evolving land use opportunities. LINZ recommends aligning this approach with existing mechanisms for discretionary pastoral activities and including a five-year review cycle.
- 4 Following stakeholder feedback, LINZ recommends seeking Cabinet delegation to make final decisions on how the statutory tests for discretionary pastoral activities and secondary uses relate to each other, particularly on enabling activities where effects on inherent values are "more than minor". This would allow LINZ to undertake further policy work, and identify potential legislative amendments so that the two tests are appropriately aligned.

Other updates

- 5 Since the last round of major policy decisions in late September, LINZ has engaged with the High Country Accord Trust (HCAT) and High Country Advisory Group (HCAG). Their feedback has been incorporated into the Cabinet paper and RIS. HCAG and HCAT were generally supportive of the high-level design of the secondary use permit, and have expressed more substantial feedback on the secondary use decision making criteria, and design of the legislative pathway for land disposal. LINZ has also shared information with Ngāi Tahu, who have expressed concerns about the timeframe and lack of detail, and have not yet been able to share substantive feedback. LINZ will continue to proactively engage with stakeholders and share further policy work where appropriate.

- 6 s 9(2)(f)(iv) [Redacted]
- 7 s 9(2)(f)(iv) [Redacted]
- 8 Between late October and early November, LINZ plans to provide you with further advice on the design of the land disposal legislative pathway, decision making criteria for secondary uses, a schedule of secondary use activities, and mechanisms to manage liability as a result of secondary use.

Tohutohu/Recommendations

Toitū Te Whenua Land Information New Zealand (LINZ) recommends that you:		
1.	Me mātai/Note the summary of stakeholder feedback and LINZ's comments in Appendix 1 .	Noted
2.	Indicate in Appendix 2 your preferred options on two minor secondary use decisions: <ul style="list-style-type: none"> • A power to amend the schedule of secondary use activities. • Seek Cabinet delegation to make final decisions on relativity between tests for discretionary pastoral activities and secondary use. 	Indicated
3.	Āmine/Agree to circulate the attached Cabinet paper and Regulatory Impact Statement for Ministerial consultation subject to any feedback you have	Agree/disagree



Becci Whitton
Leader, Strategy and Policy
Land Information New Zealand
 Rā/Date: 13/10/2025



Hon Chris Penk
Te Minita mō Toitū Te Whenua/
Minister for Land Information
 Rā/Date: 15.10.2025

Tāpiritanga/Attachments

- Appendix 1:** Summary of HCAG and HCAT feedback
Appendix 2: Detailed options table

Crown land legislation review Cabinet Paper and Regulatory Impact Statement (RIS)

- 9 To enable you to take proposals on the changes to the CPLA and Land Act to the Cabinet Economic Policy Committee on 5 November 2025, LINZ has prepared a draft Cabinet paper (**Attachment 1**) and a draft Regulatory Impact Statement (RIS) (**Attachment 2**).
- 10 The draft Cabinet paper recommends changes to the CPLA and the Land Act and seeks approval to begin drafting legislation. It reflects policy decisions you made in September and October (BRF 26-053, BRF 26-056, BRF 26-064, and BRF 26-071 refer).
- 11 LINZ undertook departmental consultation on the draft Cabinet paper between 1 and 8 October 2025. Departments were broadly supportive of the proposals. Minor wording suggestions and clarifications have been incorporated into the paper.
- 12 LINZ has commissioned economic analysis from specialist rural economist AgFirst on the potential return from secondary uses across the Crown Pastoral Lease estate. The draft RIS includes information from their preliminary report. Their final report is due to LINZ on 27 October, and any updated information will be incorporated into the RIS prior to Cabinet lodgement.
- 13 AgFirst's preliminary report indicates that pastoral farming remains economically viable, with case study farms outperforming the regional average.¹ Selected secondary land uses could significantly enhance economic returns on suitable sites, with the following "upper-bound" estimates highlighting the potential of secondary use:
 - Solar energy showed the highest potential, with returns of up to \$18,500/ha.
 - Cherries followed at \$9,700/ha, and carbon forestry at around \$600/ha.
 - Other horticultural and tourism options also showed positive, though more moderate, gains.
- 14 If you agree with the recommendations in the draft Cabinet paper, LINZ recommends forwarding the draft Cabinet paper and draft RIS to your Ministerial colleagues for feedback between 15 and 22 October 2025. You may wish to note that the RIS contains preliminary economic analysis and that final analysis will be included in the paper submitted to Cabinet.
- 15 LINZ will provide you with final versions of both documents on 27 October, for lodging with the Cabinet Office by 30 October.

¹ However, the preliminary report also found that practical constraints, including water availability, slope, biodiversity protections, and regulatory factors, would strongly influence what is achievable in practice. Examples of regulatory factors include prohibition of Douglas fir in some regions due to wilding conifer risks, and consent under regional plans that are typically needed for new irrigation or land conversion.

Further secondary use policy decisions

Decision 1: including a power to amend schedule of secondary use activities

- 16 You previously agreed for a permit system to be the main legislative mechanism to enable secondary use, along with a list of activities set in a schedule (BRF 26-053 refers).
- 17 LINZ previously advised that the schedule will be set outside the main body of the CPLA, allowing it to be amended more easily via Order in Council to respond to changing land use practices and stakeholder needs. LINZ proposed that the main body of the legislation also include a power and set of criteria for amending the schedule (BRF 26-064 refers).
- 18 LINZ notes that this approach is consistent with the list of discretionary pastoral activities in schedule 1AB, which can be amended through Order in Council provided that a set of criteria in section 1000 (set in the main body of legislation) is met.
- 19 Confirmation of your decision on whether to include this power is required prior to the lodging of the Cabinet Paper. While the final decision on the list of secondary use activities (in the schedule) can be made by you through Cabinet delegation, the *power and criteria to amend said schedule* needs to be approved by Cabinet. This is because this is a significant power that sits in the main body of the legislation. If this is not approved by Cabinet, there will be insufficient authority for drafting instructions.
- 20 LINZ's recommended approach is as follows. First, consistent with the definition of secondary use, an activity may only be included as a secondary use activity in the schedule, if it meets the following criteria:
 - a. that the activity is not a pastoral farming activity (for example, discretionary pastoral activities listed in schedule 1AB of the CPLA)
 - b. the activity is not more appropriately provided for using another permission that applies to Crown pastoral land (for example, the commercial recreation permit)
 - c. the activity is suitable to be located on Crown pastoral land, where in the Minister's opinion, it is likely that the activity can be carried out in a way that will be consistent with decision-making outcomes as set out in section 4 of the CPLA.²
- 21 LINZ also recommends that, for avoidance of doubt, the provisions clarify that:
 - a. an activity being included in the schedule does not require the Commissioner to grant a secondary use permit

² These are maintaining or enhancing inherent values while providing for ongoing pastoral farming of pastoral land, supporting the Crown in its relationship with Māori, and enabling the Crown to get a fair return on its ownership interest in pastoral land.

- b. an activity not included in the schedule does not imply that the Commissioner cannot grant a permit for said activity.
- 22 Similar to the power to amend schedule 1AB for discretionary pastoral activities, LINZ recommends that the following consultation requirements be included:
- a. the Minister must consult with the Minister of Agriculture, the Minister of Conservation, and other Ministers as necessary; and
 - b. the Minister must be satisfied that the chief executive or Commissioner has consulted relevant iwi and leaseholder representatives, published a notice of the proposed recommendation on the department's Internet site, and invited public consultation.
- 23 Finally, consistent with the approach for schedule 1AB, LINZ proposes that the chief executive of LINZ must review the schedule every 5 years, and advise the Minister on any recommended changes.
- 24 **Appendix 2** sets out the proposal for your decision.

Decision 2: seeking Cabinet delegation to make final decisions on relativity between tests for discretionary pastoral activity and secondary use

- 25 Stakeholder feedback indicates that the tests for allowing a discretionary pastoral activity (when effects on inherent values are "more than minor") should have commensurate consideration of the economic benefits for pastoral farming and good land stewardship as the equivalent test for approving secondary use applications.
- 26 LINZ considers that there is value in undertaking further policy work on this point, including considering whether any further legislative amendments are required. These amendments may be in addition to your decision to issue guidance to clarify the application of existing statutory tests for discretionary pastoral activities (BRF 26-056 refers).³
- 27 LINZ will undertake this work in parallel with finalising decision-making criteria for secondary use activities with "more than minor" effects on inherent values and pastoral farming.
- 28 LINZ recommends that you seek delegation from Cabinet to make final policy decisions on the relativity between the two tests, and any legislative amendments needed. The Cabinet paper has already been updated to reflect this delegation.
- 29 **Appendix 2** sets out the proposal for your decision.

³ LINZ advised at the time that 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 for discretionary pastoral activities that could be contentious.

Other updates

LINZ has undertaken a round of engagement with HCAT, HCAG and iwi

- 30 Since the last round of major policy decisions on 25 September (BRF 26-071 refers), LINZ has engaged with the High Country Accord Trust (HCAT) and High Country Advisory Group (HCAG) on the overall package of proposals.
- 31 Key themes from engagement with HCAT and HCAG and LINZ's response are summarised in **Appendix 1**. Feedback from HCAT and HCAG has been incorporated into the Cabinet Paper and RIS, and will inform upcoming policy work. On balance, HCAG and HCAT have been generally supportive of the high-level design of the secondary use permit, and have expressed more substantial feedback on the secondary use decision making criteria, and design of the legislative pathway for land disposal.
- 32 LINZ has also shared information on policy decisions made to date with Ngāi Tahu and Te Taihū. Ngāi Tahu have significant interest in this work, particularly in relation to secondary uses, land use change, and how section 5 of the CPLA (Māori interests) applies. However, Ngāi Tahu have expressed concerns about the timeframes and the fact that final details of the proposals are not yet available. They have not yet been able to provide their views on the proposals, but are likely to have concerns about proposed changes to create a clearer pathway for removing land from the Crown pastoral estate and how right of first refusal (RFR) entitlements will be included.
- 33 LINZ will continue to engage with iwi and other stakeholders to inform the further advice we will provide to you in the coming weeks.

Afforestation on Crown pastoral land may exacerbate wilding conifers, but this risk can be mitigated through a combination of measures

- 34 Following your meeting with officials on 24 September, you requested advice on whether enabling secondary uses will increase the risk of wilding conifers.
- 35 Mapping analysis shows that a large portion of the Crown pastoral estate is at high risk of invasion by wilding conifers. Enabling exotic afforestation as secondary use risks exacerbating this issue. LINZ considers that this risk should be managed through a combination of the following measures:
- **Existing regulatory regimes.** Afforestation activities involving exotic species must comply with the National Environmental Standards for Commercial Forestry (NES-CF) under the Resource Management Act (RMA).⁴ LINZ expects that leaseholders and the Commissioner will use this framework to address and mitigate risks from afforestation as a secondary use.

⁴ The wilding conifer risk is assessed using a calculator that scores from 1 to 21. A score of 11 or less allows the activity as permitted; a score of 12 or more requires a restricted discretionary consent from the regional council, which can be declined if risks are not manageable.

LINZ will provide you with further updates on the implications of the RMA reforms and how this framework may be applied.

- **Conditions upon issuance of permit.** Drawing from existing conditions for commercial recreation and discretionary activities, LINZ can put conditions on the secondary use permit to help manage wilding conifer risks. Examples include setbacks from waterways or native forest, and using species that have a lower likelihood of becoming a pest issue.
- **Robust operational policy.** LINZ proposes to work with applicants and DOC to ensure that the proposed afforestation activity minimises effects on inherent values. This may involve alterations to the proposal, developing a new set of general conditions, and where appropriate, bespoke site-specific conditions on the permit.

36 LINZ will continue to update you on how this risk can be mitigated, in parallel with work progressing on the AOCL (Afforestation on Crown Land) programme.

s 9(2)(f)(iv) [Redacted]

37 s 9(2)(f)(iv) [Redacted]

38 s 9(2)(f)(iv) [Redacted]

39 s 9(2)(f)(iv) [Redacted]

40 s 9(2)(f)(iv) [Redacted]

s 9(2)(f)(iv) [Redacted]

Timing for upcoming advice

- 41 LINZ notes that you will be seeking Cabinet delegation to make final policy decisions on the following matters:
- Design of a clearer legislative pathway for removing land from the Crown pastoral estate to enable significant changes in land use away from pastoral farming
 - Decision-making criteria for secondary use activities with “more than minor” effects
 - List of secondary use activities in a schedule
 - Mechanisms to manage liability created as a result of enabling secondary use
 - Relativity between the tests for discretionary pastoral activities and secondary use
- 42 LINZ will provide you with advice on these matters in late October and early November, so that drafting instructions can be issued by early December.
- 43 LINZ will also provide you with updates and advice on addressing the risk posed by wilding conifers and amending marginal strips provisions in the Conservation Act in the coming weeks.

Appendix 1: Summary of HCAG and HCAT feedback

The following table summarises feedback received from HCAG and HCAT. Unless otherwise noted, the feedback is shared by both groups.

Themes	Stakeholder feedback	LINZ response
Design of the secondary use permit	<p>Pastoral farming should be at forefront of any changes; secondary use should be future-proof and enduring, and not compromise pastoral farming.</p> <p>Supportive of the high-level design of the secondary use permit (separate permit system, flexible definition of secondary use not restricted by a list set in legislation, secondary use permit should be linked to the lease and only occur with lessee consent, and Crown should receive a fair return on secondary use activities).</p>	No changes required.
Allowing exotic forestry on Crown pastoral land	<p>Some members from HCAT: permanent exotic forestry on Crown pastoral land may not be best use, mixed views on allowing exotic production forests due to wilding pine issues.</p> <p>HCAG: concerns about exotic forestry's impact on pastoral farming and inherent values.</p>	<p>Secondary use may exacerbate wilding conifers, and the risk must be managed through a combination of measures, including existing regulatory regimes, conditions upon issuance of permit and robust operational policy.</p> <p>LINZ will continue to update you on how this risk can be mitigated, in parallel with work progressing on the AOCL (Afforestation on Crown Land) programme.</p>

Themes	Stakeholder feedback	LINZ response
Decision-making criteria for secondary use	<p>Thresholds and criteria for secondary use should be enduring, and align with criteria for discretionary pastoral activities. Secondary use permit should not be easier to receive than activities that support pastoral farming.</p> <p>Some members of HCAG: activities with “more than minor” effects on inherent values and pastoral farming should not be permitted.</p> <p>Decision-making criteria for approving activities with “more than minor effects” should not be broader than it is for permitted and discretionary pastoral activities.</p>	<p>LINZ recommends retaining the proposal for the Commissioner to be able to approve activities that have “more than minor” impact on inherent values and pastoral farming (subject to a robust decision-making criteria), because:</p> <ul style="list-style-type: none"> • LINZ’s operational definition of “minor” is very tight. Constraining secondary use only to activities with “no more than minor” effects may substantially reduce the number of activities that can be enabled. • Some activities could have “more than minor” impact, while still managing to achieve the purpose of the CPLA. A small solar farm, for example, may have more than minor effects on one inherent value (landscape) but may substantially improve the viability of the lease and align with purpose of the CPLA (“providing for ongoing pastoral farming”). • Allowing approvals of both “no more than minor” and “more than minor” impact activities is consistent with discretionary pastoral activities, and commercial recreation permits. <p>Taking in account of stakeholder feedback, LINZ considers that secondary use’s decision-making criteria should be enduring, and further work on relativity between the tests for secondary use and discretionary pastoral activities is required.</p> <p>LINZ will provide you with further advice in late October/early November.</p>

Themes	Stakeholder feedback	LINZ response
Offsetting	<p>HCAT: supported offsetting being defined for LINZ to develop guidance about the prohibition and how it applies.</p> <p>HCAG: wants to better understand what could be offset, the impact of offsetting on inherent values and pastoral farming, and differences in offsetting versus mitigating effects.</p>	<p>Your proposals are to maintain and clarify the offsetting prohibition, to provide the Commissioner with greater certainty on when the prohibition applies, and when positive effects can be taken into account. This is a fine distinction, and may be easily misinterpreted. Care will be needed to manage perceptions that prohibition is being repealed.</p> <p>LINZ will provide you with further advice and update on the targeted amendment to clarify the prohibition on offsetting.</p> <p>LINZ will continue to engage with HCAG on how the targeted amendment to offsetting will be undertaken.</p>
RMA duplication	<p>Preference toward removal of barriers on Crown pastoral land to avoid duplication and reduce time and costs.</p>	<p>LINZ was provided with a list of policy decisions made by the Minister for Resource Management Reform during the RMA reforms' policy development phase. This list indicated that "the use and scope of consents (under the new Planning Act and Natural Environment Act) will be narrowed through the system architecture, specifically through [...] the requirement to not manage anything already managed by another piece of legislation".</p> <p>LINZ will continue to work with the Ministry for the Environment to confirm the extent to which the approach above impacts consents under the CPLA. LINZ will update you after receiving drafts of the Planning Act, and the Natural Environment Act in late October.</p>

Themes	Stakeholder feedback	LINZ response
<p>Removing land from the Crown pastoral estate</p>	<p>Overall comments included:</p> <ul style="list-style-type: none"> • this proposal is significant and may be controversial • would this be open to all lessees for all activities, or limited to only specific activities preferred by Government? • there were concerns about how the government would ensure land was used for the intended process if freeholded • there are concerns about changing value of the land, and the possibility of a significant wealth transfer to lessees. <p>Stakeholders made a number of comments about the design of the “land use change pathway”, including that:</p> <ul style="list-style-type: none"> • use of the pathway should be driven by lessees • competitive allotment should apply • impact on inherent values and pastoral farming needed to be considered • consultation with DOC and iwi should be included. <p>However, HCAT thought public consultation on proposals should not be required, while HCAG thought that public consultation is important.</p>	<p>LINZ notes these comments and suggestions, and will take them into account as further advice on the design of the clearer pathway in legislation for removing land from the Crown pastoral estate is developed.</p>
<p>Various changes to the Land Act (first proposed by HCAT in February 2025)</p>	<p>At the time, HCAT proposals included:</p> <ul style="list-style-type: none"> • Easements – limit Commissioner’s power to grant easements without lessee consent to utility easements only. • Transfers – treat a change of control in corporate leaseholders as a deemed transfer; exclude trustee changes and family succession from triggering public access conditions; waive consent requirements for trustee changes with no change in management. • Residency – remove the requirement for the lessee or licensee to personally reside on the land, arguing they are outdated and impose unnecessary procedural steps. 	<p>LINZ is of the view that HCAT’s proposals may result in fundamental changes to the Land Act, and likely be controversial. LINZ considered that these changes were outside of the scope of the Land Act review, which were limited to minor changes intended to achieve efficiency. LINZ further notes that:</p> <ul style="list-style-type: none"> • Easement powers are long-standing, and HCAT’s concerns could be addressed through operational guidance. • Trustee and control changes require oversight to ensure alignment with lease obligations and compliance. • Residency provisions are not causing practical issues and help manage perceptions of absentee lessees.

Themes	Stakeholder feedback	LINZ response
<p>Various changes to the Crown Pastoral Land Act (first proposed by HCAT in February 2025).</p>	<p>In addition to the proposals being progressed through legislative change or guidance, at the time, HCAT's proposals also included:</p> <ul style="list-style-type: none"> • Refusals – remove ability for Commissioner to decline discretionary consent applications if applications meets statutory requirements (s10(5)) • "Sustainability" - add a new criterion to Schedule 1ABA requiring the Commissioner to consider "the contribution of the pastoral activity to the sustainability of ongoing pastoral farming of the lease or licence" when considering whether to grant an application which has more than minor effects. • Emergency works – make ability to undertake emergency works a permitted pastoral activity 	<p>LINZ is of the view these proposals on refusals and sustainability were inconsistent with the existing purpose of the Act, and would have constituted fundamental change.</p> <p>LINZ further notes that:</p> <ul style="list-style-type: none"> • Sustainable land management and ongoing pastoral farming are already embedded in the purpose of the Act. In addition, the matters within the scope of s11(2) already support ongoing pastoral farming on pastoral land. Adding a further, broader concept of sustainability, potentially encompassing environmental, economic or operational dimensions, would introduce interpretative uncertainty and is unnecessary. • Refusals: The ability to decline consent is a necessary safeguard to ensure decisions remain consistent with the purpose of the Act and the Crown's obligations as landowner. The clause aligns with similar provisions in the Land Act 1948. • Emergency works: Although a discretionary activity, the clause grants leaseholders to take immediate action in emergencies and to seek retrospective consent. action. This is appropriate to ensure the Commissioner is notified of the fact and can impose remediation conditions where needed. LINZ has issued guidance on application of this provision.

BRF 26-092 Appendix 2: Options table for Minister's decisions

BRF 26 - 092 Appendix 2: Options table for Minister's decisions

A. Minor decisions on enabling secondary use on Crown land

Policy issues and context	Options	Analysis and key trade-offs	Cabinet-mandated criteria				Stakeholder feedback	Indicate your preferred options	Notes
			Efficiency	Effectiveness	Flexibility	Transparency			
<p>1. A power to amend the schedule of secondary use activities</p> <p>The main legislative mechanisms to enable secondary use is a permit system and a non-exclusive list of activities, set in a schedule.</p> <p>LINZ proposes to include a power for the schedule to be amendable via Order in Council.</p>	<p>1A. Include power (recommended)</p> <p>To amend the schedule, LINZ proposes that the following criteria must be met: that the activity is not pastoral farming, more appropriately provided for by another permission (e.g. commercial recreation permit), suitable to be located on Crown pastoral land, and consistent with the CPLA's decision-making outcomes.</p> <p>LINZ recommends that for avoidance of doubt, the provisions clarify that an activity being included on the list does not imply automatic approval, and vice-versa. In addition, the Minister must consult with other relevant Ministers, and satisfied consultation with iwi, leaseholders, and the public has been undertaken.</p> <p>LINZ proposes that the chief executive of LINZ must review the schedule every 5 years, and advise the Minister on any recommended changes.</p> <p>The above proposals are generally consistent with existing provisions for discretionary pastoral activities.</p>	<p>Strengths</p> <p>A power to amend the schedule via Order in Council enables the list of activities to be more flexibly changed based on evolving land use practice and stakeholder needs.</p> <p>This approach is consistent with list of discretionary pastoral activities in schedule 1AB, which can be amended through Order in Council provided that a set of criteria in section 1000 (set in the main body of legislation) is met.</p> <p>Weaknesses</p> <p>Without a set of robust criteria to amend the schedule, there is a risk that the list of activities is too easily amendable, dampening its market-signalling effect. Frequent changes to the schedule may also confuse leases. LINZ recommends addressing this risk through a set of criteria that is robust and consistent with other permissions in the CPLA.</p>	+	+	+	+	<p>HCAT: Keen for a "future-proof" secondary use regime; general consensus that a list of secondary use activities may be useful, as long as potential activities are not limited to what is on the list.</p>	<input checked="" type="checkbox"/>	
	<p>1B. Not include power</p>	<p>Weaknesses</p> <p>The list is more difficult to amend and responsive to evolving land use practice and stakeholder needs, dampening the market-signalling effect of the schedule.</p>	0	0	-	0			<input type="checkbox"/>

BRF 26-092 Appendix 2: Options table for Minister's decisions

Policy issues and context	Options	Analysis and key trade-offs	Cabinet-mandated criteria				Stakeholder feedback	Indicate your preferred options	Notes
			Efficiency	Effectiveness	Flexibility	Transparency			
<p>2. Seek Cabinet delegation to make final decisions on relativity between tests for discretionary pastoral activities and secondary use</p> <p>Stakeholders feedback indicates that the tests for allowing a discretionary pastoral activity (when effects on inherent values are "more than minor") should have commensurate consideration of the economic benefits for pastoral farming, and good land stewardship, as secondary uses.</p> <p>LINZ considers that there is value to undertake further policy work, and whether any further legislative amendments may be required.</p>	<p>2A. Seek Cabinet delegation (recommended)</p> <p>The amendments to the tests (if any is required) may be in addition to your decision to issue guidance to clarify the application of existing statutory tests for discretionary pastoral activities.</p> <p>LINZ will undertake this work in parallel with finalising decision-making criteria for secondary use activities with "more than minor" effects on inherent values and pastoral farming.</p>	<p>Strengths</p> <p>Provide further flexibility to consider the relativity between the tests for discretionary pastoral activities and secondary use, and whether any further legislative amendment is required.</p> <p>Weaknesses</p> <p>In attempting to aligning the two tests, care must be taken so that the discretionary pastoral activity test is not made inadvertently too broad, or the secondary use test too restrictive.</p> <p>Risks re-opening wider debates on the design of the decision-making process for discretionary pastoral activities, which would be contentious. LINZ proposes to manage the risk through ongoing stakeholder engagement.</p>	+	+	+	+	<p>HCAT/HCAG: secondary use decision-making criteria should be aligned with that of discretionary pastoral uses. It should not be easier to do a secondary use when effects are more than minor, than a discretionary pastoral activity on Crown pastoral land.</p>	<input checked="" type="checkbox"/>	
	<p>2B. Not seek Cabinet delegation</p>	<p>Strengths</p> <p>Avoids risk of re-opening wider debates on the design of the decision-making process for discretionary pastoral activities.</p> <p>Weaknesses</p> <p>May result in risk that secondary use is, at least perceived to be, "easier" to undertake than activities that directly support pastoral farming.</p> <p>May result in perception of unresponsiveness to stakeholder feedback.</p>	0	0	-	-			

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