

BRF 26-099 Indicative design of a new legislative pathway for removing land from the Crown pastoral estate

Ki / To Hon Chris Penk
 Minister for Land Information

Rā / Date 29 October 2025

Priority Level Priority: High

Action required by 5 November 2025

Purpose

This briefing seeks your feedback on an indicative design of a new legislative pathway to enable land to be removed from the Crown pastoral estate to enable significant changes in land use.

Toitū Te Whenua Land Information New Zealand

Whakapā/contacts

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

Key messages

- Toitū Te Whenua Land Information New Zealand (LINZ) is developing advice on a proposed legislative pathway to enable land to be removed from the Crown pastoral estate to enable significant changes in land use. This briefing seeks your confirmation of points discussed with officials on 15 October, and your feedback on the indicative design of the new pathway.
- We will provide you with further advice on design details for the new pathway on 17 November 2025 to enable drafting instructions to be issued by early December.

Tohutohu/Recommendations

Toitū Te Whenua Land Information New Zealand Recommends that you:			
1.	Me mātai/Note	That on 15 October, you discussed the land disposals issue with LINZ officials and indicated that the proposed pathway for removing land from the pastoral estate should allow for the various interests in Crown pastoral land to be taken into account, and that the process would accordingly not be able to guarantee at the outset who would ultimately hold the land.	Noted
3.	Āmine/Agree	To provide feedback on the indicative objectives and pathway design set out in this briefing.	Agree / Disagree



Becci Whitton, Leader Strategy and Policy
Toitū Te Whenua
Land Information New Zealand

Rā/Date: 29 October 2025



Hon Chris Penk
Te Minita mō Toitū Te Whenua
Minister for Land Information

Rā/Date: 17.11.2025

Te Horopaki/Background

1. Your Cabinet paper, *Enabling More Productive Use of Crown Land*, is expected to be considered by the Cabinet Economic Policy Committee on 12 November. It recommends that Cabinet agree that a new legislative pathway for removing land from the Crown pastoral estate to enable significant changes in land use be created, and that authority to make policy decisions on the design of the new pathway and to issue drafting instructions be delegated to you as Minister for Land Information.
2. On 15 October, you discussed initial thinking on the design of the new pathway with LINZ officials. You indicated that the proposed pathway for removing land from the pastoral estate should allow for the various interests in Crown pastoral land to be taken into account, and that the process would accordingly not be able to guarantee at the outset who would ultimately hold the land. The process will remain subject to existing legal obligations under the legislation, including Treaty settlement provisions such as Right of First Refusal (RFR).
3. This briefing seeks your feedback to guide further work on the detailed design of the new pathway.

Objectives

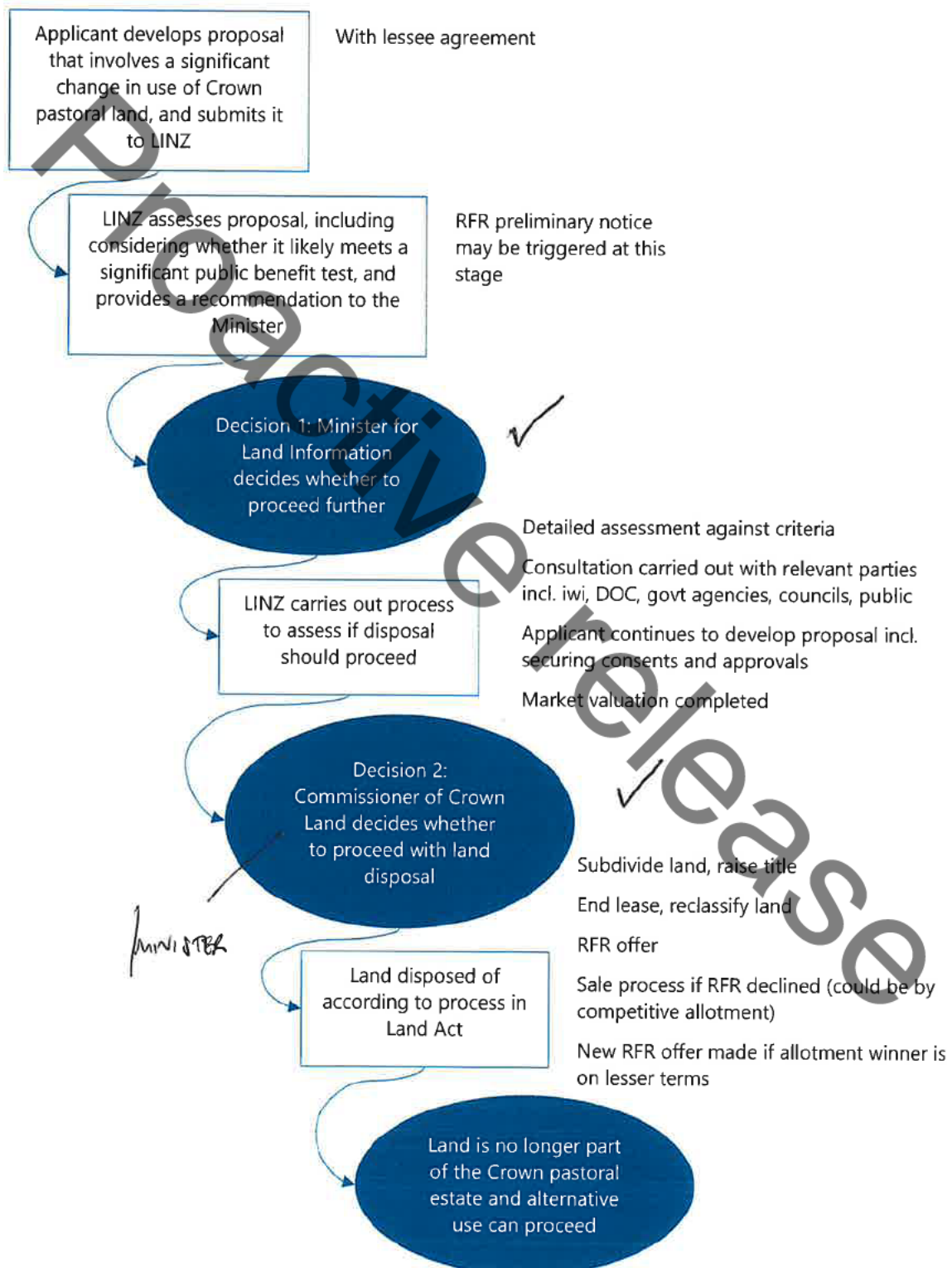
4. The indicative design of the new pathway to remove land from the Crown pastoral estate is based on the following objectives:
 - a. to enable opportunities for alternative land uses that are not consistent with the purpose and outcomes of the Crown Pastoral Land Act 1998 (CPLA) but would provide other significant benefits to New Zealand
 - b. to ensure appropriate consideration of the values associated with, and interests in, Crown pastoral land as part of a decision-making process
 - c. to ensure legal rights are upheld, including leaseholder rights and any Treaty settlement obligations (including RFR).
5. Removing land from the Crown pastoral estate would be a significant decision. The steps involved are likely to create a high threshold, and involve significant time, cost, and uncertainty for applicants. LINZ considers that this is appropriate given the significance of the existing inherent and socio-cultural values associated with the Crown pastoral estate.

Indicative pathway design

6. The following diagram outlines the broad phases of the new pathway. Once a proposal has been developed and submitted to LINZ, a gateway assessment would be carried out by LINZ. If the Minister for Land Information decides to proceed, LINZ would carry out a more detailed assessment according to the criteria set out in the CPLA. There would then be a decision point about whether or not to dispose of the land (under current legislation

this decision rests with the Commissioner of Crown Land), and finally, disposal would proceed according to the steps set out in the Land Act. The expectation is that the costs of this process would be met by the applicant.

Diagram 1: Indicative pathway design



7. On 17 November you will receive a further briefing seeking detailed policy decisions on each phase of the pathway to inform drafting instructions. Key policy decisions will include the gateway test, detailed assessment criteria, nature and extent of consultation and use of the competitive allotment process under the Land Act (including whether any additional exemptions may be required).

The new land removal pathway may require an amendment to the purpose of the CPLA

8. LINZ has previously advised that the core objectives of a targeted review of the CPLA can be achieved without amendment to the purpose of the legislation. However, as removing land from the Crown pastoral estate may not be consistent with the purpose of the CPLA, it may be necessary to amend the purpose of the CPLA to provide for the new pathway.
9. While there is no intention to change the overall purpose of how land that remains in the Crown pastoral estate is managed, any change to the purpose of the CPLA is likely to give rise to significant public interest.
10. We will provide further advice on whether any consequential changes to the purpose of the CPLA are needed to implement a new land removal pathway in the 17 November briefing.

Mātanga kōrero/Consultation

11. On 30 and 31 October 2025 you are meeting with the trustees of the High Country Accord at Upper Lake Heron Station. During this visit, the trustees are likely to want to discuss with you the proposal to create a clearer legislative pathway for the removal of land from the Crown pastoral estate.
12. We have shared the indicative process steps with Ngāi Tahu and Te Taihū iwi. In response to this initial information, Ngāi Tahu expressed serious concern about the proposed changes to enable the removal of land from the Crown pastoral estate, particularly regarding how section 5¹ of the CPLA would apply. We will continue to engage with them as the work progresses.
13. We intend to engage with the Department of Conservation, the High Country Advisory Group, and the High Country Accord Trust during the development of the pathway. In addition, we will be meeting again with the High Country Advisory Group and the High Country Accord Trust in November, and will keep you updated on their feedback.

Ngā Tāwhaitanga/Next Steps

14. We will provide you with further advice on the design of the legislative pathway for removing land from the Crown pastoral estate on 17 November, to enable drafting instructions to be issued in early December.

¹ Section 5 relates to the Crown's responsibility to give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi in giving permissions relating to the use of Crown pastoral land.