



Cabinet Environment, Energy and Climate Committee

Minute of Decision

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Regulations to Support Implementation of the Crown Pastoral Law Reform Act 2022

Portfolio Land Information

On 6 April 2023, the Cabinet Environment, Energy and Climate Committee:

- 1 **noted** that in June 2022, the Cabinet Environment, Energy and Climate Committee agreed to the release of a discussion document on proposals for regulations to give effect to the Crown Pastoral Land Act 1998 (the Act) [ENV-22-MIN-0023], and that the Minister for Land Information approved consultation on a further proposal relating to the form and content of a farm plan regulation;
- 2 **noted** that feedback received during public consultation was generally supportive of the proposed regulations;
- 3 **noted** that a summary of submissions received on the public discussion documents will be proactively released;

Minimum information requirements

- 4 **agreed** that the minimum information required to be provided with any application for:
 - 4.1 consent to undertake a discretionary pastoral activity under section 11 of the Act (such as clearing indigenous vegetation or constructing buildings and infrastructure), should include: the applicant's personal details, a description of the proposed activity, where it will occur including a map indicating the location of the proposed activity, and any potential inherent values affected;
 - 4.2 the grant of a commercial recreation permit under section 12 of the Act, should include: the applicant's personal details, a description of the proposed activity, where it will occur including a map indicating the location of the proposed activity, evidence of the relevant lease or licence holder's consent, any potential inherent values affected, and proposed financial projections to support calculation of a permit fee;
 - 4.3 a stock limitation exemption under subsection 15(3) of the Act, should include: the applicant's personal details, the proposed stock numbers and classes of stock, where it will occur, and any potential inherent values affected;

- 4.4 a stock limitation exemption under subsection 15(4) of the Act, should include the applicant's personal details, the proposed stock numbers and classes of stock, information showing the applicant's capability to manage those stock, and information showing the land is capable of sustaining the proposed stock numbers and classes in its current state;

Farm plans

- 5 **agreed** that farm plans that may be considered under section 10(4)(d) of the Act, must include the date of the farm plan and may include:
- 5.1 the proposed programme of development or activities for the duration of the farm plan for which consent (under the Act) is likely to be required and how development or activities are proposed to be undertaken;
 - 5.2 a map of the lease including areas of land use showing how the farm is split into different land uses (Maps are intended to gain a broader understanding of current and future land use and boundaries, and to align with the proposals for mapping within the proposed freshwater farm plan regulations being developed by the Ministry for the Environment and Ministry for Primary Industries);
 - 5.3 a monitoring plan indicating progress against the farm plan to be undertaken by the lease or licence holder;
 - 5.4 a description of how the lease or licence holder intends to meet their obligations under other legislation;
 - 5.5 (where relevant) a description of areas of the lease to be protected or retired from pastoral farming.
- 6 **agreed** that applicants may provide a farm plan used for another purpose (in full or part), if the farm plan contains the prescribed content set out in paragraph 5;

Enforceable Undertakings

- 7 **agreed** that the information that must be contained in or accompany an enforceable undertaking under section 100B of the Act should include: the applicant's personal details, details of the breach that the undertaking applies to, and the proposed legal agreement setting out key information on what is proposed to be undertaken by the applicant;

Infringements

- 8 **agreed** that the penalty for infringement offences under section 100D of the Act should be \$600;
- 9 **agreed** to prescribe the form of infringement notices and infringement offence reminder notices to contain the particulars in section 100I of the Act;

New guidance instead of regulations

- 10 **noted** that proposed regulations that were included in the discussion document to prescribe the matters the Commissioner must take into account when assessing the level of effects on inherent values will not be progressed. Instead a guidance document has been published by LINZ setting out the approach the Commissioner will adopt to assess adverse effects on inherent values;

Next steps

- 11 **authorised** the Minister for Land Information to issue drafting instructions to the Parliamentary Counsel Office to give effect to the regulatory proposals in the paper under ENV-23-SUB-0009;
- 12 **authorised** the Minister for Land Information to make decisions consistent with the proposals in the paragraphs above on any minor and technical issues which arise during the drafting process;
- 13 **noted** that the Minister for Land Information is expecting to be able to report back to the Cabinet Legislation Committee seeking final approval of the regulations around end of June 2023.

Vivien Meek
Committee Secretary

Present:

Hon Kelvin Davis
Hon David Parker (Chair)
Hon Kieran McAnulty
Jo Luxton, MP

Officials present from:

Office of the Prime Minister
Officials Committee for ENV