



Cabinet Economic Policy Committee

Minute of Decision

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Enabling More Productive Use of Crown Land

Portfolio Land Information

On 3 December 2025, the Cabinet Economic Policy Committee:

- 1 **noted** that the proposed changes to the Crown Pastoral Land Act 1998 (CPLA) and the Land Act 1948 (Land Act) below will enable more efficient and effective land management and greater economic returns on the Crown pastoral estate while maintaining protection for ecological, landscape, cultural, and scientific values (inherent values);
- 2 **agreed** that the CPLA be amended to create a new secondary use permit system, with the following features:
 - 2.1 leaseholders may apply to the Commissioner of Crown Lands (the Commissioner) for a permit to conduct secondary use activities on Crown pastoral land;
 - 2.2 activities that are generally permissible secondary uses will be listed in a schedule;
 - 2.3 the Commissioner may permit a secondary use that is not listed in the schedule, if they are satisfied that:
 - 2.3.1 the activity is not more appropriately provided for using another permission applicable to Crown pastoral land;
 - 2.3.2 in the Commissioner's opinion, it is likely that the activity can (in general) be carried out in a way that will be consistent with the decision-making outcomes in section 4(a) to (c) of the CPLA, and following consultation with relevant iwi;
 - 2.4 the schedule of permissible secondary uses can be amended by Order in Council, subject to consultation with Ministers, iwi, leaseholders, and the public, if the responsible Minister is satisfied that the activity is:
 - 2.4.1 not a pastoral farming activity;
 - 2.4.2 not more appropriately provided for using another applicable permission;
 - 2.4.3 consistent with the purpose and outcomes of the CPLA;
 - 2.5 activities that are prohibited secondary uses on Crown pastoral land will be listed in a schedule;

- 2.6 the schedule of prohibited secondary uses can be amended by Order in Council, subject to consultation with Ministers, iwi, leaseholders, and the public, if the responsible Minister is satisfied that the activity would be likely to cause significant loss of inherent values that cannot be avoided in all reasonably foreseeable circumstances or would prevent the ongoing use of land for pastoral farming;
- 2.7 the Commissioner may grant an application for a secondary use if in the Commissioner's view the proposed activity would have a no more than minor effect on inherent values and pastoral farming;
- 2.8 if in the Commissioner's view, a proposal would have more than minor adverse effects on inherent values or pastoral farming, the Commissioner may not issue a permit unless satisfied of certain criteria;
- 2.9 the legislative requirements for the secondary use permit are otherwise consistent to that of the commercial recreation permit, including the application of section 5 of the CPLA;
- 3 **noted** that there is an opportunity through current reforms of resource management legislation to ensure that land-use activities regulated under the CPLA are not subject to duplicated consenting and permission requirements;
- 4 **agreed** that the terms and conditions in the permit is the main mechanism to manage liability risks as a result of secondary use activities;
- 5 **agreed** to update the remedial action (100A), enforcement (100B), and infringement offences (100D) provisions of the CPLA to cover the secondary use permit;
- 6 **agreed** that the Commissioner will have discretion to set an appropriate fee to seek a fair return on each secondary use of Crown pastoral land;
- 7 **agreed** to amend the CPLA, Land Act and current fee regulations, to the extent it is necessary to clarify that legislation is not required to empower LINZ to recover the cost of processing secondary use applications, nor for recovering the cost of other commercial applications (such as commercial recreation permits and easements);
- 8 **noted** that Ngāi Tahu indicated concern about how Treaty of Waitangi and settlement obligations will be met in relation to what Ngāi Tahu see as the creation of new rights on Crown Land;
- 9 **noted** that the Minister for Land Information will continue to engage with Ngāi Tahu and Crown Law on this matter including policy design;
- 10 **noted** that enabling secondary uses alone may not be sufficient to realise the full economic potential and best use of Crown pastoral land where activities are inconsistent with the CPLA's purpose and outcomes;
- 11 **agreed** that the CPLA be amended to create a clearer pathway to remove land from the Crown pastoral estate if the public benefits of a proposed land use outweigh the negative impacts on inherent values across the Crown pastoral estate or ongoing pastoral farming of the remaining pastoral land, with the following features:
- 11.1 the removal pathway process is initiated by an applicant making a proposal for an activity on Crown pastoral land that would require a land use change;

- 11.2 the removal pathway can be used with the agreement of the leaseholder, and there will be no provision for compulsory acquisition of the lease;
- 11.3 stage 1 is a gateway test, where the Minister for Land Information will decide whether there is a reasonable likelihood that an applicant's proposal will meet the test for removal, including consultation with relevant iwi as set out in the CPLA, and the Director-General of Conservation;
- 11.4 stage 2 is the final decision, where the Minister for Land Information decides whether to proceed with removing the land from the Crown pastoral estate, following assessment of further information from the applicant and consultation with the Director-General of Conservation, relevant iwi as set out in the CPLA, and any relevant government agencies and local authorities;
- 11.5 stage 3 is the disposal process for the land;
- 11.6 the removal pathway process must be consistent with the Crown's Right of First Refusal obligations;
- 12 **authorised** the Minister for Land Information to make further policy decisions and issue drafting instructions relating to the design of the removal pathway process;
- 13 **agreed** to amend the CPLA, Land Act and current fee regulations, to the extent it is necessary to provide for LINZ to recover the cost of administering the pathway to remove land from the Crown pastoral estate;
- 14 **agreed** that the CPLA be amended to:
- 14.1 clarify that, when the Commissioner is considering whether a proposed discretionary pastoral activity or a commercial recreation permit or a secondary use has more than minor effects, they may take into account the positive effects of that activity (but not offsetting through a different activity);
- 14.2 clarify that, for the purpose of deciding whether an activity is necessary to enable a lessee or licensee to exercise their rights and obligations under a lease or licence, the Commissioner may:
- 14.2.1 take into account all relevant considerations, including full rights and obligations under the lease or license;
- 14.2.2 consider the long-term financial viability of the pastoral farming enterprise;
- 14.3 amend Schedule 1AB to:
- 14.3.1 simplify existing permissions for pest plant control activities;
- 14.3.2 clarify and extend the scope of existing permissions to undertake routine maintenance of existing lawfully established infrastructure without consent;
- 14.3.3 clarify existing permissions for repeat use of previously authorised activities;

- 14.3.4 permit additional low-risk activities such as maintenance of lawfully established buildings and maintenance of lawfully established flood protection infrastructure;
 - 14.3.5 clarify the interface between permitted and discretionary activities;
 - 14.3.6 standardise terminology and define key terms;
- 15 **agreed** that the Land Act be amended to:
- 15.1 clarify that commercial filming and photography are commercial recreation activities;
 - 15.2 update notice requirements to allow public notices to be made digitally as well as in newspapers;
 - 15.3 enable the Commissioner to determine the most appropriate method for disposing of Crown land, whether by limited alienation or outright sale, based on the circumstances of each case;
 - 15.4 enable the Commissioner to issue a direction-to-remove notice as a mechanism for requiring the removal of unauthorised property from Crown land;
 - 15.5 enable the Commissioner to determine the place or facility where any item removed from Crown land due to trespass may be stored prior to being claimed or disposed of;
 - 15.6 enable the Commissioner to assess the value of unclaimed property removed from Crown land and determine whether to auction the property or dispose of it by another method, where that method is more appropriate;
 - 15.7 state that, for the purpose of exercising their statutory functions, the Commissioner may determine whether land is Crown land;
 - 15.8 make provision for the Commissioner to waive, or vary, implied covenants where appropriate on the grant of lease;
 - 15.9 introduce a discretionary power for the Commissioner to extend or waive the legislated timeframe for a rehearing when justice requires it, having regard to mandatory relevant factors;
- 16 **authorised** the Minister for Land Information to issue drafting instructions to the Parliamentary Counsel Office for a Bill to give effect to the policy decisions in the paper under ECO-25-SUB-0203;
- 17 **authorised** the Minister for Land Information to take further decisions on minor, technical, and consequential matters in line with the policy decisions agreed above.

Rachel Clarke
Committee Secretary

Present: (see over)

Present:

Hon Nicola Willis (Chair)
Hon Chris Bishop
Hon Simeon Brown
Hon Shane Jones
Hon Dr Shane Reti
Hon Tama Potaka
Hon Simon Watts
Hon Chris Penk
Hon Penny Simmonds
Hon Andrew Hoggard
Hon Nicola Grigg
Hon Mark Patterson
Hon James Meager
Hon Scott Simpson
Simon Court MP

Officials present from:

Office of Hon Chris Penk
Land Information New Zealand
Officials Committee for ECO

Proactive release