Ministry for the Environment
Manatū Mō Te Taiao

Consultation on updating RMA national direction

The Government is calling for feedback on proposals to change and inform development of national direction under the resource management system. Submissions are invited on proposals to update national direction for infrastructure, development and the primary sector and on options to amend freshwater national direction, and test how housing proposals could fit into the new resource management system.

Last updated: 18 June 2025

News | Resource management

How to have your say

- Have your say on infrastructure, development and primary sector national direction - package 1 & 2 consultation (https://consult.environment.govt.nz/resource-management/infrastructure-development-primary-sector-nd)
- Have you say on freshwater national direction consultation (https://consult.environment.govt.nz/resource-management/freshwater-national-direction)
- Have your say on Going for Housing Growth – package 4 consultation (https://consult.environment.govt.nz/resource-management/going-for-housing-growth)

About the consultation

Consultation for the first three packages ran from Thursday 29 May - Sunday 27 July. Consultation on package 4 ran from Wednesday 18 June - Sunday 17 August 2025

Feedback will help shape how the proposals are finalised. Once finalised, instruments in packages 1-3 will set resource management policy and rules for regional and local plans, policy statements and resource consent decisions.

Four consultation packages

Read the full public notice for Packages 1-3 (/assets/ND-Notice-for-website.pdf).

Read more on Package 4 (HUD website) .

Package 1: Infrastructure and development

The Government aims to make it easier for councils to plan and deliver infrastructure by making four new national direction instruments and amending four existing national direction instruments.

Package 2: Primary sector

The Government aims to enable growth in the primary sector by making changes to eight existing national direction instruments.

The proposals to prepare and amend national direction in Packages 1 and 2 are being consulted on under section 46A of the Resource Management Act. They are grouped for ease of reading and to help understand where instruments deal with similar matters.

Package 3: Freshwater

The Government is seeking feedback on options to amend freshwater national direction to better reflect the interests of all water users, and on whether changes should be implemented under the existing RMA or under new resource management legislation.

Further consultation will be undertaken, later this year, through a more detailed exposure draft of the proposed freshwater national direction.

Package 4: Going for Housing Growth

The Government is seeking feedback on how the proposals in the first pillar of the Going for Housing Growth programme could fit into the new resource management system.

Pillar 1 aims to free up land for development and remove unnecessary planning barriers.

This package is a joint consultation run by the Ministry for Housing and Urban Development (HUD) and the Ministry for the Environment. (/assets/ND-Notice-for-website.pdf)

Webinars

We hosted four online webinars on the proposals in packages 1, 2 and 3 and answered questions.

Package 1: Infrastructure and development

Watch the webinar for Package 1: Infrastructure and development (YouTube)

Slide pack for Package 1 (PDF, 1MB) (/assets/Webinar-Presentation-Infrastructure-and-Development.pdf)

Package 2: Primary sector and Package 3: Freshwater

Watch the webinar for Package 2: Primary sector and Package 3: Freshwater (YouTube)

Start the webinar at the freshwater section (YouTube)

Slide pack for Package 2 and 3 (PDF, 1MB) (/assets/Webinar-Presentation-slide-deck-Primary-Sector-and-Freshwater.pdf)

Webinar questions and answers

See responses to questions asked during webinars (PDF, 348KB) (/assets/national-direction-webinar-questions-answers.pdf)

Forums

We hosted seven online forums to provide more information on the proposals to create or amend national direction in packages 1 and 2. Proposals were grouped under the following topics:

- infrastructure
- energy
- coastal marine
- commercial forestry
- housing development
- natural hazards
- quarrying and mining.

About national direction

National direction sets national resource management policy and rules which inform regional and local plans, policy statements and resource consent decisions. It includes national policy statements, national environmental standards, and section 360 regulations.

Read more on national direction. (/publications/understanding-national-direction/about-national-direction/)

As New Zealand's lead advisor on the environment and climate, we enable people and places to thrive, now and in the future

He kaitohutohu matua o Aotearoa mō te taiao me te āhuarangi, ka whakaahei mātou i ō tātou iwi me ō tātou wāhi ki te puāwai, ināianei, hei te anamata hoki

Ministry for the Environment
Manatū Mō Te Taiao

Te Kāwanatanga o Aotearoa
New Zealand Government

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PACKAGE

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Discussion document

Have your say on proposed changes to national direction

Infrastructure and development

Te Kāwanatanga o Aotearoa
New Zealand Government

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This document may be cited as: Ministry for the Environment. 2025. *Package 1: Infrastructure and development – Discussion document*. Wellington: Ministry for the Environment.

Published in May 2025 by the
Ministry for the Environment
Manatū mō te Taiao
PO Box 10362, Wellington 6143, New Zealand
environment.govt.nz

ISBN: 978-1-991140-86-9
Publication number: ME 1895

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Message from the Minister Responsible for RMA Reform

The Resource Management Act 1991 (RMA) is a direct cause of New Zealand's infrastructure deficit. It drives up costs, slows projects down, and has become a complicated nightmare for developers, councils and applicants alike.

Addressing this deficit is a critical part of this Government's plan to boost growth and improve productivity in New Zealand.

Turning our economy around requires changing the culture of 'no' that has existed in New Zealand's planning system for decades. Whether its new roads connecting our growing cities, new windfarms to electrify the country, or new telecommunications sites to deliver faster internet speeds to our cell phones, the RMA has obstructed growth instead of enabling it.

As a Government, we have been laying the groundwork to create the highly performing infrastructure sector New Zealand needs. We want to fundamentally shift the way we plan, select, fund and finance, build, and look after our infrastructure.

Next year we'll replace the RMA with new legislation premised on property rights. Our new system will provide a framework that makes it easier to plan and deliver infrastructure and energy projects, as well as protecting the environment.

But we aren't willing to wait until then. New Zealanders need relief from an overly burdensome planning system now. This is why we are proposing targeted changes to a suite of National Direction this year to realise immediate economic gains.

The infrastructure and development proposals in this discussion document are one of four packages of changes to National Direction being consulted on. It is the largest change to National Direction in New Zealand's history.

These National Direction changes have been designed to minimise the implementation burden for local government and have been developed with the new system in mind, with these changes expected to carry over and transition into it when the time comes.

I encourage you to provide your thoughts on these proposals through a submission.

Hon Chris Bishop
Minister Responsible for RMA Reform

Section 1: Introduction

What are we proposing?

The Government is proposing new and amended national direction[1] to improve operation of the resource management system under the Resource Management Act 1991 (RMA). Updated national direction is needed to set national-level resource management policy and rules which inform regional and local plans, policy statements and resource consent decisions.

The national direction programme proposes:

- targeted amendments to 12 existing national direction instruments and introduction of four new national direction instruments, through a combined statutory consultation process
- consultation on options to amend two existing national direction instruments on freshwater
- consultation on national housing and urban policy (currently part of national direction under the RMA) to inform development of the new resource management system.

For efficiency and integration across related topics, the programme is grouped into four 'packages'.

Package 1: Infrastructure and development and **Package 2: Primary sector** comprise new instruments and amendments to existing national direction instruments. These packages are open for public consultation and submissions as part of the statutory process to prepare and amend national direction under section 46A (1) and (2) of the RMA.

Package 3: Freshwater is open for feedback on options to amend existing national direction instruments for freshwater. Submissions are invited on freshwater proposals, which include some broad options. Further consultation will be undertaken through an exposure draft.

Package 4: Going for Housing Growth includes a discussion document for consultation and submissions on key aspects of the Going for Housing Growth Pillar 1 policy proposals, and an indicative assessment of implementation options for different components in the new resource management system. Further consultation will be held as the detailed design of the new system progresses.[2]

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1 National direction comprises national policy statements, national environmental standards, national planning standards and regulations made under section 360 of the RMA.

2 See Ministry of Housing and Urban Development. Going for Housing Growth programme. Retrieved 28 April 2025.

Table 1: National direction instruments proposed for development or amendment[3]

Package 1: Infrastructure and development
• New National Policy Statement for Infrastructure • Amendments to National Policy Statement for Renewable Electricity Generation 2011 • Amendments to National Policy Statement on Electricity Transmission 2008 (proposed to be renamed National Policy Statement for Electricity Networks) • Amendments to Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (proposed to be renamed National Environmental Standards for Electricity Network Activities) • Amendments to Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 • New National Environmental Standards for Granny Flats (Minor Residential Units) • New National Environmental Standards for Papakāinga • New National Policy Statement for Natural Hazards
Package 2: Primary sector
• Amendments to Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 • Amendments to Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 • Amendments to New Zealand Coastal Policy Statement 2010 • Amendments to National Policy Statement for Highly Productive Land 2022 • Amendments to Resource Management (Stock Exclusion) Regulations 2020 • Amendments to mining and quarrying provisions in: – National Policy Statement for Indigenous Biodiversity 2023 – National Policy Statement for Highly Productive Land 2022 – National Policy Statement for Freshwater Management 2020 – Resource Management (National Environmental Standards for Freshwater) Regulations 2020
Package 3: Freshwater
• Amendments to National Policy Statement for Freshwater Management 2020 • Amendments to Resource Management (National Environmental Standards for Freshwater) Regulations 2020
Package 4: Going for Housing Growth
This package focuses on: • obtaining public feedback on key aspects of the Going for Housing Growth Pillar 1 policy proposals • providing an indicative assessment about implementing different components in the new resource management system.

[3] The packages do not propose amendments to other regulations made under section 360 of the RMA, or to the following national direction instruments:

- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat
- National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat
- National Environmental Standards for Air Quality
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Sources of Human Drinking Water
- National Environmental Standards for Storing Tyres Outdoors.

Why are we changing national direction?

The proposals in the national direction programme are intended to contribute to the overarching goals of the Government's resource management reform programme, namely:

- unlocking development capacity for housing and business growth
- enabling delivery of high-quality infrastructure for the future, including doubling renewable energy
- enabling primary sector growth and development, including aquaculture, forestry, pastoral, horticulture and mining.

Proposals in infrastructure and development package

The proposals in this package have been chosen to better enable infrastructure and development where they are needed and can be developed safely, while appropriately managing effects on people and the environment. The proposals are intended to:

- improve efficiencies and outcomes by supporting fit-for-purpose infrastructure, coordinated with development that meets the longer-term needs of people, communities and our environment
- enable opportunities and choice for housing to support a range of people and circumstances, including young people and seniors, and to support Māori living on ancestral land in papakāinga
- support development in areas with a reduced risk to people, communities and property from natural hazards.

The proposals include new and amended rules to clarify which activities would be permitted as of right, and which would need a consent in district[4], or regional plans. The proposals also provide more targeted national policy direction to support resource consent and plan-making processes, with a focus on better enabling infrastructure and development.

The proposals complement other government initiatives such as the Fast-track Approvals Act 2024 and other targeted amendments to the RMA.[5]

Role and content of this discussion document

Through this discussion document, the Government invites submissions on the proposals. Submissions will inform advice the Government considers before making final decisions or drafting any national direction instruments.

This discussion document explains the suite of national direction proposed in the infrastructure and development package and includes material on the proposals to create or amend national policy statements and national environmental standards under section 46A(1) and (2) of the RMA. Proposed new provisions for national direction are provided in section 6 of this document and form part of the proposals for the infrastructure and development package.

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[4] References to district plans in this document also include the district plan components of combined plans, including unitary plans, prepared under section 80 of the RMA.

[5] Resource Management (Consenting and Other System Changes) Amendment Bill.

Section 2 of this document outlines the scope and content of each new or amended national direction instrument relating to infrastructure. Section 3 provides the same outline for the development part of the package. These sections include an overview of the potential impacts of each proposal on various parties, describing how the proposal is intended to be implemented and how it incorporates Treaty of Waitangi and Treaty settlement considerations.

Section 4 outlines tools available to implement the national direction proposals in the infrastructure and development package.

Section 5 explains how you can make a submission.

Section 6 contains proposed provisions for each new or amended instrument in the infrastructure and development package. The attachments provide details about the scope and indicative content proposed for each instrument.

Further information on the proposed changes to national direction, including Interim Regulatory Impact Statements, can be found on the Changes to resource management web page on the Ministry for the Environment's website.

Section 2: Infrastructure

Part 2.1: National Policy Statement for Infrastructure

Context

Aotearoa New Zealand needs to invest in more infrastructure to grow the economy, support new housing development, increase energy efficiency, improve resilience and achieve better environmental outcomes.[6] We need to develop our infrastructure more efficiently. Although we spend a lot on infrastructure, it is insufficient in quality and quantity. For the last few decades, central and local government has spent approximately 5.5 per cent of GDP on infrastructure. This is about the same as other high-income countries, but New Zealand is among the bottom 10 per cent of such countries in delivering infrastructure.[7] This 'efficiency gap' means some community infrastructure needs remain unmet, and we are not sufficiently maintaining some existing infrastructure.

The current resource management system contributes to this infrastructure shortfall and efficiency gap. The system has neither sufficiently protected the natural environment nor sufficiently enabled development and infrastructure to meet people's needs.[8]

What problems does the proposal aim to address?

The current resource management system and national direction does not sufficiently recognise the benefits of infrastructure, or the role of infrastructure services in supporting the wellbeing, health and safety of people and communities, now and in the future. This means New Zealand's infrastructure expenditure is inefficient, and community needs for infrastructure services are unmet.

The existing resource management plans and other documents that guide decision-making often underplay the benefits of infrastructure, relative to its local adverse environmental effects. In addition, decision-making on infrastructure across the country is inconsistent.

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6 New Zealand Infrastructure Commission. 2021. *New Zealand's infrastructure challenge: Quantifying the gap and path to close it*. Wellington: New Zealand Infrastructure Commission | Te Waihanga.

7 New Zealand Infrastructure Commission. 2021. *Investment gap or efficiency gap? Benchmarking New Zealand's investment in infrastructure*. Wellington: New Zealand Infrastructure Commission | Te Waihanga.

8 Ministry for the Environment. 2023. *Briefing for Incoming Ministers – Environment, Climate Change and RMA Reform*. Wellington: Ministry for the Environment.

Long-term planning for infrastructure is limited and not well coordinated with land-use planning. Current infrastructure consenting processes and conditions are increasingly costly, with disproportionate requirements for assessing the environmental effects of proposals. This adds considerable costs and delays to infrastructure projects.

Management of the interface between infrastructure and other types of development is inconsistent, which creates uncertainty and increases costs and litigation for infrastructure providers. Consent decisions may constrain hours of operation or prevent the development of infrastructure, in response to sensitive activities located nearby.

Further uncertainties and costs result from inconsistent treatment of infrastructure across local authority boundaries, and between different national direction instruments. This is a particular issue for national or linear infrastructure, which must traverse several locations and could impact on a range of environmental values.

The problems are compounded because the resource management system for infrastructure lacks specific national direction. The existing national direction does not include all forms of infrastructure provided by central and local government or by other providers, or environmental resilience infrastructure. No national-level policy direction exists for transport, ports, water, wastewater and stormwater, health, education, defence or corrections infrastructure. This has resulted in a fragmented, ad hoc approach that is not aligned with how infrastructure is planned, developed or operated.

Recent years have seen a shift in the understanding of infrastructure, away from being discrete physical assets that are defined and categorised into separate sectors (eg, transport, energy or water). Instead, infrastructure is now recognised as a complex network of interconnected elements with a public-good purpose – for example, a hospital cannot function without electricity, water or a transport network.

Nationally consistent policy direction is required, to provide more certainty and better enable infrastructure development.

What is the proposal?

The proposal is for a new National Policy Statement for Infrastructure (NPS-I) to address the problems identified above and better enable and protect infrastructure, by providing:

- consistent definitions to support the proposed policies
- an objective setting out a range of infrastructure outcomes expected from the resource management system
- general policies to better enable and protect infrastructure, while managing its effects on various environments, and recognising and providing for Māori rights and interests
- policies on managing the interface between infrastructure and other activities
- policies to enable infrastructure while managing its effects on the environment.

More detail on the proposed provisions is included in attachment 1.1 of this document.

Scope and definitions

The proposed NPS-I covers a broad range of infrastructure as defined by the RMA, including:

- energy (except renewable electricity generation, and electricity transmission and distribution covered by other national policy statements)
- three waters (eg, wastewater, stormwater and drinking water)
- transport networks and assets.

It also covers social infrastructure (hospitals, emergency services, educational, defence and corrections facilities), parks, district or regional resource recovery or waste disposal facilities, and 'green' infrastructure that delivers flood management services.[9]

The proposed NPS-I is intended to apply to all RMA decisions affecting the operation, maintenance, renewal and upgrade of existing infrastructure, and to development of new infrastructure. This includes decisions on infrastructure itself, as well as activities that interface with, and are affected by, infrastructure (eg, wastewater treatment plants).

To assist interpretation, the proposed NPS-I includes a set of definitions for infrastructure and related activities, with the definition of infrastructure being broader than the RMA definition.

The NPS-I also proposes to define 'infrastructure-supporting activities' not undertaken by the infrastructure provider, including quarrying activities (as defined in the National Planning Standards).[10] Attachment 1.1 of this document contains a full list of proposed definitions.

Questions	
1.	Is the scope of the proposed NPS-I adequate?
2.	Do you agree with the definition of 'infrastructure', 'infrastructure activities' and 'infrastructure supporting activities' in the NPS-I?

Objective

The proposed objective for the NPS-I is to identify infrastructure outcomes that planning decisions would contribute to. Outcomes include that infrastructure:

(a) supports the wellbeing of people and communities and their health and safety

(b) provides national, regional or local benefits

(c) supports the development and change of urban and rural environments to meet the diverse and changing needs of present and future generations

(d) is well functioning and resilient

(e) provides value for money to people and communities

(f) is delivered in a timely, efficient and ongoing manner while managing adverse effects on the environment

(g) is protected from the adverse effects of other activities.

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[9] For example, infrastructure forming part of overland flow paths, watercourses and streams, with infrastructure activities including regeneration and restoration.

[10] Ministry for the Environment. 2019. *National Planning Standards*. Wellington: Ministry for the Environment. p 62.

Question	
3.	Does the proposed objective reflect the outcomes sought for infrastructure?

Benefits of infrastructure

The proposed NPS-I requires decision-makers to recognise and provide for the benefits of infrastructure. The proposed provisions detailed in attachment 1.1 of this document show the full list of benefits decision-makers must consider, which cover:

- the wellbeing of future generations
- well-functioning urban and rural environments, including sufficient development capacity
- supporting development and growth
- protecting the natural environment
- mitigating effects of climate change
- resilience to natural hazards.

Question	
4.	Does the proposed policy adequately reflect the benefits that infrastructure provides?

Operational and functional needs

The NPS-I proposes to require decision-makers to recognise and provide for the functional need[11] or operational need[12] of infrastructure to locate in particular environments. The particular infrastructure-related needs are specified in the proposed provisions detailed in attachment 1.1 of this document.

The operational need part of the policy is intended to recognise the technical and financial constraints for infrastructure providers in managing adverse effects of infrastructure on the environment. A corresponding policy proposal is intended to:

- recognise the operational or functional need of 'infrastructure-supporting activities' (including quarrying) to locate in particular places
- enable timely delivery of infrastructure activities.

Question	
5.	Does the proposed policy sufficiently provide for the operational and functional needs for infrastructure to be located in particular environments?

[11] Defined as "the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment". Ministry for the Environment. 2019. *National Planning Standards*. Wellington: Ministry for the Environment. p 58.

[12] Defined as "the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints". Ministry for the Environment. 2019. *National Planning Standards*. Wellington: Ministry for the Environment. p 62.

Considering spatial planning and other strategic plans

The proposed policy is to require decision-makers to have regard to spatial plans – including future development strategies[13] and other strategic plans for infrastructure – in protecting and enabling new infrastructure required to meet changing community needs.

Question	
6.	Do you support the proposed requirement for decision-makers to have regard to spatial plans and strategic plans for infrastructure?

Efficient and timely delivery of infrastructure

The proposed NPS-I includes requirements for addressing the long timeframes and costs of consenting infrastructure projects. It requires efficient and timely processes for consenting and re-consenting infrastructure, including using information gathered for investment processes and nationally recognised standards in assessing and managing effects. These requirements aim to avoid duplication of assessments and information requirements, as well as avoiding the re-litigation of options in different regulatory processes.

The proposal aims to enable more effective use of existing infrastructure, including maintenance, upgrades and re-consenting. It provides flexibility to use new technology to improve infrastructure services, environmental outcomes or resilience to natural hazards and climate change.

The proposed NPS-I also provides direction on supporting infrastructure activities such as quarrying, given their importance for the timely delivery of infrastructure projects.

Question	
7.	Would the proposed policy help improve the efficient and timely delivery of infrastructure?

Providing for Māori interests

A policy in the proposed NPS-I sets national requirements for:

- engaging with Māori
- considering Māori values and aspirations
- involving Māori in infrastructure projects, including those affecting sites of significance to Māori.

The proposed policy is based on existing policies in the National Policy Statement on Urban Development (NPS-UD). The intent is to apply a consistent approach across the proposed

NPS-I, proposed amendments to the National Policy Statement for Renewable Electricity Generation (NPS-REG) and the National Policy Statement on Electricity Transmission (NPSET) (to be renamed the National Policy Statement for Electricity Networks (NPS-EN)). Nothing in these policies is intended to override any Treaty settlement requirement or other relevant arrangement.

[13] Required under the National Policy Statement on Urban Development 2020.

The policy proposes that decision-makers must recognise and provide for Māori interests in relation to infrastructure, including by:

(a) taking into account the outcome of any engagement with tangata whenua on a resource consent, notice of requirement or request for a private plan change

(b) recognising the opportunities tangata whenua may have in developing and operating their own infrastructure at any scale or in partnership

(c) providing opportunities in appropriate circumstances for tangata whenua involvement in relation to sites of significance to Māori and issues of cultural significance

(d) operating in a way that is consistent with iwi participation legislation.[14]

Question	
8.	Does the proposed policy adequately provide for the consideration of Māori interests in infrastructure?

Assessing and managing adverse effects of infrastructure

Three policies are proposed to provide nationally consistent direction for assessing and managing adverse effects of infrastructure on the environment.

The first is intended to address the costly and time-consuming provisions and processes for infrastructure providers. The proposal provides guidance for decision-makers, specifying that they should consider:

- the extent to which effects have been managed through route or site selection and design
- the technical operational requirements of infrastructure
- only the change or increase in effects for re-consenting or infrastructure upgrades
- adopting best practice standards
- ensuring that measures and consent conditions are proportionate and cost effective.

The second proposed policy enables the creation of new infrastructure and upgrades to existing infrastructure with adverse effects on environmental values not included in section 6 of the RMA or covered by national direction, so long as these effects are avoided, remedied or mitigated where practicable.

Previous policy work had developed a draft 'effects management hierarchy' to address adverse effects on values in section 6 of the RMA and other national direction. The Government has now decided to focus on resolving these major tensions between infrastructure and natural environmental values in the replacement of the RMA, rather than through the current proposed changes to national direction.

A further proposed policy is to enable the efficient operation, maintenance and minor upgrade of existing infrastructure, provided that adverse effects are avoided, remedied or mitigated where practicable.

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[14] Iwi participation legislation is defined in section 58L of the RMA to mean any legislation, including legislation listed in Schedule 3 of the Treaty of Waitangi Act 1975, that provides a role for iwi or hapū in processes under the RMA. Note that item (d) does not exclude participation provided under the Marine and Coastal Area (Takutai Moana) Act 2011 or under Mana Whakahono ā Rohe.

Question	
9.	Do the proposed policies sufficiently provide nationally consistent direction on assessing and managing the adverse effects of infrastructure?

Interface and compatibility of infrastructure and other activities

The proposed policies aim to manage the tensions between providing long-term certainty for infrastructure services and providing for compatible housing and other development. They aim to protect existing and consented infrastructure from the effects of nearby development, including from reverse sensitivity (impacts of new activities on existing activities). The policies provide details on what local authorities must do, including:

- engaging with infrastructure providers
- identifying activities that are compatible with or sensitive to infrastructure
- adopting a range of methods to manage interfaces with sensitive uses.

A further proposed policy provides direction on managing the interface between infrastructure and other activities. For example, it recognises that:

- some typical effects cannot be completely avoided (eg, dust, vibration, noise)
- amenity changes are necessary to achieve well-functioning environments
- new activities are primarily responsible for managing adverse effects.

Question	
10.	Do the proposed policies sufficiently provide for the interface between infrastructure and other activities including sensitive activities?

What does the proposal mean for you?

Table 2 outlines anticipated impacts of the proposed NPS-I on various parties, with more detailed information available in the *Interim Regulatory Impact Statement: National Policy Statement for Infrastructure* available on the Ministry for the Environment's website.

Table 2: Overview of anticipated impacts of the proposed NPS-I

Party	Anticipated impacts
Local authorities	Clearer and more consistent direction for planning and consenting processes. Some transactional costs incurred to train staff to become familiar with new requirements and incorporate them into regional policy statements and regional, district or unitary plans when practicable.
People and communities	Benefits from improved or maintained infrastructure services, including reduced costs of services. Possible loss of amenity and property rights due to greater infrastructure protections including from impacts of other activities.

Party	Anticipated impacts
Applicants	Greater likelihood that infrastructure projects can be consented and likely reduced costs in consenting processes, dependent on projects and locations. Increased protection of existing infrastructure, reducing costs. Operational costs incurred for applicants to become familiar with the new requirements. Potential increased costs of participating in plan review processes.
Māori groups	Similar benefits for Māori and non-Māori from improved or maintained infrastructure services, including reduced costs of services (eg, lower consenting costs). Reduced costs possible through a consistent approach to engaging Māori and recognising their interests, and through early engagement (may reduce costs later in processes, including appeal costs).

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA because they:

- enable the use and development of natural and physical resources to develop, operate, protect, maintain and upgrade infrastructure while managing effects on the environment by providing clear and directive objectives and policies to decision-makers
- support people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, by contributing to maintaining and improving the services that infrastructure provides
- further enable development, while protecting natural environmental values in accordance with relevant national direction (ie, river/lakes/wetlands continue to be managed under the National Policy Statement for Freshwater Management (NPS-FM)). The provisions of district and regional plans will continue to protect values under section 6 of the RMA that do not have national direction.

Treaty considerations

Infrastructure activities can have both positive and adverse effects for tangata whenua and for land, water and other taonga. Although the proposals may have impacts on taonga, decision-makers will be required to consider the national significance and benefits of infrastructure alongside other national direction (eg, the New Zealand Coastal Policy Statement (NZCPS) and the NPS-FM), regional policy statements, and regional and district plans. This helps decision-makers to effectively weigh up the effects of infrastructure activities when considering a consent application.

The proposals provide for recognition of Māori values, aspirations and engagement.[15] The proposals will not directly impact the decision-making process requirements under the RMA, Treaty settlements or other legislative arrangements, including the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

[15] As required by section 8 of the RMA.

Treaty settlement agreements and related legislation continue to apply. Some Treaty settlements place obligations on councils, including involving iwi/Māori in plan development and decision-making and inclusion of policies in plans. The proposals do not present a risk to the operation of these Treaty settlement commitments.

Consultation will be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups.

Implementation

General material on implementation supporting the proposed NPS-I, including the statutory requirements, is provided in section 4 of this document. Specific implementation provisions proposed for this national policy statement are as follows:

- the provisions in the NPS-I would affect decisions on policy statements and plans, notice of requirements, and decisions by consent authorities. The recent *Gibbston Vines*[16] case has shown that each part of the instrument should be clear about what decisions are being made and by whom
- no provisions in the proposed NPS-I provide further direction on implementation beyond what is provided by the RMA (as described in section 4 of this document).

[16] *Gibbston Vines Limited v Queenstown Lakes District Council* [2023] NZEnvC 265.

Part 2.2: National Policy Statement for Renewable Electricity Generation

Context

The National Policy Statement for Renewable Electricity Generation (NPS-REG) came into effect in 2011. It provides an objective and policies to enable the sustainable management of renewable electricity generation (REG). The NPS-REG has particular regard to two matters of national significance:

- the need to develop, operate, maintain and upgrade REG activities throughout New Zealand
- the benefits of REG.

In April 2023, a proposed NPS-REG and discussion document were released for public consultation.[17] Submissions were received, but the instruments were not finalised before the 2023 General Election, and the NPS-REG proposed in 2023 has now been withdrawn.[18] This proposal has been informed by this earlier work.

The proposed changes to the NPS-REG will help achieve the Government's Electrify NZ programme, which aims to double REG in New Zealand. This is an important part of achieving electricity security and our climate goals as electrifying the energy and transport sectors could deliver almost a third of the emissions reductions New Zealand needs to reach net zero by 2050.[19]

What problems does the proposal aim to address?

The current resource management system does not enable and protect REG to the extent needed to achieve New Zealand's electrification, electricity security, and emissions reduction targets.

The current NPS-REG is no longer fit for purpose, resulting in the following problems.

- Decision-makers do not fully or consistently recognise the significance and benefits of REG in RMA decision-making processes.
- Strong, enabling REG policy guidance is lacking across New Zealand.

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17 Ministry for the Environment. 2023. Proposed National Policy Statement for Renewable Energy Generation. Wellington: Ministry for the Environment. Ministry of Business, Innovation & Employment. Consenting improvements for renewable electricity generation and transmission. Retrieved 28 April 2025.

18 Under section 51A of the RMA.

19 Boston Consulting Group. 2022. *The Future is Electric. A Decarbonisation Roadmap for New Zealand's Electricity Sector*. p 14.

- There is insufficient direction on how to address key issues around consenting decisions for REG projects (such as how to resolve competing national and local interests).
- Uncertainty has increased, as have consenting costs and the complexity of resource consent conditions. These factors can reduce the efficiency of existing REG and make projects difficult to consent.
- The costs and processes associated with resource consent acquisition can discourage investment in smaller-scale projects that tend to have fewer significant adverse effects.

Drafting conventions for national policy statements have also changed, favouring strongly directive language as national policy statements take priority in decision-making.

What is the proposal?

The key proposed changes to the NPS-REG include:

- a new, strengthened objective that better recognises:
  - the critical role REG plays in society and the economy
  - the rapid increase in REG required to achieve climate emissions reductions
- new enabling and directive policies to better enable REG and protect existing REG assets
- new direction on recognising and providing for Māori interests
- new policies to better enable REG while managing effects on the environment.

More detail on the proposed provisions is included in attachment 1.2 of this document. No existing provisions of the NPS-REG beyond those included in this proposal are open for public consultation.

Scope and definitions

The scope of the NPS-REG 2011 is not proposed to change. The word 'hydro-electricity' in the definition of REG is proposed to change to 'water' for consistency with the rest of the definition. A number of new definitions are proposed to assist interpretation of the new and amended policies. An example is separating out definitions of 'small-scale REG' from 'community-scale REG', as they have different meanings. Further details on proposed changes to definitions are available in attachment 1.2 of this document.

Objective

The proposed amendments to the objective respond to New Zealand's targets for reducing emissions becoming law. The proposed amended objective highlights the critical role and benefits REG provides, stating the aims that REG generated in New Zealand:

(a) increases in a rate and manner necessary to support the achievement of New Zealand's emissions reduction and energy targets and associated plans under the Climate Change Response Act 2002

(b) provides greater resilience to disruptions to electricity supply

(c) provides for the social, economic and cultural wellbeing of people and communities, and for their health and safety, while managing the adverse effects of REG activities.

Question	
11.	Do you support the proposed amendments to the objective of the NPS-REG?

National significance and benefits

Policy A of the existing NPS-REG is proposed to be strengthened by:

- ensuring decision-makers give greater consideration and weighting to the national significance and benefits of REG projects
- increasing the list of REG benefits to include:
  - the benefits of maintaining and upgrading existing assets
  - locating REG close to demand and electricity networks.

Question	
12.	Are the additional benefits of renewable electricity generation helpful considerations for decision-makers? Why or why not?

Cumulative gains and losses of REG

Policy B of the NPS-REG is proposed to be amended to strengthen the weight to be given to considering cumulative gains and losses of REG capacity.

Operational and functional need for REG

Policy C1 of NPS-REG is proposed to be amended to require consideration of the operational need or functional need for REG activities to be in particular environments. The proposed policy applies the definitions of functional need[20] or operational need[21] in the National Planning Standards.

Question	
13.	Does the proposed policy sufficiently provide for the operational and functional need of renewable electricity generation to be located in particular environments?

Existing REG

Two new policies are proposed to get the most out of our existing REG assets. The first proposed policy ensures decision-makers enable the continued operation and maintenance of existing REG assets. The second proposed policy provides direction to decision-makers when existing REG assets are to be re-consented, upgraded or re-powered,[22] to:

[20] Defined as "the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment". Ministry for the Environment. 2019. *National Planning Standards*. Wellington: Ministry for the Environment. p 58.

[21] Defined as "the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints". Ministry for the Environment. 2019. *National Planning Standards*. Wellington: Ministry for the Environment. p 62.

[22] Re-powering refers to the whole or partial replacement of wind and solar REG assets within an existing REG site.

- have particular regard to the efficiencies and environmental benefits of increasing REG output within the same or similar environmental footprint
- consider only additional or different effects to those from the existing REG assets
- provide flexibility in consent conditions to allow upgrades to adapt to new technologies and improve resilience.

Amendments are proposed to Policy D of the existing NPS-REG, to strengthen the requirement for decision-makers to protect existing REG assets from reverse sensitivity effects. This policy will require decision-makers to consider reverse sensitivity effects on REG activities when considering applications for new nearby activities that may be incompatible with REG activities.

Question	
14.	Do the proposed new and amended policies adequately provide for existing renewable electricity generation to continue to operate?

Providing for Māori interests

The current NPS-REG does not provide any direction for Māori interests in REG, creating uncertainty for Māori. A proposed policy requires decision-makers to recognise and provide for Māori interests in relation to REG, including by:

(a) taking into account the outcome of any engagement with tangata whenua on a resource consent, notice of requirement or request for a private plan change

(b) recognising the opportunities tangata whenua may have in developing and operating their own REG at any scale or in partnership

(c) providing opportunities in appropriate circumstances for tangata whenua involvement in relation to sites of significance to Māori and issues of cultural significance

(d) operating in a way that is consistent with iwi participation legislation.[23]

The proposed policy is based on the existing NPS-UD provisions, and a consistent approach is being taken across the proposed NPS-I, NPS-REG and NPS-EN instruments. Nothing in these policies is intended to override any Treaty settlement requirement or other relevant arrangement.

Question	
15.	Do the proposed policy changes sufficiently provide for Māori interests in renewable electricity generation?

Managing adverse effects

A proposed policy enables REG with adverse effects on environmental values not included in section 6 of the RMA or covered by national direction, so long as these effects are avoided, remedied or mitigated where practicable.

[23] Iwi participation legislation is defined in section 58L of the RMA to mean any legislation, including legislation listed in Schedule 3 of the Treaty of Waitangi Act 1975, that provides a role for iwi or hapū in processes under the RMA. This would include participation provided under the Marine and Coastal Area Act 2011 or under Mana Whakahono ā Rohe.

Previous policy work had developed a draft 'effects management hierarchy' to address adverse effects on values in section 6 or the RMA and other national direction. The Government has now decided to focus on resolving these major tensions between infrastructure and natural environmental values in the replacement of the RMA, rather than through the current proposed changes to national direction.

Question	
16.	Do you support the proposed policy to enable renewable electricity generation development in areas not protected by section 6 of the RMA, or covered by other national direction?

What does the proposal mean for you?

Table 3 outlines the anticipated impacts of the NPS-REG proposal on various parties, with more detail available in the *Interim Regulatory Impact Statement: NPS Renewable Electricity Generation* on the Ministry for the Environment's website.

Table 3: Overview of anticipated impacts of the proposed amendments to the NPS-REG

Party	Anticipated impacts
Local authorities	Clearer and more consistent direction for planning and consenting processes. Some transactional costs incurred to train staff to become familiar with the new requirements and incorporate them into regional policy statements and regional and district plans when practicable.
People and communities	Benefits from improved or maintained electricity supply, while meeting increased demand, including reduced costs and greater reliability. If emissions costs rise in the future, REG will be cheaper for consumers compared to fossil fuel electricity generation. Possible loss of amenity and property rights due to greater REG protection from impacts of other activities.
Applicants	Greater likelihood that REG projects can be consented and likely reduced costs in consenting processes, dependent on projects and locations. Increased protection of existing REG infrastructure, reducing costs. Operational costs incurred by applicants to become familiar with the new requirements. Potential increased costs of participating in plan review processes.
Māori groups	Similar benefits for Māori and non-Māori from improved or maintained electricity supply, including more reliability and reduced costs of services. Improved potential for Māori to be involved in their own REG projects. Reduced costs possible through a consistent approach to engaging Māori and recognising their interests, and through early engagement (may reduce costs later in processes, including appeals costs).

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA because they:

- enable the use and development of natural and physical resources to develop, operate, protect, maintain and upgrade renewable electricity generation while managing effects on the environment by providing clear and directive objectives and policies to decision-makers

- support people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, by contributing to maintaining and increasing REG capacity to improve electricity security and meet emissions reduction targets
- enable development, while protecting natural environmental values in accordance with relevant national direction (ie, river/lakes/wetlands continue to be managed under the NPS-FM). Section 6 matters without national direction will continue to be protected through the provisions of district and regional plans.

Treaty considerations

REG projects can have both positive and adverse effects for tangata whenua and for land, water and other taonga. Although the proposals may have impacts on taonga, decision-makers will be required to consider REG benefits and other provisions alongside other relevant national direction (eg, the NZCPS and NPS-FM), regional policy statements, and regional and district plans. This helps decision-makers to effectively weigh up both positive and adverse effects of REG activities when considering a consent application.

The proposals improve on the 2011 NPS-REG, which does not include any policies that provide for Māori values, aspirations and engagement.[24] The proposals are also more enabling of iwi-led REG activities, which has been a consistent request from Māori seeking greater electricity options and self-sufficiency. The proposals will not directly impact the decision-making process requirements under the RMA, Treaty settlements or other legislative arrangements, including the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Treaty settlement agreements and related legislation continue to apply. Some Treaty settlements place obligations on councils, including involving iwi/Māori in plan development and decision-making and inclusion of policies in plans. The proposals do not present a risk to the operation of these Treaty settlement commitments.

Consultation will be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups.

Implementation

General material on implementation supporting this proposal, including the statutory requirements, is provided in section 4 of this document. Specific implementation provisions for this NPS are as follows:

- the provisions in the NPS-REG would affect decisions on policy statements and plans, notice of requirements, and decisions by consent authorities. The recent Gibbston Vines[25] case has shown that each part of the instrument should be clear about what decisions are being made and by whom
- no provisions in the proposed NPS-I provide further direction on implementation beyond what is provided by the RMA (as described in section 4 of this document).

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[24] As required by section 8 of the RMA.

[25] *Gibbston Vines Limited v Queenstown Lakes District Council* [2023] NZEnvC 265.

Part 2.3: National Policy Statement on Electricity Transmission

Context

Electricity networks – which include infrastructure for both electricity transmission and distribution networks – needs to be developed, operated, maintained, upgraded and protected to ensure continuity of electricity supply and network resilience. Electricity networks are planned for and managed under the RMA.[26] Often, multiple resource consents must be obtained under the RMA to carry out works on electricity networks, despite the existence of national direction in the form of the:

- National Policy Statement on Electricity Transmission 2008 (NPSET)
- National Environmental Standards for Electricity Transmission Activities 2009 (NESETA).

Electrifying the energy and transport sectors could deliver almost a third of the emissions reductions New Zealand needs to reach net zero by 2050.[27] The Supercharging EV[28] programme proposes a 'no consents' regime to develop and operate electric vehicle (EV) charging stations.

In April 2023, a proposed NPSET draft and a discussion document,[29] including amendments to NESETA, were released for public consultation. Submissions were received but the instruments were not finalised before the 2023 General Election, and the NPSET proposed in 2023 has now been withdrawn.[30] The proposal has been informed by this earlier work.

What problems does the proposal aim to address?

Transitioning away from using fossil fuels and towards more REG will require a significant increase in the number of REG sites and a proportionate increase in the capacity of the electricity network.

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[26] In addition to regulation under the Electricity Act 1992, Commerce Act 1986 and Public Works Act 1981.

[27] Boston Consulting Group. 2022. *The Future is Electric. A Decarbonisation Roadmap for New Zealand's Electricity Sector*. p 14.

[28] The programme focuses on enabling the roll-out of charging infrastructure to support New Zealanders to shift to electric vehicles.

[29] Ministry for the Environment. 2023. Proposed National Policy Statement on Electricity Transmission. Wellington: Ministry for the Environment. Ministry of Business, Innovation & Employment. Consenting improvements for renewable electricity generation and transmission. Retrieved 28 April 2025.

[30] Under section 51A of the RMA.

The following resource management problems have been identified for electricity networks.

- The national significance and benefits of electricity networks are not sufficiently recognised in resource management decisions.
- Inconsistent policies, processes and rules add unnecessary complexity, cost and delay.
- Decision-makers lack guidance to balance competing interests and environmental values.
- Protecting electricity networks from the effects of other activities is time-consuming and more costly than it needs to be.

What is the proposal?

Proposed amendments to the NPSET will expand its scope to include electricity distribution. To reflect this broader application, the instrument would be renamed the National Policy Statement for Electricity Networks (NPS-EN).

The proposed NPS-EN will include:

- an amended objective to recognise and provide for the national significance and benefits of the electricity network
- a new objective and associated policies to recognise and provide for the electricity distribution network
- amended and new policies to support route selection and manage environmental effects
- a new policy to recognise and provide for tangata whenua interests
- policy amendments to provide greater protection of electricity networks
- updated references to the electric and magnetic fields international guidelines (from the currently referenced 1998 guidelines to the 2010 guidelines)
- alignment of the policy directions of the NPS-EN and the proposed National Environmental Standards for Electricity Network Activities (NES-ENA).

More detail on the proposed provisions is included in attachment 1.3 of this document. No existing provisions of the NPSET beyond those included in this proposal are open for public consultation.

Scope and definitions

Increasing the scope of the national policy statement is intended to better enable electrification and recognise the importance of electricity distribution to electricity networks. The different scales and types of electricity distribution infrastructure will require specific approaches.

Several new definitions are proposed to ensure the new and amended policies are sufficiently precise and can deliver on the proposed NPS-EN objectives. For example, ‘routine activities’ and ‘non-routine activities’ will be redefined to distinguish regular activities that are part of the lifecycle of electricity networks. The effects of routine activities are typically less than those resulting from non-routine activities.

Questions	
17.	Do you support the inclusion of electricity distribution within the scope of the NPS-EN?
18.	Are there risks that have not been identified?
19.	Do you support the proposed definitions in the NPS-EN?
20.	Are there any changes you recommend to the NPS-EN?

Objective

Proposed amendments to the NPSET objective recognise national emissions reduction targets and the need to ensure energy resilience and security. The proposed objective is that electricity networks are developed, operated, maintained, upgraded and protected in a manner that:

(a) recognises and provides for its national significance

(b) secures the resilience of electricity networks, including in relation to the effects of natural hazards and climate change

(c) provides for the wellbeing and needs of present and future generations, including by increasing and improving the capacity and delivery of electricity networks over time

(d) recognises and provides for the role of electricity networks in achieving New Zealand's emissions reduction and renewable energy targets, and associated commitments in any relevant plan prepared under the Climate Change Response Act 2002

(e) manages adverse effects on the environment in a proportionate and cost-effective way

(f) protects electricity networks from the adverse effects of other activities.

Question	
21.	Do you support the proposed objective? Why or why not?

National significance and benefits of electricity networks

The proposal is to strengthen Policy 1 of the existing NPSET so that decision-makers on electricity networks proposals must recognise and provide for the national significance and benefits of electricity networks to be realised at national, regional and local levels. The proposed policy will also list additional benefits, such as emissions reduction and energy security, as well as recognise the contribution of electricity networks to modern life and the functioning of the community and economy.

Question	
22.	Will the proposed policy improve the consideration of the benefits of electricity networks in decision-making?

Recognising operational and functional need of electricity networks

The proposal is to strengthen the requirement in the NPSET for decision-makers to recognise and provide for electricity networks which have a functional or operational need to be in particular environments, including in areas with section 6 RMA values, and with unavoidable adverse effects on those environments.

The definitions of functional need[31] or operational need[32] will be the same as the definitions in the National Planning Standards.

This proposed policy recognises that the electricity network often needs to traverse a wide range of environments (eg, urban, rural and coastal), and that the system is interconnected across New Zealand. It also recognises the need to maintain and upgrade an ageing network, and that REG needs to connect directly to the electricity network.

Question	
23.	Does the proposed policy sufficiently provide for the operational and functional needs for electricity networks to be located in particular environments?

Route and site selection

A new policy is proposed to ensure resource management decisions recognise the role of Transpower and electricity distribution businesses in selecting a preferred route for electricity networks. The proposed policy requires that decision-makers have regard to how much adverse effects have been managed through route selection and that some effects are unavoidable.

The route and site selection process should also consider the operational or functional need of electricity networks development.

Questions	
24.	Do you support Transpower and electricity distribution businesses selecting the preferred route or sites for development of electricity networks?
25.	Are there any other route or site selection considerations that have not been identified?

Providing for Māori interests

The NPSET published in 2008 contains no Māori policy, creating uncertainty on how Māori interests may be considered in decision-making on electricity networks.

The proposal to provide for Māori interests is based on current policy in the NPS-UD. The intent is to apply a consistent approach across the proposed NPS-I and proposed amendments to the NPS-REG and NPS-EN. Nothing in these proposals is intended to override any Treaty settlement requirement or other relevant arrangement.

It is proposed that decision-makers must recognise and provide for Māori interests in relation to electricity networks, including by:

(a) taking into account the outcome of any engagement with tangata whenua on a resource consent, notice of requirements or request for a private plan change, including through the site, route and method selection process

[31] Defined as "the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment". Ministry for the Environment. 2019. *National Planning Standards*. Wellington: Ministry for the Environment. p 58.

[32] Defined as "the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints". Ministry for the Environment. 2019. *National Planning Standards*. Wellington: Ministry for the Environment. p 62.

(b) recognising the opportunities tangata whenua may have in developing and operating their own distribution infrastructure at any scale or in partnership

(c) avoiding where practicable, or otherwise mitigating, the adverse effects of electricity networks' activities on sites of significance to Māori

(d) operating in a way that is consistent with iwi participation legislation.[33]

Question	
26.	Does the proposed policy adequately provide for the consideration of Māori interests in electricity networks?

Managing adverse effects

Existing policy to manage environmental effects currently in the NPSET (Policy 8) will be retained with some amendments, and some new policies are proposed.

Although route and site selection policies can manage some effects, other effects will be unavoidable. A proposed new policy will support effects management decisions for electricity network development. The policy directs decision-makers to consider:

- constraints imposed by the technical and/or operational requirements of electricity networks
- the need to increase network capacity
- that changes in amenity are unavoidable
- adopting international or national standards or best practice to manage effects
- financial or timing implications from measures or conditions to manage effects (and to ensure these are proportionate and cost effective).

A proposed new policy enables infrastructure for electricity networks with adverse effects on environmental values not in section 6 of the RMA or covered by national direction, so long as these effects are avoided, remedied or mitigated, where practicable.

Another new proposed policy directs routine activities associated with electricity networks to be enabled in all environments, provided adverse effects are avoided, remedied or mitigated, where practicable.

Policy 8 in the NPSET manages effects on areas with significant environmental values. The current drafting proposes removing the reference to 'sensitive activities' and retaining the remainder of the policy. Previous policy work had developed a draft 'effects management hierarchy' to address adverse effects on values in section 6 of the RMA and other national direction. The Government has now decided to focus on resolving these major tensions between infrastructure and natural environmental values in the replacement of the RMA, rather than through the current proposed changes to national direction.

[33] Iwi participation legislation is defined in section 58L of the RMA to mean any legislation, including legislation listed in Schedule 3 of the Treaty of Waitangi Act 1975, that provides a role for iwi or hapū in processes under the RMA. Note that item (d) does not exclude participation provided under the Marine and Coastal Area Act 2011 or under Mana Whakahono ā Rohe.

Questions	
27.	Do you support the proposed policy to enable development of electricity networks in areas not protected by section 6 of the RMA, or covered by other national direction?
28.	Do the proposals cover all the matters that decision-makers should evaluate when considering and managing the effects of electricity network activities?
29.	Do you support the proposed policy to enable routine works on existing electricity network infrastructure in any location or environment?
30.	What other practical refinements to Policy 8 of the NPS-EN could help avoid adverse effects on outstanding natural landscapes, areas of high natural character, and areas of high recreation value and amenity in rural environments?

Protection and strategic planning of the electricity network

A new proposed policy requires decision-makers to consider the urban environment in relation to electricity network decisions, to:

- recognise the role of electricity networks as part of a well-functioning urban environment
- enable changes in amenity
- recognise that sometimes adverse effects are unavoidable
- recognise that electricity network development may be appropriate in the context of protecting historic heritage.

To fulfil this policy, decision-makers would need to ensure the plan-making process considers on-site space for distribution assets at the development site. The proposed policy requires developers to consult with the electricity distribution provider to determine whether sufficient space has been provided.

Amendments are proposed for Policies 12, 13 and 14 of the NPSET, to ensure spatial planning documents (ie, future development strategies) consider electricity networks, particularly in urban areas over the long term. The proposed changes would require councils to:

- engage with electricity network operators to promote strategic planning over the medium-to-long term
- recognise that the designations process can also support long-term planning.

Questions	
31.	Do you support the proposed policy to enable sufficient on-site space for distribution assets?
32.	Should developers be required to consult with electricity distribution providers before a resource consent for land development is granted? If not, what type or scale of works would merit such consultation?

What does the proposal mean for you?

Table 4 outlines the anticipated impacts of the NPS-EN proposal on various parties, with more detail available in the *Interim Regulatory Impact Statement: National direction for electricity networks (updating NPSET 2008 and NES-ETA 2009)* on the Ministry for the Environment's website.

Table 4: Overview of anticipated impacts of the proposed amendments to NPS-EN

Party	Anticipated impacts
Local authorities	Clearer and more consistent direction for planning and consenting processes. Some transactional costs incurred to train staff to become familiar with the new requirements and incorporate them into regional policy statements and regional and district plans when that is practicable.
People and communities	Benefits from improved or maintained electricity supply while meeting increased demand, including reduced costs and greater reliability. Possible loss of amenity and property rights due to greater protections to electricity networks from impacts of other activities.
Applicants	Greater likelihood that electricity transmission and distribution projects can be consented and likely reduced costs in consenting processes, dependent on projects and locations. Increased protection of existing transmission and distribution infrastructure, reducing costs. Operational costs incurred for applicants to become familiar with the new requirements. Potential increased costs of participating in plan review processes.
Māori groups	Similar benefits for Māori and non-Māori from improved or maintained electricity supply, including reliability and costs of services. Reduced costs possible through a consistent approach to engaging Māori and recognising their interests, and through early engagement (may reduce costs later in processes, including appeal costs). Māori land owners and communities may benefit from enablement of the distribution network to directly connect to REG sites, including those on Māori land.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA, because they:

- enable the use and development of natural and physical resources to develop, operate, protect, maintain and upgrade electricity transmission and distribution networks (collectively referred to as the electricity network) while managing effects on the environment by providing clear and directive objectives and policies to decision-makers
- support people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, by contributing to maintaining and increasing electricity networks capacity which will improve electricity security and meet emissions reduction targets
- strengthen New Zealand's ability to meet the electricity needs of future generations by improving the capacity of electricity networks, by:
  - enabling upgrading and new development
  - protecting electricity networks from direct and reverse sensitivity effects from third parties.

Treaty considerations

Changes to electricity networks can have both positive and adverse effects for tangata whenua and for land, water and other taonga. Although the proposals may have impacts on taonga, decision-makers will be required to consider the national significance and benefits of electricity networks alongside other national direction (eg, the NZCPS and NPS-FM), regional policy statements, and regional and district plans. This helps decision-makers to effectively weigh up the effects of proposed changes to electricity networks when considering a consent application.

The proposals improve on the existing NPSET, which does not include any policies that provide for Māori values, aspirations and engagement.[34] The proposals will not directly impact the decision-making process requirements under the RMA, Treaty settlements or other legislative arrangements, including the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Treaty settlement agreements and related legislation continue to apply. Some Treaty settlements place obligations on councils, including involving iwi/Māori in plan development and decision-making and inclusion of policies in plans. The proposals do not present a risk to the operation of these Treaty settlement commitments.

Consultation is necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups.

Implementation

General material on implementation supporting this proposal, including the statutory requirements, is provided in section 4 of this document. Specific implementation provisions for this national policy statement are as follows:

- the proposed NPS-EN will affect decisions on the contents of policy statements and plans, notice of requirements, and decisions by consent authorities. The recent *Gibbston Vines*[35] case has shown that each part of the instrument should be clear about what decisions are being made and by whom
- no provisions in the proposed NPS-EN provide further direction on implementation beyond what is provided by the RMA (as described in section 4 of this document).

[34] As required by section 8 of the RMA.

[35] *Gibbston Vines Limited v Queenstown Lakes District Council* [2023] NZEnvC 265.

Part 2.4: National Environmental Standards for Electricity Transmission Activities

Context

The National Environmental Standards for Electricity Transmission Activities (NESETA) came into effect in 2009. The NESETA enabled Transpower to undertake activities for the operation, maintenance and upgrade of electricity transmission network lines existing at 14 January 2010. The NESETA was intended to complement the enabling policies of the NPSET 2008.

No existing national direction covers electricity distribution or EV charging infrastructure.

What problems does the proposal aim to address?

The NESETA does not enable and protect electricity networks enough to achieve the Government's objectives for electrification, energy security and economic growth. Proposed amendments to the NESETA aim to address the following problems.

- Inconsistent policies, processes and rules add unnecessary complexity, cost and delay to the operation, maintenance and upgrade of the electricity transmission network.
- Protecting the electricity transmission network from the effects of other activities is time-consuming and unnecessarily costly.
- Current national direction does not cover the electricity distribution network and inconsistencies in district plan provisions relating to this infrastructure.
- In some cases, the NPSET terms and policies are inconsistent with the NESETA rules.

Without national direction for EV charging infrastructure, district plan provisions are being prepared inconsistently across the country. Variation in plan rules creates additional costs and greater inefficiencies, such as higher average output costs for manufacturers. Unnecessary consent requirements for EV charging infrastructure cause time delays and excessive compliance costs, and some requirements necessitate bespoke designs. These factors are likely to impede efficient and timely roll-out of EV charging infrastructure.

What is the proposal?

The proposal is to amend the NESETA, to provide more enabling standards and extend its application to include electricity distribution and EV charging infrastructure. The proposed amendments are intended to:

- enable more routine work on the electricity transmission network in all environments
- introduce new rules to protect the electricity transmission network based on the National Grid Corridor provisions

- introduce new provisions for the electricity distribution network (ie, protection and routine works for the existing network, and construction of new distribution network assets)
- introduce new permitted activity standards for EV charging infrastructure.

More detail on the proposed provisions is included in attachment 1.4 of this document. No existing provisions of the NESETA beyond those included in this proposal are open for public consultation.

Scope and definitions

The proposal is to rename the NESETA to the National Environmental Standards for Electricity Network Activities (NES-ENA), to recognise and provide for the electricity distribution network as well as EV charging infrastructure.

The current NESETA only applies to the operation, maintenance and upgrading of existing electricity transmission lines.[36] The proposed NES-ENA will include regional and district plan rules to support the construction and development of new electricity distribution lines. The proposed NES-ENA would not apply to transmission lines developed after 2010 (including any future lines), as these are likely to be covered by designations under the RMA, which already provide an enabling framework.

Definitions across the proposed NPS-EN and proposed NES-ENA will be aligned to support effective implementation. Key new definitions include 'routine electricity network activities' and 'ancillary electricity network activities', as well as a proposed definition for EV charging infrastructure (discussed in the Public EV charging infrastructure section below).

Enabling routine work on the electricity transmission network

The proposed NES-ENA would be more permissive than the existing NESETA for some routine electricity transmission activities (such as relocation, replacements and ancillary activities like vegetation clearance and earthworks). This will increase the permitted activity thresholds for certain activities (eg, a higher threshold to increase the height of support structures from 15 per cent to 25 per cent).

Some electricity transmission activities (eg, adding overhead conductors) may not be able to meet the permitted activity standards. The proposed NES-ENA would amend the status of these activities from a 'restricted discretionary activity' to a 'controlled activity', which would:

- provide electricity network operators with more certainty
- recognise routine activities essential for the electricity network
- focus on how activities should be undertaken instead of whether they should be undertaken.

[36] Electricity transmission lines operational, or able to be operated, as at 14 January 2010.

The proposal is to make matters of control more consistent for controlled activities.[37] This is to align the new and amended definitions and ensure all relevant matters can be considered.

The general changes proposed to permitted and controlled activities are:

- applying consistent references to a 'natural area' and a 'historic heritage place or area'
- adding new matters of control relating to technical requirements, operational need and functional need of electricity network activities
- considering the benefits of the electricity network.

The electricity sector has raised concerns that some of the general matters of control in the NESETA are too broad or vague. However, the Government considers it appropriate to retain the ability to consider and manage visual, landscape and ecological effects, even when these do not relate to values protected under section 6 of the RMA.

Questions	
33.	What activity status is appropriate for electricity transmission network activities when these: a. do not comply with permitted activity standards? b. are located within a natural area or a historic heritage place or area?
34.	Do you support the proposed scope of activities and changes to the permitted activity conditions for electricity transmission network activities?
35.	Do you support the proposed matters of control and discretion for all relevant matters to be considered and managed through consent conditions?

Rules for the National Grid Yard and Subdivision Corridor

The proposed NES-ENA introduces rules for the National Grid Yard and Subdivision Corridor, based on the existing provisions developed over a number of years by Transpower with stakeholders, such as Federated Farmers, and generally accepted as best practice.

The proposal establishes a 'National Grid Yard' and 'National Grid Subdivision Corridor' to prevent inappropriate buildings and structures, land disturbance and subdivision by third parties from taking place near or underneath transmission lines and support structures. The proposed rules permit certain activities within the National Grid Yard if they do not present a risk to the transmission network.

With agreement from Auckland Council, the Government proposes to recognise and provide for the Auckland Compromised and Uncompromised Spans, retaining the existing setbacks and rules within the Auckland Unitary Plan.

Question	
36.	Would the proposed National Grid Yard and Subdivision Corridor rules be effective in restricting inappropriate development and subdivision underneath electricity lines?

[37] Resource consents for controlled activities must be granted by consent authorities and consent authorities have limited discretion to impose conditions.

Potential new regional regulations and management plan requirements

The NESETA regulates some activities on existing transmission lines relating to regional council functions (ie, managing water, soils and the coastal marine area). Many transmission activities are necessary to facilitate the ongoing operation and efficiency of the network and cannot be avoided in these environments. Five regional activities Transpower routinely undertakes, which are not currently within the scope of the NESETA, are:

- river crossings
- groundwater takes and use, dewatering
- stormwater discharges
- structures in the coastal marine area
- works in the bed of a lake or river.

The proposal is to ensure a nationally consistent approach by creating new permitted activity rules for the above categories in the NES-ENA. A permitted activity would be subject to conditions which, if not met, would require a consent for a restricted discretionary or controlled activity.

The Government also seeks feedback on a proposal for the NES-ENA to require management plans to be submitted to regional councils as part of a permitted activity. The management plans could cover routine ancillary activities such as vegetation management and earthworks, in addition to the proposed management plan approach for discharges from blasting.

Further detail on these proposals is included in attachment 1.4 of this document.

Questions	
37.	Do you support adding any or all of the five categories of regional activities to the NES-ENA as permitted activities?
38.	Do you support the proposed permitted activity conditions and the activity classes if these conditions are not met?
39.	Do you support management plans being used to manage environmental impacts from blasting, vegetation management and earthworks?

New provisions for the electricity distribution network

The proposal is to provide nationally consistent regulations to enable electricity distribution activities that:

- align with proposed policy in the NPS-EN to enable routine activities in all environments
- recognise the necessity of routine activities for the safe, efficient and effective development, operation, maintenance and upgrading of the electricity distribution network
- provide greater certainty to electricity distribution businesses that routine maintenance, operation and upgrade activities will be enabled.

Changes are proposed in the following areas:

- **existing distribution assets** – add new permitted activity regulations for certain electricity distribution activities on existing lines when the standards are met, and controlled activity regulations when they are not
- **new distribution assets** – provide permitted activity regulations for the development of new distribution lines and cabinets when standards are met, and restricted discretionary activity regulations when they are not
- **new rules** – provide regulations relating to subdivision and construction of buildings or structures near electricity distribution lines to ensure these comply with safe distance requirements.

Some amendments to the matters of control for controlled activities are discussed above, in the Enabling routine work on the electricity transmission network section. These amendments would also apply to the electricity distribution network.

The proposed rules for buildings, structures and subdivisions proposed near electricity distribution lines will require compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 (NZECP 34).[38]

Questions	
40.	What is an appropriate activity status for electricity distribution activities when the permitted activity conditions are not met, and should this be different for existing versus new assets?
41.	What is your feedback on the scope and scale of the electricity distribution activities to be covered by the proposed NES-ENA?
42.	Do you support the proposed inclusion of safe distance requirements and compliance with some or all of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001?
43.	Is the proposed NES-ENA the best vehicle to drive compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distance 34:2001? If not, what other mechanisms would be better?

Allowing plan rules to be more stringent or lenient

The NESETA does not currently allow district or regional plan rules to be more stringent or lenient than the instrument itself.

The proposed NES-ENA allows district plan rules to be more lenient, but not more stringent, in relation to electricity distribution activities (and EV charging infrastructure) regulated by the NES-ENA. District plans would need to incorporate more lenient provisions using plan-making processes under Schedule 1 of the RMA. Leniency will help preserve existing rules that have been developed in collaboration with transmission and distribution providers, which are more enabling than the proposed NES-ENA.[39]

Questions	
44.	Should the NES-ENA allow plan rules to be more lenient for electricity distribution activities proposed to be regulated?
45.	Should the NES-ENA allow plan rules to be more stringent in relation to electricity distribution activities in specific environments? (eg, when located in a 'natural area').

[38] Worksafe. Electrical Codes of Practice. Retrieved 28 April 2025.

[39] Schedule 1 of the RMA provides for the preparation, change and review of policy statements and plans.

Public EV charging infrastructure

What problems does the proposal aim to address?

The current resource management system does not support the Government's target of 'supercharging EV infrastructure' by enabling the installation of 10,000 public EV charging points by 2030.

Although some councils have included specific EV charging provisions in their district plans, most have not, and there is no consistency in how plans consider EV charging infrastructure.

What changes are proposed?

New permitted activity rules are proposed for district or unitary plans. These proposed rules cover the construction, maintenance and operation of EV charging infrastructure under specified circumstances and in specified locations, including:

- private charging at home or at work
- public charging in land transport corridors
- public charging as an ancillary activity
- public charging at standalone facilities.

Definitions

The proposed definition of 'EV charging infrastructure' is the construction and operation of any buildings and structures, parking spaces, chargers and associated equipment used for the purposes of, and associated with, charging EVs.

Providing national direction for EV charging infrastructure

The proposal is to include EV charging infrastructure standards in the NES-ENA, because it is the most appropriate national direction instrument that could include such rules, and because the rules can take effect immediately.

Private charging at home or at work

Private facilities for charging EVs at home or at work typically have no or negligible adverse effects on the environment. The proposal makes private EV charging and the associated infrastructure a permitted activity. However, private EV charging infrastructure needs to comply with relevant zone rules for the construction of buildings and structures to maintain existing amenity controls (eg, setback to boundaries, height limits).

Questions	
46.	Do you support the proposed provisions to make private electric vehicle charging and associated infrastructure a permitted activity at home or at work?
47.	Have private or at work electric vehicle users been required to obtain a resource consent for the installation, maintenance and use of electric vehicle charging infrastructure?

Public charging in land transport corridors

Land transport corridors[40] are a convenient location for EV charging infrastructure. Activities in land transport corridors also require the approval of road- or rail-controlling authorities.

The design of charging infrastructure in land transport corridors can vary widely, but the effects could be reasonably managed solely by the road- or rail-controlling authorities. This proposal is consistent with other activities in land transport corridors (eg, telecommunication facilities and lighting).

The proposed rule is for the construction, operation and maintenance of EV charging infrastructure to be a permitted activity, without any constraints on scale or other variables, if it is located in a land transport corridor.

Question	
48.	Should the construction, operation and maintenance of electric vehicle charging infrastructure be a permitted activity, if it is located in a land transport corridor?

Ancillary EV charging

EV charging infrastructure is often ancillary to a primary activity (ie, at service stations and supermarket carparks) available for public use. The additional environmental effects of ancillary EV charging infrastructure are generally minor compared to the scale of the primary activity.

The proposal is to make ancillary EV charging a permitted activity, subject to compliance with limits on height and noise, and with earthworks standards.

A resource consent would be required, with a restricted discretionary activity status, for ancillary EV charging that cannot meet the permitted activity standards. This constrains the decision-making scope of the consent authority to matters of discretion.

Question	
49.	Should the construction, operation and maintenance of electric vehicle charging infrastructure become a permitted activity, if it is ancillary to the primary activity or outside residential areas?

Standalone EV charging infrastructure facilities

Charging infrastructure can also be designed as a standalone facility so that EV charging is the primary use of the site. Standalone public EV charging infrastructure can be large scale and have a high traffic volume, compared with private, transport corridor or ancillary charging infrastructure. Standalone charging facilities can operate like a self-service petrol station, with relatively limited effects.

The proposal is to make standalone EV charging infrastructure facilities a permitted activity outside residential zones, ‘natural areas’, and places with historic heritage value – subject to compliance with limits on height and noise, and with earthworks standards.

[40] The land transport corridor includes the road or rail carriageway, and footpaths, berms or grassed areas on either side of the carriageway.

A resource consent would be required, for a restricted discretionary activity, for proposed standalone EV charging infrastructure:

- in residential areas and residential zones
- in 'natural areas' and places with historic heritage value
- that is part of a project that does not comply with the permitted activity standards.

Question	
50.	Do you support the proposed provisions for electric vehicle charging for all types of EVs, or are additional requirements needed for heavy vehicles such as large trucks, ferries or aircraft?

What does the proposal mean for you?

Table 5 outlines the anticipated impacts of the NES-ENA proposal on various parties, with more detail available in the *Interim Regulatory Impact Statement: National Direction for electricity networks (updating NPSET 2008 and NES-ETA 2009)* on the Ministry for the Environment's website.

Table 5: Overview of anticipated impacts of the proposed NES-ENA

Party	Anticipated impacts
Local authorities	Clearer and more consistent rules and standards to support operation, maintenance and upgrading of electricity network assets and EV charging infrastructure. Some transactional costs incurred to train staff to become familiar with the new rules and replace any conflicting existing plan rules as soon as practicable.
People and communities	Benefits from improved or maintained electricity supply while meeting increased demand, including reduced costs and greater reliability. Improved access to EV charging facilities. Possible local effects from maintenance, removal and/or relocating and upgrading of electricity network activities (eg, possible visual, vegetation, water quality and soil contamination impacts). National Grid Yard, Subdivision Corridor and distribution network protection rules may restrict what land owners can do on their land, but will also provide safety.
Applicants	Greater certainty that electricity network projects can go ahead or that a resource consent will be obtained. This would reduce costs for Transpower and electricity distribution businesses. Better protection of the electricity network, reducing costs. Operational costs incurred to allow applicants time to become familiar with the new requirements.
Māori groups	Similar benefits for Māori and non-Māori from improved or maintained electricity supply, including reliability and decreased costs of services. Improved access to EV charging facilities. National Grid Yard, Subdivision Corridor and distribution network protection rules may restrict what land owners can do on their land, but will also provide safety protection.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA because they:

- enable the use and development of natural and physical resources to develop, operate, protect, maintain and upgrade electricity transmission and distribution networks and EV charging facilities, while managing effects on the environment by providing clear and nationally consistent rules
- support people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, by:
  - contributing to maintaining and increasing electricity transmission and distribution, and EV charging capacity, to improve electricity security and meet emissions reduction targets
  - providing additional protections for the National Grid
  - managing adverse effects of electricity network activities on the environment, by setting permitted activity conditions and defaulting activities to controlled status where conditions are not met, with matters of control retained to manage environmental effects.

Treaty considerations

The NES-ENA proposals are designed to enable electricity network activities to meet increasing electricity demand, and to deliver affordable and reliable electricity through a secure supply. The Crown can protect Māori interests and support Māori development (ie, Māori enterprise) by ensuring Māori have access to affordable and reliable electricity.

Some adverse environmental impacts are associated with the permitted activity rules, but none are predicted to cause significant effects on the environment. The NES-ENA does not permit the construction of new transmission lines. Effects from necessary maintenance and upgrades of network are often unavoidable. This could impact Māori land, taonga or cultural sites near electricity networks. The permitted activity standards seek to avoid or mitigate environmental effects, and, where they cannot be met, the electricity network operator must obtain a resource consent.

Where electricity transmission lines are located on Māori land, the National Grid Corridor rules will restrict what Māori can do on their land.

We have not identified any significant impacts of the proposals on Treaty settlements or related arrangements.

Consultation will be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements or other matters of significance to Māori groups.

Implementation

With the exception of stringency and leniency provisions, nothing in the proposal provides further direction on implementation other than existing direction in the RMA, which is described in section 4 of this document.

Part 2.5: National Environmental Standards for Telecommunication Facilities

Context

Telecommunication networks are critical national infrastructure. They are essential for conducting business, operating other critical national infrastructure, and for delivering key services such as education, health, finance and government.

The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NES-TF) enable telecommunication providers[41] to install and operate a range of low-impact telecommunication facilities without a resource consent, provided they comply with relevant standards. The NES-TF first came into effect in 2008 and was most recently updated in 2016. The types of telecommunication facilities permitted by the NES-TF include installation and operation of antennas, cabinets, poles and customer connection lines (ie, fibre and copper cables).

District plan rules set other resource consent requirements for telecommunication facilities that fall outside the scope of the NES-TF. Where a district plan classifies a telecommunication activity as a permitted or controlled activity, but it is not permitted under NES-TF, the activity defaults to a controlled activity. A local authority can determine what type of consent is required, whether consultation is necessary, and can impose conditions on resource consents. For telecommunication facilities regulated by NES-TF (eg, poles in the road reserve), where a district plan classifies its construction as a permitted or controlled activity, but it is not permitted under the NES-TF, the activity defaults to a controlled activity.

District or regional plan rules guide the requirement for resource consents for:

- natural and/or special environments (such as biodiversity areas, notable trees and outstanding landscapes) covered by Subpart 5 of the NES-TF
- earthworks covered by Subpart 6 of the NES-TF.

[41] The term 'telecommunication provider' refers to a facility operator subject to the NES-TF. This includes a network operator (as defined in section 5 of the Telecommunications Act 2001), the Crown or a Crown agent.

What problems does the proposal aim to address?

The NES-TF has not kept pace with changes in the built environment

Towns and cities in New Zealand are continuing to intensify to accommodate housing growth, leading to taller, more compact buildings.

Greater numbers of residential buildings exceed the height of telecommunication poles, which increases the likelihood of black spots and connectivity disruptions. To work around the NES-TF, providers must either build more, smaller poles to maintain coverage, pursue lease arrangements to place antennas on buildings, or obtain resource consents for telecommunications facilities that do not meet activity standards. The telecommunication sector has told the Government this situation is becoming uneconomic, expressing a need for changes to the permitted heights of telecommunication poles.

The NES-TF is not keeping pace with changes in technology

Telecommunication infrastructure is advancing rapidly. Households and businesses want more modern telecommunication technology, with increasing expectations for network performance in terms of capacity, coverage, reliability and speed. However, several substantive ongoing network upgrades are not enabled by the NES-TF as follows.

- The roll-out of 5G mobile technology requires a larger, permitted, notional envelope for antennas, and larger cabinets, than those currently permitted by the NES-TF.
- The activity standards for cabinets do not provide enough space for new equipment, including back-up batteries for network resilience.
- No standards in the NES-TF support the construction and operation of renewable electricity generators. (These are often used for off-grid energy solutions in remote locations, or as back-up for network resilience.)
- Customer connection lines (ie, fibre broadband) to heritage buildings must be installed in accordance with historic heritage district plan rules. These rules vary between districts and are subject to different levels of restriction, which is costly and can be a barrier to fibre broadband access.

The status quo is resulting in uncertainty and high costs for telecommunication providers

The current rules in the NES-TF are too restrictive and do not cover a range of low impact telecommunication facilities. Telecommunication providers have had to obtain resource consents to roll out or upgrade many low-impact telecommunication facilities on a site-by-site basis. This is resulting in significant costs and delays for rolling out or upgrading necessary telecommunication services. These inefficiencies may mean that telecommunication providers forgo or delay important investment in upgrading or expanding telecommunication networks.

Question	
51.	Do the proposed provisions sufficiently enable the roll-out or upgrade of telecommunication facilities to meet the connectivity needs of New Zealanders?

What is the proposal?

The proposal is to amend the NES-TF by:

- updating the existing permitted activity standards relating to poles, headframes, cabinets and antennas
- expanding the scope of existing permitted activity standards (ie, permitting new poles in more zones and removing restrictions in the road reserve)
- enabling renewable electricity generators for telecommunication facilities
- enabling temporary telecommunication facilities
- enabling customer connection lines to heritage buildings
- making other minor technical updates to ensure the NES-TF is fit for purpose.

Subpart 5 of NES-TF, which states that rules in district and regional plans apply in certain environmentally significant areas, will largely be retained.

More detail on the proposed provisions is included in attachment 1.5 of this document. No existing provisions of the NES-TF beyond those included in this proposal are open for public consultation.

Scope and definitions

The amendments will expand the application of the NES-TF to recognise new activities and zones provided in the National Planning Standards.[42] The proposed NES-TF includes new definitions for 'renewable energy generator', which will align with changes proposed to the NPS-REG, and for 'temporary telecommunication facility'.

Updating permitted activity standards for pole heights, cabinets and antennas

The proposal is to amend the permitted activity standards for poles, cabinets and antennas and feedback on options for specific changes as summarised in table 6. Further detail on these proposed provisions is included in attachment 1.5 of this document.

[42] Ministry for the Environment. 2019. *National Planning Standards*. Wellington: Ministry for the Environment.

Table 6: Options for proposed amendments to permitted activity standards

Regulated activity	Proposed amendments
Maximum pole heights The NES-TF links maximum pole heights to the height of existing pole infrastructure, (ie, the height of a cell tower is tied to the height of a streetlight pole, electricity pole or existing mobile tower in the area).	**Option 1 *(preferred)*** Specify the following height caps by zone: • 20 m in residential road reserve (see figure in attachment 1.5.1), local centre and neighbourhood centre zones • 25 m in commercial, industrial and mixed-use zones, and in the road reserve for open space and special purpose zones (see figures 2 and 3 in attachment 1.5.1) • 35 m in a rural zone (see figure 5 in attachment 1.5.1).
	Option 2 Permit caps to be the higher of either those proposed in Option 1, or building zone height plus 5 m for poles in: • commercial zones (capped at 30 m) • industrial zones (no cap) • road reserves in residential zones (no cap).
	Note: Both options permit a further 5 m where two or more facility operators co-locate antennas on poles (excluding residential zones).
Limits on headframes on poles in the road reserve The NES-TF currently prevents the installation of headframes on new or existing poles in the road reserve.	**Option 1 *(preferred)*** Permit the installation of 1.6 m-wide headframes (excluding antennas) on poles in the road reserve in commercial, industrial, mixed-use and rural zones.
	Option 2 Permit the installation of: • 4.5 m-wide headframes on poles in the road reserve in commercial (excluding local centre or neighbourhood), industrial and rural zones (see figure 3 in attachment 1.5.1) • 1.6 m wide headframes (excluding antennas) on poles in the road reserve in residential, local centre, neighbourhood centre and mixed-use zones where a pole is at least 15 m in height and this is to support co-location of multiple facility operators (see figure 4 in attachment 1.5.1).
	Note: Both options retain existing provisions that enable existing headframes to be replaced up to existing width. There are also proposed changes to limits on headframes for poles outside of the road reserve in Regulation 33(6) of proposed provisions in attachment 1.5)
Cabinets in the road reserve	• Increase permitted cabinet height in a residential zone to 2 m (from 1.8 m) and the footprint to 2 m^2 (from 1.4 m^2). • Increase the permitted footprint of a group of cabinets to 3 m^2 (from 2 m^2). • Decrease cabinet spacing to 10 m (from 30 m) and remove the minimum distance requirement where two or more facility operators are co-located.
Antennas	• Increase the permitted notional envelope of new panel antennas on poles (without a headframe) in the road reserve to 5 m (from 3.5 m) in length and 1.2 m (from 0.7 m) in diameter. For panel antennas on poles outside of the road reserve, increase to 1 m (from 0.7 m) in width. • Increase the permitted diameter for dish antennas on poles in the road reserve or outside the road reserve in a residential zone to 0.6 m (from 0.38 m). Increase the maximum diameter for dish antennas outside of the road reserve and not in a residential, local centre, neighbourhood or open space zone, to 2 m (from 1.2 m). • Amend definition of 'small cell unit', increasing its size from 0.11 m^3 to 0.33 m^3.

Regulated activity	Proposed amendments
Antennas on buildings	**Option 1 *(preferred)*** • Amend the height limit rules in the NES-TF to specify that limits for antennas on buildings in all zones only apply from the highest point of the building (not from the point an antenna is attached to a building). • Increase height limit for antennas on buildings not in a residential zone to 10 m (from 5 m).
	Option 2 • Specify the maximum permitted height for the top of an antenna on a building is the building zone height plus 5 m. • Reduce the height minimum to attach antennas to a building in a residential zone to 11 m (from 15 m) to enable antennas to be attached to three-storey buildings.

Expanding the limits on the location of new or replacement poles

The NES-TF has several limits on the location of new or replacement poles both in and outside the road reserve. In the road reserve, a replacement pole must be within 5 metres of the original pole it is replacing, and new poles must be within 100 metres of an existing pole. Outside the road reserve, a replacement pole must be within 5 metres of the original pole it is replacing, and new poles are only permitted in rural zones, with a 50-metre setback from any building used for residential or educational purposes.

Telecommunication providers have told the Government these rules are too restrictive and advised that they still rely heavily on district plan rules to deploy new and replacement infrastructure.

Several changes are proposed to the NES-TF to permit new poles in more areas. The proposal allows placement of new poles to be based on network design requirements and commercial feasibility, and not to be constrained by the location of existing infrastructure. The proposed amendments would:

- remove limitations on the location of new or replacement poles in the road reserve, so that new poles can be erected anywhere in the road reserve
- amend the 50-metre setback rule for new poles in a rural zone so they must be 50 metres from any building used for sensitive activities on a neighbouring property (this applies to poles both in the road reserve and outside of the road reserve)
- permit the installation of new poles outside the road reserve in commercial, industrial, local centre, mixed-use and neighbourhood centre zones. New poles in mixed-use, local centre and neighbourhood centre zones will include a height-in-relation-to-boundary setback of 4 metres and a 60-degree recession plane. In all other zones (ie, open space, residential and special purpose zones), replacement poles can be built 10 metres from the original pole.

New poles in these areas would still be subject to district or regional plan rules if they are in an environmentally significant area listed in Subpart 5 of the NES-TF, and may still require a resource consent.

Enabling renewable electricity generators for telecommunication facilities

The NES-TF proposes to fill the gap in national standards for renewable electricity generators that power telecommunication facilities. The proposed changes include:

- permitting renewable and non-renewable electricity generators for an off-grid site as a back-up in rural zones
- activity performance standards requiring a generator or facility to be located a minimum of 50 metres away from buildings on adjacent properties used for sensitive activities
- proposed new standards for solar panels requiring the panel footprint to be less than 100 square metres
- a maximum permitted height of 25 metres for wind turbines.

Enabling customer connection lines to heritage buildings

The proposal would make installation of a customer connection line (such as fibre optic broadband cables) to a heritage building or structure a permitted activity. To avoid damage to heritage buildings, permitted activity standards would require installers to make use of existing entry points, and ensure that a connection line would not be attached to a primary feature of the front façade of a heritage building or structure.

Non-compliance with permitted activity standards would mean the installations would be either a controlled activity or a restricted discretionary activity – the latter being the preferred option. Under either option, the activity status would limit consideration of resource consents to effects on historic heritage values and any other reasonable alternative installation solution.

Enabling temporary telecommunication facilities

No standards in the existing NES-TF relate to temporary telecommunication facilities. These are important in emergency events and were critical during Cyclone Gabrielle in 2023. A new permitted activity is proposed for a temporary telecommunication facility for coverage or additional capacity.

The proposal is to amend the NES-TF to include time limits for temporary telecommunication facilities of:

- up to six months for emergencies and maintenance
- up to three months for events or short periods during high demand (ie, holiday periods at a campsite).

This change would also permit the installation and operation of temporary telecommunication facilities in natural and/or special environments protected under the NES-TF[43] in emergencies, if the protected areas are not damaged or altered. The maximum height of a temporary telecommunication facility is proposed to be 25 metres, with a maximum footprint of no more than 15 square metres (see figure 7 in attachment 1.5.1).

[43] For details of these areas, see Subpart 5 of the NES-TF.

Allowing plan rules to be more lenient

The proposed changes allow district plan rules to be more lenient than the standards in the NES-TF for temporary telecommunication facilities. This means district councils can use Schedule 1 plan-making processes[44] to incorporate longer timeframes for temporary telecommunication facilities than those outlined above.

Questions	
52.	Which option for proposed amendments to permitted activity standards for telecommunication facilities do you support?
53.	Do the proposed provisions appropriately manage any adverse effects (such as environmental, visual or cultural effects)?
54.	Do the proposed provisions place adequate limits on the size of telecommunication facilities in different zones?
55.	Should a more permissive approach be taken to enabling telecommunication facilities to be inside rather than outside the road reserve?
56.	Do you support the installation and operation of fewer larger telecommunication facilities to support co-location of multiple facility operators?

What does the proposal mean for you?

Table 7 outlines the anticipated impacts of the NES-TF proposal on various parties, with more detail available in the *Interim Regulatory Impact Statement: Amendments to the National Environmental Standards for Telecommunication Facilities 2016* on the Ministry for the Environment's website.

Table 7: Overview of anticipated impacts of proposed amendments to the NES-TF

Party	Anticipated impacts
Local authorities	Clearer and more consistent rules to reduce consenting volumes without the need for a plan change. Some transactional costs incurred to train staff to become familiar with new requirements.
People and communities	The proposed amendments would support faster and more cost-effective new or upgraded telecommunication facilities (eg, 5G services, battery upgrades), which would improve the performance and resilience of the telecommunication network that New Zealanders rely on. Reduced compliance costs could result in these costs not being passed onto consumers through price increases. Possible changes to local amenity values for communities due to the visual impact of larger telecommunication facilities permitted in more locations.
Applicants	A more streamlined process through NES-TF for new or upgraded telecommunication facilities is expected to significantly reduce ongoing consenting and planning costs for telecommunication providers. Some costs to providers to review and engage on NES-TF changes (including in consultation), and to learn the new policies and rules.

[44] Schedule 1 of the RMA provides for the preparation, change and review of policy statements and plans.

Party	Anticipated impacts
Māori groups	Similar connectivity benefits for Māori and non-Māori. A wider range of activities permitted, so temporary telecommunication infrastructure may be installed in areas that have cultural significance to Māori. This includes new standards permitting installation of customer connection lines (ie, fibre) to heritage buildings, including marae, and installation of temporary telecommunication facilities in an emergency. Existing site protections under a district plan would still apply outside a state of emergency. Including new permitted activities in the NES-TF removes the ability for councils to notify consents to engage with iwi/hapū. However, facilities proposed to be permitted are low impact, substantially retain any district plan protections for sites of cultural significance/wāhi tapu or archaeological sites, and include measures to avoid or mitigate adverse effects.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA because they:

- provide consistent rules to develop, operate, protect and upgrade telecommunication networks which is critical national infrastructure that supports the social, economic and cultural wellbeing of people and communities, and is crucial for public health and safety as it enables people to contact emergency services.
- support meeting the telecommunication needs of present and future generations by enabling newer technologies to be installed as permitted activities (where standards to manage environmental effects are met) which will improve coverage to rural areas and speed and connectivity nationwide.

Treaty considerations

The proposed changes to the NES-TF are designed to enable telecommunication facilities to meet increasing demand, and to deliver affordable and reliable mobile and internet coverage and connectivity. The Crown can protect Māori interests and support Māori development (ie, Māori enterprise) by ensuring Māori have access to affordable and reliable telecommunications.

Although substantial changes are proposed to the NES-TF, it will retain existing settings for Māori engagement when rolling out or upgrading telecommunication infrastructure in areas of cultural significance to Māori. For this reason, the amended NES-TF will continue to be Treaty compliant.

We have not identified any significant impacts of the proposals on Treaty settlements or related arrangements.

Consultation will be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal, or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements or other matters of significance to Māori groups.

Implementation

General material on implementation supporting this proposal, including the statutory requirements, is provided in section 4 of this document.

Specific to the proposed changes to the NES-TF, following consultation and final decisions from the Government on changes, the updated NES-TF would take effect 28 days after it is gazetted.

Section 3: Development

Part 3.1: National Environmental Standards for Granny Flats (Minor Residential Units)

Context

The Government has committed to amend the Building Act 2004 and the resource consent system to make it easier to build granny flats[45] or other small structures up to 60 square metres, requiring only an engineer's report.

The Government invited submissions on changing the rules around building granny flats from 17 June to 12 August 2024 through a discussion document.[46] Almost 2,000 submissions[47] were received on the discussion document, which proposed the following actions:

- develop new national environmental standards under the RMA to enable a 'minor residential unit' up to 60 square metres to be built without the need for a resource consent, subject to specified permitted activity standards
- add a new schedule to the Building Act 2004 to provide a building consent exemption for granny flats up to 60 square metres, subject to a set of conditions, and make associated changes to the Local Government Act 2002 (referred to collectively as 'the building consent exemption changes').

The Government has decided to proceed with preparing National Environmental Standards for Granny Flats (Minor Residential Units) (NES-GF) under the RMA. The proposal has been updated based on feedback received through the 2024 discussion document, and to align with changes to the proposals under the Building Act 2004.

This updated proposed NES-GF differs from the proposal outlined in the 2024 discussion document in that it proposes a maximum internal floor area of 70 square metres (increased from 60 square metres) for granny flats that are permitted activities. It also proposes changes to several permitted activity standards. More detail on the proposed provisions is included in attachment 1.6 of this document.

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45 Granny flats are known as 'minor residential units' in the resource management system.

46 Ministry of Business, Innovation & Employment and Ministry for the Environment. 2024. *Making it easier to build granny flats. Discussion document*. Wellington: Ministry of Business, Innovation & Employment.

47 Ministry of Business, Innovation & Employment and Ministry for the Environment. 2024. *Making it easier to build granny flats. Summary of submissions*. Wellington: Ministry of Business, Innovation & Employment.

Submissions are invited on the updated proposed NES-GF. These will be considered alongside submissions received on the 2024 discussion document, in preparing a report on this new national direction instrument.[48]

This consultation only relates to the NES-GF proposal.[49] The Government has already made final policy decisions on the building consent exemption changes, which is following a separate process.[50]

What problems does the proposal aim to address?

Housing affordability is a key issue in New Zealand

New Zealand has some of the least affordable housing in the world,[51] and home ownership dropped from 74 per cent in the 1990s to 65 per cent in 2018.[52] High housing costs have a greater impact on retirees on fixed incomes, Māori, Pacific people, and people with disabilities.

There is increasing demand and a lack of supply of small houses

Poor alignment between household size and number of bedrooms in existing dwellings suggests an undersupply of one- to two-bedroom homes for smaller households. The 2018 Census recorded that just under twenty per cent of houses in New Zealand had two bedrooms, and six per cent had one bedroom – but over half the recorded households had one or two people.[53] Demand in the future is likely to increase, due to demographic changes such as:[54]

- more single parent families
- people having fewer children
- an ageing population.

Data collected in December 2024 show 49 per cent of applications in the public housing register require one bedroom.[55]

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48 Provided to the Minister under section 46A(1)–(3) of the RMA.

49 For further information, see Ministry of Business, Innovation & Employment. Making it easier to build granny flats (2024). Retrieved 28 April 2025.

50 Hon Chris Bishop, Hon Chris Penk, Hon Shane Jones. 5 April 2024. Super-sized granny flats coming to backyards Retrieved 14 May 2025.

51 OECD. 2020. *How's Life? 2020: Measuring Well-being*. Paris: OECD Publishing. Table 1.1, p 23.

52 Stats NZ. 2020. Housing in Aotearoa. Wellington: Stats NZ.

53 Stats NZ. 2018. Census data.

54 Stats NZ. 2018. Census data.

55 Ministry of Social Development. December 2024. Monthly Housing Report. Factsheet. Wellington: Ministry of Social Development. p 2.

Regulatory barriers increase the time and cost to build new houses

Housing has become more difficult and expensive to build in New Zealand. The cost of building a house has increased around 41 per cent since 2019.[56] Regulatory compliance costs for consenting and building are part of what drives housing costs. If a small house requires a resource consent, this costs around $1,500.[57] This may be small in proportion to the overall financial cost of building a minor residential dwelling, but the average time taken to process land-use consents has steadily increased. Resource consent processing time in 2022/23 was more than double the regulated 20 days.[58] Removing the time and cost barriers to consents would likely lead to more construction of this type of housing, helping to address the current unmet demand.

Inconsistent approach to regulating granny flats

Some district plans currently enable granny flats, but there is inconsistency in how enabling these provisions are across the country. Not all councils enable granny flats, some councils only enable granny flats in either residential or rural zones, and the relevant standards vary.

What is the proposal?

A new NES-GF is proposed to support the development of granny flats (minor residential units) in identified areas. More detail on the proposed provisions is included in attachment 1.6 of this document.

The proposed NES-GF is intended to enable one small, detached, self-contained, single-storey house (minor residential unit) per site for residential use as a permitted activity (ie, no resource consent required). The proposed NES-GF uses the definition for 'minor residential unit' in the National Planning Standards.[59] The proposal is for the NES-GF to apply in residential, rural, mixed-use and Māori-purpose zones, where specified permitted activity standards are met.

Question	
57.	Are the proposed provisions in the NES-GF the best way to make it easier to build granny flats (minor residential units) in the resource management system?

[56] The 41.3% represents the cumulative increase since the fourth quarter of 2019. This mostly occurred in 2021 and 2022.

[57] National monitoring system 2021/22 consent data for minor residential units. Ministry for the Environment. National monitoring system. Retrieved 28 April 2025.

[58] Ministry for the Environment. 2024. *Patterns in Resource Management Act Implementation – National Monitoring System data from 2014/15 to 2022/23*. Figure 10, p 15.

[59] Defined as "a self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site". Ministry for the Environment. 2019. *National Planning Standards*. Wellington: Ministry for the Environment. p 60.

Specified permitted activities will enable granny flats in particular areas

The proposed permitted activity standards for granny flats are:

- a maximum 70-square metre internal floor area
- one minor residential unit per site in common ownership with the principal residential unit on the same site
- 50 per cent maximum building coverage in residential zones, mixed-use zones and Māori purpose zones (with no maximum coverage in rural zones)
- minimum front and side boundary setbacks of 2 metres in residential zones
- minimum front boundary setbacks of 10 metres, and side and rear boundaries of 5 metres, in rural zones
- 2-metre setbacks from the principal residential unit.

Question	
58.	Do you support the proposed permitted activity standards for minor residential units?

Leniency of rules

Some district plans already have rules relating to minor residential units that are more enabling than the standards proposed in the NES-GF. In addition, councils that have implemented the medium-density residential standards may have more lenient rules and standards – for example, relating to setbacks. The proposal is that district plan standards can be more lenient than those in the NES-GF.[60] This would ensure the proposed NES-GF does not restrict the level of development already enabled in some areas by district and unitary plans.

Although district plans may have more lenient standards for minor residential units, a building consent may still be required if relevant conditions under the Building Act 2004 are not met.

Questions	
59.	Do you support district plans being able to have more lenient standards for minor residential units?
60.	Should the proposed NES-GF align, where appropriate, with the complementary building consent exemption proposal?

Limiting matters district plan rules can address when considering granny flats

The proposed NES-GF includes a list of matters relating to minor residential units that local authorities cannot set rules for in district or unitary plans. This list details standards to ensure the uptake of granny flats is not unduly limited, namely:

- individual outdoor space
- glazing, privacy or sunlight access
- parking and access.

[60] As provided in section 43B(3) of the RMA.

Question	
61.	Do you support the proposed list of matters that local authorities may not regulate in relation to minor residential units? Should any additional matters be included?

The proposal is that existing district plan rules apply where a development does not meet one or more of the specified permitted activity standards in the NES-GF (ie, where a granny flat is no longer a permitted activity under the NES-GF).

Question	
62.	Do you support existing district plan rules applying when one or more of the proposed permitted activity standards are not met?

Defined and limited scope of application for the NES-GF

The proposed NES-GF will not set rules or standards or change any consent requirements for:

- subdivision
- earthworks
- matters of national importance under section 6 of the RMA (eg, management of risks from natural hazards)
- specific use of the minor residential unit (other than for residential activities)
- regional plan rules
- papakāinga
- setbacks from transmission lines, railway lines and the National Grid Yard.

These matters will continue to be managed through existing RMA plans or national environmental standards (where relevant).

Question	
63.	Do you support the list of matters that are out of scope of the proposed NES-GF? Should any additional matters be included?

What does this proposal mean for you?

Table 8 outlines the anticipated impacts of the NES-GF proposal on various parties, with more detail available in the *Interim Regulatory Impact Statement: National Environmental Standards for minor residential units (granny flats)* on the Ministry for the Environment's website.

Table 8: Overview of anticipated impacts of the proposed NES-GF

Party	Anticipated impacts
Local authorities	Replaced or introduced district plan rules permitting granny flats (minor residential units) that meet the permitted activity standards in the NES-GF, without the need for a Schedule 1 plan change.[61]
Applicants	Applicants enabled to build a minor residential unit without a resource consent if it meets certain permitted activity standards, reducing costs and time for development.

[61] Schedule 1 of the RMA provides for the preparation, change and review of policy statements and plans.

Party	Anticipated impacts
People and communities	Neighbours and other parties unable to object to any proposals for any minor residential unit development that meets certain permitted activity standards. This may not be a significant change to the status quo, depending how district plan rules provide for third-party objections and submissions.
Māori groups	Māori groups enabled to build a minor residential unit without a resource consent if it meets certain permitted activity standards and is held in common ownership with the principal dwelling on the site. Māori groups, and other parties, unable to object to proposals for any minor residential unit development that meets permitted activity standards. May not be a significant change to the status quo, depending how district plan rules provide for third-party objections and submissions. May go some way to addressing the regulatory and consenting challenges for developing on Māori land, and for papakāinga and kaumātua housing, where the circumstances of this proposal apply. A separate NES for papakāinga is proposed to provide a more targeted policy response to support Māori housing outcomes and address the broader challenges to building on and development of Māori land.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA because they:

- ensure the use, development and protection of natural and physical resources as the following matters are out of scope of the proposed NES-GF and would continue to be managed by existing provisions in district and regional plans:
  - subdivision
  - earthworks
  - matters of national importance under section 6 of the RMA (eg, management of risks from natural hazards)
  - specific use of the minor residential unit (other than for residential activities)
  - regional plan rules
  - papakāinga
  - setbacks from transmission lines, railway lines and the National Grid Yard

  (note: a resource consent may still be required for these matters, to ensure effects are appropriately managed)
- provide for the social, economic and cultural wellbeing of people and communities, and their health and safety, by:
  - increasing housing supply and housing choice (The proposed NES-GF will remove resource consent requirements for minor residential units and provide consistent permitted activity standards and allow local authorities to provide for more enabling standards to support housing supply and housing choice.)
  - providing clarity where existing RMA plan provisions apply
  - supporting intergenerational living and ageing in place

- ensure development has no more than minor adverse effects on the environment, where permitted activity standards are met. This would ensure effects would be similar to what could occur resulting from a permitted single dwelling on the site.

Treaty considerations

Māori who want to develop housing face issues of cost and time to consent small, simple houses. The proposed NES-GF may help address the regulatory and consenting challenges for developing on Māori land,[62] and for papakāinga[63] and kaumātua housing,[64] where this NES applies. This proposal therefore has the potential in these circumstances to:

- make it easier for Māori land trusts, whānau and other Māori groups to build affordable housing at a reduced cost, and support intergenerational living
- increase housing stock likely to be taken up by Māori renters.

This proposal is not designed to address the broader challenges related to building papakāinga and other Māori housing (including on Māori land). This means the application of this policy to these matters has some limitations. For example, the proposals may not always fit with the characteristics of collectively owned Māori land (eg, where the minor residential unit may not necessarily be held in common ownership with the principal unit). For this reason, a targeted national environmental standard is proposed to enable papakāinga (discussed below in Part 3.2: National Environmental Standards for Papakāinga).

The overall impact of the proposed NES-GF on Treaty settlements is likely minor, because the proposal does not:

- prevent councils from upholding their statutory acknowledgment commitments for consenting and plan-making
- directly affect planning processes that involve post-settlement governance entities (PSGEs) and joint entities.

Some impact may result because the proposed NES-GF can override district plan rules and mechanisms that notify PSGEs through resource consent processes. However, minor residential units are unlikely to have any significant impact, because:

- granny flats are unlikely to be built on areas of cultural or historical significance, since they require an existing primary dwelling to be exempt from resource consent processes.

Section 6 of the RMA is out of scope of the proposed NES-GF, and will continue to be regulated by councils.

Consultation is necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements or other matters of significance to Māori groups.

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62 Includes Māori customary land and Māori freehold land (as defined by Te Ture Whenua Māori Act 1993).

63 Can be described as communal settlements on ancestral Māori land.

64 Housing specifically provided for kaumātua (elders).

Implementation

General material on implementation supporting the proposed NES-GF, including the statutory requirements, is provided in section 4 of this document. Specific implementation provisions proposed for these national environmental standards are:

- the NES-GF proposes that district plans can include more lenient permitted activity standards
- home owners wishing to build a granny flat on their property will need to check the NES-GF or the relevant district plan (if relying on more lenient rules) to see whether a proposed granny flat:
  - will meet the standards in the NES-GF
  - will meet more enabling standards in the district plan, or
  - requires them to apply for a resource consent.

Part 3.2: National Environmental Standards for Papakāinga

Context

In recent years, many whānau Māori have become interested in returning to live on ancestral land in papakāinga. 'Papakāinga' can be defined in many ways but is usually understood to refer to a communal settlement on ancestral land.

Planning rules do not always reflect the needs of Māori land owners who want to develop multiple dwellings and perhaps some non-residential activities on communal land. This is especially true in rural zones where plans often permit only one home per lot. Specific planning provisions are needed to enable papakāinga and provide opportunities to live on ancestral land.

What problems does the proposal aim to address?

Provision for the development of papakāinga in district plans is variable, if it exists at all. This restricts the ability of many whānau, trusts and incorporations to develop papakāinga on their land, and misses opportunities to:

- increase the supply of affordable housing
- enable the development of whenua Māori
- support positive social and economic outcomes.

The relationship between Māori and their culture and traditions that involve ancestral lands, water, sites, wāhi tapu and other taonga is a matter of national importance under section 6 of the RMA. The inconsistent provision for papakāinga in district and unitary plans is preventing Māori land owners from using their land to house their whānau, exercise autonomy over their whenua and build wealth.

What is the proposal?

The proposal is for new National Environmental Standards for Papakāinga (NES-P). An overview of this proposal is outlined below, and more detailed proposed provisions are available in attachment 1.7 of this document.

Permitted papakāinga development

The proposed NES-P is intended to enable papakāinga by providing a nationally consistent planning framework. The proposal permits a limited scale of papakāinga development (up to 10 homes) on certain types of land in rural zones, residential zones and Māori-purpose zones. The proposed NES-P includes some rules to protect the environment and health and safety of residents, so a consent required under a regional plan might still be required.

The permitted activity status would apply on categories including, but not limited to:

- Māori freehold land
- Māori customary land
- Māori reservations and reserves
- former land that was compulsorily converted under the Māori Affairs Amendment Act 1967
- returned land taken for public works.

Broadly speaking, these are land categories where the owners have an ancestral connection to the land, and where the land has remained in the ownership of the original owners and their descendants.

Certain non-residential activities ancillary to the residential activities of the papakāinga are proposed to be permitted, including:

- commercial activities (of up to 100 square metres) and conservation activities
- visitor accommodation for up to eight guests (this limit would not apply to manuhiri staying on a marae, as no change to marae activities is proposed)
- educational and health facilities
- sports and recreation activities
- marae, urupā and māra kai.

Questions	
64.	Do you support the proposal to permit papakāinga (subject to various conditions) on the types of land described above?
65.	What additional non-residential activities to support papakāinga should be enabled through the NES-P?

Proposed permitted activity standards

Papakāinga enabled by the proposed NES-P will be a permitted activity, subject to the following permitted activity standards:

- building coverage to be a maximum of 50 per cent of the site
- in residential zones, minimum setback of 1.5 metres from front boundaries and 1 metre from all other boundaries
- in rural zones, minimum front and side setbacks of 3 metres
- in Māori-purpose zones, minimum front and side setbacks will be the same as the underlying zone.

The proposal is for certain rules and standards in the underlying zone to continue to apply, to maintain protection for the natural environment and for the health and safety of people and communities. Existing rules and standards in district, regional and unitary plans not affected by this proposal include setbacks from waterways and rail corridors, building height, earthworks, permeable surfaces, lighting, noise, accessways, wastewater, water supply, natural hazards, relocatable buildings and green infrastructure.

Questions	
66.	What additional permitted activity standards for papakāinga should be included?
67.	Which, if any, rules from the underlying zone should apply to papakāinga developments?

Proposed restricted discretionary activities

The proposal is for a resource consent process for a restricted discretionary activity to apply to other, smaller-scale papakāinga that do not meet all the permitted activity standards, have between 11 and 30 residential units or that are proposed to be located on Treaty settlement land.

Questions	
68.	Should local authorities have restricted discretion over papakāinga on Treaty settlement land (ie, should local authorities only be able to make decisions based on the matters specified in the proposed rule)?
69.	What alternative approaches might help ensure that rules to enable papakāinga on general land are not misused (for private/commercial use or sale)?
70.	Should the NES-P specify that the land containing papakāinga on general land cannot be subdivided in future?

Larger papakāinga developments

The proposal is that a resource consent process for a discretionary activity will apply to larger-scale papakāinga developments of more than 30 residential units.

Where the papakāinga development is on Treaty settlement land, the proposed NES-P requires applicants to demonstrate that the land will remain in Māori ownership in the long term. This is due to fewer restrictions applying to subsequent subdivision and sale of this land for housing, compared with the other land categories described above.

Leniency of rules

The proposal is that district plan rules for papakāinga can be more lenient than the NES-P.[65] This would give local authorities the flexibility to work with mana whenua to develop bespoke papakāinga provisions if they wish, or to retain existing rules that are more enabling than the NES-P.

What does the proposal mean for you?

Table 9 outlines the anticipated impacts of the NES-P proposal on various parties, with more detail available in the *Interim Regulatory Impact Statement: Enabling papakāinga in Resource Management* on the Ministry for the Environment's website.

[65] As provided in section 43B(3) of the RMA.

Table 9: Overview of anticipated impacts of the proposed NES-P

Party	Anticipated impacts
Local authorities	For local authorities with more restrictive district plan rules for papakāinga than the proposed NES-P, consents would no longer be required for papakāinga that meet activity conditions and performance standards, leading to cost and time savings. Where existing district plan rules for papakāinga are more lenient than the NES-P, those district rules continue to apply and consent requirements would be unchanged. For local authorities without enabling rules for papakāinga, it may reduce the need for resource consents for smaller-scale papakāinga where rules in the underlying zone do not permit papakāinga. This may lead to cost and time savings in plan-making and consent processing.
Māori groups/applicants	Māori land owners enabled to develop papakāinga of up to 10 homes on certain types of Māori land, together with ancillary non-residential activities, without a resource consent (subject to certain conditions and performance standards). Enabled to develop, as restricted discretionary or discretionary activity: • larger-scale papakāinga or those that do not meet all the performance standards • developments on Treaty settlement land. These activities to be subject to a consent process, with limited council discretion to ensure consenting decisions align with the purpose of the NES-P: to enable papakāinga while protecting the environment. Reduced cost and time for development. Development enabled on sites where papakāinga may previously have been non-complying.
People and communities	Papakāinga housing enabled on certain types of Māori land and Treaty settlement land, including on sites where this may not have previously been allowed. No notification required for papakāinga of up to 10 homes that comply with the relevant performance standards. Limited notification required for developments of between 10 and 30 homes.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA because they:

- support people and communities to provide for their social, economic and cultural wellbeing by providing consistent rules enabling Māori land owners to use their land to develop and live in papakāinga communities
- provide consistent rules for papakaīnga development that support the health and safety of Māori land owners while maintaining protection of land and the natural environment.

Treaty considerations

By reducing or removing consent processes, the proposed NES-P would facilitate the development of housing on Māori land. This would support Māori land owners to exercise mana or authority over their land and kāinga (consistent with Article 2 of the Treaty of Waitangi / Te Tiriti o Waitangi) and contribute to addressing inequities in housing outcomes (consistent with Article 3).

We do not consider any Crown commitments to iwi in Treaty settlements will be directly affected by the proposed NES-P.

The proposed NES-P will have immediate enabling effect nationally. However, achieving this immediacy and certainty involves a trade-off, in that the new NES-P would:

- override more stringent or restrictive existing local papakāinga provisions (which may have been developed in consultation with tangata whenua)
- limit the scope of future district plan provisions (as only district plan rules that are more lenient or enabling than the NES-P would be allowed)
- reduce the likelihood that iwi will be informed about small papakāinga developments.

We have undertaken targeted engagement on this trade-off, receiving mixed feedback. Some whenua owners said they would prefer certainty and noted that, in practice, iwi and hapū have limited influence on district plan rules. Other iwi indicated that the ability to influence the rules in their tribal area is very important.

Consultation will be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements or other matters of significance to Māori groups.

Implementation

With the exception of leniency provisions, nothing in the proposal provides further direction on implementation other than existing direction in the RMA, which is described in section 4 of this document.

The proposed NES-P enables existing district plans to retain rules that are more lenient (or to include new such rules through a Schedule 1 plan-making process).[66] If a local authority decides to change its plans to be more lenient than the NES-P, Schedule 1 of the RMA requires councils to consult tangata whenua as part of any such plan-change process.

[66] Schedule 1 of the RMA provides for the preparation, change and review of policy statements and plans.

Part 3.3: National Policy Statement for Natural Hazards

Context

New Zealand is located on the boundary of the Pacific and Australian tectonic plates and has numerous fault lines, as well as volcanic and geothermal activity. It has a small landmass, a large coastline and experiences strong winds. These features mean that New Zealand is exposed to a wide range of natural hazards including earthquakes, volcanoes, erosion, landslides, floods, tsunami and extreme weather events. Climate change is increasing the severity and frequency of some natural hazards, including flooding, heatwaves, drought, wildfire, sea-level rise and coastal inundation.

The resource management system, governed by the RMA, determines where and how new development occurs. This makes the RMA the key tool for ensuring either that development is directed away from areas where natural hazard risk is unacceptable or that risk is mitigated to acceptable levels. The RMA currently requires that the management of significant risks from natural hazards is recognised and provided for, as a matter of national importance.[67]

Although the RMA requires local authorities to manage significant risk from natural hazards when making plans and assessing resource consent applications, it does not provide a process to follow. No national direction on natural hazard risk exists, apart from some non-statutory guidance documents and some natural hazard provisions in the New Zealand Coastal Policy Statement (NZCPS) relating to the coastal environment and coastal marine area.

What problems does the proposal aim to address?

The resource management system is not being used effectively to manage natural hazard risk, as established through numerous national reviews and investigations, as well as through feedback from insurers, councils and practitioners. New Zealand communities – including the places people live, their property and supporting infrastructure – have been developed in areas at risk from natural hazards, without appropriate measures being taken to reduce that risk.

Many natural hazard risks, such as flooding, are expected to be exacerbated by climate change, and some communities already face these increasing risks. The RMA is not designed to support climate adaptation for existing homes and other structures, but it can be used to ensure that anything built from now on is resilient.

Resilient new development will limit the future costs (in terms of loss of life, social and economic disruption and property damage) of natural hazard events. This was demonstrated during the severe weather events across New Zealand in 2023, in which development in areas exposed to natural hazard risk resulted in severe damage to life, property and wellbeing, accompanied by high recovery costs.

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[67] Under section 6(h) of the RMA.

New Zealand is a growing country. Inappropriately risk-averse approaches to natural hazards may prevent much-needed new development even though it could be designed or located so as to withstand natural hazards. Targeted feedback from developers has revealed concerns that some local authorities have been too risk averse, inappropriately restricting development to avoid risk from natural hazards.

Part of the problem is that the RMA does not provide guidance on the requirement for local authorities to consider natural hazard risk when developing plans or when making resource consent decisions. Further, the RMA does not define the term 'significant risk'.

Consequently, local authorities have developed their own approaches to identifying, assessing and managing natural hazard risk, leading to variability in natural hazard provisions in their RMA planning documents. Such inefficiency and inconsistency also means that, in some areas, land-use or other use decisions may allow risky development or prevent appropriate development. The result is uncertainty for communities and developers about what to expect for natural hazard risk management in different areas.

Implementing effective planning provisions and making consent decisions that respond to or address natural hazard risk can create legal and practical challenges, including:

- obstacles to gathering and applying hazard and risk information
- funding constraints
- the risk of legal challenge from property owners or developers when local authorities try to introduce or implement natural hazard-related provisions.

What is the proposal?

To address the challenges outlined above, the Government proposes a new National Policy Statement for Natural Hazards (NPS-NH). The proposed NPS-NH is a first step towards more comprehensive national direction for natural hazards in the future.

The proposed NPS-NH directs local authorities to take a risk-based approach to new development – that is, assessing a specific development for risk from a specific natural hazard. The risk associated with some development (such as childcare facilities or aged care facilities) would be greater than with others (such as an unoccupied storage facility). Although the proposed NPS-NH does not tell local authorities how to respond to a specific level of risk, it does tell them to proportionately manage natural hazard risk. This means high-risk activities should be limited, and low-risk activities should be enabled.

The proposed NPS-NH also requires that, in deciding resource consent applications, consent authorities must consider risk-reduction measures (such as raising floor levels, installing retaining walls or using landscape features such as swales to divert flood waters). Getting the right kind of development in the right place maximises development, while reducing disaster losses from inappropriate new development in the long term.

Many local authorities have limited consideration of natural hazard risk in their planning documents. Although some local authorities already use a risk-based approach, there is no clear national direction on how this should be done. Providing this direction will support the resource management system to improve the ability of local authorities to manage natural hazard risk.

The key elements of the proposed NPS-NH are that local authorities must:

- take a risk-based approach to natural hazard risk, including the introduction of a risk matrix that will define significant risk
- take a proportionate approach to natural hazard risk
- use best available information in assessing natural hazard risk.

The proposed requirement to use the best available information recognises the dynamic nature of natural hazard data and information, leading local authorities to make progress in natural hazard management.

More detail on the proposed provisions for the NPS-NH is included in attachment 1.8 of this document. Guidance will be provided to support the implementation of the NPS-NH.

For coastal environments, new policy introduced would sit alongside the NZCPS, with the NZCPS prevailing where there is any conflict between policies.

The proposed NPS-NH is intended to complement the forthcoming national adaptation framework, which aims to establish an enduring, long-term approach to climate change adaptation in New Zealand. The proposal aims to improve the management of natural hazard risk. It will support decision-makers to avoid inappropriate use and subdivision in risky locations, thereby limiting the increase of people and property exposed to hazards and so limiting costs to New Zealand.

The proposed NPS-NH will have immediate influence on resource consent decision-making and plan changes, including private plan changes. No date is given as to when local authorities must comprehensively give effect to this new instrument in their existing district or regional plans. This deliberate omission is so local authorities do not feel obliged to make plan changes ahead of reforms to replace the RMA at the end of 2025.

Scope of the proposed NPS-NH and definitions

The proposed NPS-NH applies to new subdivision, new use and new development in all environments and zones, including coastal environments. ‘New development’ is proposed to include either development of new buildings or structures on land that does not already have buildings or structures on it, or the extension or replacement of existing buildings and structures.

The proposed NPS-NH applies only to seven hazards: flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction and tsunami. However, the proposal does not intend to limit the management of other natural hazards through land-use and other use planning. It does not prevent local authorities from having policy on other natural hazards, activities or the environment.

The proposal is that the NPS-NH will not apply to infrastructure, as defined in the RMA, and 'primary production', as defined in the National Planning Standards.[68] The proposed NPS-NH is a foundational tool that will be built on, so management of the risk of natural hazards to infrastructure and primary production activities is not a priority. Application of the national direction to a wider scope of activities can be revisited in future policy work.

Questions	
71.	Should the proposed NPS-NH apply to the seven hazards identified and allow local authorities to manage other natural hazard risks?
72.	Should the NPS-NH apply to all new subdivision, land use and development, and not to infrastructure and primary production?

Objective

The objective for the proposed NPS-NH focuses on the outcome anticipated for natural hazard risk management. To avoid, mitigate and reduce risks arising from natural hazards on subdivision, land use and development, local authorities should apply:

- a risk-based approach to managing natural hazard risks
- land-use and other use controls that are proportionate to the level of natural hazard risk.

Question	
73.	Would the proposed NPS-NH improve natural hazard risk management in New Zealand?

Risk-based approach

The proposed NPS-NH seeks to improve the location and design of new development by directing local authorities to take a risk-based approach to assessing and managing natural hazard risk in the resource management system.

The proposal introduces a requirement that when assessing natural hazard risk (for the purposes of land-use planning) local authorities must consider:

- the likelihood of a natural hazard event occurring
- the consequences of a natural hazard event for the activity being assessed
- existing and proposed mitigation measures
- residual risk
- potential impacts of climate change on natural hazards at least 100 years into the future.

Questions	
74.	Do you support the proposed policy to direct minimum components that a risk assessment must consider but allow local authorities to take a more comprehensive risk assessment process if they so wish?
75.	How would the proposed provisions impact decision-making?

[68] The definition of 'primary production' includes any aquaculture, pastoral, horticultural, mining, quarrying or forestry activities, and any initial processing of commodities resulting from these activities. Ministry for the Environment. 2019. *National Planning Standards*. Wellington: Ministry for the Environment. p 62.

The proposal provides a definition of 'significant risk from natural hazards' for the purposes of the NPS-NH:

> Significant risk from natural hazards is defined as 'medium', 'high' and 'very high' risk using the proposed risk matrix, when considering consequences to property and potential for injury or fatalities.

This definition specifies the level of natural hazard risk at which consent authorities would require proposals for new subdivision, land use or development to include mitigation. Otherwise, consent authorities could consider refusing a consent due to risks from natural hazards. In practice, this means that when a proposed development is deemed to be a 'significant risk', the development should be avoided or the risk should be reduced (even when the mitigations required to achieve this are minor). The choice between avoiding and reducing risk will depend on both the level of risk associated with the specific proposed activity, and the local authority's proportionate management approach.

To define significant risk, the proposed NPS-NH also introduces a nationally consistent language of natural hazard risk by using the terms 'low', 'medium', 'high' and 'very high'. These levels of natural hazard risk do not have to be directly applied to decisions, but they reflect the different levels of risk within 'significant risk' and support consistency in decisions being made proportionate to the level of risk.

Figure 1: Definitions of risk based on standardised definitions of likelihood and consequence

Consequence level	Likelihood level: Almost certain	Very likely	Likely	Possible	Unlikely	Rare	Very rare
ARI (years)	up to 10	10–20	20–50	50–100	100–500	500–5,000	> 5,000
AEP	10% or more	10% to 5%	5% to 2%	2% to 1%	1% to 0.2%	0.2% to 0.02%	< 0.02%
Catastrophic	Very high	Very high	Very high	High	Medium	Medium	Medium
Major	Very high	Very high	High	High	Medium	Medium	Medium
Moderate	High	High	High	Medium	Medium	Low	Low
Minor	Medium	Medium	Medium	Medium	Low	Low	Low
Negligible	Low	Low	Low	Low	Low	Low	Low

Note: ARI = Average recurrence interval; AEP = Annual exceedance probability.

Source: Ministry for the Environment:2025

The proposed NPS-NH introduces a matrix that identifies levels of natural hazard risk, using combinations of defined likelihood and consequences (as shown in figure 1 above) to help with defining 'significant risk from natural hazards'. A benefit of this matrix is that it provides a nationally consistent language that local authorities can use.

Questions	
76.	Do you support the placement of very high, high, medium and low on the matrix?
77.	Do you support the definition of significant risk from natural hazards being defined as very high, high, medium risk, as depicted in the matrix?

Proportionate management

The approach of the proposed NPS-NH is to respond proportionately to natural hazard risk. This means that stronger constraints on development are appropriate when risk is higher, and conversely, development should be enabled where risk is lower. A proportionate approach would ensure that any limitation placed on new development is justified and maximises use of land. The proposed NPS-NH does not set out how to respond to specific classifications of risk, but more detailed non-statutory guidance can be provided to support decision-makers.

The proposed NPS-NH does not include a more directive approach to local authorities on classifying and responding to risk, because the expected implementation of the proposed NPS-NH in the short term will be through resource consents. Increasing process requirements for resource consents is not appropriate, because New Zealand needs to grow. A more standardised approach that allows managing natural hazard risk through planning documents, rather than on a consent-by-consent basis, could be considered as part of any future resource management system reforms.

Questions	
78.	Should the risks of natural hazards to new subdivision, land use and development be managed proportionately to the level of natural hazard risk?
79.	How will the proposed proportionate management approach make a difference in terms of existing practice?

Use the best available information

Information about hazards is constantly improving. The proposed NPS-NH directs local government to make planning decisions using the best available information. This proposed policy encourages local authorities to take all practicable steps to improve information, and to consider the validity of data for intended planning decisions. Local authorities will also be directed to continue with risk assessments where information is unclear or uncertain.

Questions	
80.	Should the proposed NPS-NH direct local authorities to use the best available information in planning and resource consent decision-making?
81.	What challenges, if any, would this approach generate?

What does the proposal mean for you?

Table 10 outlines the anticipated impacts of the NPS-NH proposal on various parties, with more detail available in the *Interim Regulatory Impact Statement: National Policy Statement on Natural Hazards* on the Ministry for the Environment's website.

Table 10: Overview of anticipated impacts of the proposed NPS-NH

Party	Anticipated impacts
Local authorities	Local authorities may be impacted by one-off and ongoing costs (possible costs of resourcing and building staff capacity to implement the risk-based approach).
People and communities	People and communities will be safer and more resilient in natural hazard events, with new development only in areas where natural hazard risks are being managed (They may experience less disruption and reduced recovery costs). Costs of investment in community-wide mitigation efforts may also be reduced.
Applicants	Additional one-off costs may arise in preparing a resource consent application. Costs will depend on whether district or regional plan rules are risk-based, and on the natural hazard risk itself. Some applicants may incur costs for risk mitigation. Cost of mitigation may be prohibitive to some development proceeding. Reduced losses from future natural hazard events. Benefit from investing in development that is less vulnerable to the effects of natural hazards.
Māori groups and applicants	Māori communities face heightened risks to natural hazards due to their geographical locations, the industries they work in, and current socioeconomic circumstances.[69] Similar benefits for Māori and non-Māori in terms of long-term risk reduction (eg, reduced losses from natural hazard events to new development). Similar costs in preparing applications for resource consent for Māori and non-Māori seeking to develop their land or property. Owners of whenua Māori are possibly more likely to face restrictive developmental controls, due to the disproportionate impact of natural hazard risk and climate change on Māori land.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA because they:

- support the sustainable use, development and protection of the natural and built environment while managing significant risk from natural hazards through clear and nationally consistent policy
- support people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, by consistent assessment and management of natural hazard risk which is proportionate to these risks when making resource management decisions for new development.

[69] Analysis by Te Puni Kōkiri has found that Māori households face similar exposure to climate hazards as the overall population, but are projected to face greater risks due to a higher proportion of Māori households being at risk from poverty, health disparities, justice and protection concerns and adaptability issues. Te Puni Kōkiri. Understanding climate hazards for hapori Māori. Retrieved 28 April 2025.

Treaty considerations

The proposals will not directly impact the decision-making process requirements under the RMA, Treaty settlements or other legislative arrangements including the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.[70]

Treaty settlements and legislation will continue to apply. Some Treaty settlements place obligations on councils, including involving iwi/Māori in plan development and decision-making and inclusion of policies in plans. The proposals do not present a risk to the operation of these Treaty settlement commitments.

Engagement with Māori on the previous proposal for national direction for natural hazards indicated that many Māori supported efforts to keep people and property safe. However, feedback included concerns that national direction would further narrow the already limited opportunities to develop whenua Māori. Strong support was expressed for including policy to clarify that mātauranga Māori is a valuable and valid source of information.

Consultation will be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements or other matters of significance to Māori groups.

Implementation

The proposed NPS-NH is a foundational tool that will be built on in the future to align with amendments to the RMA. The instrument will have an immediate effect on resource consent decisions and will influence plan changes (including private plan changes). There will be no short-term requirement for comprehensive plan changes to give effect to the proposed NPS-NH in existing district or regional plans. Therefore, the proposal does not include a date by which local authorities must give effect to the NPS-NH. This approach is intended to minimise the implementation burden on councils.

The proposed NPS-NH will be supported by non-statutory guidance to support implementation. The guidance will give further detail on implementing the proportionate response policies.

Question	
82.	What additional support or guidance is needed to implement the proposed NPS-NH?

The NZCPS has provisions for natural hazards in relation to the coastal environment and coastal marine area. Where there are inconsistencies with the proposed NPS-NH, the NZCPS provisions will prevail.

Question	
83.	Should the NZCPS prevail over the proposed NPS-NH?

[70] In line with the requirement in section 8 of the RMA to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Section 4: Implementation of infrastructure and development instruments

Types of implementation

Implementation of instruments in the infrastructure and development package can comprise two forms:

1. **Non-statutory implementation** aids understanding and delivery of the proposals through guidance, workshops or other means. Implementation plans to help deliver any subsequent national direction will be developed after we have considered any recommendations or requests received in submissions.
2. **Statutory implementation** is part of the proposals.[71] Alongside the RMA requirements, statutory implementation provides more detailed direction on:
   - how and when decision-makers must consider the proposals
   - how and when required RMA plan amendments are to be progressed
   - who is to use and implement the national direction.

Statutory implementation

Where specific statutory implementation provisions are proposed, they are included in the proposed provisions. The following general provisions apply.

National environmental standards implementation

National environmental standards have immediate effect, and plan changes can be made to amend inconsistencies with the national environmental standards without using the Schedule 1 process.[72] The RMA generally requires this to be undertaken as soon as practicable after national environmental standards come into effect.

National policy statements implementation

National policy statements have immediate effect, and consent authorities must have regard to national policy statements when considering an application for a resource consent.[73]

Some plan or policy statement changes will be required to implement new national policy statements. If a national policy statement directs that a local authority must amend a plan or policy statement in the manner described in section 55(2) of the RMA, the plan changes must be

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71 The standard provisions for statutory implementation are found in section 44A and section 55 of the RMA.

72 Schedule 1 of the RMA provides for the preparation, change and review of policy statements and plans.

73 Under section 104(1)(b)(iii) of the RMA.

made without using the Schedule 1 process.[74] However, for any subsequent changes necessary to ensure a plan or policy statement gives effect to a provision in a national policy statement, a Schedule 1 process is required as soon as practicable after the national policy statement comes into effect (or based on a timeframe or event specified in the national policy statement).

Additional implementation options

The RMA has no provision for flexibility in the statutory implementation of national environmental standards other than including stringency and leniency provisions in individual standards.

The RMA does provide options[75] for how and when national policy statement provisions are implemented into council planning documents.[76] None of the national policy statement proposals include provisions for specific objectives and policies to be directly inserted into RMA documents. Rather, each individual national policy statement proposal directs that plan changes to implement the national policy statement are undertaken "as soon as practicable".[77]

The proposed options for national policy statements are to:

- rely on the RMA default provision of "as soon as practicable"
- provide an implementation timeframe of five years from gazettal for making amendments to regional and district plans and policy statements
- require all plan changes to fully implement each national policy statement before or at plan review, in addition to any specific implementation provisions in each proposal.

Note that national environmental standards and national policy statements can apply to any specified district or region of any local authority, or to any specified part of New Zealand.[78] This provision has not been proposed for any of the proposals.

How are national policy statements to be used?

The RMA stipulates that decision-makers on resource management matters must:

- "have regard to" provisions in national policy statements when making decisions on resource consents and water conservation orders
- "have particular regard" to provisions in a national policy statement when making decisions on notice of requirements and heritage orders
- prepare and amend their regional policy statement and regional and district plans in accordance with provisions in a national policy statement.

Once plan changes have been undertaken to give effect to a national policy statement, plan provisions can usually be relied on to appropriately reflect the national policy statement.

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74 Schedule 1 of the RMA provides for the preparation, change and review of policy statements and plans.

75 Under section 55(2) and (2D) of the RMA.

76 Under section 55(1) in subsection (2) and (2A) a document means a regional policy statement, a proposed regional policy statement, a proposed plan, a plan or a variation.

77 As required by section 55(2D)(a) of the RMA. Using the provisions for implementation timeframes under section 55(2D)(b) and (c) of the RMA.

78 Under section 43(4) and section 45A of the RMA.

Leniency and stringency under national environmental standards

A national environmental standard can identify whether associated plan provisions can be more lenient or stringent than the provisions in the national environmental standard. The individual proposals in this discussion document specify whether they include any leniency or stringency options.

Implementation questions

Questions	
84.	Does 'as soon as practicable' provide enough flexibility for implementing this suite of new national policy statements and amendments?
85.	Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient? a. If not, what would be better, and why? b. If yes, what time period would be reasonable (eg, five years), and why?
86.	Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review?
87.	Are there other statutory or non-statutory implementation provisions that should be considered?

Section 5: Have your say

Consultation for this package closes at 11:59 pm on 27 July 2025.

The Government welcomes your feedback on this discussion document. The questions posed are a guide only, and all comments are welcome. You do not have to answer any or all of the questions.

To ensure your point of view is clearly understood, you should explain your rationale and provide supporting evidence, where appropriate.

You can provide a submission through Citizen Space, our consultation hub, by either filling out the feedback form or by uploading your own written submission.

We would prefer you use the online system for making your submission. However, if you need to, mail your written submission to:

National direction consultation, Ministry for the Environment, PO Box 10362, Wellington 6143.

Please include your:

- name or name of the organisation you represent
- postal address
- telephone number
- email address.

If you have any questions, please email ndprogramme@mfe.govt.nz.

Publishing and releasing submissions

All or part of any written comments (including names of submitters), may be published on the Ministry for the Environment's website, environment.govt.nz. Unless you clearly specify otherwise in your submission, the Ministry will consider that you have consented to online posting of both your submission and your name.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment (including via email). Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions to this document under the Official Information Act.

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Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this document. Please

clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

Section 6: Attachments – proposed provisions

Attachment 1.1: Proposed provisions – New National Policy Statement for Infrastructure

Attachment 1.2: Proposed provisions – Amendments to the National Policy Statement for Renewable Electricity Generation 2011

Attachment 1.3: Proposed provisions – Amendments to the National Policy Statement on Electricity Transmission 2008

Attachment 1.4: Proposed provisions – Amendments to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009

Attachment 1.4.1: National Grid Yard and National Grid Corridor for proposed NES-EN

Attachment 1.5: Proposed provisions – Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016

Attachment 1.5.1 Pictures related to proposed amendment to the National Environmental Standards for Telecommunication Facilities

Attachment 1.6: Proposed provisions – New National Environmental Standards for Granny Flats (Minor Residential Units)

Attachment 1.7: Proposed provisions – New National Environmental Standards for Papakāinga

Attachment 1.8: Proposed provisions – New National Policy Statement for Natural Hazards

PACKAGE

2

Discussion document

Have your say on proposed changes to national direction

Primary sector

Te Kāwanatanga o Aotearoa
New Zealand Government

Disclaimer

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This document may be cited as: Ministry for the Environment. 2025. *Package 2: Primary sector – Discussion document*. Wellington: Ministry for the Environment.

Published in May 2025 by the
Ministry for the Environment
Manatū mō te Taiao
PO Box 10362, Wellington 6143, New Zealand
environment.govt.nz

ISBN: 978-1-991140-87-6
Publication number: ME 1896

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Message from the Minister Responsible for RMA Reform

The primary sector underpins New Zealand's economy and standard of living. When farmers do well, New Zealand does well – but for too long, New Zealand's farmers and growers have struggled against overly restrictive, confusing and duplicative regulations.

The Resource Management Act 1991 (RMA) has made it harder to farm. Our package of proposed reforms seeks to streamline and clarify many of the bugbears causing our primary industries sector sleepless nights and lost productivity.

This Government is committed to enabling primary sector growth as a key driver of both the New Zealand export sector and prosperity in the wider economy. Growing our economy and improving productivity relies on our primary sector thriving.

Next year we'll replace the RMA with new legislation premised on property rights. Our new system will unlock development, streamline processes, and support growth, including in aquaculture, forestry, pastoral, horticulture, and mining. Our simpler resource management system will provide for environmental outcomes without telling landowners how to run their business or imposing unnecessary consenting and compliance costs.

But we aren't willing to wait until then. New Zealanders need relief from an overly burdensome planning system now. This is why we are proposing targeted changes to a suite of National Direction this year to realise immediate economic gains.

The primary sector proposals in this discussion document are one of four packages of changes to National Direction being consulted on. It is the largest change to National Direction in New Zealand's history.

The proposals are designed to drive productivity in the primary sector through amendments to National Direction instruments including for highly productive land, commercial forestry, the New Zealand Coastal Policy Statement, as well as marine aquaculture changes.

These National Direction changes have been designed to minimise the implementation burden for local government and have been developed with the new system in mind, with these changes expected to carry over and transition into it when the time comes.

I encourage you to provide your thoughts on the primary sector proposals by providing a submission.

Hon Chris Bishop
Minister Responsible for RMA Reform

Section 1: Introduction

What are we proposing?

The Government is proposing new and amended national direction[1] to improve operation of the resource management system under the Resource Management Act 1991 (RMA). Updated national direction is needed to set national-level resource management policy and rules which inform regional and local plans, policy statements and resource consent decisions.

The national direction programme proposes:

- targeted amendments to 12 existing national direction instruments, and introduction of four new national direction instruments, through a combined statutory consultation process
- consultation on options to amend two existing national direction instruments on freshwater
- consultation on national housing and urban policy (currently part of national direction under the RMA) to inform development of the new resource management system.

For efficiency and integration across related topics, the programme is grouped into four 'packages'.

Package 1: Infrastructure and development and **Package 2: Primary sector** comprise new instruments and amendments to existing national direction instruments. These packages are open for public consultation and submissions as part of the statutory process to prepare and amend national direction under section 46A(1) and (2) of the RMA.

Package 3: Freshwater is open for feedback on options to amend existing national direction instruments for freshwater. Submissions are invited on freshwater proposals, which include some broad options. Further consultation will be undertaken through an exposure draft.

Package 4: Going for Housing Growth includes a discussion document for consultation and submissions on key aspects of the Going for Housing Growth Pillar 1 policy proposals, and an indicative assessment of implementation options for different components in the new resource management system. Further consultation will be held as the detailed design of the new system progresses.[2]

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1 National direction comprises national policy statements, national environmental standards, national planning standards and regulations made under section 360 of the RMA.

2 See Ministry of Housing and Urban Development. Going for Housing Growth programme. Retrieved 28 April 2025.

Table 1: National direction instruments proposed for development or amendment[3]

Package 1: Infrastructure and development
• New National Policy Statement for Infrastructure • Amendments to National Policy Statement for Renewable Electricity Generation 2011 • Amendments to National Policy Statement on Electricity Transmission 2008 (proposed to be renamed National Policy Statement for Electricity Networks) • Amendments to Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (proposed to be renamed National Environmental Standards for Electricity Network Activities) • Amendments to Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016 • New National Environmental Standards for Granny Flats (Minor Residential Units) • New National Environmental Standards for Papakāinga • New National Policy Statement for Natural Hazards
Package 2: Primary sector
• Amendments to Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 • Amendments to Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 • Amendments to New Zealand Coastal Policy Statement 2010 • Amendments to National Policy Statement for Highly Productive Land 2022 • Amendments to Resource Management (Stock Exclusion) Regulations 2020 • Amendments to mining and quarrying provisions in: – National Policy Statement for Indigenous Biodiversity 2023 – National Policy Statement for Highly Productive Land 2022 – National Policy Statement for Freshwater Management 2020 – Resource Management (National Environmental Standards for Freshwater) Regulations 2020
Package 3: Freshwater
• Amendments to National Policy Statement for Freshwater Management 2020 • Amendments to Resource Management (National Environmental Standards for Freshwater) Regulations 2020
Package 4: Going for Housing Growth
The package focuses on: • obtaining public feedback on key aspects of the Going for Housing Growth Pillar 1 policy proposals • providing an indicative assessment about implementing different components in the new resource management system.

[3] The packages do not propose amendments to other regulations made under Section 360 of the RMA, or to the following national direction instruments:

- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat
- National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat
- National Environmental Standards for Air Quality
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Sources of Human Drinking Water
- National Environmental Standards for Storing Tyres Outdoors.

Why are we changing national direction?

The proposals in the national direction programme are intended to contribute to the overarching goals of the Government's resource management reform programme, namely:

- unlocking development capacity for housing and business growth
- enabling delivery of high-quality infrastructure for the future, including doubling renewable energy
- enabling primary sector growth and development, including aquaculture, forestry, pastoral, horticulture, and mining.

Primary sector package

Aotearoa New Zealand's economy has been built on our natural environment. The primary sector is a key part of our economy, society and heritage. Its economic contribution is significant, with a strong export revenue forecast for the year to 30 June 2025.

The Government's top priority is economic growth. Within this growth focus we need to ensure the right balance of objectives: social, economic, cultural and environmental.

New Zealand's national direction settings have become relatively inflexible and are seen as restricting rather than enabling primary sector innovation.

The proposals in this primary sector package are intended to deliver on what the Government said it would do to back the primary sector in its pre-election manifesto and Coalition Agreement commitments. The proposals also aim to put in place enduring changes to national direction settings.

The proposals include new and amended rules to clarify which activities are proposed to be permitted as of right, and which would need a consent in district[4] or regional plans. The proposals also provide more targeted national policy direction to support resource consent and plan-making processes, with a focus on better enabling the primary sector.

The proposals complement other government initiatives such as the Fast-track Approvals Act 2024 and other targeted amendments to the RMA.[5]

Role and content of this discussion document

Through this discussion document, the Government invites submissions on the proposals. Submissions will inform advice the Government considers before making final decisions or drafting any national direction instruments.

This discussion document explains the suite of national direction proposed in the primary sector package and includes material on the proposals to create or amend national policy statements and national environment standards under section 46A(1) and (2) of the RMA.

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4 References to district plans in this document also include the district plan components of combined plans, including unitary plans, prepared under s80 of the RMA.

5 Resource Management (Consenting and Other System Changes) Amendment Bill.

Proposed new provisions for national direction are provided in section 5 of this document and form part of the proposals for the primary sector package.

Section 2 of this document outlines the scope and content of each new or amended national direction instrument in the primary sector package. This section includes an overview of the potential impacts of each proposal on various parties, describing how the proposal is intended to be implemented and how it incorporates Treaty of Waitangi and Treaty settlement considerations.

Section 3 outlines tools available to implement the national direction proposals in the primary sector package.

Section 4 explains how you can make a submission.

Section 5 contains proposed provisions for each new or amended instrument in the primary sector package. The attachments provide details about the scope and indicative content proposed for each instrument.

Further information on the proposed changes to national direction, including Interim Regulatory Impact Statements, can be found on the Changes to resource management web page on the Ministry for the Environment's website.

Section 2: Primary sector proposals

Part 2.1: National Environmental Standards for Marine Aquaculture

Context

The aquaculture sector contributes $763 million annually to Aotearoa New Zealand's economy, employing 3,300 people across New Zealand.[6] The sector has significant potential to contribute to the Government's export growth goals, and the Government has made a commitment to support growing and future-proofing the sector.

Marine aquaculture is primarily managed by the RMA and associated national direction such as the New Zealand Coastal Policy Statement (NZCPS) and the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 (NES-MA). The NES-MA came into effect in 2020 with the intent of providing more consistent and certain rules for replacing coastal permits (reconsenting).

In 2023, a review of the NES-MA[7] found that although the regulations were effective and had met their objectives, some improvements could be made. The proposed changes to the NES-MA respond to several issues identified by the review and targeted engagement in 2024. These changes will support the Government's objectives to support the aquaculture industry to grow and develop, and to improve regulatory quality in the resource management system, while upholding Treaty of Waitangi settlements and other related arrangements.

What problems does the proposal aim to address?

The NES-MA review and subsequent engagement found that consent processes are often disproportionate to the effects of activities, including that:

- the NES-MA contains unnecessary restrictions at reconsenting
- it is overly difficult to change consent conditions
- getting consents for research and trials is too hard and taking too long.

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6 Ministry for Primary Industries. 2024. *New Zealand Aquaculture Development Plan: 2025–2030*.

7 Fisheries New Zealand. 2023. *Report on the Year Three Review of the National Environmental Standards for Marine Aquaculture*. Technical Paper No. 2023/02. Prepared for the Minister for the Environment and the Minister for Oceans and Fisheries by Fisheries New Zealand.

The NES-MA contains three unnecessary restrictions for reconsenting

Marine farmers cannot apply to change their farm structures at the time of reconsenting, unless they are also changing the species that they are farming at the time.[8]

Marine farmers are currently prohibited from adding spat[9] catching to their farms during reconsenting. Our analysis showed no clear rationale for this prohibition. Although the industry mainly relies on wild-caught spat, alternative methods of catching spat are important. Currently, if marine farmers want to add spat catching, they need to apply to change consent conditions or obtain a new resource consent, both of which can be costly and inefficient.

Only marine farms consented before the NES-MA came into force in 2020 are permitted to use the NES-MA to apply for a replacement consent that includes a change to species and structures.[10] This is an unnecessary and arbitrary barrier to more recently consented aquaculture farms.

It is overly difficult to change consent conditions

Section 127 of the RMA allows consent holders to apply to change consent conditions during the lifetime of the consent. The process for this can be costly and time-consuming, and councils have wide discretion in considering these applications. The aquaculture industry has told us this requirement is decreasing industry certainty and limiting innovation.

Getting consents for research and trials is too hard and taking too long

There is no consistent approach to consenting research and trials for aquaculture. This leads to uncertainty and means the cost and time of the consent process is often disproportionate to the scale of the activity being applied for. Short-term, small-scale research and trial activities are often required to go through the same consenting process as large commercial farms.

Question	
1.	Have the key problems been identified?

What is the proposal?

The proposal is to amend the NES-MA to:

- address known issues in the NES-MA
- set out a more lenient activity status for certain changes to consent conditions
- enable new regulatory pathways for research and trial activities on existing farms and in new spaces, including making some activities permitted activities.

More detail on the proposed provisions is included in attachment 2.1.

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8 Regulations 26, 29, 32 and 35 of the NES-MA.

9 In regard to the NES-MA, spat are juvenile shellfish. They can include other species in other legislation.

10 Regulation 25(1) of the NES-MA.

Amend the NES-MA to address three known issues

Amendments to the NES-MA are proposed to address three issues with the reconsenting process, by:

- enabling marine farmers to change their structures when applying for a replacement consent without also having to change species (this will remove an unnecessary barrier to marine farmers wanting to update their consent conditions when reconsenting)
- removing the NES-MA provision in Regulation 25 that excludes the additional spat catching to a farm during the NES-MA reconsenting process. This will better enable marine farmers to use existing farms to catch spat of their consented shellfish species, which could contribute to a more resilient supply of spat[11]
- removing the restriction that only marine farms that obtained consents before the NES-MA came into force in 2020 can use the NES-MA regulations to make changes at reconsenting.

The proposed amendments would enable all marine farms to use the NES-MA to change their on-farm structures and species at reconsenting.

Questions	
2.	Do the proposed provisions adequately address the three issues identified?
3.	What are the benefits, costs or risks of the proposed changes?

Amend the NES-MA to set out a more lenient activity status for certain changes to consent conditions

This amendment proposes to streamline specific applications to change consent conditions by making them controlled activities. Applications for controlled activities must[12] be granted by consent authorities, although conditions relating to matters of control can be applied.

The following three types of changes to consent conditions are proposed to be controlled activities:

- applications to change consent conditions relating to consented species, including:
  - adding spat catching to an existing farm consented for that species
  - adding indigenous bivalve species and Pacific oysters to a farm already consented for bivalves
  - adding indigenous seaweed species and *Undaria pinnatifida* to an existing marine farm
  - adding finfish to an existing finfish farm

[11] The industry currently largely relies on wild-caught spat, which has extremely low survival rates after being transferred to a marine farm. Increasing on-farm spat catching and can boost spat supply.

[12] Consenting authorities must not grant an application for an activity to be carried out in the coastal marine area if the activity is likely to have adverse effects that are more than minor on the exercise of a protected customary right.

- applications to change consent conditions relating to structures, including:
  - converting longlines to floating shellfish cages or baskets
  - converting stick and rail to floating longlines or fixed lines
  - replacing existing mooring systems within the same footprint (eg, concrete block to screw)
- applications to change consent conditions relating to monitoring.

By streamlining specific changes to consent conditions, these amendments would make it easier for marine farmers to update conditions and innovate.

This amendment to the NES-MA is dependent on changes being made to section 127 and section 43A of the RMA through the Resource Management (Consenting and Other System Changes) Amendment Bill.[13]

These proposals should[14] not be used if the change in consent conditions would result in additional adverse effects or would fundamentally change the activity.

Questions	
4.	Do you support the proposed amendments to streamline specific applications to change consent conditions by making them controlled activities?
5.	Should there be any further changes to the matters of control specified in attachments 2.1 and 2.1.1?
6.	Should any other types of changes to consent conditions be included?

Amend the NES-MA to enable new regulatory pathways for research and trial activities on existing farms and in new spaces, including making some activities permitted activities

This proposal better enables research and trials by permitting or specifying a more lenient activity status for a variety of activities. Making the resource management system more enabling for aquaculture research will encourage innovation and boost New Zealand's attractiveness and viability for aquaculture research and trials. This proposal creates regulatory pathways for:

- some limited permitted activities
- consents for research and trials in space already consented for aquaculture
- consents for research and trials in space not consented for aquaculture.

More detail on this proposal including entry requirements for permitted activities, how groups are notified and matters of control and discretion can be found in attachment 2.1 and attachment 2.1.1.

[13] These changes will empower NES relating to aquaculture activities to direct a more lenient activity status than a discretionary activity for applications to change or cancel consent conditions.

[14] Consenting authorities are required to assess whether the application meets these requirements, or whether it should be processed as an application for a new consent.

Research and trials: permitted activities

The proposal includes making placing structures with no livestock in the coastal marine area a permitted activity. As a permitted activity does not require a resource consent, rights and arrangements that provide for Māori input into consent processes, including Treaty settlement redress, will not apply. This includes rights provided for through the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

RMA consenting processes that enable public participation and council discretion in decision-making will also not apply.

The proposal includes different criteria depending on whether any permitted activities take place in space consented for aquaculture (see table 2). An example of how these provisions could be used is placing buoys or small rafts in the coastal marine area to monitor water quality and assess the suitability of sites for different types of aquaculture.

Table 2: Research and trial activities that are permitted activities

Research and trial activity	Location	Criteria	Activity status
Structures only (no species)	In space consented for aquaculture	Activity duration ≤ 12 months Area ≤ 20 m^2 Height ≤ 2.5 m	Permitted
Structures only (no species)	Not in space consented for aquaculture	Activity duration ≤ 12 months Area ≤ 20 m^2 Height ≤ 2.5 m	Permitted

Research and trials: consented activities

Tables 3 and 4 summarise proposals enabling consents for research and trials in space already consented for aquaculture and space not consented for aquaculture.

Table 3: Research and trial activities within space already consented for aquaculture

Research and trial activity	Type of farm where activity is located	Criteria	Activity status
Structures only (no species)	Aquaculture	Consent duration ≤ 3 years Area ≤ 2 ha If inshore, height ≤ 2.5 m If offshore, height ≤ 5 m	Controlled
Non-fed aquaculture[15]	Non-fed aquaculture	Consent duration ≤ 7 years Area ≤ 4 ha If inshore, height ≤ 2.5 m If offshore, height ≤ 5 m	Controlled
Fed aquaculture	Fed aquaculture	Consent duration ≤ 7 years Area ≤ 4 ha Height ≤ 5 m (if not offshore)	Controlled

[15] Refers to all aquaculture excluding fed aquaculture. 'Fed aquaculture' refers to all aquaculture that requires the addition of food in the water column (eg, finfish).

Research and trial activity	Type of farm where activity is located	Criteria	Activity status
Fed aquaculture	Non-fed aquaculture	Consent duration ≤ 7 years Area ≤ 4 ha	Restricted discretionary

Table 4: Research and trial activities within space not consented for aquaculture

Research and trial activity	Criteria	Activity status
Structures only (no species)	Consent duration ≤ 3 years If inshore, area ≤ 0.5 ha (≤ 2 ha if offshore) If inshore, height ≤ 2.5 m (≤ 5 m if offshore)	Controlled
Non-fed aquaculture	Consent duration ≤ 7 years If inshore, area ≤ 1 ha (≤ 4 ha if offshore) If inshore, height ≤ 2.5 m (≤ 5 m if offshore)	Restricted discretionary
Fed aquaculture	Consent duration ≤ 7 years If inshore, area ≤ 1 ha (≤ 4 ha if offshore) Height ≤ 5 m if inshore	Restricted discretionary

Questions	
7.	Do you support the proposed changes to better enable research and trial activities on existing farms and in new spaces, including making some activities permitted?
8.	Are there benefits in making small-scale structures permitted activities, instead of controlled activities?
9.	Should there be any changes to the entry requirements, matters of control and matters of discretion specified in attachment 2.1.1?

What does the marine aquaculture proposal mean for you?

Table 5 includes an overview of the anticipated impacts of the proposed changes to the NES-MA on various parties. More detailed information about the potential impacts of the proposal is included in the *Interim Regulatory Impact Statement: NES Marine Aquaculture* available on the Ministry for the Environment's website.

Table 5: Overview of anticipated impacts of the proposed amendments to the NES-MA

Party	Anticipated impacts
Local authorities	Local authorities may be required to process and administer more consent applications for aquaculture. However, assessing applications for changes to consent conditions and research and trials will be simpler with discretion more limited. Some transactional costs would be incurred to train staff to become familiar with the new requirements and incorporate them into regional policy statements and plans. The regulations that relate to research and trials and changes to consent conditions will apply to all regions. (Note that existing NES-MA regulations exclude some areas.) Local authorities may need to record the location of permitted activities in the coastal marine area.

Party	Anticipated impacts
People and communities	The proposals will not significantly affect most people and communities. Minor economic benefits may arise from industry innovation. Groups who are deemed to be unaffected by applications relating to the proposals will not be able to submit on them.
Applicants	Consent authorities are likely to process applications relating to the proposals faster, and outcomes of the applications will be more certain. This will benefit groups who are seeking to conduct research or trials, change consent conditions, or replace consents.
Māori groups	Māori groups that participate in aquaculture, or are interested in participating, may benefit from the improved ability to conduct research and trials and change consent conditions. Rights and arrangements that provide for Māori input into consenting processes, including Treaty settlement redress, would not apply to permitted activities. Māori groups with statutory acknowledgements will continue to be able to submit on consent applications unless they are deemed not to be affected parties. In some cases, consent authorities will have less discretion when making decisions on applications. This could impact the extent to which notified groups can influence consent decisions. The proposed research and trials provisions include two rules that make placing a structure in the coastal marine area a permitted activity. As permitted activities do not require a resource consent, rights and arrangements that provide for Māori input into consenting processes, including Treaty settlement redress, will not apply. This includes rights provided for through the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA because they:

- further enable the use and development of natural resources for operating aquaculture activities while managing effects on the environment through clear and concise rules
- enable people and communities to provide for their social, economic and cultural wellbeing by enabling research and trials and changes to consent conditions while minimising effects on the environment through rules.

Treaty considerations

The proposed changes to the NES-MA streamline, and in some cases remove, consent requirements for activities of low risk to the environment. This will limit Māori input into decision-making in the resource management system.

The proposed research and trials provisions include two rules that make placing a structure in the coastal marine area a permitted activity. As permitted activities do not require a resource consent, rights and arrangements that provide for Māori input into consenting processes, including Treaty settlement redress, will not apply. This includes rights provided for through the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Consultation will be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups. The proposals are likely to benefit Māori groups that are involved in the aquaculture industry.

We have engaged with iwi aquaculture organisations, Te Ohu Kaimoana and some post-settlement governance entities (PSGEs) on these proposals.

Implementation

If progressed, all proposed changes to the NES-MA would have immediate legal effect. Consent authorities would be responsible for processing and administering applications submitted under the NES-MA.

Rules in national environmental standards prevail over rules in district or regional plans. This means that while councils are required by the RMA to align plans with national environmental standards, the level of alignment does not affect the interpretation of the law.

Part 2.2: National Environmental Standards for Commercial Forestry

Context

Forestry is a large contributor to New Zealand's economy, with the value of exports expected to reach $6.1 billion by 2026[16] and the industry employing between 35,000 and 40,000 people in timber production, processing and the commercial sector.[17] The Government has committed to growing and future-proofing the sector. To achieve this, it is proposing regulations to reduce inefficiencies and restore confidence to commercial forestry, including improving the regulations managing forestry slash.

Amendments to the National Environmental Standards for Commercial Forestry (NES-CF) are proposed to:

- restore confidence and certainty in forestry
- encourage more investment in productive forestry
- support increased forestry exports and economic growth
- support growing the forestry supply chain
- support land-use resilience.

What problems does the proposal aim to address?

Regulation 6 of the NES-CF enables councils to make more stringent rules than the NES-CF in limited circumstances to protect sensitive or unique environments. This increases regional variation in forestry rules, which reduces certainty and consistency for the sector. Regulations 6 (1)(a) and 6 (4)(A) have been identified as having the potential to undermine the effectiveness of the NES-CF. Stringency under regulation 6(1)(a) is currently enabled if the rule gives effect to an objective developed to give effect to National Policy Statement for Freshwater Management (NPS-FM). Stringency is also enabled if councils seek to have stricter provisions to control aspects of afforestation, including location (enabled under regulation 6(4A)).

The regulations introduced in 2023 (regulations 69(5)–(7)) to manage slash on the forestry harvest cutover are costly to implement and not fit for purpose. No national data currently available on the magnitude of the risk of slash mobilisation or on the amount of slash that has been reduced by these regulations.

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16 Ministry for Primary Industries. 2024. Situation and Outlook for Primary Industries (SOPI) December 2024.

17 Ministry for Primary Industries. Forestry and wood processing data | NZ Government. Accessed 16 May 2025.

Regulations 69(5)–(7) require the removal of large defined slash from the cutover unless it is unsafe to do so. Application of the standard has resulted in practical issues for both foresters and councils. These issues include increased cost, and technical difficulty in retrieving and storing material, and measuring residual slash for compliance purposes. This is without any clear evidence of improved environmental outcomes or benefits.

The current regulations do not achieve a level of environmental protection in proportion to the slash mobilisation risk. This has generated significant cost and effort, with councils and foresters both struggling to understand, meet and monitor the regulations. More consents are required, and there are safety issues with removing smaller pieces of slash.

The NES-CF drafting creates some inefficiencies and increased costs for foresters and local authorities, as follows.

- Regulations 10A and 77A require planning documentation that duplicates existing requirements.
- Schedules 3, 4, 5 and 6 use the term "woody debris" where existing definitions for "slash" may already cover this term.
- The wilding tree risk assessment required at the time of replanting is unclear and not part of the assessment sheet submitted to local authorities.
- A drafting error in regulation 71A(b) contradicts the policy intent behind it by including the word "not".

For further information on this topic, please refer to the *Interim Regulatory Impact Statement: National Environment Standards for Commercial Forestry* available on the Ministry for the Environment's website).

What is the proposal?

This proposal contains a discrete set of amendments to create efficiencies in forestry operation and consenting, and provide clarity for users of the NES-CF. The proposal is for the following key changes to the NES-CF.

- Amend regulation 6(1)(a) to be more specific about the criteria for how councils can impose stricter rules than the NES-CF.
- Repeal regulation 6(4A) which enables councils' broad discretion to have more stringent rules to control aspects of afforestation.
- Amend regulation 69 to require a slash mobilisation risk assessment (SMRA) for all forest harvests as part of the existing harvest management plan, and/or amend regulation 69(5) to require all slash above an identified size to be removed from the forest cutover.
- Repeal regulations 10A and 77A (which, respectively, require afforestation and replanting plans) and repeal Schedule 3 (which sets out the requirements for these plans).
- Remove the undefined term "woody debris" from all forest planning requirements in Schedules 4, 5 and 6.
- Amend wilding tree risk and control regulations 11(4)(b) and 79(5)(b) to simplify wording and link the required activity to the notice requirement.
- Amend regulation 71A(b) to state that low-intensity harvesting is permitted if "any relevant forest planning requirement is complied with".

Addressing council ability to introduce more stringent rules than in the NES-CF

The proposed amendment of regulation 6(1)(a) would enable councils to consider making a rule in a plan more stringent only if:

- it is required to manage the risk of severe erosion from a commercial forestry activity in a defined area that would have significant adverse effects on receiving environments, including the coastal environment, downstream infrastructure and property
- the risk cannot be managed through the current rules in the NES-CF
- an underlying risk has been identified within the defined area through mapping at a 1:10,000 scale or using a 1 square metre digital elevation model.

The Government is mindful of the substantial damage to forestry land in Tairāwhiti/Gisborne during Cyclone Gabrielle and other high-rainfall weather events. It recognises the need to support extreme and unique circumstances. Generally, the NES-CF rules are sufficient to manage risk. However, there may be circumstances where NES-CF rules have not anticipated a new effect or its intensity, so more stringent rules are required.

The proposed amendments would require an assessment of evidence as it relates to the specific geologies and topographies, to demonstrate if there is a need for a more stringent rule based on hazard risk.

Question	
10.	Does the proposed amendment to 6(1)(a) enable management of significant risks in your region?

A supplementary information sheet on these proposals is provided on the Ministry for Primary Industries website (see National Environmental Standards for Commercial Forestry | NZ Government).

Regulation 6(4A) of the NES-CF is proposed to be repealed, which would give councils broad discretion to set more stringent rules to control aspects of afforestation. Control of afforestation would be managed through the regulations, and councils would retain the ability to make more stringent rules for afforestation under the amended regulation 6(1)(a) and under other provisions of regulation 6 not proposed to change. This would include allowing more stringent rules where they:

- give effect to any of policies 11, 13, 15 and 22 of the NZCPS (regulation 6(1)(b))
- recognise and provides for the protection of outstanding natural features and landscapes, from inappropriate use and development, or significant natural areas (regulation 6(2))
- manage separation-point granite soils, geothermal areas or karst geology identified in a regional policy statement, regional plan or district plan (regulation 6(3)(a) and (b))
- manage activities conducted within 1 km of the abstraction point of a drinking water supply (regulation 6(3)(c)).

Councils would also have discretion over afforestation on red-zoned land and could decline a consent.

Questions	
11.	Does the proposal provide clarity and certainty for local authorities and forestry planning?
12.	How would the removal of 6(4A) impact you, your local authority or business?

Introducing a slash management risk assessment approach

The proposal is to amend regulation s 69(5)–(7) to require an SMRA for all forest harvests, to assess and identify where slash needs more management. The SMRA enables slash mobilisation risk to be reduced to appropriate levels. The SMRA would be carried out in accordance with requirements set out in an SMRA template (refer to attachment 2.2.1), and will become part of an existing harvest management plan.

The intent of the proposed changes is that an SMRA will identify what further slash management actions will be required:

- where the risk of slash mobilisation is assessed as low, no further action will be required to manage slash on the cutover
- where slash mobilisation risk is assessed as not low but the risks can be readily managed through accepted forestry practices, those practices will be included in the harvest management plan and only those practices will be needed to manage slash on the cutover
- where slash mobilisation risk is assessed as high, careful attention to assessing and managing risk will be required, either by removing most slash from the cutover or by mitigations agreed through a resource consent.

The SMRA template explains that the assessment criteria used to support regulations should be:

- of a high level of certainty as a predictor of risk
- backed by peer-reviewed evidence
- measurable to a meaningful level of accuracy (ie, measurement methods must provide consistent results, thus minimising the potential for bias or subjectivity)
- be available to all regulated parties.

Where a high level of slash mobilisation risk is identified, a resource consent would be required to manage slash on the cutover using the same consent status as would apply for any failure to meet the regulations. We seek feedback on whether, in circumstances where a high level of risk is identified, a permitted activity standard should be set for removal of slash on the cutover using different prescriptive standards. Foresters would still have the option to seek a resource consent where they had better options for managing slash mobilisation risk other than removing it from the cutover.

An alternative option to a risk-based approach is to change the size and volume thresholds in the current regulations. This option would amend Regulation 69(5–7) so that all slash that is sound wood greater than 3.1 metres with a 10-centimetre small-end diameter must be removed from the forest cutover. A residual amount of 15 cubic metres of material of this size might be left on the cutover. This option would allow a greater volume of forestry slash to remain on the cutover that might be at risk of mobilisation, while reducing the overly prescriptive regulation of low-risk sites.

The definition of cutover would be amended in both options to “the area of land that has been harvested”.

Questions	
13.	Do you support amendments to regulations 69(5-7) to improve their workability?
14.	Do you support a site-specific risk-based assessment approach or a standard that sets size and/or volume dimensions for slash removal?
15.	Is the draft slash mobilisation risk assessment template (provided in attachment 2.2.1 to this document) suitable for identifying and managing risks on a site-specific basis?
16.	Should a slash mobilisation risk assessment be required for green-zoned and yellow-zoned land? If so, please explain the risks you see of slash mobilisation from the forest cutover that need to be managed in those zones?
17.	If a risk-based approach is adopted which of the two proposed options for managing high-risk sites, do you prefer (ie, requiring resource consent or allowing the removal of slash to a certain size threshold as a condition of a permitted activity)?
18.	For the alternative option of setting prescriptive regulations for slash management, is the suggested size and/or volume threshold appropriate?
19.	Do you support the proposed definition of cutover to read "*cutover means the area of land that has been harvested*"?

A supplementary information sheet on these proposals is provided on the Ministry for Primary Industries website (see National Environmental Standards for Commercial Forestry | NZ Government).

Remove the requirement for afforestation and replanting plans

The proposal is to repeal regulations 10A and 77A (respectively, requirements for afforestation and replanting plans) and Schedule 3 of the NES-CF, which sets out the requirements for those plans.

The NES-CF already requires management plans where forestry quarrying, earthworks and harvest are carried out as permitted activities. Councils have discretion over the preparation and content of management plans if they choose to require them for resource consents, which many councils do. It is not clear what regulatory purpose the afforestation and replanting plans serve, or what actions councils should take in their compliance and enforcement role.

Question	
20.	Do you support the proposed removal of the requirement to prepare afforestation and replanting plans?

Other minor text amendments

The proposal is to remove the undefined term "woody debris" from forest planning requirements in Schedules 3(4)(2), 4(4)(2), 5(4)(2) and 6(4)(2)), and to remove the term "debris" from the heading of regulation 69. The regulations already contain defined terms (eg, "slash") that cover woody debris.

The proposal is to amend wilding tree risk and control regulations 11(4)(b) and 79(5)(b) to simplify wording and link the required activity to the notice requirement.

Question	
21.	Do you support the proposed minor text amendments?

The proposal is to amend regulation 71A(b) to read "any relevant forest planning requirement is complied with".

For more details on the proposal, how the amendments are proposed to work and what they are expected to achieve, refer to the *Interim Regulatory Impact Statement: National Environmental Standards for Commercial Forestry* available on the Ministry for the Environment's website.

What does the commercial forestry proposal mean for you?

Table 6 includes an overview of the anticipated impacts of the NES-CF proposal on various parties. More detailed information about the potential impacts of the proposal is included in the *Interim Regulatory Impact Statement: National Environmental Standards for Commercial Forestry* available on the Ministry for the Environment's website.

Table 6: Overview of anticipated impacts of the proposed amendments to the NES-CF

Party	Anticipated impacts of addressing council abilities to introduce rules more stringent than the NES-CF	Anticipated impacts of introducing SMRA	Anticipated impacts of removing duplicative requirements and making minor text amendments to improve the efficiency of the NES-CF
Local authorities	Local authorities would need to align plans with the new regulations. There would be more clarity and certainty for councils on the regulations.	It is anticipated that the proposal would result in fewer resource consents but would require councils to have an understanding of slash risk and mitigation.	The proposed changes would clarify the regulations, increasing regulatory certainty, and would remove requirements for redundant paperwork.
People and communities	Communities with specific localised risks would benefit from more stringent rules.	More-effective risk management would benefit communities downstream of forestry activities.	The proposed changes would clarify the regulations, increasing regulatory certainty.
Applicants/regulated groups(forest owners, harvest planners, consenting staff, harvest contractors)	There would be more clarity and certainty on the regulations. There would be a reduction in costs associated with plan changes, submissions, and administrating consents and management plans.	Regulated groups would be required to assess slash mobilisation risk for forest harvests in the orange susceptibility classification zone.	The proposed changes would clarify the regulations, increasing regulatory certainty, and would remove requirements for redundant paperwork.

Party	Anticipated impacts of addressing council abilities to introduce rules more stringent than the NES-CF	Anticipated impacts of introducing SMRA	Anticipated impacts of removing duplicative requirements and making minor text amendments to improve the efficiency of the NES-CF
Iwi/Māori	There would be more clarity and certainty for iwi/Māori on the regulations. For Māori foresters and/or land owners there would be a reduction in costs associated with plan changes, submissions, and administration of consents and management plans.	The proposed changes are expected to help protect Māori land from the downstream impacts of slash. The proposed changes may impose greater costs on Māori foresters, compared with other groups within the sector, as Māori land tends to be in higher land-use capability and therefore at higher risk for slash management.	The proposed changes would clarify the regulations, increasing regulatory certainty, and would remove requirements for redundant paperwork.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA because they:

- further enable the use and development of natural and physical resources to develop, operate, protect and maintain commercial forestry, while managing effects on the environment by providing clear and nationally consistent rules
- enable people and communities to provide for their social, economic and cultural wellbeing as well as their health and safety, by:
  - making the regulations clearer for when councils can introduce more stringent rules than the NES-CF
  - introducing a new risk assessment approach for slash management that will reduce over-regulation of forestry harvest sites with low risk of slash mobilisation.

Treaty considerations

The proposed changes to the NES-CF are intended to clarify the rules for industry and councils. Amending regulation 6(1)(a) will ensure councils can apply stringency when required and where backed by evidence. Repealing regulation 6(4A) (which enables a rule in a plan to be more stringent or lenient than subpart 1 of Part 2 of the NES-CF regulations) may reduce the influence of tangata whenua on forestry management in areas over which they are kaitiaki, compared to the status quo. However, regulation 6(4A) has not been applied in any region, and this risk is further mitigated through the proposal to amend regulation 6(1)(a) to allow greater stringency if justified.

These proposals do not limit other ways Māori partnership and influence with local authorities can influence forestry regulation, including the ability to use other provisions of regulation 6 in the NES-CF. Repealing regulation 6(4A) is expected to lessen regulatory costs for Māori commercial forestry owners and/or management companies who could have been impacted

by discretionary changes to permitted activities in some areas. This will give Māori with commercial forestry interests greater investment certainty by reducing the ability for councils to introduce plan rules that lead to regional variance.

The proposed change to slash management regulations will help protect Māori land and communities from the downstream impacts of slash but may impose greater costs on Māori land owners involved in forestry relative to other groups within the sector. This is because Māori land tends to be in lower capability land-use classes compared with general land – 65 per cent of Māori land is in Land Use Capability (LUC) 6 and 7 (compared with 50 per cent of general land) – and therefore is at higher risk for slash management. Consultation will better inform the potential impacts and any alternative options, including the use of site-specific risk assessments and different specified slash dimensions in the existing slash regulations (regulations 69(5)–(7)).

Consultation will be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups.

The proposals are unlikely to significantly impact Māori participation in commercial forestry.

Some Māori groups have been involved in the policy process. The Crown also has specific obligations relating to engagement that are intended to be met through this consultation.

Implementation

Councils will need guidance to clarify the intent of the amended provision and ensure they are clear about what evidence is required to demonstrate the need for more stringent rules, the expectations for mapping affected land, and the SMRA as set out in attachment 2.2.1 of the proposed provisions.

The SMRA guidance will identify the intent of the amended provision and confirm how to undertake an SMRA. That guidance is formally part of this statutory consultation. A draft SMRA can be found in attachment 2.2.1 and further information is available on the Ministry for Primary Industries website (see National Environmental Standards for Commercial Forestry | NZ Government).

Regulation 6(4A) of the NES-CF was only introduced in late 2023 and, to date, no council has notified new council plan rules under it. Therefore, there is no need for implementation and monitoring on the effect of removing regulation 6(4A).

We expect the minor changes to have only minor implementation needs. We also expect the proposals to reduce documentation requirements.

Part 2.3: New Zealand Coastal Policy Statement

Context

The NZCPS is a compulsory national policy statement under the RMA that applies to the coastal environment. It is the only national policy statement that is approved by the Minister of Conservation. The coastal environment includes areas between mean high-water springs and the 12 nautical mile limit (the coastal marine area), and some adjacent land.

New Zealand's coastal marine area comprises more than 4 million square kilometres and is 21 times our land area. An estimated 30 per cent of known biodiversity in New Zealand is found in our marine environment. The remoteness and size of our marine environment make it a global hotspot for biodiversity. Of the identified marine species, over half are only found in New Zealand.[18]

The marine economy contributed 1.2 per cent to New Zealand's total gross domestic product in 2021, according to Stats NZ's economic accounts. In 2017, the total value of the marine economy was estimated at $7 billion and it employed more than 30,000 people.[19]

The coastal environment is valued by New Zealanders and our visitors. It is place of significant public use, and also a place where many activities occur, including infrastructure such as ports, roads, rail, cables and pipelines, energy generation and transmission facilities, mineral extraction, built developments, urban areas, papakāinga and aquaculture. These different (and sometimes competing) activities and uses mean the coastal environment needs to be managed carefully.

These proposals relate to two policies in the NZCPS that enable activities in the coastal environment. Policy 6 applies to all activities in the coastal environment, and policy 8 applies to aquaculture. In this discussion document, we refer to these policies (together with policy 9 relating to ports)[20] as "activity policies". They signal the value of appropriate activities in the coastal environment.

The NZCPS also provides direction on how some matters of national importance in section 6 of the RMA must be protected, including indigenous biodiversity (policy 11), natural character (policy 13), and natural features and natural landscapes (policy 15). We refer to them in this document as the "protection policies".

The NZCPS is an integrated document, and all the policies (including the activity policies and protection policies) are designed to be read together.

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18 *Briefing to Incoming Ministers: Oceans Issues*. Department of Conservation, page 3 Nov. 2023.

19 *Briefing to Incoming Ministers: Oceans Issues*. Department of Conservation, page 3 Nov. 2023.

20 Policy 9 recognises "that a sustainable national transport system requires an efficient national network of safe ports…".

What problems does the proposal aim to address?

The Government wants to better enable priority activities (ie, specified infrastructure, renewable electricity generation, electricity transmission, aquaculture and resource extraction) while still protecting the environment.

Some industries consider the protection policies to be a barrier to development because they require that certain effects on particular protection values be avoided. This means the activity must either avoid the areas with the protected values or be designed and operated in a way that avoids causing adverse effects on the protected values.

Recent court cases[21] have clarified that, where an activity policy has sufficient directive language (for example, policy 9 for ports), activities may be allowed in some circumstances even if they have some effects that are contrary to the 'avoid' provisions in the protection policies.

However, not all of the activity policies contain sufficiently directive language. The language in policy 6, for example, is not as strong as the language in policy 9 and so has less impact when being interpreted. Policy 8 lacks some content that should direct decision-making on aquaculture proposals.

There is an opportunity to provide more directive language within the activity policies to create more circumstances in which activities may be allowed, even if they have some effects which would not otherwise be allowed under the protection policies.

What is the proposal?

The proposal is for targeted amendments to the NZCPS. An overview of this proposal is outlined below, and more detailed proposed provisions for the NZCPS are included in attachment 2.3.

The proposed amendments are intended to:

- strengthen the language in policy 6 to better enable development of priority activities
- recognise that priority activities may have a functional or operational need to be located in the coastal marine area
- direct decision-makers to provide for aquaculture activities within aquaculture settlement areas
- give more recognition to the cultural and environmental benefits of aquaculture.

[21] *Port Otago Limited v Environmental Defence Society Incorporated* [2023] NZSC 112 and *Royal Forest and Bird Protection Society of New Zealand Incorporated v New Zealand Transport Agency* [2024] NZSC 26 (East-West Link).

Strengthening the language in policy 6 (activities in the coastal environment)

It is proposed to amend policy 6(1)(a) and (g) in relation to the Government's priority activities to make the wording more directive (ie, more like the wording of policy 9[22] on ports).

The proposed changes would be supported by the enabling proposals in other national direction instruments such as renewable energy generation, infrastructure and electricity distribution (see the Package 1: infrastructure and development Discussion document).

The combined impact of these changes for priority activities should elevate the importance of such developments in decision-making. It could soften how the 'avoid' requirements in the protection policies are applied, in a similar way to the *Port Otago* decision.[23]

The proposed changes would also require decision-makers to consider the renewable energy needs of current and future generations, to support decarbonisation of the economy.

Overall, the proposed changes will make it easier to give consent to priority activities in the coastal environment, including in areas with important coastal values. The proposed changes will be relatively straightforward to transition to a new resource management system and implement.

Giving more recognition to operational need in the coastal marine area

Under the NZCPS, activities must satisfy a functional needs test to be located in the coastal marine area.[24] 'Functional need[25]' means a proposal or activity must traverse, be located or operated in the coastal marine area because that is the only place the activity can occur. The test is designed to ensure that exploration of potentially more effective places to locate an activity has been fully exhausted before making a decision.

The Government is proposing to expand the functional needs test into a 'functional or operational needs' test. Expanding the test to encompass both functional and operational

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22 The NZCPS states: "Policy 9: Ports. Recognise that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connection with other transport modes…".

23 *Port Otago Limited v Environmental Defence Society Incorporated* [2023] NZSC 112 and *Royal Forest and Bird Protection Society of New Zealand Incorporated v New Zealand Transport Agency* [2024] NZSC 26 (East-West Link).

24 Policy 6(1)(e) requires that decision-makers "consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area".
Policy 6(2)(c) recognises that "there are activities that have a functional need to be located in the coastal marine area".
Policy 6(2)(d) recognises that "activities that do not have a functional need for location in the coastal marine area generally should not be located there".

25 Defined as "the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment". Ministry for the Environment. 2019. *National Planning Standards*. Wellington: Ministry for the Environment. p 58.

need[26] would allow decision-makers to also consider any technical, logistical or operational characteristics or constraints that make locating in the coastal marine area necessary.

The proposed changes include adding new clauses to policies 6(1) and 6(2) to recognise that priority activities may have a functional or operational need to be located in the coastal marine area. Similar provisions are in the proposed National Policy Statement for Infrastructure, the proposed amendments to the National Policy Statement for Renewable Electricity Generation and National Policy Statement on Electricity Transmission, and they already exist in the National Policy Statement for Highly Productive Land.

This proposal would make it easier for priority activities to be located in the coastal marine area. For example, it recognises that while some activities can occur on land, there may be technical, logistical or operational constraints on locating them there (eg, pipe or cable infrastructure routes in harbours for extracting coastal sand or minerals).

Providing for aquaculture activities within aquaculture settlement areas in policy 8 (aquaculture)

Aquaculture settlement areas are a tool under the Māori Commercial Aquaculture Claims Settlement Act 2004, which the Crown can use to reserve space in the coastal marine area as a settlement asset for Māori. This prevents aquaculture proposals by others, and it prevents incompatible activities from occurring within the aquaculture settlement area.

However, any aquaculture activities within these areas still require a resource consent under the RMA to assess their effects on environmental values and other activities. This means that, while aquaculture space may be allocated, it does not guarantee that a resource consent will be granted.

It is proposed to amend policy 8 to direct decision-makers to provide for aquaculture activities within aquaculture settlement areas. This change could make it easier to consent new aquaculture activities in space reserved for gazetted aquaculture settlement areas in some regions. This will support Māori to realise the potential of aquaculture settlement areas, which is an objective of the New Zealand Aquaculture Development Plan 2025–2030.

Adding consideration of cultural and environmental benefits to policy 8 (aquaculture)

The current wording of policy 8(b) refers only to the "social and economic benefits of aquaculture". The proposal is to amend policy 8(b) to also refer to the "cultural and environmental benefits of aquaculture". It would be up to decision-makers in each case to determine whether those benefits would be delivered, and what weight they would have in a consent decision.

This may support the uptake of new aquaculture opportunities by requiring the consideration of a wide range of benefits.

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[26] Defined as "the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints". Ministry for the Environment. 2019. *National Planning Standards.* Wellington: Ministry for the Environment. p 62.

What does the NZCPS proposal mean for you?

Table 7 includes an overview of the anticipated impacts of the NZCPS proposal on various parties. More detailed information about the potential impacts of the proposals are included in the *Interim Regulatory Impact Statement: New Zealand Coastal Policy Statement amendments to policies 6 and 8* available on the Ministry for the Environment's website.

Table 7: Overview of anticipated impacts of the proposed amendments to the NZCPS

Party	Anticipated impacts
Local authorities	The proposals mean that local authorities will need to consider additional factors when considering consents or amending district, unitary or regional plans. The proposals do not require local authorities to change their plans outside of normal plan cycles.
Applicants	Applicants for some types of consents will be more likely to have consents granted. This will be particularly likely where they have an operational but not functional need to be in the coastal marine area, or if they need to be in an area relevant to an 'avoid' requirement in a protection policy.
People and communities	Improved enabling of priority activities will deliver more public benefits – infrastructure, renewable energy and economic development. This may, however, result in loss of some public values if these activities are approved without all effects on important values being avoided.
Māori groups	The policy proposals are to enable more priority activities and development in the coastal marine area. This may provide more development opportunities for iwi and Māori but may also negatively affect environmental and cultural values.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform and the Minister of Conservation consider the proposals to be consistent with the purpose of the RMA, because they:

- promote the sustainable management of natural and physical resources in the coastal environment of New Zealand
- enable people and communities to provide for their social and economic wellbeing
- recognise and provide for environmental values of national importance (set out in section 6 of the RMA) through existing provisions in the NZCPS, while the amendments to the policies that cover priority activities (ie, policies 6 and 8) will enable priority activities to be considered more favourably when it comes to consenting decisions.

Treaty considerations

The policy proposals do not propose to change any mechanisms that provide for Māori engagement in consenting processes under Treaty settlements, or other arrangements (eg, the Marine and Coastal Area (Takutai Moana) Act 2011) that provide for either participation in the consenting system or consideration of specific values.

The policy proposals are to enable more priority activities and development in the coastal marine area. This may provide greater participation opportunities for iwi-Māori with interests in marine development such as iwi aquaculture organisations.

However, enabling more priority activities such as resource extraction or specified infrastructure may have negative effects on the environment and the values that iwi and Māori wish to see protected (such as kaitiakitanga). The occupation of space by others may also limit the future options for developments by iwi and Māori.

Targeted pre-engagement was undertaken from late August to mid-September 2024. This engagement included groups to whom the Department of Conservation has obligations to consult on the NZCPS, and iwi and Māori organisations who expressed interest in the targeted review of the NZCPS.

Consultation will be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups.

Implementation

The proposed changes would affect how consent applications are assessed and would influence any future amendments to regional coastal plans. Councils will not need to undertake changes to plans in response to the amendments, unless they are reviewing plans for other reasons.

Questions	
22.	Would the proposed changes achieve the objective of enabling more priority activities and be simple enough to implement before wider resource management reform takes place?
23.	Would the proposed changes ensure that wider coastal and marine values and uses are still appropriately considered in decision-making?
24.	Are there any further changes to the proposed provisions that should be considered?

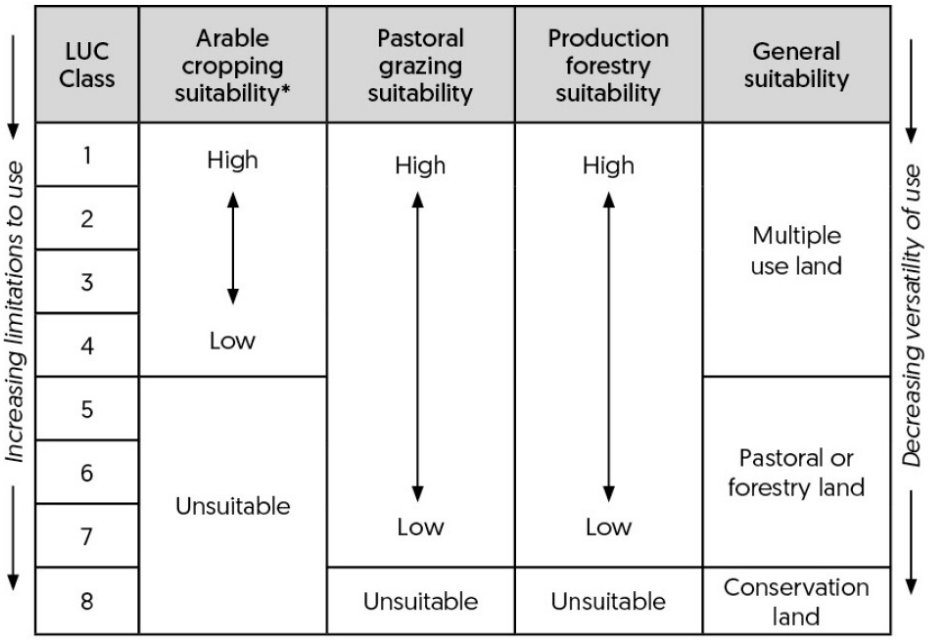
Part 2.4: National Policy Statement for Highly Productive Land

Context

The National Policy Statement for Highly Productive Land (NPS-HPL) came into effect in October 2022 to protect highly productive land for use in land-based primary production,[27] now and for future generations.

Concerns have been raised about the impact the NPS-HPL has on making land available for urban development. Specifically, there are concerns that the inclusion of LUC 3[28] land in the NPS-HPL may overly restrict the supply of greenfield land, which may be suited for housing, in some parts of New Zealand.

Figure 1: Increasing limitations to use and decreasing versatility of use from LUC 1 to LUC 8[29]



*includes vegetable cropping

[27] The NPS-HPL defines land-based primary production as "production, from agricultural, pastoral, horticultural or forestry activities, that is reliant on the soil resource of the land".

[28] All land in New Zealand is classified into eight LUC classes based on its long-term potential for sustained primary production. In the LUC classification system, LUC 1 land is the most versatile land and is suitable for a wide range of primary production activities. LUC 8 land is the least versatile for primary production and is typically set aside for conservation. Land in LUC 1, 2 and 3 is generally regarded as the most highly productive land, based on its versatility for a wide range of primary production activities that are reliant on the soil (see figure 1).

[29] Manaaki Whenua | Landcare Research. An introduction to LUC. Retrieved 16 May 2025.

The NPS-HPL restricts the rezoning, subdivision and use of highly productive land (HPL). It provides a consent pathway for specific purposes, including quarrying and mining, which enables consideration of these activities on HPL. To access the consent pathway, a consent application must meet 'gateway tests' before a consent application can be considered.

The criteria for mapping HPL is included in Clause 3.4 of the NPS-HPL[30]. Land must be zoned for rural purposes[31] but not identified for future urban development. It must include large and geographically cohesive areas of LUC 1 to 3 land. Councils can also identify land that is not LUC 1 to 3 as HPL, if it is considered to be highly productive in that region.[32]

LUC 1, 2 or 3 land represents approximately 15 per cent of New Zealand's landmass (approximately 3.8 million hectares). LUC 3 land makes up around 64 per cent of the land area currently protected under the NPS-HPL.[33]

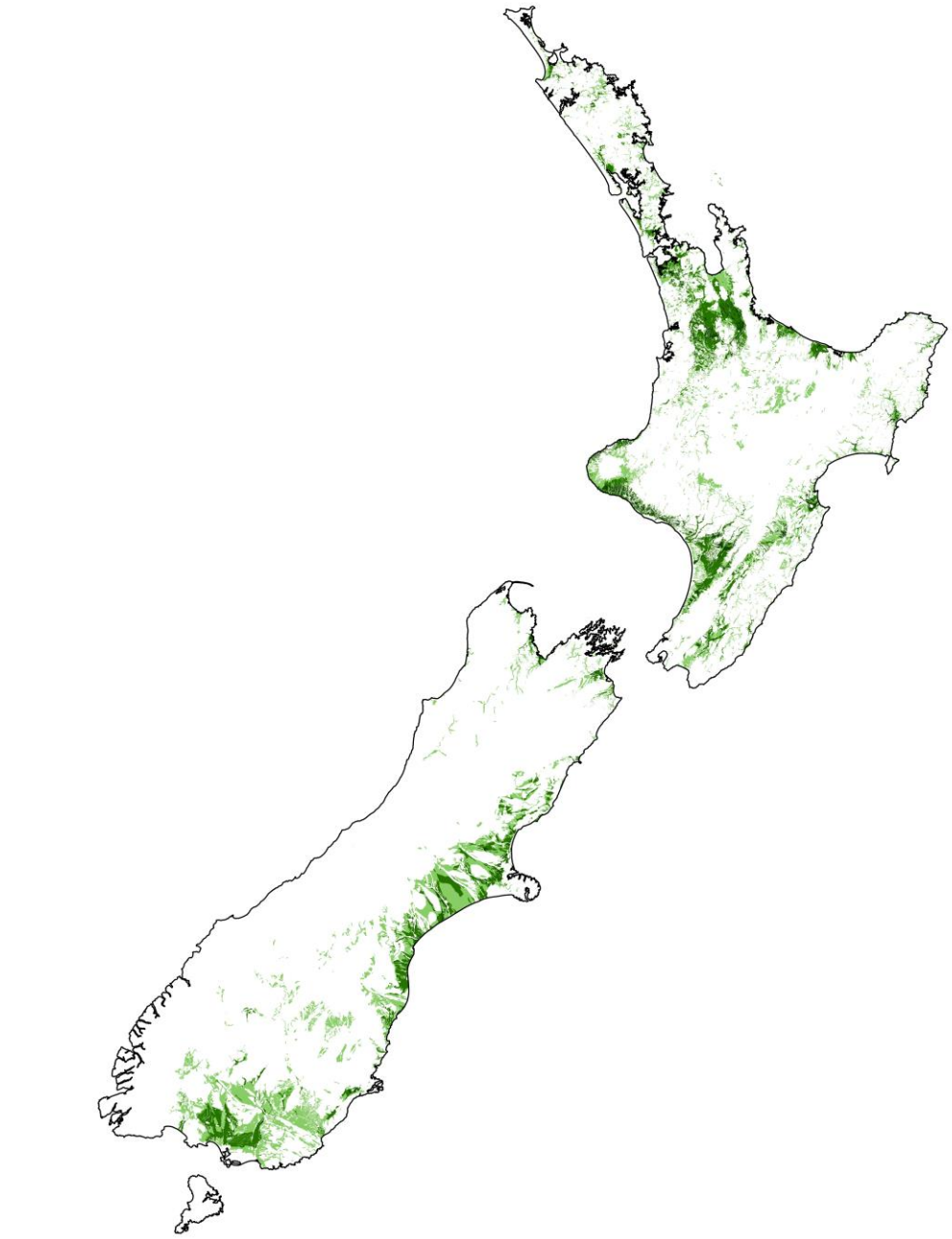
30 See Clause 3.4 of NPS-HPL.

31 This includes land in a general rural zone or rural production zone.

32 Until HPL mapping has been made operative in a regional policy statement, HPL is LUC class 1, 2 or 3 land, zoned for rural purposes but not identified for future urban development or subject to a council-initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

33 The NPS-HPL defines LUC 1, 2 or 3 land as "land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification". The New Zealand Land Resource Inventory is a broad-scale national map derived from field surveys generally carried out in the 1970s.

Figure 2: LUC 1–3 land across New Zealand[34]

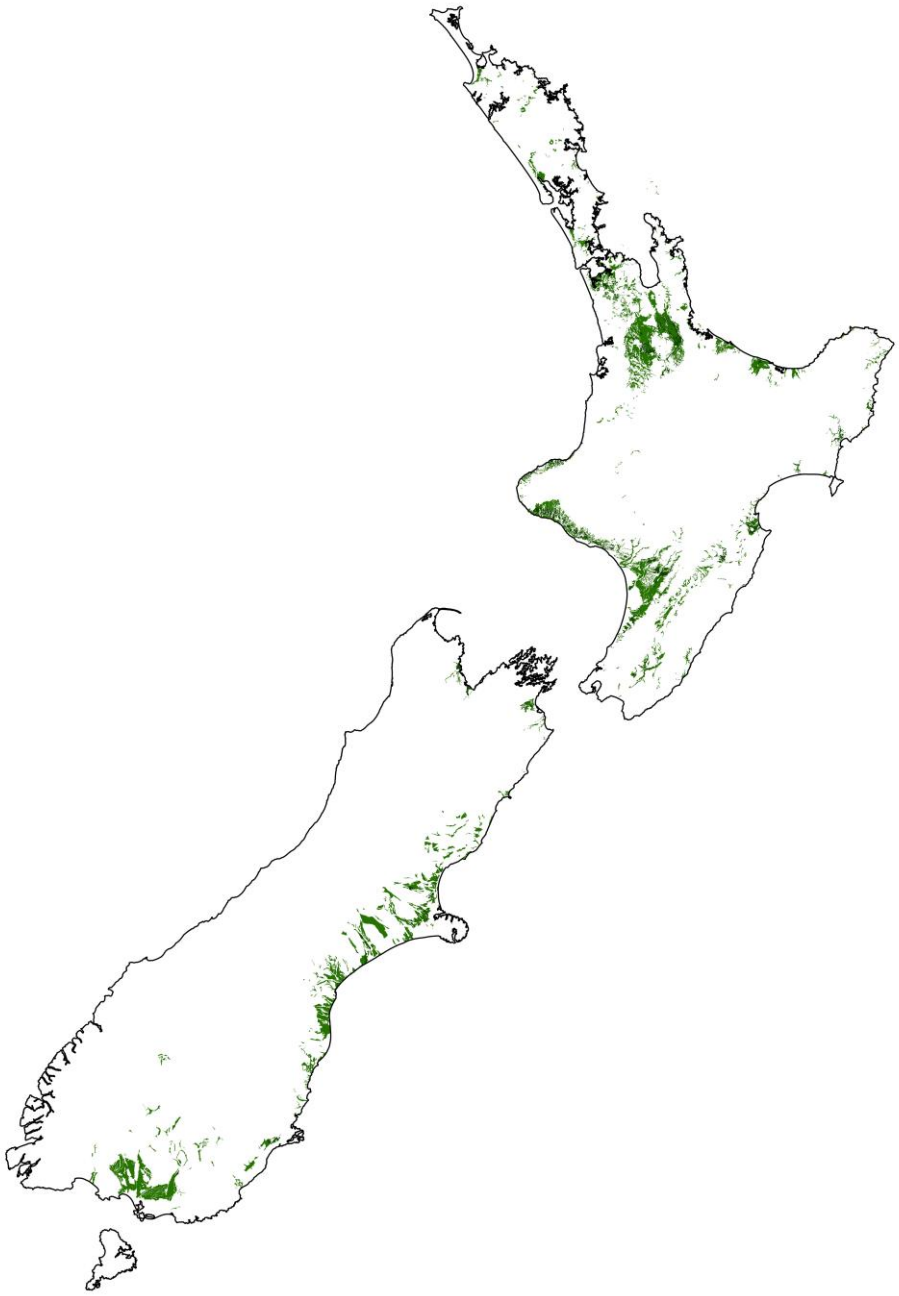


Key:

LUC 1
LUC 2
LUC 3

[34] Manaaki Whenua | Landcare Research. Our Environment – Baseline Highly Productive Land, Retrieved 16 May 2025.

Figure 3: LUC 1–2 land across New Zealand[35]



Key:

LUC 1
LUC 2

[35] Manaaki Whenua | Landcare Research. Our Environment – Baseline Highly Productive Land. Retrieved 16 May 2025.

What problems does the proposal aim to address?

Including LUC 3 land in the NPS-HPL restricts greenfield development. Removing this land from the NPS-HPL will free up the supply of land to work towards addressing our housing crisis, as restrictions on use of land for urban development impacts land prices which contributes towards housing affordability issues.[36]

There are inconsistent definitions for quarrying and mining activities across the NPS-FM, the National Policy Statement for Indigenous Biodiversity (NPSIB) and the NPS-HPL. These inconsistencies create uncertainty for quarrying and mining activities.

More detail on quarrying and mining issues on HPL is included in Part 2.5 of this discussion document.

What is the proposal?

The proposal is to amend the NPS-HPL to provide more opportunities for urban development while retaining the most agriculturally productive land for primary production. It involves:

- removing LUC 3 land from NPS-HPL restrictions with immediate effect
- maintaining NPS-HPL restrictions on LUC 1 and 2 land
- testing alternative ways to continue to protect additional areas of agricultural land that are important for food and fibre production, and consulting on establishing special agriculture areas (SAAs) around key horticulture hubs like Pukekohe and Horowhenua
- extending timeframes for mapping of HPL to be completed within two to three years (2027 or 2028) or suspending requirements for mapping HPL until further direction is provided in the replacement resource management system.

A further proposal for mining and quarrying on HPL land is outlined in Part 2.5 of this discussion document.

Proposed provisions to amend the NPS-HPL are included in attachment 2.4.

The Package 4: Going for Housing Growth discussion document contains more information about key aspects of the Going for Housing Growth Pillar 1 policy proposals, along with an indicative assessment about how and where different components could be implemented in the new resource management system.

The Package 3: Freshwater – Discussion document contains more information about options for enabling commercial vegetable growing.

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[36] A joint 2024 paper reported findings authored by the Housing Technical Working Group (HTWG), a joint initiative of the Treasury, Ministry of Housing and Urban Development and the Reserve Bank of New Zealand, found that restrictions on the supply of urban land are estimated to have added $378.40 per square metre to the price of urban land immediately inside of the Rural Urban Boundary line in Auckland in 2021. The Treasury, Ministry of Housing and Urban Development, Reserve Bank of New Zealand. 2024. *Analysis of availability of land supply in Auckland*. Prepared for The Treasury, Ministry of Housing and Urban Development, Reserve Bank of New Zealand by the Housing Technical Working Group. Wellington: The Treasury.

Removing LUC 3

The intent of the proposal to remove LUC 3 land from NPS-HPL restrictions is to be more enabling of greenfield development that will provide additional housing capacity with immediate effect (ie, before HPL is mapped). The intent is also to ensure this amendment is consistent with the main objective of the NPS-HPL (ie, that HPL is protected for use in land-based primary production, now and for future generations).

Questions	
25.	Should LUC 3 land be exempt from NPS-HPL restrictions on urban development (leaving LUC 3 land still protected from rural lifestyle development) or, should the restrictions be removed for both urban development and rural lifestyle development?
26.	If the proposal was to exempt LUC 3 land from NPS-HPL restrictions for urban development only, would it be better for this to be for local authority led urban rezoning only, or should restrictions also be removed for private plan changes to rezone LUC 3 land for urban development?
27.	If LUC 3 land were to be removed from the criteria for mapping HPL, what, other consequential amendments will be needed? For example, would it be necessary to: a. amend 'large and geographically cohesive' in clause 3.4(5)(b) b. amend whether small and discrete areas of LUC 3 land should be included in HPL mapping clauses 3.4(5)(c) and (d) c. amend requirements for mapping scale and use of site-specific assessments in clause 3.4(5)(a), and amend definition of LUC 1, 2 or 3 land d. remove discretion for councils to map additional land under clause 3.4(3). e. use more detailed information about LUC data to better define HPL through more detailed mapping, including farm scale and/or more detailed analysis of LUC units and sub-classes.

New special agricultural areas

Special Agricultural Areas (SAA) are proposed to be a new category of HPL. This is intended to protect key food growing areas like Pukekohe and Horowhenua. It recognises that areas important for food and fibre production may be compromised by the removal of LUC 3, and that these areas should be subject to the NPS-HPL.

Questions	
28.	Given some areas important for foods and fibre production such as Pukekohe and Horowhenua may be compromised by the removal of LUC land, should additional criteria for mapping HPL be considered as part of these amendments?
29.	If so, what additional criteria could be used to ensure areas important for food and fibre production are still protected by NPS-HPL?
30.	What is the appropriate process for identifying special agricultural areas? Should this process be led by local government or central government?
31.	What are the key considerations for the interaction of special agriculture areas with other national direction – for example, national direction for freshwater?

Implications for timeframes for mapping HPL

Removal of LUC 3 land from the NPS-HPL, and potential inclusion of SAAs, means it is appropriate to extend or suspend NPS-HPL requirements for HPL maps to be notified in regional policy statements by October 2025.

Whether mapping timeframes are extended or mapping is suspended depends on whether the preference is either:

- for councils to progress plan changes under the RMA ahead of the replacement resource management system (in which case an extension of timeframes via a separate legislative process[37] would be more appropriate), or
- to provide time to develop a longer-term solution for managing HPL in the replacement resource management system. This would involve directing councils to suspend mapping of HPL.[38]

Question	
32.	Should timeframes for local authorities to map highly productive land in regional policy statements be extended based on revised criteria? Alternatively, should the mapping of HPL under the RMA be suspended to provide time for a longer-term solution to managing highly productive land to be developed in the replacement resource management system?

What does this proposal mean for you?

Table 8 includes an overview of the anticipated impacts of the NPS-HPL proposal on various parties. More detailed information about the proposal's potential impacts is included in the *Interim Regulatory Impact Statement: National Policy Statement for Highly Productive Land* available on the Ministry for the Environment's website.

Table 8: Overview of anticipated impacts of the proposed amendments to the NPS-HPL

Party	Anticipated impacts
Local authorities	The proposals would impact timeframes and scope of mapping of HPL in regional policy statements and district plans. The implementation timeframes will either need to be extended or the mapping of HPL will need to be suspended (subject to the outcomes of consultation). The proposal may generate more plan changes to rezone LUC 3 land for urban development and for rural-residential development. Differences in district and/or regional plans may result in different regional approaches and decisions about what is appropriate on LUC 3 land.
People and communities	Removing LUC 3 is likely to have mixed impacts for different people and communities. Those who have supported the objective and intent of the policy would likely prefer LUC 3 land to remain protected under the NPS-HPL, while others might support more flexibility for rural activities or urban development. The proposal will reduce restrictions on urban development and rural lifestyle development on LUC 3 land.
Applicants	The proposal will enable applicants to use or develop LUC 3 land for non-land-based primary production and create opportunities for urban development in some cases dependent on provisions in district plans.

[37] Extending timeframes could be considered under section 44(3)(d) in the RMA "to extend the timeframe for implementation of any part of a national environmental standard", which is applied to national policy statements by section 53(2) of the RMA.

[38] One way of suspending the mapping may be to amend Part 4 of the NPS-HPL. Alternatively, clause 3.4 and 3.5 of the NPS-HPL would need to be removed.

Party	Anticipated impacts
Māori groups	It is not possible to fully assess impacts of the proposal on existing Treaty settlements, and iwi and hapū currently in Treaty settlement negotiations. However, in lieu of fuller engagement and consultation, the following points can be made. • The policy proposals do not propose to change the mechanisms that provide for Treaty settlements or other arrangements in consenting and planning processes (eg, statutory acknowledgements and participation in plan-making processes). • Requirements to notify relevant iwi and Māori groups as specified by the arrangements and RMA will continue to apply. • PSGEs and other Māori representative groups will continue to influence decision-making through council planning and consenting processes.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA, because they:

- enable use and development of rural land resources, which in some circumstances have lower productive potential (LUC 3) than our most productive soils (LUC1 and 2)
- better enable urban development to provide for the social and cultural wellbeing of people and communities
- enable limited use of HPL (LUC 1 and 2) for non-productive purposes to provide for the social, economic and cultural wellbeing of people while sustaining the potential of HPL to meet the needs of future generations.

Treaty considerations

Analysis to date has not identified significant impacts on specific Treaty settlement redress mechanisms.

The process and requirement to involve tangata whenua in the mapping of HPL is not intended to change. However, tangata whenua may have fewer opportunities for meaningful input into the mapping of HPL if changes to the mapping criteria being proposed are progressed (eg, removing a council's discretion to include additional land, apart from LUC 1 or 2).

Further engagement with tangata whenua and PSGEs through the public consultation process will assist in fully understanding the implications of these proposals on Māori rights and interests, including any impacts on Treaty settlement redress arrangements. Consultation will also be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups.

Implementation

Once amendments to national policy statements are gazetted, councils must have regard to those provisions (as relevant) when making consent decisions, including what is defined as HPL prior to mapping HPL.

In respect to mapping HPL, timeframes for mapping will either be extended, or mapping under the RMA will be suspended – see above section on Implications for timeframes for mapping HPL.

Part 2.5: Multiple instruments for quarrying and mining provisions

National Policy Statement for Indigenous Biodiversity

National Policy Statement for Freshwater Management

National Environmental Standards for Freshwater

National Policy Statement for Highly Productive Land

Context

The National Policy Statement for Indigenous Biodiversity (NPSIB), the National Policy Statement for Highly Productive Land (NPS-HPL), and the National Policy Statement for Freshwater Management (NPS-FM) and National Environmental Standards for Freshwater (NES-F) provide direction to councils to identify, protect and manage the adverse effects on significant natural areas (SNAs), HPL and wetlands (respectively), while providing for the social, economic and cultural wellbeing of people and communities.

These national direction documents provide for consent pathways for quarrying and mining activities that adversely affect SNAs, wetlands and HPL. The terminology and consent pathways differ across the three documents.

The Government has committed to:

- unlocking development capacity for housing and business growth and doubling mineral exports (to support this commitment, locally sourced aggregate and minerals are needed)
- improving the consistency of the consent pathways in the NPS-FM, NPS-HPL and NPSIB for quarrying and mining.

We are consulting on changes to align definitions across four national direction instruments that provide for quarrying and mining, and to ensure the consent pathways are consistent.

What problems does the proposal aim to address?

Inconsistent terminology across national direction instruments on quarrying and mining

The NPS-FM, NPSIB and NPS-HPL have inconsistent terminology for quarrying and mining activities. For example, “quarrying activities” are referred to in the NPS-FM and NES-F, whereas the NPSIB and NPS-HPL use “aggregate extraction” (undefined). The definition of

quarrying activities in the National Planning Standards includes both the activity of quarrying as well as the ancillary activities needed to support it.[39]

Similarly, the NPS-FM and NES-F refer to "the extraction of minerals and ancillary activities", whereas the NPSIB and NPS-HPL use "mineral extraction". Neither term is defined. The NPS-FM term covers all the activities needed to support mineral extraction and ensure a viable consent pathway.

Inconsistent gateway tests and consent pathways for mining and quarrying

The national policy statements provide consent pathways for specific purposes (eg, quarrying and mining) and regulate certain activities[40] where they adversely affect SNAs, HPL and wetlands. The consent pathways allow consent authorities to recognise government goals – including social and economic wellbeing and the need for resources – while managing adverse effects of activities on SNAs, HPL and wetlands.[41]

To access these consent pathways, a consent application must show a need exists for the adverse effects on protected environments to occur by meeting certain 'gateway tests'. If the application meets these gateway tests, a proposal's adverse effects can be managed using an effects management hierarchy. For example, the gateway tests for quarrying in or around a wetland under the NPS-FM and NES-F are that the aggregate will provide significant national or regional benefits, and there is a functional need for the quarry to be in that location.

The NPSIB has different gateway tests relevant to SNAs, including that there is an operational or functional need, and that the proposal provides significant regional and or national public benefits that could not otherwise be achieved using resources within New Zealand. The NPS-HPL applies three gateway tests similar to those in the NPSIB.

What is the proposal?

We are consulting on changes to align the terminology and gateway tests for quarrying and mining in the NPSIB, NPS-HPL, NPS-FM and NES-F.

The proposal to amend the NPSIB:

- replaces "mineral extraction" with "the extraction of minerals and ancillary activities" and replaces "aggregate extraction" with "quarrying activities" (to be consistent with the National Planning Standards, NPS-FM and NES-F)

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[39] The National Planning Standards define 'quarrying activities' as "the extraction, processing (including crushing, screening, washing and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock and sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry." Ministry for the Environment. 2022. *National Planning Standards*. Wellington: Ministry for the Environment. p 62.

[40] For example, the wetland provisions control vegetation clearance, earthworks and water take, use, discharges for mining and/or quarrying.

[41] SNAs and wetlands are matters of national importance under section 6 of the RMA and require consenting authorities "to recognise and provide for" them in decision-making. HPL is listed under section 7 of the RMA and requires consenting authorities to have "particular regard" for HPL in decision-making.

- removes “could not otherwise be achieved using resources in New Zealand”, for consistency with the NPS-FM and NES-F
- removes the requirement for the benefit to be “public” (ie, allowing any benefits to be considered)
- adds consideration of “regional benefits” to the mining consent pathway.

The proposal to amend the NPS-FM and NES-F:

- adds “operational need” as a gateway test (to the existing “functional need” test) in wetlands for mining and quarrying, to make it consistent with the other national direction instruments.

The proposal to amend the NPS-HPL:

- replaces “mineral extraction” with “the extraction of minerals and ancillary activities” and replaces “aggregate extraction” with “quarrying activities” (to be consistent with the National Planning Standards, NPS-FM and NES-F)
- removes “could not otherwise be achieved using resources in New Zealand”, for consistency with the NPS-FM and NES-F
- removes the requirement for the benefit to be “public” (ie, allowing any benefits to be considered removes the requirement for the benefit to be ‘public’ (ie, allowing any benefits to be considered)
- adds consideration of “regional benefits” to the mining consent pathway.

Proposed provisions to amend the instruments are included in the following attachments.

- NPSIB – refer to attachment 2.5.
- NPS-HPL – refer to attachment 2.4. This attachment also addresses other changes to the NPS-HPL (outlined in Part 2.4 of this document).
- NPS-FM and NES-F – refer to attachment 2.6.

Questions	
33.	Do you support the proposed amendments to align the terminology and improve the consistency of the consent pathways for quarrying and mining activities affecting protected natural environments in the NPS-FM, NES-F, NPSIB and NPS-HPL?
34.	Are any other changes needed to align the approach for quarrying and mining across national direction and with the consent pathways provided for other activities?
35.	Should “operational need” be added as a gateway test for other activities controlled by the NPS-FM and NES-F?

What does this proposal mean for you?

Table 9 includes an overview of the anticipated impacts of the proposed changes on various parties. More detailed information about the potential impacts of the proposal is included in the *Interim Regulatory Impact Statement: Providing a consistent consenting pathway for quarrying and mining affecting significant natural areas, highly productive land and wetlands* available on the Ministry for the Environment’s website.

Table 9: Overview of anticipated impacts of the proposed amendments for quarrying and mining in the NPSIB, NPS-HPL, NPS-FM and NES-F

Party	Anticipated impacts
Local authorities	Councils will need to have regard to the amendments when assessing consent applications and amend plans as necessary. More quarrying and mining projects may progress to the consent application stage, which could increase workload and costs.
People and communities	The proposal may increase access to local aggregates and other mineral resources needed for housing and critical infrastructure projects. It also may increase the number of mines and quarries, with a range of positive and negative benefits for local communities and neighbouring properties.
Applicants	The amendments would provide certainty for applicants by improving consistency and providing more enabling consent pathways which may allow quarrying and mining proposals to obtain consent.
Māori groups	Similar positive and negative effects for Māori and non-Māori from potential increase in number of mines and quarries. Decision making will continue to require the principles of the Treaty of Waitangi to be taken into account, or to recognise and provide for the relationship of Māori and their culture with their taonga.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA, because they provide for the social and economic wellbeing of people and communities for infrastructure and development, by improving the certainty of rules for using mineral and aggregate natural resources while retaining existing requirements to manage the effects of quarrying and mining on protected environments.

Treaty considerations

The proposals to enable quarrying and mining may increase the number of projects that can access consent pathways – and, therefore, the number of projects that Māori groups may want to engage with. Impacts of specific projects on Māori rights and interests will depend on location.

Generally, proposals do not change the ability to take the principles of the Treaty of Waitangi, into account, or to recognise and provide for the relationship of Māori and their culture with their taonga as a matter of national importance in the resource management system under the RMA.

We have not identified any significant impacts of the proposals on Treaty settlements or related arrangements.

Further engagement with tangata whenua and PSGEs through the public consultation process will increase our understanding of the implications of these options on Māori rights and interests, including any impacts on Treaty settlement redress arrangements. Consultation will also be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups.

Implementation

Once amendments to national policy statements are gazetted, councils must have regard to those provisions (as relevant – eg, the NPSIB and NPS-HPL) when making consent decisions.

In respect of the relevant freshwater sections (on wetlands) in the NPS-FM, these clauses are required to be directly inserted into regional plans under section 55 of the RMA, without using the plan-making process in Schedule 1 of the RMA. Councils must update their plans as soon as possible following gazettal.

Amendments to the NES-F would take effect immediately and will drive both consent applications and decision-making as soon as the amended NES-F is gazetted.

Part 2.6: Stock Exclusion Regulations

Context

The Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations) prohibit access of cattle, pigs and deer to wetlands, lakes and rivers. Livestock entering waterways contaminates water, damages riverbanks and compromises recreation and mahinga kai. Livestock dung and urine can carry disease and promote weed growth, degrading the ecosystem and inhibiting fish spawning.

In 2024, the Government cut red tape for farmers by repealing the map of low-slope land in the Stock Exclusion Regulations and simplifying rules for intensive winter grazing.[42] These changes were part of the Government's move to a more risk-based, catchment-focused approach.

The Government wants to remove further parts of the Stock Exclusion Regulations where the benefits of the rules do not outweigh the costs to the primary sector.

What problems does the proposal aim to address?

Regulation 17 of the Stock Exclusion Regulations requires all stock to be excluded from wetlands that support threatened species, regardless of the size of the wetland or the intensity of the farming system. Regulation 17 is inflexible and unable to be adapted to individual circumstances. This means that, in some areas (eg, along the West Coast and in the South Island High Country), there is the potential for the benefits of excluding stock from these wetlands to be disproportionate to the cost.

What is the proposal?

The proposal to amend regulation 17 of the Stock Exclusion Regulations includes amending the requirement that all stock must be excluded from any natural wetlands that support a population of threatened species[43], so that it would not apply to non-intensively grazed beef cattle and deer.

Proposed provisions to amend the Stock Exclusion Regulations are included in attachment 2.7.

Question	
36.	Do you agree that the cost of excluding stock from all natural wetlands in extensive farming systems can be disproportionate to environmental benefits?

[42] Through the Resource Management (Freshwater and Other Matters) Amendment Act 2024.

[43] As described in the compulsory value for threatened species in the NPS-FM.

What does this proposal mean for you?

Table 10 includes an overview of the anticipated impacts on various parties of proposed amendments to the Stock Exclusion Regulations proposal. More detailed information about the potential impacts of the proposal is included in the *Interim Regulatory Impact Statement: Options to amend regulations for farming activities* available on the Ministry for the Environment's website.

Table 10: Overview of anticipated impacts on parties

Party	Anticipated impacts
Local authorities	Local authorities may wish to provide additional protection for any regionally significant wetland no longer covered by regulation 17.
People and communities	There will likely be some cost savings for certain groups on private land Some stock may impact natural wetlands by removing protection from some wetlands supporting threatened species valued by people and communities and for their intrinsic environmental value.
Applicants	N/A There are no applications required in respect of these regulations.
Māori groups	Stock may impact on natural wetlands by removing protection from some wetlands supporting threatened species which may be a taonga for Māori (see also Treaty considerations below).

Treaty considerations

Claimants in the Wai 2358 Stage 2 inquiry[44] held that the failure of the Crown to issue stock exclusion regulations in 2017 had contributed to the degradation of waterbodies. These regulations were issued in 2020, but the proposal set out above would remove protection from stock access in wetlands supporting a population of threatened species. Some of those species have a high likelihood of being taonga to Māori.

However, this proposal would apply primarily to wetlands on private farmland, where issues have consistently been raised by stakeholders about the unworkability of regulation 17 of the Stock Exclusion Regulations. In the rare cases where the proposal would apply on Crown land (eg, the Taieri Scroll Plains), tangata whenua could work with local authorities in the freshwater planning stages to apply more stringent plan rules in respect of these waterbodies, or to apply other mitigating plan measures to protect freshwater quality and taonga species.

We consider that this proposal appropriately balances Māori rights and interests with the interests of private agricultural land owners. Severe impacts on Māori rights and interests could be mitigated through more stringent plan provisions where required.

Implementation

Regulations made under section 360 (in this case, section 360(1)(hn)) of the RMA do not require resource consent, and they apply directly to the relevant party on the day they are gazetted.

[44] Wai 2358 Stage 2 inquiry reports.

Section 3: Implementation of primary sector instruments

Types of implementation

Implementation of instruments in the primary sector package can comprise two forms.

- **Non-statutory implementation** aids understanding and delivery of the proposals through guidance, workshops or other means. Implementation plans to help deliver any consequent national direction will be developed after we have considered any recommendations or requests received in submissions.
- **Statutory implementation** is part of the proposals[45] .Alongside the RMA requirements, statutory implementation provides more detailed direction on:
  - how and when decision-makers must consider the proposals
  - how and when required RMA plan amendments are to be progressed
  - who is to use and implement the national direction.

Statutory implementation

Where specific statutory implementation provisions are proposed, they are included in the proposed provisions. The following general provisions apply.

National environmental standards implementation

National environmental standards have immediate effect, and plan changes can be made to amend any inconsistencies with national environmental standards without using the Schedule 1 process.[46] The RMA generally requires this to be undertaken as soon as practicable after national environmental standards come into effect.

National policy statements implementation

National policy statements have immediate effect, and consent authorities must have regard to national policy statements when considering an application for a resource consent[47].

Some plan or policy statement changes will be required to implement new national policy statements. If a national policy statement directs that a local authority must amend a plan or policy statement in the manner described in section 55(2) of the RMA, the plan changes must be made without using the Schedule 1 process.[48] However, for any subsequent changes

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45 The standard provisions for statutory implementation are found in sections 44A and sections 55 of the RMA.

46 Schedule 1 of the RMA provides for the preparation, change and review of policy statements and plans.

47 Under section 104(1)(b) (iii) of the RMA.

48 Schedule 1 of the RMA provides for the preparation, change and review of policy statements and plans.

necessary to ensure a plan or policy statement gives effect to a provision in a national policy statement a Schedule 1 process is required as soon as practicable after the national policy statement comes into effect (or based on a timeframe or event specified in the national policy statement).

Additional implementation options

The RMA has no provision for flexibility in the statutory implementation of national environmental standards other than including stringency and leniency provisions in individual standards.

The RMA does provide options[49] for how and when national policy statement provisions are implemented into RMA documents.[50] None of the national policy statement proposals include provisions for specific objectives and policies to be directly inserted into RMA documents. Rather, each individual national policy statement proposal directs that plan changes to implement the national policy statement are undertaken "as soon as practicable".[51]

The proposed options for national policy statements are to:

- rely on the RMA default provisions of "as soon as practicable"
- provide an implementation timeframe of five years from gazettal for making amendments to regional and district plans and policy statements
- require all plan changes to fully implement each national policy statement before or at plan review, in addition to any specific implementation provisions in each proposal.

Note that national environmental standards and national policy statements can apply to any specified district or region of any local authority, or to any specified part of New Zealand[52]. This provision has not been proposed for any of the proposals.

How are national policy statements to be used?

The RMA stipulates that decision-makers on resource management matters must:

- "have regard to" provisions in national policy statements when making decisions on resource consents and water conservation orders
- "have particular regard" to provisions in a national policy statement when making decisions on notice of requirements and heritage orders
- prepare and amend their regional policy statement and regional and district plan provisions in accordance with provisions in a national policy statement.

Once plan changes have been undertaken to give effect to a policy statement, plan provisions can usually be relied on to appropriately reflect the national policy statement.

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[49] Under section 55(2) and (2D) of the RMA.

[50] Under section 55(1) in subsection (2) and (2A) a document means a regional policy statement, a proposed regional policy statement, a proposed plan, a plan or a variation.

[51] As required by section 55(2D)(a) of the RMA. Using the provisions for implementation timeframes under section 55 92D) (b) and (c) of the RMA.

[52] Under section 43(4) and section 45A of the RMA.

Leniency and stringency under national environmental standards

A national environmental standard can identify whether associated plan provisions can be more lenient or stringent than the provisions in the national environmental standard. The individual proposals in this discussion document identify whether they include any leniency or stringency options.

Implementation questions

Questions	
37.	Does “as soon as practicable” provide enough flexibility for implementing this suite of new national policy statements and amendments?
38.	Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient? a. If not, what would be better, and why? b. If yes, what time period would be reasonable (eg, five years), and why?
39.	Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review?
40.	Are there other statutory or non-statutory implementation provisions that should be considered?

Section 4: Have your say

Consultation for this package closes at 11.59pm on 27 July 2025.

The Government welcomes your feedback on this discussion document. The questions posed are a guide only and all comments are welcome. You do not have to answer any or all of the questions.

To ensure your point of view is clearly understood, you should explain your rationale and provide supporting evidence, where appropriate.

You can provide a submission through Citizen Space, our consultation hub, by either filling out the feedback form or by uploading your own written submission.

We would prefer you use the online system for making your submission. However, if you need to, mail your written submission to:

National direction consultation, Ministry for the Environment, PO Box 10362, Wellington 6143.

Please ensure you include your:

- name or name of the organisation you represent
- postal address
- telephone number
- email address.

If you have any questions, please email ndprogramme@mfe.govt.nz.

Publishing and releasing submissions

All or part of any written comments (including names of submitters) may be published on the Ministry for the Environment's website, environment.govt.nz. Unless you clearly specify otherwise in your submission, the Ministry will consider that you have consented to online posting of both your submission and your name.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment (including via email). Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions to this document under the Official Information Act.

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Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this document. Please

clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

Section 5: Attachments – proposed provisions

Attachment 2.1: Proposed provisions – Amendments to the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020

Attachment 2.1.1: Matters of control and discretion for proposed new regulations in the National Environmental Standards for Marine Aquaculture (Attachment 2.1)

Attachment 2.2: Proposed provisions – Amendments to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

Attachment 2.2.1: Draft Slash Mobilisation Risk Assessment

Attachment 2.3: Proposed provisions – Amendments to the New Zealand Coastal Policy Statement 2010

Attachment 2.4: Proposed provisions – Amendments to the National Policy Statement for Highly Productive Land 2022

Attachment 2.5: Proposed provisions – Amendments to the National Policy Statement for Indigenous Biodiversity 2023

Attachment 2.6: Proposed provisions – Amendments to the National Policy Statement for Freshwater Management 2020 and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020

Attachment 2.7: Proposed provisions – Amendments to the Resource Management (Stock Exclusion) Regulations 2020

PACKAGE

3

Discussion document

Have your say on proposed changes to national direction

Freshwater

Te Kāwanatanga o Aotearoa
New Zealand Government

Disclaimer

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This document may be cited as: Ministry for the Environment. 2025. *Package 3: Freshwater – Discussion document.* Wellington: Ministry for the Environment.

Published in May 2025 by the
Ministry for the Environment
Manatū mō te Taiao
PO Box 10362, Wellington 6143, New Zealand
environment.govt.nz

ISBN: 978-1-991140-88-3
Publication number: ME 1897

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Message from the Minister Responsible for RMA Reform

This Government is committed to enabling primary sector growth as a key driver of both the New Zealand export sector and prosperity in the wider economy. Achieving this will require high-quality regulation that targets environmental outcomes by setting limits for landowners to work within. However, the current freshwater management system is complex and expensive to implement and has not delivered the outcomes for freshwater that New Zealanders expect.

We have committed to replace the National Policy Statement for Freshwater Management 2020 and the National Environmental Standards for Freshwater to better reflect the interests of all water users.

This Government wants to enable primary sector growth to drive both the New Zealand export sector and prosperity in the wider economy. Growing our economy and improving productivity relies on our primary sector thriving – and right now our freshwater rules are holding it back.

Next year we'll replace the RMA with new legislation premised on property rights. Our new system will unlock development, streamline processes, and support growth, including in the primary sector. Our simpler resource management system will provide for environmental outcomes without telling landowners how to run their business or imposing unnecessary consenting and compliance costs.

But we aren't willing to wait until then. New Zealanders need relief from an overly burdensome planning system now. This is why we are proposing targeted changes to a suite of National Direction this year to realise immediate economic gains.

The proposals set out in this discussion document are designed to equip regional councils to manage freshwater resources in a way that is efficient, effective, and aligned with the Government's goals. In addition, we are seeking feedback on proposals that will address barriers to investment in water storage and provide clearer rules for food production and wetland management.

Some proposals presented in this document are specific while others span a range of approaches. We seek your views on which approach would result in an enduring freshwater management system.

These National Direction changes have been designed to minimise the implementation burden for local government and have been developed with the new system in mind, with these changes expected to carry over and transition into it when the time comes.

Your input will shape our final proposals, which we expect to be able to test further later this year. We look forward to hearing your thoughts.

Hon Chris Bishop
Minister Response for RMA Reform

Section 1: Introduction

What are we proposing?

The Government is proposing new and amended national direction[1] to improve operation of the resource management system under the Resource Management Act 1991 (RMA). Updated national direction is needed to set national-level resource management policy and rules which inform regional and local plans, policy statements, and resource consent decisions.

The national direction programme proposes:

- targeted amendments to 12 existing national direction instruments and introduction of four new national direction instruments, through a combined statutory consultation process
- consultation on options to amend two existing national direction instruments on freshwater
- consultation on national housing and urban policy (currently part of national direction under the RMA) to inform development of the new resource management system.

The Government is also seeking feedback on whether the freshwater changes should be implemented through amending national direction under the RMA or whether it would be better to implement these under the framework of the new resource management legislation.

For efficiency and integration across related topics, the programme is grouped into four 'packages'.

Package 1: Infrastructure and development and **Package 2: Primary sector** comprise new instruments and amendments to existing national direction instruments. These packages are open for public consultation and submissions as part of the statutory process to prepare and amend national direction under section 46A (1) and (2) of the RMA.

Package 3: Freshwater is open for feedback on options to amend existing national direction instruments for freshwater. Submissions are invited on freshwater proposals, which include some broad options. Further consultation will be undertaken through an exposure draft.

Package 4: Going for Housing Growth includes a discussion document for consultation and submissions on key aspects of the Going for Housing Growth Pillar 1 policy proposals, and an indicative assessment of implementation options for different components in the new resource management system. Further consultation will be held as the detailed design of the new system progresses.[2]

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1 National direction comprises national policy statements, national environmental standards, national planning standards and regulations made under section 360 of the RMA.

2 See Ministry of Housing and Urban Development. Going for Housing Growth programme. Retrieved 28 April 2025.

Table 1: National direction instruments proposed for development or amendment[3]

Package 1: Infrastructure and development
• New National Policy Statement for Infrastructure • Amendments to National Policy Statement for Renewable Electricity Generation 2011 • Amendments to National Policy Statement on Electricity Transmission 2008 (proposed to be renamed National Policy Statement for Electricity Networks) • Amendments to Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (proposed to be renamed National Environmental Standards for Electricity Network Activities) • Amendments to Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 • New National Environmental Standards for Granny Flats (Minor Residential Units) • New National Environmental Standards for Papakāinga • New National Environmental Standards for Natural Hazards
Package 2: Primary sector
• Amendments to Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 • Amendments to Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 • Amendments to New Zealand Coastal Policy Statement 2010 • Amendments to National Policy Statement for Highly Productive Land 2022 • Amendments to Resource Management (Stock Exclusion) Regulations 2020 • Amendments to mining and quarrying provisions in: – National Policy Statement for Indigenous Biodiversity 2023 – National Policy Statement for Highly Productive Land 2022 – National Policy Statement for Freshwater Management 2020 – Resource Management (National Environmental Standards for Freshwater) Regulations 2020
Package 3: Freshwater
• Amendments to National Policy Statement for Freshwater Management 2020 • Amendments to Resource Management (National Environmental Standards for Freshwater) Regulations 2020
Package 4: Going for Housing Growth
This package focuses on: • obtaining public feedback on key aspects of the Going for Housing Growth Pillar 1 policy proposals • providing an indicative assessment about implementing different components in the new resource management system.

[3] The packages do not propose amendments to other regulations made under section 360 of the RMA, or to the following national direction instruments:

- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat
- National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat
- National Environmental Standards for Air Quality
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Sources of Human Drinking Water
- National Environmental Standards for Storing Tyres Outdoors.

Why are we changing national direction?

The proposals in the national direction programme are intended to contribute to the overarching goals of the Government's resource management reform programme, namely:

- unlocking development capacity for housing and business growth
- enabling delivery of high-quality infrastructure for the future, including doubling renewable energy
- enabling primary sector growth and development, including aquaculture, forestry, pastoral, horticulture and mining.

Role and content of this discussion document

Through this discussion document, the Government invites submissions on the proposals. Submissions will inform advice the Government considers before making final decisions or drafting any amendments to national direction instruments. Further consultation will then be undertaken on an exposure draft of proposals to amend freshwater national direction.

National direction for freshwater includes the following:

- National Policy Statement for Freshwater Management 2020[4] (NPS-FM)
- Resource Management (National Environmental Standards for Freshwater) Regulations 2020[5] (NES-F)
- Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007[6] (NES-DW).

Proposed changes to the Resource Management (Stock Exclusion) Regulations 2020[7] and specific amendments to freshwater national direction instruments relating to quarrying and mining only are set out in the Package 2: Primary sector discussion document.

Section 2 of this discussion document outlines the scope and content of the proposed amendments to freshwater national direction instruments.

Section 3 outlines the potential tools available to implement freshwater national direction proposals.

Section 4 explains how you can make a submission.

Section 5 provides supporting documents including summary of freshwater proposals and implementation, and draft standards for off-stream water storage.

Further information on the proposed changes to national direction, including Interim Regulatory Impact Statements, can be found on the Changes to resource management web page on the Ministry for the Environment's website.

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4 Current and previous versions of this national policy statement are available online. Ministry for the Environment. National Policy Statement for Freshwater Management. Retrieved 5 April 2025.

5 Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

6 Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.

7 Resource Management (Stock Exclusion) Regulations 2020.

Section 2: Options for changing national direction for freshwater

Introduction

The Government is committed to safeguarding freshwater for the benefit of all New Zealanders.

New Zealanders rely on freshwater for a wide range of uses, both essential (eg, drinking water) and recreational (eg, swimming and fishing). Water is crucial for many industries and underpins the primary sector. Farmers and growers in Aotearoa New Zealand are leading the way in global farming practices, including taking action to clean up waterways and revive wetlands.

Freshwater is under increasing pressure. A growing population and land-use changes have contributed to deteriorating water quality in some areas. The demand for freshwater is increasing, and climate change is contributing to shortages in some parts of the country at certain times.

The approach to managing freshwater has become too complex and expensive to implement. It will not deliver the outcomes for freshwater that New Zealanders expect. Councils have said that the National Policy Statement for Freshwater Management 2020 (NPS-FM) is inflexible. It does not allow them to take account of matters that they should be able to when managing freshwater, including differences between regions and catchments.

The NPS-FM has been amended many times since it was introduced in 2011. The frequency of change has been inefficient. In seeking a balance that better reflects the interests of all water users, the Government aspires to freshwater management settings that will be enduring. The proposals in this document will enable feedback on how to achieve that.

Topics in this discussion document

This discussion document covers the following topics:

- rebalancing freshwater management through multiple objectives
- rebalancing Te Mana o te Wai
- providing flexibility in the National Objectives Framework
- enabling commercial vegetable growing
- addressing water security and water storage
- simplifying the wetlands provisions
- simplifying the fish passage regulations
- addressing remaining issues with the farmer-facing regulations (ie, synthetic nitrogen fertiliser)
- including mapping requirements for drinking water sources.

Impact analysis

This document is partnered with impact analysis covering these topics. The impact analysis documents are available on the Ministry for the Environment's website. They provide detailed information to support you to make informed submissions. This includes information on regulatory settings, how these might change, and estimates of the costs and benefits of those changes.

The impact analysis documents also include a Treaty Impact Analysis. Freshwater management is an issue of significance to tangata whenua, and all of the options in this document intersect with Māori freshwater rights and interests in some way. The Treaty Impact Analysis looks at the potential impacts of these options on Māori rights and interests, and on Treaty settlements.

Further impact analysis will be completed once final policy proposals are developed following this consultation.

Relationship to wider resource management reform

The Government has already paused regional councils' ability to notify freshwater planning instruments[8] while it is working through changes to national direction and a significant reform programme to replace the RMA.

That is why we are also seeking feedback on **whether any of the changes proposed in this discussion document should be implemented now, or if they should instead be incorporated into or made under the upcoming replacement legislation for the RMA**.

Further information on implementation options for national direction more broadly is included in Section 3.

Question	
1.	What resource management changes should be made in the current system under the RMA (to have immediate impact now) or in the future system (to have impact longer term)? From the topics in this discussion document, which elements should lead to changes in the current system or the future system, and why?

[8] Through amendments to section 80A of the RMA by the Resource Management (Freshwater and Other Matters) Amendment Act 2024.

Part 2.1: Rebalancing freshwater management through multiple objectives

The Government has committed to:

- replacing the NPS-FM to better reflect the interests of all water users
- replacing the NPS-FM to allow district councils more flexibility in how they meet environmental limits.

The NPS-FM has a single objective

Currently, the NPS-FM's sole objective sets out a hierarchy of obligations to ensure that natural and physical resources are managed in a way that prioritises:

- first, the health and well-being of water bodies and freshwater ecosystems
- second, the health needs of people (such as drinking water)
- third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The Government is concerned this hierarchy is currently being interpreted as requiring pristine water quality to be achieved, before allowing any other uses of freshwater. This is not consistent with the Government's intention for how the NPS-FM should be applied.

Multiple objectives for the NPS-FM

The NPS-FM used to have multiple objectives before it was amended in 2020 to have a single objective. Multiple objectives require councils to provide for multiple outcomes and can better reflect the interests of all water users. This is a more balanced approach than the current hierarchy in the NPS-FM's single objective.

The objectives proposed in this discussion document, particularly those relating to costs and timeframes, are intended to help ensure that efforts to improve freshwater quality are realistic and practical for communities and sector groups.

The Government is consulting on **whether to replace the NPS-FM's single objective (clause 2.1 of the NPS-FM) with multiple new objectives**. The potential new objectives are summarised below.

Providing for health of the environment, people, social, cultural and economic well-being

In the 2017 version of the NPS-FM, councils were directed to safeguard the life-supporting capacity of fresh water, as well as enabling communities to provide for their economic well-being (among other outcomes).[9]

We are consulting on **introducing a new objective that will direct councils to**:

- safeguard the life-supporting capacity of freshwater and the health of people and communities
- while enabling communities to provide for their social, cultural and economic well-being, including productive economic opportunities.

This objective would not operate as a hierarchy but would require councils to provide for these matters equally within their planning documents.

Considering the pace and cost of change

The NPS-FM does not specifically require councils, when setting targets and controls on resource use, to consider the anticipated costs, or to inform their communities about these costs.

The NPS-FM has often been misinterpreted as requiring water quality and bottom lines to be achieved or complied with immediately. However, the NPS-FM has never specified a timeframe by which targets and limits must be met. This is a choice for councils and communities.

We are consulting on **introducing a new objective to consider the pace and cost of change, and who bears the cost**. This would support councils and communities to have balanced conversations about their aspirations for the environment. It would require councils to consider:

- communities' long-term goals/visions for freshwater
- the cost of change and who bears the cost (including what the trade-offs are)
- within what timeframes change should occur, recognising that improving freshwater quality will require iterative, gradual improvement over a long time and through multiple planning cycles.

This is expected to increase recognition that change takes time. Long timeframes for improving water quality have always been appropriate and are, in some cases, unavoidable.

Providing for vegetable growing and water security

We are also consulting on new objectives to enable the continued domestic supply of fresh vegetables, and to address water security. The detail of those objectives is covered in Part 2.4 and Part 2.5 below.

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[9] This is covered in a number of objectives in the 2017 version of the NPS-FM, including Objectives A1, A4, B1 and B5, and Policies A7 and B8.

Setting an objective to maintain or improve

The NPS-FM requires freshwater quality to be maintained or improved.[10] Freshwater quality has to be at least *maintained* everywhere and may need to be *improved* if it is below a national bottom line or if councils/communities choose to aim for improvement. Targets have to be set at or above the national bottom line or current state.

We are consulting on **including the requirement to maintain or improve freshwater quality as a new objective**.

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Replacing the National Policy Statement for Freshwater Management*.

Questions	
2.	Would a rebalanced objective on freshwater management give councils more flexibility to provide for various outcomes that are important to the community? How can the NPS-FM ensure freshwater management objectives match community aspirations?
3.	What do you think would be useful in clarifying the timeframes for achieving freshwater outcomes?
4.	Should there be more emphasis on considering the costs involved, when determining what freshwater outcomes councils and communities want to set? Do you have any examples of costs associated with achieving community aspirations for freshwater?

[10] These requirements are expressed through Policy 5 in clause 2.2 of the NPS-FM, combined with clause 3.11, which sets out the process for setting targets.

Part 2.2: Rebalancing Te Mana o te Wai

The Government has committed to:

- rebalancing Te Mana o te Wai to better reflect the interests of all water users
- replacing the NPS-FM to better reflect the interests of all water users.

Te Mana o te Wai in the NPS-FM is a defined concept that refers to the fundamental importance of water. It includes a hierarchy of obligations that prioritises the health and well-being of water bodies and freshwater ecosystems, and a set of principles that describe the role of people in the management of freshwater.[11] Various provisions in the NPS-FM then refer to this defined concept and set out processes for how councils should apply it – for example, by actively involving tangata whenua in freshwater management.[12]

We are seeking feedback on options to rebalance Te Mana o te Wai

The proposal in the previous section to include multiple objectives in the NPS-FM is a key part of options to rebalance Te Mana o te Wai. We are consulting on **three additional options to rebalance Te Mana o te Wai**, as set out below.

Option 1: Remove hierarchy of obligations and clarify how Te Mana o te Wai applies

This option would amend the concept described in clause 1.3 of the NPS-FM and provisions referring to Te Mana o te Wai, to:

- remove the hierarchy of obligations
- clarify that for the purposes of the NPS-FM (and councils needing to 'have regard' to it in consent decision-making), Te Mana o te Wai does not apply to consenting decisions and that progressive improvement over time is allowed
- retain process steps for councils to apply Te Mana o te Wai – for example, by actively involving tangata whenua in freshwater management.

Option 2: Reinstate Te Mana o te Wai provisions from 2017

This option would remove the concept described in clause 1.3 and provisions referring to Te Mana o te Wai, and instead reintroduce provisions from the 2017 NPS-FM.[13]

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11 Refer to clause 1.3 of the NPS-FM.

12 Refer to Policy 1 in clause 2.2, and to clause 3.2 of the NPS-FM for examples of provisions referring to the concept of Te Mana o te Wai.

13 See page 7 and Part AA of the 2017 version of the NPS-FM.

Option 3: Remove Te Mana o te Wai provisions

This option would completely remove the concept described in clause 1.3 and provisions referring to Te Mana o te Wai.

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Replacing the National Policy Statement for Freshwater Management*.

Questions	
5.	What will a change in NPS-FM objectives mean for your region and regional plan process?
6.	Do you think that Te Mana o te Wai should sit within the NPS-FM's objectives, separate from the NPS-FM's objectives, or outside the NPS-FM altogether – and why?
7.	How will the proposed rebalancing of Te Mana o te Wai affect the variability with which it has been interpreted to date? Will it ensure consistent implementation?

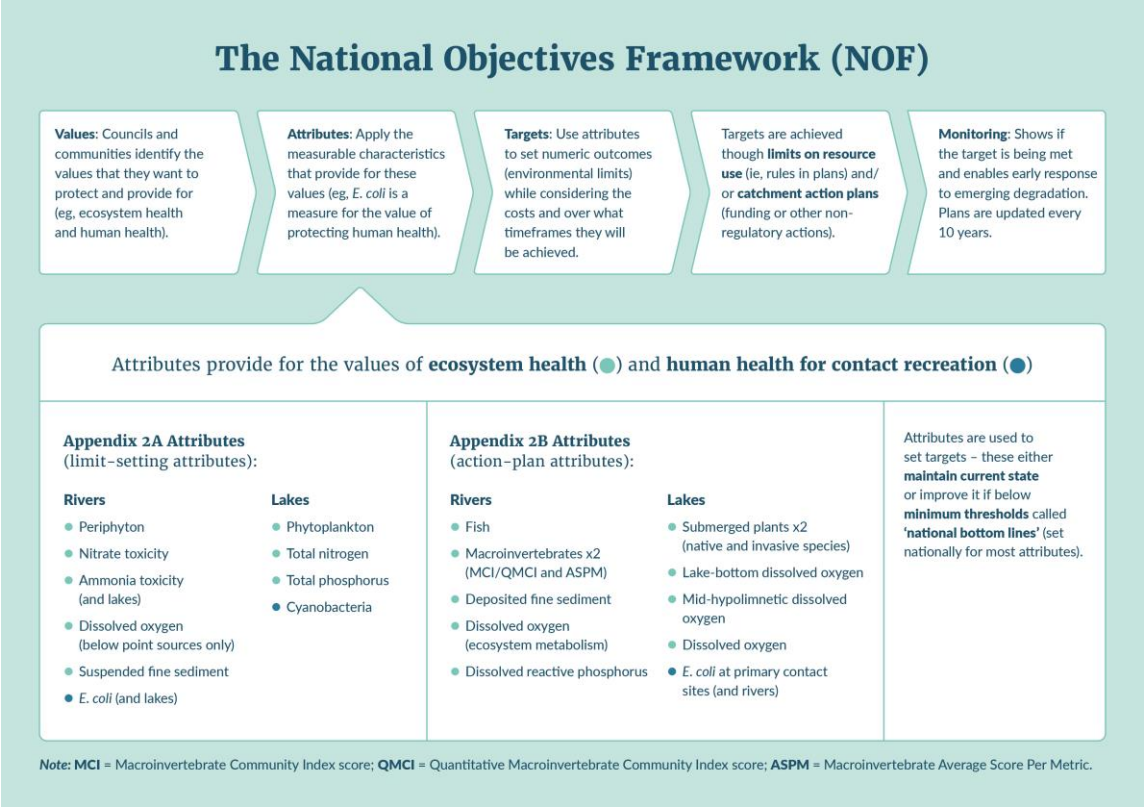
Part 2.3: Providing flexibility in the National Objectives Framework

The Government has committed to:

- replacing the NPS-FM to better reflect the interests of all water users
- replacing the NPS-FM to allow district councils more flexibility in how they meet environmental limits.

Since 2014, the National Objectives Framework (NOF) has provided a consistent process for setting environmental limits at a catchment level. Figure 1 describes the components and process of the NOF.

Figure 1: The National Objectives Framework



National direction needs some flexibility in terms of what councils measure and manage. Some bottom lines are arguably unsuitable for some catchments, and it may not always be necessary to manage all attributes to achieve desired environmental outcomes. The Government wants to ensure that the scope of the NOF and national bottom lines are focused only on matters critical at the national level.

We are consulting on **whether or not to retain some elements of the NOF and make it more flexible to implement**. This consultation covers:

- which values should be compulsory to provide for, and which should be optional
- which attributes and national bottom lines are critical for councils to manage nationally
- whether to give councils flexibility to deviate from the nationally defined thresholds (including bottom lines) that guide where the environmental limits (targets) are set, and to deviate from the detailed methods for monitoring attributes.

Values

The NOF requires councils and communities to develop a long-term vision and identify the values they want to see provided for. We are interested in which values should be compulsory.

The NPS-FM currently has four compulsory values,[14] which cover the core aspects that matter to people. These are healthy ecosystems, human interaction, mahinga kai (food gathering), and protection for our most threatened species. Councils are required to consider an additional nine optional values.[15]

Councils and communities could have more flexibility to choose the values they consider appropriate for their region. We are consulting on **which values should be compulsory to provide for, and which should be optional**.

Changes to which values are compulsory or optional would mean changes to Appendices 1A and 1B of the NPS-FM.

Table 2: Values for the National Objectives Framework

Compulsory values	Optional values
• Ecosystem health • Human contact • Mahinga kai • Threatened species Councils must provide for these values.	• Natural form and character • Fishing • Irrigation, cultivation and food (and beverage) production • Animal drinking water • Wai tapu • (Drinking) water supply • Commercial and industrial use • Hydro-electric power generation • Transport and Tauranga waka Councils may consider these values, having regard to their local and regional circumstances.

Attributes

Attributes in the NOF are measurable characteristics (eg, nutrient concentrations) that provide for values (eg, ecosystem health). Councils must at least *maintain* the health of freshwater. They must *improve* it if it is below minimum thresholds called 'national bottom lines', or where councils/communities choose to aim for improvement.

[14] Refer to Appendix 1A of the NPS-FM.

[15] Refer to Appendix 1B of the NPS-FM.

The management of attributes could be more flexible

We are consulting on **which attributes and national bottom lines are critical for councils to manage nationally**.

The NPS-FM has been criticised for being relatively inflexible. Some attributes may not need to be managed to achieve the desired outcomes in particular catchments. Also, councils and communities can identify additional attributes locally.

It is important councils are directed to manage the four major contaminants that are known to adversely affect freshwater (ie, nitrogen, phosphorous, sediment and *Escherichia coli* (*E. coli*)).[16] This direction will ensure cumulative effects are managed at the catchment scale, and it provides a basis for future resource allocation systems.

We are seeking feedback on all options, including whether attributes should be retained as compulsory or optional, and whether these should be subject to requirements to monitor and respond to degradation. Table 3 sets out an example of compulsory and optional attributes.

Table 3: Attributes for the National Objectives Framework

Compulsory values	Optional values
Ten compulsory attributes, as shown as Appendix 2A attributes in the NOF (see figure 1).	Eleven optional attributes, as shown as Appendix 2B attributes in the NOF (see figure 1).
Councils must manage these attributes through targets and controls on resource use, with the option to also use action plans.	Councils may manage these attributes – whether that is through targets and controls on resource use, or through action plans – having regard to their local and regional circumstances.
Councils must monitor all attributes and respond if an attribute shows a declining trend.	

Changes to which attributes are compulsory or optional would mean changes to Appendices 2A and 2B of the NPS-FM.

Nationally defined thresholds could also be more flexible

We are consulting on:

- whether to give councils flexibility to deviate from:
  - nationally defined thresholds (including bottom lines) that guide where the environmental limits (targets) are set
  - detailed methods for monitoring attributes
- whether national bottom lines are required at all, or if instead councils should determine where limits are set based on community input.

Nationally defined thresholds are sometimes inappropriate in a specific catchment (eg, due to naturally high levels of suspended sediment), and we are consulting on enabling councils to deviate from those thresholds in certain circumstances. Similarly, developments in science and evidence, or monitoring methods, may mean the thresholds need to be revised.

[16] Nutrients and sediment can degrade ecosystems and the cultural and recreational value of water, while pathogens can make people ill when they drink or swim in polluted water.

There are also trade-offs involved in providing this flexibility. That is why any additional flexibility (described in proposal (1) above) would be subject to it being used for specific purposes and having regard to appropriate matters. For example, councils could deviate from nationally defined thresholds or detailed methods for monitoring attributes because:

- the science underpinning a threshold or method for monitoring an attribute has changed
- local conditions make a threshold or method for monitoring an attribute inappropriate
- more effective or efficient methods are developed
- achieving national bottom lines has a high social, cultural or economic cost.

Councils would need to follow the default thresholds and monitoring methods prescribed for individual attributes in Appendices 2A and 2B of the NPS-FM, except for the above purposes.

Figure 2[17] illustrates an example of which elements of an attribute could be deviated from (shown below in orange) and which elements would still need to adhere to national default settings (shown below in green).

Figure 2: Example of how flexibility could apply to an attribute

Table 5 – Ammonia (toxicity)

Value (and component)	Ecosystem health (Water quality)	
Freshwater body type	Rivers and lakes	
Attribute unit	mg NH_4-N/L (milligrams ammoniacal-nitrogen per litre)	
Attribute band and description	**Numeric attribute state**	
	Annual median	Annual 95th percentile
A 99% species protection level: No observed effect on any species tested.	≤0.03	≤0.05
B 95% species protection level: Starts impacting occasionally on the 5% most sensitive species.	>0.03 and ≤0.24	>0.05 and ≤0.40
National bottom line	**0.24**	**0.40**
C 80% species protection level: Starts impacting regularly on the 20% most sensitive species (reduced survival of most sensitive species).	>0.24 and ≤1.30	>0.40 and ≤2.20
D Starts approaching acute impact level (that is, risk of death) for sensitive species.	>1.30	>2.20
Numeric attribute state is based on pH 8 and temperature of 20°C. Compliance with the numeric attribute states should be undertaken after pH adjustment.		

Key

National default settings Could be deviated from

[17] Table 5 from Appendix 2A of the NPS-FM is used here as an example to illustrate where deviation would be possible.

This would mean amending various clauses throughout Part 3, Subpart 2 of the NPS-FM to create a new process for deviating from nationally defined thresholds or detailed methods for monitoring attributes. It would also require consequential changes to be made to processes that use attributes to set targets, and to monitor and respond to degradation.

For further information, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Replacing the National Policy Statement for Freshwater Management*.

Questions	
8.	Which values, if any, should be compulsory? Why?
9.	What would be the practical effect of removing compulsory national values? Do you think this will make regional processes easier or harder?
10.	Which attributes, if any, should be compulsory to manage? Which should be optional to manage?
11.	Which attributes, if any, should have national bottom lines? Why?
12.	To what extent should action plans be relied upon, including to achieve targets for attributes?
13.	Should councils have flexibility to deviate from the default national thresholds (including bottom lines) and methods? Are there any other purposes which should be included?

Part 2.4: Enabling commercial vegetable growing

The Government has committed to:

- removing the need for growers to obtain a resource consent to grow food or rotate crops within a catchment.

New Zealand is particularly dependent on domestic production of fresh vegetables, given our geographic isolation and the short shelf life of certain produce (eg, leafy green vegetables).

Although nationally important, commercial vegetable growing is an intensive land use that risks discharges of sediment and nutrients to the environment. Accounting for only a small part of the country, commercial vegetable growing is typically concentrated in areas with conditions that support year-round growth. This can disproportionately contribute to nutrient loads in those catchments.

Growers have said that current rules and planning processes pose a risk to their ability to provide fresh vegetables for New Zealanders. These issues are particularly felt in areas where commercial vegetable growing is concentrated (such as Pukekohe and Horowhenua), which are significant contributors to domestic vegetable supply.

The Government wants to enable growers to grow food and rotate crops without the need to get a resource consent; it also wants New Zealanders to be able to access fresh vegetables at a reasonable price.

We are consulting on **two options to enable commercial vegetable growing**. These options have links to Special Agriculture Areas being consulted on under proposed amendments to the National Policy Statement for Highly Productive Land (see the Package 2: Primary sector discussion document).

Option 1: Recognising the importance of fresh vegetables in planning

We are consulting on **a new objective in the NPS-FM** to enable the continued domestic supply of fresh vegetables, and in doing so, to provide for crop rotation.

This would clearly signal that enabling domestic supply of fresh vegetables is a priority and that crop rotation needs to be addressed in planning, while allowing councils and communities to determine how they do that locally. More specific direction on how to provide for crop rotation could also be included, to drive consistency.

Option 2: Develop new national standards that permit commercial vegetable growing

We are also consulting on **developing new national standards that permit commercial vegetable growing**. We are seeking feedback on how these should be progressed.

These new standards could be based on growers having certified freshwater farm plans, or they could include specific conditions to manage the environmental effects associated with commercial vegetable-growing activities. For example, these conditions could relate to cultivation, fertiliser application and discharge, and waste management.

However, it is challenging to permit commercial vegetable growing without wider reform of the resource management system. This is because doing so would:

- pre-empt the allocation of scarce resources (ie, the ability to discharge nutrients), which would impact on competing resource users and occur in the absence of an allocation framework[18]
- be likely to have the greatest impact in areas that are already, or are close to being, over-allocated in terms of nutrient or other discharges.

The Government is replacing the RMA with new legislation. This will provide for greater standardisation (reducing reliance on consenting) and an allocation framework that carefully manages the interests of existing users. The new resource management system may provide a better opportunity to permit commercial vegetable growing.

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Commercial vegetable growing*.

Questions	
14.	What are the pros and cons of making commercial vegetable production a permitted activity?
15.	How do you think policies and/or rules should be designed to provide for crop rotation? Do you think these should be considered within sub-catchments only?
16.	For the proposal to develop nationally set standards, what conditions should be included?

[18] Under the RMA, natural resources are primarily allocated on a 'first-in, first-served' basis. This means councils decide consent applications in the order they receive them. When replacing consents, existing users are prioritised over new users.

Part 2.5: Addressing water security and water storage

The Government has committed to:

- amending the RMA to make it easier to consent new infrastructure, allow farmers to farm, and enable other primary industries
- cutting red tape and regulatory blocks on water storage and managed aquifer recharge (and other matters)
- removing the need for farmers to get a resource consent to build larger-scale water storage schemes on land.

Water security is becoming increasingly important

Freshwater is scarce at critical times in many parts of New Zealand, and water security is becoming increasingly important as the climate changes and the natural availability of water becomes more unpredictable.

A long-term approach to water security, which includes water storage, is needed to support the primary sector and build climate change resilience.

We are consulting on **providing direction to councils through a new objective or policy in the NPS-FM to address the issue of water security as part of climate change resilience**.

Building water storage on land could be made easier

Government commitments on water storage have been partly addressed by the introduction of the Fast-track Approvals Act 2024 and Building (Dam Safety) Amendment Regulations 2024. These developments have made it easier to build water infrastructure of regional and national significance, as well as reducing some regulatory requirements for smaller-scale, on-farm water storage.

We are consulting on **whether to develop new national standards that permit the construction of off-stream water storage**. These could be progressed under the RMA or the new resource management system.

Off-stream water storage (such as storage ponds on farms) is likely to have a minor environmental impact, compared with damming waterways for in-stream water storage. The new standards would manage effects and permit off-stream water storage.

Appendix 2 provides draft standards that identify the range of matters that might be subject to standards for off-stream water storage. These standards have been prepared in discussion with regional council staff and primary sector industry experts. They are based on regional rules and focus on environmental effects to avoid duplication of Building Act 2004 requirements. They are not intended to propose specific wording for the standards. Rather, the draft standards are a starting point for discussion and feedback on the matters (both qualitative and quantitative) that these standards could address.

Freshwater allocation is outside the scope of this discussion document. Although water take and use, and the duration of associated consents, are relevant to building water storage and security of supply, these issues will be addressed as part of upcoming replacement legislation for the RMA.

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Water security and water storage*.

Questions	
17.	Should rules for water security and water storage be set nationally or regionally?
18.	Are there any other options we should consider? What are they, and why should we consider them?
19.	What are your views on the draft standards for off-stream water storage set out in Appendix 2: Draft standards for off-stream water storage? Should other standards be included? Should some standards be excluded?
20.	Should both small-scale and large-scale water storage be enabled through new standards?

Part 2.6: Simplifying the wetlands provisions

The Government has committed to:

- reviewing the definition of 'natural inland wetland' in the NPS-FM to exclude, among other things, artificial wetlands created by burst pipes
- amending the NES-F to make the creation and maintenance of wetlands a permitted activity.

The NPS-FM and NES-F provide national direction and rules about how wetlands should be managed (together referred to as the 'wetland regulations'). The NPS-FM aims to embed long-term change through regional plans, including policies to protect and restore wetlands. The NES-F restricts certain activities in and around wetlands and, in combination with the NPS-FM, provides consenting pathways so these activities can still occur for specific purposes.

There is strong support for protecting wetlands, and support for clearer and simpler wetland regulations, including:

- a clearer and more workable definition of wetlands
- clearer and more appropriate provision for farming activities
- clearer and more appropriate provision for wetland construction
- less-onerous requirements to map natural inland wetlands.

The Government is also consulting on changes to address inconsistencies in quarrying and mining provisions across several national direction instruments (eg, in wetlands and significant natural areas). This is set out in full detail in the Package 2: Primary sector discussion document.

Clearer and more workable definition of wetlands

Feedback has indicated the wetland regulations are restricting activities in and around low-value induced wetlands, and that this is making the maintenance, use and upgrade of infrastructure difficult.

There is also concern that the definition of 'natural inland wetland' in the wetland regulations is too complex, and that its exclusion of wetlands dominated by pasture has led to complex ecological assessments being necessary to determine whether the regulations apply.

We are consulting on:

- **defining induced wetlands** as wetlands that have developed unintentionally as an outcome of human activity for purposes other than creating a wetland or water body, and excluding these from wetland provisions in the NPS-FM and NES-F, except where a council identifies them as regionally significant
- **removing the pasture exclusion from the definition of a 'natural inland wetland'** and instead permitting farming activities that can occur in and around wetlands (see next proposal).

Clearer and more appropriate provision for farming activities

Feedback has indicated that the current provision for farming activities (ie, the pasture exclusion) is not working as intended, and that both farmers and councils want clarity about the status of farming activities such as irrigation, on-farm water storage and fencing.

We are consulting on **creating a new permitted activity standard (and potentially a consenting pathway if needed) for farming activities** that are unlikely to have an adverse effect on a wetland – for example, fencing and irrigation.

We are seeking your feedback on what activities should be permitted in this way, and what conditions, if any, would be added to a consent pathway (and whether this should be a controlled activity or other activity status).

Clearer and more appropriate provision for wetland construction

The Government wants to promote activities that will have good environmental outcomes. Feedback has indicated it is too hard to construct wetlands that can attenuate nutrient losses and provide valuable habitat.

We are consulting on:

- **defining 'wetland construction'** as 'an area that is artificially engineered to mimic the functions of a wetland where one did not previously exist'
- **creating a new permitted activity standard for activities related to wetland construction**, as well as a consenting pathway
- **further encouraging wetland construction and edge-of-field mitigations through a new objective and/or policy** in the NPS-FM.

We are seeking feedback on what conditions would be suitable for a permitted activity standard, and what activity class is appropriate for wetland construction.

Removing mapping requirements

Some councils may struggle to meet the requirements to map all natural inland wetlands by 2030, due to a lack of adequate resourcing and available mapping technology. There is no consistent mapping methodology being used by councils across the country, and any change to definitions (as described above) would also change what needs to be mapped.

We are consulting on **removing the requirement for councils to map natural inland wetlands within 10 years** (currently in clause 3.23 of the NPS-FM).

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Simplifying the wetland provisions in the NPS Freshwater Management and NES Freshwater*.

Questions	
21.	What else is needed to support farmers and others to do things that benefit the environment or improve water quality?
22.	What should a farming activities pathway include? Is a farming activities pathway likely to be more efficient and/or effective at enabling activities in and around wetlands?
23.	What will be the impact of removing the requirement to map wetlands by 2030?
24.	Could the current permitted activity conditions in the NES-F be made clearer or more workable?

Part 2.7: Simplifying the fish passage regulations

The Government has committed to:

- amending the NES-F to simplify culvert rules.

The NPS-FM requires councils to provide for fish passage, and to identify and remediate existing barriers. It is supported by the NES-F, which provides for the construction of in-stream structures as a permitted activity subject to conditions, and requires a resource consent if these conditions cannot be met.

Fish passage rules may require too much information

Councils and land users have said that the amount of information required by the NES-F on the design of in-stream structures is too onerous. There are also concerns it can be difficult to satisfy the permitted activity conditions for constructing and using a culvert.

We are consulting on **whether to simplify fish passage regulations in the NES-F** or retain the current regulations. To simplify the regulations, we would:

- move information requirements[19] for each structure type into a single regulation that applies to all structure types[20]
- remove requirements that do not directly inform how likely a structure is to impede fish passage (eg, the material used in construction[21])
- amend the permitted activity conditions for culverts to reflect updated practice and provide for boxed culverts[22]
- remove some permitted activity conditions for culverts (eg, water velocity)[23]
- consider whether temporary structures (eg, used in temporary works like gravel extraction) need to be treated differently to permanent structures, and whether this would be best achieved via a new permitted activity standard in the NES-F or by allowing councils to be less stringent than the NES-F for this purpose.

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Amending the fish passage regulations in the NES Freshwater*.

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19 Information requirements are within regulations 63(3), 64(3), 65(3), 66(3) and 67(3) of the NES-F.

20 Regulation 62(3) of the NES-F.

21 For example, requirements in the NES-F for material of structure for culverts (regulation 63(3)(i)), weirs (regulation 64(3)(g)), flap gates (regulation 65(3)(f)) and dams (regulation 66(3)(f)).

22 Reword regulation 70(2)(e) of the NES-F to replace the 25% diameter requirement with 1/3 for circular or 300 mm for boxed culverts.

23 Remove regulation 70(2)(b), (c) and (g) of the NES-F; remove requirement at 70(2)(f) that the substrate is stable (retain requirement that substrate is present).

Questions	
25.	What information requirements are necessary for fish passage? What would the difference in cost be, relative to current information requirements?
26.	How can regulations for temporary and permanent culverts in the NES-F be made simpler?
27.	Temporary culverts are currently treated the same as permanent ones. If temporary culverts were to be treated differently (eg, had fewer conditions), would it be better to do so through a permitted activity pathway in the NES-F (culverts only), or by allowing councils to be less stringent than the permitted activity conditions for culverts and weirs?
28.	Have you encountered similar issues with any other policy or regulation within the NPS-FM or NES-F (eg, rules or gateway tests about river reclamation)?

Part 2.8: Addressing remaining issues with farmer-facing regulations

The Government has committed to:

- removing the regulatory burden for farmers, replace the one-size-fits-all rules with local decision-making, and replace the NES-F (as committed to in the Coalition Agreements and pre-election manifesto policies).[24]

In 2024, the Government cut red tape for farmers by repealing the map of low-slope land in the Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations) and simplifying intensive winter grazing rules.[25] These changes were part of the Government's move to a more risk-based, catchment-focused approach. There is more that can be done.

The Government wants to remove further regulations where the benefits of the rules do not outweigh the costs for the primary sector.

Note that proposed changes to the Stock Exclusion Regulations are set out in the Package 2: Primary sector discussion document.

NES-F rules for synthetic nitrogen fertiliser

Applying synthetic nitrogen fertiliser to farmland increases nitrate levels in the soil. Run-off from this soil can degrade our waterways.

Subpart 4 of Part 2 of the NES-F sets out rules for applying synthetic nitrogen fertiliser. Farmers can apply up to 190 kilograms of nitrogen per hectare per year without a resource consent. If they use more, they must apply for a resource consent. Dairy farmers are also required to provide receipts and information on fertiliser use once per year.

The initial year for reporting on the nitrogen cap (2021–22) had low compliance with reporting requirements and unreliable reported data. In response, several administrative changes were made, and compliance and reliability improved. However, implementing the nitrogen cap has been a work in progress, and concerns about the reliability of reported data remain.

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[24] The Coalition Agreement between the New Zealand National Party and New Zealand First; National Party manifesto documents, *Getting back to farming* and *Primary sector growth plan*.

[25] Through the Resource Management (Freshwater and Other Matters) Amendment Act 2024.

Farmers and growers have improved their use of nitrogen fertiliser and continue to lift their uptake of good management practice. Publicly available data indicates a reduction in the use of synthetic nitrogen fertiliser in New Zealand in 2020–23.[26]

We are consulting on **three options to improve the NES-F rules for synthetic nitrogen fertiliser**, as set out below.

Repealing the requirement for dairy farms to provide receipts

We are consulting on **whether to repeal the requirement for dairy farms to provide receipts for purchases of synthetic nitrogen fertiliser**.

This change would address concerns that the requirement to produce receipts is unnecessary because councils do not use the information provided. The receipts do not give an accurate measure of fertiliser applied, and the requirement is particularly onerous for farmers who are not affiliated with large fertiliser companies.

Aligning the reporting date for dairy farms with the farming calendar

We are also consulting on **whether to align the reporting date in the NES-F with the farming calendar**.

This change would address concerns that it is inefficient to require dairy farmers to report on their fertiliser use at a different time of the year from when they report on other matters.

Repealing the 190 kilogram per hectare nitrogen limit

We are consulting on **whether to repeal the requirement for farmers to use less than 190 kilograms of nitrogen per hectare per year on the grazed area of their farms**.

The introduction of the nitrogen cap in the current NES-F helped to increase awareness of nitrogen use, and it improved practice. We are seeking feedback on whether the cap is still necessary, given farmers and growers have improved their use of nitrogen fertiliser and continue to lift their uptake of good management practice. The rule is also an input control that may not actually control or reflect environmental risk/damage. Well-managed fertiliser, applied at higher rates than the regulations specify, can have limited environmental impact, while poorly managed fertiliser can have a negative impact, even if applied at lower rates.

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Options to amend regulations for farming activities*.

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[26] Fertiliser data includes: New Zealand Emissions Trading Scheme reporting on nitrogen imported or manufactured in synthetic fertilisers (which shows a decrease of about 80,000 tonnes between 2020 and 2021); sales data reported by the Fertiliser Association (which shows a 12 per cent drop in fertiliser sales between 2020 and 2022); data collected by Stats NZ as part of the Agricultural Production Survey and Census (which shows a decrease in fertiliser application of approximately 10 per cent between 2020 and 2022).

Questions	
29.	To what extent will it be more efficient to require dairy farmers to report on fertiliser use at the same time of year they report on other matters?
30.	Has the requirement for dairy farms to report their use of fertiliser already served its purpose, in terms of having signalled a level of unacceptable use that should be avoided – no more than 190 kilograms per hectare per year – and if so, is this requirement still necessary?

Part 2.9: Including mapping requirements for drinking water sources

The 2017 Havelock North Drinking Water Inquiry[27] recommended changes to improve the protection for drinking water sources, including mapping source protection zones to:[28]

> … remove the need for individual, and costly, analysis by consent applicants and consent authorities as to whether the [NES-DW regulations] apply to a particular activity. Instead, their application would be objective and direct.

The spatial mapping of land areas posing a risk to drinking water supplies would be a one-off, low-cost improvement in the management of drinking water. It would provide certainty to resource users and consenting authorities about which land areas had the potential to contribute contaminants to a drinking water supply, and help regional councils meet their obligations to protect drinking water sources.

We are consulting on **whether to introduce a new requirement in the NPS-FM for source water risk management areas (SWRMAs) to be mapped**.

This would require regional councils to:

- map SWRMAs for relevant drinking water sources in their regions according to the following criteria:
  - SWRMA 1 – the zone directly surrounding the source water intake, where there is an immediate risk of contamination
  - SWRMA 2 – a microbial risk area, to limit the concentrations of microbial pathogens before abstraction
  - SWRMA 3 – the entire surface water catchment, or groundwater capture zone, to protect against persistent contaminants
- have regard to, or use methods similar to, those described in *Delineating source water risk management areas* when undertaking SWRMA mapping
- complete mapping within five years of the start date of the requirement, and prioritise the order of mapping by risk (ie, mapping the largest and most under-pressure sources first)
- publish SWRMAs in a public inventory alongside other associated information.

We are also seeking feedback on whether the mapping requirements should be incorporated into regional plans, and whether it is appropriate to set a lower population threshold for them, (ie, from a previously proposed 500-person threshold to a 100-person threshold – noting this would not amend the scope of applicable sources under the NES-DW).

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[27] Department of Internal Affairs | Te Tari Taiwhenua. Government Inquiry into Havelock North Drinking Water. Retrieved 5 May 2025.

[28] Department of Internal Affairs | Te Tari Taiwhenua. 2017. *Report of the Havelock North Drinking Water Inquiry: Stage 2*. Auckland: Department of Internal Affairs. para [646].

This requirement is proposed for inclusion in the NPS-FM rather than the NES-DW, because section 45A of the RMA allows a national policy statement to state methods or requirements that local authorities must apply, including the use of models and formulas.

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Amending human drinking water source protection policies*.

Questions	
31.	Do you think that requiring regional councils to map SWRMAs for applicable drinking water supplies in their regions will improve drinking water safety? Should councils be required to publish SWRMAs?
32.	Do you think that three zones should be required for each SWRMA, or is one zone sufficient?
33.	What do you think the population threshold should be to require regional councils to map SWRMAs (eg, 100-person, 500-person, or some other threshold)?

Section 3: Implementation of freshwater proposals

The proposals in this document will, among other things, lead to amendments to the NPS-FM. Although regional councils will need to give effect to the amended NPS-FM, this will not require immediate changes to plans. The Government has already paused regional councils' ability to notify freshwater planning instruments[29] while it is working through changes to national direction and a significant reform programme to replace the RMA. The current requirement is that regional councils are required to publicly notify plan changes to give effect to the NPS-FM by the end of December 2027.[30]

Consent authorities will need to have regard to any changes to the NPS-FM that influence consenting when they consider an application for a resource consent under section 104 of the RMA.[31]

Any changes to the NES-F will have immediate effect.

Freshwater farm plans are a key part of the freshwater management framework

Freshwater farm plans (FW-FPs) provide a practical way for farmers and growers to identify, manage and reduce the impact of farming on the environment. Part 9A of the RMA established the use of FW-FPs as a regulatory tool that supports farmers and growers to identify, manage and reduce on-farm risks to freshwater in a way that is tailored to their individual conditions, operating system and catchment needs.

FW-FPs are intended to work in combination with the wider freshwater management system. Over time they will likely become the key tool for farmers and growers to manage their freshwater requirements.

Officials from the Ministry for the Environment and the Ministry for Primary Industries are currently reviewing the FW-FP system and developing options to make it simpler and more cost effective. They will aim to integrate decisions made on FW-FPs with decisions made for the wider freshwater management system, as well as the work underway to replace the RMA.

It is intended that improvements to the FW-FP system will be finalised by the end of 2025.

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29 Through amendments to section 80A of the RMA by the Resource Management (Freshwater and Other Matters) Amendment Act 2024.

30 Section 80A(4)(b) of the RMA.

31 Through insertion of section 104(2F) of the RMA by the Resource Management (Freshwater and Other Matters) Amendment Act 2024.

Treaty considerations

Freshwater management is an issue of significance to tangata whenua, and all of the options in this document intersect with Māori freshwater rights and interests in some way. Initial analysis of the potential impacts of these options on Māori rights and interests and Treaty settlements is set out in the Treaty Impact Analysis. Note this is an interim pre-public consultation analysis of the options (informed by early engagement with Treaty partners), which will continue to be developed post-consultation to inform final decisions.

We are seeking feedback on the potential impacts on Māori rights and interests and Treaty settlements, and on other arrangements identified in the Treaty Impact Analysis. We also seek feedback on any additional perceived impacts of the proposals on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups.

Section 4: Have your say

This consultation opens on 29 May 2025 and closes at 11.59 pm 27 July 2025.

The Government welcomes your feedback on this discussion document. The questions posed are a guide only and all comments are welcome. You do not have to answer any or all of the questions.

To ensure your point of view is clearly understood, you should explain your rationale and provide supporting evidence, where appropriate.

You can provide a submission through Citizen Space, our consultation hub, by either filling out the feedback form or by uploading your own written submission.

We would prefer you use the online system for making your submission. However, if you need to, mail your written submission to:

National direction consultation, Ministry for the Environment, PO Box 10362, Wellington 6143.

Please include your:

- name or name of the organisation you represent
- postal address
- telephone number
- email address.

If you have any questions, please email freshwaterND@mfe.govt.nz.

Publishing and releasing submissions

All or part of any written comments (including names of submitters), may be published on the Ministry for the Environment's website, environment.govt.nz. Unless you clearly specify otherwise in your submission, the Ministry will consider that you have consented to online posting of both your submission and your name.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment (including via email). Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions to this document under the Official Information Act.

The Privacy Act 2020 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including by the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies.

Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this document.

Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

Section 5: Appendices

Appendix 1: Summary of freshwater proposals and implementation

Table 4: Summary of freshwater proposals and implementation

Freshwater proposal	Takes effect through
Rebalancing Te Mana o te Wai, and providing greater clarity about its meaning and how it operates	Given effect by developing regional plan content and implementing the NOF process steps with communities. The Resource Management (Freshwater and Other Matters) Amendment Act 2024 prevents decision-makers from considering the Te Mana o te Wai hierarchy on individual consents. Te Mana o te Wai would not be considered in consenting decisions until the plan rules, which reflect Te Mana o te Wai, are notified.
Improving flexibility in the National Objectives Framework (NOF) process in the National Policy Statement for Freshwater Management (NPS-FM)	Given effect by developing regional plan content with communities. Once plans are notified, the NOF is given effect through a mixture of rules that drive land-use and consenting decisions, and action plans setting out non-regulatory catchment approach. Achieving targets (environmental limits) happens over time.
Enabling commercial vegetable growing	If **progressing NPS-FM objectives and policies**, given effect by developing regional plan content with communities. If **permitting** commercial vegetable growing, takes immediate effect and does not require consent.
Enabling water storage	If progressing **NPS-FM objectives and policies**, given effect by developing regional plan content with communities. If **permitting** water storage, takes immediate effect and does not require consent.
Simplifying wetland and fish passage policies and regulations	All wetland provisions take immediate effect on gazettal of the NPS-FM and/or National Environmental Standards for Freshwater. This is because the relevant polices in the NPS-FM are inserted directly into regional plans without going through a Schedule 1 planning process (under section 55 of the RMA).
Amending farmer-facing regulations	Takes immediate effect on gazettal and does not require consent.
Introduce drinking water mapping requirements in the NPS-FM	Takes effect on gazettal of the NPS-FM. Note there will be a five-year window to complete mapping, which will influence consenting decisions under the existing National Environmental Standards for Sources of Human Drinking Water.

Appendix 2: Draft standards for off-stream water storage

Background of these draft standards

Making it quicker and easier to build off-stream water storage through national standards is one proposed change within the wider proposals for national direction freshwater changes. Clear and effective standards could simplify the resource management process, provide national consistency and reduce duplication.

These draft standards identify the range of matters that might be subject to standards for off-stream water storage. They are not intended to propose specific wording for the standards. Rather, the draft standards are a starting point for discussion and feedback on the matters (both qualitative and quantitative) that these standards could address.

Scope of the draft standards

What is off-stream water storage?

- Off-stream water storage covers any water storage that is built on land with no part of it located in, on, under or over the bed of a lake or river, or within a wetland. The water is supplied into the storage through an artificial pump or is gravity-fed. Off-stream storage may encompass paddock ponds, on-farm dams and others.

Why off-stream water storage?

- Off-stream water storage is better suited to permitted activity standards than in-stream water storage, because it has fewer environmental risks/effects.

In scope (the focus of the draft standards)	**Out of scope** (what the standards won't cover)
Activities related to off-stream water storage, namely: • earthworks • vegetation clearance • damming and diversion • construction, use/operation, maintenance of dam/storage structure • taking of water (from the water storage structure only) (Note that these activities relate to both regional council and district council functions.)	Activities and matters related to in-stream water storage Activities and matters outside the physical boundaries of the off-stream water storage (eg, the water supply pipelines) Activities and matters related to discharge consents (these are only applicable to in-stream water storage) Water takes (including the taking of water to fill the water storage structure) Water allocation Matters covered by other legislation (eg, Building Act 2004, Building (Dam Safety) Regulations 2022)

Draft standards for off-stream water storage

Note: some of the draft standards have [X m] written into the wording. This indicates that a quantitative value (eg, 5 m) is suggested for inclusion as part of the standard. We welcome any feedback on what this quantitative value should be.

Site selection

Standard 1:	The water storage structure is not located in a critical source area[32], swale or wetland.
Standard 2:	The water storage structure (and associated activities) is not located on land that is contaminated or potentially contaminated.
Standard 3:	The water storage structure (and associated activities) must not destroy, damage, modify or be located within [X m] of an archaeological site that is protected (including through a statutory acknowledgement[33]) because of the site's historic heritage (including, to avoid doubt, because of its significance to Māori).

Site interactions with wider setting

Standard 4:	The base of the water storage structure and maximum depth of excavation has a vertical separation distance at least [X m] above the highest expected water table.
Standard 5:	The water storage structure has an impermeable layer that prevents transfer of water.
Standard 6:	The water storage structure is located at least [X m] from property boundaries and any structure or dwelling that is owned by someone other than the off-stream water storage owner, and that exists at the time the off-stream water storage was commissioned.

Onsite activities during and after construction

Standard 7:	The water to be taken and used from the water storage structure is authorised by: • a permitted activity rule in a relevant regional plan, or • a resource consent. Where the water user is not the owner of the water storage, the water user has written permission from the owner to take the water.
Standard 8:	Earthworks for the establishment of off-stream water storage structures must not be undertaken within [X m] of a natural water body (including coastal water and the coastal marine area), and control measures must be in place to prevent sediment entering waterways.
Standard 9:	Clearance of vegetation that was established for flood and erosion control measures or that is ecologically significant vegetation (as specified in a relevant plan) is not permitted.
Standard 10:	Vegetation clearance must not be undertaken within [X m] of any natural water body (including coastal water and the coastal marine area).

[32] Under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, critical source area means a landscape feature such as a gully, swale, or depression that:

(a) accumulates runoff from adjacent land; and

(b) delivers, or has the potential to deliver, 1 or more contaminants to 1 or more rivers, lakes, wetlands, or drains, or their beds (regardless of whether there is any water in them at the time).

[33] A statutory acknowledgement is an acknowledgement by the Crown that recognises the mana of a tangata whenua group in relation to specified areas. See The Quality Planning Resource. Statutory Acknowledgements. Retrieved 5 May 2025.

Notification

Standard 11:	No less than two weeks prior to the construction of the water storage structure, the owner of the storage structure must notify the regional council with: • their contact details • the location of the water storage structure • confirmation that they have checked and meet the permitted activity conditions in this standard.

Rationale for the draft standards for off-stream water storage

*Site selection – addressing potential surface water hydrological effects (**Standard 1**)*

- Reduce or eliminate the potential for water storage structures to impede the proper functioning of critical source areas, swales and concentrated or overland flow pathways (eg, flood water).
- Reduce or eliminate potential consequent ecological effects through affecting water levels in wetlands.

*Land contamination – addressing potential groundwater quality effects (**Standard 2**)*

- Reduce or eliminate the potential for the transfer of contaminants into groundwater. This could potentially result in reduced groundwater quality (eg, heavy metals entering groundwater).

*Archaeological sites and historic heritage – addressing potential effects on historic heritage and mana whenua values associated with the land (**Standard 3**)*

- This standard could include a requirement that if any activities disturb an archaeological site, an accidental discovery protocol should be applied. This would include protocols and procedures to avoid damage to such sites.
- This standard takes into account:
  - effects upon any wāhi tapu or other taonga in the area
  - the relationship of tangata whenua and their culture and traditions with the area and any wāhi tapu or other taonga affected by the activity
  - the ability of tangata whenua to exercise their kaitiaki role in respect of any wāhi tapu or other taonga affected by the activity.

*Vertical separation distance and impermeable layer – addressing potential groundwater quantity and quality effects (**Standards 4 and 5**)*

- Reduce the potential of:
  - unintended recharge of groundwater via leakage from storage. Such recharge could raise the water table closer to the surface, resulting in wet patches in the vicinity and downstream of the storage. This could exacerbate flood risk to other properties and increase land instability

- groundwater ingress into a water storage structure, or the seepage of water from the surrounding ground into the structure
- unintentional transfer and mixing of water between storage and the groundwater system. As a result, this reduces unintended water quality outcomes where groundwater and stored water are of significantly differing qualities
- structural failures of the storage resulting from leakages/seepages.

- The risk of adverse effects on groundwater quantity and quality is greater if the water storage is established above an aquifer and if the water storage does not have an impermeable layer.

*Take and use of water from the water storage structure – administrative standard (**Standard 7**)*

- This is an administrative standard to assist the council with its compliance, monitoring and enforcement responsibilities regarding the take and use of water.
- This standard authorises the 're-take' of water from the storage structure, especially as not all regional council plans may have a permitted activity rule allowing this.
- Some regional plans permit the take and use of water from off-stream storage with limited conditions, mainly to ensure that the take of water is not for non-owners of the water storage (ie, where a land-holding owner or occupier is different to the owner or manager of the water storage, the land-holding owner or occupier must have a written agreement with the owner or manager to take water from the water storage structure).

*Earthworks – addressing potential surface water quality effects (**Standard 8**)*

- This relates to the sediment associated with earthworks entering natural water bodies if earthworks are located too close to riparian margins (eg, sediment entering water bodies via overland flow during high rainfall events). This standard would reduce the likelihood of sediment entering natural water bodies and coastal waters, therefore reducing the potential ecological effects caused by sedimentation.

*Vegetation clearance addressing potential surface water quality effects and potential ecological/biodiversity effects (**Standards 9 and 10**)*

- This relates to the sediment associated with vegetation clearance entering natural water bodies if vegetation clearance is located too close to riparian margins or where vegetation clearance impedes existing flood and erosion control measures (eg, increased erosion, sediment entering water bodies via overland flow during high rainfall events). These standards would reduce the likelihood of sediment entering natural water bodies, coastal waters, therefore reducing the potential ecological effects caused by sedimentation.
- This relates to the loss of ecologically significant vegetation through vegetation clearance. **Standard 10** would prevent the loss of ecologically significant vegetation.

*Notification of the activity – administrative standard (**Standard 11**)*

- This is an administrative and notification requirement for owners of water storage structures to assist the council with its compliance, monitoring and enforcement responsibilities.

- By specifying a time limit for the water storage owner to notify the council, this provides an opportunity for councils to assess any risks with the proposed water storage structure.