



BRIEFING

Updating RMA national direction – ministerial consultation on draft legislation paper

Date:	20 November 2025	Priority:	Urgent
Security classification:	In Confidence	Tracking number:	BRF-6935 / DOC-ADVB-65

Action sought

Agree to circulate the draft 'Updating RMA National Direction: Approval for submission to Executive Council' legislation paper (CAB-606) for ministerial consultation.

To	Action sought	Response by
Hon Chris BISHOP Minister Responsible for RMA Reform	Approve the attached briefing (excluding matters related to the NZCPS)	24 November 2025
Hon Tama POTAKA Minister of Conservation	Approve the attached briefing (matters related to the NZCPS)	24 November 2025

Actions for Minister Responsible for RMA Reform's office staff

Forward the attached draft Cabinet legislation paper to your Ministerial colleagues for consultation.

Return the signed briefing to the Ministry for the Environment (advice@mfe.govt.nz and ema.pct@mfe.govt.nz).

Actions for Minister of Conservation's office staff

Return the signed briefing to the Ministry for the Environment (advice@mfe.govt.nz and ema.pct@mfe.govt.nz) and the Department of Conservation

Appendices and attachments

Appendix 1: Draft 'Updating RMA National Direction: Approval for submission to Executive Council' legislation paper (CAB-606)

Ministry for Environment contacts for telephone discussion (if required)

Name	Position	Telephone	1st contact
Jo Gascoigne	General Manager	9(2)(a) [REDACTED]	✓
Kate Sedgley	Manager	9(2)(a) [REDACTED]	
Rachel Ducker	Principal Author		

Department of Conservation contacts for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Sam Thomas	Director Policy	9(2)(a) [REDACTED]	✓
Guy Kerrison	Manager	9(2)(a) [REDACTED]	
Karen Bell	Principal Author	9(2)(a) [REDACTED]	

The following departments/agencies have been consulted

Ministry for the Environment, Department of Conservation, Ministry of Housing and Urban Development, Ministry of Business, Innovation and Employment, Department of Internal Affairs, Treasury, Ministry for Primary Industries, Ministry of Justice, Ministry of Defence, Ministry for Culture and Heritage, Ministry of Transport, Ministry of Education, Ministry of Health, Te Puni Kōkiri, Department of Prime Minister and Cabinet, Ministry for Regulation, Parliamentary Counsel Office, Office for Māori Crown Relations - Te Arawhiti, Land Information New Zealand and Te Waihangā.

- Minister's office to complete:
- | | | |
|--|---|------------------------------------|
| <input type="checkbox"/> Noted | <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Overtaken by Events | <input type="checkbox"/> Needs change | <input type="checkbox"/> Seen |
| | <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Minister's Comments



BRIEFING

Updating RMA national direction – ministerial consultation on draft legislation paper

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Purpose

1. This briefing seeks your agreement to circulate the draft ‘*Updating RMA National Direction: Approval for submission to Executive Council*’ legislation paper (CAB-606) (legislation paper) for ministerial consultation.

Key points

2. The draft legislation paper for the first updates to Resource Management Act 1991 (RMA) national direction on the following instruments is ready for ministerial consultation subject to agreement from the Minister Responsible for RMA Reform and the Minister of Conservation:
 - a. Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025;
 - b. National Policy Statement for Natural Hazards 2025 (December 2025);
 - c. National Policy Statement for Highly Productive Land 2022 (amended December 2025);
 - d. New Zealand Coastal Policy Statement 2010 (amended December 2025);
 - e. National Policy Statement for Indigenous Biodiversity 2023 (amended December 2025);
 - f. National Policy Statement for Freshwater Management 2020 (amended December 2025);
 - g. Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (amended December 2025);
 - h. National Policy Statement for Infrastructure 2025;
 - i. National Policy Statement for Renewable Electricity Generation 2011 (amended December 2025); and

- j. National Policy Statement for Electricity Networks 2008 (amended December 2025) (Previously National Policy Statement on Electricity Transmission 2008).
3. Following Ministerial consultation the draft legislation paper can be finalised, and with your approval, provided to the Cabinet Legislation Committee for consideration.

Recommended action

The Ministry for the Environment, and the Department of Conservation in relation to the NZCPS, recommends that:

MINISTER RESPONSIBLE FOR RMA REFORM

- | | |
|---|-------------------------|
| 1. Agree to approve the draft ' <i>Updating RMA National Direction: Approval for submission to Executive Council</i> ' legislation paper (CAB-606) for ministerial consultation; | <i>Agree / Disagree</i> |
| 2. Note the draft legislation paper contains drafted instruments and regulatory impact statements (appendices 1-25); and | <i>Noted</i> |
| 3. Forward the draft legislation paper to your Ministerial colleagues for consultation. | <i>Agree / Disagree</i> |

MINISTER OF CONSERVATION

- | | |
|---|-------------------------|
| 4. Agree to approve the draft ' <i>Updating RMA National Direction: Approval for submission to Executive Council</i> ' legislation paper (CAB-606) for ministerial consultation in relation to the New Zealand Coastal Policy Statement; | <i>Agree / Disagree</i> |
| 5. Note the draft legislation paper contains drafted instruments and regulatory impact statements for the New Zealand Coastal Policy Statement (appendices 5, 6 and 21); and | <i>Noted</i> |
| 6. Agree to the Minister Responsible for RMA Reform forwarding the draft legislation paper to your Ministerial colleagues for consultation. | <i>Agree / Disagree</i> |

BOTH MINISTERS

Next steps in process

- 7. **Note** we will work with your offices to finalise the legislation paper following Ministerial consultation and lodge it with the Cabinet office; *Noted*

- 8. **Note** a further joint briefing is proposed on 4 December [BRF-7171 refers] regarding public release of the recommendations and decisions reports for these instruments; and *Noted*

- 9. **Note** following approval of the national policy statements, we will send a link to a copy of the national policy statements and the New Zealand Coastal Policy Statement to every local authority as required under section 54(1) of the RMA. *Noted*

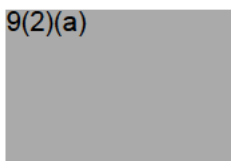
9(2)(a)


Jo Gascoigne
General Manager – Resource Management System
Ministry for the Environment

20 / 11 / 2025

Hon Chris BISHOP
Minister Responsible for RMA Reform

___ / ___ / 2025

9(2)(a)


Guy Kerrison
Policy Manager – Resource Management Policy
Department of Conservation

20 / 11 / 2025

Hon Tama POTAKA
Minister of Conservation

___ / ___ / 2025



Background

The national direction instruments have been drafted following your final policy decisions made under the power to act from Cabinet

1. The Minister Responsible for RMA Reform made final policy decisions on these instruments [BRF-6762, BRF-6656 and BRF-6795 refers] and the Minister of Conservation made decisions in relation to the New Zealand Coastal Policy Statement (NZCPS) [BRF-6656/DOC 25-B-0381 refers]. These decisions were made under the power to act from Cabinet in consultation with relevant portfolio Ministers [CAB-25-MIN-0151 refers].
2. The Parliamentary Counsel Office (PCO) has drafted the national environmental standards instruments and the Department of Conservation (DOC) has drafted proposed amendments to the NZCPS in collaboration with the Ministry for the Environment. The Ministry for the Environment (MfE) has drafted the remaining national policy statements.
3. These instruments are now ready for ministerial consultation prior to being finalised for submission to Cabinet and the Executive Council.

Further advice on the Proposed National Environmental Standards for Detached Minor Residential Units¹

4. PCO has requested that the legislation paper clarifies that while the proposed building and resource management systems for detached minor residential units are designed to be complementary, they are separate legislative systems. There may be circumstances where a proposal is permitted under one system and requires a consent under the other system. For instance, if a district plan permits a minor residential unit (MRU) up to 80 square metres (and all other national environmental standard (NES) requirements are met), a resource consent would not be needed. However, a building consent would be required as it would exceed the 70 square metres limit in Schedule 1A of the Building Act 2004. Similarly, a resource consent may be required where the construction of an MRU involves earthworks that trigger resource consent requirements, but a building consent is not required.
5. We have included text to this effect in the legislation paper.

¹ This instrument was notified as the National Environmental Standards for Granny Flats and the name has changed.

Draft Legislation Paper package

6. The draft '*Updating RMA National Direction: Approval for submission to Executive Council*' legislation paper (Appendix 1) contains the following information required to be considered by the Executive Council and Governor-General:
 - a. Final draft instruments and amended instruments (eg, list of changes) (Appendices 1 to 17 of paper)
 - b. Regulatory impact statements for the proposed new and amended instruments (Appendices 18 to 25 of paper).
7. Appendix 26 also provides information about the quality assurance ratings for the Regulatory Impact Statements (RIS).
8. The list of appendices attached to the draft legislation paper shows the current status of instruments and RIS.
9. The national policy statement instruments have been certified by the MfE and DOC Chief Legal Officers and are attached to the draft legislation paper. The instruments are currently undergoing proof reading and formatting for final lodgement with the legislation paper. The title pages for the instruments attached to the draft legislation paper do not currently reflect the final instrument name and this will be updated in time for Cabinet lodgement. The amended instruments documents showing changes to current national policy statements are currently under preparation.
10. The national environmental standards instruments are being progressed through the final PCO quality assurance process and the latest versions are attached.
11. Final versions of all instruments will be sent to your office by 2 December 2025 along with the final LEG Paper.

Te Tiriti analysis

Impact of proposals on Māori rights and interests and Treaty settlements

12. Treaty Impact Analyses (TIA) prepared for each proposal have informed policy advice, regulatory impact statements and your final policy decisions.
13. The instruments will not alter mechanisms that uphold Treaty settlements or related arrangements, or affect the statutory requirement for decision-makers to consider Part 2 matters of the RMA². Changes to the National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG), National Policy Statement for Electricity Networks (NPS-EN) and the new National Policy Statement for Infrastructure (NPS-I)

² This includes recognising and providing for Māori relationships with ancestral lands, water, sites, wāhi tapu, and taonga, protect customary rights, having particular regard to kaitiakitanga, and taking into account Treaty principles.

will provide for early engagement with Māori in plan making which is intended to meet the requirements of Part 2.

14. Provisions in national policy statements could potentially diminish the effect of Māori input into plan-making by overriding non-statutory arrangements such as iwi management plans. National environmental standards may reduce Māori influence on decision making at local levels, particularly where they permit activities or introduce a more enabling activity status (eg, controlled or restricted discretionary) which have a lower likelihood of public or limited notification³.

Other considerations

Consultation and engagement

15. MfE led preparation of the draft legislation paper in collaboration with DOC for the NZCPS, and other Government agencies lead the policy development for each instrument.
16. In preparing the draft legislation paper package, officials consulted with Government agencies⁴. Feedback was received from the Ministry of Health, Land Information New Zealand, the Ministry for Business, Innovation and Employment, the Ministry for Culture and Heritage, the Ministry of Justice (MOJ) the Ministry of Transport (MOT), the Ministry for Primary Industries, Te Waihanga, Te Puni Kōkiri and the Treasury. Minor changes sought by agencies have been incorporated into the draft legislation paper.
17. The MOJ noted the potential impact of the instruments on the Environment Court's caseload and resources. This impact is expected to be minor as the instruments introduce more enabling provisions which may reduce the Environment Court's consent related caseload.
18. The MOT sought changes to the proposed NPS-I to require decision makers to have regard to the National Land Transport Programme and the Rail Network Integration Plan when considering spatial planning and while making decisions on planning instruments (eg, local plans) on interfaces and compatibility of infrastructure and other activities. Amendments have been made to the instrument to reflect the changes sought.
19. Te Puni Kōkiri (TPK) has raised concerns about the lack of recognition that the best available information may be held by local communities or tangata whenua groups in the NPS-NH. The Minister Responsible for RMA Reform has already determined [BRF-

³ Sections 95A and 95B of the RMA set out steps required to determine whether resource consent applications should be publicly notified or limited notified. Controlled activities are generally not notified or limited notified (other than to affected protected customary rights groups or affected customary marine title groups) unless special circumstances exist.

⁴ Agencies consulted included the Ministry for the Environment, Department of Conservation, Ministry of Housing and Urban Development, Ministry of Business, Innovation and Employment, Department of Internal Affairs, Treasury, Ministry for Primary Industries, Ministry of Justice, Ministry of Defence, Ministry for Culture and Heritage, Ministry of Transport, Ministry of Education, Ministry of Health, Te Puni Kōkiri, Department of Prime Minister and Cabinet, Ministry for Regulation, Parliamentary Counsel Office, Office for Māori Crown Relations - Te Arawhiti, Land Information New Zealand and Te Waihanga

7672 refers] that a change to the NPS-NH to specify that mātauranga Māori is a potential source of information is not necessary and is likely to cause confusion.

20. TPK noted concern over the potential impacts of the proposed NPS-EN on taonga species and sites of significant to tangata whenua, other Māori groups, and on whenua Māori. They sought changes to the instrument to ensure that existing buildings and structures are not captured by requirements on distance from electricity network assets. No changes are recommended to the NPS-EN as the proposed policies will adequately address these concerns, and the proposed National Environmental Standards for Electricity Network Activities will provide further clarification.
21. The Treasury noted concerns that the policy requiring avoidance of very high-risk could have unintended consequences if applied to existing development, creating financial risk for the Crown. TPK have also raised concern that the policy requiring avoidance of very high-risk might be applied in a way which prevents whenua Māori owners from continuing to use those buildings and structures. The risk of these outcomes is low because the policies focus on avoiding risk rather than prohibiting development and make it clear that it does not affect existing use rights. The policies also do not apply to infrastructure and primary industry. No further changes are recommended to the NPS-NH instrument.

Legal issues *[legally privileged]*

9(2)(h) [REDACTED]

22. 9(2)(h) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]

Financial, regulatory and legislative implications

23. This paper is part of a process that will result in changes to existing and new secondary legislation. Agencies are expected to meet costs of implementing national direction, along with the wider RMA reform work programme from within baselines.

Next steps

24. Following your agreement to circulate the draft legislation paper for ministerial consultation, the next steps in the process are outlined in the table below.

Next Steps	Dates
Ministerial consultation commences	Mon 24 November 2025
Final feedback following Ministerial consultation from Minister's office (including consideration of BRF-7169 on the proposed National Policy Statement for Natural Hazards).	Friday 28 November 2025, 3pm
MfE/DOC amend LEG paper and appendices	Tues 2 December 2025
Final LEG paper sent to Minister's Office	Tues 2 December 2025
Confirm with MfE approval to lodge Hard copies of required documents received	Wed 3 December 2025
Final lodgement of LEG paper on CabNet	Thurs 4 December 2025
LEG meeting	Thurs 11 December 2025
Cabinet meeting Executive Council meeting	Mon 15 December 2025 11 am Mon 15 December 2025 4pm
Gazettal	Thurs 18 December 2025
Newspaper notices	Friday 19 December 2025
Instruments operative	Friday 16 Jan 2026

25. Officials will send the following documents to your offices prior to lodging the papers on CabNet:
- a. Memoranda from the Parliamentary Counsel Office (for national environmental standards)

- b. Memoranda from the Chief Legal Officer, Ministry for the Environment (for national policy statements)
 - c. Memorandum from the Chief Legal Officer, Department of Conservation (for the NZCPS)
 - d. Order in Council version of National Policy Statements
 - e. Advice sheets ('goatskin' to be signed by the Minister).
26. The memoranda are required⁵ to provide certification that the instruments are in order to submit to Cabinet.
27. MfE will work with your office to send the following accompanying documents for the national policy statement instruments to the Cabinet Office for the final legislation paper:
- a. Certified copies of instruments
 - b. Signed advice sheets.
28. PCO will send corresponding documents to the Cabinet Office for the national environmental standards.
29. Given the breadth of the packages and statutory requirements involved in developing national direction, we will work with your offices to provide any support required for your attendance at LEG committee on 11 December 2025.
30. A joint briefing [BRF-7171 refers] will be sent to the Minister Responsible for RMA Reform on 4 December 2025 seeking authorisation to publicly release the recommendations and decisions reports for these instruments.
31. MfE and DOC will work with your offices and PCO, to make arrangements to meet the statutory requirements for notice and release of instruments and the reports on recommendations and decisions following the approval of the instruments.
32. MfE will work with the Minister Responsible for RMA Reform's office and the Ministry of Business, Innovation and Employment to make arrangements for the joint release of the NES-DMRU and the corresponding changes to the building consent system through the Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025.

⁵ This is a requirement of CabGuide.

Appendix 1: Draft Legislation Paper (CAB-606)
