



PROACTIVE RELEASE COVERSHEET

Minister	Minister Bishop	Portfolio	RMA Reform
Name of package	Phase 2 National Direction	Date to be published	07 May 2026

List of documents that have been proactively released

Date	Title	Author
30 March 2026	Regulatory Impact Statement: Amending the National Environmental Standards for Marine Aquaculture (NES-MA) to support productivity and innovation	Ministry for Primary Industries

Information redacted **NO**

Any information redacted in this document is redacted in accordance with the Ministry for the Environment's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

N/A



Regulatory Impact Statement: Amending the National Environmental Standards for Marine Aquaculture (NES-MA) to support productivity and innovation

Decision sought	<i>Final Cabinet decision to amend the National Environmental Standards for Marine Aquaculture (NES-MA)</i>
Agency responsible	<i>Ministry for Primary Industries (MPI), Ministry for the Environment (MfE)</i>
Proposing Ministers	<i>Minister for Oceans and Fisheries, Minister Responsible for RMA Reform</i>
Date finalised	<i>March 2026</i>

This Regulatory Impact Statement builds from the Interim Impact Statement ‘Regulatory Impact Statement: National Environmental Standards for Marine Aquaculture (NES-MA)’¹, issued on 9 April 2025. Public consultation on the proposal was carried out between 29 May 2025 and 27 July 2025. This version has been updated to reflect submissions received and subsequent decisions by Ministers.

The Minister Responsible for RMA Reform proposes amending the National Environmental Standards for Marine Aquaculture (NES-MA) to make consent requirements more straightforward by setting more lenient activity statuses, reducing notification requirements and reducing the matters considered by councils to focus on key effects. Collectively, these amendments reduce time and costs associated with consenting, improve the management of marine farms and increase flexibility for marine farmers to innovate by incentivising aquaculture related research and development. These amendments will support growth in the aquaculture sector whilst upholding Treaty of Waitangi settlements and other related arrangements and ensuring environmental safeguards remain.

The NES-MA changes are needed because the current consenting settings for many aquaculture-related activities are costly, complex, and often disproportionate to the scale of effects—particularly when marine farmers seek to make relatively minor adjustments within existing operations. The NES-MA’s inflexible approach can force applicants into new consents or burdensome change-of-condition processes, creating uncertainty and limiting the sector’s ability to improve on-farm management, adopt new technology, and respond to changing environmental and market conditions.

Changes are also needed to address issues identified through the 2023 Year Three Review and subsequent 2024–2025 engagement and consultation, including how replacement coastal permit provisions operate and a range of minor and technical drafting issues. In addition, the existing framework can unintentionally capture small-scale, short-term

¹ [Interim-Regulatory-Impact-Statement-NES-for-Marine-Aquaculture.pdf](#)

aquaculture research and trials, making them expensive and slow to initiate and discouraging innovation. The proposed amendments are intended to streamline consenting (including activity statuses, notification requirements, and council matters of consideration) so the NES-MA better supports productivity and innovation, aligns with wider resource management reforms, and continues to uphold Treaty of Waitangi settlements while maintaining environmental safeguards.

Summary: Problem definition and options

What is the policy problem?

Consenting processes for aquaculture activities are costly, complex and are often disproportionate to the effects of the change or activity in question, which limits innovation and growth in the aquaculture industry.

Several problems identified in this RIS stem from a review of the NES-MA in 2023 (the Year Three Review) and feedback from engagement in 2024, including issues with how the replacement coastal permit provisions in the NES-MA work and some minor and technical issues.²

What is the policy objective?

In March 2024, Cabinet agreed to include the NES-MA amendments in Phase 2 of resource management reform with the aim to ‘increase flexibility to innovate, improve management of existing marine farms and make minor and technical amendments’ [CAB-24-MIN-0246 refers].

The Government has agreed to progress amendments to the NES-MA to make it easier to change consent conditions, and support greater productivity and innovation in the aquaculture sector. The amendments to the NES-MA are part of a broader programme to change and inform development of national direction under the resource management system. They form part of one of four packages: Package 2 – Primary Sector.

The Government has set the following objectives for the Primary Sector package:

- a. enabling primary sector growth and development (including aquaculture, forestry, pastoral, horticultural, and mining);
- b. safeguarding the environment and human health;
- c. adapting to the effects of climate change and reducing the risks from natural hazards;
- d. improving regulatory quality in the resource management system; and
- e. upholding Treaty of Waitangi settlements and other related arrangements.

What policy options have been considered, including any alternatives to regulation?

Officials developed three options, in addition to the status quo, in response to the identified issues. Each option consists of several proposals, and options are not mutually exclusive. Option 4 (package of all options) is preferred as individual options achieve different objectives. All amendments are needed to achieve both the NES-MA and broader Government objectives.

- **Option 1:** Status quo (no central Government intervention).

² Fisheries New Zealand carried out targeted engagement for the NES-MA three-year review between April and July 2023. The outcomes were published in Report on the Year Three Review of the National Environmental Standards for Marine Aquaculture (Technical Paper No. 2023/02). Further engagement took place in late 2024 following the report’s release.

- **Option 2:** Amending the NES-MA to simplify re-consenting and address minor technical issues.
- **Option 3:** Option 2 + amending the NES-MA to set out a more lenient activity status for certain changes in consent conditions.
- **Option 4 (preferred option):** Option 2 + 3 + enabling research and trial activities on existing farms and in new spaces.

Option 4 will deliver the highest benefits as it will reduce costs and complexity with consenting processes, increase flexibility for marine farmers, improve management of marine farms and support innovation in the aquaculture sector. The description of options in this final RIS has been updated since the interim RIS to reflect changes made following public consultation and further analysis.³

What consultation has been undertaken?

Consultation took place in 2024 and 2025 on the proposed amendments to the NES-MA. Feedback from this consultation has informed the development of policy options and this RIS.

Officials undertook targeted engagement with the aquaculture industry, councils, some Iwi Aquaculture Organisations (IAOs), some Post-Settlement Governance Entities (PSGEs), and research providers during policy development in 2024.

Proposed amendments to the NES-MA were publicly consulted on from 29 May 2025 to 27 July 2025 through a discussion document called [Package 2: Primary sector – Discussion document](#). A total of 100 submissions were received.

What did submitters think of the options during engagement and public consultation?

- Most submitters broadly supported the intent of the proposed amendments to the NES-MA, particularly Option 2.
- Aquaculture industry submitters generally supported the proposals, but many sought further changes to enable other types of aquaculture activities. For example, large-scale commercial aquaculture and allowing more controlled activities (e.g. structures for marine farms, methods of monitoring, and changes to species farmed).
- Many submitters raised concerns about biosecurity risks associated with *Undaria pinnatifida*, environmental impacts, and Māori rights and interests.⁴
- Most submitters expressed concerns for Option 4 regarding permitting research and trial activities in new space not consented for aquaculture. Submitters called for stronger safeguards for Māori rights and interests under the Marine and Coastal Area (Takutai Moana) Act 2011 and sought more enabling regulations for aquaculture settlement arrangements.
- A summary of submitter feedback in relation to each option is outlined below and detailed analysis is included in the final recommendations and decisions report.

Is the preferred option in the Cabinet paper the same as preferred option in the RIS?

Yes.

³ Refer to [Page 16 of the 2025 Interim Regulatory Impact Statement: National Environmental Standards for Marine Aquaculture \(NES-MA\)](#)

⁴ *Undaria pinnatifida* (*Undaria*) is a species of kelp that is native to Japan. It is a highly invasive seaweed present in New Zealand which can easily be spread by fouling on vessel hulls and on marine equipment.

Summary: Ministers' preferred options in the Cabinet paper

Costs and Benefits

Outline the key monetised and non-monetised costs, where those costs and benefits fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)

The proposed amendments to the NES-MA primarily impact marine farmers with existing marine farm consents, consent authorities, Tangata Whenua, Māori groups with aquaculture interests and customary rights in the coastal marine area, and organisations undertaking aquaculture-related research activities. Other users of the coastal marine area and people with an interest in the marine environment more generally may also be impacted by the amendments.

The costs and benefits of the preferred option are as follows:

- The aquaculture industry is expected to receive direct ongoing benefits due to greater efficiency of consenting processes, reducing time and costs.
- There are initial administrative costs to consent authorities due to the implementation of the options. However, we expect that the proposed easier consenting pathway will lead to a reduction in administrative costs for consent authorities in the short to medium term.
- Enabling new regulatory pathways for research and trial activities will reduce the costs and uncertainty of consenting research activities. This directly benefits research organisations and other parties undertaking aquaculture-related research and trials.
- The proposed changes could directly benefit iwi / Māori participation in the industry by streamlining consenting processes and increasing certainty for aquaculture activities.
- The NES-MA proposals may limit Māori input into decision-making for some aquaculture activities. Restricting public consultation/notification of proposed aquaculture activities may impact Māori, other coastal users, and the environment if such interests are not adequately addressed in future decision-making.

Balance of Benefits and Costs (Core Information)

Does the RIS indicate that the benefits of the Ministers' preferred options are likely to outweigh the costs?

On balance, the benefits of the Ministers' preferred options to amend the NES-MA outweigh the costs associated with making the amendments. Collectively, these amendments reduce time and costs associated with consenting and incentivise more aquaculture related research and development, supporting greater productivity in the sector.

Implementation

How will the proposal be implemented, who will implement it, and what are the risks?

If progressed through Cabinet, the amended NES-MA will take effect 28 days after Gazettal. Councils are responsible for implementing the NES-MA and will have to update coastal plans over time if a rule duplicates or conflicts with a provision in the NES.⁵

Applicants will need to check the NES-MA requirements relevant to their activity to see if they have changed and the rules in relevant regional plans or proposed plans so that their applications meet the requirements. There is a risk that the new research and trial provisions may be more difficult to implement because research and trial activities are new to the NES-MA and untested. Therefore, the new provisions may be more difficult to

⁵ A provision is a specific rule or clause within a law or secondary legislation (regulations)

implement compared to amendments to existing regulations that regulators and applicants are familiar with. Guidance material will be developed to support implementation.

Limitations and Constraints on Analysis

The timeframes for National Direction have constrained policy development

The options considered and analysis of impacts has been constrained by the timeframes for the RM Reform Phase 2 National Direction programme. This has impacted the analysis of evidence to assess the impacts of the proposals and limited the scope and complexity of the analysis.

There is limited data on the scale and impact of the problem

The assessment of national level impacts was constrained by limited evidence about the costs of changing consent conditions. Consenting costs under the amended NES-MA regulations are difficult to quantify due to limited data available. Limited information on the costs and barriers to conducting research and trials in the coastal marine area also constrained the assessment of national level impacts.

Interaction with other national direction proposals

This proposal is part of a suite of national direction proposals included in the national direction work programme. The cumulative impact of the full suite of proposals has not been assessed. Aquaculture-related changes to the New Zealand Coastal Policy Statement (NZCPS) have also progressed through the National Direction work programme and came into effect in January 2026. The NZCPS changes include provisions specifically intended to better support aquaculture. MPI has worked closely with the Department of Conservation (DOC) to align the proposed NES-MA amendments with the NZCPS amendments.

Scope of resource management reforms

These limitations outlined above have resulted in the exclusion of some options, including those that require amending or changing an existing plan. Officials have been directed by Ministers to consider options that focus on policy outcomes that have an immediate effect on resource consenting and minimise implementation requirements on councils, and options that are aligned with stated objectives of Phase 2 reform (see policy objectives above).

I have read the Regulatory Impact Statement, and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

**Responsible Manager(s)
signature:**



**Jane Chirnside
Director, Resources & Rural
Communities, Ministry for Primary
Industries
30 March 2026**

Quality Assurance Statement

Reviewing Agency: Ministry for the Environment, Ministry for Primary Industries and the Department of Conservation	QA rating: Partially meets
<p>Panel Comment:</p> <p>The panel, comprising members from the Ministry for the Environment, the Department of Conservation, and the Ministry for Primary Industries, considers that the RIS partially meets the Quality Assurance criteria.</p> <p>The RIS is comprehensive and the analysis is broadly convincing in its overall direction. While the RIS identifies the relevant issues, the causal links between the policy problem and the regulatory responses are not always as clear as they could be. The RIS is transparent about evidence limitations; however, uncertainty is not always fully reflected in statements about expected costs and benefits.</p>	

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

1. The aquaculture sector contributes \$655 million annually in export earnings to Aotearoa New Zealand's economy, employing over 3,000 people across the country.⁶
2. There is significant potential for the aquaculture industry to contribute more to the Government's export growth goals. The Government has committed to support growing and future-proofing the aquaculture sector.
3. Existing marine aquaculture is primarily managed by the RMA and associated regulations such as the New Zealand Coastal Policy Statement (NZCPS) and the National Environmental Standards for Marine Aquaculture (NES-MA).
4. The NES-MA were established in 2020 with the intent of providing more consistent and certain rules to replace coastal permits for existing marine farms, including enabling minor realignments and certain change of species.
5. The NES-MA's objectives⁷ are to:
 - increase consistency of re-consenting;
 - ensure environmental effects are appropriately managed;
 - increase regulatory certainty, and
 - increase confidence to invest in the industry.
6. The NES-MA does this by limiting which matters⁸ consent authorities⁹ can consider when making decisions during replacement of coastal permits as well as reducing the extent of public notification for most consent replacement applications. The NES-MA

⁶ As of 31 March 2025, the aquaculture contributes \$655 million annually in export revenue to New Zealand. [Situation and Outlook for Primary Industries \(SOPI\) June 2025](#). As of late 2023, the aquaculture sector employs over 3,000 people across New Zealand predominantly in regional areas. [The New Zealand Aquaculture Development Plan 2025-2030](#).

⁷ <https://www.beehive.govt.nz/release/new-standards-existing-marine-farms-provide-consistency>

⁸ Called matters of discretion

⁹ Primarily Regional Councils

also establish a process in Schedule 6 for applicants to engage with Tangata Whenua to seek their views on draft consent applications. Regional councils (councils) take these views into account when the application is determined.

7. In 2023, a review of the NES-MA¹⁰ found that although the regulations were effective overall and had met their objectives, several issues have arisen that were unanticipated when the NES-MA was made. Issues identified in the review include the need to improve environmental outcomes, mussel spat supply, innovation in the industry and implementation of the NES-MA..
8. In response, the review recommended several technical improvements to support greater innovation in the aquaculture sector and more effective implementation of the NES-MA¹¹. For example, the need for making it easier to change consent conditions during the lifetime of a consent has arisen as a result of the extension of the duration of all marine farm coastal permits by 20 years.¹² Now that all marine farms have consents have been extended for 20 years into the future, using section 127 of the RMA is the most efficient way to enable innovation on marine farms without having to go through the slow and costly full replacement coastal permit process.
9. This RIS assesses options to address a number of the technical NES-MA review recommendations.

Government's reform of the resource management system

10. The Government committed to targeted legislative changes to the RMA through the Resource Management (Consenting and Other System Changes) Amendment Act 2025. The Government has also committed to a suite of changes to National Direction to drive economic growth and productivity as part of the reform of the resource management system.¹³
11. Changes to the NES-MA have been informed by Coalition agreements. Key commitments related to aquaculture in the New Zealand National Party and New Zealand First Coalition Agreement¹⁴ are to “enhance [the] primary sector including fish and aquaculture” and “remove regulations that impede the productivity and enormous potential of the seafood sector”. To meet these commitments, the Government is progressing changes to the NES-MA as part of its Primary Sector package of resource management reform, which aims to drive primary sector productivity.

Interdependencies and links

12. The proposed amendments complement Government initiatives to support and future-proof the aquaculture sector and to remove unnecessary administrative requirements from the consenting process, including: the Fast Track Approvals Act 2024¹⁵ and the Resource Management (Extended Duration of Coastal Permits for Marine Farms) Act 2024, which have been progressed as part of RM reform.

¹⁰ When the NES-MA were made, Cabinet agreed to an initial review of the effectiveness and implementation of the NES-MA after three years, with a second wider regulatory review to evaluate the effectiveness of the NESMA after eight years.

¹¹ <https://www.mpi.govt.nz/dmsdocument/59173-Report-on-the-Year-Three-Review-of-the-National-Environmental-Standards-for-Marine-Aquaculture>

¹² Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Act 2024. <https://www.legislation.govt.nz/act/public/2024/0032/latest/whole.html>

¹³ Phase 1 included repealing the Natural and Built Environment Act and Spatial Planning Act to revert to the RMA. Phase 3 will establish new resource management legislation.

¹⁴ [Coalition Agreement New Zealand National Party & New Zealand First \(2023\)](#).

¹⁵ The Fast Track Approvals Act seeks to establish a permanent fast track approvals regime for a range of infrastructure, housing and development projects.

13. The proposed amendments to the NES-MA:
- are enabled by recent changes to section 127 of the RMA through the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (the Amendment Act);¹⁶ and
 - are consistent and give effect to the recent amendments to the NZCPS which:
 - a) make it easier to carry out aquaculture and other priority activities in the coastal environment (Policy 6); and
 - b) enable councils to better recognise the broader cultural and environmental benefits of aquaculture and direct decision makers to better enable aquaculture activities within aquaculture settlement areas.

20-year consent extension

14. In mid-2024, the Government passed the Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Act. This Act specifically responded to the 300 resource consents due to expire in 2024/25 by extending current resource consents for all marine farms for 20 years, but not beyond 2050.¹⁷ The 20-year consent extension provides more certainty for future marine farms by removing the uncertainty associated with re-consenting. The extension allows marine farmers to invest into innovation and on-farm changes instead of spending time and money on consent applications.
15. However, marine farmers may need to make changes to their farm during the term of their (extended) consent, for example due to changes in the environment, technology, or the market, which the NES-MA amendments will provide for.

The Amendment Act includes provisions that enable one of the NES-MA proposals

16. Recent amendments to section 127 of the RMA through the Amendment Act make it easier for marine farmers to change or cancel their consent conditions. National Environmental Standards, such as the NES-MA, can now specify when these applications are treated as controlled or restricted discretionary activities.

What is the policy problem or opportunity?

17. The NES-MA currently has an inflexible consenting regime, which makes it difficult for marine farmers to adjust their farming practices within their existing consents. This means that marine farmers need to apply for a new consent, or go through a burdensome process to change consent conditions, for even minor adjustments to their farming operations. These consent requirements also capture short-term or small-scale research trials, meaning these projects become extremely expensive with lengthy and complex upfront processes before research or trials can commence.
18. This results in consenting processes for marine farms which are costly, complex and are often disproportionate to the effects of the change or activity in question. The existing consent requirements restrict innovation and growth in the aquaculture industry, and make it difficult for marine farmers to adopt new technology or adapt their farming operations to respond to climate change.

¹⁶ [Changes introduced by the Resource Management \(Consenting and Other System Changes\) Amendment Act 2025.](#)

Published in August 2025 by the Ministry for the Environment | Manatū mō te Taiao Publication number: INFO 1329

¹⁷ [Certainty for marine farms through reforms | Beehive.govt.nz](#)

How is the status quo expected to develop?

19. There will continue to be barriers to changing consent conditions and consenting research and trials activities if the status quo continues. Minor changes, such as adjusting farming structures or adding spat catching to existing farms, will continue to require complex and costly processes, creating uncertainty and limiting flexibility for innovation. Barriers to changing consent conditions and research activities will continue while the new national instruments are developed under the new planning system.
20. Similarly, the lack of a consistent approach for research and trials will continue to discourage innovation. Applicants are likely to face considerable costs to obtain consents for small-scale (up to 4 ha), short-term (< 7 years) research and trial activities in certain regions. This is likely to discourage the uptake of new technologies and impact the potential productivity of the aquaculture sector.
21. These problems identified above are likely to get worse over time and impact innovation and growth of the aquaculture sector. For example, the inability for marine farmers to change consent conditions easily will restrict innovation and add uncertainty for aquaculture development.

What objectives are sought in relation to the policy problem?

22. In March 2024, Cabinet agreed to include the NES-MA amendments in Phase 2 of resource management reform with the aim to 'increase flexibility to innovate, improve management of existing marine farms and make minor and technical amendments' [CAB-24-MIN-0246 refers].
23. The Government has agreed to progress amendments to the NES-MA to make it easier to change consent conditions, and support greater productivity and innovation in the aquaculture sector. The amendments to the NES-MA are part of a broader programme to change and inform development of national direction under the resource management system. The NES-MA amendments are included in Package 2: Primary Sector, one of four packages as listed below:
 - Package 1: Infrastructure and development;
 - Package 2: Primary Sector;
 - Package 3: Freshwater; and
 - Package 4: Housing.
24. The Government has set the following objectives for the Primary Sector package under Phase 2 of the Government's resource management system reform:
 - enabling primary sector growth and development (including aquaculture, forestry, pastoral, horticultural, and mining);
 - safeguarding the environment and human health;
 - adapting to the effects of climate change and reducing the risks from natural hazards;
 - improving regulatory quality in the resource management system; and
 - upholding Treaty of Waitangi settlements and other related arrangements.

What consultation has been undertaken?

25. The proposed amendments to the NES-MA were informed by engagements and consultation in 2024 and again in 2025, as detailed below.

Targeted engagement in 2024

26. Officials held targeted engagement sessions¹⁸ with the aquaculture industry,¹⁹ all councils, some Iwi Aquaculture Organisations (IAOs) and Post-Settlement Governance Entities (PSGEs),²⁰ and research providers.²¹ Officials canvassed initial policy thinking, analysis and the options contained in the interim RIS with these parties.
27. Given the short timeframes and competing demands from the wider National Direction reform package, there was limited opportunity and time to consult with IAOs, PSGEs and other iwi groups. This may have affected some groups' ability to fully consider the proposals and provide feedback.
28. Officials also received more feedback from IAOs than from PSGEs during targeted engagement (noting that there is overlap between these groups). This may mean certain perspectives were not fully captured in the original analysis.
29. Detailed analysis of impacts of the proposals on Māori rights and interests has been undertaken and informs this regulatory impact analysis.

Public consultation in 2025

30. The Ministry for the Environment (MfE) sent pre-notification letters on 5 May 2025 to all PSGEs and other groups with which MfE holds arrangements related to the RMA.²²
31. MfE led public consultation for the entire National Direction Programme.
32. The proposed amendments to the NES-MA were publicly consulted on from 29 May 2025 to 27 July 2025 as part of the Primary Sector Package. This public consultation involved hosting four webinars, and seven themed forums with an opportunity for discussion. PSGEs were also invited to attend several online hui.²³
33. MPI and DOC also held 20 separate meetings on the NZCPS and the NES-MA with Te Ohu Kaimoana, the aquaculture industry²⁴, councils, non-governmental organisations, interest groups²⁵, IAOs and some PSGEs²⁶, and research providers²⁷.
34. A total of 100 submissions were received on the proposed amendments to the NES-MA, approximately 34 of which were iwi and hapū groups. Relevant feedback from consultation is included in the relevant sections below.

What did submitters think of the options during engagement and public consultation?

35. Most submitters broadly supported the intent of the proposed amendments to the NES-MA, particularly Option 2 which removes restrictions with the replacement coastal permit process.

¹⁸ These sessions took place once in June and once in August 2024. We met with each group once during each session, except for Te Ohu Kaimoana. Te Ohu Kaimoana participated in both the industry and the IAO/PSGE sessions.

¹⁹ Industry organisations we talked to included Aquaculture New Zealand, Marine Farmers Association, King Salmon, Sandford, Gascoigne Wicks, Coromandel Marine Farming Association, Maclab, Moana.

²⁰ IAOs and PSGEs we talked to include Te Nehenehenui, Ngāti Kahungunu, Tuwharetoa, Te Uri-o-Hau, Ngai Tahu, Ngāti Toa, Te Rarawa, Ngāti Tama, Ngāruahine, Ngāti Whakaue, Te Rūnanga o Ngā Wairiki Ngāti Apa, Ngāti Hineuru, Ngāti Tamaoho.

²¹ NIWA, Plant and Food, Cawthron, University of Auckland.

²² Letters were sent to PSGEs and iwi authorities one month prior to formal public notification of the proposed amendments to the NESMA in line with Treaty settlement commitments, and 46A of the RMA.

²³ MPI presented at several of these MfE led forums including those with the Tapuika Iwi Authority, local government, PSGEs (including Te Tau Ihu PSGEs), RM practitioners and Ngāti Toa Rangatira.

²⁴ Industry organisations we talked to included Aquaculture New Zealand, Coromandel Marine Farming Association, Clearwater Mussels, and Gascoigne Wicks.

²⁵ This included the Waikato Regional Aquaculture Group.

²⁶ IAOs and PSGEs we talked to include Ngāi Tahu, Ngāti Toa Rangatira, Ngā Hapū o Ngāti Porou, Rangitāne, Te Ātiawa, Ngāti Kuia, Ngāti Tama, Ngāti Koata, and Ngāti Apa ki te Rā Tō.

²⁷ Research providers we talked to included Plant & Food, Cawthron, and Earth sciences New Zealand.

36. Aquaculture industry submitters generally supported the options, but many sought further changes to enable more permissive pathways for other types of aquaculture activities such as large-scale commercial aquaculture (e.g. structures for marine farms, methods of monitoring, and changes to species farmed to be controlled activities rather than restricted discretionary).
37. Many submitters raised concerns regarding biosecurity, environmental impacts, and Māori rights and interests. Many submitters opposed adding *Undaria pinnatifida* to existing marine farm consent conditions, primarily due to biosecurity risks. Most submitters expressed concern for Option 4 regarding permitting research and trial activities in new space not consented for aquaculture. Submitters called for stronger safeguards for Māori rights and interests under the Marine and Coastal Area (Takutai Moana) Act 2011 and aquaculture settlement arrangements as permitted activities limit Māori input into decision making.
38. A detailed analysis of submitter feedback is included in the final recommendations and decisions report.

Section 2: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

39. The following criteria will be used to compare options:
- **Effectiveness:** The extent to which the option contributes to the attainment of the relevant high-level objectives, including upholding Treaty settlements. The option should also provide a solution to the identified problem.
 - **Efficiency:** The extent to which the option is the best way to achieve the objectives, and at a cost that is appropriate. The option should also provide enough flexibility to allow circumstances to be adequately taken into account at the local level.
 - **Alignment:** The extent to which the option integrates well with other proposals and the wider statutory framework.
 - **Implementation:** The extent to which the option is clear about the requirements for its implementation by local government/others and that it can be easily implemented.
 - **Treaty of Waitangi:** The extent to which the option is consistent or gives effects to Treaty settlements and Te Tiriti principles.

What scope will options be considered within?

40. There are several factors that have influenced the options in this RIS. These include:

Scope of resource management reforms

41. Officials have been directed by Ministers to consider options focused on policy outcomes that have an immediate effect on resource consenting, minimise implementation requirements on councils, and are well aligned with future reforms of the RM system. This direction has resulted in the exclusion of non-regulatory options, and regulatory options which would require amending or changing an existing plan to have an impact. The Natural Environment Bill and Planning Bill are intended to be enacted in mid-2026, and the current RM system will continue to operate, along with these amendments to improve the current RM system as it is now, until the transition into the new RM system is complete.

Previous Cabinet decisions

42. The Government agreed the NES-MA amendments should ‘increase flexibility to innovate, improve management of existing marine farms and make minor and technical amendments.’ [CAB-24-MIN-0246 refers].

Pace of reform

43. The options considered and analysis of impacts has been constrained by the timeframe for the RM Reform Phase 2 National Direction programme. To meet the Government’s timeframe to Gazette the NES in 2026, the period for submissions analysis to inform final policy decisions was condensed. This has impacted the ability to assess the impacts of the proposals and limited the scope and complexity of policy analysis.

Data and evidence

44. There is limited information on the scale and impact of the problem, the economic costs and benefits of the amendments, and their potential effects.
45. Submissions from industry and some iwi groups on the proposed amendments to the NES-MA highlighted the process to obtain consents for research and trial activities:
- increases uncertainty due to the inconsistent approaches to providing for and enabling aquaculture in coastal plans;
 - can be costly and time consuming. For example, Plant and Food ultimately obtained a consent through the Covid-19 Recovery (Fast-track Consulting) Act 2020 in June 2024 for their Re-imagining aquaculture project. This was because Plant and Food were unable to find a suitable consenting pathway for several years.
 - is disproportionate to the effects of, in particular small-scale short-term, research and trial activities.
46. Due to short timeframes for policy development prior to public consultation, initially there was limited analysis of the impacts of the proposals on existing Treaty Settlements, and groups with Mana Whakahono ā Rohe²⁸ or other arrangements with councils around resource management plans and consenting decisions. Analysis of the impacts of the proposals more broadly on customary rights holders was informed by stakeholder feedback and supported the final options proposed.
47. There was also limited analysis on the impacts of the proposals on the environment more broadly, due to the short timeframes for policy development.

What options are being considered?

48. In addition to the status quo (Option 1), MPI and MfE have developed three options to amend the NES-MA based on the recommendations from the Year Three review of the NES-MA and feedback from engagement and public consultation between 2024 and 2025. Each option consists of several proposals, and the options are not mutually exclusive.
49. Officials have updated the option analysis based on feedback received through public consultation, and now propose the options outlined below.

²⁸ They are Iwi Participation Arrangements and were designed to assist Tangata Whenua and local authorities to discuss, agree and record how they will work together under the RMA.

Option 1 – Status quo

50. Option 1 is retaining the status quo (i.e. no changes to the NES-MA) and involves no central government intervention.

Risks and assumptions with the status quo

51. The main risk of not acting is that the current difficulties with making changes to consent conditions will continue to limit innovation and growth in the aquaculture sector.
52. Local government may not be able to take appropriate action without central government intervention, particularly due to recent amendments to the RMA preventing plan changes and policy reviews until 2027.
53. Research may be moving to other countries because of the uncertain and often difficult consenting environment in New Zealand. If the status quo continues, it is likely that this will become more common.
54. This regulatory barrier will limit innovation and diversification of the aquaculture industry. If the ability to undertake relevant research is hindered or cannot be conducted in New Zealand's waters, industry might be less inclined to invest in new technology or consider farming new species.

Option 2 – Amending the NES-MA to simplify re-consenting and address minor technical issues

55. Option 2 proposes to address issues identified by councils, industry, iwi and hapū, and other organisations with the re-consenting provisions in the NES-MA and improve their drafting to be more consistent with the original intent of NES-MA.
56. Some provisions in the original NES-MA were included or omitted in ways that created unintended consequences. These issues are not contentious and improving them would make the regulations clearer and enable them to meet their intended purpose.
57. These changes respond to issues identified in the Year Three Review of the NES-MA and would include:
- Allowing marine farms consented after 2020 to use the processes in Part 4 of the NES-MA to replace their consents
 - This broadens the scope of NES-MA so it will apply to more marine farms than it currently does.²⁹
 - Enabling marine farmers to change their structures when applying for a replacement consent without also having to change species, as a restricted discretionary activity.
 - Allowing spat catching to be added to existing marine farms at re-consenting, as a restricted discretionary activity.³⁰
 - Minor and technical changes to clarify intent and interpretation of the NES-MA, including rewording, removing redundant references, improving articulation of provisions and redefining unclear terms.³¹

Risks and assumptions with Option 2

58. There is a risk that enabling marine farmers to change their structures when replacing consents (e.g. changing the layout of a marine farm) may impact the ability of Māori to access culturally significant areas. We anticipate this risk will be mitigated through existing matters councils consider when assessing consent applications, notification of

²⁹ Section 25(1) in part 4.

³⁰ Section 25 (2) (d)

³¹ For example, amending the definition of 'area of interest' to clarify how it applies.

consents, and the existing process to seek views of Tangata Whenua on draft consent applications.³²

59. There is a risk that enabling marine farmers to change their structures when replacing consents and allowing spat catching to be added to existing farms could affect the environmental impacts of a marine farm. For instance, allowing marine farmers to catch spat on an existing farm could affect water flow, as spat catching lines would need to be added to existing shellfish grow-out lines.³³ Changes to structures could affect benthic values and water flows, or enable intensification. However, we consider these risks to be relatively low and can be managed by the existing matters of discretion in the NES-MA, which require farms to appropriately manage the environmental effects of re-consenting.³⁴ The existing matters of discretion are under rules in regional coastal plans so there is no increased risk compared to the status quo.
60. There is also an increased risk of marine mammal entanglement as spat catching lines have less tension than grow-out lines. Since 1996, only one marine mammal death has been confirmed, and another suspected entanglement has been recorded.³⁵ The risk of marine mammal entanglement on spat catching lines is not well understood due to a lack of reporting. However, officials consider the risk of entanglement to be low and existing matters of discretion manage this risk by ensuring that farms have suitable protections for marine mammals. Such measures will continue to apply to future consents under this proposal.
61. The transfer of spat from a spat catching farm to a production farm may increase biosecurity risks of spreading diseases and pests. Officials consider any potential biosecurity risks can be managed through biosecurity management plans, which the NES-MA enables councils to require through the existing matters of discretion.

Feedback from engagement and consultation on Option 2

62. During targeted engagement, most stakeholders and Treaty partners strongly supported Option 2, provided that the matters of discretion and notification requirements continue to protect existing rights and interests.
63. Several groups raised concerns around the ability of Option 2 to manage potential effects, such as the environmental and biosecurity effects of re-consenting. Any potential effects of re-consenting will continue to be managed through the existing matters of discretion in the NES-MA.
64. Some stakeholders also expressed concerns that Option 2 would not address issues with spat supply and that more spat nurseries are needed. Increasing the number of spat nursery sites is beyond the scope of the NES-MA and is best dealt with through implementation of the new planning system.
65. During public consultation, most submitters broadly supported Option 2 in principle if there are safeguards in place to protect the environment and cultural values. Most industry submitters also supported the changes and called for further amendments, such as applying NES-MA re-consenting provisions nationally.

³² Schedule 6 lists the process for seeking views of Tāngata Whenua on draft applications.

³³ Shellfish grow out lines are ropes or structures where shellfish grow on before being harvested. Environmental conditions could, for example, include hydrological conditions, which relate to the water quality and impact of the farming activity on the water.

³⁴ Matters of discretion include the information and monitoring requirements, management of biosecurity risks, and effects on navigational safety.

³⁵ In 1996, a Bryde's whale (*Balaenoptera edeni*) was entangled in spat catching lines near Great Barrier Island. Death of a second whale has been attributed to spat catching lines but this has not been confirmed.

66. Many iwi, hapū, and non-government organisations raised concerns about the potential impacts of Option 2 on biodiversity, Māori rights and interests, and public access to the coastal marine area.
67. Option 2 does not change how environmental effects and Māori rights and interests are considered through re-consenting processes compared to the status quo. For instance, the proposed notification requirements do not change the intent of the existing notification requirements for re-consenting, rather they clarify how the intent should be interpreted. This is covered in more detail in the final Report on Recommendations and Decisions³⁶.
68. As the issues are minor and technical in nature, they were not discussed during engagement and officials did not include an options analysis for this proposal in the interim RIS. These changes were outlined the consultation document. Those submitters who commented expressed support. Submitters considered addressing minor and technical issues would improve clarity and efficiency of the NES-MA.

Option 3 – Option 2 above + amending the NES-MA to set out a more lenient activity status for certain changes in consent conditions

69. Option 3 proposes to amend the NES-MA to make it easier for marine farmers to apply to change or cancel their consent conditions. This would be done by treating certain changes as controlled and restricted discretionary activities, rather than discretionary activities under section 127 of the RMA.
70. As discretionary activities, councils can consider a wide range of matters when making decisions on these applications, creating uncertainty for marine farmers and discouraging them from making changes to their farms.
71. Option 3 consists of the following proposals. Marine farm consent holders can apply to:
 - add *Undaria pinnatifida* to their consent conditions as a restricted discretionary activity to an existing marine farm.
 - add the following to their consent conditions as a controlled activity:
 - spat catching to an existing farm consented for the same species;
 - indigenous bivalve species and Pacific oysters to a farm already consented for other bivalve species;
 - indigenous seaweed species to an existing marine farm;
 - another finfish species to an existing finfish farm.
 - add the following structures to their consent conditions as a controlled activity:
 - converting longlines to floating shellfish cages or baskets; or
 - converting stick and rail to floating longlines or fixed lines; or
 - replacing existing mooring systems within the same footprint (e.g., concrete block to screw).⁴⁶
 - change or cancel monitoring consent conditions as restricted discretionary activities.

Risks and assumptions with Option 3

72. In designing the above options, officials have assessed the risks of adding certain species structures, and monitoring techniques to existing consent conditions.
73. Officials consider that the proposed matters of control in the NES-MA provide sufficient safeguards to manage the effects of Option 3 on the environment and other areas. For

³⁶ [Ministry for the Environment. 2026. National Environmental Standards for Marine Aquaculture, National Environmental Standards for Commercial Forestry, and Stock Exclusion Regulations: Report on Recommendations and Decisions. Wellington: Ministry for the Environment.](#)

example, councils can set consent conditions, such as requiring biosecurity management plans and measures, to address the potential effects on marine mammals when structures are changed.

74. There is a risk that streamlining consenting processes, by making applications to change or cancel certain consent conditions a controlled activity, limits Māori input into decision-making.³⁷ Officials propose to include appropriate matters of control in the NES-MA that include Tangata Whenua values, to ensure these values are considered in decision-making.
75. There is also a risk that the rights provided for under Treaty settlements and other legislative arrangements would be limited by this proposal as councils must grant applications for controlled activities.³⁸
76. Notification requirements are designed to enable Māori participation in decision-making through encouraging a pre-application Tangata Whenua engagement process where possible, or through limited notification.
77. Some council practitioners raised concerns that a further bespoke aquaculture consenting process would add to the administrative cost for councils. However, we anticipate this will be straightforward as Option 3 defines the activity status for a set number of changes. The development of guidance on the implementation process may also be useful to further clarify the process for councils and industry.

Feedback from engagement and consultation on Option 3

78. During targeted engagement, stakeholders and Treaty partner groups were generally supportive of Option 3, noting that it would provide benefits to the industry and research providers, and support innovation. Research providers could partner with industry to undertake trials on farms through amending consent conditions using section 127 of the RMA, rather than applying for a new consent using the proposed research and trial provisions. Stakeholders noted that when councils set matters of control for assessing consent applications, the impacts on other farms, Māori rights and interests, and the environment are appropriately considered.
79. Submitters had mixed views on Option 3 during public consultation. Most industry submitters supported allowing new species to be added to the consent conditions of existing marine farms as controlled activities, while councils, iwi and hapū, and research organisations raised biosecurity and environmental concerns.
80. Most submitters including councils, iwi and hapū, and research organisations were neutral or supportive of changes to consent conditions for structures, noting benefits such as greater certainty and reduced costs. Industry submitters supported the proposal and sought further changes to include other structures as controlled activities.
81. Many submitters opposed adding *Undaria* to existing marine farm consent conditions due to biosecurity concerns. Industry submitters largely supported adding *Undaria* to existing marine farm consent conditions as a controlled activity due to its market potential.
82. Based on feedback from public consultation and further analysis, Officials changed the proposal for *Undaria* to be added to an existing marine farm as a restricted discretionary activity, rather than a controlled activity as consulted on. This makes it possible for existing marine farm consent holders to add *Undaria* to their marine farms

³⁷ For example, where activities are 'controlled' and cannot be declined, or where there are streamlined notification processes and reduced matters for discretion.

³⁸ Such as the influence that PSGEs can have on consent decision-making in their area of interest, as provided by their statutory acknowledgement.

when permission by MPI is granted under the Biosecurity Act, whilst ensuring Councils retain discretion over any other environmental and biosecurity considerations.

83. Submitters expressed mixed views on the proposed controlled activity status for monitoring changes. Industry supported the proposal and sought further changes to cancel monitoring methods where appropriate. Councils preferred a restricted discretionary status to maintain public confidence and manage environmental effects.
84. Based on feedback from public consultation and further analysis, Officials changed the proposal to enable monitoring conditions to be changed or cancelled, as a restricted discretionary activity, rather than a controlled activity. This enables marine farmers to seek improved monitoring conditions while ensuring councils can appropriately consider potential impacts.

Option 4 – Option 2 + 3 above and enabling research and trial activities on existing farms and in new spaces

85. Officials propose amending the NES-MA to set out an easier consenting pathway for research and trial activities. We propose that this process be used for research and trial activities both within existing marine farms that already have consents and spaces that are not currently consented for aquaculture activities.
86. The objectives of the NES-MA are to provide for more regulatory certainty and consistency while regulating existing marine farms to meet best environmental practice.
87. Enabling research and trial activities on existing farms will be achieved by limiting the matters councils can consider when deciding on applications for new consents, separate from existing marine farm consents. This is done by making certain activities controlled (which must be granted) or restricted discretionary (where only specific matters can be considered).
88. Option 4 includes new proposals for research and trials which make it easier for marine farm consent holders to:
 - carry out small-scale, short-term research and trial activities as permitted activities in spaces already consented for aquaculture;
 - apply for consents for research and trials, as controlled or restricted discretionary activities, in:
 - existing spaces already consented for aquaculture; and
 - new spaces not consented for aquaculture.

Risks and assumptions with Option 4

89. Using the NES-MA to provide for research and trials in new space would broaden the original scope of the NES-MA. However, this new use fits within the scope of what a NES can do and is consistent with the underlying objectives of the NES-MA.
90. For proposal 4c, spaces used for research and trials in certain rohe moana will trigger aquaculture settlement obligations under the Māori Commercial Aquaculture Claims Settlement Act 2004, except for structure-only trials (as these are not considered aquaculture activities).³⁹ Relevant customary marine titles and protected customary rights will continue to apply in new spaces used for research and trials.⁴⁰

³⁹ Māori Commercial Aquaculture Claims Settlement Act 2004.

<https://www.legislation.govt.nz/act/public/2004/0107/latest/DLM324349.html>

⁴⁰ Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019

91. Consenting of new spaces will also require an Undue Adverse Effects test to identify effects of aquaculture on fishing as currently required.⁴¹ Potential adverse effects of proposed research and trial activities on fishing are presumed to be minor due to the small-scale nature of the activities.

Feedback from engagement and consultation on Option 4

92. During targeted engagement, the aquaculture industry and research providers indicated that easier consenting for research and trials would better enable innovation, leading to improved industry growth and development.
93. Several Māori organisations were broadly interested in carrying out research and trials on both existing and new marine farms. Making consenting easier may enable more Māori groups to develop aquaculture spaces.
94. Some regional councils involved in early engagement on this issue agreed that challenges do exist for research providers in obtaining consents for research and trials, particularly where council plans have outdated provisions. Other regional councils indicated that existing mechanisms such as section 127 under the RMA (change of consent condition applications) adequately enable research and trials on existing farms.
95. Submitters had mixed views on Option 4 during public consultation. Concerns about reduced public engagement and Māori input were common themes across submissions.
96. Industry submitters and some planning and science organisations supported making research and trial activities permitted which would reduce costs and enable innovation.
97. An original proposal was included in Option 4 to make it easier to carry out some small-scale, short-term research and trial activities in spaces not consented for aquaculture as permitted activities. Officials sought feedback from IAOs and PSGEs on the proposal and concerns were raised that permitted activities limit the ability of Tangata Whenua to participate in decision making as these activities do not require a resource consent.
98. Many councils, iwi and hapū, Te Ohu Kaimoana, and NGOs opposed making research and trials permitted, citing environmental risks and the inability to decline applications.
99. Most industry submitters supported enabling trials in both existing and new space. Councils and iwi and hapū opposed research and trials taking place in areas zoned as inappropriate for aquaculture.
100. Based on public consultation feedback and further analysis, Officials removed the proposal enabling small-scale short-term research and trial activities in spaces not consented for aquaculture to be a permitted activity. This proposal was removed to address concerns raised by submitters that the proposal could undermine rights and interests in the coastal marine environment, including those affirmed through Treaty settlement legislation and other arrangements.⁴²

⁴¹ An Undue Adverse Effect test is a statutory obligation required under the Fisheries Act 1996 and RMA to assess the effects of proposed marine farms on fisheries.

⁴² Concerns were raised in relation to the potential impacts on the following settlements in particular: the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014; the Maungaharuru-Tangitū Hapū Claims Settlement Act 2014; the Waikato-Tainui's Deed of Settlement (Raupatu Settlement 1995) and the Waikato River Settlement (2008); the Māori Commercial Aquaculture Claims Settlement Act 2004; the Marine and Coastal Area (Takutai Moana) Act 2011; and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Options considered but not progressed*Proposal to standardise consent conditions*

101. MPI and MfE engaged on a proposal to introduce nationally standardised consent conditions for certain matters, for example, on navigational or environmental conditions. The intention was to create operational efficiencies for the industry and lift best practice across the sector.
102. Stakeholders and those Treaty partner groups we engaged with were not supportive of the proposal. Key concerns included that this would be inflexible and not enable consideration of regional differences, different farming approaches, and cultural variations between different iwi and their rohe. Stakeholders also preferred that best practice be industry-led.⁴³
103. It would also be challenging to design and implement standardised conditions. To include these on existing consents, councils would need to review all consents and update conditions. This would be costly, inefficient, and administratively burdensome for councils and industry.
104. As there was limited support and there are implementation challenges, we are not currently progressing the proposal to standardise consent conditions. There are other ways for councils to review and update consent conditions that are out of date.

Proposal to group certain changes in species / farming methods as controlled activities

105. During the engagement in 2024, officials engaged on an option to group certain changes in species / farming methods as controlled activities.
106. The grouping approach was preferred by some stakeholders (including research providers and some industry groups), as they felt this could provide more flexibility. Other groups (industry, councils, and Treaty partner groups) raised concerns that the grouping approach may be unclear and difficult to navigate. As such, this option was not included in the 2025 consultation materials and has been removed from this final RIS.

Te Tiriti o Waitangi / Treaty of Waitangi implications

107. Analysis of the extent to whether the options are consistent or give effect to Treaty settlements and Te Tiriti principles was undertaken in a separate Treaty Impact Analysis.
108. In summary, the options outlined in this RIS are consistent and continue to uphold Te Tiriti o Waitangi, Treaty Settlements and other related legislative arrangements.

⁴³ For example, through AQNZ's A+ framework.

How do the options compare to the status quo/counterfactual?

	Option 1- Status quo	Option 2- Amending the NES-MA to simplify re-consenting and address minor technical issues	Option 3 – Option 2 + Amending the NES-MA to set out a more lenient activity status for certain changes in consent conditions	Option 4 – Option 2 and 3 + Enabling research and trial activities on existing farms and in new spaces
	<i>*The analysis for the sub-options for each option has been combined as they deliver similar outcomes.</i>			
Effectiveness:	<p>This option will continue to impose high costs and complex consenting processes for marine farmers. This option will not achieve the stated objectives as marine farmers will continue to have limited flexibility to innovate, improve the management of their farms and grow productivity.</p> <p style="text-align: center;">0</p>	<p>Option 2 will reduce costs, improve regulatory quality and address issues identified as part of the Year Three review of the NES-MA by making it easier for marine farmers to update their consent conditions at re-consenting, for example to update their farming structures. This would enable the aquaculture sector to be more innovative and productive compared to the status quo, whilst ensuring councils can retain discretion over any environmental effects.</p> <p style="text-align: center;">+</p>	<p>Option 3 ensures known issues are improved and there are straightforward consenting processes for changing consent conditions. This would enable the aquaculture sector to be more innovative and productive compared to the status quo, whilst ensuring councils can retain discretion over any environmental effects.</p> <p style="text-align: center;">+</p>	<p>Option 4 ensures re-consenting, changes to consent conditions and research and trials are straightforward, cost-and time-effective and are proportionate to the effects of the activities in question. Marine farmers will have more flexibility to innovate and grow compared to the status quo, whilst ensuring councils can retain discretion over any environmental effects.</p> <p style="text-align: center;">++</p>
Efficiency:	<p>This option will continue to impose high costs and complex consenting processes for marine farmers. This option will not achieve the stated objectives as marine farmers will continue to have limited flexibility to innovate, improve the management of their farms and grow productivity.</p> <p style="text-align: center;">0</p>	<p>Option 2 will reduce costs, improve regulatory quality and address issues identified as part of the Year Three review of the NES-MA by making it easier for marine farmers to update their consent conditions at re-consenting, for example to update their farming structures. This would enable the aquaculture sector to be more innovative and productive compared to the status quo, whilst ensuring councils can retain discretion over any environmental effects.</p> <p style="text-align: center;">+</p>	<p>Option 3 addresses known issues in the NES-MA and makes it easier for applicants to update their consent conditions while ensuring councils retain discretion over key environmental and biosecurity matters. This would enable the aquaculture sector to be more innovative and productive compared to the status quo, whilst ensuring councils can retain discretion over any environmental effects.</p> <p style="text-align: center;">+</p>	<p>Option 4 addresses known issues in the NES-MA, makes it easier for applicants to change their consent conditions and is a cost-effective way of achieving the policy objectives as it provides a consistent approach for consenting research and trials across New Zealand and ensures councils can continue to retain discretion over key matters. Marine farmers will have more flexibility to innovate and grow compared to the status quo, whilst ensuring councils can retain discretion over any environmental effects.</p> <p style="text-align: center;">+</p>
Alignment:	<p>This option does not align with the intent of the 20-year marine coastal permit extension, the recent amendments to s127 of the RMA and</p>	<p>While Option 2 complements recent Government initiatives to support and future-proof the aquaculture sector, these provisions will remain in place until new National</p>	<p>While Option 3 complements recent Government initiatives to support and future-proof the aquaculture sector, these provisions will remain in place until</p>	<p>While Option 4 complements recent Government initiatives to support and future-proof the aquaculture sector, these provisions will remain in place until</p>

APPENDIX 3

	wider resource management reform. 0	Instruments are developed in the new planning system. ⁴⁴ 0	the new National Instruments are developed new planning system. 0	the new National Instruments are developed new planning system. 0
Implementation:	This option won't require any extra implementation as existing processes remain. 0	Option 2 is relatively straightforward to implement as regulated groups are familiar with the re-consenting provisions in the NES-MA. This means that there should be a low implementation burden for decision-makers and applicants. This is expected to be comparable to the status quo in terms of implementation. 0	Option 3 keeps councils responsible for setting conditions on consents to manage key effects, while making it easier for applicants to update their consent conditions. This option will be relatively straightforward to implement and will be supported by guidance material. This is expected to be comparable to the status quo in terms of implementation. 0	Option 4 will impose some administrative costs on councils for implementation since research and trial provisions are a new use for the NES-MA. The changes are expected to be relatively straightforward to implement and will be supported by guidance material. Implementation of option 4 is expected to be comparable to the status quo. 0
Treaty of Waitangi:	This option will continue to uphold settlement obligations and other arrangements. This means that affected groups can continue to submit on applications. ⁴⁵ 0	Option 2 will continue to uphold settlement obligations and other arrangements, as they primarily involve changes to re-consenting provisions and do not involve new resource consent applications. This means that affected groups can continue to submit on applications. 0	Option 3 will continue to uphold settlement obligations and other arrangements. This means either Tangata Whenua groups consulted or all affected groups can continue to submit on applications. This option also better incentivises Māori to participate in the aquaculture sector by making it easier for them to update their consent conditions during the lifetime of a consent. +	Option 4 will continue to uphold settlement obligations and other arrangements. Applications for permitted structure only research and trial activities must notify Tangata whenua prior to undertaking the activity. For controlled research and trial activities, all affected holders of statutory acknowledgements can submit on applications. For restricted discretionary research and trial activities, either Tangata whenua groups consulted or all affected groups can submit on applications. Option 4 provides an additional pathway for Māori to get into aquaculture. +
Overall assessment	This option will continue to impose high costs and complex consenting	Option 2 would effectively resolve issues identified as part of the Year Three review of the NES-MA and is expected to be relatively	In addition to resolving issues identified in the Year Three Review and providing a more enabling approach to changing	Option 4 would effectively resolve issues identified in the Year Three Review, provide a more enabling approach to

⁴⁴ Recent Government initiatives include the Fast Track Approvals Act 2024, the Resource Management (Extended Duration of Coastal Permits for Marine Farms) Act 2024, and aquaculture related changes to the NZCPS which have been progressed as part of RM reform.

⁴⁵ Affected groups includes holders of statutory acknowledgements, customary marine title groups, and protected customary rights groups retain the ability to submit on resource consent applications.

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	<p>processes for marine farmers. This option will not achieve the stated objectives as marine farmers will continue to have limited flexibility to innovate, improve the management of their farms and grow productivity.</p> <p>0</p>	<p>straightforward to implement as most regulated groups are familiar with the re-consenting provisions of the NES-MA.</p> <p>+</p>	<p>certain consent conditions, this option enables marine farmers to have more flexibility to innovate, improve the management of their farms and be more productive compared to the status quo.</p> <p>+</p>	<p>changing certain consent conditions and provide a consistent approach to consenting research and trials activities nationwide. It would also enable councils to have more lenient rules for certain activities. This option provides the least complex approach to enabling research and trials across the country. Marine farmers would have more flexibility to innovate, improve the management of their farms and be more productive compared to the status quo.</p> <p>++</p>
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Key for Qualitative Judgements:	
++	Much better than doing nothing/the status quo
+	Better than doing nothing/the status quo
0	About the same as doing nothing/the status quo
-	Worse than doing nothing/the status quo
--	Much worse than doing nothing/the status quo

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

Option 4 (preferred) will reduce costs and complexity with consenting, increase flexibility, improve management of marine farms and support innovation

109. Option 4 includes solving issues identified in the Year Three Review (Option 2) and additional changes identified in subsequent consultation (Option 3).
110. Option 4 will deliver the highest benefits as it will reduce costs and complexity with consenting processes, increase flexibility for marine farmers, improve management of marine farms and support innovation in the aquaculture sector. Marine farmers can invest more to innovate, boost productivity, reduce environmental effects and adapt to climate change. For example, marine farmers could update to innovative 'FLUPSY' systems⁴⁶ or Shellfish Towers⁴⁷.
111. Option 4 provides a consistent and more enabling approach to consenting research and trial activities as:
- The permitted activity proposal will reduce costs and the need for consents for marine farmers as no application is needed to carry out these research and trial activities, provided the marine farms meet the entry requirements in the regulations.
 - Specific regulations in the NES-MA for research and trial activities provide more certainty for marine farmers compared to the status quo, which includes discretionary or non-complying activities in regional plans.
 - Entry requirements are included to manage environmental impacts of research and trial activities in existing and new space. These requirements have been designed based on analysis of rules for research and trial (or similar) activities in regional coastal plans.
112. Option 4 will enable marine farmers to more easily use existing production farms to also catch spat of their consented shellfish species. Increasing spat catching from existing marine farms allows the industry to better respond to the effects of climate change and may contribute to a more resilient supply of spat.⁴⁸ While most councils would enable spat catching as a part of the activity of marine farming, some consents do not specifically enable this. Option 4 provides a consistent approach across councils and regions, simplifies the consent process and increases investment certainty for spat-catching capacity which is important for hatchery supply and sector resilience.
113. These changes will provide marine farmers with more flexibility to innovate, improve management of their farms and grow productivity. Implementing Option 4 will support the Government's goals to enable primary sector growth and reduce regulatory barriers, while safeguarding the environment and upholding Treaty settlements. Option 4 effectively addresses issues with the status quo, ensures the NES-MA remains fit for purpose and delivers the highest net benefits for the aquaculture sector and other regulated groups.

⁴⁶ A FLUPSY or floating upwelling system is a small-scale structure designed to increase retention and survival of juvenile mussel and oyster spat which enables low maintenance and high efficiency oyster farming.

⁴⁷ Designed by Cawthron Institute and currently being trialled within NZ to enable sustainable open ocean shellfish farming.

⁴⁸ 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 on-growing can boost spat supply.

114. Option 4 is a package of options including option 2, 3 and 4. Specific elements of Option 4 that were identified in the Year Three review (Option 2) and subsequent consultation (Option 3) are outlined in more detail below. Each option on its own only partially addresses the problems and would not achieve the intended outcomes.
115. While Option 2 and Option 3 are better than the status quo, they are not recommended as each option achieve different outcomes. Each option is needed, but in isolation, Option 2 or Option 3 will not achieve the objectives, therefore the preferred option delivers a package of changes in order to increase flexibility, support innovation, make minor and technical amendments and contribute to the wider Government RM reform objectives.

Option 2 improves re-consenting processes but does not make it easier to change consent conditions or enable research and trials

116. Option 2 responds to issues with the re-consenting processes identified in the Year Three Review and makes minor and technical amendments, but does not address mid-term flexibility or enable research and trials to support innovation and growth.

Option 3 improves re-consenting processes and makes it easier to change consent conditions but does not enable research and trials

117. Option 3 builds on the problems identified in the Year Three review in 2023 and subsequent consultation. Option 3 improves re-consenting processes, makes minor and technical changes and makes it easier to change consent conditions, but does not enable research and trials.

Is the Ministers' preferred options in the Cabinet paper the same as the agencies' preferred options in the RIS?

118. Yes. The Ministers' preferred option in the Cabinet paper is the same as the agencies' preferred option in the RIS.

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

Affected groups (Identify)	Comment <i>Nature of cost or benefit (e.g., ongoing, one-off), evidence and assumption (e.g., compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
Additional costs of the preferred options compared to taking no action			
Regulated groups	Consent applicants for resource consents may incur additional one-off costs in preparing their applications to align with the new regulations	Low	Medium
Regulators	<p>There are likely to be some initial administration costs for consenting authorities (i.e. regional councils) with implementing the preferred options, particularly Option 4 as research and trials are a new addition to the NES-MA.</p> <p>Changes to consent processing costs are expected to be minimal.</p> <p>There are likely to be one-off costs to councils to amend coastal plans if a rule duplicates or conflicts with a provision in the NES-MA.</p>	Low-Medium	<p>Amending plans is a legal requirement, however, recent amendments to the RMA brought in changes to pause Councils' work on review and change of their RMA plans until the end of the transition into the new resource management legislation.⁴⁹ Plan changes will be delayed until 2027 prior to being implemented within the new planning system.</p> <p>One-off costs related to processing resource consent applications are expected to be minimal as guidance material will be developed to support implementation.</p> <p>Ongoing costs to Councils related to compliance, monitoring and enforcement of</p>

⁴⁹ The Resource Management (Consenting and Other System Changes) Amendment Act 2025.

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			the NES-MA are likely to be low-medium change from the status quo.
Government	One off cost for wider government for implementation, including the development of guidance material for regulators and regulated groups.	Low	High High certainty that there are likely to be costs for Government with regards to developing guidance material to support implementation, and for ongoing monitoring and review of the impact of the changes.
Tangata Whenua	Compared to the status quo, enabling research and trial activities in new areas could create additional costs by increasing the number of consented projects and requiring Tangata Whenua to engage more in decision-making processes. These costs will vary by activity and location. Māori undertaking marine farming or aquaculture-related research and trials can expect to have reduced costs in preparing replacement coastal permit applications as other groups.	Medium	Medium High certainty on the effects of the proposals however, there is a degree of uncertainty around the frequency that these proposals will be used.
Public	Compared to the status quo, the proposals may reduce opportunities for communities and the public to participate in consenting processes. This could lead to indirect costs if activities affect community or environmental values, which will vary by activity and location. For example, research and trial activities in areas already consented for aquaculture are expected to result in minimal additional costs, as the public is likely to have previously engaged in consenting processes for those areas.	Low	Low The indirect costs of activities are likely to vary depending on the activity and location.
Research organisations	Applicants may incur additional one-off costs in preparing their applications to align with the new regulations. These costs are expected to be minimal compared to the status quo.	Low	Low
Environment	There may be an increased cost to the environment as consent conditions will be restricted, however we anticipate this risk will be low as the activity conditions and controls will be designed to manage	Low	Medium

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	<p>environmental effects. Some activities, such as research and trials or farming <i>Undaria</i>, may pose some costs to the environment but the proposed matters of control or discretion enable councils to appropriately manage these effects and decline a consent if necessary. The proposed amendments will reduce costs and allow marine farmers to invest into newer technologies and update their farms to better manage these effects and adapt to climate change.</p>		<p>Officials included the relevant species and structures in Option 3 because:</p> <ul style="list-style-type: none"> • the species are already farmed in New Zealand or there is a growing commercial interest in being able to farm them; • the ecological effects of farming the species are well understood and can be effectively managed through the proposed matters of control in the NES-MA⁵⁰; and • the structures are commonly used in New Zealand, and their ecological effects are well understood. <p>For example, replacing concrete block moorings with screw anchors can reduce seabed disturbance and abrasion of sensitive habitats.⁵¹ Based on supporting literature, officials consider the potential environmental effects of changing structures can be adequately managed through consideration of the proposed matters of control and inclusion of consent conditions where necessary in the NES-MA.⁵²</p>
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⁵⁰ August 2013. Overview of Ecological Effects of Aquaculture. Ministry for Primary Industries

⁵¹ Morrisey D, Cameron M, Newcombe E 2018. Effects of moorings on different types of marine habitat. Marlborough District Council. Cawthron Report No. 3098. 41 p

⁵² The proposed amendments to the NES-MA enable councils to manage the effects of changing structures on reefs, biogenic habitats, marine mammals and regionally significant benthic species.

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			Where ecological effects may not be as well understood (e.g. low risk of marine mammal entanglement on spat catching lines), the proposed matters of control or discretion have been designed to appropriately manage these effects.
Total monetised costs	-	Low	Low Most councils will need to spend time amending regional plans and processing resource consent applications, but this is unlikely to create additional costs compared to the status quo.
Non-monetised costs	-	Low	Low Potential environmental risks may impact iwi and public interests and environmental values.
Additional benefits of the preferred option compared to taking no action			
Regulated groups	Reduced costs and time for resource consenting processes. Ongoing benefits from more streamlined and less costly consenting processes, and a consistent approach to consenting research and trial activities. This is likely to indirectly benefit the aquaculture sector by enabling greater productivity and innovation. There is the potential for significant savings compared to the current costs of changing consent conditions. ⁵³ We anticipate the amendments to the NES-MA will reduce consenting costs as applicants will have greater certainty over effects needing to be managed. Recent amendments to the RMA create a more straightforward consenting pathway to reduce delays and costs, and	Medium	Low-Medium (based on qualitative industry feedback). There is limited data available on the costs. Qualitative feedback from industry suggests that the current consenting framework is slow, costly, and rigid, limiting flexibility. It is important to note there is limited data on costs or their reasonableness.

⁵³ Currently, re-consenting a mussel farm typically costs around NZD \$20,000, while salmon farms can range from NZD \$20,000 to \$100,000 depending on complexity and location.

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	free up resources for innovation, environmental improvements, and growth.		
Regulators	<p>Reduced administrative workload and processing costs as some activities (e.g., certain research/trials in existing space) no longer require consent.</p> <p>Increased clarity and certainty with consenting processes as certain activities are proposed to be controlled. This will likely result in indirect benefits such as improving efficiency and saving costs and time for councils.</p>	Low	<p>Low</p> <p>Opportunity costs will vary depending on the type of activity and region.</p>
Wider government	Future-proofs the aquaculture sector by creating a more flexible and efficient regulatory framework. Avoiding inefficiencies and ad hoc policy changes reduces long-term costs of regulatory intervention, though these savings cannot be quantified.	Low	Low-Medium
Tangata Whenua	Lower compliance costs and easier pathway to being able to carry out research and trial activities. This would support greater Māori participation and development in the aquaculture sector. While exact savings are unknown, reduced consenting barriers could significantly improve participation and reduce upfront investment risk.	Medium	Low
Public	Indirect benefits through improved climate change adaptation and economic growth from a more efficient aquaculture sector. These benefits are non-monetised but contribute to long-term resilience and wellbeing.	Low	Low
Research organisations	Reduced time and cost associated with applying for research activities. This could lead to some more research and trial activities taking place in the coastal marine area. While savings are not quantified, easier consenting processes could create significant savings for research organisations.	Medium	Low
Environment	Benefits associated with streamlined consent processes and more flexibility, making it easier for farmers to transition to and adopt new technology or practices that have environmental benefits.	Low	Low-Medium

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<p>Total monetised benefits</p>	<p>We anticipate more straightforward consenting processes and a reduced need for consents will result in a cost reduction for marine farmers, allowing more investment to be put into innovation and development of marine farms. Consent costs under the amended NES-MA regulations are difficult to quantify due to limited data available</p>	<p>Limited data</p>	<p>Low</p> <p>Consent costs vary across the country so actual savings will depend on where the activity is taking place and whether the regional coastal plan has more stringent rules for resource consent applications than the NES-MA.</p> <p>Exact savings are not currently quantified.</p>
<p>Non-monetised benefits</p>	<p>Greater certainty and efficiency in consenting processes, leading to better environmental management and adaptability to changing conditions.</p>	<p>Low</p>	<p>Low</p>

Section 3: Delivering an option

How will the proposal be implemented?

119. If progressed through Cabinet, the amended NES-MA will take immediate effect from its commencement date, 28 days after Gazettal and will continue to be in effect until new system is developed. Current National Direction under the RMA will transition into the new planning system as National Instruments.
120. Under the new planning system, the NES-MA may be re-assessed as part of the transition of National Instruments under the Natural Environment Bill and Planning Bill. The proposed amendments to the NES-MA will be able to support economic growth and productivity of the aquaculture sector, before transitioning into the National Instruments.
121. Councils will remain responsible for processing and administering applications under the NES-MA regulations.
122. MfE and MPI intend to provide non-statutory guidance to support implementation, including how new provisions apply and interact with existing regional coastal plans.
123. Most changes are expected to be straightforward to implement, as councils already process applications under the NES-MA. Regulated groups are familiar with re-consenting provisions, meaning the implementation requirements for applicants and decision-makers should be low and comparable to the status quo. The minor and technical amendments improve regulatory quality and the management of marine farms whilst ensuring they are straightforward in practice. Guidance material will be developed to support councils and applicants, particularly for new research and trial provisions.
124. Rules in the NES-MA override equivalent plan rules unless stringency or leniency provisions apply. Councils will continue to retain the ability to set more lenient standards than the NES-MA, ensuring flexibility for marine farmers to innovate, adapt and grow with less complex and costly consenting processes. Coastal plan changes are required to remove duplication or conflict with the NES-MA and do not need to follow a standard Schedule 1 process (i.e., no public notification or appeals). Councils would have some ability to manage the costs and timing of implementing the changes. The RMA requires these plan changes to be made “as soon as practicable” and require some level of immediacy. Recent amendments to the RMA brought in ‘plan stop’ provisions which pause Council’s review and change of their plans until 2027 at the end of the transition into the new planning system.
125. MfE and MPI will communicate NES changes to the public, iwi, hapū, and Māori, and councils through formal channels such as press releases and speeches, and informal channels such as emails from MfE to key partners and stakeholders. Agencies will support the implementation of the NES by publishing guidance documents on the NES, and may provide additional support based on stakeholder feedback including direct engagement with councils, industry stakeholders and iwi/Māori where needed. Ongoing relationships and engagement with Treaty partners during implementation is important, particularly to uphold Treaty settlement obligations and other arrangements.
126. There is a risk of confusion about new rules or inconsistent application by councils, however this will be mitigated through clear guidance and support where needed.

How will the proposal be monitored, evaluated, and reviewed?

127. The NES-MA will likely be reviewed as part of the transition into the new planning system to evaluate their effectiveness. The impact of the proposed changes to the NES-MA will likely be considered as part of this review, including:
 - a) how effective the proposals have been in terms of reducing costs, time and uncertainty for applicants and regulators;
 - b) the number of consent condition changes processed under NES-MA provisions; and new research and trial activities; and
 - c) the impacts of the proposals on stakeholders, Treaty partners, and the environment.
128. MfE monitors, supports implementation and reviews the effectiveness of National Direction under the RMA. MfE's national monitoring system will provide useful insights on the implementation of the NES-MA.
129. As part of MPI's regulatory stewardship function, ongoing feedback on how well these regulations work for the primary sector and key stakeholders will inform future decisions and changes to the NES-MA.