



PROACTIVE RELEASE COVERSHEET

Minister	Minister Bishop	Portfolio	RMA Reform
Name of package	Phase 2 National Direction	Date to be published	04 June 2026

List of documents that have been proactively released

Date	Title	Author
03 March 2026	Final Regulatory Impact Statement: Enabling papakāinga through the resource management system	The Puni Kōkiri – Ministry of Māori Development

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

Some information has been withheld from *[Document title]* under Section [section] of the Official Information Act [reason].



Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT

Final Regulatory Impact Statement: Enabling papakāinga through the resource management system

Decision sought	Final Cabinet decisions on a new National Environmental Standards – Papakāinga under the Resource Management Act (1991)
Agency responsible	Te Puni Kōkiri
Proposing Ministers	Minister Responsible for Resource Management Act Reform Minister for Māori Development
Date finalised	03 March 2026

Description of the Minister's regulatory proposal

The proposal is to ensure that there are nationally consistent district planning rules and standards to better enable Māori landowners to develop papakāinga (communal settlements on ancestral land).

This Regulatory Impact Statement builds from the Interim Impact Statement *Enabling papakāinga through the resource management system*, issued on 11 April 2025. Statutory consultation on the proposal was carried out between 29 May and 27 July 2025. This version has been updated in light of the submissions received and subsequent decisions by the Minister Responsible for RM Reform.

Summary: Problem definition and options

What is the policy problem?

District plans can make it difficult for Māori landowners to develop papakāinga by requiring lengthy and costly consenting processes to develop multiple homes on a single block of land, or by restricting the activities that can take place. Without papakāinga enabling provisions Māori landowners face additional costs for district planning resource consent processes or may not be able to develop papakāinga at all.

This is one of the factors that can prevent owners of Māori land from using their land to develop intergenerational assets and developing homes and communities, in accordance with their culture.

What is the policy objective?

The policy objective is to reduce the district consenting requirements for development of papakāinga. This would:

- enable an increase in supply of affordable, quality housing on ancestral Māori land, by reducing the compliance burden for Māori landowners wanting to develop papakāinga;
- enable tangata whenua to reconnect to their whakapapa and live consistently with tikanga Māori, and to support communal and intergenerational living;
- enable Māori landowners to make decisions about how they use their land and to protect, retain, and utilise their mātauranga relating to their land; and
- contribute to Māori economic resilience and development by making it easier to use Māori land that has multiple owners.

Addressing these primary objectives will contribute towards the Crown meeting its Treaty obligations in relation to housing.

Enabling papakāinga would contribute to improving wider social and health outcomes for some papakāinga residents, given a disproportionate number of Māori are likely to experience homelessness or live in homes affected by damp and mould.

Information on new papakāinga could be collected through the National Monitoring System (NMS). However, the information collected under the NMS would only provide information on papakāinga developments that apply for consent. There is currently no way of collecting conclusive or reliable information about inhabitants of new papakāinga and information on other outcomes from papakāinga are likely to be minimal.

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

Three options were considered for enabling papakāinga through the resource management system.

1. **Do nothing** - under this option, a few councils will introduce new local planning provisions for papakāinga or improve existing provisions when they develop new plans to implement the new resource management legislation (from 2028).
2. **Advice and guidance (non-regulatory)** - under this option, Te Puni Kōkiri (TPK) would develop guidance material and work with councils to improve their capability to develop planning provisions for papakāinga in plans under the new resource management legislation and improve papakāinga consenting practices. It could also involve TPK kaimahi assisting papakāinga developments through consenting processes and supporting iwi and hapū to influence plan changes. This would be likely to result in district planning and consenting being slightly more enabling of papakāinga than doing nothing.
3. **New papakāinga national direction** - this option would introduce national environmental standards under the Resource Management Act 1991 (RMA) containing enabling rules for papakāinga that would apply nationally with immediate effect. Minimum standards could be introduced on matters such as the number of homes permitted, site coverage, and setbacks. On other matters, the underlying zone rules in the district plan would apply. If the provisions from the new national direction are transferred to the new instruments to implement legislation to replace the RMA, the papakāinga enabling provisions of the NES-P would be ongoing. This is the preferred option and would result in the most improvement of all the options.

What external consultation has been undertaken?

- Throughout 2024 TPK undertook targeted engagement with papakāinga experts and developers, council planners, planning consultants, Te Tumu Paeroa, New Zealand Planning Institute and some iwi and Māori landowners. This engagement informed

our initial policy development for a proposal for an NES-P that went out for statutory consultation, as described later in this section.

- Among the Māori groups we talked to, there was universal support for removing resourcing consent requirements for papakāinga, for permitting non-residential activities that align with the purposes of the papakāinga (including small scale commercial activity), and for papakāinga planning rules to apply on certain categories of land other than Māori freehold land (as defined by Te Ture Whenua Māori Act 1993). The majority of local authority stakeholders we spoke to also supported these aspects of the policy proposal.
- This engagement informed our initial policy development for a proposal for an NES-P that went out for statutory consultation.
- From 29 May to 27 July 2025, MfE-led statutory consultation under the RMA, and sought submissions, across a suite of national direction proposals. This included a proposal for delivering the preferred option through a new NES-P. Consideration was limited to National Environmental Standards due to Ministerial and Cabinet decisions to limit the scope of the national direction work programme (as explained in the section on Regulatory context).
- This time period does not meet the Ministry for Regulation guidance that consultation should last for at least 60 days. However, we do not think that the timeframes significantly reduced the effectiveness of consultation. We still received very considered and detailed feedback particularly from iwi and councils. The fact that the proposal consulted on was developed from prior collaboration in targeted engagement with experts who understand the subject and context well also contributed to the effectiveness overall.
- When setting the consultation period MfE considered the following criteria: policy context and significance of the proposal, scope of the proposal, Te Tiriti o Waitangi impacts, impacts of the proposal on different groups, the stakeholder landscape and complexity and scale of the content.
- Amendment to the RMA by the Resource Management (Freshwater and Other Matters) Act 2024 mandates a minimum of 20 working days to receive submissions on national direction proposals. It also retains the requirements that submitters must be given 'adequate time and opportunity' to submit on proposals, and it provides the Minister with the discretion to consider alternate timeframes.
- During the statutory consultation, TPK officials presented on the proposal at MfE-led online consultation hui on the whole package of national direction proposals. Participants in these hui included Treaty settlement entities, councils and the public (including some Māori landowners).
- In addition, TPK undertook 46 consultation hui - online and in person - exclusively on the NES-P with papakāinga experts, iwi authorities, national peak bodies (Te Matapihi, Papa Pounamu, Te Hunga Rōia Māori o Aotearoa), council planners, Māori communities, and the public.
- 163 submissions were received on the NES-P, including submissions from 55 iwi and 50 councils.
- The overwhelming majority of submissions (over 90 per cent) supported the proposed NES-P in principle. However, many submitters suggested amendments, mainly to improve its effectiveness or reduce risks to the environment. TPK analysis of these submissions formed the basis for the final detailed settings for the NES-P.
- Treaty settlement commitments in relation to engagement were partially met as the amount of change and information Post Governance Settlement Entities (PSGEs) were asked to engage with, in a short space of time inhibited full engagement. Some PSGEs that the Crown has relevant commitments to engage with, did not respond to

invitations to engage.

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

Summary: Minister's preferred option in the Cabinet paper

Costs

Description of costs and where they fall

The key monetised costs of the NES-P would fall on:

- district councils due to reduced fees collected from certain papakāinga developments not needing resource consent, more papakāinga developments needing support through the resource management process, and a short-term increase of costs for councils to understand and use the new NES-P, and update existing plans; and
- Māori landowners who will face higher overall costs for the resource management process as more papakāinga are built through more enabling planning rules. However, the cost for each individual papakāinga project is expected to be less than it would be if nothing is done.

There would also be a reduction in the extent that local councils, iwi and hapū would be able to influence local planning rules for papakāinga. This would be a non-monetised cost.

Any impacts on the natural environment from additional papakāinga should be small as the NES-P maintains existing regional and district plan rules that limit the effects of development on the natural environment e.g. rules for earthworks and wastewater and stormwater management will still apply. The number of papakāinga is also small so environmental impact is small compared to the impacts of overall development that councils manage.

Benefits

Description of benefits and where they fall

The key benefits of the NES-P would fall on:

- Māori landowners who can better realise the value of their land assets and make decisions about how to use their land;
- whānau who move into papakāinga developments (both direct benefits of living in new homes in culturally connected communities and the indirect social benefits such as improved health outcomes); and
- the indirect benefits to the local economy through the wages and profits from additional papakāinga construction.

Balance of benefits and costs

Does the RIS indicate that the benefits of the Minister's preferred option are likely to outweigh the costs?

The actual costs and benefits of the proposal are very uncertain however:

- If more consistently enabling papakāinga across New Zealand results in additional papakāinga being built, although there would be increased costs from building more papakāinga there would be substantial benefits for papakāinga residents.
- Māori landowners who build papakāinga would benefit from reduced consenting costs, they would also benefit from long term housing and other new papakāinga assets on their land.

- It is also likely that local economies would benefit from additional papakāinga-related building work.

Implementation

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

- The NES-P will come into effect 28 days after gazettal. Councils must enforce the NES-P and amend their existing plans to remove duplications or conflicts with the NES-P as soon as practicable after it comes into force (without using the RMA Schedule 1 plan change process).
- District councils would be responsible for the ongoing operation and enforcement of the NES-P. We expect they will incur a short-term increase in cost to understand and use the new rules. After this they will incur ongoing additional costs to support additional papakāinga through resource management processes. No additional funding would be available for implementation.
- MfE will publish guidance documents on the NES-P when it is gazetted and may provide additional support based on stakeholder feedback. TPK will support Māori landowners' awareness and understanding of the changes through regional networks.
- Councils will need to assess whether any ongoing consent applications have been affected by the NES-P.
- The NES-P will remain in force until the transition to a new resource management system is completed. Implementation of new resource management legislation currently before parliament is not expected to be completed until 2029 at the earliest.
- It is currently uncertain whether the NES-P provisions will transfer to national instruments under the new resource management system but implementing papakāinga rules in the new system is not likely to substantially increase costs to implement the system overall.

Limitations and constraints on analysis

- The proposed NES-P does not address other barriers to developing papakāinga, such as access to finance for developments on multiply owned land, difficulties getting agreement among the owners, inability to develop land that is landlocked, regional councils' consent requirements and restrictions on developing land that is prone to natural hazards. These matters (availability of finance in particular) will influence the ability of Māori landowners to develop papakāinga more significantly than district planning provisions. This means that it will be difficult to draw definitive conclusions about how much planning rules to enable papakāinga contribute to any changes in the number of papakāinga developments completed.
- While the interim RIS – *Enabling papakāinga through the Resource management system* presented a monetised estimate of the costs and benefits of the preferred option, there was very little evidence available to inform the assumptions for that estimate, particularly around the estimated number of additional papakāinga likely to be built as a result of the proposed national direction and likely benefits that would flow back into the local economy. Those two factors would likely be the major drivers of the costs and benefits and so the costs and benefits were estimated as a wide range at that time.
- The final RIS might be expected to present a more certain understanding of the costs and benefits. However, we did not gain any further information through the consultation or other analysis to enable a more certain estimate of the costs and

benefits. The presentation of costs and benefits in this RIS represents a more realistic picture of what we know about the likely costs and benefits.

- 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 and other significant changes to reform the Resource Management system, has not been assessed. However, we have worked to align the NES-P with other instruments. In particular the proposal aligns with the National Environmental Standards for Detached Minor Residential Units (NES-DMRU), where possible. District plan provisions intended to prevent developments being affected by natural hazards, will apply to papakāinga. This will continue to be the case under the new National Policy Statement for Natural Hazards which is intended to make council management of natural hazards more effective.
- Our targeted engagement was constrained by the limited timeframe. However, we were able to discuss the proposals in depth with papakāinga experts, local authorities, and many whānau with experience in developing papakāinga on their land.
- These proposals were developed at time of significant reform to the wider resource management system. This is likely to have limited the extent to which iwi and some other submitters were able to engage with the proposed changes. Few iwi responded to invitations to be involved in early targeted consultation. However, we did receive submissions from 55 iwi organisations during the statutory consultation on detailed policy proposals. More iwi would have made the consultation stronger.
- Our ability to accurately monitor the success of the NES-P will be constrained by the fact that councils may not have mechanisms in place to collect information on papakāinga in cases where resource consents are not required. The NES-P consultation proposal included a description of certain information about papakāinga developments that councils would be required to provide as part of regular MfE reporting. However, this requirement is not part of the final proposed NES-P as it would likely result in additional compliance costs for papakāinga developers to enable councils to collect the required information. This would be contrary to the policy intent. There is also unlikely to be any mechanisms to monitor outcomes in terms of housing and other social impacts for Māori whānau.
- Detailed plans for implementation of the new resource management legislation before parliament have not yet been completed. The options analysis in this document assumes that the national direction that is in place when the new legislation is passed into law will transfer to the national instruments to implement the new system but whether that will be the case is uncertain.

I am satisfied that, given the available evidence, this RIS represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Responsible Manager(s) signature:

Roger Macky
Manager Te Pou Oranga



Quality Assurance Statement	
Reviewing Agency: Ministry for the Environment	QA rating: Partially meets
Panel Comment: The panel comprising members from the Ministry for the Environment has reviewed the regulatory impact statement: Enabling papakāinga through the resource management system (RIS) prepared by Te Puni Kōkiri and associated supporting material on 27 February 2026. The panel considers that the information and analysis summarised in the RIS partially meets the quality assurance (QA) criteria. The RIS is somewhat complete but the options analysis lacks evidence, particularly quantitative evidence, the implementation section contains only one measure and is limited, and the overall analysis is constrained because of the discrete problem definition and preferred option - the analysis points to potential improvements to Māori housing but the ultimate solution to this complex problem will depend on more than this solution. Aside from the light evidence and limited measure, the panel found the RIS convincing, consultation was well addressed, and the RIS was clear and reasonably concise.	

Section 1: Diagnosing the policy problem

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

Context – Housing unaffordability and other inequalities which disproportionately affect Māori

1. In recent years New Zealand has experienced increasingly high levels of housing deprivation and unaffordability. In the June 2024 year, approximately 1 in 4 households that did not own their home and 1 in 7 home-owning households spent more than 40 percent of their income on housing costs. 45.9 percent of those who did not own their homes spent 30 percent or more of their income on housing. According to the Organisation for Economic Co-operation and Development, spending 30 percent or more of household income on housing is considered unaffordable; while spending 40 percent or more is considered an overburden.¹
2. At the time of the 2023 Census, 112,496 people, or 2.3 percent of the population, were estimated to be severely housing deprived. This was an increase from the 99,462 people, or 2.1 percent, estimated to be severely housing deprived in 2018. 61.3 percent of those living in severe housing deprivation were in uninhabitable housing.²
3. Māori experience worse housing outcomes than Pākehā and the overall population. For example:³
 - a. Home ownership: 48.6% of Māori live in owner-occupied dwellings, compared with 64.9% of the overall population and 72.2% for Pākehā.
 - b. Social housing: 23.7% of Māori report living in rental housing provided by Kāinga Ora / Housing NZ (or other community or state-owned dwellings) versus 12.2% for the overall population and 8.6% for Pākehā.
 - c. Housing affordability: 16.8% percent of Māori are unable to afford homes, compared to 14% of the total population and 13.1% of Pākehā.
 - d. Social housing waitlist: 10,764 Māori households are on the social housing register, making up 44% of all households on the register.⁴
 - e. Homelessness: Māori are approximately five times more likely to be homeless than Pākehā.⁵ In the quarter ending October 2025 Māori made up 58% of those accessing emergency housing.⁶
 - f. Housing quality: Māori are more likely to live in homes affected by dampness or mould (35%) than Pākehā (21%).

¹ OECD Affordable Housing Database *HC1.2 Housing Costs Over Income*.

² Stats NZ release, *2023 Census severe housing deprivation (homelessness) estimates*, 4 Dec 2024.

³ Unless otherwise footnoted all figures from Statistics New Zealand, 2023 Census Aotearoa Data Explorer

⁴ (as of September 2025) He Arotahinga | Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development. (2024). Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development. <https://www.hud.govt.nz/stats-and-insights/maihi-ka-ora-ka-marama/he-arotahinga#tabset>

⁵ Waitangi Tribunal. (2023). *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness*. page 25

⁶ He Arotahinga | Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development. (2024). Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development. <https://www.hud.govt.nz/stats-and-insights/maihi-ka-ora-ka-marama/he-arotahinga#tabset>

4. Poor housing also contributes to poor health outcomes, particularly for children. A 2021 report linked housing that is damp, cold, mouldy and/or overcrowded to adverse health outcomes even after accounting for other factors such as income.⁷
5. Given a disproportionate number of Māori are likely to experience homelessness or live in homes affected by damp and mould, enabling them to move into new homes in papakāinga will improve social and health outcomes for some Māori whānau.
6. Recent research exploring the experiences of whānau living on papakāinga found that whānau residing in papakāinga reported important benefits, including improved mental and physical health because of better living conditions, reduced stress due to community support and access to community recreational facilities. They also reported affordable housing provided on papakāinga reduced living costs through shared resources and enhanced economic stability through collective asset management.⁸

Social and cultural context – increasing interest in developing Papakāinga on Māori land

7. Interest in developing housing for Māori communities has grown over the last decade. In broad terms, papakāinga is often understood as ‘communal settlements on ancestral land’.⁹ Papakāinga are usually located in rural areas on Māori land, include more than one house along with other non-residential buildings, and the occupants function as a community.
8. The increasing interest in papakāinga development reflects a growing need for housing on Māori land. According to the 2023 Census, 58% of Māori live in urban areas. Recent decades have seen a ‘counter migration’ of whānau moving out of urban areas back to their tribal rohe.¹⁰ For example, one of the drivers for Rotorua Lakes Council’s recent plan change was to support the number of Te Arawa people returning to their ancestral land from the main centres.
9. The Waitangi Tribunal has observed that a number of these returnees are without appropriate housing, “some of those who are homeless are already on their tūrangawaewae, having retreated to ancestral land due to the sheer unaffordability of living elsewhere.”¹¹ The Tribunal also observed that “Rural poverty is severe... because this is taking place on Māori land, however, it remains essentially unseen.”¹²
10. Demand for funding far exceeded the \$360 million allocated for papakāinga from the government’s Whai Kainga Whai Oranga funding. Ongoing TPK funding for papakāinga is also continually oversubscribed with expressions of interest, suggesting there is unmet demand for papakāinga development around the motu.

⁷ Summary of findings from *Housing, Health and the Well-Being of Children* June 2021, L Riggs, N Shakked, M Devlin and P. Howden-Chapman. Published by the Ministry of Social Development, Motu Economic and Social Policy Research and the Ministry of Housing and Urban Development p 8.

⁸ Mercury M, Potangaroa, R, Cunningham, C and Waldegrave, C, ‘Empowering whānau through papakāinga: insights, impact and pathways’, The Family Centre social Policy Research Unit and Te Puni Kōkiri, 2025 pgs 35 - 51

⁹ Leonie Pihama, ‘Papakāinga: Māori Wellbeing in the Context of Collective Living’, in Fiona Cram, Jessica Hutchings, and Jo Smith (eds), *Kāinga Tahi, Kāinga Rua: Māori Housing Realities and Aspirations* (2022), p 26.

¹⁰ Te Aka Māori Dictionary defines the term ‘rohe’ as ‘boundary, district, region, territory, area, border’.

¹¹ Waitangi Tribunal, *Kāinga Kore*, p.126

¹² Waitangi Tribunal, *Kāinga Kore*, p. 172

11. Recent TPK analysis indicates that there are currently 182 papakāinga across New Zealand. Approximately 104 papakāinga were consented between 2014/2015 and 2022/23.¹³

Regulatory context – recognition of the relationship of Māori to ancestral land

12. Most ancestral land that persists in Māori ownership is defined as ‘Māori land’ under Te Ture Whenua Act 1993 (TTWMA). This definition covers both Māori customary land, still held in accordance with tikanga Māori rather than under statutory law, and Māori freehold land, where Māori customary interests have been converted to freehold title by the Māori Land Court (MLC) or its predecessors. Almost all Māori land is Māori freehold land.
13. TTWMA recognises land as a ‘taonga tuku iho of special significance to Maori people’ [sic], and establishes mechanisms, administered by the MLC, to:
 - a. Promote retention of land in the hands of its owners, their whānau, and their hapū, and to protect wāhi tapu; and
 - b. facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whanau, and their hapū.
14. Approximately 1.4 million hectares of Māori freehold land remains in Aotearoa, held in approximately 27,700 blocks with multiple owners.¹⁴ The ‘average’ Māori land block has a size of 53.06ha and 114 owners.¹⁵
15. As a result of land loss since 1840, much of the land remaining in Māori ownership is rural and/or coastal with poor infrastructure. In addition, the challenges of ownership structures and Māori Land Court processes mean that much Māori freehold land is under-utilised today. Recent analysis by the Ministry of Housing and Urban Development (HUD) found that 55% of identified Māori land is vacant or ‘unimproved’ (meaning that it has no documented dwellings or other buildings of importance).¹⁶

Context – The Treaty of Waitangi / Te Tiriti o Waitangi

16. ‘Kāinga’ is explicitly mentioned in the text of Article Two of Te Tiriti o Waitangi/The Treaty of Waitangi (the Treaty). Article Two guarantees ‘tino rangatiratanga’ (absolute chieftainship) to tangata whenua over ‘o ratou whenua o ratou kainga me o ratou taonga katoa’ (their lands, villages and all treasured things).
17. Article Three of the Treaty gives assurance that Māori have the same rights and protections as non-Māori citizens. In effect, this means that the government has an obligation to rectify inequitable housing outcomes for Māori.
18. In the Wai 2750 inquiry, the Waitangi Tribunal summarised the Crown’s Treaty obligations with respect to housing as follows:¹⁷
 - a. The Crown has an obligation to provide housing and other social services to the Māori population on an equitable basis with the non-Māori population.
 - b. The Crown has a duty to protect the Māori right to healthy and culturally appropriate housing on or close to their ancestral land and traditional kāinga, not just in an urban environment.

¹³ Estimated using TPK papakāinga funding data, TPK lists of papakāinga compiled using regional networks and MfE’s National Monitoring System data.

¹⁴ ‘Community Law website, <https://communitylaw.org.nz/community-law-manual/test/status-of-maori-land/>

¹⁵ Māori Land Court, *Māori Land Update – Ngā Āhuatanga o te whenua* (June/Pipiri 2024)

¹⁶ Ministry of Housing and Urban Development, *Improving our understanding of existing housing on whenua Māori using administrative datasets* PowerPoint presentation, February 2024

¹⁷ Waitangi Tribunal, *Kāinga Kore*, p 84

- c. The Crown should devolve authority and resources to Māori communities to deliver social services and exercise rangatiratanga.
19. In addition, the RMA provides that all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall:
- a. 'recognise and provide for ... matters of national importance [including] the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.' (Section 6(e)).
 - b. 'take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).' (Section 8).
20. Most Treaty settlements include a statutory acknowledgement that councils must consider the Treaty when making decisions related to land use and resource consents. Usually this means that local iwi are informed about all resource consent applications.

Regulatory context – Plans and consenting processes limit development of papakāinga

21. While Māori are increasingly interested in returning to live in rural areas to reconnect with ancestral land, there are considerable barriers to developing housing on their land.
22. The plans and consenting processes imposed by district and regional councils currently limit development of papakāinga.
23. District plan zones and rules typically reflect assumptions and norms about housing and land use. They usually provide for individual homes on residential sections and limit development to one house per block in rural areas. Planning rules often do not consider the culturally defined nature of papakāinga or the characteristics of Māori land (multiple ownership in particular).
24. The mono-cultural framework of early district plans meant that many Māori in the latter stages of the twentieth century were prevented from returning to their tūrangawaewae and building a home in their retirement.
25. In May 2024, analysis by TPK of how well district plans across the motu provide for papakāinga development found that:
- a. planning rules often do not reflect the needs of Māori landowners, particularly in providing for multiple dwellings on Māori land in rural zones;
 - b. nearly one third of district plans make no provision for papakāinga; and
 - c. even where plans do contain papakāinga rules, they often unnecessarily limit the scale and nature of development.¹⁸
26. As a result, district council resource consent processes impose additional costs and compliance burdens on Māori landowners who want to develop ancestral land to align with cultural values. The impact of these processes is that, in many districts:
- a. papakāinga projects are not developed at all in certain locations;
 - b. activities allowed for on papakāinga are restricted, for example whānau may not provide community activities such as kōhanga reo or small-scale commercial activities;
 - c. papakāinga design is limited to standards that do not enable Māori cultural requirements; and
 - d. fewer homes are built than could potentially be sustained on the papakāinga site.
27. Previous attempts to improve papakāinga rules were made through the Natural and Built Environment Act 2023 (repealed) which included a requirement that the new national

¹⁸ Summarised from Te Puni Kōkiri, *Analysis of District Plan Papakāinga Rules* (2024)

planning framework must include direction on 'enabling papakāinga on Māori land', but this did not progress.

28. Papakāinga developments must also comply with all rules under the Building Act 2004 (Building Act) to gain building consent and with all rules in regional plans. These rules include ensuring any onsite wastewater, stormwater and drinking water systems are fit for purpose.

Regulatory context – the impact of changing resource management legislation

29. In February 2024, the *Fixing the Housing Crisis* Cabinet paper outlined the urgent need to address housing unaffordability.¹⁹ Cabinet decisions on this paper noted that housing unaffordability contributes to the social and economic issues facing New Zealand and agreed that the Minister of Housing would begin a programme of work to reform resource management legislation and implement a Going for Housing Growth (GfHG) package.²⁰
30. In December 2023 Cabinet agreed to advance the GfHG priorities, with the intention of increasing housing supply. One of the priorities they committed to was improving the planning regime to make more land available for housing. This would include amending and ultimately replacing the Resource Management Act 1991 [CAB-23 MIN0498].²¹
31. The government is replacing the resource management legislation in three phases. The second phase includes a package of new and amended national direction under the current legislation.²² Papakāinga national direction to address district planning and consenting constraints on papakāinga developments is included in this work programme.
32. The scope of national direction as agreed by Cabinet in June 2024, was determined partly on the basis that 'they will transfer well into the future system'.²³
33. The new resource management legislation currently before parliament (Phase 3 of RMA reform) does not directly address constraints on papakāinga development. It is also uncertain whether new measures to consistently enable papakāinga in planning rules will be implemented in the new resource management system.
34. The purpose of national direction in the new system and the regulatory process to develop it, are not yet known. However, the Planning Bill that will replace the spatial planning aspects of the RMA, includes a goal to promote the protection and development of Māori land. It specifies that a person exercising powers under the new Act that will affect Māori land must recognise that the land is a taonga tuku iho for the landowners and consider the rights and interests of owners of identified Māori land to use and occupy the land. National instruments that provide for papakāinga would align with these requirements.
35. In March 2025 the Minister Responsible for RMA Reform limited the scope of the national direction work programme to proposals that would have immediate effect. The refocused national direction work programme, agreed by Cabinet in March 2025, included national environmental standards for papakāinga.²⁴
36. The Resource Management (Consenting and Other System Changes) Amendment Act 2025 (RM Consenting Amendment Act) stops councils from progressing unnecessary

¹⁹ Housing and Urban Development website proactive release: [Cabinet-Paper-Fixing-the-Housing-Crisis.pdf](#)

²⁰ Housing and Urban Development website proactive release: [Cabinet-Minute-CAB-23-MIN-0498-Fixing-the-Housing-Crisis.pdf](#)

²¹ [Cabinet-Minute-CAB-23-MIN-0498-Fixing-the-Housing-Crisis.pdf](#)

²² (ECO-24-MIN -0112 refers)

²³ (ECO-24-SUB-0112 refers)

²⁴ (ECO-25-MIN-0080.01 refers)

resource management plan reviews, changes or variations during reform of the resource management system. Because of this, councils are prevented from effecting changes that may reduce barriers to developing papakāinga. This ‘plan stop’ will be in place, with a few exceptions, until 31 December 2027. This will prevent any proposals that require plan changes to implement them, from taking effect until at least 2029.

37. We are aware of at least one council that has been successful in applying for an exemption to the ‘plan stop’ for a plan change that includes papakāinga provisions. However, across the country there will likely be very little improvement in plan provisions enabling papakāinga while the ‘plan stop’ is in place.

Alignment with other government work programmes

38. The proposal to better enable papakāinga through the resource management system aligns with the intent of the Government’s GfHG programme to address the underlying causes of the housing shortage. It contributes to the GfHG objective to free up land for development by addressing unnecessary planning barriers.
39. Enabling papakāinga in resource management is consistent with the Government’s intention that a reformed resource management system will make it easier to get things done as it will unlock development capacity for housing and business growth.
40. Addressing papakāinga planning provisions interacts with other initiatives within the national direction work programme in the following ways:
 - a. The recently introduced National Environmental Standards for Detached Minor Residential Units 2025 (NES-DMRU) enable a minor dwelling (up to 70 square metres) to be built without requiring resource consent, on a site where there is already an existing home with the same owners. The papakāinga proposal to address papakāinga planning constraints aims to enable more than one such dwelling to be built, even on a vacant site. This will complement the NES-DMRU.
 - b. Developments using the NES-P rules are unlikely to be affected by new National Environmental Standards (NES’) focussed on improving clarity around rules for Marine Aquaculture, Commercial Forestry and Stock Exclusion.
 - c. Recent changes to the National Policy Statement for Highly Productive Land will also not affect papakāinga developments using the NES-P as carve-outs for specified Māori land will continue to apply.
 - d. Other new national direction or changes to existing national direction will apply to papakāinga but should not prevent papakāinga from being developed.
 - e. New National Policy Statement for Natural Hazards will ensure councils have a more consistent and effective approach to identifying and managing natural hazards. This may change how developments on some Māori land is affected by natural hazard rules.
41. The proposal will also align with the recently revised Government Policy Statement on Housing and Urban Development including MAIHI Ka Ora – the National Māori Housing strategy for Māori-led housing, ‘to work towards a shared vision that all whānau have safe, healthy, affordable homes with secure tenure.’

What is the policy problem or opportunity?

42. For years, local planning rules have been identified as a barrier to developing housing on Māori land. For example, in 2011 in its report *Government planning and support for housing on Māori land*, the Office of the Auditor-General identified the ways in which local authority regulation can inhibit Māori housing proposals.

43. The problem affects Māori landowners who want to develop papakāinga in districts that do not have enabling papakāinga provisions, or where provisions are ineffective. Without papakāinga enabling provisions they face additional costs for resource consent processes or may not be able to develop papakāinga at all. Tangata whenua in these areas cannot exercise mana motuhake with respect to use of ancestral land to build papakāinga.
44. There is a wide variation across New Zealand in how district plans provide for papakāinga developments. Nearly one third of district plans have no papakāinga rules at all. Of those that do, many restrict papakāinga development by limiting the number of homes permitted, where they may be located, restricting permitted activities, and a variety of other matters.
45. The status quo reflects problems at the national policy level (neither the RMA nor existing national directions directly enable papakāinga); local planning level (district plans often make inadequate provision for papakāinga); and the operational level (anecdotally, there is lack of capability in many council consenting teams around papakāinga and Māori land issues).
46. Hastings District Council provides an example of the potential to increase papakāinga through well designed rules. It has had papakāinga rules in its plans since 2003, but in 2015 it improved its rules.²⁵ In the seven years from 2008 to 2015, it issued nine consents for papakāinga. After the plan changes, in the eight years from 2016 to 2024, it issued 35 consents.
47. It is difficult to generalise the typical costs of the resource consent process for papakāinga, however, as an example Hastings District Council charges fees of a minimum of \$20,000 per development for a fully notified resource consent. One consultant estimated his fees for managing resource consents could amount to \$25,000 per house on a papakāinga. Another quote for the resource consent process for a papakāinga development was \$71,000.²⁶ Some of these costs would likely be incurred even if a resource consent is not required e.g. councils may require an engineer's report to show that earthworks standards will be met.

What objectives are sought in relation to the policy problem?

48. The high-level policy objectives are to:
 - a. enable an increase in supply of affordable, quality housing on Māori land, by reducing the compliance burden for papakāinga development;
 - b. enable tangata whenua to reconnect to their whakapapa and live in accordance with tikanga Māori, and to support communal and intergenerational living;
 - c. enable Māori landowners to make decisions about how they use their land and to protect, retain, and utilise their mātauranga relating to their land; and
 - d. contribute to Māori economic resilience and development by making it easier to use Māori land that has multiple owners.
49. Addressing these primary objectives will contribute towards the Crown meeting its Treaty obligations in relation to housing as identified by the *Waitangi Tribunal Kainga Kore Report* by:

²⁵ Papakāinga became a controlled activity for General land converted under Māori Affairs Amendment Act 1967; increased opportunity for cottage industry and commercial (100m² to 500m²); general title opportunities as discretionary activity.

²⁶ This quote was for a TPK-funded project in Te Taitokerau.

- a. contributing to improvement of equitable housing for Māori
 - b. improving protections for Māori rights to healthy and culturally appropriate housing on ancestral land; and
 - c. enabling Māori landowners to have more authority over housing they provide for whānau on their land and exercising decisions about how they do this which is a step towards rangatiratanga, compared to the status quo.
50. The more detailed policy objectives of the proposal are to ensure that:
- a. every district uses rules and standards that enable papakāinga development;
 - b. councils use papakāinga provisions that reflect the local context, and iwi and hapū can influence papakāinga local provisions;
 - c. councils enable both residential and non-residential activities on papakāinga;
 - d. councils enable different types of papakāinga (including urban papakāinga);
 - e. papakāinga are enabled on a district-wide basis on Māori land and certain types of general land;
 - f. resource consent requirements for papakāinga are minimised;
 - g. limits on density or scale should be determined only by the limitations of the site;
 - h. papakāinga are retained in long-term ownership for use by Māori landowners and their whānau; and
 - i. rules for roading and other infrastructure do not unreasonably restrict development.
51. The following objectives are also sought in relation to the implementation:
- a. the role of iwi and hapū in shaping local planning provisions through the RMA are maintained;
 - b. regulatory measures to protect the environment are maintained; and
 - c. regulatory change is as simple as possible to implement.
52. Progress towards improvement has been constrained by the process to reform the RMA, including the 'plan-stop' implemented through the RM Consenting Amendment Act, and the decision to restrict changes under the existing legislation, to those that will take immediate effect.²⁷ This is discussed further in the section on *What scope will options be considered within?*
53. This proposal does not address:
- a. issues owners of Māori land face if they have not nominated Trustees to represent them although achieving the objectives described above will also help papakāinga to be built on land where the Māori Trustee acts for the owners;
 - b. resource consent and insurance issues that owners face if the land is deemed to be prone to natural hazards;
 - c. constraints on development on land prone to natural hazards;
 - d. how councils charge rates for papakāinga;
 - e. issues that prevent papakāinga being developed on landlocked Māori land.
54. Managing costs to councils is also not an objective of this initiative. However, council costs are a consideration in the analysis of the options described later in this document.
55. There are trade-offs between the three objectives for implementation described in paragraph 52. These trade-offs are described further in the analysis of implementation of each of the options, below.

²⁷ [Proactive Release Coversheet](#) CAB-25-MIN-0080.01 – Cabinet Economic Policy Committee Minute of Decision 24 March 2025.

How development of papakāinga will be affected if no action is taken

56. If no action is taken, Māori landowners in many districts will continue to face significant planning barriers when seeking to develop ancestral land to align with cultural values. More enabling planning rules will contribute to reducing social and fiscal costs by improving housing outcomes.
57. There may be a positive change in terms of access to loan finance for developing papakāinga on Māori land, with recent changes to improve the government's Kāinga Whenua Loan scheme.²⁸ Several major banks are also developing better products and services for Māori lending. However, given the underlying issues (including lack of infrastructure, and regulatory barriers), it is likely that the underutilisation of Māori land would continue.

What consultation has been undertaken?

58. TPK undertook targeted engagement in August and October 2024 to develop a policy proposal for wider statutory consultation. We engaged with many Māori landowners with aspirations and experience in papakāinga development, contractors and project managers who work with whānau who develop papakāinga, Papa Pounamu (the Māori rūpū within the NZ Planning Institute), some iwi and others. We estimate that we engaged directly with over 100 people from various sectors, including specialist papakāinga project managers, consultants, local authorities and planners, whānau trusts, hapū and iwi. We also received 20 detailed written responses to an online survey.
59. Māori groups we engaged with were generally supportive of the proposed approach to ensuring papakāinga are permitted across the motu, subject to certain conditions.
60. The targeted early engagement process influenced details of the proposals for statutory consultation, in the following ways:
 - a. There was near universal support for removing resource consent requirements for papakāinga, for permitting non-residential activities that align with the purposes of the papakāinga (including small scale commercial activity), and for papakāinga planning rules to apply on certain categories of land other than Māori freehold land (as defined by Te Ture Whenua Māori Act 1993). There were mixed views about whether existing standards and requirements for on-site infrastructure (such as accessways, stormwater, wastewater, and earthworks) were appropriate. Some participants felt that standards were too onerous and were based on assumptions of land use that did not reflect the operation of a papakāinga, and as a result imposed unnecessary costs on papakāinga developers. However other participants recognised that relaxing these standards could create problems in the long-term for papakāinga. For these reasons, the proposed NES-P would provide that underlying zone rules relating to infrastructure would apply.
 - b. There were mixed views about whether papakāinga national direction should enable housing on general land (for example urban papakāinga). Many participants were keen for settings to be as enabling as possible, given the urgency of delivering more housing for whānau. Others were concerned that if policy settings were too permissive, there would be a risk that a loophole might be created which would permit non-papakāinga housing and even commercial

²⁸ https://kaingaora.govt.nz/en_NZ/home-ownership/kainga-whenua/

housing developments. For these reasons, the proposed NES-P applies on certain categories of general land where there is a demonstrable ancestral connection to the whānau who will live there. Papakāinga on Treaty settlement land would be enabled, but councils will have discretion to ensure that the housing will remain as papakāinga for the long-term.

61. All PSGEs and some yet to settle groups, were offered the opportunity to engage on papakāinga national direction, through an MfE relationship management process to co-ordinate engagement on all the national direction changes. However, given the breadth of the overall national direction package and the time available, some may not have had capacity, resource or sufficient time to meaningfully engage.
62. From 29 May to 27 July 2025, MfE led statutory consultation under the RMA, and sought submissions, across the suite of national direction proposals. This included the NES-P proposal which had been developed from the pre-consultation engagement.
63. TPK also wrote directly to PSGEs with whom the Crown has Treaty settlement commitments relating to national direction, prior to the statutory consultation process in mid-2025. The letter summarised the policy proposal, included TPK's analysis of the potential implications, and invited them to engage.
64. All iwi and PSGEs also had the opportunity to comment on the proposal through the public notification and submissions process and further offers to engage through the MfE relationship managers.
65. TPK officials presented on the proposed NES-P at MfE-led online information sessions with Treaty settlement entities²⁹, national direction webinars, and housing forums.
66. We also undertook 46 interactive consultation hui specifically on the NES-P with papakāinga experts, iwi authorities, national peak bodies (Te Matapihi, Papa Pounamu, Te Hunga Roia Māori o Aotearoa), council planners, Māori communities, and the public.
67. We received 163 submissions on the NES-P proposal, including 55 submissions from iwi or hapū and 50 from local government.
68. The overwhelming majority of submissions on the proposal (over 90 per cent) expressed support for the NES-P, though many suggested amendments. These included:
 - a. Many submitters called for papakāinga to be permitted more widely on other types of general land owned by Māori.
 - b. A range of views were submitted on specific activity standards proposed for site density and setbacks, particularly in rural areas.
 - c. Many submitters suggested changes or additions to the description of permitted non-residential activities.
 - d. Several submitters suggested that development plans (or 'structure plans') should be required for larger papakāinga developments.
 - e. Submitters had a range of views on the existing rules in underlying plans that would continue to apply.
 - f. A small number of iwi organisations expressed concern about their ability to protect wāhi tapu and other culturally significant areas, because they will no longer be notified of some papakāinga proposals through the resource consent process.
 - g. Two iwi organisations also submitted that district plan rules should be able to be more stringent than the NES-P, if they were developed with iwi and hapū.
69. The NES-P proposal was updated to reflect submissions. The most significant change made as a result of submissions was to expand the definition of land on which

²⁹ This included all PSGEs and some other unsettled iwi groupings

papakāinga would be enabled if councils are satisfied it will be held in the long term, to include any general land held by PSGEs in their rohe.

70. This is consistent with the treatment of Treaty settlement land that was proposed in the consultation and the policy intent to better enable papakāinga.
71. Other minor amendments were made to the policy as a result of submissions, including adjusting standards for minimum setbacks and clarifying that all regional plan rules and any district plan overlay rules for wāhi tapu would continue to apply.

Section 2: Assessing options to address the policy problem

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

72. We assessed the policy options against criteria developed for the overall national direction work programme:
 - a. Effectiveness - Does the option achieve the objectives and provide a solution to the identified problem? In the context of enabling papakāinga through resource management, the 'effectiveness' criteria relates to the four primary objectives described in paragraph 48 above.
 - b. Efficiency - Is the option cost-effective? Is the regulatory burden (cost) proportionate to the anticipated benefits?
 - c. Alignment - Does the option integrate well with other proposals in the national direction work programme and the wider RMA framework? Is it reducing complexity and providing clarity for councils on how to address conflicts between national direction instruments?
 - d. Implementation - Is the option clear about what is required for implementation by local government/others and easily implemented? Is it providing enough flexibility to allow local circumstances to be taken into account? Are implementation risks low or within acceptable parameters? Can the proposal be successfully implemented within reasonable time? Does the proposal ensure regulated parties have certainty about their legal obligations?
 - e. Te Tiriti o Waitangi/the Treaty of Waitangi (the Treaty) – How well does the proposal address any Treaty considerations not already factored into the overall policy objectives?

What scope will options be considered within?

73. The options were considered within the scope of the current resource management system. Other barriers to papakāinga development, such as the availability of finance and Māori Land Court delays, are outside the scope of the papakāinga planning provisions initiative.
74. The proposal has been progressed through consultation and development stages, in parallel with work to develop primary legislation to replace the RMA. Two bills to replace the RMA are currently before Parliament. Implementation of the new legislation will require new local plans and new national instruments.
75. Decisions Cabinet has already made about the timing of new legislation and the 'plan stop' until the new legislation is in place, have also affected the practicality of considering some potential options.

76. Under the RMA there is a choice of instruments that can direct regional and district councils in different ways. Early in the policy development process we considered whether a National Policy Statement (NPS) might be a better approach than an NES. An NPS would include objectives and policies enabling papakāinga which councils would need to implement by developing local rules.
77. As plans for the new legislation to replace the RMA became more certain it became clear that district plan changes to implement an NPS could not be completed before new local plans would need to be developed to implement the new legislation. For this reason an NPS was not considered. As mentioned in the *Regulatory context* section above (paragraphs 35 and 36), this decision was confirmed by Cabinet in March 2025 and the 'plan stop' legislation.
78. A combination of NPS and NES was also not considered as the addition of objectives and policies provided by an NPS would have little value when what councils have to do is determined by the NES.
79. It is currently uncertain what will be included in national instruments to implement the new legislation. National direction under the RMA will be shaped so that it can transition to the new system if the decision is taken to do so. Developing national instruments under the new legislation is not within scope for this options analysis but is taken into consideration in assessment of the implementation of options.
80. The programme of changes being implemented in the resource management reform are significant. However, only the impact of this proposal to reduce consenting barriers to papakāinga is being assessed in this document. The additional costs to iwi, hapū and councils of implementing other new or amended national direction or the new legislation, are not within the scope of this options analysis.
81. Consenting requirements for papakāinga that arise from regional plans and Building Act rules will also not be addressed through this proposal.

What options are being considered?

Option One – Counterfactual

82. If no action is taken there, there will be no change in how well papakāinga are provided for in district plans in the short-term. There is also likely to be little change to how well papakāinga are provided for in local plans in the longer term.
83. While the Government's reform of the resource management system is ongoing the Government's 'plan stop' means, with few confirmed exceptions, current papakāinga provisions would continue without any improvements. New plans under the new legislation could include papakāinga provisions but this would not occur before 2028 at the earliest.
84. The new resource management legislation, currently before Parliament, does not directly address the planning barriers to papakāinga. Because of time constraints and the intense amount of change happening at once, national direction under the new legislation is also unlikely to address planning barriers to papakāinga, if it has not already been implemented in the current system.
85. After the new legislation is completed, if for papakāinga are not included in new national instruments, councils would resume implementing different planning approaches for papakāinga.
86. Local authorities that already have papakāinga provisions in their current plans would implement papakāinga provisions in new plans under the new legislation and national direction. Approximately four other councils we are aware of, were wanting to progress

papakāinga-enabling plan changes before the ‘plan stop’ was implemented. They are also likely to include papakāinga enabling provisions in new plans. It is likely that some districts would remain without papakāinga provisions in their plans.

87. Cost and time for landowners to comply with local requirements would vary depending on the strength of papakāinga provisions developed in different areas.
88. As the new legislation currently stands, tangata whenua would be required to be consulted on new plans.
89. Other housing-related planning reforms (e.g. GFHG) would impact on district plans in ways that may enable greater housing in certain geographical areas. However, these largely focus on urban councils, so would have marginal impact in terms of papakāinga and Māori land.
90. This option will have no impact on whether plans meet section 85A of the RMA. It does not create or change national environmental standards and so does not breach sections 43A(3) and section 43A(5) of the RMA.

Option Two – Advice and guidance (non-regulatory)

91. Under this option, TPK and partners would work with councils to raise awareness among planners and elected councillors of the benefits of enabling papakāinga and what effective provisions look like. This would include improving council planners and consenting officers’ understanding of Māori connection to the land, ownership of Māori land and Māori cultural practices in relation to land, homes and communities.
 92. This would build on work begun in June 2023 when TPK published its *Analysis of Papakāinga Provisions in District Plans* report. At that time we hosted an online hui for councils and interested groups to discuss the findings. As requested by participants in that hui, TPK would support an ongoing community of practice to enable councils to support and encourage each other to develop effective papakāinga provisions.
 93. Some participants were interested in developing papakāinga provisions or improving the ones already in their plans. Few had experience of how papakāinga provisions would work and they were keen to build their understanding of the needs of papakāinga and how to go about providing for them. They were eager to learn from other councils with experience in developing and applying rules to enable papakāinga.
 94. Council involvement in the community of practice would be voluntary. TPK would develop Terms of Reference and approach to the community of practice in collaboration with councils that choose to participate.
 95. While the planning context is different for each council, guidance including examples of best practice could also be developed to support councils to develop effective papakāinga planning provisions. The community of practice would help to develop the guidance.
 96. We would also focus further communication and offers of support and training to councils that have no papakāinga provisions in their plans.
 97. This could involve supporting local Māori planners and iwi and hapū to engage with councils to explain why papakāinga provisions are needed and work with councils to develop them, once local planning resumes under the new system.
- As described in option 1 above, it is unlikely that any plan provisions to enable papakāinga would be implemented or improved until at least 2028.

98. Research³⁰ has noted that the capability of council consenting officers can also be a barrier to enabling papakāinga in the planning system. Work to improve understanding of Māori land and Māori cultural practices could improve capability in some councils and reduce variability in consenting decisions for papakāinga under current plans. This would improve Māori landowners' experiences in the planning system and in a small number of cases, enable papakāinga to be developed that otherwise would not have been.
99. The effectiveness of this non-regulatory approach could also be improved by providing dedicated support or funding for iwi and hapū to contract in expertise to help them engage with councils to develop papakāinga provisions.
100. This option would not create any legislative requirements that councils amend their plans. However, TPK would develop non-statutory guidance outlining the elements of good papakāinga provisions and how these could work in different contexts.
101. Once the new planning system is in place, the community of practice and additional guidance and training would encourage some local authorities to develop or improve papakāinga provisions in their districts, who might otherwise not consider doing so. These new papakāinga provisions would likely be more effective than provisions developed without advice and guidance.
102. This option will have no impact on whether plans meet section 85A of the RMA. It does not create or change national environmental standards and so does not breach sections 43A(3) and section 43A(5) of the RMA.

Option 3 – New papakāinga national direction

103. Under this option, national environmental standards to enable papakāinga (NES-P) would introduce rules that would take effect in all districts across the motu, 28 days after it is gazetted.
104. The NES-P would permit papakāinga development up to a certain size (subject to some minimum standards) and would provide a consenting pathway for larger developments. It would apply in all districts.
105. Where plans have existing papakāinga rules, those rules would be overridden by the NES-P. However, the NES-P would explicitly provide that local plan rules that are more lenient would prevail.³¹
106. The NES-P would provide for papakāinga of up to 10 homes on Māori freehold land in certain zones (residential, rural, or Māori purpose zones) as a permitted activity, regardless of any minimum lot size in the underlying district plan. They would also be permitted on certain types of General land where there is an ancestral connection. Performance standards relating to maximum site coverage and minimum setbacks from boundaries would apply to the permitted activity.
107. Certain non-residential activities would also be permitted, where they are associated with the residential activities of the papakāinga. These would include small-scale commercial or industrial activities, conservation activities, markets, visitor accommodation, educational facilities, health activities, shared kitchen and bathroom facilities and Māori cultural activities.

³⁰ Ministry for Business, Innovation and Employment *Building consent system review: Options paper summary of submissions*, [Better responding to the needs and aspirations of Māori | Ministry of Business, Innovation & Employment](#)

³¹ This is enabled by section 43B(3) of the RMA 1991. A rule is 'more lenient' than an NES if it permits or authorises an activity that the NES prohibits or restricts.

108. The NES-P would specify underlying standards and rules that would continue to apply (for example setbacks from waterways and rail corridors, earthworks, noise, accessways and traffic generation, wastewater, water supply, stormwater and overlays for historic heritage, outstanding natural features and landscapes and wāhi tapu). These would include all regional plan rules. Any rules in existing plans that place restrictions on matters not specified in the NES-P would no longer apply. This aligns with section 43A(3) of the RMA by ensuring that permitted papakāinga do not have significant adverse effects on the environment. It also clarifies the effects that may be dealt with in the plan. This ensures alignment with section 43A(5) of the RMA.
109. The NES-P would provide a consent pathway for papakāinga that do not meet the conditions described above. The consent requirements would be minimised as much as possible. For example, a papakāinga proposal would be a restricted discretionary activity where between 11 and 30 residential units are proposed, or where the performance standards for site coverage and setbacks are not met, or where certain rules and standards of the underlying zone are not met.
110. Papakāinga on any land held by PSGEs in their rohe including Treaty settlement land, would also be a restricted discretionary activity. This would enable councils to check that rules that enable papakāinga on other land types are not used for commercial developments. The types of land other than Māori land where the papakāinga rules would apply would be limited to land blocks held by PSGEs, or administered by an ahu whenua trust, for example.
111. The NES-P would provide that a consent application under these rules would not be publicly notified, and notice would be limited to affected parties that have not given written approval. Clear rules and standards would take immediate effect in all districts.
112. Councils would have full discretion over consenting decisions for papakāinga of more than 30 residential units.
113. Regional plan rules and certain district plan overlays that would continue to apply, would manage effects on matters of national importance under section 6 of the RMA.
114. If there is ambiguity over how the NES-P applies to a particular development, councils would interpret the standards in the light of relevant policies and objectives in the district plan (if there are any), any relevant national direction, and the purpose and principles of the RMA.
115. This option does not create requirements for plans that will affect whether the plans meet section 85A of the RMA.
116. Although the details of new national instruments to replace the RMA are not yet known, if the NES-P aligns with the new system's goals and priorities, those instruments could build on the NES-P provisions to better enable papakāinga.
117. A hybrid approach using both regulatory and non-regulatory methods, is not analysed as a separate option in this RIS. However, possibilities for non-regulatory methods to be used alongside national direction under the RMA, are discussed in the analysis of option 3.

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

	Option One – Counterfactual	Option Two – Advice and guidance (non-regulatory)	Option Three – New papakāinga national direction
Effectiveness	0 Short-term: No improvement Medium and long term: Objectives likely to be only slightly more consistently achieved	++ Short-term: Small improvement in consenting could slightly improve achievement of objectives Medium/long term: Possibly more progress towards achieving the objectives	++ Short-term: Consistent provisions improve likelihood that objectives are achieved in all districts Medium/long term: Uncertain but the short-term outcomes could continue in all districts
Efficiency	0 Costs and benefits both likely to be very low	0 Costs and benefits both likely to be low	++ Overall costs and benefits will depend on the effectiveness but cost of change is small relative to potential benefits
Alignment	0 Does not address interactions with national direction instruments Will align with RMA reform but does not progress RMA reform goals	0 some councils address interactions with national direction instruments Some local plans progress RMA reform goals	++ Does not address interaction with existing national direction but somewhat considers interactions with other national direction changes Contributes to RMA reform goals
Implementation	0 Short-term: No implementation Long-term: National rules are unlikely - high local flexibility but no certainty or consistency	0 Short-term: No implementation Long-term: National rules are unlikely - high local flexibility but no certainty or consistency	++ Short-term: Implementation requirements clear, certain and reasonably easy. Little flexibility Long-term: If NES-P transfers to the new system implementation would be the same as short-term
Treaty of Waitangi (settlement commitments)	0 Meeting Treaty settlement commitments does not change	0 Meeting Treaty settlement commitments does not change	0 Meeting Treaty commitments not expected to change but should be monitored
Overall assessment	0	++	++

Key for qualitative judgements:

++	much better than doing nothing/the status quo/counterfactual
+	better than doing nothing/the status quo/counterfactual
0	about the same as doing nothing/the status quo/counterfactual
-	worse than doing nothing/the status quo/counterfactual
--	much worse than doing nothing/the status quo/counterfactual

Effectiveness – does the option achieve the objectives and provide a solution to the identified problem?

118. Option 1 (Do nothing) would achieve the policy objectives to a very small extent.
- a. In the short-term no change would occur while the ‘plan stop’ is on place.
 - b. In our engagement on the proposal with councils, approximately four councils indicated they were developing papakāinga provisions that had not yet completed the plan change process. They are likely to include these provisions in implementing the new resource management legislation.
 - c. Some other councils could develop or improve papakāinga provisions in new plans, but whether any of them will do this is very uncertain. It is likely that most other councils will not change the extent to which their plans enable papakāinga.
 - d. Where councils improve papakāinga provisions in their plans, this will contribute to achieving the objective to enable Māori landowners to make decisions about how they use their land and to use their mātauranga relating to their land.
 - e. This option could result in a small number of papakāinga being developed but the likelihood of this is uncertain. This means that the effectiveness of this option in achieving the other 3 primary objectives is likely to be very low.
 - f. The extent to which more detailed objectives are achieved will be dependent on the quality of the papakāinga provisions councils develop. This will also influence the number of additional papakāinga that will be developed as a result and the extent to which landowners ability to make their own decisions improves.
119. Option 2 is likely to have little effect in the short-term and take a long time to make many district plans allow Māori landowners greater flexibility to exercise mana motuhake with respect to papakāinga.
- a. As with Option 1, in the short-term planning provisions to enable papakāinga would not improve in any district. However, some councils’ capability to support Māori landowners could improve and consenting practices under their existing plans could better enable papakāinga. This could result in landowners being able to better make their own decisions about developing papakāinga and a very small number of additional papakāinga to be developed. We do not have any evidence that this would occur.
 - b. The capability building, community of practice and guidance could result in a few more councils including papakāinga enabling provisions in their new plans and more consistent, better quality papakāinga provisions overall. Therefore, in the longer term, a few more papakāinga could be developed than if we did nothing. If this occurred, it would result in this option being slightly more effective in achieving the objectives than the do nothing option. However, this result is also uncertain.
120. Option 3 is the most likely of all the options to ensure that rules in all districts better enable Māori landowners to develop papakāinga in the way they would like.
- a. The objective to ensure planning provisions enable Māori landowners to more easily make their own decisions and exercise mātauranga about using their land for papakāinga, would be achieved consistently in all districts regardless of the ‘plan stop’.
 - b. Creating nationally applied rules which are not dependent on local councils’ capability should support more papakāinga developments being completed. However, we have no evidence to estimate the extent to which the nationally

applied planning rules for papakāinga would achieve this result. Compliance with regional plan consent requirements and other barriers to papakāinga developments may limit the number of new papakāinga developed. If this is the case this option is likely to be somewhat more effective in achieving the other 3 primary objectives than the do nothing option.

- c. If the NES-P rules are carried over to national instruments under the new legislation, potential for more papakāinga developments providing additional housing and the increased effectiveness of this option in achieving the objectives, would also continue.
 - d. If non-regulatory methods to promote and enable better use of new papakāinga rules is provided alongside the new NES-P this could further enhance its effectiveness.
121. Note that the criteria the options were assessed against reflect the Treaty considerations summarised in paragraphs 18-22, so Option 3 would also contribute to the Crown better meeting its Treaty obligations.
122. The effectiveness of all options is likely to be limited by fact that regional consent compliance will still be required.
123. Compared to Option 1, Options 2 and 3 more effectively address the policy problem and meet the primary objectives:
- a. Option 2 (Advice and guidance - non-regulatory) would be slightly more effective in achieving the objectives but would still not be very effective.
 - b. Option 3 (New papakāinga national direction) would be much more effective in achieving the objectives.

Efficiency – Is the option cost-effective?

124. Option 1 (Do nothing) overall would not be a very efficient way to address the problem facing Māori landowners wanting to develop papakāinga. Costs would not be high but benefits are also likely to be low.
- a. Costs – A few councils would include papakāinga enabling plan provisions in new plans under the new RMA system but this would only marginally increase the costs they would be incurring to develop new plans anyway. The costs to iwi and hapū of consultation on new plans would also not increase greatly through inclusion of papakāinga provisions.
 - b. Benefits – Overall, there would only be a slight change in the number of districts that would be more enabling of papakāinga. This may result in a very small number of additional landowners being able to achieve their papakāinga aspirations and the improvement would only be achieved over a long time.
125. Option 2 could result in a small number of additional papakāinga developments compared to the counterfactual at a small additional cost.
- a. Costs – A central agency (probably TPK) would incur costs of FTEs to promote and encourage councils to develop or improve papakāinga provisions in their plans. If more support was also supplied to iwi and hapū to help improve planning provisions this would also incur additional costs. As with the ‘do nothing’ option, if this approach did result in more councils including papakāinga provisions in their plans under the new system this would likely be done as part of developing new plans. Additional costs to councils, iwi and hapū would therefore be very small.

- b. Benefits – The new plans would overall be more consistently enabling of papakāinga, and together with improved capability in consenting decisions, could result in more papakāinga being built than option 1.
- 126. Option 3 (New papakāinga national direction) would minimise the compliance burden to develop papakāinga in all districts with immediate effect and so has greater benefits (in terms of reduced costs) for Māori landowners, than Options 1 or 2.
 - a. Costs – Council costs would increase as the number of consent applications would also be likely to increase. The NES-P would minimise council administration costs by only setting standards for matters essential to enabling papakāinga and stipulating that important matters in the existing plan would continue to apply. Councils would experience increased costs initially, as they build capability to use the NES-P standards.
 - b. Benefits – Under this option, Māori whānau moving into new papakāinga would benefit immediately from having new homes appropriate papakāinga provisions. This would not be the case for Options 1 and 2.
 - c. If the NES-P rules continue on national instruments in the new system the benefits will continue and at a lower cost than would otherwise be the case because councils would not be required to develop bespoke papakāinga provisions for their new plans. It would also be easier for them to develop them if they choose to do so.
- 127. Compared to Option 1:
 - a. Option 2 (Advice and guidance - non-regulatory) would be slightly less efficient.
 - b. Option 3 (New papakāinga national direction) would be more efficient.

Alignment – Does the option integrate well with other proposals and the wider statutory framework?

- 128. Under Option 1 (Do nothing), there may be inconsistencies in the way that councils have interpreted interactions between their local rules and other aspects of the RMA framework (including existing national direction instruments). These varied approaches may not integrate well with other proposals to amend or introduce other national direction. How well provisions for papakāinga in different districts under the new resource management system align with the new system will depend on whether new national instruments include direction for papakāinga.
- 129. Option 2 (Advice and guidance - non-regulatory) would not fundamentally change the alignment with current frameworks or national direction. However, the advice and guidance led by TPK would help councils to understand how to make decisions that are more consistent with the goals of the new planning system in relation to identified Māori land and the interaction with current and new national direction, regardless of whether new national instruments include papakāinga provisions.
- 130. Option 3 (New papakāinga national direction) would help councils align their planning decisions with the statutory framework through nationally consistent rules and standards under the RMA. By better enabling papakāinga than the current plans in most districts the NES-P also better aligns with section 6(e) of the RMA by recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands. It also maintains other protections in regional and district plans that align with other matters in Part 2 of the RMA. For example, it continues protections for the natural and physical resources as described in section 7 of the RMA in the same way as option 1.
- 131. The NES-P is not intended to override any existing national direction so alignment with existing national direction should also be similar to the ‘do nothing’ option. The other national direction changes currently underway should be better aligned under this option

than under option 1 as teams working on each national direction instrument as part of RMA reform are collaborating with each other.

132. Alignment under the new resource management system is uncertain but if papakāinga enabling rules are carried through to new national instruments alignment in the medium to long term will be similar to alignment under the RMA.
133. Compared to Option 1:
 - a. Option 2 (Advice and guidance - non-regulatory) would integrate with the current framework, slightly better than option 1 and with other national direction in a similar way.
 - b. Option 3 (New papakāinga national direction) would integrate with the current framework somewhat better than option 1 and slightly better with other national direction.

Implementation – Is the option clear about what is required for implementation by local government/others and easily implemented?

134. When assessing the options against this criteria, there is a trade-off between certainty and immediacy on the one hand, and flexibility and opportunity for Māori to influence provisions in their rohe on the other.
135. Feedback from our targeted engagement on the trade-off between certainty and immediacy was mixed. Some experienced papakāinga developers said they would prefer certainty and immediacy and felt that in practice iwi and hapū have limited influence on plan change processes. On the other hand, some iwi have indicated the ability to influence the rules in their takiwā/rohe is very important.
136. We were not able to fully explore this question with as many iwi as we would like.³² Some iwi submissions in statutory consultation, said they would prefer papakāinga rules to be developed locally with their involvement. Many were also satisfied that district plan rules could be more lenient than the NES-P. Only three of the 55 iwi that submitted were concerned with the proposal that rules that were more stringent than the NES-P will be overridden even if they had been developed with iwi and hapū.
137. In targeted consultation we received clear feedback from some councils that they would prefer to develop their own rules. However, the few council submissions that expressed a preference for locally developed papakāinga rules, said this was to protect iwi and hapū involvement in developing papakāinga provisions.
138. Under Option 1 (Do nothing) the implementation approach is flexible. It is up to individual councils to determine whether to include papakāinga provisions in their plans and what those provisions should be. This enables local provisions to reflect local circumstances however it does not provide councils with a high level of certainty about fulfilling their Treaty obligations under the RMA. It is not certain how councils will approach this after the 'plan stop' finishes and councils start developing new plans.
139. The process to develop new plans is likely to involve a role for iwi and hapū in developing the papakāinga provisions. This recognises tino rangatiratanga under Article 2 of the Treaty and the principle of partnership. However, taking similar approaches as current papakāinga planning provisions will be the most feasible approach given the amount of

³²As part of targeted engagement (2024), TPK officials engaged with representatives from Ngāti Awa, Ngāi Tahu, Ngāiwi o Taranaki, Ngāi Pōtiki, Ngāti Kahu, Tūwharetoa, Te Pouahi o Taitokerau, Ngāti Kahungunu, Whakatōhea, Ngāti Wai, and invited iwi to engage through National Iwi Chairs Forum and MfE's iwi engagement leads.

change councils need to manage at this stime. This will mean that provisions across the motu will remain inconsistent and/or incomplete.

140. Implementation will be slow as councils will be unable to include or improve papakāinga provisions in their plans, until after conclusion of the 'plan stop'.
141. Option 2 (Advice and guidance - non-regulatory) would provide a little more clarity for councils and reduce inconsistency slightly by building their capability and understanding of papakāinga provisions and the reasons for them. This option would maintain flexibility in the same way as the counterfactual.
142. Option 3 (New papakāinga national direction) would provide much greater clarity and certainty than the counterfactual as it would contain specific enabling rules and standards that would apply nationally. The change would happen within 28 days of the NES-P being gazetted. Councils would need to update their plans to remove any duplication or inconsistency with the NES-P but this would be done without a Schedule 1 plan change process under the RMA.
143. However, under this option there is only a small degree of flexibility for councils. The NES-P would apply in all districts without using the RMA mandated process for local plan changes until the transition to the new resource management legislation is complete. The NES-P would only enable council provisions to remain in force if they are more lenient than the NES-P.
144. In targeted engagement council planners generally indicated they would prefer local authorities to have the ability to set their own rules. However, many acknowledged that implementing new papakāinga rules through a plan change process would be challenging given the amount of change they are currently managing.
145. Implementation without a local plan change process, would also reduce the potential for iwi and hapū to influence planning rules in their rohe. This was a concern for some iwi. However, some Māori landowners said they would prefer the immediacy and certainty of the NES-P. Some noted that despite RMA requirements for iwi authorities to be consulted on district plan changes, in practice iwi and hapū have little influence on district plans.
146. As noted in the section on the *Regulatory context – the impact of changing resource management legislation* above there is considerable uncertainty about whether national direction requirements in the current programme, such as the NES-P, would carry over into the new system (see paragraph 33). However, if the NES-P provisions are carried over to the new planning system, councils would have continued certainty around papakāinga rules but limited flexibility to develop their own rules.
147. On balance the implementation of:
 - a. Option 2 (Advice and guidance - non-regulatory) would be marginally better than the counterfactual. It would maintain flexibility while increasing clarity.
 - b. Option 3 (New papakāinga national direction) would be somewhat better than the counterfactual. It would provide much greater certainty and clarity, at the cost of reduced flexibility.

Treaty considerations not already covered in other criteria

148. The analysis in this section relates specifically to the Crown's commitments to iwi in Treaty settlement legislation and deeds of settlement. It does not assess the following considerations (which are covered above):
 - a. The extent to which each option would ensure that the Crown better meets its Treaty obligations to ensure equitable housing outcomes for Māori citizens, to protect Māori rights, as tangata whenua to culturally appropriate housing on

their ancestral land, and to enable Māori to make decisions about their land. This is covered in the Effectiveness section above; and

- b. The extent to which each option would ensure the role of iwi and hapū in shaping local planning provisions would be maintained. This is covered in the Implementation section above.

149. Treaty settlements may contain the following Crown commitments relating to the resource management system:
 - a. to ensure relevant Treaty settlement entities are informed of resource consent applications and/or involved in consent decisions (e.g. where statutory acknowledgements are in place);
 - b. to maintain the role of iwi in local plan-making (including joint management entities and entities representing legal personhood of natural features);
 - c. to align local planning provisions with iwi strategies for protecting the catchments of particular lakes and rivers;
 - d. to ensure relevant entities are consulted in development of national direction under the RMA or other national-level policy development.
150. Option 1 (Do nothing) would maintain the status quo with respect to Treaty settlement considerations. This option does not involve national changes and so the extent to which the commitments are upheld is largely dependent on actions of regional and district councils and on provisions in other national direction. Council consenting practices, involvement of PSGEs with settlement commitments, and the involvement of joint management committees in plan-making and protection of the rivers and their catchments would continue to reflect relevant settlement commitments. None of those arrangements would necessarily lead to councils developing or improving papakāinga provisions. Also, the level and quality of engagement with tangata whenua varies between councils.
151. Under Option 2 (Promotion and capability building) the current approaches of regional and local councils to upholding settlement commitments would largely continue to apply. TPK-led advice and guidance work would improve some councils' understanding of these commitments.
152. Option 3 (New papakāinga national direction) would not affect any of the processes agreed in Treaty settlements (such as statutory acknowledgements and joint entity agreements). It would not impact on the involvement of iwi or hapū entities in local plan-making or decisions about resource consent applications.
153. Detailed provisions in the national direction would also to ensure that measures to protect the catchment areas of rivers and lakes and activities in the coastal area would continue to apply. This would uphold Treaty settlement commitments related to these matters.
154. However:
 - a. papakāinga provisions previously developed with iwi and hapū that are not as lenient as the new national direction provisions, would be overruled.
 - b. iwi and hapū would also have no opportunity to influence local rules until the new resource management system is in place; and
 - c. as no resource consent would be required for papakāinga of up to 10 homes, current arrangements for iwi or hapū entities to be informed of consent applications (for example through a statutory acknowledgement) would no longer be triggered.
155. Almost all iwi that provided feedback on the NES-P proposal supported it. The Waikato River Authority was the only organisation that commented directly on Treaty settlement

- arrangements in relation to the NES-P. They noted that as long as regional plan rules were maintained, Crown commitments under their Treaty settlement would be upheld.
156. In response to feedback from the Waikato River Authority, we adjusted the NES-P proposal to make it clear that all regional plan rules continue to apply. This clarifies that the NES-P is not in conflict with rules developed in accordance with provisions in Treaty settlements that require anyone carrying out functions under the RMA has regard to, in relation to certain rivers and their catchments.
 157. One iwi was concerned they may no longer be informed about potential impacts on wāhi tapu but under the NES-P district plan overlays requiring councils to notify iwi and hapū about wāhi tapu would continue.
 158. Compared to Option 1 (Do nothing):
 - a. Option 2 (Advice and guidance - non-regulatory) would not change the way that Treaty settlement commitments are upheld.
 - b. Option 3 (New papakāinga national direction) would not directly change the way that Treaty settlement commitments are upheld. However, a small number of iwi who provided feedback on the NES-P proposal indicated concern that:
 - i. they would no longer be informed about smaller papakāinga developments, as these papakāinga would no longer require consent; and
 - ii. plan rules developed with iwi and hapū would be overridden if they are more stringent than the NES-P.

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

159. Option 3 (New papakāinga national direction) would be the most effective in achieving the policy objectives and would deliver the highest net benefits overall. It is the only option that ensures effective papakāinga provisions will enable papakāinga in a reasonably short timeframe. It is therefore more effective and more efficient than Option 1 (Do nothing) and Option 2 (Advice and guidance - non-regulatory). It provides more certainty for councils about what they need to do and would be easily and quickly implemented.
160. As discussed in the assessment of implementation above (paragraphs 143–153), there is a trade-off between effectiveness and national consistency on one hand, and flexibility and responsiveness to local circumstances on the other. However, as discussed in the detailed description of option 3, plan changes to implement locally driven solutions would not be completed before new plans to implement new legislation need to be developed (starting in 2028 at the earliest).
161. While landowners who develop papakāinga and whānau who move into them will be the primary beneficiaries, there will also be benefits to local communities in wages and building company profits from increased construction of papakāinga.
162. The costs of implementing the NES-P will be incurred by councils. They are likely to fall on councils in provincial areas more than urban councils as more Māori land is in rural areas.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

163. Yes.

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

164. The cost benefit analysis in the interim RIS for the NES-P gave an indicative estimate of the Net Present Value of the benefits over fifty years of between \$46,832,849 and \$234,590,675. However, there was little evidence to inform estimates of the likely costs and benefits, and we have not been able to gather any further information that would enable more certainty.
165. The monetised cost benefit analysis also does not demonstrate the primary benefit of enabling more papakāinga, to enable landowners to realise the value of their land assets and exercise mana motuhake in decisions about how they use their land.
166. The extent to which more papakāinga are developed following introduction of the national direction will be the main determinant of the overall costs and benefits.
167. There is very little data to inform an estimate of the extent to which improved planning provisions would result in increased papakāinga development. The only relevant information we have is the Hastings District Council experience that papakāinga development increased by roughly a factor of four over eight years after they completed a plan change to improve their papakāinga rules. However, this occurred alongside a considerable increase in government funding for papakāinga. This may have contributed to the increase in numbers of new papakāinga more than the new planning rules did.
168. The overall costs and benefits would also depend on whether new national instruments to implement the new resource management legislation include papakāinga enabling rules similar to those in the NES-P. If this is the case then the ongoing costs and benefits, under the new resource management system will be similar to those under the RMA.
169. We do not think that councils are likely to incur high additional costs to provide infrastructure to new papakāinga. Very little Māori land is in urban areas where council supplied infrastructure is available and so most papakāinga need to build their own onsite wastewater, stormwater and drinking water systems. Councils will also need to maintain new roads for papakāinga for those few that are developed in urban areas where they connect to other council infrastructure.
170. We also consider that councils will not incur large costs for managing impacts on the environment. Existing council rules and standards to limit the impacts on land and water will continue to apply. Councils recoup the costs of any increased workload to manage consents around these, from the developers. However, there may be some increased time required for district council staff to liaise with developments that do not require consent and for landowners to obtain evidence that existing rules will be met.
171. Papakāinga developments will also still continue to incur regional and building consent costs.
172. The benefits of improving planning rules to enable papakāinga are more intangible and include Māori landowners being better able to develop housing assets.

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Regulated groups – Māori landowners developing papakāinga	If reduced compliance costs incentivise more Māori landowners to develop papakāinga, owners would incur additional costs for: • building costs • costs for connection to existing infrastructure including council supplied stormwater, wastewater and drinking water where these are available and electricity • costs to build and gain consent for onsite stormwater, wastewater and drinking water management where needed • other regional council consents if required • building consent fees • district council consent fees if the papakāinga do not meet performance standards or district council rules that still apply, are on Treaty settlement Land or more than 10 homes • Consultants' fees or the equivalent in a Trustees time to manage any consenting requirements	Unknown However, TPK staff supporting papakāinga estimate the building costs alone of a single house on a papakāinga would be around \$360,000 on average and most papakāinga TPK have funded have ranged between three and twelve homes so build costs alone for a single papakāinga development could be between \$1,080,000 and \$4,320,000	Low There is no evidence to inform an estimate of the total number of additional papakāinga developed as a result of the proposal.
Regulators – district councils, regional councils	One-off and ongoing staff cost for councils to interpret and apply the new national direction.	Unknown	Low There is no evidence of how much effort council staff time will be needed.

	If reduced compliance costs incentivise more papakāinga development councils would incur additional costs for council staff time to support additional papakāinga proposals and process building consents and resource consent applications, for those that require them. Regional and district councils would also incur costs of staff time required to ensure that papakāinga that do not need consent still comply with the requirements from Regional and District plans that will still apply to limit environmental effects of papakāinga that do not require consent. Loss of revenue for planning compliance and consenting fees for papakāinga developments that would have happened regardless of the national direction - but no longer require a consent because of it.	Unknown Unknown Unknown	Low There is no evidence to inform an estimate of the total number of additional papakāinga developed as a result of the proposal. Low As above. Low There is no evidence to inform an estimate of the total number of additional papakāinga developed as a result of the proposal.
Total monetised costs		Unknown	Low
Non-monetised costs	Decreased influence of iwi and hapū over papakāinga rules in their rohe.	Low in the medium to long term as iwi and hapū could be involved in developing local planning rules that as long as they are more lenient than the national direction. The impact would high for any iwi or hapū who want to have rules more stringent	Medium From our engagement with councils and Māori experts and consultation feedback we are reasonably certain that being able to have more stringent rules is unlikely to be a concern for the overwhelming majority of and hapū.

		than the NES-P as these will be overruled.	
Additional benefits of the preferred option compared to taking no action			
Regulated groups – Māori landowners developing papakāinga	Costs for district council consents for some papakāinga that would have been developed anyway, would reduce.	Unknown	Low There is no evidence to inform an estimate of the total number of additional papakāinga developed as a result of the proposal.
Regulators – District councils	Increased fees from additional papakāinga developments	Unknown	Low There is no evidence to inform an estimate of the total number of additional papakāinga developed as a result of the proposal.
	Lower staff costs incurred from papakāinga that would have happened anyway no longer applying for consent.	Unknown	Low There is no evidence to inform an estimate of the number of papakāinga that will no longer need a consent.
Others - local community contractors and their staff building papakāinga	There is the potential for local builders, indicatively this could be between 5% and 8% of the build cost of any additional papakāinga.	Unknown	Low There is no evidence to inform an estimate of the total number of additional papakāinga developed as a result of the proposal.
Total monetised benefits		Unknown	Low

Non-monetised benefits	Māori landowners better realise the value of their land assets and are better able to make decisions about how they use their land. If more papakāinga are built, the proposal would result in increased warm dry housing for whānau and associated improved health and whānau wellbeing outcomes. There would be improved community and cultural connection for whānau who can move into papakāinga.	Unknown	Low
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Section 3: Delivering an option

How will the proposal be implemented?

173. The NES-P will take immediate effect from its commencement date, 28 days after gazettal. This means that:
- the NES-P rules will replace their equivalent district plan rules from their commencement date unless the district plan rules are more lenient, as provided for in the NES-P;
 - under the 'plan stop' requirements councils will not need to amend district plans if a rule duplicates or conflicts with a provision in the NES-P; and
 - the NES-P must be considered for all applicable resource consent applications, alongside all other relevant matters for consideration (RMA s104).
174. In effect, councils will be able to operate within the NES-P permitted activity rules, and consenting regime, from the NES-P commencement date. Rules in district plans that address effects other than those the NES-P addresses will still apply to papakāinga activities, for specified matters.
175. MfE will communicate these 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. MfE will support the implementation of the NES-P by publishing guidance documents on the NES-P and may provide additional support based on stakeholder feedback.
176. Local authorities must amend plans to remove duplications or conflicts with the NES-P as soon as practicable after the NES-P comes into force. This is not affected by the 'plan stop'.
177. If the decision is made to continue enabling papakāinga nationally in the new resource management system, councils will be responsible for ensuring new plans align with national papakāinga provisions.
178. MfE will continue to assess how the NES-P may be transitioned into the new planning and environmental management system as the development of the new system progresses.
179. TPK will also inform Māori landowners, including iwi and hapū, about the changes, through regional networks with Māori communities.

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

180. Each council will make their own decisions on how pro-actively they monitor compliance with the permitted activity standards for papakāinga in their district.
181. Monitoring of the implementation and effectiveness of the new national direction under the RMA will be undertaken as part of the development of national standards under the new system and consideration of if and how RMA national direction should be transferred to the new system.
182. MfE is currently responsible for monitoring and supporting the implementation of national directions and reviewing their effectiveness under the RMA. Information on plan changes, consents and compliance and enforcement, is collected through MfE's national monitoring system (NMS). This information should provide some useful insights on the implementation of the NES-P. However, there are unlikely to be any mechanisms for consistent or useful monitoring of the implementation or effectiveness of the NES-P.
183. Some information to enable monitoring of the proposal will be able to be obtained through the NMS and informal information gathering by TPK and Te Tumu Paeroa. However, we are unlikely to get a complete picture of the numbers of papakāinga of less

than 10 homes, that have been developed without requiring resource consent or a reliable assessment of the impacts on landowners and whānau. Gathering this information through the NMS would add additional compliance costs on papakāinga developers and councils.

184. The TPK estimate of the current number of papakāinga, mentioned in the context section above (paragraph 11), could be repeated in future. However, this analysis also partly uses information collected in the NMS.
185. There are currently no plans to set up any other system to collect reliable information on use of the NES-P rules across the country, or evidence of social and financial benefits.
186. As noted in the assessment of Treaty settlement commitments in the options analysis above (paragraphs 153-158), while the Crown's Treaty settlement obligations do not appear to be affected by the new NES-P, any matters that touch on iwi influence on local rules and visibility about developments in their rohe, could be relevant to Treaty settlements. This should also be monitored through regular engagement with PSGEs but there are currently no plans for additional resourcing to do this.
187. The *Empowering whānau thorough papakāinga: insights, impacts and pathways* research completed in 2025 mentioned the potential for Trustees to experience ongoing challenges in the day to day management of papakāinga including challenging behaviour of some whānau living on papakāinga.³³ This should also be monitored.
188. There are currently no plans for formal evaluation or review of the NES-P.
189. These matters will need to be considered in more fulsome monitoring that will be developed as part of the development of the new system's standards.

Notes on the analysis presented in this document

190. This analysis was completed by TPK officials. MfE-led the process for developing the proposal and this RIS by providing tools, timelines and expert advice on resource management and practical planning expertise.
191. MfE also provided advice on some matters in this report where they considered consistency across the RISs for all the proposals in the package of national direction changes, was needed.

³³ Mercury M, Potangaroa R, Cunningham C and Waldegrave C, *Empowering whānau through papakāinga: insights, impact and pathways*, Te Puni Kōkiri, 2025 page 56 and pages 81 – 86.