

National Environmental Standards for Marine Aquaculture, National Environmental Standards for Commercial Forestry, and Stock Exclusion Regulations



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This document may be cited as: Ministry for the Environment. 2026. *National Environmental Standards for Marine Aquaculture, National Environmental Standards for Commercial Forestry, and Stock Exclusion Regulations: Report on Recommendations and Decisions*. Wellington: Ministry for the Environment.

Published in May 2026 by the
Ministry for the Environment
Manatū mō te Taiao
PO Box 10362, Wellington 6143, New Zealand
environment.govt.nz

ISBN: 978-1-991404-42-8
Publication number: ME 1941

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Introduction

This report summarises submissions received, outlines officials' recommendations in response to those submissions, and presents the Minister Responsible for RMA Reform's (the Minister's)¹ final decisions on the following national direction proposals:

- proposed amendments to the National Environmental Standards for Marine Aquaculture (NES-MA)
- proposed amendments to the National Environmental Standards for Commercial Forestry (NES-CF)
- proposed amendments to the Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations).²

The proposals formed part of one of three packages notified in May 2025:³ Package 2: Primary sector (package 2).⁴ A report summarising submissions on the proposals and outlining officials' recommendations was prepared for the Minister in October 2025 in accordance with section 46A of the Resource Management Act 1991 (RMA).⁵ Following some changes, the Minister recommended the Stock Exclusion Regulations to the Governor-General, who approved them on 7 April 2026. They were gazetted on 9 April 2026 and will come into force on 7 May 2026. The Minister intends to recommend the NES-MA and NES-CF to the Governor-General mid-2026, with both instruments to be gazetted and take effect shortly thereafter.

The Minister is required to publicly notify any report prepared under section 46A (see sections 44(1)(b) and 52(3)(b) of the RMA). This report fulfils this legal requirement.

This report is structured in two parts.

- **Part 1** sets out officials' final recommendations and the Minister's final decisions on the proposals.
- **Part 2** provides the original supporting analysis and recommendations that informed those decisions, as prepared under section 46A of the RMA for the Minister in October 2025.

¹ The Prime Minister agreed that portfolio responsibility for statutory decisions on the listed national direction rests with the Minister Responsible for RMA Reform, rather than the Minister for the Environment as stated in the Resource Management Act 1991 (RMA). The Minister Responsible for RMA Reform can exercise these powers in accordance with section 7 of the Constitution Act 1986.

² While there is no legal requirement to provide the summary of the Minister's final decisions for national environmental standards or RMA section 360 regulations, a process similar to that used for national policy statements (see section 52(3)(c) of the RMA) has been followed. This approach helps to ensure that submitters can see how decisions were made and understand what changes have occurred.

³ Statutory consultation on the proposals in package 1 (infrastructure and development) and package 2 (primary sector), and non-statutory consultation on package 3 (freshwater) ran from 29 May 2025 to 27 July 2025. Non-statutory consultation on package 4 (Going for Housing Growth) ran from 18 June to 17 August.

⁴ Ministry for the Environment. 2025. *Package 2: Primary sector – Discussion document*. Wellington: Ministry for the Environment.

⁵ The RMA does not set out a statutory process for developing regulations under section 360. A process similar to that used for national environmental standards was followed to enable input from the public and iwi authorities on the proposed amendments to the Stock Exclusion Regulations and for alignment across the national direction packages. The process to amend the Stock Exclusion Regulations involved public consultation and a report being prepared on the submissions received and officials' recommendations for the Minister Responsible for RMA Reform to consider.

Summary of recommendations and Minister's decisions

Officials recommended a number of changes to the notified NES-MA, NES-CF and Stock Exclusion Regulations proposals, drawing on submitter feedback and further analysis of the proposals.

The Minister considered these recommendations and made final decisions on each national direction instrument. In some areas, this resulted in changes to the notified proposals.

Part 1 of this report includes the full set of recommendations provided to the Minister along with the final decisions made by the Minister. Recommendations and supporting rationale in part 1 have been updated from what was originally provided to the Minister in October 2025 to reflect subsequent ministerial advice and to correct minor and technical errors and enhance clarity. The original recommendations and accompanying rationale provided to the Minister are preserved in part 2 of this report, with minor and technical amendments made to address inaccuracies and improve clarity.

The final text of the instruments may vary from officials' recommendations as a result of legal drafting conventions.

A summary of officials' final recommendations and the Minister's final decisions is provided below for each instrument.

National Environmental Standards for Marine Aquaculture

Officials recommended the following:

- retain most of the proposed NES-MA provisions without change
- include a clear definition of a 'research or trial activity'
- enable resource consent monitoring conditions to be changed or cancelled, for matters broader than seabed conditions under an application for a restricted discretionary activity
- enable existing marine farm consent holders to amend their consent conditions to add two new types of structures through an application for a controlled activity
- remove the proposal to enable aquaculture-related research or trials in new locations to be a permitted activity
- amend the proposal to allow marine farm consent holders to add *Undaria pinnatifida* to their consent conditions as an application for a restricted discretionary activity
- amend the proposal to change the matters of control for applications to change or cancel consent conditions for adding finfish to an existing finfish farm to include new matters of control for the effects on water quality and information, monitoring and reporting
- add a new entry requirement to enable aquaculture-related research or trials that only involve structures or equipment in new locations and meet specific conditions to be a controlled activity.

The Minister agreed to the recommendations.

National Environmental Standards for Commercial Forestry

Officials recommended the following:

- retain most of the proposed NES-CF provisions without significant changes
- introduce a requirement for a slash mobilisation risk assessment on orange zone (and some red zone) land
- keep the requirement for afforestation plans but streamline the information foresters are required to include.

The Minister agreed to the recommendations.

Stock Exclusion Regulations

Officials recommended the following:

- retain the proposal to amend regulation 17 of the Stock Exclusion Regulations to exempt non-intensively grazed beef cattle and deer from the requirements of this regulation. This means that the regulation will only apply to:
 - dairy and dairy support cattle
 - intensively grazed beef cattle and deer
 - pigs.

The Minister agreed to the recommendation.

Part 1: Recommendations and decisions tables

Consolidated recommendations and decisions – Amendments to the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020

Recommendations and decisions in relation to notified proposed provisions

The following recommendations were made in response to matters raised through submissions and in officials' overall assessment of the proposal.

The proposal section of this table includes the proposed provisions published in: Ministry for the Environment. 2025. *Package 2: Primary sector – Discussion document*. The recommendations section includes recommended changes to the notified proposal and specifies reasons for recommended changes. Reference to 'no change' means a recommendation to retain the proposal as notified whereas 'change' indicates a recommendation to change the notified proposal.

The final text of the instrument may vary from officials' recommendations as a result of legal drafting conventions.

Any provision in the existing National Environmental Standards for Marine Aquaculture (NES-MA) not included in the notified proposal or this table will remain the same.

PART 1: PRELIMINARY PROVISIONS

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topics	Recommendations	Reasons for recommendations	Minister's decision
Regulation 3 – Area of interest definition	Amend the definition to clarify that it is the “best-practice criteria for ecologically significant effect” that must be endorsed by the regional council, not the scientific report.	Addressing known issues in the NES-MA	<p>No change</p> <ol style="list-style-type: none"> 1. Retain the proposal to amend the NES-MA ‘area of interest’ definition to clarify that the best practice criteria for ecologically significant effect must be endorsed by the regional council. 	This is a technical amendment needed to clarify how the current definition of ‘area of interest’ applies.	Agreed with recommendation
Regulation 11 – Application of Regulations	<p>Amend regulation 11 so that:</p> <ul style="list-style-type: none"> • the NES-MA also applies to certain applications to change or cancel consent conditions, and certain applications for research and trials; and • the areas the NES-MA does not apply to (specified in regulation 11(2)) only relate to applications for replacement coastal permits under Parts 2, 3, and 4 of the NES-MA. 	Changes to consent conditions related to consented species, structures, and monitoring and enabling research and trials on existing farms and in new spaces	<p>No change</p> <ol style="list-style-type: none"> 2. Retain the proposal to amend Regulation 11 of the NES-MA so that it achieves the following intent: <ol style="list-style-type: none"> a. applies to applications to change or cancel consent conditions relating to species, structures, and monitoring, as well as applications for research and trials on existing farms and in new spaces; and b. that the above proposals will apply nationally, including in the areas the NES-MA currently does not apply to (Tasman district and parts of the Waikato region). 	The intent of this change is to expand the scope of what the NES-MA applies to, beyond just replacement consenting, to reflect the other proposals that have been recommended (ie, providing for certain applications to change or cancel consent conditions, and research and trial activities on existing farms and in new space).	Agreed with recommendation

PART 3: REPLACEMENT COASTAL PERMITS IN RESPECT OF EXISTING MARINE FARMS WITH NO CHANGE IN CONSENTED SPECIES

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation 18(d)(i) – Matters over which discretion is restricted for replacement coastal permits under this Part and Part 4 reg 36</p>	<p>Amend the matters of discretion listed in regulation 18 to ensure consent authorities have discretion to consider effects on Māori access to coastal areas of cultural significance with regard to the layout, colour, positioning, density, lighting, and marking of marine farm structures within a marine farm.</p>	<p>Addressing known issues in the NES-MA</p>	<p>No change</p> <p>3. Retain the proposal to amend the matters of discretion for replacement coastal permits in Part 3 and 4 of the NES-MA so it achieves the intent of providing discretion for consent authorities to consider effects on Māori access to coastal areas of cultural significance with regard to the layout, colour, positioning, density, lighting and marking of marine farm structures within a marine farm.</p>	<p>This amendment is intended to ensure consideration of the effects on Māori access to coastal areas of cultural significance within the vicinity of marine farms in decisions on replacement coastal permits for marine farms.</p>	<p>Agreed with recommendation</p>
<p>Regulation 22 – Additional matters over which discretion is restricted for realignment of marine farms</p>	<p>Amend regulation 22 to remove any reference to regulation 19.</p>	<p>Addressing known issues in the NES-MA</p>	<p>No change</p> <p>4. Retain the proposal to amend Regulation 22 to remove any references to Regulation 19.</p>	<p>This is a technical amendment needed to remove an unnecessary reference to regulation 19 (which applies specific matters of discretion to fed aquaculture farms) identified in the Year Three Review of the NES-MA. This reference is not necessary because fed aquaculture farms cannot access the realignment provisions of the NES-MA.</p>	<p>Agreed with recommendation</p>

PART 3: REPLACEMENT COASTAL PERMITS IN RESPECT OF EXISTING MARINE FARMS WITH NO CHANGE IN CONSENTED SPECIES

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation 24 – Notification</p>	<p>Amend regulation 24 to provide clearer guidance on how the application of public and limited notification preclusions apply to regulation 14. An example of how this could be worded is:</p> <ol style="list-style-type: none"> 1) Applications under regulation 14 must not be publicly notified. 2) Limited notification of applications under regulation 14 is not precluded if— <ul style="list-style-type: none"> – the applicant has not undertaken the process outlined in Schedule 6 within the previous 12 months; or – the application does not include the report required by clause 5 of that schedule. 	<p>Addressing known issues in the NES-MA</p>	<p>No change</p> <ol style="list-style-type: none"> 5. Retain the proposal to amend Regulations on notification of replacement coastal permits for existing marine farms with no change in consented species to provide clearer direction about how the regulation should be interpreted, as follows: <ol style="list-style-type: none"> a. require applications under Regulation 14, which provide for replacement coastal permits for existing marine farms not within inappropriate areas, to not be publicly notified b. enable limited notification of applications under Regulation 14 if: <ol style="list-style-type: none"> i. the applicant has not undertaken the Schedule 6 process for seeking the views of tangata whenua on draft applications within the previous 12 months; or ii. the application does not include the report required by clause 5 of Schedule 6. 	<p>Officials do not recommend changes to the notified proposal as it would not affect who is notified. The notified proposal improves how the current intent of the notification provisions is articulated.</p> <p>The RMA requirements to notify all affected holders of statutory acknowledgements, affected customary marine title (CMT) groups and affected protected customary rights groups will continue to apply.</p>	<p>Agreed with recommendation</p>

PART 4: REPLACEMENT COASTAL PERMITS FOR EXISTING MARINE FARMS TO CHANGE CONSENTED SPECIES

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Regulation 25 – Application of this Part	Amend the provision so that Part 4 also applies to marine farms that obtained a coastal permit after the date on which the NES-MA came into force.	Addressing known issues in the NES-MA	No change 6. Retain the proposal to extend the application of Part 4 of the NES-MA to cover marine farms that first obtained a coastal permit after the date which the NES-MA came into force.	This amendment is needed to enable marine farms to obtain replacement consents and make changes to their consents through the NES-MA, regardless of the date they were originally consented. Currently, only marine farms consented before the introduction of the NES-MA can use part 4 regulations.	Agreed with recommendation
	Amend regulation 25 to ensure that Part 4 applies if applicants seek to add spat catching to a marine farm when applying for a replacement consent.	Addressing known issues in the NES-MA	No change 7. Retain the proposal to extend the application of Part 4 to enable spat catching to be added to a marine farm when applying for a replacement consent.	This amendment enables existing marine farmers to add spat catching to their consent when seeking a replacement consent.	Agreed with recommendation
Regulation 29 – Change in consented species and changes to certain subsurface structures: restricted discretionary activity	Amend regulation 29 to make a replacement consent with altered subsurface structures and no changes to species a restricted discretionary activity.	Addressing known issues in the NES-MA	No change 8. Retain the proposal to enable replacement consent applications with altered subsurface structures and no changes to species as a restricted discretionary activity.	This amendment enables a change to certain subsurface structures without having to also change species.	Agreed with recommendation

PART 4: REPLACEMENT COASTAL PERMITS FOR EXISTING MARINE FARMS TO CHANGE CONSENTED SPECIES

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation 30 – Matters over which discretion is restricted for replacement coastal permits under regulation 29</p>	<p>Amend regulation 30 to restrict the matters over which discretion is limited for applications for replacement consents that only adjust subsurface structures to those specified in regulation 18 and hydrodynamic effects.</p>	<p>Addressing known issues in the NES-MA</p>	<p>No change</p> <p>9. Retain the proposal to amend Regulation 30 to limit the matters of discretion to those listed in Regulation 18 and hydrodynamic effects.</p>	<p>Regulation 30 lists the matters of discretion for replacement coastal permit applications that involve changes of species and certain subsurface structures. It references regulation 18, which sets out the matters of discretion councils must consider when assessing replacement coastal permits generally.</p> <p>This amendment is needed to remove two matters of discretion related to the effects of changing species for replacement coastal permits for changes in subsurface structures. These matters (the genetic effects on wild populations of farmed species escaping and the biosecurity effects arising from the farming of the new species) are not relevant for applications to only change structures.</p>	<p>Agreed with recommendation</p>
<p>Regulation 32 – Change in consented species with changes to surface and subsurface structures: restricted discretionary activity</p>	<p>Include a provision for a replacement consent for altered surface and subsurface structures with no changes to species to be a restricted discretionary activity.</p>	<p>Addressing known issues in the NES-MA</p>	<p>No change</p> <p>10. Retain the proposal to enable replacement consent applications for altered surface and subsurface structures with no changes to species as a restricted discretionary activity.</p>	<p>This amendment will allow changes to structures to be made without requiring a change in species.</p>	<p>Agreed with recommendation</p>

PART 4: REPLACEMENT COASTAL PERMITS FOR EXISTING MARINE FARMS TO CHANGE CONSENTED SPECIES

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Regulations 33, 36, 39 – Matters over which discretion is restricted for replacement coastal permits under Regulations 32, 35, and 38 (respectively)	Amend regulations 33, 36 and 39 to ensure consent authorities have discretion to consider the effects on Māori access to coastal areas of cultural significance with regard to the layout, colour, positioning, density, lighting and marking of marine farm structures within a marine farm when considering applications for replacement coastal permits.	Addressing known issues in the NES-MA	No change 11. Retain the proposal to amend the matters of discretion for replacement coastal permits in Regulations 32, 35, and 38 to achieve the intent of providing discretion for consent authorities to consider effects on Māori access to coastal areas of cultural significance with regard to the layout, colour, positioning, density, lighting and marking of marine farm structures within a marine farm.	This amendment is needed to ensure consent authorities consider the effects on Māori access to coastal areas of cultural significance within the vicinity of marine farms when making decisions on replacement coastal permits for marine farms. Officials do not recommend changes as the notified proposal enables councils to set consent conditions related to the management of effects and decline applications based on tangata whenua values.	Agreed with recommendation
Regulation 35 – Change in consented species with changes to surface and subsurface structures that involve realignment: restricted discretionary activity	Amend regulation 35 to make a replacement consent involving realignment that includes altered surface and subsurface structures with no changes to a species a restricted discretionary activity.	Addressing known issues in the NES-MA	No change 12. Retain the proposal to amend Regulation 35 of the NES-MA to enable applicants to change structures without needing to change species.	This amendment will allow existing marine farm consent holders to change structures without needing to change species.	Agreed with recommendation

PART 4: REPLACEMENT COASTAL PERMITS FOR EXISTING MARINE FARMS TO CHANGE CONSENTED SPECIES

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation 44 – Notification</p>	<p>Amend regulation 44 to provide clearer guidance on how the application of public and limited notification provisions apply to the cross-referenced regulations 26 and 29. An example of how this could be worded is:</p> <ol style="list-style-type: none"> 1) Applications under Regulations 26 and 29 must not be publicly notified. 2) Limited notification of applications under Regulations 26 and 29 is not precluded if— <ol style="list-style-type: none"> a) the applicant has not undertaken the process outlined in Schedule 6 within the previous 12 months; or b) the application does not include the report required by clause 5 of that schedule. 	<p>Addressing known issues in the NES-MA</p>	<p>No change</p> <ol style="list-style-type: none"> 13. Retain the proposal to amend Regulations on notification of replacement coastal permits for existing marine farms to provide clearer direction about how the regulation should be interpreted, as follows: <ol style="list-style-type: none"> a. require applications under Regulations 26 and 29 to not be publicly notified; b. enable limited notification of applications under Regulation 26 and 29 if: <ol style="list-style-type: none"> i. the applicant has not undertaken the process under Schedule 6 process for seeking the views of tangata whenua on draft applications within the previous 12 months; or ii. the application does not include the report required by clause 5 of Schedule 6. 	<p>Officials do not recommend changes to the notified proposal as it would not affect who is notified. The notified proposal improves how the current intent of the notification provisions is articulated.</p> <p>The RMA requirements to notify all affected holders of statutory acknowledgements, affected CMT groups and affected protected customary rights groups will continue to apply.</p>	<p>Agreed with recommendation</p>

SCHEDULE 6: PROCESS FOR SEEKING VIEWS OF TANGATA WHENUA ON DRAFT APPLICATION

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topics	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation 1, 2, 4, and 5 – Interpretation, information to be provided to regional council, written information to be provided by regional council, and applicant's report to regional council</p>	<p>Amend Schedule 6 so that the process for seeking views of tangata whenua on draft applications also applies to a person applying for a change or cancellation of consent conditions or research and trials under relevant new Regulations.</p>	<p>Changes to consent conditions related to consented species, structures and monitoring, and enabling research and trials on existing farms and in new spaces</p>	<p>No change</p> <p>14. Retain the proposal to amend Schedule 6 of the NES-MA so that it also applies to a person applying for a change or cancellation of consent conditions or applying for research and trials.</p>	<p>This amendment is needed to enable the Schedule 6 process for seeking views of tangata whenua on draft applications to be used by those applying for a change of consent conditions or research and trials under the proposed regulations.</p>	<p>Agreed with recommendation</p>
<p>Regulation 4 – Informing of intention to make application</p>	<p>Amend clause 4(b) to refer to a 'draft application' rather than 'proposed application'.</p>	<p>Addressing known issues in the NES-MA</p>	<p>No change</p> <p>15. Retain the proposal to amend Clause 4(b) of the NES-MA to refer to a 'draft application' rather than 'proposed application'.</p>	<p>This amendment is needed to align the language of the clause (which refers to 'proposed application') with the rest of the NES-MA (which refers to a 'draft application'). The policy intent is the same.</p>	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

New part – Provisions for research and trials in existing space

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topics	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R1 – Application of Regulations</p>	<p>The NES-MA currently only applies to replacement consents. We are proposing to add new provisions that apply to new applications for consents for research and trials meeting the below requirements.</p> <p>Add a clause that specifies that this/these new part(s) on research and trials apply only to new applications for consents for research and trials within:</p> <ol style="list-style-type: none"> 1) an existing marine farm that already has a consent; and 2) new space (space that is not currently consented for aquaculture activities). 	<p>Enabling research and trials on existing farms and in new spaces</p>	<p>No change</p> <p>16. Retain the proposal to apply the Regulations to new research and trial activities:</p> <ol style="list-style-type: none"> a. within an existing marine farm that already has an existing resource consent; and b. in new space. 	<p>This amendment is needed to enable the NES-MA to be used to specify rules for research and trials in existing and new space.</p> <p>Officials do not recommend changes sought by submitters to limit application of the regulations only to areas identified as appropriate for aquaculture. The intent of the proposed changes is to provide a nationally consistent approach to consenting research and trial activities across New Zealand.</p>	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

New research and trials only involving structures or equipment

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R2 – Research and trial activities on existing marine farms that involve only structures and equipment for a maximum of 12 months and under 20 m²: permitted activity</p>	<p>Add a clause that makes establishing structures or equipment for research and trials within the consented area of an existing marine farm a permitted activity.</p> <p>Proposed permitted activity conditions will include:</p> <ul style="list-style-type: none"> • Must be within the consented area of an existing marine farm. • The application must either be from the holder of the existing consent for the marine farm or have written permission from the existing consent holder. • The application is for an activity that is solely for research and trial purposes. • The application must not be for an aquaculture activity. • The area occupied by the activity and its associated mooring and anchorage systems (if relevant) shall not exceed 20 m². • The maximum height of any surface structures associated with the activity shall not exceed 2.5 m. • The activity is for a maximum period of 12 months. 	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>17. Amend the relevant permitted activity conditions for Regulation R2 to achieve the following intent:</p> <ol style="list-style-type: none"> remove all the references to “application” in Regulation R2 and instead refer to “the person undertaking the activity”; clarify that the area occupied by the activity excludes its associated mooring and anchorage systems in condition E; replace condition H with a new condition to achieve the following intent: <i>There has to be at least a 6-month period between undertaking a new research and trial activity in the same location.</i> replace condition K(i) with a new condition to achieve the following intent: 	<p>These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows.</p> <ol style="list-style-type: none"> This clarifies that there is no resource consent ‘application’ for a permitted activity. This aligns the language of the conditions with the requirements in regulation R9 to provide consistency across the proposals. This clarifies there must be at least six months before undertaking a new permitted activity in the same location. This clarifies that research or trial activities involving structures or equipment cannot take place in areas where structures are prohibited in an existing resource consent condition that applies to the existing marine farm (eg, through a structure exclusion area). This clarifies the role of the Director of Maritime New Zealand with respect to any navigational matters. 	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

New research and trials only involving structures or equipment

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> • The same activity cannot have occurred within the same location within the last 6 months. • Must notify the regional council, Harbour Master, and tangata whenua prior to undertaking the activity (in writing with the actual position of the structures/equipment and any associated mooring and anchorage systems that have been deployed). • Structures/equipment and associated mooring and anchorage systems deployed shall be maintained in good structural condition and in an effective capacity at all times. • The structures/equipment is not located in a position that: <ul style="list-style-type: none"> i. Is within a structure exclusion area identified in the regional coastal plan or on an existing resource consent; ii. Would obstruct access by water to any wharf, landing place, boat ramp, slipway, navigational channel, or mooring; iii. Will restrict navigation (unless subject to relevant exemption by a regional council); iv. Cause or have potential to cause, loss of life or injury to any person; or v. Cause damage to any vessel or property. 		<p><i>is within an area where structures are identified in an existing resource consent condition that applies to the existing marine farm as being explicitly prevented from being placed or established.</i></p> <p>e. replace condition L with a new condition to achieve the following intent:</p> <p><i>Structures/equipment and any associated mooring and anchorage systems shall be marked as required by the Director of Maritime New Zealand.</i></p> <p>f. add a new permitted activity condition to clarify that the person undertaking the permitted activity must provide notice to the council within a certain timeframe to achieve the following intent:</p> <p><i>Notice must be given at least 20 working days and no more than 60 working days before the activity is carried out.</i></p>	<p>f. This clarifies the process for providing notification to the council that a permitted activity will be carried out.</p>	

PROPOSALS FOR NEW REGULATIONS

New research and trials only involving structures or equipment

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> Structures/equipment and any associated mooring and anchorage systems shall be marked as required by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) System 'A' Maritime Buoyage System. 				
<p>Regulation R3 – Research and trial activities that involve only structures and equipment for a maximum of 3 years and under 2 ha: controlled activity</p>	<p>Add a new clause that makes establishing structures or equipment for research and trials within the consented area of an existing marine farm a controlled activity.</p> <p>Entry requirements for applications to be eligible to use this regulation are below:</p> <ul style="list-style-type: none"> Must be within the consented area of an existing marine farm. Must either be holder of existing consent for the marine farm or have written permission of existing consent holder. The application is for an activity that is solely for research and trial purposes. The application must not be for an aquaculture activity. The area occupied by the activity and its associated mooring and anchorage systems (if relevant) shall not exceed 2 ha. The maximum height of any surface structures associated with the activity shall not exceed: 	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>18. Amend the relevant entry requirements for Regulation R3 to achieve the following intent:</p> <ol style="list-style-type: none"> clarify that the area occupied by the activity excludes its associated mooring and anchorage systems in E; remove the requirement for the proposed lapse period in H. replace I with a new requirement to achieve the following intent: <i>“There has to be at least a 6-month period between undertaking a new research and trial activity in the same location.”</i> 	<p>These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows.</p> <ol style="list-style-type: none"> This aligns the language of the conditions with the requirements in regulation R9 to provide consistency across the proposals. The proposed lapse period of six months is no longer required as section 125 of the RMA provides sufficient direction to consenting authorities on the lapse periods for consents. This clarifies that there must be at least six months before undertaking a new research and trial activity in the same location. This clarifies that research or trial activities involving structures or equipment cannot take place in areas 	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

New research and trials only involving structures or equipment

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> – 2.5 m; or – 5 m if offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA). • The activity is for a maximum period of 3 years, but no longer than the term remaining on the consent for the existing marine farm. • The proposed lapse period for the resource consent is 6 months after the date of commencement. • The same activity cannot have occurred within the same location within the last 6 months. • The structures/equipment is not located within a structure exclusion area identified in the regional coastal plan or on an existing resource consent. 		<p>d. replace J with a new requirement to achieve the following intent:</p> <p><i>The structures/equipment is not located in a position that is within an area where structures are identified in an existing resource consent condition that applies to the existing marine farm as being explicitly prevented from being placed or established.</i></p>	<p>where structures are prohibited in an existing resource consent condition that applies to the existing marine farm.</p>	
<p>Regulation R4 – Matters of control</p>	<p>Introduce a new clause for matters of control applying to regulation R3. The matters of control relate to key effects that may need to be managed through the consenting process. Matters of control are listed as follows:</p> <p>A. The duration and lapsing of the coastal permit</p>	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>19. Amend the proposal to remove hydrodynamic effects as a matter of control under Regulation R3.</p>	<p>This amendment is needed to make approval processes more proportionate to the effects of activities by removing the matter of control related to hydrodynamic effects. This will streamline consenting processes while ensuring that effects can continue to be managed.</p>	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

New research and trials only involving structures or equipment

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> B. Review conditions C. The layout, positioning, density, lighting, and marking of structures within the consented area for the purpose of ensuring (i) continued reasonable public access (including recreational access) in the vicinity of the consented area; and (ii) navigational safety, including the provision of navigation warning devices and signs D. The integrity and security of the structures, including the anchoring systems E. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 F. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest G. Management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality H. The management of biosecurity risks I. The management of the effects on the environment of noise, rubbish, and debris J. Information, monitoring, and reporting requirements K. Hydrodynamic effects 				

PROPOSALS FOR NEW REGULATIONS

New research and trials only involving structures or equipment

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>L. If in an outstanding area, effects on the values and characteristics that make the area outstanding</p> <p>M. If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), conditions relating to the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity</p> <p>N. Administrative charges, coastal occupation charges, financial contributions</p> <p>O. Bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment</p>				

PROPOSALS FOR NEW REGULATIONS

New research and trials only involving structures or equipment

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R5 – Views of tangata whenua on draft applications</p>	<p>Introduce a new clause as follows:</p> <p>If the application under R3 does not meet the following requirements:</p> <ul style="list-style-type: none"> the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and the application includes the report required by clause 5 of that schedule. <p>Then make the following change to the relevant matter of control in R4:</p> <p><u>The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 The effects of the activity on tangata whenua values.</u></p>	<p>Enabling research and trials on existing farms</p>	<p>No change</p> <p>20. Retain the proposal to introduce a new clause that achieves the following policy intent:</p> <ol style="list-style-type: none"> applicants under Regulation R3 are required to have: <ol style="list-style-type: none"> completed the Schedule 6 process within the last 12 months; and included the report required by clause 5 of Schedule 6 in their application. if the requirements under (a) are not met, the following matter of control in Regulation R3 “the effects of the activity identified in the report required by clause 5 of Schedule 6” would be replaced with the following matter of control “the effects of the activity on tangata whenua values” 	<p>This amendment is needed to ensure that applicants can seek the views of tangata whenua on draft applications for research and trial activities.</p> <p>This process is consistent with the existing regulations of the NES-MA, which require the effects of the activity on tangata whenua values to be considered where a Schedule 6 process has not been completed within the last 12 months.</p>	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving aquaculture activities (excluding fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R6 – Research and trial activities that involve aquaculture activities for up to 7 years and under 4 ha (excluding fed aquaculture): controlled activity</p>	<p>Add a new clause that makes establishing research and trial activities that involve aquaculture activities (excluding fed aquaculture) within the consented area of an existing marine farm a controlled activity.</p> <p>Entry requirements for applications to be eligible to use this regulation are below:</p> <p>A. Must be within the consented area of an existing marine farm.</p> <p>B. Research and trial activity must not involve fed aquaculture.</p> <p>C. Must either be holder of existing consent for the marine farm or have written permission of existing consent holder.</p> <p>D. The application is for an activity that is solely for research and trial purposes.</p> <p>E. The area occupied by the activity and its associated mooring and anchorage systems (if relevant) shall not exceed 4 ha.</p> <p>F. The maximum height of any surface structures associated with the activity shall not exceed:</p> <ul style="list-style-type: none"> – 2.5 m; or – 5 m if offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA). 	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>21. Amend the relevant entry requirements for Regulation R6 to achieve the following intent:</p> <ol style="list-style-type: none"> a. clarify that the area occupied by the activity excludes its associated mooring and anchorage systems in E; b. replace G with a new requirement to achieve the following intent: <p><i>The structures/equipment is not located in a position that is within an area where structures are identified in an existing resource consent condition that applies to the existing marine farm as being explicitly prevented from being placed or established.</i></p> c. remove the requirement for the proposed lapse period in I; d. add a new entry requirement with the following intent: <p><i>“There has to be at least a 6-month period between undertaking a new research and trial activity in the same location.”</i></p> 	<p>These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows.</p> <ol style="list-style-type: none"> a. This aligns the language of the entry requirements with those in regulation R9 to provide consistency across the proposals. b. This clarifies that research or trial activities involving structures or equipment cannot take place in areas where structures are prohibited in an existing resource consent condition that applies to the existing marine farm. c. The proposed lapse period of six months is no longer required as section 125 of the RMA provides sufficient direction to consenting authorities on the lapse periods for consents. d. This aligns the entry requirements in regulation R6 with the rest of the NES-MA amendments (which require a six-month gap between research and trial activities to prevent consecutive trials from taking place at the same location). 	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving aquaculture activities (excluding fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>G. The structures are not located within a structure exclusion area identified in the regional coastal plan or on an existing resource consent.</p> <p>H. The activity is for a maximum period of 7 years, but no longer than the term remaining on the consent for the existing marine farm.</p> <p>I. The proposed lapse period for the resource consent is 6 months after the date of commencement.</p> <p>J. The re-consenting provisions of the NES-MA do not apply to a consent granted under this rule.</p>				
<p>Regulation R7 – Matters of control</p>	<p>Introduce a new clause for matters of control applying to regulation R6. The matters of control relate to key effects that may need to be managed through the consenting process. Matters of control are listed as follows:</p> <p>A. The duration and lapsing of the coastal permit</p> <p>B. Review conditions</p> <p>C. The layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of ensuring (i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and (ii) navigational safety, including the provision of navigation warning devices and signs</p>	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>22. Amend the proposal to remove hydrodynamic effects as a matter of control under Regulation R7.</p>	<p>This amendment is needed to make approval processes more proportionate to the effects of activities by removing the matter of control related to hydrodynamic effects. This will streamline consenting processes while ensuring that effects can continue to be managed.</p>	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving aquaculture activities (excluding fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> D. The integrity and security of the structures, including the anchoring systems E. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 F. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest G. Management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality H. The management of biosecurity risks I. The management of the effects on the environment of noise, rubbish, and debris J. The genetic effects on wild populations of farmed species escaping K. Information, monitoring, and reporting requirements L. Hydrodynamic effects M. If in an outstanding area, effects on the values and characteristics that make the area outstanding N. If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), conditions relating to the effects of the visual 				

PROPOSALS FOR NEW REGULATIONS

Research and trials involving aquaculture activities (excluding fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity</p> <p>O. Administrative charges, coastal occupation charges, financial contributions</p> <p>P. Bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment</p>				
<p>Regulation R8 – Views of tangata whenua</p>	<p>Introduce a new clause as follows:</p> <p>If the application under regulation R6 does not meet the following requirements:</p> <p>the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and</p> <p>the application includes the report required by clause 5 of that schedule.</p> <p>Then make the following change to the relevant matter of control in regulation R7:</p> <p>The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 <u>The effects of the activity on tangata whenua values.</u></p>	<p>Enabling research and trials on existing farms</p>	<p>No change</p> <p>23. Retain the proposal to introduce a new clause that achieves the following policy intent:</p> <p>a. applicants under Regulation R6 are required to have:</p> <p>i. completed the Schedule 6 process within the last 12 months; and</p> <p>ii. included the report required by clause 5 of Schedule 6 in their application.</p> <p>b. If the requirements under (a) are not met, the following matter of control Regulation R6 “the effects of the activity identified in the report required by clause 5 of</p>	<p>These amendments are needed to ensure that applicants can seek the views of tangata whenua on draft applications for research and trial activities.</p> <p>This process is consistent with the existing regulations of the NES-MA, which require the effects of the activity on tangata whenua values to be considered where a Schedule 6 process has not been completed within the last 12 months.</p>	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving aquaculture activities (excluding fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			Schedule 6" would be replaced with the following matter of control "the effects of the activity on tangata whenua values"		

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm already consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Regulation R9 – Research and trial activities that involve fed aquaculture activities for up to 7 years and under 4 ha on a farm already consented for fed aquaculture: controlled activity	<p>Introduce a new clause that makes establishing research and trial activities that involve fed aquaculture within the consented area of an existing marine farm already consented for fed aquaculture a controlled activity.</p> <p>Entry requirements for applications to be eligible to use this regulation are below:</p> <ul style="list-style-type: none"> The activity (including associated mooring and anchorage systems) must be within the consented area of an existing marine farm that is authorised for fed aquaculture. Must either be holder of existing consent for the marine farm or have written permission of existing consent holder. The application is for an activity that is solely for research and trial purposes. 	Enabling research and trials on existing farms	<p>Change</p> <p>24. Amend the relevant entry requirements for Regulation R9 to achieve the following intent:</p> <p>a. replace F with a new requirement to achieve the following intent:</p> <p><i>The structures/equipment is not located in a position that is within an area where structures are identified in an existing resource consent condition that applies to the existing marine farm as being explicitly prevented from being placed or established</i></p>	<p>These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows.</p> <p>a. This clarifies that research or trial activities involving structures or equipment cannot take place in areas where structures are prohibited in an existing resource consent condition that applies to the existing marine farm.</p> <p>b. The proposed lapse period of six months is no longer required as section 125 of the RMA provides sufficient direction to consenting authorities on the lapse periods for consents.</p>	Agreed with recommendation

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm already consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> • The area occupied by the activity shall not exceed 4 ha (excluding associated mooring and anchorage systems). • If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), the maximum height of any surface structures associated with the activity shall not exceed 5 m. • The structures are not located within a structure exclusion area identified in the regional coastal plan or on an existing resource consent. • The activity is for a maximum period of 7 years, but no longer than the term remaining on the consent for the existing marine farm. • The proposed lapse period for the resource consent is 6 months after the date of commencement. • The re-consenting provisions of the NES-MA do not apply to a consent granted under this rule. • The same activity cannot have occurred within the same location within the last 6 months. 		<ul style="list-style-type: none"> b. remove the requirement for the proposed lapse period in H c. replace J with a new requirement to achieve the following intent: <i>“There has to be at least a 6-month period between undertaking a new research and trial activity in the same location.”</i> 	<ul style="list-style-type: none"> c. This clarifies that there must be at least six months before undertaking a new research and trial activity in the same location. 	

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm already consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R10 – Matters of control</p>	<p>Introduce a new clause for matters of control applying to regulation R6. The matters of control relate to key effects that may need to be managed through the consenting process. Matters of control are listed as follows.</p> <ul style="list-style-type: none"> A. The duration and lapsing of the coastal permit B. Review conditions C. The layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of ensuring (i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and (ii) navigational safety, including the provision of navigation warning devices and signs D. The integrity and security of the structures, including the anchoring systems E. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 F. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest G. Management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality H. The management of biosecurity risks I. The management of the effects on the environment of noise, rubbish, and debris 	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>25. Amend the proposal to remove hydrodynamic effects as a matter of control under Regulation R10.</p>	<p>This amendment is needed to make approval processes more proportionate to the effects of activities by removing the matter of control related to hydrodynamic effects. This will streamline consenting processes while ensuring that effects can continue to be managed.</p>	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm already consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>J. The genetic effects on wild populations of farmed species escaping</p> <p>K. Effects on water quality</p> <p>L. Information, monitoring, and reporting requirements</p> <p>M. Hydrodynamic effects</p> <p>N. If in an outstanding area, effects on the values and characteristics that make the area outstanding</p> <p>O. If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), conditions relating to the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity</p> <p>P. Administrative charges, coastal occupation charges, financial contributions</p> <p>Q. Bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment</p> <p>R. The use of antibiotics and therapeutants in the marine farm</p> <p>S. The degree of exclusive occupation, if sought</p> <p>T. Underwater lighting and lighting of structures</p> <p>U. Management practices to minimise shark interactions with the marine farm</p>				

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm already consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R11 – Views of tangata whenua</p>	<p>Introduce a new clause as follows:</p> <p>If the application under regulation R9 does not meet the following requirements:</p> <ul style="list-style-type: none"> the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and the application includes the report required by clause 5 of that schedule. <p>Then make the following change to the relevant matter of control in regulation R10:</p> <p>The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 <u>The effects of the activity on tangata whenua values.</u></p>	<p>Enabling research and trials on existing farms</p>	<p>No change</p> <p>26. Retain the proposal to introduce a new clause that achieves the following intent:</p> <ol style="list-style-type: none"> applicants under Regulation R9 are required to have: completed the Schedule 6 process within the last 12 months⁶; and included the report required by clause 5 of Schedule 6 in their application. If these requirements under (a) are not met, the following matter of control in Regulation R9 “the effects of the activity identified in the report required by clause 5 of Schedule 6” would be replaced with the following matter of control “the effects of the activity on tangata whenua values” 	<p>These amendments are needed to ensure that applicants can seek the views of tangata whenua on draft applications for research and trial activities.</p> <p>This process is consistent with the existing regulations of the NES-MA, which require the effects of the activity on tangata whenua values to be considered where a Schedule 6 process has not been completed within the last 12 months.</p>	<p>Agreed with recommendation</p>

⁶ Schedule 6 refers to the process for seeking the views of tangata whenua on draft applications.

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm not consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
<p>Regulation R12 – Research and trial activities on existing marine farms that involve fed aquaculture activities for up to 7 years and under 4 ha on a farm not consented for fed aquaculture: restricted discretionary activity</p>	<p>Introduce a new clause that makes adding research and trial activities that involve fed aquaculture within the consented area of an existing marine farm not consented for fed aquaculture activities a restricted discretionary activity.</p> <p>Entry requirements for applications to be eligible to use this regulation are below:</p> <ul style="list-style-type: none"> The activity (including associated mooring and anchorage systems) must be within the consented area of an existing marine farm. Must either be holder of existing consent for the marine farm or have written permission of existing consent holder. The application is for an activity that is solely for research and trial purposes. The area occupied by the activity shall not exceed 4 ha (excluding associated mooring and anchorage systems). The structures are not located within a structure exclusion area identified in the regional coastal plan or on an existing resource consent. The activity is for a maximum period of 7 years, but no longer than the term remaining on the consent for the existing marine farm. 	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>27. Amend the relevant entry requirements for Regulation R12 to achieve the following intent:</p> <ol style="list-style-type: none"> replace E with a new requirement to achieve the following intent: <p><i>The structures/equipment is not located in a position that is within an area where structures are identified in an existing resource consent condition that applies to the existing marine farm as being explicitly prevented from being placed or established</i></p> remove the requirement for the proposed lapse period in G add a new entry requirement with the following intent: <p><i>There has to be at least a 6-month period between undertaking a new research and trial activity in the same location.</i></p> 	<p>These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows.</p> <ol style="list-style-type: none"> This clarifies that research or trial activities involving structures or equipment cannot take place in areas where structures are prohibited in an existing resource consent condition that applies to the existing marine farm. The proposed lapse period of six months is no longer required as section 125 of the RMA provides sufficient direction to consenting authorities on the lapse periods for consents. This clarifies that the person undertaking the activity must wait at least six months before undertaking a new activity in the same location. This aligns with the other entry requirements in the proposed NES-MA provisions (which require a six-month gap between research and trial activities to prevent consecutive trials from taking place at the same location). 	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm not consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
	<ul style="list-style-type: none"> The proposed lapse period for the resource consent is 6 months after the date of commencement. The re-consenting provisions of the NES-MA do not apply to a consent granted under this rule. 				
<p>Regulation R13 – Matters of discretion</p>	<p>Introduce a new clause for matters of discretion applying to regulation R12. The matters of discretion relate to key effects that may need to be managed through the consenting process. Matters of discretion are listed as follows:</p> <ul style="list-style-type: none"> A. The duration and lapsing of the coastal permit B. Review conditions C. The layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of ensuring (i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and (ii) navigational safety, including the provision of navigation warning devices and signs D. The integrity and security of the structures, including the anchoring systems E. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>28. Amend the proposal to remove hydrodynamic effects as a matter of discretion under Regulation R13.</p>	<p>This amendment is needed to make approval processes more proportionate to the effects of activities by removing the matter of control related to hydrodynamic effects. This will streamline consenting processes while ensuring that effects can continue to be managed.</p>	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm not consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
	<p>F. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest</p> <p>G. Management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality</p> <p>H. The management of biosecurity risks</p> <p>I. The management of the effects on the environment of noise, rubbish, and debris</p> <p>J. The genetic effects on wild populations of farmed species escaping</p> <p>K. Effects on water quality</p> <p>L. Information, monitoring, and reporting requirements</p> <p>M. Hydrodynamic effects</p> <p>N. If in an outstanding area, effects on the values and characteristics that make the area outstanding</p> <p>O. If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), conditions relating to the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity</p>				

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm not consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
	<p>P. Administrative charges, coastal occupation charges, financial contributions</p> <p>Q. Bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment</p> <p>R. The use of antibiotics and therapeutants in the marine farm</p> <p>S. The degree of exclusive occupation, if sought</p> <p>T. Underwater lighting and lighting of structures</p> <p>U. Management practices to minimise shark interactions with the marine farm</p>				
<p>Regulation R14 – Views of tangata whenua</p>	<p>Introduce a new clause as follows:</p> <p>If the application under regulation R12 does not meet the following requirements:</p> <ul style="list-style-type: none"> the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and the application includes the report required by clause 5 of that schedule. <p>Then make the following change to the relevant matter of control in regulation R13:</p> <p><i>The effects of the activity on matters identified in the report required by clause 5 of Schedule 6</i></p>	<p>Enabling research and trials on existing farms</p>	<p>No change</p> <p>29. Retain the proposal to introduce a new clause that achieves the following policy intent:</p> <p>a. applicants under Regulation R12 are required to have:</p> <p>i. completed the Schedule 6 process within the last 12 months; and</p> <p>ii. included the report required by clause 5 of Schedule 6 in their application.</p>	<p>These amendments are needed to ensure that applicants can seek the views of tangata whenua on draft applications for research and trial activities.</p> <p>This process is consistent with the existing regulations of the NES-MA, which require the effects of the activity on tangata whenua values to be considered where a Schedule 6 process has not been completed within the last 12 months.</p>	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm not consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
	<u>The effects of the activity on tangata whenua values.</u>		b. if the requirements under (a) are not met, the following matter of discretion in Regulation R12 “the effects of the activity identified in the report required by clause 5 of Schedule 6” would be replaced with the following matter of discretion “the effects of the activity on tangata whenua values”		
Regulation R15 – More lenient rules for applications under provisions in this Part	Introduce a new clause enabling regional councils to have a more lenient rule for an equivalent activity under regulation R12 than a restricted discretionary activity.	Enabling research and trials on existing farms	No Change 30. Retain the proposal to enable a rule in a regional or combined plan to include a more lenient activity status than a restricted discretionary activity for research or trial activities under Regulation R12.	This amendment allows councils to apply more lenient rules for fed aquaculture activities than the restricted discretionary activity status set by the NES-MA.	Agreed with recommendation
Regulation R16 – Notification	Introduce a new clause precluding public and limited notification for applications for coastal permits under regulation R3, regulation R6, and regulation R9. Introduce new clauses that, for regulation R12, preclude public notification and, if the Schedule 6 process is complete and a report is included in the application, preclude limited notification.	Enabling research and trials on existing farms	No change 31. Retain the proposal which sets out the notification requirements for applications for coastal permits under Regulations R3, R6, R9, and R12 to achieve the following intent:	This amendment sets out the notification requirements for applications for coastal permits under regulations R3, R6, R9 and R12, which provide for research and trials on existing farms. The RMA requirements to notify affected holders of statutory acknowledgements, affected CMT groups and affected	Agreed with recommendation

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm not consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
			<ul style="list-style-type: none"> a. preclude public and limited notification for applications for coastal permits under Regulations R3, R6, R9, and R12. b. enable limited notification of applications under Regulation R12 if: <ul style="list-style-type: none"> i. the applicant has not undertaken the process under Schedule 6 process for seeking the views of tangata whenua on draft applications within the previous 12 months; or ii. the application does not include the report required by clause 5 of Schedule 6. 	<p>protected customary rights groups will continue to apply.</p>	

New part – Provisions for research and trials in new space

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
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Research and trials only involving structures and equipment

<p>Regulation R17 – Research and trial activities in new locations that involve only structures and equipment for up to 12 months and under 5 m²: permitted activity</p>	<p>Add a new clause that enables aquaculture-related research and trials in new locations as a permitted activity.</p> <p>Permitted activity conditions for applications to be eligible to use this regulation are below:</p> <ul style="list-style-type: none"> • The application is for an activity that is solely for research and trial purposes that relates to a current or potentially future aquaculture activity (but is not, in itself, an aquaculture activity). • The area occupied by the activity and its associated mooring and anchorage systems (if relevant) shall not exceed 5 m². • The maximum height of any surface structures associated with the activity shall not exceed 2.5 m. • The activity is for a maximum period of 12 months. • Must not be located within: <ul style="list-style-type: none"> – An outstanding area (as defined in NES-MA), unless the activity only involves subsurface structures; – A significant marine ecological area; – A mooring area identified in a plan or proposed plan; 	<p>Enabling research and trials in new space</p>	<p>Change</p> <p>32. Remove the proposal to enable aquaculture-related research and trials in new location to be a permitted activity.</p>	<p>This amendment is needed to address concerns raised by submitters about reduced Māori participation and potential impacts of the proposal on upholding Treaty of Waitangi (Treaty) settlements obligations and other arrangements.</p> <p>The intent of the proposed changes is to support the aquaculture industry to grow while upholding Treaty settlements and other related arrangements.</p>	<p>Agreed with recommendation</p>
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New part – Provisions for research and trials in new space

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> – A Port zone identified in a plan or proposed plan; – A nationally or regionally significant navigation corridor identified in a plan or proposed plan. • An activity authorised under this regulation cannot have occurred at the same location (or within a 100 m vicinity) within the last 6 months. • Must notify the regional council Harbour Master and tangata whenua prior to undertaking the activity (in writing with the actual position of the structures/equipment and any associated mooring and anchorage systems that have been deployed). • The structures/equipment is not located in a position that: <ul style="list-style-type: none"> – Would obstruct access by water to any wharf, landing place, boat ramp, slipway, navigational channel, or mooring; – Will restrict navigation (unless subject to relevant exemption by regional council); – Cause or have potential to cause, loss of life or injury to any person; or – Cause damage to any vessel or property. 				

New part – Provisions for research and trials in new space					
NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA			
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> Structures/equipment and associated mooring and anchorage systems deployed shall be maintained in good structural condition and in an effective capacity at all times. Structures/equipment and any associated mooring and anchorage systems shall be marked as required by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) System 'A' Maritime Buoyage System. 				
<i>Research and trials only involving structures and equipment</i>					
Regulation R18 – Research and trial activities that involve only structures and equipment in new locations for up to 3 years and under 2 ha: <i>controlled activity</i>	<p>Introduce a new clause that makes establishing structures or equipment for aquaculture-related research and trials in new locations a controlled activity.</p> <p>Entry requirements for applications to be eligible to use this regulation are below:</p> <ul style="list-style-type: none"> The application is for an activity that is solely for research and trial purposes that relates to a current or potentially future aquaculture activity (but is not, in itself, an aquaculture activity). The area occupied by the activity and its associated mooring and anchorage systems (if relevant) shall not exceed: <ul style="list-style-type: none"> 0.5 ha; or 2 ha if offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours) 	Enabling research and trials in new space	Change 33. Amend the relevant entry requirements for Regulation R18 to achieve the following intent: <ol style="list-style-type: none"> clarify that the area occupied by the activity excludes its associated mooring and anchorage systems in B; remove the requirement for the proposed lapse period in E replace G and with a new requirement to achieve the following intent: <i>There has to be at least a 6-month period between undertaking a new research</i> 	These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows. <ol style="list-style-type: none"> This aligns the language of the requirement with that in regulation 9 to provide consistency across the proposals. The proposed lapse period of six months is no longer required as section 125 of the RMA provides sufficient direction to consenting authorities on the lapse periods for consents. This clarifies that there must be at least six months before undertaking a new research and trial activity in the same location. This aligns with the 	Agreed with recommendation

New part – Provisions for research and trials in new space

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>and other areas described in Schedule 3 of the NES-MA).</p> <ul style="list-style-type: none"> • The maximum height of any surface structures associated with the activity shall not exceed: <ul style="list-style-type: none"> – 2.5 m; or – 5 m if offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA). • D. The activity is for a maximum period of 3 years. • E. The proposed lapse period for the resource consent is 6 months after the date of commencement. • F. Must not be located within: <ul style="list-style-type: none"> – An outstanding area (as defined in NES-MA); – A significant marine ecological area; – A mooring area identified in a plan or proposed plan; – A Port zone identified in a plan or proposed plan; – A nationally or regionally significant navigation corridor identified in a plan or proposed plan. • G. The same activity cannot have occurred within the same location within the last 6 months. 		<p><i>and trial activity in the same location.</i></p> <ul style="list-style-type: none"> d. add a new entry requirement with the intent of clarifying that if the activity is located within 100 metres of mean high-water springs it can only use this regulation if the activity is proposed to occur adjacent to an existing marine farm and is for the purpose of research or trials related to that farm e. add a new entry requirement to clarify that structures/equipment and any associated mooring and anchorage systems shall be marked as required by the Director of Maritime New Zealand. 	<p>other entry requirements in the NES-MA.</p> <ul style="list-style-type: none"> d. This amendment is intended to restrict the use of this regulation to more appropriate locations. It aims to avoid situations where structures could be established very close to shore in areas without existing aquaculture activity, while still allowing flexibility for research and trials that are directly connected to existing marine farms. This change responds to feedback raised by councils that research and trial activities could take place in inappropriate areas. e. This amendment is needed to clarify the role of the Director of Maritime New Zealand with respect to any navigational matters. 	

New part – Provisions for research and trials in new space

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA			
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Regulation R19 – Matters of control	<p>Introduce matters of control applying to Regulation R18. The matters of control relate to key effects that may need to be managed through the consenting process. Matters of control are listed as follows:</p> <p>A) The duration and lapsing of the coastal permit.</p> <p>B) Review conditions.</p> <p>C) The layout, positioning, density, lighting, and marking of structures within the consented area for the purpose of ensuring (i) continued reasonable public access (including recreational access) in the vicinity of the consented area; and (ii) navigational safety, including the provision of navigation warning devices and signs.</p> <p>D) The integrity and security of the structures, including the anchoring systems.</p> <p>E) The effects of the activity on matters identified in the report required by clause 5 of Schedule 6.</p> <p>F) The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest.</p> <p>G) The management of biosecurity risks.</p> <p>H) The management of the effects on the environment of noise, rubbish, and debris</p> <p>I) Conditions relating to adverse effects of the activity on marine mammals and seabirds.</p>	Enabling research and trials in new space	<p>Change</p> <p>34. Amend the proposal to remove hydrodynamic effects as a matter of control under Regulation R19.</p> <p>35. Amend the proposal to add a new matter of control to Regulation R19 for the degree of exclusive occupation, if sought.</p>	<p>This amendment is needed to make approval processes more proportionate to the effects of activities by removing the matter of control related to hydrodynamic effects. This will streamline consenting processes while ensuring that effects can continue to be managed.</p> <p>This amendment enables councils to consider any effects of new research and trial structures occurring in areas that may also be used for commercial fishing and responds to feedback from Seafood New Zealand, who requested a new matter of control be added to enable ‘the degree of exclusive occupation, if sought’.</p>	<p>Agreed with recommendation</p> <p>Agreed with recommendation</p>

New part – Provisions for research and trials in new space NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA			
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	J) Information, monitoring, and reporting requirements. K) Hydrodynamic effects.				
Regulation R20 – Views of tangata whenua	<p>Introduce a new clause as follows:</p> <p>If the application under regulation R18 does not meet the following requirements:</p> <ul style="list-style-type: none"> the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and the application includes the report required by clause 5 of that schedule. <p>Then make the following change to the relevant matter of control in regulation R19:</p> <p>The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 <u>The effects of the activity on tangata whenua values.</u></p>	Enabling research and trials in new space	<p>No change</p> <p>36. Retain the proposal to introduce a new clause that achieves the following intent:</p> <ol style="list-style-type: none"> applicants under Regulation R18 are required to have: <ol style="list-style-type: none"> completed the Schedule 6 process within the last 12 months; and included the report required by clause 5 of Schedule 6 in their application. if the requirements under (a) are not met, the following matter of control Regulation R19 “the effects of the activity identified in the report required by clause 5 of Schedule 6” would be replaced with the following matter of control “the effects of the activity on tangata whenua values” 	<p>This amendment is needed to ensure that applicants can seek the views of tangata whenua on draft applications for research and trial activities.</p> <p>This process is consistent with the existing regulations of the NES-MA, which require the effects of the activity on tangata whenua values to be considered where a Schedule 6 process has not been completed within the last 12 months.</p>	Agreed with recommendation

Research and trials involving aquaculture activities (but not fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R21 – Research and trial activities in new locations that involve aquaculture activities for up to 7 years and under 4 ha (not including fed aquaculture): restricted discretionary activity</p>	<p>Introduce a new clause that makes establishing aquaculture-related research and trial activities (that do not involve fed aquaculture) in new locations a restricted discretionary activity.</p> <p>Entry requirements for applications to be eligible to use this regulation are below:</p> <p>A. The application is for an activity that is solely for aquaculture-related research and trial purposes.</p> <p>B. Research and trial activity must not involve fed aquaculture.</p> <p>C. The area occupied by the activity and its associated mooring and anchorage systems (if relevant) shall not exceed:</p> <ul style="list-style-type: none"> – 1 ha; or – 4 ha if offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA). <p>D. The maximum height of any surface structures associated with the activity shall not exceed:</p> <ul style="list-style-type: none"> – 2.5 m; or – 5 m if offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA). 	<p>Enabling research and trials in new space</p>	<p>Change</p> <p>37. Amend the relevant entry requirements for Regulation R21 to achieve the following intent:</p> <ul style="list-style-type: none"> a. clarify that the area occupied by the activity excludes its associated mooring and anchorage systems in C; b. remove the requirement for the proposed lapse period in F c. add a new entry requirement to clarify that structures/equipment and any associated mooring and anchorage systems shall be marked as required by the Director of Maritime New Zealand. 	<p>These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows.</p> <ul style="list-style-type: none"> a. This aligns the entry requirements with those in regulation R9 to provide consistency across the proposals. b. The proposed lapse period of six months is no longer required as section 125 of the RMA provides sufficient direction to consenting authorities on the lapse period for consents. c. This clarifies the role of the Director of Maritime New Zealand with respect to any navigational matters. 	<p>Agreed with recommendation</p>

Research and trials involving aquaculture activities (but not fed aquaculture)					
NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA			
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>E. The activity is for a maximum period of 7 years.</p> <p>F. The proposed lapse period for the resource consent is 6 months after the date of commencement.</p> <p>G. Must not be located within:</p> <ul style="list-style-type: none"> – An outstanding area (as defined in NES-MA); – A significant marine ecological area; – A mooring area identified in a plan or proposed plan; – A Port zone identified in a plan or proposed plan; – A nationally or regionally significant navigation corridor identified in a plan or proposed plan. <p>H. The re-consenting provisions of the NES-MA do not apply to a consent granted under this rule.</p>				
Regulation R22 – Matters of discretion	<p>Introduce a new clause for matters of discretion.</p> <p>The matters of discretion relate to key effects that may need to be managed through the consenting process. Matters of discretion are listed as follows:</p> <p>A. The duration and lapsing of the coastal permit</p>	Enabling research and trials in new space	<p>Change</p> <p>38. Amend the proposal to remove hydrodynamic effects as a matter of discretion under Regulation 22.</p>	This amendment is needed to make approval processes more proportionate to the effects of activities by removing the matter of control related to hydrodynamic effects. This will streamline consenting processes while ensuring that effects can continue to be managed.	Agreed with recommendation

Research and trials involving aquaculture activities (but not fed aquaculture)					
NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA			
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>B. Review conditions</p> <p>C. The layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of ensuring (i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and (ii) navigational safety, including the provision of navigation warning devices and signs</p> <p>D. The integrity and security of the structures, including the anchoring systems</p> <p>E. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6</p> <p>F. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest</p> <p>G. The management of biosecurity risks</p> <p>H. The management of the effects on the environment of noise, rubbish, and debris</p> <p>I. Conditions relating to adverse effects of the activity on marine mammals and seabirds</p> <p>J. The genetic effects on wild populations of farmed species escaping</p> <p>K. Information, monitoring, and reporting requirements</p> <p>L. Hydrodynamic effects</p> <p>M. The effects of the activity on historic heritage</p>				

Research and trials involving aquaculture activities (but not fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>N. If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), conditions relating to the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity</p> <p>O. Administrative charges, coastal occupation charges, financial contributions</p> <p>P. Bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment</p>				
<p>Regulation R23 – Views of tangata whenua</p>	<p>Introduce a new clause as follows:</p> <p>If the application under regulation R21 does not meet the following requirements:</p> <ul style="list-style-type: none"> the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and the application includes the report required by clause 5 of that schedule. <p>Then make the following change to the relevant matter of control in regulation R22:</p> <p><i>The effects of the activity on matters identified in the report required by clause 5 of Schedule 6</i></p>	<p>Enabling research and trials in new spaces</p>	<p>No change</p> <p>39. Retain the proposal to introduce a new clause that achieves the following intent:</p> <ol style="list-style-type: none"> applicants under Regulation R21 are required to have: <ol style="list-style-type: none"> completed the Schedule 6 process within the last 12 months; and included the report required by clause 5 of Schedule 6 in their application 	<p>This amendment is needed to ensure that applicants can seek the views of tangata whenua on draft applications for research and trial activities.</p> <p>This process is consistent with the existing regulations of the NES-MA, which require the effects of the activity on tangata whenua values to be considered where a Schedule 6 process has not been completed within the last 12 months.</p>	<p>Agreed with recommendation</p>

Research and trials involving aquaculture activities (but not fed aquaculture)					
NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA			
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<u>The effects of the activity on tangata whenua values.</u>		b. if these requirements under (a) are not met, the following matter of discretion in Regulation R22 “the effects of the activity identified in the report required by clause 5 of Schedule 6” would be replaced with the following matter of discretion “the effects of the activity on tangata whenua values”		

Research and trials involving fed aquaculture

Regulation R24 – Research and trial activities in new locations that involve fed aquaculture activities for up to 7 years and under 4 ha: restricted discretionary activity	<p>Add a new clause that makes establishing aquaculture-related research and trial activities (that involve fed aquaculture) in new locations a restricted discretionary activity.</p> <p>Entry requirements for this clause are below:</p> <p>A. The application is for an activity that is solely for aquaculture-related research and trial purposes.</p> <p>B. The area occupied by the activity shall not exceed:</p> <ul style="list-style-type: none"> – 1 ha (excluding its associated mooring and anchorage systems); or – 4 ha (excluding its associated mooring and anchorage systems) if offshore (offshore meaning any location not within 2 km of mean high-water springs) 	Enabling research and trials in new space	<p>Change</p> <p>40. Amend the relevant entry requirements for Regulation R24 to achieve the following intent:</p> <ul style="list-style-type: none"> a. remove the requirement for the proposed lapse period in E b. add a new entry requirement to clarify that structures/equipment and any associated mooring and anchorage systems shall be marked as required by the Director of Maritime New Zealand. 	<p>These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows.</p> <ul style="list-style-type: none"> a. The proposed lapse period of six months is no longer required as section 125 of the RMA provides sufficient direction to consenting authorities on the lapse periods for consents. b. This clarifies the role of the Director of Maritime New Zealand with respect to any navigational matters. 	Agreed with recommendation
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Research and trials involving aquaculture activities (but not fed aquaculture)

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA			
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>or within the harbours and other areas described in Schedule 3 of the NES-MA).</p> <p>C. If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), the maximum height of any surface structures associated with the activity shall not exceed 5 m.</p> <p>D. The activity is for a maximum period of 7 years.</p> <p>E. The proposed lapse period for the resource consent is 6 months after the date of commencement.</p> <p>F. Must not be located within:</p> <ul style="list-style-type: none"> – An outstanding area (as defined in NES-MA); – A significant marine ecological area; – A mooring area identified in a plan or proposed plan; – A Port zone identified in a plan or proposed plan; – A nationally or regionally significant navigation corridor identified in a plan or proposed plan. <p>G. The re-consenting provisions of the NES-MA do not apply to a consent granted under this rule.</p>				

Research and trials involving aquaculture activities (but not fed aquaculture)					
NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA			
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R25 – Matters of discretion</p>	<p>Introduce a new clause for matters of discretion.</p> <p>The matters of discretion relate to key effects that may need to be managed through the consenting process. Matters of discretion are listed as follows:</p> <ul style="list-style-type: none"> A. The duration and lapsing of the coastal permit B. Review conditions C. The layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of ensuring (i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and (ii) navigational safety, including the provision of navigation warning devices and signs D. The integrity and security of the structures, including the anchoring systems E. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 F. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest G. The management of biosecurity risks H. The management of the effects on the environment of noise, rubbish, and debris 	<p>Enabling research and trials in new space</p>	<p>Change</p> <p>41. Amend the proposal to remove hydrodynamic effects as a matter of discretion under Regulation R25.</p>	<p>This amendment is needed to make approval processes more proportionate to the effects of activities by removing the matter of control related to hydrodynamic effects. This will streamline consenting processes while ensuring that effects can continue to be managed.</p>	<p>Agreed with recommendation</p>

Research and trials involving aquaculture activities (but not fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> I. Conditions relating to adverse effects of the activity on marine mammals and seabirds J. The genetic effects on wild populations of farmed species escaping K. Effects on water quality L. Information, monitoring, and reporting requirements M. Hydrodynamic effects N. The effects of the activity on historic heritage O. If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), conditions relating to the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity P. Administrative charges, coastal occupation charges, financial contributions Q. Bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment R. The use of antibiotics and therapeutants in the marine farm 				

Research and trials involving aquaculture activities (but not fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>S. The degree of exclusive occupation, if sought</p> <p>T. Underwater lighting and lighting of structures</p> <p>U. Management practices to minimise shark interactions with the marine farm</p>				
<p>Regulation R26 – Views of tangata whenua</p>	<p>Introduce a new clause as follows:</p> <p>If the application under regulation R24 does not meet the following requirements:</p> <ul style="list-style-type: none"> the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and the application includes the report required by clause 5 of that schedule. <p>Then make the following change to the relevant matter of control in regulation R25:</p> <p>The effects of the activity on matters identified in the report required by clause 5 of Schedule 6</p> <p><u>The effects of the activity on tangata whenua values.</u></p>	<p>Enabling research and trials in new space</p>	<p>No change</p> <p>42. Retain the proposal to introduce a new clause that achieves the following intent:</p> <ol style="list-style-type: none"> applicants under Regulation R24 are required to have: <ol style="list-style-type: none"> completed the Schedule 6 process within the last 12 months; and included the report required by clause 5 of Schedule 6 in their application. if the requirements under (a) are not met, the following matter of discretion in Regulation R22 “the effects of the activity identified in the report required by clause 5 of Schedule 6” would be replaced with the following matter of discretion “the effects of the activity on tangata whenua values” 	<p>This amendment is needed to ensure that applicants can seek the views of tangata whenua on draft applications for research and trial activities.</p> <p>This process is consistent with the existing regulations of the NES-MA, which require the effects of the activity on tangata whenua values to be considered where a Schedule 6 process has not been completed within the last 12 months.</p>	<p>Agreed with recommendation</p>

Research and trials involving aquaculture activities (but not fed aquaculture)					
NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA			
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<i>Miscellaneous</i>					
Regulation R27 – More lenient rules for applications under provisions in this Part	Introduce a new clause enabling regional councils to have a more lenient rule for an equivalent activity under regulation R21 or regulation R24 than that of a restricted discretionary activity.	Enabling research and trials in new space	No change 43. Retain the proposal to enable a rule in a regional or combined plan to include a more lenient activity status than a restricted discretionary activity for research or trial activities under Regulation R21 or Regulation R24.	This amendment allows councils to apply more lenient rules for fed aquaculture activities than the restricted discretionary activity status set by the NES-MA.	Agreed with recommendation
Regulation R28– Notification	Introduce a new clause precluding public and limited notification for applications under regulation R18 and precluding public notification for applications under Regulations regulation R21 and regulation R24.	Enabling research and trials in new space	No change 44. Retain the proposal which sets out the notification requirements for applications for coastal permits under Regulation R18, Regulation R21, and Regulation R24 to achieve the following intent: a. preclude public notification for applications under Regulations R18, R21, and R24; and b. preclude limited notification for applications under Regulation 18.	This amendment sets out the notification requirements for applications for coastal permits under regulations R18, R21 and R24, which provide for research and trials in new space. The RMA requirements to notify all affected holders of statutory acknowledgements, affected CMT groups and affected protected customary rights groups will continue to apply.	Agreed with recommendation

PROPOSALS FOR NEW REGULATIONS

Change or cancellation of consent conditions for aquaculture activities

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R29 – Application of Regulations</p>	<p>Introduce a new clause that specifies that this part only applies to applications relating to existing coastal permits for aquaculture activities that seek to change or cancel consent conditions.</p>	<p>Changes to consent conditions related to consented species, structures and monitoring</p>	<p>No change</p> <p>45. Retain the proposal to amend Regulation R29 of the NES-MA so that it achieves the following intent:</p> <p><i>Applies this part of the NES-MA only to applications for existing coastal permits for aquaculture activities where the applicant is seeking to change or cancel consent conditions.</i></p>	<p>The intent of this change is to clarify that this part only applies to applications relating to existing coastal permits for aquaculture activities that seek to change or cancel consent conditions as controlled activities.</p>	<p>Agreed with recommendation</p>
<p>Regulation R30 – Changes or cancellation of consent conditions relating to consented species: controlled activity</p>	<p>Introduce a new clause that sets out that the following changes of consent conditions will be considered as if they were for an application for a controlled activity:</p> <ul style="list-style-type: none"> • Adding spat catching to an existing farm consented for that species; • Adding indigenous bivalve species and Pacific oysters to a farm already consented for bivalves; • Adding indigenous seaweed species and <i>Undaria pinnatifida</i> to an existing marine farm; and • Adding finfish to an existing finfish farm. 	<p>Changes to consent conditions related to consented species</p>	<p>Change</p> <p>46. Amend the proposal with the intent of replacing Regulation R30 with a new regulation that enables the following changes of consent conditions to be considered as if they were for an application for a controlled activity:</p> <ol style="list-style-type: none"> adding spat catching to an existing farm consented for that species; adding indigenous bivalve species and Pacific oysters to a farm already consented for bivalves; 	<p>This change enables councils to add spat catching, indigenous bivalves, Pacific oysters and indigenous seaweed species to existing consent conditions as a controlled activity.</p>	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

Change or cancellation of consent conditions for aquaculture activities

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<ul style="list-style-type: none"> c. adding indigenous seaweed species to an existing marine farm; and d. adding finfish to an existing finfish farm. <p>Change</p> <p>47. Amend the proposal with the intent of providing for changes or cancellations of consent conditions relating to adding <i>Undaria pinnatifida</i> to an existing marine farm to be considered as an application for a restricted discretionary activity.</p>	<p>This amendment enables <i>Undaria pinnatifida</i> to be added to the consent conditions of an existing marine farm as a restricted discretionary activity, rather than a controlled activity. This provides a clear pathway for existing marine farm consent holders to add <i>Undaria pinnatifida</i> to their consent conditions while ensuring councils can retain discretion over biosecurity considerations.</p>	<p>Agreed with recommendation</p>
<p>Regulation R31 – Matters of control for a change or cancellation of consent conditions relating to consented species</p>	<p>Introduce a new clause to set matters of control for changes/cancellation of consent conditions relating to species. The matters of control relate to key effects that may need to be managed through the consenting process. The matters of control are as follows:</p> <ul style="list-style-type: none"> A. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 B. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest 	<p>Changes to consent conditions related to consented species</p>	<p>Change</p> <p>48. Amend the proposal with the intent of enabling councils to consider two additional matters of control when assessing an application under R30 to add finfish to the consent conditions of an existing finfish farm:</p> <ul style="list-style-type: none"> a. effects on water quality; and b. information, monitoring and reporting requirements. 	<p>This amendment is needed to align the regulations for changes to or cancellations of consent conditions relating to finfish with the current provisions of the NES-MA, which have specific matters of control for managing the effects of adding finfish to an existing finfish farm.</p>	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

Change or cancellation of consent conditions for aquaculture activities

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>C. The management of biosecurity risks</p> <p>D. The genetic effects on wild populations of farmed species escaping</p> <p>E. The use of antibiotics and therapeutants in the marine farm</p> <p>F. Underwater lighting and lighting of structures</p>		<p>Change</p> <p>49. Amend the proposal to include a new regulation which enables councils to consider the matters listed in Regulation R30 when deciding to grant or decline an application to add <i>Undaria pinnatifida</i> to an existing consent condition.</p>	<p>This amendment ensures councils can retain discretion over key matters for changes to or cancellation of consent conditions relating to <i>Undaria pinnatifida</i>. Officials consider that the proposed matters of discretion enable councils to manage the biosecurity risks associated with adding <i>Undaria pinnatifida</i> to a marine farm and to decline a consent where those risks are not adequately addressed.</p>	<p>Agreed with recommendation</p>
<p>Regulation R32 – Change or cancellation of consent conditions relating to consented structures: controlled activity</p>	<p>Introduce a new clause to enable an application for a change or cancellation of conditions related to the structures authorised on the consent to be considered as a controlled activity to include the following changes:</p> <ul style="list-style-type: none"> • Converting longlines to floating shellfish cages or baskets; • Converting stick and rail to floating longlines or fixed lines; and • Replacing existing mooring systems within same footprint (eg, concrete block to screw). 	<p>Changes to consent conditions related to structures</p>	<p>Change</p> <p>50. Amend the proposal with the intent of enabling existing marine farm consent holders to add two new structures to their consent conditions as a controlled activity:</p> <ol style="list-style-type: none"> converting stick and rail to post and rail/trestle; and converting longlines to adjustable longlines, or fixed long lines. 	<p>This amendment will allow existing marine farm consent holders to add two additional structures when changing or cancelling structures on their consent conditions. These structures are considered to have similar environmental effects to those consulted on and support the intent of enabling greater innovation and productivity.</p>	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

Change or cancellation of consent conditions for aquaculture activities

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R33 – Matters of control for a change or cancellation of consent conditions for structures</p>	<p>Introduce a new clause for matters of control.</p> <p>The matters of control relate to key effects that may need to be managed through the consenting process. Matters of control are listed as follows:</p> <ul style="list-style-type: none"> A. Review conditions B. The layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of ensuring (i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and (ii) navigational safety, including the provision of navigational warning devices and signs C. The integrity and security of the structures, including the anchoring systems navigation warning devices and signs D. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 E. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest F. Management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality 	<p>Changes to consent conditions related to structures</p>	<p>No change</p> <p>51. Retain the proposal to introduce a new clause with the intent of providing for certain matters of control related to changes or cancellations of consent conditions under Regulation R32. (See proposed provisions).</p>	<p>This change will enable councils to consider certain matters of control when deciding to grant or decline a resource consent application for changes to or cancellations of consent conditions relating to structures.</p>	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

Change or cancellation of consent conditions for aquaculture activities

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>G. The management of the effects on the environment of noise, rubbish, and debris</p> <p>H. Hydrodynamic effects</p> <p>I. If a change to surface structures is proposed, conditions relating to the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity</p> <p>J. Underwater lighting and lighting of structures</p>				
<p>Regulation R34 – Change or cancellation of consent conditions relating to monitoring: <i>controlled activity</i></p>	<p>Introduce a new clause to enable application to change method of monitoring of seabed conditions to another method that is demonstrated to be equally/more effective to be considered as a controlled activity.</p> <p>Controlled activity condition:</p> <ul style="list-style-type: none"> Application includes written agreement from relevant council that the proposed new method of monitoring is equivalent to or more effective than the current method of monitoring. 	<p>Changes to consent conditions related to monitoring</p>	<p>Change</p> <p>52. Amend the proposal by replacing Regulation R34 with a new regulation with the intent of enabling a change or cancellation of condition relating to the method of monitoring as a restricted discretionary activity where the:</p> <p><i>Method of monitoring can include a change to the equipment or techniques used to monitor the activity, location of monitoring sites, parameters measured, frequency of monitoring and or standards used.</i></p>	<p>This amendment will make it easier for applicants to change or cancel the monitoring methods on their consent conditions – where they can be improved or are no longer necessary.</p> <p>It also enables consent holders to apply to change monitoring consent conditions for a range of matters, making it easier to align monitoring obligations with current environmental risks and management needs.</p>	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

Change or cancellation of consent conditions for aquaculture activities

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R35 – Matters of control for a change or cancellation of consent monitoring conditions</p>	<p>Introduce a new clause for matters of control. The matters of control relate to key effects that may need to be managed through the consenting process. Matters of control are listed as follows:</p> <ul style="list-style-type: none"> A. Review conditions B. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 C. Information, monitoring, and reporting requirements 	<p>Changes to consent conditions related to monitoring</p>	<p>Change</p> <p>53. Amend the proposal with the intent of enabling consent authorities to consider three additional matters of discretion when deciding to grant or decline applications for changes or cancellations of monitoring consent conditions:</p> <ul style="list-style-type: none"> a. monitoring methods, frequency, and standards, where these are proposed to be changed; b. effects on the environment which are monitored under the existing conditions but would not be monitored under the proposed changes; and c. effects on the environment as a result of the change in monitoring method. 	<p>These amendments will allow councils to retain discretion over certain environmental matters when deciding to grant or decline applications for changes to or cancellations of monitoring consent conditions.</p>	<p>Agreed with recommendation</p>
<p>Regulation R36 – Notification for change or cancellation of consent conditions</p>	<p>Add a new clause requiring that applications for a change of consent conditions must not be publicly notified or given limited notification unless public or limited notification is required under the Act.</p>	<p>Changes to consent conditions related to consented species, structures and monitoring</p>	<p>No change</p> <p>54. Retain the proposal which sets out notification requirements for changes or cancellations to consent conditions to achieve the following intent:</p>	<p>Officials do not recommend changes to the notified proposal as the RMA requirements to notify all affected holders of statutory acknowledgements, affected CMT groups and affected protected customary rights groups will continue to apply.</p>	<p>Agreed with recommendation</p>

PROPOSALS FOR NEW REGULATIONS

Change or cancellation of consent conditions for aquaculture activities

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>Limited notification is not precluded if the applicant has not undertaken the Schedule 6 process within the previous 12 months or does not include the report required by Schedule 6.</p>		<ul style="list-style-type: none"> a. preclude public and limited notification for applications made under Regulations R30, R32, and R34 b. enable limited notification of applications under Regulations R30, R32, and R34 if: <ul style="list-style-type: none"> i. the applicant has not undertaken the process under Schedule 6 process for seeking the views of tangata whenua on draft applications within the previous 12 months; or ii. the application does not include the report required by clause 5 of Schedule 6. 		

Other recommendations and decisions

Recommendations and decisions in relation to matters raised through submissions and other changes.

Topic	Feedback raised during submissions /corrections to respond to omissions	Recommendation	Reasons for recommendation	Minister's decision
<p>Enabling research and trials on existing farms and in new spaces</p>	<p>Several submitters, including councils and subject matter experts recommended including a clear definition of 'research and trials'.</p> <p>Councils recommended defining the term 'research and trials' to prevent misuse for commercial aquaculture operations.</p> <p>Submitters also noted that the term 'research or trials', rather than 'research and trials', would better enable research or trial activities to occur under these regulations (rather than requiring both to be applied for).</p>	<p>55. Amend the proposal to include a definition of a research or trial activity which achieves the following intent:</p> <p><i>an activity undertaken for the purposes of investigating, monitoring, or testing new equipment, species, structures, or farming techniques to improve aquaculture practices (including productivity, sustainability, animal welfare, or reduced environmental impact) or test the suitability of a site for aquaculture.</i></p> <p>56. Replace all the references in the Regulations to 'research and trials' with 'research or trials'.</p>	<p>This amendment is needed to better support decision-making and clarify what is meant by research or trial activities and is consistent with requests for a definition in submissions.</p>	<p>Agreed with recommendation</p> <p>Agreed with recommendation</p>
<p>Changes to consent conditions related to consented species, structures and monitoring</p>	<p>These recommended changes are standard provisions that apply to similar applications and were omitted in error. These changes therefore align with the existing policy and framework of the NES-MA and what was consulted on.</p>	<p>Change</p> <p>57. Amend the proposal to include new Regulations that enable tangata whenua to contribute views on draft applications for changes or cancellations of consent conditions under Regulation R30, Regulation R32, and Regulation R34. The new Regulations would achieve the following policy intent:</p>	<p>These changes enable tangata whenua to contribute views on draft applications for particular consent applications.</p> <p>This process is consistent with the existing regulations of the NES-MA, which require the effects of the activity on tangata whenua values to be considered where a Schedule 6 process has not been completed within the last 12 months.</p>	<p>Agreed with recommendation</p>

Topic	Feedback raised during submissions /corrections to respond to omissions	Recommendation	Reasons for recommendation	Minister's decision
		<ul style="list-style-type: none"> a. Applicants under Regulation R30, Regulation R32, and Regulation R34 are required to have: <ul style="list-style-type: none"> i. completed the Schedule 6 process within the last 12 months; and ii. included the report required by clause 5 of Schedule 6 in their application b. if the requirements under (a) are not met, the following matter of control in Regulation R31, Regulation R33, and Regulation R35 “the effects of the activity identified in the report required by clause 5 of Schedule 6” would be replaced with the following matter of control “the effects of the activity on tangata whenua values” 		
<p>More lenient rules for applications under provisions for applications for controlled research and trial activities (involving structures and equipment) in existing space and new space (regulations R3 and R18)</p>	<p>These recommended changes are standard provisions that apply to similar applications and were omitted in error. These changes therefore align with the existing policy and framework of NES-MA and what was consulted on.</p>	<p>Change</p> <p>58. Amend the proposal to include two new Regulations with the intent of enabling councils to apply a more lenient activity status for applications for controlled research and trial activities (involving structures and equipment) in existing space and new space (Regulation R3 and Regulation R18).</p>	<p>Officials have also recommended changes to the NES-MA to enable councils to apply a more lenient activity status for applications for controlled research and trial activities (involving structures and equipment) in existing and new space. This amendment enables councils to create new permitted activity rules for research and trial activities (involving structures and equipment) in existing space and new space.</p>	<p>Agreed with recommendation</p>

Consolidated recommendations and decisions – Amendments to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

Recommendations and decisions in relation to notified proposed provisions

The following recommendations were made in response to matters raised through submissions and officials' overall assessment of the proposal.

The proposal section of this table includes the proposed provisions published in: Ministry for the Environment. 2025. Package 2: Primary sector – Discussion document. The recommendations section includes recommended changes to the notified proposal and specifies reasons for recommended changes. Reference to 'no change' means a recommendation to retain the proposal as notified whereas 'change' indicates a recommendation to change the notified proposal.

Additional advice was provided after the Minister considered the Section 46A RMA report and recommendations. That advice resulted in:

- alterations to recommendations 2, 3 and 9, along with updates to officials' reasoning
- new recommendations 28 and 29.

The final text of the instrument may vary from officials' recommendations as a result of legal drafting conventions.

PART 1: PRELIMINARY PROVISIONS

Regulation 3 Interpretation

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Cutover definition	<i>Means the area of land that has been harvested.</i>	Introducing a slash risk management approach	<p>Change</p> <ol style="list-style-type: none"> 1. Amend the definition of 'cutover' to mean 'the area of land that has been harvested', and 'exclude forestry infrastructure or land that would be covered by water during a 5 percent AEP flood event. 	<p>The reason for the recommended change to exclude these areas from the 'cutover' definition is that they are managed through other parts of regulation 69 (69(1–2) and 69(3–4) respectively).</p> <p>In excluding these specific areas, it is not intended that all other parts of the forest site are 'cutover' – they must be areas from which trees have been removed.</p>	Agreed with recommendation

Regulation 6 Relationship between rules and these regulations

Regulation 6(1) National instruments	<p>Amend regulation 6(1)(a) to clarify the conditions under which a rule that is more stringent than the NES-CF can be included in a council plan. Specifically:</p> <ol style="list-style-type: none"> a) if it is required to manage the risk of severe erosion from commercial forestry from a defined area that will have significant adverse effects on receiving environments, including the coastal environment; downstream infrastructure; or property; and b) the effect cannot be managed through the rules in the NES-CF; and c) there is an underlying risk within the defined area that has been identified through mapping this area at a 1:10,000 scale or using a 1 m² Digital Elevation Model. 	Addressing council ability to have more stringent rules than in the NES-CF	<p>Change</p> <ol style="list-style-type: none"> 2. Amend regulation 6(1)(a) to provide for rules in a council plan to be more stringent than the NES-CF in the following circumstances: <ol style="list-style-type: none"> a. the NES-CF does not manage the effects of a commercial forestry activity within a defined area identified as being susceptible to severe erosion b. the defined area must be identified in a plan mapped at a 1:10,000 scale or using a 1m² Digital Elevation Model; and c. the consequence of the activity will have significant adverse effects on receiving environments, including the coastal environment, downstream infrastructure or property. 	<p>The intent of this amendment is that rules in a council plan that are more stringent are only used in very high-risk situations known to be caused by severe erosion that cannot be managed through existing provisions in the NES-CF. Officials expect those exceptional circumstances will be few.</p> <p>Meeting the targeted and specific amendments to regulation 6(1)(a) will require focused, site-specific evidence.</p>	Agreed with recommendation
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PART 1: PRELIMINARY PROVISIONS

Regulation 3 Interpretation

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<p>3. Amend the proposal so that 'severe erosion' means the following erosion types:</p> <ul style="list-style-type: none"> a. soil slip, debris avalanche and debris flow with severe, very severe or extreme severity as defined in the Land Use Capability Survey Handbook 3rd edition; and b. gully erosion for the following erosion terrain types; <ul style="list-style-type: none"> i) hilly steepplands developed on crushed argillite with severe gully-dominated erosion; or ii) moderately steep to steep terrain on highly erodible crushed argillite, greywacke, sandstone, and mudstone with severe, large-scale gully erosion. 	<p>Officials have specified which 'severe erosion' types may be considered for the purpose of regulation 6(1)(a). The intent is to leave a pathway open for councils to introduce more stringent rules to address the effects of forestry on the most erosion prone land if the NES-CF cannot manage those effects.</p>	<p>Agreed with recommendation</p>

PART 1: PRELIMINARY PROVISIONS

Regulation 3 Interpretation

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Regulation 6(4A) Afforestation	Remove regulation 6(4A) that enables a rule in a plan for afforestation to be more stringent or lenient than in Subpart 1 of Part 2 of these regulations.	Addressing council ability to have more stringent rules than in the NES-CF	<p>No change</p> <p>4. Retain the proposal to remove Regulation 6(4A) which enables councils to make more stringent or lenient rules in relation to afforestation.</p>	<p>The regulation is proposed to be removed as the Government's approach is for settings for afforestation of commercial forestry to be managed through national direction rather than local plans. Concerns about proliferation of carbon forestry are being addressed through Emissions Trading Scheme changes (effective 31 October 2025⁷).</p> <p>Many changes sought in submissions fall outside the scope of the NES-CF, are provided for in other parts of the NES-CF (ie, management of environmental effects of afforestation) or are covered by council rules.</p>	Agreed with recommendation

⁷ Climate Change Response (Emissions Trading Scheme – Forestry Conversion) Amendment Act 2025.

PART 2: REGULATION OF COMMERCIAL FORESTRY ACTIVITIES

Subpart 1 – Afforestation

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Permitted activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Regulation 10A Permitted activity conditions: afforestation management plan	Remove regulation 10A, which requires an afforestation management plan for all afforestation activities as a permitted activity condition.	Reducing requirements for afforestation and replanting plans	<p>Change</p> <p>5. Amend the proposal to retain Regulation 10A and improve its clarity to achieve the following intent:</p> <ul style="list-style-type: none"> a. referencing schedule 3 (requirements for afforestation plans) b. providing for a date when an afforestation plan must be in place which aligns with the dates for notice in 10(2) c. inserting a new clause setting out when a copy of the afforestation plan must be provided to councils which aligns with requirements for earthworks, quarrying and harvest. d. requiring that only amendments to afforestation management plans that are a material amendment need to be documented and dated, and the relevant council advised that an amendment has been made. 	<p>The intent is to maintain afforestation plans for matters related to afforestation (notice requirements, wilding tree risk scores and setbacks) but to remove matters that could not reasonably be known at afforestation. This will require changes to Schedule 3, and some consequential changes to regulation 10A.</p> <p>Minor amendments to regulation 10A for clarity and alignment with the rest of the regulations are recommended.</p> <p>If the requirements for an afforestation management plan are not complied with, the activity becomes a controlled activity, so a matter of control related to this should be in place to allow councils to address the omission.</p>	Agreed with recommendation

PART 2: REGULATION OF COMMERCIAL FORESTRY ACTIVITIES

Subpart 1 – Afforestation

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Permitted activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Regulation 11 Permitted activity conditions: wilding tree risk and control	Amend regulation 11(4) to: “The relevant regional council and territorial authority must be given the following at the same time as notice is given under regulation 10: (a) the score required under subclause (1) and the calculations used for the final wilding tree risk calculator score and supporting evidence for each calculation.	Making minor text amendments	Change 6. Retain the proposal to amend Regulation 11(4)(a) to require the relevant regional council and territorial authority to be given the final wilding tree risk calculator score and supporting evidence for each calculation at the same time as notice is given under Regulation 10. 7. Amend the proposal to remove the permitted activity condition on wilding tree control in Regulation 11(4)(b) as a consequential change to amending 11(4)(a)	The current provision decouples the calculation sheet from the assessment sheet that should be submitted. Clarifying the wilding conifer regulations 11(4) and 79(5) will make the intent clearer and implementation easier for both foresters and councils. Regulation 11(4)(b) will no longer be required once regulation 11(4)(a) is amended as regulation 11(4)(a) will cover the necessary requirements.	Agreed with recommendation Agreed with recommendation

Subpart 6 – Harvesting

Plantation forests

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Permitted activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>There may be consequential changes to terms, including 'residual material' and 'sound wood' but precise wording will depend on the eventual form and drafting of a new standard.</p> <p>Amend the title of regulation 69 to remove the words 'and debris management', in line with intent of removing 'woody debris' from schedules 3, 4, 5 and 6.</p>			<p>Because regulation 69(5) is recommended to be replaced, regulations 69(6) and (7) will be redundant and should be removed.</p>	

Exotic continuous-cover forests NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY			
Permitted activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Regulation 71A(b) Permitted activity exotic continuous-cover forests	<p>Amend regulation 71A(b) to remove the word 'not' so that an activity is permitted if "any relevant forest planning requirement is complied with".</p> <p>Currently, regulation 71A incorrectly states that: "Low-intensity harvesting is a permitted activity in all erosion susceptibility classification zones if—</p> <p>a) regulations 64 to 69 are complied with; and</p> <p>b) any relevant forest planning requirement is <u>not</u> complied with.</p>	Making minor text amendments	<p>No change</p> <p>11. Amend Regulation 71A(b) to remove the word 'not' so that an activity is permitted if "any relevant forest planning requirement is complied with".</p>	<p>Currently, regulation 71A incorrectly states that: 'Low-intensity harvesting is a permitted activity in all erosion susceptibility classification zones if—</p> <p>a) Regulations 64 to 69 are complied with; and</p> <p>b) any relevant forest planning requirement is <u>not</u> complied with.'</p> <p>Fixing this error will make the regulation clearer to interpret and enforce.</p>	Agreed with recommendation

Subpart 8 – Replanting NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY			
Permitted activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Regulation 77A Permitted activity conditions: replanting management plan	Remove regulation 77A that requires replanting plans.	Reducing requirements for afforestation and replanting plans	<p>No change</p> <p>12. Retain the proposal to remove Regulation 77A that requires replanting management plans.</p>	Replanting management plans set a redundant regulatory requirement for those planting or replanting a commercial forest as issues relating to the effects of replanting are managed through existing standards. The provisions require documentation of future forest effects that may not be reasonably known and impose costs on foresters that are not clearly justified.	Agreed with recommendation

Subpart 8 – Replanting

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Permitted activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation 79 Permitted activity conditions: wilding tree risk and control</p>	<p>Amend regulation 79(5) to reduce extraneous wording in 79(5)(b) and link the required activity to the notice requirement:</p> <ul style="list-style-type: none"> Regulation 79(5) The relevant regional council and territorial authority must be given the following no more than 8 months before replanting is carried out <u>at the same time as notice is given under regulation 78A</u>: <p>a) the score required under subclause (1) and the calculation sheet used to provide that score <u>calculations used for the final wilding tree risk calculator score and supporting evidence for each calculation.</u></p>	<p>Making minor text amendments</p>	<p>Change</p> <p>13. Retain the proposal to amend Regulation 79(5) to achieve the following intent:</p> <ol style="list-style-type: none"> a. The relevant regional council and territorial authority must be given the following <u>at the same time as notice is given under Regulation 78A</u>: the score required under subclause (1) and the <u>calculations used for the final wilding tree risk calculator score and supporting evidence for each calculation</u>; and <p>14. Make consequential changes to Regulation 79(5)(a) to remove a permitted activity condition on wilding tree control in Regulation 79(4)(b).</p>	<p>The recommended amendment will address an existing problem where the regulation does not require the calculations to be submitted along with the calculation sheet.</p> <p>Officials did not explicitly consult on removing regulation 79(5)(b) but if changes to regulation 79(5)(a) are made, it would become redundant. The requirements for assessment are set out in the wilding tree risk calculator so, for clarity, officials recommend removing it.</p>	<p>Agreed with recommendation</p> <p>Agreed with recommendation</p>

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Schedules	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Schedule 2 References for material incorporated by reference	Amend Schedule 2 to add a new item (a slash mobilisation risk assessment template) incorporated by reference.	Introducing a slash risk management approach	No change 15. Retain the proposal to amend Schedule 2 to add a slash mobilisation risk assessment template as a new item incorporated by reference.	This amendment would provide a process that must be followed for assessing slash mobilisation risk (per changes to clauses 66 and 69, and Schedule 6). It would enable changes over time as research and risk settings improve, without having to change the regulations.	Agreed with recommendation
Schedule 3 Afforestation and replanting plan specifications	Remove Schedule 3, which sets out the requirements for afforestation and replanting plans required in regulations 10A and 77A respectively.	Reducing requirements for afforestation and replanting plans	Change 16. Amend Schedule 3 to remove: a. Matters that are not related to afforestation; b. Matters that could not reasonably be known at afforestation; c. References to 'replanting'; and d. Minor or consequential amendments to improve clarity and workability.	These recommendations are consequential changes due to the proposals to retain regulation 10A, with changes to what is required to comply with the regulation, and to remove regulation 77A.	Agreed with recommendation
Schedules 4, 5 and 6	Remove the undefined term 'woody debris' from all forest planning requirements (schedules 4(4)(2), 5(4)(2) and 6(4)(2)).	Making minor text amendments	No change 17. Remove the undefined term 'woody debris' from all forest planning requirements.	The use of 'woody debris' has caused confusion and regulatory uncertainty and the policy intent is unclear.	Agreed with recommendation

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY			
Schedules	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Schedule 6 Harvest plan	Amend Schedule 6, clause 4(4) to add the process required for a slash mobilisation risk assessment to the Harvest Plan requirements. Include specific reference in Schedule 6, clause 6(c) to the need for post-harvest monitoring until risk reverts to pre-harvest levels.	Introducing a slash risk management approach	<p>No change</p> <p>18. Retain the proposal to amend Schedule 6, clause 4(4) to;</p> <ul style="list-style-type: none"> a. add a requirement (d) for a slash mobilisation risk assessment to the Harvest Plan requirements; and b. include specific reference in Schedule 6, clause 6(c) to the need for post-harvest monitoring until risk reverts to pre-harvest levels. 	Consequential changes are recommended due to the proposal to amend regulation 69.	Agreed with recommendation

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY			
Implementation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
NES-CF implementation	<p>Statutory implementation</p> <p>Changes to regulation 6(1)(a) and regulation 6(4A) will require some councils to carry out plan changes to create alignment of more stringent rules with the new intent and wording. Section 44A of the Resource Management Act 1991 enables this work to be undertaken without a Schedule 1 plan change, either in accordance with a specification in the NES, or as soon as practicable after the date it comes into force.</p>		N/A	No recommendation required	

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY			
Implementation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>Non-statutory implementation</p> <p>Te Uru Rākau – New Zealand Forest Service will update NES-CF user guidance following amendment of the NES-CF.</p> <p>Guidance on new slash requirements may include workshops and webinars with industry and councils to ensure they understand how to apply the slash mobilisation risk assessment appropriately and with common understanding of intent and the practical issues in addressing slash risk, and of monitoring risk until it reverts to pre-harvest levels.</p>				

Other recommendations and decisions

These recommendations and decisions relate to matters raised through submissions and officials' assessment of the proposal.

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY			
Topic	Recommendations	Reasons for recommendations	Minister's decision
Addressing council ability to have more stringent rules than in the NES-CF	New 19. Amend the proposal to remove Regulation 5(5) (application) which refers to 6(4A) which is being removed.	This recommendation is consequential to removing regulation 6(4A).	Agreed with recommendation
Reducing requirements for afforestation and replanting plans	New 20. Amend the proposal to add reference to Regulation 10A in Regulation 8 which sets out the regulatory responsibilities for councils.	This recommendation is consequential to changes to regulation 10A.	Agreed with recommendation
Reducing requirements for afforestation and replanting plans	New 21. Amend the proposal to add reference to regulation 10A in Regulation 9 which sets out when afforestation is a permitted activity.	This recommendation is consequential to changes to regulation 10A.	Agreed with recommendation
Reducing requirements for afforestation and replanting plans	New 22. Amend the proposal to add a consequential matter of control to regulation 15 if 10A is not complied with: a. Control is reserved over the information required by Regulation 10A.	This recommendation is consequential to changes to regulation 10A.	Agreed with recommendation
Introducing a slash risk management approach	Change 23. Amend the proposal to include a consequential amendment to the controlled activity requirement in Regulation 70(4)(f) to achieve the following intent:	Slash provides valuable erosion control on many cutovers, provides habitat for indigenous fauna and returns nutrients and structure to soil. It only creates a hazard when it mobilises, particularly into waterways, or where it may cause collapse of a slash pile or the ground under a slash pile. Adding this context to the matters of control that councils may impose in a resource consent will increase understanding of the effect that must be controlled and reduce the risk that a spurious condition will be applied.	Agreed with recommendation

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> a. focus the intent of matters of control for slash on the mechanism for effects, which is mobilisation. b. refer to the mechanism for effects in 69(2), which is 'collapse'. 	<p>Officials considered narrowing this to 'at risk of mobilising to a waterway' but there will be isolated instances where slash could mobilise onto a road or other infrastructure that may need to be accommodated in a resource consent.</p>	
Material amendment definition	<p>New</p> <p>24. Amend the proposal to add a new definition of material amendment to Regulation 10A:</p> <ul style="list-style-type: none"> a. a material amendment means any significant change to the setbacks, afforestation area boundaries, species, forest purpose, or wilding conifer risk that would significantly change the methods used to manage environment effects. 	<p>This is consequential to amendments to regulation 10A. Only changes to an afforestation plan that could alter the environmental effects that need to be managed need to be documented and dated, and the relevant council advised that an amendment has been made.</p>	Agreed with recommendation
Reducing requirements for afforestation and replanting plans	<p>New</p> <p>25. Amend the proposal to add reference to 78A to regulation 76 which sets out the regulatory responsibilities for councils.</p>	<p>Reference to regulation 78A was not included in regulation 76 in error in 2023. As officials are now amending regulation 78A, it is appropriate to ensure regulatory clarity and completeness.</p>	Agreed with recommendation
Reducing requirements for afforestation and replanting plans	<p>New</p> <p>26. Amend the proposal to add an additional option in Regulation 78A for foresters to provide written notice of proposed setbacks that includes a map showing proposed replanting setbacks.</p>	<p>Officials are recommending removal of the requirement to prepare a replanting plan. A replanted forest has existing use rights if it complies with section 10 of the RMA, but these do not extend to setbacks from waterways.</p> <p>Notice of proposed setbacks (including a description of how they were calculated) is required under regulation 78A(1)(a). Regional councils have a compliance function in relation to setbacks at replanting. Officials consider mapped setbacks can provide greater certainty for both afforestation and compliance purposes. To ensure flexibility, officials recommend it as an option that can be chosen by the forester rather than as a requirement.</p>	Agreed with recommendation

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Topic	Recommendations	Reasons for recommendations	Minister's decision
Consequential changes to the NES-CF	27. Amend the NES-CF to make consequential amendments to the instrument to respond to the above recommendations to amend the proposal.	There may be a need to make consequential changes to the NES-CF to give effect to the recommendations to amend the NES-CF. Any consequential changes required will be addressed through the drafting process.	Agreed with recommendation
Slash mobilisation risk assessment template document incorporated by reference	28. Amend the proposal to add a new regulation to enable the Slash Management Template Document proposed to be introduced into Schedule 2 of the NES-CF to be amended or replaced and have legal effect as part of the NES-CF without requiring the Minister for the Environment to publish a notice under regulation 2(1) or meet the requirements of 2(2) of Schedule 1AA.	<p>Recommendation 15 retains the proposal to amend Schedule 2 of the NES-CF to add a slash mobilisation risk assessment template as a new item to be incorporated by reference. This is intended to provide a mandatory process for assessing slash mobilisation risk using a document incorporated by reference that could be changed over time as research and risk settings improve without having to change the regulations.</p> <p>This additional recommendation is proposed to enable this document to be amended or replaced without requiring a notice in the <i>New Zealand Gazette</i> as currently required under regulations 2(1) and 2(2) of Schedule 1AA. This would enable the document to be more easily kept up to date as new information evolves. Any changes to this document would still need to be certified by the chief executive officer of the Ministry for the Environment (MfE) as required by Schedule 1AA(3), and must be made publicly available, and public notice must be given stating that the material is incorporated into the relevant national environmental standards under section 2AB of the RMA (which requires website and newspaper notices). This new regulation would avoid duplication of notice provisions on MfE's website and in newspapers that are more readily accessible.</p>	Agreed with recommendation
General instrument drafting	29. Amend the NES-CF to make consequential amendments to the instrument to address workability issues following from technical testing of the stringency and slash management provisions.	Officials consider it appropriate to enable minor amendments to the NES-CF that are consequential to testing the drafting of the instrument. For example, there may be a need to adjust the various definitions of erosion types.	Agreed with recommendation

Consolidated recommendations and decisions – Amendments to the Resource Management (Stock Exclusion) Regulations 2020

Recommendations and decisions in relation to notified proposed provisions

The following recommendation was made in response to matters raised through submissions and in officials’ assessment of the proposal.

The proposal section of this table includes the proposed provisions published in: Ministry for the Environment. 2025. *Package 2: Primary sector – Discussion document*. The recommendations section includes recommended changes to the notified proposal and specifies reasons for recommended changes. Reference to ‘no change’ means a recommendation to retain the proposal as notified.

The final text of the instrument may vary from officials’ recommendations as a result of legal drafting conventions.

Any provision of the existing Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations) not included in the notified proposal or this table is intended to remain the same.

PART 1: PRELIMINARY PROVISIONS					
NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE STOCK EXCLUSION REGULATIONS			
Clause	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister’s decision
Regulation 17 Exclusion of stock from natural wetlands that support threatened species described in National Policy Statement for Freshwater Management 2020	Amend the requirement to exclude <i>all stock</i> from natural wetlands supporting a population of threatened species so that it does not apply to non-intensively grazed beef cattle and deer.		No change 1. Retain the proposal to amend Regulation 17 of the Stock Exclusion Regulations to exempt non-intensively grazed beef cattle and deer from the requirements of this regulation.	This would address concerns that, in some areas, the benefits of excluding these stock types from wetlands can be disproportionate to the costs (eg, the cost of fencing per stock unit). This means that the regulation will only apply to: <ul style="list-style-type: none"> dairy and dairy support cattle intensively grazed beef cattle and deer pigs. 	Agreed with recommendation

Part 2: Section 46A RMA Report and recommendations

Minor and technical corrections, including formatting and style adjustments, have been made to the Section 46A RMA report and the recommendations originally provided to the Minister Responsible for RMA Reform in October 2025. Additionally, minor and technical revisions have been made to enhance clarity.

Proposed amendments to the National Environmental Standards for Marine Aquaculture, National Environmental Standards for Commercial Forestry, and Stock Exclusion Regulations

**Report on submissions and
recommendations**

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Executive summary

Purpose of the notified proposals

National Environmental Standards for Marine Aquaculture

The notified proposed amendments to the National Environmental Standards for Marine Aquaculture (NES-MA) aim to ease consenting and improve flexibility for marine farming operations. Specifically, the proposal sets out a more lenient activity status for certain changes to consent conditions, enables new regulatory pathways for research and trial activities on existing farms and in new spaces (including making some activities permitted activities), and enables all marine farms to use the NES-MA to change their on-farm structures and species at consenting.

National Environmental Standards for Commercial Forestry

The notified proposed amendments to the National Environmental Standards for Commercial Forestry (NES-CF) aim to create efficiencies in forestry operation and consenting and provide clarity for users. Specifically, the notified proposal introduces clearer criteria for how councils can impose more stringent rules than the NES-CF, establishes a slash management risk assessment approach and removes the requirement for afforestation and replanting plans.

Resource Management (Stock Exclusion) Regulations 2020

The notified proposed amendments to the Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations) aim to address concerns raised by the primary sector that the cost of excluding stock from wetlands outweighs the benefits. Specifically, the proposal amends regulation 17, which currently requires all stock to be excluded from any natural wetlands that support a population of threatened species, so that it would not apply to non-intensively grazed beef cattle and deer.

Background

The proposed amendments to the NES-MA, NES-CF and Stock Exclusion Regulations are part of a broader programme to change and inform development of national direction under the resource management system. They form part of one of four packages: Package 2: Primary sector (package 2).

The proposals contribute towards the Government's wider resource management reform programme. They are complemented by the Fast-track Approvals Act 2024, targeted amendments to the Resource Management Act 1991 (RMA)⁸ and the development of a new resource management system.

Consultation on package 2 ran from 29 May 2025 to 27 July 2025.⁹

⁸ [Resource Management \(Freshwater and Other Matters\) Amendment Act 2024](#) and [Resource Management \(Consenting and Other System Changes\) Amendment Act 2025](#).

⁹ Consultation on package 2 included statutory consultation on proposed changes to national environmental standards and national policy statements, as well as consultation on proposed changes to the Stock Exclusion Regulations. Statutory consultation on package 1 (infrastructure and development), and non-statutory consultation on package 3 (freshwater), also ran from 29 May 2025 to 27 July 2025. Non-statutory consultation on package 4 (Going for Housing Growth) ran from 18 June to 17 August 2025.

Officials' recommendations

This report outlines the key matters raised through statutory consultation on the proposed NES-MA, NES-CF and the Stock Exclusion Regulations and includes officials' recommended amendments to the notified proposals. Officials' recommendations are informed by submissions and further analysis of the proposals. They are intended to support the effective implementation of the proposed national direction and help achieve their intended outcomes.

Consolidated recommendations are provided in the following attachments:

- **Attachment A: Consolidated recommendations** – Amendments to the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020
- **Attachment B: Consolidated recommendations** – Amendments to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017
- **Attachment C: Consolidated recommendations** – Amendments to the Resource Management (Stock Exclusion) Regulations 2020.

Introduction

This report provides recommendations to the Minister Responsible for RMA Reform (the Minister) on the proposed amendments to the following national direction:

- National Environmental Standards for Marine Aquaculture (NES-MA)
- National Environmental Standards for Commercial Forestry (NES-CF)
- Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations).

The proposed amendments were notified on 29 May 2025. For the national environmental standards, this was done in accordance with section 46A(1)(a) of the Resource Management Act 1991 (RMA).¹⁰

This report is in three parts.

- **Part A** provides an overview of the proposals and the consultation and submissions process.
- **Part B** provides a summary of key issues raised by submitters at an instrument level; sets out officials' analysis of the submissions and subject matter of the proposal; and outlines officials' key recommendations to amend the notified proposals.
- **Part C** provides a summary of submissions made on general implementation of national direction in Package 1: Infrastructure and development (package 1) and Package 2: Primary sector (package 2). It also discusses specific implementation options available for the NES-MA, NES-CF and Stock Exclusion Regulations.

¹⁰ Regulations made under section 360 of the RMA do not require the same statutory consultation as national environmental standards or national policy statements. However, the same process was followed to align with the broader primary sector package and support effective public input.

1. Part A: Overview

1.1 Proposals

1.1.1 Proposed amendments to the National Environmental Standards for Marine Aquaculture, National Environmental Standards for Commercial Forestry and Stock Exclusion Regulations

The proposals to amend the NES-MA, NES-CF and Stock Exclusion Regulations were outlined in *Package 2: Primary sector – Discussion document*,¹¹ along with the attached proposed provisions.¹² The proposed amendments to the NES-MA and NES-CF were notified under section 46A(1)(a) of the RMA.¹³

1.1.2 Proposed national direction in *Package 2: Primary sector – Discussion document*

Other proposals to create or amend national direction in *Package 2: Primary sector – Discussion document* were:

- amendments to the New Zealand Coastal Policy Statement 2010 (NZCPS)
- amendments to the Resource Management (National Policy Statement for Highly Productive Land) Regulations 2022
- amendments to the National Policy Statement for Highly Productive Land 2022
- amendments to mining and quarrying provisions in the:
 - National Policy Statement for Indigenous Biodiversity 2023
 - National Policy Statement for Highly Productive Land 2022
 - National Policy Statement for Freshwater Management 2020
 - Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

Reports and recommendations to the Minister on the above proposed instruments have been prepared separately as part of the Government’s wider programme of resource management reform.

¹¹ Ministry for the Environment. 2025. *Package 2: Primary sector – Discussion document*. Wellington: Ministry for the Environment.

¹² [Attachment 2.1: Proposed provisions – Amendments to the Resource Management \(National Environmental Standards for Marine Aquaculture\) Regulations 2020](#), [Attachment 2.2: Proposed provisions – Amendments to the Resource Management \(National Environmental Standards for Commercial Forestry\) Regulations 2017](#), [Attachment 2.7: Proposed provisions – Amendments to the Resource Management \(Stock Exclusion\) Regulations 2020](#).

¹³ Regulations made under section 360 of the RMA do not require the same statutory consultation as national environmental standards or national policy statements. However, the same process was followed to align with the broader primary sector package and support effective public input.

1.1.3 Other proposed national direction

The proposed primary sector national direction is complemented by additional proposals in *Package 1: Infrastructure and development – Discussion document*¹⁴ and *Package 3: Freshwater – Discussion document*,¹⁵ which are being considered separately and will collectively support wider resource management reform.

1.2 Overview of consultation and submissions process

The Ministry for the Environment (MfE) publicly consulted on the proposed amendments to the NES-MA, NES-CF and Stock Exclusion Regulations – alongside other proposed new and amended infrastructure and development, primary sector and freshwater national direction – from 29 May 2025 to 27 July 2025. Consultation on the NES-MA and NES-CF was carried out under section 46A of the RMA.

MfE sent pre-notification letters on 5 May 2025 to all post-settlement governance entities (PSGEs) and other Māori groups with which MfE holds arrangements related to the RMA. These letters provided detailed information on the intended national direction proposals for infrastructure and development, the primary sector and freshwater. An invitation was extended to all groups to discuss the proposals.

The Department of Conservation gave customary marine title (CMT) groups on the Land Information New Zealand register¹⁶ early notice of the proposed targeted amendments to the NZCPS. CMT groups were also invited to hui to discuss the NZCPS and NES-MA proposals during both the pre-statutory and statutory consultation periods.

MfE conducted public engagement on the national direction proposals. This involved hosting four webinars and seven themed forums with an opportunity for discussion. PSGEs were also invited to attend two online hui.

A total of 726 submitters provided feedback on packages 1 and 2. Of these submitters:

- 100 provided feedback on the proposed amendments to the NES-MA
- 160 provided feedback on the proposed amendments to the NES-CF
- 124 submitters provided feedback on the proposed amendments to the Stock Exclusion Regulations.

¹⁴ Ministry for the Environment. 2025. *Package 1: Infrastructure and development – Discussion document*. Wellington: Ministry for the Environment.

¹⁵ Ministry for the Environment. 2025. *Package 3: Freshwater – Discussion document*. Wellington: Ministry for the Environment.

¹⁶ These included Ngā Hapū o Ngāti Porou, the Supervisors of Tamaitemioka and Pohowaitai from Ngāi Tahu, and Ngāti Kahungunu hapū in the Wairarapa.

1.2.1 Collating, processing and analysing submissions

Officials collated submissions received through CitizenSpace – MfE’s consultation platform¹⁷ – and the consultation email inbox and worked with an external provider to process and analyse submissions across three different software platforms: Croissant, Excel and NVivo. Officials and the external provider analysed submissions to identify overall themes and key comments.

1.3 Officials’ recommendations

This report outlines key issues raised in submissions on the proposed amendments to the NES-MA, NES-CF and Stock Exclusion Regulations. It outlines officials’ recommended changes to the objectives, policies and implementation requirements of the national direction in response to those submissions.

Officials considered Part 2 of the RMA¹⁸ and relevant Treaty of Waitangi (Treaty) settlements when preparing the report and recommendations.

The recommendations address both substantive and technical matters, supporting the implementation and intent of the proposed changes to the NES-MA, NES-CF and Stock Exclusion Regulations. Minor changes may not be fully analysed in the main body of the report, but are captured in the consolidated lists of recommendations provided in attachments A to C.

The consolidated lists of recommendations provide a clear and direct connection to the notified proposed amendments to the NES-MA, NES-CF and Stock Exclusion Regulations, helping to inform and support the decision-making process.

1.4 Decision-making

This report includes officials’ recommendations to change the proposed amendments to the NES-MA, NES-CF and Stock Exclusion Regulations (as notified on 29 May 2025), in accordance with section 46A(1)(c) of the RMA.

The Minister will consider the report and recommendations before making changes to the national direction.¹⁹

The report will be publicly released before the Minister recommends that the Governor-General amends the national direction.²⁰

¹⁷ Submitters could provide feedback on the CitizenSpace platform via a survey and/or by uploading a file.

¹⁸ As required by section 46A(3) of the RMA for national environmental standards and national policy statements.

¹⁹ The Minister must consider a report and recommendations before making any changes to national environmental standards (see [section 44\(2\)\(a\) of the RMA](#)).

²⁰ The report and recommendations for national environmental standards are required to be publicly notified before the Governor-General is recommended to make the national environmental standards (see [section 44\(1\)\(b\) of the RMA](#)).

1.5 Limitations and constraints

1.5.1 Collating, processing and analysing submissions

The large number of proposed instruments, combined with multiple submission channels, introduced complexity for quantitative analysis. Submissions often addressed multiple instruments and included numerous submission points. Additionally, submitters could identify with more than one submitter type (eg, business, individual, industry).

A high proportion of submitters opted to submit a file rather than, or in addition to, completing the survey. This significantly increased the complexity of analysing these submissions.

1.5.2 Level of detail

This report is not intended to provide a detailed summary of all issues raised through submissions. Feedback from submitters has been summarised by topic – aligning with the topics outlined in *Package 2: Primary sector – Discussion document* where possible – and officials have made generalisations for brevity.

2. Part B: Amendments to the National Environmental Standards for Marine Aquaculture

2.1 Proposal overview

The proposed amendments to the National Environmental Standards for Marine Aquaculture 2020 (NES-MA) aim to streamline requirements for changes to consent conditions and support greater productivity and innovation in the aquaculture sector.

The proposed amendments to the NES-MA can be grouped as follows.

Proposed amendments – Group 1: Addressing known issues in the NES-MA

- Allow marine farms consented after 2020 to use the processes in Part 4 of the NES-MA to replace their consents.
- Allow marine farmers to update their structures without needing to change species, removing an unnecessary barrier to re consenting.
- Allow spat catching to be added to existing farms at re consenting, making it easier to use existing farms to support spat supply.

Proposed amendments – Group 2: Streamlining changes to consent conditions

- Streamline requirements for applications to change consent conditions by treating changes to species, structures and monitoring as controlled activities.

Proposed amendments – Group 3: Enabling research and trial activities on existing farms and in new spaces

- Allow some aquaculture research and trial activities to proceed without a resource consent (as permitted activities) and introduce tailored consent requirements for trials on existing farms and in new areas.

The proposed amendments respond to several issues identified in the three-year review of the NES-MA in September 2023 and in targeted engagement in late 2024.²¹

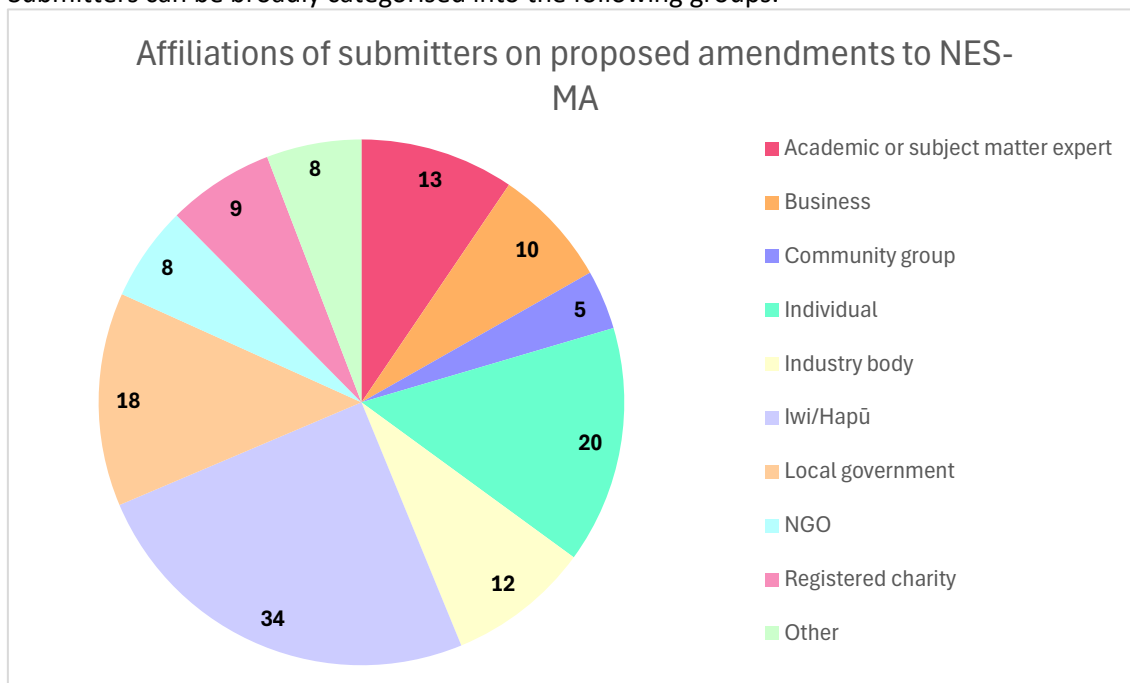
The NES-MA currently applies only to replacement consents. New provisions are proposed to extend its scope to new consent applications for research and trial activities.

²¹ Fisheries New Zealand carried out targeted engagement for the NES-MA three-year review between April and July 2023. The outcomes were published in: Fisheries New Zealand. 2023. *Report on the Year Three Review of the National Environmental Standards for Marine Aquaculture* (Technical Paper No. 2023/02). Further engagement took place in late 2024 following the report's release.

2.2 Summary of submissions

2.2.1 Overview of submissions

A total of 100 submitters provided feedback on the proposed amendments to the NES-MA. Submitters can be broadly categorised into the following groups.



Note: The sum of all groups shown in the graph does not correspond to the total number of submitters on this instrument as submitters could select multiple affiliation options.

2.2.2 Key submission topics

Key topics from submissions on the proposal to amend the NES-MA include:

- addressing known issues in the NES-MA
- streamlining changes to consent conditions relating to:
 - consented species
 - structures
 - monitoring
- enabling research and trial activities on existing farms and in new spaces
- other issues.

These topics are discussed in further detail below.

2.3 Analysis of proposal and submissions

2.3.1 Topic 1: Addressing known issues in the NES-MA

2.3.1.1 Proposal

This amendment to the NES-MA proposes to improve the re consenting process for marine farms by removing unnecessary barriers and supporting more flexible use of existing farms. It aims to ensure that all marine farms, including those consented after 2020, can benefit from the same re consenting requirements.

Key amendments proposed on this topic include:

- allowing marine farms consented after 2020 to use the processes in Part 4 of the NES-MA to replace their consents
- enabling changes to structures on existing farms to be made more easily at re consenting
- allowing spat catching to be added to existing farms at re consenting.

This proposal is intended to streamline re consenting processes, saving time and costs, and removing unnecessary barriers for marine farmers. It also includes changes to the NES-MA to clarify how notification is provided for. This responds to an issue identified in the Year Three Review of the NES-MA.²²

2.3.1.2 Key issues from submissions

Most submitters broadly supported the proposed amendments to address known issues to the NES-MA in principle, including the intent to address issues identified in the 2023 NES-MA review.

Several subject-matter experts and councils broadly supported the proposed amendments as they felt that the amendments would improve clarity and promote innovation and operational efficiency.

A few iwi and hapū submitters and Te Ohu Kaimoana provided a neutral response or conditional support to improving re consenting processes, if there were appropriate safeguards in place for environmental protection and cultural values.

Many iwi and hapū submitters and several non-governmental organisations (NGOs) raised concerns that the proposals to address known issues in the NES-MA risk undermining environmental protections and the role of tangata whenua in decision-making. Specific concerns included cumulative impacts on marine biodiversity, Māori rights and interests, and public interests in the coastal marine area.

Most industry submitters supported the changes to address known issues and sought further changes to the NES-MA. For example, Aquaculture New Zealand (AQNZ) suggested that the NES-MA re consenting provisions should apply to Waikato and Tasman to ensure that there is a nationally consistent approach to re consenting for all marine farms.

²² Fisheries New Zealand. 2023. *Report on the Year Three Review of the National Environmental Standards for Marine Aquaculture*. Technical Paper No. 2023/02. Prepared for the Minister for the Environment and the Minister for Oceans and Fisheries by Fisheries New Zealand. The Year Three Review proposed to amend regulations 24 and 44 of the NES-MA to more clearly articulate how preclusions on public and limited notification apply.

2.3.1.3 Analysis of submissions and proposal

Concerns about environmental and cultural safeguards and the ability to participate in decision-making

Officials do not consider changes are needed to the proposals that relate to addressing known issues with the NES-MA (topic 1) as the proposals retain appropriate safeguards for managing environmental effects, recognising cultural values and the ability for Māori to participate in decision-making.

The proposals that relate to addressing known issues in the NES-MA (topic 1) do not change how environmental effects are managed through consenting processes. Councils will continue to use the proposed matters of control and discretion to assess and manage environmental effects. Importantly, the proposals also enable consideration of how activities may affect Māori access to coastal areas of cultural significance.

The proposals that relate to addressing known issues in the NES-MA (topic 1) do not change the intent of the existing notification requirements for consenting; rather, they clarify how the intent should be interpreted. While public notification is precluded for consenting applications, limited notification may occur if the applicant has not followed the Schedule 6 engagement process or has not provided the required report. Additionally, the RMA requirements to notify affected groups (affected customary title groups, affected protected customary rights groups, and affected holders of statutory acknowledgements) remain unchanged.

Concerns about Māori rights and interests more broadly

Officials do not recommend changes to the proposals that relate to addressing known issues with the NES-MA (topic 1) as they will continue to provide for Māori input into consenting processes. These proposals primarily involve changes to consenting provisions and provide the ability to consider Māori rights and interests through the proposed notification requirements (see above paragraph).

Suggestions to change the application of the NES-MA

Some industry submitters suggested that the NES-MA consenting provisions should apply to Waikato and Tasman. Currently, the NES-MA regulations that contain requirements for applications for replacement consents do not apply to parts of the Tasman district and parts of the Waikato region. This is because both regions have carried out comprehensive regional coastal planning, including extensive public consultation to identify appropriate areas for aquaculture development.

Officials note that extending the application of the NES-MA to Waikato and Tasman falls outside the scope of the current proposal. Additionally, extending the NES-MA consenting provisions to Waikato and Tasman could create unnecessary complexity with regional plan rules and undermine previous planning and public consultation. Given the complexity and potential implications, officials consider further work would be needed before considering such changes.

2.3.1.4 Recommendations

Recommendations for this topic are summarised below and outlined in full in the consolidated recommendations table in attachment A.

Key recommendations

No change

2.3.2 Topic 2: Changes to consent conditions relating to consented species

2.3.2.1 Proposal

The intent of this proposal is to support the aquaculture sector to be more productive and innovative by enabling existing marine farm consent holders to apply to change or cancel a consent condition under section 127 of the RMA to add the following species to their consent conditions as a controlled activity:²³

- spat catching to an existing farm consented for the same species
- indigenous bivalve species and Pacific oysters to a farm already consented for bivalves²⁴
- indigenous seaweed species and *Undaria pinnatifida* (*Undaria*) to an existing marine farm
- another finfish species to an existing finfish farm.

Applications for controlled activities must be granted by consent authorities, although consent authorities can impose conditions relating to the proposed matters of control specified in the NES-MA.

This proposal provides consent holders with greater certainty compared with the status quo, where changes to consent conditions are treated as discretionary activities under section 127 of the RMA.

The proposed matters of control for applications to change consent conditions in the NES-MA allow councils to include conditions relating to effects, including environmental and biosecurity effects, while still giving existing marine farm consent holders certainty that their consent will be granted.

2.3.2.2 Key issues from submissions

Most industry submitters supported the proposal as it would improve efficiency, encourage innovation, and reduce unnecessary costs and delay. AQNZ sought further changes to the proposal to allow consent conditions to be changed to add sponges to existing marine farm consents as a controlled activity.

Several councils, iwi and hapū submitters, Te Ohu Kaimoana and research organisations cautioned against amending the NES-MA to enable changes to consent conditions to add

²³ Section 127(3B) of the RMA provides that national environmental standards can state that an application to change or cancel consent conditions (in relation to an aquaculture activity) must be treated as an application for a resource consent for a controlled activity.

²⁴ A bivalve is a type of mollusc, such as a clam, oyster, mussel or scallop.

new species to an existing farm as a controlled activity. This was due to potential adverse environmental effects (eg, effects on water quality) and ecological, genetic, disease and biosecurity risks. Some council submitters suggested that these activities should be restricted discretionary activities, so councils could retain the ability to decline consents based on the potential environmental and biosecurity effects.

Environment Southland suggested including an additional matter of control in the NES-MA to manage the effects of fed aquaculture on water quality. Tasman District Council suggested revising the matters of control to also include requirements for information, monitoring and reporting.

Many councils, iwi and hapū, and research organisations opposed adding *Undaria* to an existing marine farm, primarily on biosecurity grounds. Earth Sciences New Zealand and Cawthron Institute considered this change could override existing pest management plans.

Many submitters – including councils, iwi, hapū, Te Ohu Kaimoana, Te Uru Kahika, the Parliamentary Commissioner for the Environment and research organisations – recommended making *Undaria* farming a restricted discretionary activity to better manage biosecurity risks.

Most industry submitters supported adding *Undaria* to an existing marine farm, citing opportunities for innovation and international market development. However, Te Rūnanga o Ngāi Tahu strongly opposed the proposal due to ecosystems risks and because it considers the proposal would undermine its own *Undaria* control programme.

2.3.2.3 Analysis of submissions and proposal

Environmental concerns

The proposed amendments to the NES-MA would allow changes in consent conditions to permit new species to be added to existing marine farms through an application for a change of consent conditions as a controlled activity, where their environmental effects are similar to those of species already being farmed. This will ensure that any potential effects remain commensurate with the existing consent conditions.

For instance, the environmental effects of Pacific oysters are well known and similar to other bivalves currently farmed. This means the potential impacts of adding Pacific oysters to an existing bivalve marine farm can be managed using the proposed matters of control in the NES-MA.

In response to submitters' concerns about fed aquaculture and water quality, officials recommend strengthening the proposals by adding two new matters of control for finfish: one for managing effects on water quality; and another for meeting information, monitoring and reporting requirements. This aligns with the current NES-MA reconsenting requirements for changes to consented species on finfish farms.

Biosecurity concerns

Officials acknowledge submitters' concerns that adding new species to existing consents may increase biosecurity risks. Officials consider that the matters of control proposed to be included in the NES-MA would provide sufficient safeguards by allowing councils to impose conditions, such as requiring biosecurity management plans, to manage these risks effectively.

Specific concerns were raised about farming *Undaria*. Officials note that biosecurity risks associated with *Undaria* are managed through existing permissions required under the Biosecurity Act 1993 and corresponding regional pest management plans.

Undaria is classified as an unwanted organism under the Biosecurity Act 1993. Because it is an unwanted organism, it is an offence to knowingly move, sell, exhibit or propagate *Undaria* without the permission of the Chief Technical Officer of the Ministry for Primary Industries (MPI). *Undaria* is also listed as a pest in four regional pest management plans under the Biosecurity Act, enabling councils to monitor or actively manage its spread. Regardless of whether a council has included *Undaria* in its regional pest management plan, permissions under the Biosecurity Act will be required despite the proposed amendments to the NES-MA.

In response to submitters' concerns regarding *Undaria*, officials recommend amending the proposal to allow *Undaria* to be added to an existing marine farm as a restricted discretionary activity, rather than as a controlled activity. This makes it possible for existing marine farm consent holders to add *Undaria* to their marine farms as long as they have the required MPI Biosecurity Act approvals, while ensuring councils can retain discretion over any environmental and other biosecurity considerations not already managed by the Biosecurity Act.

Officials consider the proposed matters of discretion enable councils to manage biosecurity risks and to decline a consent where these are not adequately addressed. Furthermore, the amended proposal enables councils to consider how *Undaria* is currently managed and to decline a consent if it would undermine existing management strategies, such as the Ngāi Tahu *Undaria* control programme.

Additional provisions for spat catching through the NES-MA

AQNZ sought additional changes to the NES-MA to improve mussel spat supply, including defining spat as under 70 millimetres in length and introducing the concept of nursery space. Officials consider that there is limited benefit in altering the definition of spat or introducing the concept of nursery space as spat catching can typically be included as a condition on existing consents.

Additional provisions to provide for filter-feeding invertebrates like sponges through the NES-MA

AQNZ sought an additional amendment to enable sponges to be added to the consent conditions of an existing marine farm as a controlled activity. While farming sponges may offer environmental benefits, previous research notes that sponge aquaculture is still experimental with limited data and high uncertainty around farming methods, ecological effects and commercial viability.

Given this uncertainty, officials do not recommend amending the NES-MA to introduce a controlled activity pathway to add sponges to an existing consent. Instead, marine farmers may apply to change resource consent conditions to add sponges via the standard section 127 process under the RMA, which allows councils to assess such proposals as discretionary activities.

This approach will provide marine farmers with a pathway to obtaining resource consents and ensure environmental risks are appropriately considered while still enabling innovation.

2.3.2.4 Recommendations

Recommendations for this topic are summarised below and outlined in full in the numbered recommendations in the consolidated recommendations table in attachment A.

Key recommendations

Amend the proposal with the intent of enabling councils to consider two additional matters of control when imposing conditions on an application to add a new species of finfish to the consent conditions of an existing finfish farm (see recommendation 48):

- effects on water quality
- information, monitoring and reporting requirements.

Amend the proposal to allow *Undaria pinnatifida* to be added to an existing marine farm as a restricted discretionary activity, rather than a controlled activity (see recommendation 47).

Amend the proposal with the intent of ensuring councils can retain discretion over key matters for changes or cancellations of consent conditions relating to *Undaria pinnatifida* activity (see recommendation 49).

2.3.3 Topic 3: Changes to consent conditions relating to structures

2.3.3.1 Proposal

The intent of this proposal is to make it easier for existing marine farm consent holders to update their marine farm structures by enabling them to add the following structures to their consent conditions as a controlled activity:

- converting longlines to floating shellfish cages or baskets
- converting stick and rail to floating longlines or fixed lines
- replacing existing mooring systems within the same footprint (eg, concrete block to screw).

2.3.3.2 Key issues from submissions

The Worldwide Fund for Nature (WWF) raised concerns that new infrastructure, such as trial cages, longlines or anchors, could damage benthic habitats and increase sedimentation in ways that compromise ecological functioning.

Most submitters – including councils, Te Ohu Kaimoana, Te Uru Kahika and research organisations – were neutral about or supportive of the intent of the proposed changes relating to structures as they considered the changes would provide greater certainty and reduce consent costs.

Most iwi and hapū submitters did not comment specifically on this proposal.

Most industry submitters supported the changes as they considered the changes would make it easier to update marine farming structures. AQNZ sought further changes to enable existing marine farm consent holders to add the following types of structures through an application for a controlled activity to amend their consent conditions: seaweed farming structures, post and rail, adjustable longlines, and fixed longlines.

2.3.3.3 Analysis of submissions and proposal

Concerns about ecological impacts

Officials acknowledge the concerns raised by WWF that changing structures on an existing marine farm could have negative environmental effects.

The intent of the proposed amendments is to enable changes to consent conditions for existing structures where the changes to structures are the same or similar, and where the environmental risks of creating additional adverse effects are considered low. Officials also consider that any potential environmental effects of changing structures can be adequately managed through consideration of the proposed matters of control in the NES-MA and inclusion of consent conditions where necessary.²⁵

Additional proposals for new structures

Officials support AQNZ's suggestion to broaden the NES-MA to enable marine farmers to add additional structures, specifically post and rail/trestle, adjustable longlines and fixed longlines, to existing farms as a controlled activity. These structures are considered to have similar environmental effects to those consulted on and support the intent of enabling greater innovation and productivity.

Allowing these structures will support the adoption of newer technologies that offer ecological and production benefits, while ensuring environmental effects remain appropriately managed through the matters of control.

2.3.3.4 Recommendations

Recommendations for this topic are summarised below and outlined in full in the numbered recommendations in the consolidated recommendations table in attachment A.

Key recommendations

Amend the proposal to enable existing marine farm consent holders to add two additional structures to their consent conditions as a controlled activity (**see recommendation 50**):

- converting stick and rail to post and rail/trestle; and
- converting longlines to adjustable longlines or fixed longlines.

2.3.4 Topic 4: Changes to consent conditions relating to monitoring

2.3.4.1 Proposal

The intent of this proposal is to make it easier and more cost-effective for existing marine farm consent holders to update consent conditions related to monitoring seabed conditions by treating these as controlled activities.

²⁵ The proposed amendments to the NES-MA enable councils to manage the effects of changing structures on reefs, biogenic habitats, marine mammals and regionally significant benthic species.

This would reduce consenting costs and improve the sector's ability to respond to emerging opportunities and technologies, by providing a more lenient consenting pathway for marine farmers to update consent conditions. Under the proposal, existing marine farm consent holders must seek written agreement from the council to change monitoring conditions. This was intended to ensure council oversight of proposed changes.

2.3.4.2 Key issues from submissions

Submitters expressed mixed views about the proposed controlled activity status for changes to monitoring conditions.

Some councils did not support the proposed controlled activity status for monitoring conditions and recommended that it should be a restricted discretionary activity. They raised concerns about the potential to erode public confidence in the consenting process and the potential for adverse effects on the environment.

Marlborough District Council also raised concerns that it is not clear how the written agreement would work in practice and what information councils need to decide whether the revised monitoring approach is appropriate.

Most industry submitters supported the proposal as it would reduce red tape, reduce costs and result in more timely consenting processes. A few industry submitters sought further changes to the NES-MA to enable other changes or to cancel monitoring methods where appropriate.

A few iwi and hapū submitters sought further changes to the NES-MA so that they would be consulted before any monitoring takes place. Some iwi and hapū submitters also wanted to be involved in monitoring and to undertake joint monitoring activities with applicants.

Cawthron Institute supported the proposal as it ensures monitoring remains fit for purpose and that consent conditions related to environmental monitoring can be changed if justified.

2.3.4.3 Analysis of submissions and proposal

Concerns about undermining public trust, potential adverse effects on the environment and the process for getting written agreement

Officials acknowledge concerns raised by councils regarding the potential to undermine public trust, the risk of adverse environmental effects, and the lack of clarity around the process for obtaining written agreement.

In response, officials recommend removing the requirement for written agreement outside the consent process and changing the activity status for applications to change consent conditions for monitoring from a controlled activity to a restricted discretionary activity.

This approach provides greater certainty to existing marine farm consent holders as it allows them to change monitoring methods where they can be improved or are no longer necessary, while limiting the matters of discretion councils can consider. It also ensures that councils retain a clear role in assessing monitoring and reporting requirements and enables them to decline applications to change monitoring conditions if necessary.

Additional provisions to enable iwi and hapū to be consulted before monitoring takes place

The proposed notification provisions under the NES-MA for controlled activities ensure that tangata whenua engagement is meaningful and targeted to applications with potential effects.

While the NES-MA does not require consultation prior to monitoring, it does not prevent existing marine farm consent holders or councils from engaging with iwi and hapū on monitoring activities. Councils are encouraged to support collaborative approaches to monitoring where appropriate, including joint monitoring initiatives, particularly where these can strengthen relationships and improve environmental outcomes.

Additional provisions to change and cancel conditions on monitoring methods

Akaroa Salmon and AQNZ sought further changes to enable monitoring consent conditions to be changed or cancelled for a broader range of matters beyond seabed conditions.

Officials recommend amending the NES-MA to enable existing marine farm consent holders to change or cancel monitoring conditions for a range of matters (rather than just seabed conditions) as a restricted discretionary activity. Officials also recommend adding new matters of discretion to enable councils to assess the potential environmental effects of changing or cancelling monitoring conditions.

This provides greater certainty to existing marine farm consent holders as it allows them to apply to change or cancel a monitoring method where it can be improved or is no longer necessary, while limiting the matters of discretion councils can consider. It also enables consent holders to apply to change monitoring consent conditions for a range of matters, making it easier to align monitoring obligations with current environmental risks and management needs.

2.3.4.4 Recommendations

Recommendations for this topic are summarised below and outlined in full in the consolidated recommendations table in attachment A.

Key recommendations

Amend the NES-MA proposal by enabling resource consent monitoring conditions to be changed or cancelled, for matters broader than seabed conditions under an application for a restricted discretionary activity where the:

- Method of monitoring includes a change to the equipment or techniques used to monitor the activity, location of monitoring sites, parameters measured, frequency of monitoring and/or standards used (**see recommendation 52**).

Amend the NES-MA proposal to enable consent authorities to consider three additional matters of discretion when deciding whether to grant or decline applications for changes to or cancellations of monitoring consent conditions (**see recommendation 53**):

- monitoring methods, frequency and standards, where these are proposed to be changed
- effects on the environment that are monitored under the existing conditions but would not be monitored under the proposed changes
- effects on the environment as a result of the change in monitoring method.

2.3.5 Topic 5: Enabling research and trial activities on existing farms and in new spaces

2.3.5.1 Proposal

This proposal aims to better enable research and trials by making it easier for applicants to:

- carry out some small-scale, short-term research and trial activities as permitted activities
- apply for consents for research and trials in existing space already consented for aquaculture
- apply for consents for research and trials in new space not consented for aquaculture.

Making the resource management system more enabling for aquaculture research will encourage innovation and boost New Zealand's attractiveness and viability for aquaculture research and trials.

This proposal also seeks to expand the scope of what the NES-MA applies to beyond just replacement consenting to provide for research and trial activities on existing farms and in new space. The proposal will apply nationally, including in the areas the NES-MA currently does not apply to (Tasman district and parts of the Waikato region).

This approach ensures that regions like Waikato and Tasman can still benefit from streamlined processes for research and trials, even though their marine farms are not eligible for the NES-MA re consenting pathway. It reflects a deliberate policy shift toward enabling small-scale research and trial activities in all regions, rather than limiting it to those covered by the original re consenting rules.

2.3.5.2 Key issues from submissions

Permitted activities

Many industry submitters, and some planning and science organisations (eg, the New Zealand Planning Institute, Cawthron Institute and Te Uru Kahika) supported making research and trial activities permitted activities to reduce cost and time barriers and enable sector development.

Many councils opposed the proposal for research and trial activities to be permitted, especially in new areas, citing environmental risks, lack of exclusionary criteria and the inability to decline applications.

Many iwi and hapū submitters, Te Ohu Kaimoana and some non-governmental organisations opposed the permitted status for research and trials, warning it could exclude Māori from decision-making, undermine kaitiakitanga, and erode rights and interests in the coastal marine area. These concerns are addressed in more detail in section 2.3.7.2 on Treaty of Waitangi and Treaty settlement considerations.

Research and trials in new or existing space

Most industry submitters and some subject-matter experts (eg, the New Zealand Planning Institute and Cawthron Institute) supported enabling more lenient research and trial activities in both existing and new space.

A few iwi and hapū submitters supported trials if Treaty partners are genuinely involved and they called for support for marae-based and Māori commercial aquaculture.

A few councils and many iwi and hapū submitters opposed the changes to notification of controlled and restricted discretionary consent applications for some research and trials, stating that it could reduce public engagement and limit Māori input into decision-making.

Several councils and NGOs (WWF and McGuinness Institute) opposed research and trial activities in areas that are zoned as being inappropriate for aquaculture, because of concerns that it could frustrate community-agreed outcomes, override regional plans, and result in adverse environmental, social and cultural effects. They suggested that all new research and trial activities should be restricted discretionary activities as a precautionary approach.

Seafood NZ supported more enabling requirements for research and trial activities but raised concerns about structures displacing fishing interests in new space.

Additional suggestions raised by submitters

Many submitters, including iwi, councils, industry, and technical experts, suggested changes to the proposal for research and trials to improve clarity, reduce duplication, strengthen tangata whenua involvement and support consistent implementation of the NES-MA. Key themes included the following.

- **Definitions and terminology.** Several submitters, including AQNZ and councils, recommended clearer definitions (eg, 'research and trials') and more accurate language.
- **Technical refinements.** AQNZ and Bay of Plenty Regional Council questioned the proposed six-month lapse period for consents, suggesting it may be too short or should allow for local discretion.
- **Overlap with other legislation.** A few submitters highlighted duplication with the Maritime Transport Act 1994, particularly around navigation structures and height limits.
- **Tangata whenua involvement.** Iwi, hapū, Te Ohu Kaimoana and subject-matter experts (eg, Resource Management Law Association (RMLA), Papa Pounamu) recommended stronger notification provisions to ensure tangata whenua can provide input on all research and trial activities.
- **Matters of control and discretion.** Councils and subject-matter experts (eg, RMLA, Te Uru Kahika) proposed including cumulative effects, biosecurity, marine mammals, seabirds, seabed disturbance and fisheries displacement as additional matters of control and discretion. AQNZ also suggested removing hydrodynamic effects as matters of control for research and trial activities as this was not considered to be proportionate to the effects of activities.
- **Support for innovation.** Industry submitters proposed amending the NES-MA to provide for pilot or commercial-scale research using floating upwelling systems²⁶ and allowing trials in areas identified by councils as having high value as restricted discretionary activities.

²⁶ Small, floating hatchery platforms typically used in early-stage aquaculture to improve the survival and growth rates of spat before transferring stock to marine farms.

2.3.5.3 Analysis of submissions and proposal

Permitted activities

In response to submissions, officials acknowledge that permitting research and trial activities in new areas would limit opportunities for Māori to participate in decision-making, particularly as no resource consent is required for permitted activities.

This may affect rights and interests provided for in Treaty settlements and other legislation. To address these concerns, officials recommend removing the proposal to permit research and trials in new areas.

This issue is discussed further in section 2.3.7.2 on Treaty of Waitangi and Treaty settlement considerations.

Research and trials in new or existing space

Officials agree that this proposal may result in new research and trial activities occurring in areas that may not be suitable (eg, outstanding natural character areas), particularly for controlled activities which must be granted.

To mitigate this risk, the proposal includes 'entry requirements' that applicants must meet to access the more permissive consenting pathways for research and trials. These requirements are designed to ensure that even controlled activities do not proceed in inappropriate locations.

To further strengthen the proposed safeguards in the NES-MA, officials recommend amending the entry requirements for controlled activities in new aquaculture space. The change would mean that activities within 100 metres of mean high-water springs can only use the controlled activity regulation if they are next to an existing marine farm and if it is for research or trial purposes related to that farm.

This approach limits the use of the controlled activity rule in nearshore environments to locations that are more likely to be suitable for aquaculture. It responds to concerns raised by councils about structures being established close to the shore in areas without prior aquaculture activity, where environmental or spatial planning considerations may not have been adequately assessed.

Officials do not consider changes are needed to the proposed notification requirements for controlled and restricted research and trial activities in existing and new space. This issue is discussed further in section 2.3.7.2 on Treaty of Waitangi and Treaty settlement considerations.

Additional suggestions raised by submitters

To improve clarity and support consistent implementation, officials recommend defining a 'research and trial activity' and replacing references to 'research and trials' with 'research or trials'. Minor amendments are also proposed to entry requirements including those relating to location, structure exclusion areas, permitted activity terminology, consent lapse periods and duplicative provisions (refer attachment A).

No change is proposed to strengthen notification provisions for iwi and hapū. Officials consider that proposed Schedule 6 pre-application engagement provides a meaningful mechanism for Māori input, allowing tangata whenua to comment on draft applications.

Officials support submitters' suggestions to remove hydrodynamic effects as a matter of control, reflecting the low-risk nature of small-scale research and trial activities. This will streamline consenting processes while ensuring that the management of effects is proportionate to the activity.

Officials also support adding a matter of control for new research and trial structures to enable councils to consider any effects of these structures occurring in areas that may also be used for commercial fishing.

No further changes are recommended to proposed matters of control or discretion, as councils can appropriately manage environmental effects and biosecurity risks under the proposed framework. Officials do not recommend including suggested proposals for floating upwelling system research or trials in areas that are identified by councils as having high value, as these are outside the scope of consultation and not aligned with the intent to support small-scale, low-risk activities.

Other drafting matters not raised in submissions

Officials have also recommended changes to the NES-MA to enable councils to apply a more lenient activity status for applications for controlled research and trial activities (involving structures and equipment) in existing and new space.

Officials have also recommended changes to enable tangata whenua to contribute views on draft applications for particular consent applications.

These recommended changes are standard provisions that apply to similar consent applications and were omitted in error. These changes therefore align with the existing policy and framework of NES-MA and what was consulted on.

Technical and minor changes are outlined in attachment A.

2.3.5.4 Recommendations

Recommendations for this topic are summarised below and outlined in full in the consolidated recommendations table in attachment A.

Key recommendations

Remove the proposal to enable aquaculture-related research and trials in new locations to be a permitted activity (**see recommendation 32**).

Amend the proposal to include a clear definition of a research or trial activity (**see recommendation 55**).

Amend the entry requirements for controlled activities in new space with the intent of restricting the use of the controlled activity rule where the activity is proposed to occur within 100 metres of the mean high-water springs (**see recommendation 33d**).

Amend the proposal that provides for controlled research or trial activities that involve structures-only in new space (**see recommendations 34 and 35**) to:

- a) remove hydrodynamic effects as a matter of control; and
- b) add a new matter of control for new research and trial structures to enable councils to consider any effects of these structures occurring in areas that may also be used for commercial fishing.

2.3.6 Other issues and additional options

This section covers issues that have not been raised in the previous sections. The section then covers additional options for amending the NES-MA to further support aquaculture growth, which were not consulted on.

2.3.6.1 Summary of submissions

Other issues

Two NGOs (Aquatic Life Institute and Animals Aotearoa) raised concern that animal welfare has not been addressed or considered in the proposed amendments to the NES-MA. Both NGOs suggest reinstating animal welfare as a matter of discretion on marine farm consents.

Christchurch City Council notes there should be consideration of climate change and resilience to natural hazards in the NES-MA, and the McGuinness Institute recommends including a requirement in resource consents to address the effects of climate change.

Te Rūnanga o Ngāi Tahu and Te Kahu o Taonui sought further amendments to the NES-MA to enable small-scale commercial aquaculture and commercialisation of research and trial activities. Te Kahu o Taonui sought further changes to include marae-based aquaculture as a permitted activity in research and trials and to provide for Māori commercial aquaculture.

Te Rūnanga o Ngāi Tahu sought further amendments to the NES-MA to enable small-scale marae and iwi-led aquaculture, as well as mātauranga-led habitat creation or fisheries restoration through shellfish and seaweed aquaculture, or both.

Additional options for amending the NES-MA to further support aquaculture growth that are out of scope

AQNZ and Akaroa Salmon requested changes to the NES-MA to enable realignment or relocation of existing marine farms. Both submitters noted that relocation could improve environmental outcomes and farm performance.

AQNZ sought changes to enable marine farmers to apply for a consent for the use of therapeutants under the NES-MA, rather than having to apply for a replacement consent for the entire marine farming activity.²⁷

Several submitters, including AQNZ, Akaroa Salmon, Te Rūnanga o Ngāi Tahu and Te Ohu Kaimoana, recommended amending the NES-MA to allow new aquaculture activities in aquaculture settlement areas to be consented as controlled activities. Submitters noted that there is currently no national framework for consenting within aquaculture settlement areas, which may undermine the intent of the Māori Commercial Aquaculture Claims Settlement Act 2004.²⁸

Te Ohu Kaimoana supported allowing new aquaculture activities in aquaculture settlement areas to be consented as controlled activities, noting it would help the Crown meet its aquaculture settlement obligations.

²⁷ 'Therapeutants' means additives to a marine farm for the purpose of improving farmed stock health.

²⁸ Aquaculture settlement areas are established under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004.

2.3.6.2 Analysis of submissions

Other issues

Officials consider animal welfare concerns are outside the scope of the current NES-MA and are provided for under the Animal Welfare Act 1999. People in charge of animals, including farmed finfish, are required to ensure the physical, health and behavioural needs of animals are met in accordance with good practice and scientific knowledge, and must ensure they receive treatment for unreasonable or unnecessary pain or distress. Prosecutions can take place if fish are either wilfully or recklessly ill-treated.

Officials consider that climate change issues are beyond the scope of the current consultation but have merit for future consideration such as through the development of the new resource management system.

Officials consider further changes to enable the commercialisation of trials are beyond the scope of the proposed amendments to the NES-MA, which focus on non-commercial, smaller-scale research and trial activities. Officials do not consider changes are needed to the NES-MA to provide for small-scale marae and iwi-led research and trial activities as these are already provided for through the proposed NES-MA provisions for research and trial activities.

Additional options for amending the NES-MA to further support aquaculture growth that are out of scope

Enabling finfish farms to realign through the NES-MA²⁹

The NES-MA currently includes provisions allowing existing marine farms that involve non-fed aquaculture to realign. These provisions do not include finfish farms. AQNZ and Akaroa Salmon proposed enabling realignment of finfish farms as a restricted discretionary activity, citing environmental and operational benefits. Specific examples included NZ King Salmon's Ruakākā farm and Akaroa Salmon's Canterbury farms.

Officials note that providing for realignment of finfish farms is outside the scope of the current consultation. Given the complexity and potential implications, further policy work would be needed before considering such changes. However, there may be merit in future consideration of the issue, such as through the development of the new resource management system.

Consenting pathway for therapeutants

AQNZ proposed amending the NES-MA to allow marine farmers to apply for a consent for therapeutants, rather than reconsenting the entire marine farm. In New Zealand farming, the use of therapeutants is managed under a variety of legislative tools designed to ensure effectiveness and manage human health impacts. For example, in marine farms, an RMA consent is required to manage the effects of discharging therapeutants into the marine environment during application.

Officials note that these proposals are outside the scope of the current consultation. The use of therapeutants is likely to attract significant stakeholder interest and would require careful policy design and targeted consultation. Given the complexity and potential implications, further work would be needed before considering such changes. However,

²⁹ In the context of the NES-MA, 'realign' means making minor adjustments to the location or layout of an existing marine farm to improve its operation.

there may be merit in future consideration of the issue, such as through the development of the new resource management system.

Providing for new aquaculture activities in aquaculture settlement areas

Several submitters suggested amending the NES-MA to allow new aquaculture activities in aquaculture settlement areas to be consented as controlled activities.

Officials note that providing for new aquaculture activities in aquaculture settlement areas is out of scope of this consultation. However, there may be merit in future investigation as it would:

- support the Crown to deliver aquaculture settlements in line with its negotiation strategy that the preference is to deliver space-based settlements, and increase the uptake of space-based settlements by creating a clearer pathway for consenting
- align with proposed changes to the NZCPS, which seek to actively provide for aquaculture in settlement areas
- reflect some regional planning approaches, where some councils have introduced more enabling pathways for aquaculture consents in settlement areas.

Delivering more space-based settlements would increase iwi participation and grow the sector, while also reducing the financial impact of the settlement for the Crown.

2.3.6.3 Recommendations

Recommendations for 'other issues' are summarised below.

Key recommendations

No change

2.3.7 Other considerations

2.3.7.1 Part 2 RMA

Officials are required to give effect to Part 2 matters of the RMA when preparing reports and making recommendations on proposals for amendments to national environmental standards (refer to section 46A(3)). Part 2 includes section 5 (purpose), section 6 (matters of national importance), section 7 (other matters) and section 8 (Treaty of Waitangi).

Officials consider the proposed amendments to be consistent with the purpose of the RMA, because they:

- enable sustainable use and development of coastal resources by supporting aquaculture-related research or trials, while managing environmental effects through nationally consistent matters of control and discretion
- safeguard the life-supporting capacity of coastal waters and ecosystems by providing a nationally consistent framework that allows regional councils to set appropriate consent conditions to reflect best environmental practice for aquaculture activities
- support social, economic and cultural wellbeing by reducing regulatory barriers to innovation and adaptation in the aquaculture sector, including by enabling changes to consent conditions and low-risk trial activities

- maintain environmental safeguards by ensuring activities are subject to appropriate entry requirements in the NES-MA³⁰ particularly in high-value areas (eg, outstanding areas), and by retaining council discretion where needed
- improve regulatory efficiency and consistency across regions, reducing duplication and uncertainty while maintaining local decision-making where appropriate.

2.3.7.2 Treaty of Waitangi and Treaty settlement considerations

Context

Relevant Treaty settlements and other obligations have been considered in developing the proposed amendments, including through the NES-MA Treaty Impacts Analysis.³¹

The proposed changes to the NES-MA introduce more lenient consenting requirements for certain changes to consent conditions and for research and trial activities on existing farms and in new spaces. This includes proposing to make some activities considered low risk to the environment permitted. While this may streamline processes, it could also reduce opportunities for Māori input into decision-making, particularly where permitted activities proceed without engagement or notification.

Officials consider the proposals that relate to addressing known issues in the NES-MA (refer to topic 1) and streamlining changes to consent conditions (refer to topics 2–4) will continue to uphold settlement obligations and other arrangements, as they primarily involve changes to existing consent conditions and do not involve new resource consent applications. This means that affected groups can continue to submit on applications.³² As such, these proposals are not further discussed.

The proposals that relate to enabling research and trial activities on existing farms and in new spaces (refer to topic 5) were of greatest concern to most submitters, including iwi and hapū. The following analysis outlines the key issues raised and the recommended changes to address them.

Key issues from submissions

Many submitters, including iwi, hapū, councils and environmental non-governmental organisations (ENGOS), noted that the proposals for permitted research and trial activities could undermine iwi and hapū rights and interests in the coastal marine environment, including those affirmed through Treaty settlement legislation and regional co-management arrangements.³³

³⁰ The proposed entry requirements in the NES-MA set the conditions that applications must meet to be eligible to use the more lenient consenting pathways for changes to consent conditions and research and trial activities.

³¹ This includes obligations under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

³² Affected groups include holders of statutory acknowledgements, CMT groups and protected customary rights groups.

³³ Concerns were raised in relation to the potential impacts on the following settlements in particular: Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014; the Maungaharuru-Tangitū Hapū Claims Settlement Act 2014; the Waikato-Tainui's Deed of Settlement (Raupatu Settlement 1995) and the Waikato River Settlement (2008); the Māori Commercial Aquaculture Claims Settlement Act 2004; the Marine and Coastal Area (Takutai Moana) Act 2011; and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Many submitters, including councils, iwi and hapū, also expressed broader concerns that proposed amendments relating to research and trial activities on existing farms and in new spaces (refer to topic 5) could reduce opportunities for Māori to participate in decision-making, particularly where consent requirements are removed for permitted activities.

Many iwi and hapū submitters raised concerns that creating more permissive rules, particularly permitted activities, may adversely affect cultural and environmental values and undermine the exercise of kaitiakitanga.

Submitters, including iwi and hapū, councils, Te Ohu Kaimoana and the RMLA, recommended changes to the proposed amendments for research and trial activities to better protect Māori rights and interests. Suggestions included:

- requiring all research and trial activities to obtain a resource consent, to ensure iwi engagement and consideration of kaitiakitanga
- ensuring that new research and trial activities in aquaculture settlement areas proceed only with the agreement of iwi aquaculture organisations.

Te Whakakitenga o Waikato Incorporated sought further changes to ensure the proposed changes to the NES-MA uphold, protect and maintain their rights and interests as affirmed in Waikato-Tainui's Deed of Settlement (Raupatu Settlement 1995) and the Waikato River Settlement (2008). Specifically, they requested a minimum level of notification and engagement for permitted activities in the coastal marine area.

Analysis of submissions and proposal

Concerns about undermining rights and interests in the coastal marine environment

Officials acknowledge concerns that permitting research and trial activities in new space could affect rights and interests recognised under Treaty settlement legislation, including the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Under these Acts, customary marine title (CMT) groups have a legal right to grant or decline resource consent applications within their recognised area.³⁴ This right to decline proposals does not apply to permitted activities under the NES-MA or a regional plan, which means CMT groups may not be able to exercise this authority if an activity does not require consent. As a result, permitting activities in new space could limit opportunities for CMT holders to engage with and influence decisions affecting their rohe.

To address concerns that permitting research and trial activities in new space could undermine Treaty settlement rights, officials recommend removing the proposal for structures in new space to be permitted. This change ensures that aquaculture development continues to be enabled while upholding Treaty settlements and related legislative arrangements.

Officials do not recommend changes to the provisions for controlled and restricted discretionary activities as the notification requirements in the RMA and permission rights under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 continue to apply. This allows affected holders of statutory acknowledgements, CMT

³⁴ 'Customary marine title groups' are applicant groups to which a customary marine title order applies or with which an agreement is made and brought into effect. This includes a delegate or transferee of the group if the delegation or transfer is made in accordance with tikanga.

groups and protected customary rights groups to submit on resource consent applications, helping to support Māori decision-making and uphold recognised rights.³⁵

Officials consider that the proposed NES-MA provisions appropriately provide for aquaculture settlement areas by maintaining existing protections under the RMA. Section 165E ensures that only those with authorisation from the Trustee (Te Ohu Kaimoana) can apply for coastal permits in gazetted settlement areas. This mechanism continues to apply under the NES-MA, supporting iwi oversight and safeguarding the rights of iwi aquaculture organisations.

Concerns about reduced tangata whenua participation in decision-making

The intent of the proposed amendments to the NES-MA is to support more streamlined consenting processes by making small-scale and time-limited activities permitted in new space. These amendments are designed to align with the rules in some regional coastal plans, which commonly allow small-scale, time-limited permitted activities in new space.

In response to feedback, officials acknowledge concerns that permitting activities in new space would limit opportunities for Māori participation, including for iwi and holders of statutory acknowledgements or Treaty settlement rights. To address this, officials recommend removing the proposal that is intended to allow new research and trial activities (involving structures) to be a permitted activity in new space.³⁶

Officials recommend retaining the provision to allow some research and trial activities within existing consented aquaculture areas to be permitted activities. Officials consider this proposal is appropriate, as it applies to small-scale (under 20 square metres), short-term (up to 12 months) activities, and is unlikely to generate additional adverse effects to what was previously consulted on. Permitting these activities supports innovation on existing marine farms with appropriate environmental safeguards.

Officials do not recommend changes to the proposals for controlled and restricted discretionary research and trial activities, as existing safeguards under the NES-MA and the RMA that provide for Māori participation will continue to apply.

Concerns about the proposals affecting cultural and environmental values and kaitiakitanga

Officials acknowledge that enabling more research and trial activities in new space may increase the number of consented projects, which could affect tangata whenua cultural and environmental values. The nature and extent of these impacts will vary depending on the activity and location.

The NES-MA provides opportunities to ensure tangata whenua values can be appropriately considered when making decisions on resource consent applications. This includes the Schedule 6 pre-application engagement, which allows tangata whenua to review and comment on proposals early. The RMA requirements to notify all affected holders of statutory acknowledgements, affected CMT groups and affected protected customary rights groups will continue to apply.

³⁵ Section 95B of the RMA.

³⁶ Regulation R17 – Research and trial activities in new locations that involve only structures and equipment for up to 12 months and under 5 square metres: permitted activity.

2.3.7.3 Other Acts and provisions

There are many other Acts and policy documents that interact with resource management in the coastal marine area, notably the Māori Commercial Aquaculture Claims Settlement Act 2004, the Fisheries Act 1996, Treaty settlement legislation and the Maritime Transport Act 1994. Due to the narrow scope of the proposed amendments, other legislation is only discussed in the sections above where it is relevant to the particular policy (eg, Māori Commercial Aquaculture Claims Settlement Act 2004).

2.3.7.4 Recommendations

Recommendations for ‘other considerations’ are summarised below and outlined in full in the consolidated recommendations table in attachment A.

Key recommendations

Remove the proposal to enable aquaculture-related research and trials in new locations to be a permitted activity (**see recommendation 33**).

3. Part B: Amendments to the National Environmental Standards for Commercial Forestry

3.1 Proposal overview

Forestry is a large contributor to New Zealand’s economy, and the Government has committed to backing the sector by making sure regulation is clear, practical and nationally consistent. The intent of the proposed amendments to the National Environmental Standards for Commercial Forestry (NES-CF) is to create efficiencies in forestry operation and consenting, and provide clarity for users of the NES-CF.

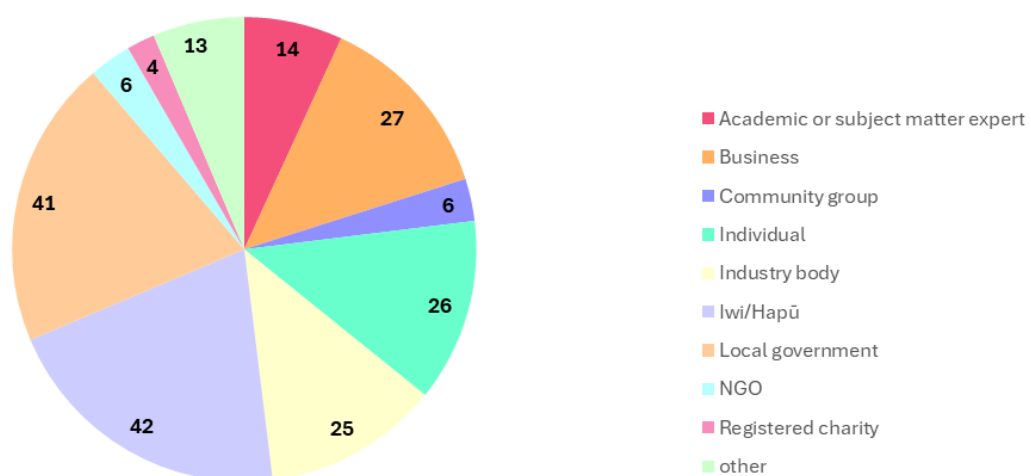
Proposed amendments to the NES-CF intend to clarify councils’ ability to have rules that are more stringent than the NES-CF to ensure that rules are clear and nationally consistent, while recognising that there are instances where regional variation may be required. Additional changes are proposed to slash management regulations that would support foresters and councils to focus on the most at-risk areas to manage environmental risk from slash mobilisation. Further amendments are proposed to reduce requirements for afforestation and replanting plans and to make minor text amendments.

3.2 Summary of submissions

3.2.1 Overview of submissions

A total of 160 submissions were received on the proposal to amend the NES-CF. Submitters can be broadly categorised into the following groups.

Affiliations of submitters on proposed amendments to NES-CF



Note: The sum of all groups shown in the graph does not correspond to the total number of submitters on this instrument as submitters could select multiple affiliation options.

3.2.2 Key submission topics

Key topics raised in submissions on the proposed instrument include:

- addressing council ability to have more stringent rules than in the NES-CF
- amending the approach to managing slash
- reducing requirements for afforestation and replanting plans.

These topics are discussed in further detail below.

3.3 Analysis of proposal and submissions

3.3.1 Topic 1: Addressing council ability to have more stringent rules than in the NES-CF

3.3.1.1 Proposal

Amending stringency regulation 6(1)(a)

Most of the provisions in regulation 6 of the NES-CF are quite specific. In contrast, regulation 6(1)(a) is a more general provision, which allows councils to have a more stringent rule than the NES-CF if the rule gives effect to an objective developed to give effect to the National Policy Statement for Freshwater Management (NPS-FM).

The Government consulted on amending regulation 6(1)(a) to provide clearer and more specific criteria under which a council plan may include a rule that is more stringent than the NES-CF. This included removing the specific reference to the NPS-FM. Specifically, councils would be able to apply more stringent rules where:

- it is necessary to manage the risk of severe erosion from commercial forestry from a defined area that will have significant adverse effects on receiving environments, including the coastal environment; downstream infrastructure; or property; and
- the effect cannot be managed through the rules in the NES-CF; and
- there is an underlying risk within the defined area that has been identified through mapping this area at a 1:10,000 scale or using a 1 square metre Digital Elevation Model.

Repealing regulation 6(4A)

Regulation 6(4A) gives councils broad discretion to have more stringent or lenient rules to control aspects of afforestation, including location. It was introduced in the 2023 amendments³⁷ to the NES-CF to address community concerns with afforestation of permanent exotic forests ('carbon forests'). The Government consulted on repealing regulation 6(4A) to increase the consistency of afforestation controls across the country.

³⁷ In 2023, the Government amended the NES-CF (at the time, the National Environmental Standards for Plantation Forestry) to better manage the environmental effects of plantation forestry and permanent 'carbon forests'. Changes came into effect from 3 November 2023.

3.3.1.2 Key issues from submissions

Amending regulation 6(1)(a)

Some submitters supported the proposal to amend regulation 6(1)(a), including forestry industry and some iwi/Māori organisations; and some supported it in part, including forestry industry, councils and planning bodies. To increase certainty, submitters' comments included requesting clarification of terms, in particular 'severe erosion', 'significant adverse effects' and 'defined risk'; and highlighting the importance of all three criteria of the notified proposal being met.

Most submitters – mostly councils, iwi/Māori organisations, environmental organisations and Tairāwhiti-based submitters – opposed this proposal. These submitters raised concern that the proposed changes could reduce councils' ability to manage effects across a range of matters, including erosive soils, indigenous and exotic freshwater species, indigenous fauna, Māori sites of significance, outstanding natural features and landscapes (ONFLs), water quantity, setbacks and river crossings.

Submitters expressed differing views on the scope of the proposal. One council thought more stringent rules should be allowed in relation to both severe erosion as an effect in itself and any significant adverse effect on a receiving environment. In contrast, another council submitted that only significant adverse effects downstream should trigger the ability to apply more stringent rules.

Most iwi/Māori organisations were concerned that the changes would limit the ability of councils to maintain regionally tailored rules that give effect to the NPS-FM and Te Mana o te Wai, especially where these reflect mana whenua priorities such as the protection of wāhi tapu, the exercise of kaitiakitanga and the restoration of mauri. One submitter, representing the forestry interests of a collective of iwi, considered that a narrower set of circumstances for applying stringency is more appropriate for meeting the intent of the NES-CF, while also accommodating the need to address specific high-risk sites. They noted that 'stringency provisions were intended to be for unusual or exceptional circumstances, not for widespread use'.

Submitters were concerned that reducing council options for having more stringent rules in relation to the NPS-FM would weaken protections for freshwater. One submission noted that the proposal doesn't have the flexibility to protect freshwater at the Freshwater Management Unit (FMU) level.³⁸

Additionally:

- there was concern from several submitters that the proposal went against the intent of the Ministerial Inquiry into Land Use (MILU) report,³⁹ which will require some changes to the Tairāwhiti Resource Management Plan

³⁸ A FMU is defined in the NPS-FM 2014 as 'a water body, multiple water bodies or any part of a water body determined by the regional council as the appropriate spatial scale for setting freshwater objectives and limits for freshwater accounting and management'.

³⁹ In response to the damage from extreme weather events in Tairāwhiti Gisborne and Wairoa, the MILU was established in 2023. It was tasked with describing the history of land uses associated with the mobilisation of woody debris (including forestry slash and sediment) in the regions, and with making recommendations about further work required.

- one submitter thought the approach fails to account for significant variations in geology, topography and climate
- one council was concerned that an existing proposal for a plan change would need to be modified to meet the requirements of the amended proposal
- two councils raised an equity issue of councils needing to pay for additional mapping. A number of other submissions thought a national map of 'severe erosion' was required for certainty of application.

Repealing regulation 6(4A)

Most submitters opposed the proposal to remove regulation 6(4A), with opposition primarily coming from councils, iwi/Māori organisations and ENGOs. In general, these submitters considered that councils should retain discretion over afforestation activities. Several submitters went further, calling not only for the regulation to be retained but also strengthened to prevent unsafe planting and harvesting. Most councils that submitted a position on this issue opposed the proposal.

Submitters raised concerns that the proposal would:

- weaken councils' ability to manage environmental risks like wilding conifers and fire, with multiple submitters referring to the successive fires in the Port Hills, Christchurch
- lead to higher rates of conversion of farmland to permanent exotic forests
- provide inadequate protection for sensitive or fragile ecosystems, especially in water-short catchments
- reduce councils' ability to respond to cumulative environmental effects.

Iwi/Māori organisations – most of whom opposed the proposal – were concerned that the removal of regulation 6(4A) would reduce the ability for councils to support mana whenua-identified and region-specific forestry risks. They considered this would reduce environmental and cultural protections compared with the status quo.

Submitters who supported the proposals – primarily from the forestry industry and iwi/Māori organisations with forestry interests – commented that removing regulation 6(4A) would 'simplify planning requirements for all parties' and provide national consistency in afforestation regulation.

3.3.1.3 Analysis of submissions and proposal

Amending regulation 6(1)(a)

Submitters raised concerns that proposed changes to regulation 6(1)(a) would weaken protections for freshwater. The intent of the proposed amendment is to enable the use of more stringent rules to meet freshwater objectives in exceptional circumstances where cause (severe erosion) and effect (receiving environments) are clearly linked and demonstrated. As such, officials consider that the proposal is still aligned with an FMU approach, which focuses on specific conditions in a catchment rather than applying more stringent rules region-wide when effects vary catchment by catchment.

Several submitters were concerned that the proposal would prevent Gisborne from giving effect to MILU recommendations. As set out in the notified proposal, the Government is committed to ensuring Gisborne can manage issues identified in the MILU report. The

refocusing of regulation 6(1)(a) is designed to require careful consideration of geology, topography and climate, which are the key matters that would potentially drive a need for more stringent rules in Gisborne and in limited areas of the rest of the country.

The proposed change to regulation 6(1)(a) will not affect councils' powers through the existing tools and structure of the NES-CF, including other matters of stringency (eg, to make rules in relation to ONFLs and significant natural areas). Foresters will still be required to manage the effects of their activities and councils will still be able to manage effects through consideration of NES-CF management plans and conditions of resource consents. The process for how a council plan change is made under regulation 6(1)(a) will remain the same, which means that tangata whenua affected by a proposed policy statement of plan will still be consulted.

A number of other issues raised by submitters are out of scope of the regulations (eg, water quantity and dotterel nesting rules), with councils retaining control over many of these matters. In some cases, matters are out of scope of the regulations because they are managed through other legislation, including the Fire and Emergency New Zealand Act 2017 (fire prevention and management) and the Biosecurity Act 1993 (pest management and wilding conifer control outside the forest). Officials do not recommend making any changes to address matters that are not covered by the NES-CF.

Managing commercial forestry through national rules

The NES-CF provides a set of consistent rules that manage the effects of forestry activities within scope of the regulations. It is not a baseline regulation for councils to build on; stringency provisions are intended for exceptional circumstances where specific need can be demonstrated. Where a council considers it requires more stringent rules in a plan, an RMA section 32 evaluation requires a council to 'examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act'.

Erosion is a natural process, and the effects of erosion cannot be completely eliminated. There will be some cases where the public interest in managing significant impacts on downstream communities requires more stringent rules. There is a strong evidentiary link between severe erosion, weather events with very high rainfall and downstream effects, and officials therefore consider the refocusing of regulation 6(1)(a) on severe erosion to be appropriate. Meeting the requirements of the amended regulation will require careful consideration of all evidence at the planning stage and officials would expect it to be used only in exceptional circumstances. For example, Gisborne District Council is considering developing more stringent rules than the NES-CF, to address land-use issues associated with significant erosion that has been exacerbated by repeated high-rainfall weather events.

Providing clearer definitions of terms

Officials agree with feedback from submissions that there is a need for clearer definitions in the amended regulation 6(1)(a) to increase certainty and application of the regulation for all parties. This is reflected in recommended changes to notified provisions (refer to attachment B).

A number of submitters said it was necessary to define 'severe erosion' and one queried how a definition would align with the Erosion Susceptibility Classification (ESC). The ESC is a tool that provides a broad characterisation of erosion susceptibility for determining whether an activity in the NES-CF is permitted or requires resource consent, using source data from the New Zealand Land Resource Inventory (NZLRI). All of mainland New Zealand is mapped within one of four zones according to their erosion susceptibility (green, yellow, orange and red zones, which respectively have low, medium, high and very high erosion susceptibility). NES-CF rules

have therefore been developed with a view to avoiding, remedying or mitigating erosion. Therefore, care is required in defining the circumstances under which stringency may be applied.

Where exceptional circumstances may require more stringent rules, the definition must encompass the same information as that which underpins the ESC. The NZLRI provides detail on erosion type and erosion severity, which officials recommend be used in defining those areas where regulation 6(1)(a) may apply. Officials note that the type and intensity of erosion is only one component in the requirements of regulation 6(1)(a) and outside that broader context, the NES-CF is designed to manage effects. For example, the ESC red zone describes land with 'very high' erosion susceptibility. Afforestation in this zone has restricted discretionary consent status with wide matters of discretion to signal the ability for councils to refuse the land use or place tight controls on its use.

Officials have specified the types and severity of erosion that may be considered for the purpose of regulation 6(1)(a) and these are in accordance with the Land Use Capability Survey Handbook to ensure consistency and objectivity. Soil slip, debris avalanche and debris flow are mass movement erosion types associated with large amounts of material (both soil and vegetation) being mobilised with the potential to cause harm.

Gully erosion is a fluvial erosion that by its nature does not mobilise large volumes of material suddenly, in contrast to mass movement erosion. However, where it occurs extensively in association with severe weather events, as in parts of the Gisborne region, it is associated with significant loss of land and sedimentation of waterways. To enable regions to address issues relating to extensive gully erosion in its cretaceous geologies, officials recommend including it in this provision.

Very high rainfall events are the trigger for severe erosion causing significant adverse downstream effects. Officials considered including a requirement to demonstrate this in the provision but consider the size of a relevant event to be too difficult to quantify at a national scale at this time.

Context for more stringent rules

Erosion can pose significant challenges for commercial forestry when certain risk factors are present. These include:

- where the land is inherently susceptible to severe erosion due to its geology; and
- the climate is susceptible to extreme weather events, in particular very high rainfall; and
- where the combination of those factors causes on-site effects that will have significant adverse effects off-site. For off-site effects to be significant, they need to occur in areas that have a particular sensitivity or vulnerability.

The ESC is a site-specific tool that does not assess a) off-site risk, b) the temporal distribution of weather,⁴⁰ or c) cumulative effects of activities on multiple properties. All these factors are relevant to individual site risks over time. Officials considered including a requirement to demonstrate how the climate element is fulfilled but consider the size of a relevant event too difficult to quantify at a national scale at this time. However, where all the risk criteria above apply, there may be a case for more stringent rules than the NES-CF sets. As these factors vary across a region, a council will need to consider risk factors at a more granular level than the ESC.

⁴⁰ Annual exceedance probabilities for landslide-causing rainstorms were considered in the development of the ESC (see 36–42 Plantation Forestry Erosion Susceptibility Classification: Risk assessment for the NES-PF MPI Technical Paper No: 2017/47, July 2017).

National mapping

A number of councils and forestry industry submitters, as well as the Parliamentary Commissioner for the Environment, suggested that national mapping of ‘severe erosion’ would be fairer and more certain than leaving each council to interpret what is required.

Councils carry out erosion mapping for a range of reasons, some of which are relevant to forestry and others less so (eg, streambank erosion mapping). Notably, Tairāwhiti Gisborne has had morphometric and gully mapping⁴¹ to determine where an overlay could apply land-use limitations for all land uses to address erosion risk. Some other councils are investing in this type of mapping.

National mapping using common metrics can provide certainty and efficiencies, but ideally this should be considered holistically – across all land uses. However, stringency provisions are intended to provide for situations where regional variation is appropriate and, in this instance, officials consider stringency is appropriate only in limited circumstances. Therefore, officials do not recommend national mapping at this time.

In response to submitters who considered councils should be able to use the most appropriate tools for their regions, officials are not proposing to specify a particular mapping process or scale. While this allows for flexibility, it also increases uncertainty for foresters. To help address this, clarifying the meaning of ‘severe erosion’ and providing guidance on mapping requirements will support councils in determining whether an area meets the threshold for stringency.

Extreme weather events are the primary trigger⁴² for severe erosion and slash and sediment mobilisation. Officials considered including a requirement to demonstrate climate impacts by specifying an event size exceedance probability threshold within regulation 6(1)(a). At this stage, setting a national threshold is complex, but this may become more feasible as national frameworks for climate change adaptation and natural hazards management develop.

Repealing regulation 6(4A)

Submitters were concerned that the removal of regulation 6(4A) would result in there being inadequate protection for sensitive or fragile ecosystems. The NES-CF was developed to manage the environmental effects of commercial forestry activities, including those on unique and sensitive environments (eg, regulation 6(3), which is not changing). In response to concerns from some councils that removal of regulation 6(4A) would remove their ability to address cumulative effects, officials note that amendments to regulation 6(1)(a) do not preclude consideration of cumulative effects in that provision.

Submitters were concerned that removing regulation 6(4A) would weaken councils’ ability to manage conversion of farmland to permanent exotic forests. The NES-CF takes a neutral approach to land use and rather is designed to manage the effects of afforestation (including the whole forestry cycle) that could cause off-site effects on neighbours and communities. The Government recognises the concern over large-scale farmland conversion to forestry and

⁴¹ Morphometric mapping is available from Gisborne District Council. 2025. [Gisborne Morphometric Landslide Susceptibility Connectivity Model All Classes v1.1 Download](#); and gully mapping from Ministry for Primary Industries. 2025. [Gully erosion in Tairāwhiti Gisborne](#). Retrieved 16 March 2026.

⁴² Earthquakes can also trigger severe erosion but are more strongly associated with damage to public infrastructure (eg, roads and bridges) than to rural land.

is addressing this through limits on how much farmland converted to exotic forestry will be eligible for registration in the Emissions Trading Scheme.⁴³

Submitters also raised concerns with councils' ability to manage environmental and cultural risks, such as fire, the spread of wilding conifers, and sites and areas of significance to Māori. For the most part (eg, the NES-CF has a wilding tree risk calculator to assess the risk of wilding conifer spread from new afforestation or replanting activities), these issues are addressed through other legislation. For example:

- councils manage fire risk under the Fire and Emergency New Zealand Act 2017
- councils have obligations relating to the spread of wilding conifers through rules in their regional pest management plans under the Biosecurity Act 1993
- the Heritage New Zealand Pouhere Taonga Act 2014 is relevant to sites of significance to Māori, particularly through the requirement to obtain an archaeological authority where it is 'known or suspected' that a pre-1900 site of human activity may be affected.

Officials acknowledge concerns from iwi/Māori organisations that the removal of regulation 6(4A) may reduce the ability for councils to address mana whenua-identified and region-specific forestry risks, potentially weakening environmental and cultural protections compared with the status quo. However, the ability to use other provisions of regulation 6 that target specific issues, alongside the Heritage New Zealand Pouhere Taonga Act 2014, and the primacy of Treaty settlement legislation, helps mitigate this risk.

Officials consider provisions in the NES-CF and other legislation are sufficient to address the key issues raised by stakeholders and are not recommending changes to the proposal as notified.

3.3.1.4 Recommendations

Recommendations for this topic are summarised below and outlined in full in the numbered recommendations in the consolidated recommendations table in attachment B.

Key recommendations

Amend regulation 6(1)(a) to clarify that it may be used where the NES-CF does not manage the effects of commercial forestry activity within a specific area defined as being susceptible to severe erosion, and the consequence of the activity will have significant adverse effects on receiving environments, including the coastal environment, downstream infrastructure or property (**see recommendation 2**).

Amend the NES-CF so that 'severe erosion' only includes the following erosion types and severity as defined in the Land Use Capability Survey Handbook 3rd edition: soil slip, debris avalanche, debris flow, and gully erosion in cretaceous geologies if their level of severity is severe, very severe or extreme (**see recommendation 3**).

Retain the proposal to remove regulation 6(4A) which enables councils to make more stringent or lenient rules in relation to afforestation (**see recommendation 4**).

⁴³ Ministry for Primary Industries. 2025. [Limits to restrict farm-to-forest conversions](#). Retrieved 16 March 2026.

3.3.2 Topic 2: Amending approach to managing slash

3.3.2.1 Proposal

The Government consulted on amending regulation 69 to require a slash mobilisation risk assessment (SMRA) for all forest harvests as part of the existing harvest management plan, and/or amending regulation 69(5) to require all slash above an identified size to be removed from the forest cutover.

The Government sought feedback on:

- whether the SMRA should apply to ESC green (low erosion risk) and yellow (moderate erosion risk) zone land
- how to manage land identified as high slash mobilisation risk – requiring either a resource consent or allowing removal of slash to a certain size threshold as a condition of a permitted activity
- updating the definition of cutover to ‘cutover means the area of land that has been harvested’.

The discussion document also sought feedback on an alternative option to change the size and volume thresholds in the current regulations so that all slash that is sound wood greater than 3.1 metres with a 10-centimetre small-end diameter must be removed from the forest cutover. A residual amount of 15 cubic metres of material of this size might be left on the cutover.

3.3.2.2 Key issues from submissions

Most submitters supported the proposal to introduce an SMRA, with multiple submitters commenting that it improved on existing permitted activity requirements. There was no consensus view on whether the SMRA requirement should apply to all land or whether green- and yellow-zoned land should be exempted.

Iwi/Māori organisations raised concerns that the cost and complexity of SMRA compliance may fall disproportionately on Māori landowners, particularly those holding land in high-risk erosion zones. To address this, a few submitters suggested co-designing SMRA templates with Māori and several submitters called for tailored support for Māori foresters and landowners to enable compliance.

A number of submitters were concerned about the potential for misclassification of high slash mobilisation risk sites, potentially leading to uncertainty around compliance and enforcement challenges. Some questioned whether foresters would have the appropriate skills and experience to carry out SMRAs and whether councils would have the skills and experience to review them. This was an issue officials also heard through non-statutory engagement during the consultation period.⁴⁴ Submitters’ suggestions included expert verification as well as robust oversight and monitoring.

A couple of submitters commented that the draft SMRA template provides a solid foundation for slash mobilisation risk assessment. Most submitters who commented on one or more individual elements of the draft SMRA agreed with the proposed criteria. All submitters who commented on the criteria agreed with the Government position that including rainfall,

⁴⁴ MPI led targeted (non-statutory) engagement with councils, industry stakeholders and Māori partners during the consultation period.

a catchment factor and slope features in an SMRA would be too complex to define and measure for a national regulatory threshold. While all acknowledged the importance of rainfall, two submitters also requested guidance on the size of the event an SMRA should be assessed against.⁴⁵

Most submitters supported the proposal to amend the cutover definition as notified. Some submitters, most of whom were from the forestry industry, made suggestions as to how it could be further refined for the avoidance of doubt as to what it covers. Other submitters opposed the proposed cutover definition because it was too narrow.

Some submitters from the forestry sector saw a place in the regulations for a risk assessment as well as a permitted activity size/volume standard. It was suggested that the SMRA could enable identification of risk and, where risk is assessed as high, a specified standard for removal must be met or a resource consent sought. This would reduce the need to seek consents that would likely specify removal to that standard.

With respect to the size/volume standard, several submitters echoed feedback received through (non-statutory) engagement, noting that using small-end diameter (SED) instead of large-end diameter (LED) would align better with most systems for measuring size. One forestry industry submitter provided evidence from extensive monitoring across its estate, indicating that the 15 cubic metres residual threshold is near impossible to meet in practice. It argued that this makes for poor policy in the context of a permitted activity, which should be reasonably attainable. It submitted that a residual volume of 30–45 cubic metres was more achievable, while still representing a significant removal of material from the cutover. The company had been granted consents at this threshold.

A few submitters considered the national slash regulations (introduced in 2023) to be an overreaction to slash mobilisation risk in Gisborne and other limited areas. Several other submitters suggested that slash issues on high-risk erosion land would only be managed by stopping clear-fell harvesting and transitioning to permanent vegetation cover.

3.3.2.3 Analysis of submissions and proposal

Introduce a risk-based approach to managing cutover slash

In line with most submissions that agreed with the Government's preferred options for slash management, officials recommend replacing the size-based requirement for removal of slash on the cutover with a new requirement for a SMRA to be completed at the time of forest harvest as part of the existing harvest management plan.

While submitter views were mixed over requiring a SMRA for green and yellow zone land, officials are not recommending such a requirement as this land is, by definition, lower risk.⁴⁶ Requiring a SMRA for these zones would be disproportionate to the low risk of slash mobilisation. Officials are recommending instead that the SMRA applies to the zones currently covered by regulation 69(5), that is, 'orange zone land and red zone land that is not 8e where it involves no more than 2 hectares of harvesting in any 3-month period' in order to identify

⁴⁵ A number of forestry companies sought clarification and/or practical guidance on the event size for which they must design and manage more broadly, particularly in light of the draft National Policy Statement for Natural Hazards.

⁴⁶ Green zone land is defined as having low erosion susceptibility and yellow zone land as having medium susceptibility.

harvest sites with high risk of slash mobilisation. There are still requirements for all sites to manage slash on landings and in and around waterways (regulations 69(1–2) and 69(3–4) respectively) and describe the management practices that will be used to avoid, remedy or mitigate risks relating to slash.⁴⁷

The draft SMRA considered risk thresholds of low-, medium- and high-slash mobilisation risk, with pathways to different actions (eg, no further action, further assessment, or a requirement for resource consent). For simplicity and certainty, officials recommend refining the SMRA so that a site either falls within a high-slash mobilisation risk category or does not.

Officials agree with submitters who suggested that basic slash mobilisation risk criteria could be included in the regulations to reduce the number of low-risk sites needing to carry out an assessment. These criteria would need to be clearly demonstrable for compliance purposes, and officials consider the inclusion of erosion severity thresholds for erosion types associated with slash mobilisation (soil slip, debris avalanche, and debris flow)⁴⁸ will meet this threshold. Officials also considered including predominant slope and river connectivity within the regulations. However, officials consider slope is better included in the SMRA template so the role of slope across a site can be considered alongside other risk criteria. Further, although submitters highlighted river connectivity as a key factor in downstream risk, officials acknowledge concerns about the complexity of river connectivity mapping. Therefore, officials also recommend managing that factor through the SMRA template, allowing for more detailed guidance on acceptable methods for identifying connectivity.

Revising the slash mobilisation risk assessment

The proposal as notified tested 11 risk indicators in the draft SMRA template. In response to submissions on one or more of the indicators, officials recommend taking forward six of these indicators as they broadly meet the criteria for suitability for a regulation as set out in the proposal.⁴⁹ These are:

- ESC rating – to be set out in the regulations
- dominant mass movement erosion process – to be set out in the regulations
- slope
- direct connectivity of the erosion feature to a river
- direct proximity to off-site infrastructure, a significant natural area, lake, wetland or estuary
- connectivity to downstream infrastructure.

Submitters who commented on rainfall, catchment factor and slope feature criteria agreed with the Government's proposal that, although relevant, they are not sufficiently reliable for a regulation. Information about these criteria may be included for information in guidance.

The SMRA will be further developed and incorporated by reference based on the draft that went out for consultation.

⁴⁷ The plan must describe the management practices that will be used to avoid, remedy or mitigate risks relating to slash.

⁴⁸ There was one indicator, 'rock fall', that no submitters mentioned. After further consideration, officials are recommending omitting it from the SMRA as it is usually associated with very steep slopes with little soil cover and is therefore unsuitable for forestry.

⁴⁹ Predictive certainty of risk; evidence of cause and consequence; available to all regulated parties; ease of use; and readily measurable to a meaningful level of accuracy.

Amending the ‘cutover’ definition

Most submitters supported the proposal to amend the ‘cutover’ definition – with some making suggestions as to how it could be refined further. Officials agree that the proposal could be refined further for the avoidance of doubt about what is considered cutover for the purposes of regulation 69 and recommend making it explicit that it does not include forestry infrastructure or land that would be covered by water during a 5 percent annual exceedance probability (AEP)⁵⁰ flood event. The intent in excluding these specific areas is that they are managed through other parts of regulation (69(1–2) and 69(3–4) respectively). Officials do not consider it necessary to include timing in the definition (as suggested by some submitters) because the activity of ‘harvest’ has a completion point, and the activity of ‘land preparation’ is managed by separate regulations.

Officials note one submitter’s concern that the definition does not cover the entire forest site so some risks may not be managed. Officials point to the requirements of the harvest management plan (specifically Schedule 6, 4(4)), to describe management practices to address risks relating to slash. While the plan specifically requires practices to address regulation 69, it is not limited to these provisions and can accommodate additional risks as needed.

Removing the permitted activity standard for slash

Some submitters from the forestry sector supported including both a risk assessment and a permitted activity size/volume standard in the regulations. Officials acknowledge that if a response to a high slash mobilisation risk site is a consent condition requiring a removal of material, a permitted activity standard that achieved the same outcome could reduce costs and delays. However, consent is only required where risk is assessed as ‘high’ and officials consider that managing risk within a resource consent process increases transparency and oversight by the council. Further, officials do not have sufficient evidence to reliably link slash volumes on-site to slash outcomes off-site at a national level, so there is a risk that recommending a permitted activity standard would result in significant adverse effects, even if only in limited cases.

Several submissions also raised practical and safety issues with complying with the existing permitted activity requirements. On that basis, officials do not see it as appropriate to set a standard. Consent conditions need to be specific to the activity they manage in order to address an effect, in this case downstream risk.

Some submitters, including councils, were concerned about the potential for risk assessments to be poorly done, with one council noting it cannot comment on, reject, or request further information. Officials agree it is important that the criteria for a risk assessment are well understood and that each risk assessment is carried out in a consistent manner. Officials recommend an SMRA made up of readily understood and measurable risk criteria and thresholds, backed by guidance.

Guidance to enable compliance

Officials agree with the submitters who said the Government will need to support foresters and councils to comply with the new SMRA requirements, including Māori foresters and landowners who have a higher proportion of high-risk land. Guidance on new slash requirements may include workshops, as well as webinars with industry and councils to ensure they

⁵⁰ An AEP is the probability of a certain size flood occurring in a single year. A 5 percent AEP means there is a 5 percent chance in any single year of the flood event happening.

understand how to apply the SMRA appropriately and with common understanding of intent and the practical issues in addressing slash risk, and of monitoring risk until it reverts to pre-harvest levels.

3.3.2.4 Recommendations

Recommendations for this topic are summarised below and outlined in full in the numbered recommendations in the consolidated recommendations table in attachment B.

Key recommendations

Amend regulation 69 so that a requirement for an SMRA applies to all forest harvest in the orange zone and red zone land (as described in regulation 63(2)(b)) as part of the existing harvest management plan if specified criteria apply (**see recommendation 9**).

Amend the definition of 'cutover' to mean 'the area of land that has been harvested', and for clarity also exclude forestry infrastructure or land that would be covered by water during a 5 percent AEP flood event (**see recommendation 1**).

3.3.3 Topic 3: Removing the requirement for afforestation and replanting plans

3.3.3.1 Proposal

The Government consulted on repealing:

- regulation 10A, which requires an afforestation plan
- regulation 77A, which requires a replanting plan
- Schedule 3, which sets out requirements for these plans.

3.3.3.2 Key issues from submissions

Most submitters (including most councils) opposed the proposal to remove afforestation and replanting plans. These submitters were concerned that the plans play a role in:

- compliance, monitoring and enforcement
- managing potential environmental or cultural risks
- mitigating poor site selection for forests and providing certainty for future land use.

One council said the plans give it certainty about where exotic continuous-cover forests will be planted and any risks managed. Another council supported having the plans available in GIS format, saying it creates additional value to council and foresters due to the increased engagement required with more detailed slope, connectivity and erosion mapping.

The remaining submitters either supported or partially supported the proposals. Several submitters (largely forestry sector submitters) supported the proposals to remove replanting plans as they said most councils do not ask for them and/or do not use them if they do ask for them. They considered this was wasted administrative effort, and that it had proportionally high costs for small forest owners. However, most of these submitters were open to maintaining the requirement for afforestation plans, saying some councils have indicated they derive value

from some elements of the afforestation plans – in particular, ensuring setbacks are correctly sited and identifying potential issues associated with planting in unsuitable locations.

Most iwi/Māori organisations that submitted a position opposed this proposal. One PSGE felt that insufficient information had been provided for it to develop a position. Multiple submitters commented that the plans were important for ‘balancing environmental protection with enabling efficient, certain, and sustainable forestry investment and operations’.

Most submitters treated replanting plans in the same way as afforestation plans, though most forestry interests and some councils differentiated between the two and did not support retaining replanting plans. Some non-forestry submitters considered they provided a mechanism for discussion between council officers and landowners of areas that proved difficult to harvest and/or posed a downstream safety risk.

3.3.3.3 Analysis of submissions and proposal

Retaining requirement for streamlined afforestation plans

Submitters gave a number of reasons why requirements for afforestation and replanting plans should be retained. Officials note that many of these are provided for in the existing structure of the NES-CF (or are out of scope of the regulations) and removal of afforestation plans would not change the requirement to meet these (or the requirements that sit outside the NES-CF). The NES-CF anticipates potential future commercial forestry issues through conditions for permitted activities and resource consent thresholds relating to:

- the suitability of the land for sustaining a tree crop (erosion susceptibility)
- wilding conifer spread
- shading of roads and properties
- protection of waterways
- significant natural areas and ONFLs
- notice requirements.

Officials agree with the submitters who saw value in, and recommended, retaining streamlined afforestation plans that provide a more detailed template for the notice requirements, if it balances the council’s reasonable need to have the information. Officials recommend that the requirement for afforestation plans be retained with changes so plans still require written details about the property and demonstrate how afforestation requirements (notably setbacks) have been met through a property map. This provides greater certainty to councils that permitted activity afforestation requirements have been met and aligns the requirement with the requirement for harvest and earthworks plans. It also provides a documented baseline for the features that will need to be protected if the forest is harvested, which is clear to both the forest owner and the council.

It is not the intention that the plan is updated as a living document. As such, it should not include matters related to NES-CF activities other than afforestation (eg, harvest effects) as these cannot reasonably be known at afforestation. These are managed through activity-specific requirements at the time they occur – for example, through harvest management plan requirements.

Providing guidance for complying with afforestation plan requirements

To assist smaller forest owners who have poorer access to mapping technologies than larger forest owners, officials will consider options to develop simple resources for small landowners on how to submit their management plan maps using a GIS map format.

Removing replanting plans

Officials agree with some submitters (forestry industry submitters and some councils) that there is limited value in retaining requirements for replanting plans. In particular, where councils are not asking for plans, they are perceived as a waste of administrative effort that has proportionally high costs for small forest owners.

One council submitted that regulations 10 and 78A could be interpreted as not requiring maps for afforestation and replanting setbacks and that these should be required. Currently the requirement in these regulations is to describe how setbacks are calculated. Schedule 3 requires mapping for afforestation plans and officials consider the evidentiary requirement of a map provides a council with good evidence to challenge incorrect setbacks at afforestation. However, officials agree that a map could be beneficial to depict replanting setbacks, so they are recommending that an amendment be made to the notice requirement for replanting to enable any new setbacks to be submitted in map form if the forester chooses to do so. As this is a notice requirement and not a management plan requirement, officials are making this an option rather than a requirement.

3.3.3.4 Recommendations

Recommendations for this topic are summarised below and outlined in full in the numbered recommendations in the consolidated recommendations table in attachment B.

Key recommendations

Retain the requirement for an afforestation plan (regulation 10A), removing matters (from Schedule 3 requirements) that are not related to afforestation and those that cannot reasonably be known at afforestation (**see recommendations 5 and 16**).

Remove the requirement for replanting plans as notified (**see recommendation 12**).

Amend the proposal to include an additional option in regulation 78A for foresters to provide written notice of proposed setbacks including a map showing proposed replanting setbacks (**see recommendation 26**).

3.3.4 Other issues

3.3.4.1 Minor text amendments

The Government proposed three minor text amendments:

- removing the undefined term ‘woody debris’ from all forest planning requirements in Schedules 4, 5 and 6
- amending wilding tree risk and control regulations 11(4)(b) and 79(5)(b) to simplify wording and link the required activity to the notice requirement
- amending regulation 71A(b) to state that low-intensity harvesting is permitted if ‘any relevant forest planning requirement is complied with’.

Most submitters supported the proposed minor text amendments. All but one submitter supported the amendment to regulation 71A(b) and the council that opposed it did not give a reason. Almost all submitters supported the amendments relating to wilding tree risk, though several forestry industry submissions raised broader concerns relating to the revised wilding tree risk calculator that will soon replace the existing calculator. As these matters are not within the scope of the proposal, officials are making no recommendations in relation to those concerns through this process.

Most submitters supported the removal of the term 'woody debris' from the regulations. However, one submitter cautioned against removal of the term 'woody debris' from the regulations as it encompasses fallen trees and debris other than just slash (defined in the NES-CF as 'tree waste left behind after commercial forestry activities'). This issue was also raised during engagement on the proposed changes during the consultation period, with a focus on the issue of 'windthrow' timber (uprooted or snapped trees). During engagement, one council indicated an intention to progress rules of its own to manage windthrow.

Windthrow can occur at any time in the forest cycle. Trees that have fallen naturally ahead of harvest are not covered by the slash regulations, but may in some circumstances pose a hazard, both for harvest operators and downstream if they mobilise. They may also confound residual slash counts after harvest. The intent of including woody debris in the regulations in 2023 is not clear as it is not defined (by size or characterisation) and does not set clear standards for management, but it was likely an attempt to require the management of windthrow timber.

The issue of managing windthrown trees is not straightforward, with well-recognised health and safety issues for operators. While officials recognise it can be an issue in some contexts, they do not have enough information about the problem or potential management options to make recommendations about including it in the regulations at this time. Officials recommend proceeding with removal of the term 'woody debris' as it is currently used in the regulations as there is no policy intent associated with it. However, this does not preclude further work being done outside this process.

3.3.4.2 Recommendations

Recommendations for this topic are summarised below and outlined in full in the consolidated recommendations table in attachment B.

Key recommendations

Make minor text amendments as notified (see recommendations 6, 10, 12 and 15).

3.3.5 Other considerations

3.3.5.1 Part 2 of the RMA

Context

Officials are required to give effect to Part 2 matters of the RMA when preparing reports and making recommendations on proposals for amendments to national environmental standards (refer to section 46A(3)). Part 2 includes section 5 (purpose), section 6 (matters of national importance), section 7 (other matters) and section 8 (Treaty of Waitangi).

Submissions that specifically refer to Part 2 matters, and officials' consideration of Part 2 matters, are outlined below.

Submissions

Topic-specific issues raised in submissions that are relevant to Part 2 of the RMA are discussed in previous sections. For example, concerns around limiting councils' ability to have more stringent rules than the NES-CF that give effect to the NPS-FM are discussed in section 3.3.1 (amending regulation 6(1)(a)).

Additionally, one submitter commented that 'the review [of the NES-CF] ignores the cumulative impacts of forestry, which is inconsistent with Part 2 of the RMA and the purpose of National Environmental Standards'.

Analysis

Alignment with the purpose of the RMA (section 5)

Officials consider the proposal to be consistent with the purpose of the RMA because it:

- enables the use and development of natural and physical resources to develop, operate, protect and maintain commercial forestry, while managing effects on the environment through clear and nationally consistent rules
- enables people and communities to provide for their social, economic and cultural wellbeing as well as their health and safety, by:
 - making the regulations more specific about the circumstances in which councils can introduce more stringent rules than the NES-CF
 - introducing a new risk assessment approach for slash management that will require the identification of high-risk slash sites and require resource consent to manage that risk while reducing over-regulation of forestry harvest sites that have low risk of slash mobilisation.

Alignment with matters of national importance and other matters in the RMA (sections 6 and 7)

RMA section 6 and section 7 matters were addressed during development of the NES-CF in several ways: directly in the rules; in the hierarchy of activity statuses; through stringency; and in some cases noting in guidance where a matter or part of a matter is managed through other legislation.⁵¹ The recommendations to repeal regulation 6(4A), reduce the scope of afforestation plans and remove the requirement for replanting plans, as well as the minor amendments on woody debris, wilding tree risk requirements and low-intensity harvesting will remove changes introduced in 2023. No changes were made to the other requirements of the standards that were previously designed to meet sections 6 and 7 so officials have not repeated the analysis carried out when the NES-CF was made. Officials have considered whether changes to regulation 6(1)(a) and the slash regulations still give effect to sections 6 and 7.

Removing explicit reference to the NPS-FM regulation 6(1)(a) will remove the specific ability of councils to make more stringent rules to give effect to an objective in the NPS-FM, though the proposed amendments will not preclude giving effect to an objective where it meets the new requirements relating to severe erosion. Section 6(a) of the RMA addresses matters that are

⁵¹ More information can be found in: Ministry for Primary Industries. 2018. *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017: User guide*. Retrieved 16 March 2026.

also addressed in the NPS-FM (wetlands, lakes and rivers and their margins).⁵² The NES-CF continues to manage these matters of national importance by requiring planting setbacks from these features, as well as activity restraints designed to protect them during forestry activities. The standards set sediment and slash management requirements for activities that may cause in-stream effects. Regional council water standards determine how those standards are interpreted in each region. Where resource consents are required, the NES-CF gives councils control/discretion to address, *inter alia*, effects on water quality, vegetation in the riparian zone, wetlands and the coastal marine area.

The recommendation for regulation 6(1)(a) will introduce a new matter related to severe erosion that will have significant adverse effects on downstream receiving environments. The conduit for significant adverse effects is almost always a waterway and there may be cases where this means councils consider more stringent rules. An amended regulation 6(1)(a) will enable significant risks from natural hazards (RMA section 6(h)), where a significant rainfall weather event in an area susceptible to severe erosion causes significant downstream hazards. As noted in section 3.3.1 above, the NES-CF is a property-based regulation that does not focus on cumulative effects of activities, but the standards have been developed to limit the effects from individual properties and regional council water quality standards apply. Amendments to regulation 6(1)(a) will enable consideration of cumulative environmental effects where forestry is on land with severe erosion and it meets all the criteria.

Alignment with Treaty of Waitangi (RMA section 8)

The Crown has an obligation under the RMA to ensure that the NES-CF amendment process and final policy takes into account Treaty principles (section 8). This includes the principles of active protection and working in good faith with Treaty partners.

Matters of national importance (RMA section 6) must also be recognised and provided for by those exercising functions and powers under the RMA. This includes the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga (section 6(e)). Particular regard must also be given to kaitiakitanga (section 7(a)).

Māori have strong interests in the forestry sector, as owners of forests and of forest land, and within the forestry workforce.⁵³ Changes that increase regulatory certainty and decrease unnecessary paperwork are expected to benefit those interests. Māori forestry land is disproportionately on Land Use Capability classes with lower capability and higher erosion rates than average. Officials' proposal for slash is intended to decrease those costs where they have been imposed disproportionately, while ensuring the regulations provide an effective framework for managing environmental effects. This should also benefit Māori communities downstream of forests where greater awareness of requirements to manage slash will increase protection of their lands, water sites, waahi tapu and other taonga.

The recommendation for regulation 6(1)(a) is intended to focus the use of more stringent rules on areas where the regulations cannot manage an exceptional problem. As noted, Māori land is disproportionately affected by the problems that regulation 6(1)(a) targets. Greater specificity about the requirements for this regulation is expected to benefit those land and forest owners by ensuring that where a council seeks a plan change to use more stringent rules, it is doing

⁵² Section 6(a) also refers to the natural character of the coastal environment (including the coastal marine area). No changes are proposed to regulation 6(1)(b), which allows councils to make more stringent rules to give effect to relevant policies of the NZCPS. The standards also require setbacks from the coastal marine area.

⁵³ Officials recognise Māori also have broader interests in forests for a range of values and uses.

so with evidence that that specific land needs to meet a higher threshold. As the rule may be used to require land-use change, officials consider this is an important means of protecting Māori interests in their rights and interests in land. However, those rights and interests are tempered by those of downstream communities (including Māori communities and their relationships with their ancestral lands, water, sites, waahi tapu and other taonga) where the nature of the land requires a higher threshold for land use to provide that protection.

3.3.5.2 Treaty of Waitangi and Treaty settlement considerations

Context

The Crown has made a number of commitments to individual iwi through post-Treaty settlement redress. Officials have considered relevant settlements when preparing the proposed NES-CF. When deciding on the recommendations in this report, decision-makers for these national environmental standards will also need to consider relevant settlement and other legislation, as highlighted further in this section.

Submissions

Matters of significance to iwi, hapū and other Māori groups raised in relation to specific policy proposals in submissions are analysed in previous topic-specific sections.

Key additional issues identified through submissions related to Treaty settlements were related to the Waikato region and a request that careful consideration be given to the continued application of its unique Treaty settlements.

One submitter stated its expectations for shared decision-making and co-creation of pathways that support a Māori forestry vision and set of outcomes and another recommended amending the NES-CF to include a Treaty clause. A number of Māori forestry interests submitted that changes to stringency provisions would prevent councils from imposing inconsistent and often costly regulatory burdens on forestry with questionable environmental value.

Analysis

Summary of impacts on Treaty settlements and other legislative arrangements

The policy proposals do not change the mechanisms that provide for Treaty settlements or other arrangements in the planning process. Individual council agreement and/or requirements to notify relevant iwi/Māori groups will continue to apply. Where such arrangements are not in place, the removal of regulation 6(4A) will reduce the opportunity to participate in and influence planning processes where commercial afforestation is a consideration (opportunities to participate in processes where other matters of stringency may be utilised by councils in relation to afforestation have not changed). The change to regulation 6(1)(a) will reduce the opportunities for involvement where they are directly related to the NPS-FM processes but retain a significant opportunity for involvement in addressing issues where the NES-CF does not manage the effects of severe erosion that has significant adverse effects on receiving environments. None of the proposed changes will affect participation in consenting processes. Changes to slash regulations will see forest sites assessed as having high risk of slash mobilisation requiring resource consent.

Engagement obligations

Early engagement on the proposals consisted of high-level targeted information sessions with PSGEs and iwi in the Tairāwhiti Gisborne and Hawke’s Bay regions ahead of final policy decisions for public consultation. Officials heard common and strong interest in being able to manage local issues, in particular as they relate to slash, and ensuring councils are able to address issues arising from Cyclone Gabrielle.

MPI attended an MfE-led forum for PSGEs on 1 July 2025, which shared high-level information about proposed changes to the primary sector package (package 2) of national direction instruments. No specific issues with the proposed changes were raised during this consultation. MPI also took part in online hui organised by MfE with Ngāti Toa Rangatira and Te Taihū iwi who had requested engagement on a set of national direction instruments, including the NES-CF. Additionally, from 14–17 July 2025, MPI had targeted in-person engagement with councils, industry and iwi/Māori partners in Tairāwhiti Gisborne and Rotorua. This was due to the significance of these regions to the forestry sector, including to ensure the proposals are fit for purpose given the significant land-use issues in Tairāwhiti Gisborne.

Treaty settlement obligations in the Waikato region

Submissions from the Waikato River Authority and two PSGEs commented that stringency proposals would hinder councils’ ability to give effect to Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana, the vision and strategy for the Waikato River). Waikato Regional Council also commented that unique Treaty settlements in its region require careful consideration in regard to their continued application. Under section 13 of the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, Te Ture Whaimana prevails over any inconsistent provision in national direction instruments. Officials note that section 13(4) of the Act specifies that ‘A rule included in a regional or district plan for the purpose of giving effect to the vision and strategy prevails over a national environmental standard made under section 43 of the Resource Management Act 1991, if it is more stringent than the standard.’ Amendments to stringency matters will not affect the ability of Waikato Regional Council to give effect to Te Ture Whaimana.

Horizons Regional Council queried whether consideration had been given to the Minister’s obligations under Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 and Ngāti Rangi Claims Settlement Act 2019. The Acts include obligations in regard to the Whanganui and Whangaehu rivers respectively in relation to decision-making for regional policy statements, regional plans or district plans. The amendments do not prevent a person with functions related to these documents from fulfilling their obligations under the settlement Act. Water quality standards are set by the relevant regional council (in this case Horizons) to enable it to fulfil its Treaty obligations in relation to these awa. Where resource consents are required for forestry activities, the NES-CF provides discretion to the consent authority in relation to outstanding freshwater bodies where a Treaty settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body that would apply to these awa.

Recommendations

Recommendations for this topic ‘other considerations’ are summarised below and outlined in full in the consolidated recommendations table in attachment B.

Key recommendations

No change

4. Part B: Amendments to the Stock Exclusion Regulations

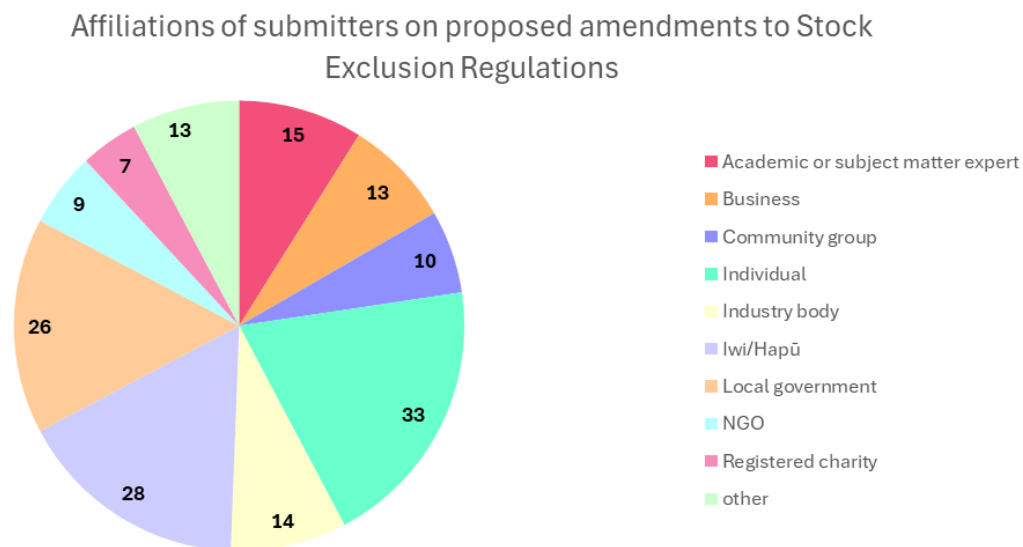
4.1 Proposal overview

The proposal is to amend regulation 17 of the Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations), which currently requires **all** stock to be excluded from natural wetlands supporting a population of threatened species,⁵⁴ so it would not apply to non-intensively grazed beef cattle and deer (ie, that are not break feeding or grazing annual forage crops or irrigated pasture).

4.2 Summary of submissions

4.2.1 Overview of submissions

A total of 124 submissions were received on the proposed amendments to the Stock Exclusion Regulations. Submitters can be broadly categorised into the following groups.



Note: The sum of all groups shown in the graph does not correspond to the total number of submitters on this instrument as submitters could select multiple affiliation options.

The key points raised by submitters are discussed in the following section.

⁵⁴ 'Threatened species' means any indigenous species of flora and fauna that relies on freshwater bodies for at least part of its life cycle, and that meets the criteria for nationally critical, nationally endangered or nationally vulnerable species in the New Zealand Threat Classification System Manual.

4.3 Analysis of proposal and submissions

4.3.1 Amending regulation 17 of the Stock Exclusion Regulations

4.3.1.1 Proposal

Regulation 17 of the Stock Exclusion Regulations currently requires all stock to be excluded from natural wetlands that support a population of threatened species. The proposal is to amend regulation 17 so it would not apply to non-intensively grazed beef cattle and deer. This means that regulation 17 will only apply to:

- dairy and dairy support cattle
- intensively grazed beef cattle and deer (ie, those that are break feeding or grazing annual forage crops or irrigated pasture)
- pigs.

The proposal addresses concerns that regulation 17 applies to all stock, regardless of wetland size or farming intensity, potentially resulting in costs (eg, the cost of fencing per stock unit) that outweigh the environmental benefits in some areas.

4.3.1.2 Key issues from submissions

Environmental concerns

Most submitters opposed the proposal. There was widespread concern, particularly from councils, ENGOs and iwi/Māori, that it would weaken wetland protection and lead to further ecosystem degradation and loss of threatened taonga species. Some ENGOs and councils noted that even low-intensity grazing can harm wetlands through stock spreading weeds, trampling vegetation and depositing sediment and excess nutrients.

There was broad recognition that wetlands – and the threatened taonga species they support – are in decline in both extent and habitat quality. There is strong support for maintaining the current level of protection. A few submitters, including the Hauraki Gulf fisheries plan advisory group, expressed concern about potential downstream impacts of land-based activities on marine ecosystems, which could affect fishing and related industries.

Some submitters also noted that the current definition of ‘intensively grazing’ is narrow.⁵⁵ This means the proposal would exclude a wide range of grazing intensities from regulation 17 if that definition was used to inform an exemption for non-intensively grazed beef cattle and deer, potentially posing risks to wetlands.

⁵⁵ Regulation 4 of the Resource Management (Stock Exclusion) Regulations 2020: **intensively grazing** means—

- (a) break feeding; or
- (b) grazing on annual forage crops; or
- (c) grazing on pasture that has been irrigated with water in the previous 12 months.

Cultural and Treaty of Waitangi implications

There was widespread concern from most iwi/Māori and some other submitters that the proposal would impact wetlands of significant ecological and cultural value and diminish the mauri of these taonga. A few submitters, including Raukawa, also noted that claimants in the Wai 2358 inquiry⁵⁶ identified stock exclusion as essential to upholding the Crown's environmental obligations to Māori and, therefore, the proposal could be seen as a breach of the Crown's obligations to Māori.

Some submitters noted a lack of mechanisms to enable iwi and hapū to exercise kaitiakitanga over, and incorporate te ao Māori into the management of, important wetlands and taonga species. A few also highlighted that there are currently no cultural impact assessments, monitoring arrangements, adequate processes for participation, or notification processes in place to inform iwi where threatened or taonga species or wetlands of significance are present.

A few submitters noted that the costs of implementing the current regulation 17 are particularly challenging for Māori landowners.

Lack of flexibility of current regulations

Some submitters, particularly primary sector groups, expressed concern about the rigidity of regulation 17 (ie, that it is unable to be adapted to individual circumstances). Beef and Lamb NZ described the exclusion of stock from wetlands under regulations 16 and 17 as 'unduly restrictive'. The High Country Accord noted that the South Island high country typically operates low-intensity mixed stocking systems (predominantly sheep with smaller numbers of cattle and deer) and considers the cost of fencing wetlands in these areas to be excessive. Some industry submitters noted that the regulations often apply to pasture areas with low biodiversity value. The High Country Accord submission suggested that low-intensity grazing can, in some cases, enhance wetland value by controlling non-native weeds.

Industry groups suggested that wetlands containing threatened species should be identified and managed through freshwater farm plans, allowing greater flexibility in determining whether stock should be excluded. Officials note, however, that as part of separate engagement on freshwater farm plans, some industry groups have also advocated for removing and reducing certification and audit requirements for low-intensity beef cattle and deer farms, as they consider only inherently high-risk farm types should automatically require these steps.⁵⁷

Many councils suggested identifying wetlands through regional plans. However, some iwi and hapū expressed concern that delegating this responsibility to regional councils would place an additional advocacy burden on local iwi and hapū.

⁵⁶ Waitangi Tribunal. [National Freshwater and Geothermal Resources](#). Retrieved 16 March 2026.

⁵⁷ Certification and audit are the assurance checks in the freshwater farm plan system with:

- a. certification providing the fit-for-purpose check to give farmers, councils and communities confidence that actions taken will meet regulatory requirements and effectively respond to the challenges in their local catchment
- b. audit providing councils and communities with confidence that actions are being implemented as required, and providing farmers with credentials to demonstrate their record of environmental management.

Implementation cost

A few submitters suggested a staged implementation of regulation 17, prioritising high-value wetlands first, with later application to lower-priority wetlands. Some suggested delaying the implementation of regulation 17 to spread the cost of compliance.⁵⁸ Some submitters also noted that many landowners have already invested in stock exclusion measures (eg, fencing) to comply with the regulations and that the proposal could undermine those efforts.

4.3.1.3 Analysis of submissions and proposal

Environmental concerns

Most submitters expressed concerns that natural wetlands could be affected by the proposal because they are sensitive water bodies, and even low stocking rates can cause significant harm.

The proposal means that regulation 17 would no longer apply to non-intensive beef and deer farms. Instead, regional plan rules (where they exist) and freshwater farm plans (once rolled out) would determine where affected stock types need to be excluded. In relation to these mechanisms, officials note the following.

Regional plan rules. The Government has paused the notification of freshwater planning instruments until 31 December 2027. This means that, unless rules are already in place, appropriate measures to address the effects of stock entering wetlands may not be in place until that date. Officials note that most regional councils have operative or partially operative plan rules relating to stock exclusion; however, their approaches vary. Some plans align closely with the Stock Exclusion Regulations, while others manage related environmental impacts differently (eg, by managing discharges to surface water).

Freshwater farm plans.⁵⁹ The national freshwater farm plan system is currently under review, with implementation decisions scheduled for later in 2026. Changes recently made to Part 9A of the RMA (Freshwater farm plans) through the Resource Management (Consenting and Other System Changes) Amendment Act 2025, which came into force on 21 August 2025 (after consultation on this proposal closed), include:⁶⁰

- exempting pastoral farms under 50 hectares from needing a freshwater farm plan. As a result, smaller farms may not need to exclude stock, even if there are environmental risks
- limiting the requirement for freshwater farm plan certification to farms located in specific catchments or undertaking specified activities.

As part of upcoming regulatory changes, it is anticipated that beef and deer farms not engaged in high-risk activities will not require certification. This would limit the effectiveness of freshwater farm plans as an alternative to regulation 17, especially if audit requirements are significantly reduced for these farms.

⁵⁸ The current regulation 17 came into effect on 1 July 2025 for all pastoral systems.

⁵⁹ Part 9A of the RMA established freshwater farm plans as a regulatory tool that supports farmers and growers to identify, manage, and reduce on-farm risks to freshwater. In April 2024, Ministers announced they were reviewing the freshwater farm plan system to make it more practical and cost-effective. Minister of Agriculture and Associate Minister of Agriculture. 2024. [Cabinet paper: Signalling improvements to freshwater farm plans](#). Retrieved 27 March 2026.

⁶⁰ [Resource Management \(Consenting and Other System Changes\) Amendment Act 2025](#).

Officials note that regulation 17 would continue to apply to intensive systems (eg, intensive beef cattle and dairy systems). In addition, under regulation 16, councils can require stock to be excluded from natural wetlands identified in regional or district plans (although officials acknowledge doing so may take time – ie, to progress a plan change).

The Stock Exclusion Regulations came into force in 2020 and applied immediately for new farms and since July 2025 for existing farms. This means regulation 17 is unlikely to have had a significant impact to date (ie, for existing farms). Given this and the limited scope of the proposal (ie, focused on non-intensive farms), officials do not anticipate the proposal will result in any significant changes for the wetlands covered by regulation 17.

Officials do not recommend making amendments to the proposal in response to these issues.

Cultural and Treaty of Waitangi implications

A few submitters noted that claimants in the Wai 2358 inquiry identified stock exclusion as essential to upholding the Crown's Treaty obligations. The proposal consulted on is likely to have been perceived by these submitters as a reduction in protection for wetlands and a step backwards in terms of addressing the Waitangi Tribunal's recommendations in respect of stock exclusion.⁶¹

Some submitters also raised concern that amending regulation 17 could limit opportunities for iwi and hapū to exercise kaitiakitanga and incorporate te ao Māori in managing wetlands and taonga species. Officials note that the mechanisms for Māori participation would be the same under the proposal as they are under the status quo. The proposal would not preclude local authorities and tangata whenua from developing freshwater policies and rules to manage stock access to wetlands on low-intensity farms through regional freshwater plans. Officials note, however, that the Government has paused the notification of freshwater planning instruments until 31 December 2027.

A few submitters explained that the costs of implementing current regulation 17 are particularly challenging for Māori landowners. Officials note that, in some cases, the cost of excluding stock (eg, the cost of fencing) may outweigh environmental benefits. In these cases, the proposal could help ease this cost–benefit concern, including for Māori farmers.

Further detail is available in section 4.3.2.2 on the Treaty of Waitangi and Treaty settlement considerations, and in the Stock Exclusion Regulations Treaty Impacts Analysis.

Lack of flexibility of current regulations

Most submitters opposed any nationwide relaxation of the regulations (eg, proposed amendments to regulation 17). However, some noted that exemptions could be justified in certain areas, such as the South Island high country.

⁶¹ For example, Waitangi Tribunal. 2019. *The Stage 2 Report on the National Freshwater and Geothermal Resources Claims (Wai 2358)* at 5.8 (p 473): 'the freshwater quality standards set in the NPS-FM, as amended in 2017, are not yet adequate to provide for the Crown's Treaty duty of active protection of freshwater taonga. The failure to provide for stock exclusion compounds the breach. In chapter 2, we described the prejudice experienced by iwi and hapū whose spiritual and cultural relationships with their freshwater taonga have been profoundly harmed by degraded water quality.'

Officials note that the proposal introduces an exemption for lower-intensity farms and therefore addresses some concerns regarding regulation 17 (as lower-intensity farms will not be required to exclude stock at all). That is, it would address feedback that in some areas such as the South Island high country, the costs of excluding lower-intensity stock from wetlands may outweigh the potential benefits. Therefore, no additional amendments to the proposal are recommended.

The development of the new resource management system provides an opportunity to move the Stock Exclusion Regulations into a more flexible instrument – such as standards – creating the ability to better account for local circumstances.

Implementation cost

Some submitters were concerned that the current regulation 17 may be costly for landowners. They suggested either phasing it in or delaying its implementation to help manage costs.

Because the Stock Exclusion Regulations came into force in 2020, officials consider sufficient lead-in compliance time has been given. Extending the timeframe will not reduce the total compliance cost, only delay it (as farmers will still ultimately be required to exclude stock from these wetlands). It also creates uncertainty about what investments farmers may make in the interim if the compliance timeframes are extended.

Officials do not recommend any amendments to the proposal in response to this issue.

4.3.1.4 Recommendations

Recommendations are summarised below and outlined in full in the consolidated recommendations table in attachment C.

Key recommendation

Agree to amend regulation 17 to exempt non-intensively grazed beef cattle and deer (see recommendation 1).

4.3.2 Other considerations

4.3.2.1 Part 2 RMA

Context

Although consideration of Part 2 matters (ie, purpose and principles of the RMA) is not explicitly required for amendments to Stock Exclusion Regulations under section 360 of the RMA, these matters do apply. Part 2 of the RMA includes section 5 (purpose), section 6 (matters of national importance), section 7 (other matters) and section 8 (Treaty of Waitangi).

Submissions that specifically refer to Part 2 matters, and officials' consideration of Part 2 matters, are outlined below.

Submissions

A key issue raised in submissions that relates to Part 2 of the RMA is the concern that the proposal may compromise the sustainable management of stock exclusion from wetlands – specifically wetlands identified under regulation 17.

Analysis

The proposal shifts the management of affected stock types from national regulations to regional and farm plans. Officials consider this is consistent with section 5 of the RMA (purpose of the Act), as it allows the sustainable management of wetlands (specified in regulation 17) in a way that enables people and communities to provide for their social, economic and cultural wellbeing. Where needed, local authorities and tangata whenua could still develop local rules to protect Māori freshwater values, and these can prevail over regulation 17 (or any other provision in the Stock Exclusion Regulations).

4.3.2.2 Treaty of Waitangi and Treaty settlement considerations

Context

The Crown has made a number of commitments to individual iwi through Treaty settlement redress. Officials have considered these relevant settlements when preparing the proposed amendments to the Stock Exclusion Regulations. Officials have not identified any specific impacts of the proposal on Treaty settlement legislation.

Submissions

Many iwi/Māori and other submitters expressed concern that the proposal would harm ecologically and culturally significant wetlands, breaching Treaty obligations to actively protect Māori taonga. Key submission points are discussed in more detail in the relevant sections above.

Analysis

Allowing stock into wetlands is unlikely to protect the mauri of freshwater or acknowledge its customary significance. The proposal consulted on would result in stock exclusion from wetlands being determined by farming intensity rather than cultural or ecological considerations. This could increase the likelihood of stock access to wetlands that are significant to Māori.

Where needed, local authorities and tangata whenua could still develop local rules to protect Māori freshwater values, and these can prevail over regulation 17 (or any other provision in the Stock Exclusion Regulations).⁶²

Further analysis, as part of the Interim Treaty Impact Analysis for the Freshwater Package, is now publicly available.

⁶² Regulation 19 of the Stock Exclusion Regulations: more stringent regional rule prevails over provision in these regulations.

Recommendations

Recommendations on this topic 'other considerations' are summarised below and outlined in full in the consolidated recommendations table in attachment C.

Recommendations

No change

5. Part C: Implementation

5.1 Context

This part discusses submissions made on general implementation of national direction in packages 1 and 2. It also discusses implementation options available specifically for the proposed amendments to the NES-MA, NES-CF and Stock Exclusion Regulations.

5.2 Implementation

5.2.1 Proposal overview

A series of implementation questions were raised in the discussion documents on packages 1 and 2 to gather feedback on implementation timeframes, particularly in relation to national policy statements.

During public consultation on packages 1 and 2, submitters were specifically asked:

- Does ‘as soon as practicable’ provide sufficient flexibility for implementing this suite of national policy statements and the New Zealand Coastal Policy Statement?
- Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient?
 - If not, what would be better, and why?
 - If yes, what time period would be reasonable, and why? For example, five years?
- Is requiring all plan changes to fully implement national policy statements before or at plan review reasonable?
- Are there other statutory or non-statutory implementation provisions that should be considered?

Options for implementing the national environmental standards set out in the discussion documents for packages 1 and 2 included:

- providing a five-year timeframe from gazettal for making amendments to give effect to national environmental standards
- requiring all plan changes to fully implement the national environmental standards before or at plan review in addition to specific implementation provisions in each proposal. The exception to this is the proposed NPS-I and proposed changes to the NPS-REG and NPS-ET where only the default provisions of ‘as soon as practicable’ are to be applied.

The discussion documents include further details of the implementation questions raised which were the same in both packages 1 and 2.⁶³

5.3 Key issues from submissions

Resource management practitioners from local government, Treaty partners and industry contributed useful feedback, ideas and suggestions to improve the implementation of packages 1 and 2. The key themes raised included:

- implementation timing and system alignment
- flexibility and fairness
- clarity, definitions and guidance
- resourcing and cost sharing
- technical and legal considerations.

An overview of submissions raised in each theme is provided below. No specific analysis of these more general implementation issues is included. However, the submissions provided valuable information that has been taken into account when considering broader implementation of the package 1 and 2 instruments and will be informative for developing the new resource management system.

5.4 Overview of submissions

5.4.1 Implementation timing and system alignment

Local government and some industry bodies raised concerns about the timing of national direction implementation and how the proposals aligned with resource management reform and new legislation in development. A summary of key themes from those submissions is provided below.

- Implementation should occur with the new system, not before, to avoid confusion and inefficiencies (Whanganui District Council, Waimakariri District Council).
- Implementing now, before further reform, would create more work and the costs would outweigh the benefits (Timaru District Council, Engineering New Zealand).
- It is better to implement through one comprehensive plan review or under the new system, but not both (Tauranga City Council).
- Implementation should align with a council's Long-Term Plan (LTP) cycle and full plan review process (Waitaki District Council, Kāpiti Coast District Council).
- Without a clear line of sight to the new resource management system, there is a risk that these proposals will result in misalignment, inconsistencies and gaps (Waikato Regional Council, Horizons Regional Council and Bay of Plenty Regional Council, Environment Southland).

⁶³ Ministry for the Environment. 2025. *Package 1: Infrastructure and development – Discussion document*. Ministry for the Environment. 2025. *Package 2: Primary sector – Discussion document*. Wellington: Ministry for the Environment.

Local government submitters also advocated for bespoke, locally workable and flexible timeframes (eg, flexibility to implement the amended and new national direction instruments under the current or new system; flexibility to determine the sequencing of how national direction is implemented; and flexibility to amend regional policy statements and plans, except where section 55 of the RMA applies).

Some local government submitters supported the 'as soon as practicable' approach for implementing national environmental standards. Some suggested timeframes of 5 to 10 years for full implementation of national environmental standards.

5.4.2 Clarity, definitions, and guidance

Clear themes emerged in submissions from local government, industry bodies and businesses on what might lead to successful implementation of the various proposed national direction instruments, whether new or being amended. The following points were raised consistently by submitters.

- There is a lack of clarity in definitions and concepts, which will hinder implementation (Environmental Institute of Australia and New Zealand, Meridian Energy Limited, Clarus Limited, Royal Forest and Bird Protection Society of New Zealand Inc).
- Guidance documents are essential to ensure national consistency and reduce confusion (Queenstown-Lakes District Council, Te Tumu Paeroa – Office of the Māori Trustee, Waitaki District Council).
- Guidance should clarify the hierarchy of and relationships between conflicting national direction instruments (Powerco Limited, Bay of Plenty Regional Council).
- Guidance must be comprehensive and technical, especially for national policy statements (Engineering New Zealand, Porirua City Council).
- Central government guidance is a minimum requirement to support successful implementation (Auckland Council, Kāpiti Coast District Council).

5.4.3 Resourcing and cost sharing

Submissions from local government were consistent in their identification of resourcing and the need for cost-sharing with central government to ensure effective implementation. Within the local government submitter category, smaller territorial authorities raised concerns about disproportionate operational costs. Many local government submitters also raised concerns about implementation costs falling on ratepayers rather than on users only, irrespective of size, location or operational scope.

- Implementation requires resourcing from central government to support councils (Porirua City Council, Timaru District Council).
- Incentives to support implementation were suggested (Auckland Council).
- There should be flexibility for councils to determine the sequencing of how they implement national direction instruments (Auckland Council).
- Costs should be shared between local government and central government (Waikato District Council, Waimate District Council, Meridian Energy Limited).
- Smaller councils face disproportionate costs and need tailored support (Manawatū District Council, Mackenzie District Council).

- Monitoring and enforcement costs should not shift unfairly from users to ratepayers (Horizons Regional Council).

5.4.4 Technical and legal considerations

Local government submitters were consistent in their identification of the following issues.

- Implementation must be consistent with Part 2 of the RMA.
- Current national direction instruments are inconsistent and lack technical robustness.
- The risk of legal challenges during implementation, especially if provisions are unclear or instruments conflict with each other – for example, if terms like ‘as soon as practicable’ are too vague to hold up in court.

5.4.5 Other matters

Local government, industry bodies, and business submitters made it clear in their submissions that implementation would be best enabled by:

- ensuring each national direction instrument is directive enough to enable timely implementation
- allowing local government the flexibility to initiate full implementation at the same time as when their plans undergo full plan reviews
- allowing local government enough time to complete any technical assessments, as some national direction instruments will require, prior to implementation
- allowing local government to update plans without recourse to RMA Schedule 1 plan-making processes
- pausing the implementation of these national direction instruments until the new resource management system is in place.

Submissions from local government noted the need for implementation to reflect their communities’ need for transparency in decision-making.

5.5 Implementation of proposals

5.5.1 Implementation methods

Implementation of the proposed amendments to the NES-MA, NES-CF and Stock Exclusion Regulations can be through either:

- **statutory implementation** in the form of direction on how and when the proposals, or parts of the proposals should take effect – for example, particular parts of the national direction that must be considered by decision-makers; when/how required RMA plan amendments are to be progressed; and direction on who will use and implement the national direction, or
- **non-statutory implementation** in the form of guidance, workshops and capacity-building to assist understanding and delivery of the proposals.

Sections 44A and 55 of the RMA outline the statutory implementation provisions for national environmental standards and national policy statements. Section 360M of the RMA outlines the statutory implementation provisions for Stock Exclusion Regulations.

5.5.2 Statutory implementation of the NES-MA and NES-CF

The amendments to the NES-MA (if accepted) will have an immediate effect on resource consent applications and decisions for marine aquaculture. The new and amended rules will immediately mean that marine farms consented after 2020 can use Part 4 of the NES-MA to replace their consents; marine farmers can update their structures without needing to change species; spat catching can be added to existing farms at re consenting; changing consent conditions that result in identified changes to species, and structures are a controlled activity; changing consent conditions that result in identified changes to monitoring are a restricted-discretionary activity; and some research and trial activities are a permitted activity, while others are a controlled or restricted discretionary activity.

The amendments to the NES-CF (if accepted) will have an immediate effect on resource consent applications and decisions for commercial forestry. The new and amended slash rules will mean some harvest planners need to carry out a slash mobilisation risk assessment and those identifying high slash mobilisation risk need to seek resource consent to harvest. Those planting new forests will have reduced documentation requirements for afforestation planning, and replanting plans will no longer be required.

The NES-MA and NES-CF must be considered for all resource consent applications under section 104 of the RMA. This means national direction will be a factor in consent decision-making, alongside the assessment of effects, any mitigation measures, other RMA plan provisions and any other matter the decision-maker considers relevant and reasonably necessary to make a decision.

The NES-MA and NES-CF will also have an immediate effect on plans, with rules in the NES-MA and NES-CF replacing those equivalent rules in plans unless relevant stringency or leniency provisions apply. Typically, local authorities would commence a plan change to amend inconsistencies between plans and the NES-MA and NES-CF, without using the RMA Schedule 1 process, which applies to plan changes. The NES-CF changes two matters of stringency. Where a council has made a more stringent rule under regulation 6(1)(a), it will need to determine whether it still meets the amended criteria and amend or remove it accordingly. Where the criteria are met, the plan rules would apply instead of the equivalent rules in the NES-CF. Where a rule has been made in relation to regulation 6(4A), it will need to be removed.

The NES-MA proposal enables plan rules to be more lenient than some of the provisions in the NES-MA. This enables existing plans to retain their more lenient rules for certain activities rather than the equivalent rules in the NES-MA. In such cases, the plan rules would apply instead of the equivalent rules in the NES-MA.

Once operative, the NES-MA and NES-CF would apply even if the plan change to implement these national environmental standards has not been completed.

5.5.3 Statutory implementation of Stock Exclusion Regulations

The Stock Exclusion Regulations apply to any person who owns or controls stock. If accepted, the amendments to the Stock Exclusion Regulations will immediately affect how farmers manage stock near natural wetlands. Regulation 17 would be amended so that the requirement to exclude all stock from wetlands supporting threatened species no longer applies to non-intensively grazed beef cattle and deer. Councils may adopt stock exclusion requirements in their regional plans, and any existing rules continue to apply.

5.5.4 RMA Amendment Act 2025, Plan Stop provisions and implications for national direction implementation

In August 2025, the Government passed an amendment to the RMA that introduced a requirement to stop most plan-making under the RMA, unless it was subject to an exemption. The Plan Stop suspends the requirement to review plans and policy statements and prevents notification of new plan or policy statement changes or variations until the end of 2027, when the new resource management system will be in effect.

The Plan Stop provides an automatic exemption for plan or policy statement changes that implement requirements under a new national policy statement, where that policy statement specifies that its implementation – or parts of its implementation – is to occur through a plan-making process before 31 December 2027. This is not relevant to proposed amendments to the NES-MA or NES-CF, or the Stock Exclusion Regulations.

Plan Stop does not affect private plan changes, which are still able to progress and will need to consider relevant national direction including the proposed amendments to these three instruments.

The Plan Stop provisions have no immediate effect on implementation of the proposed amendments to the NES-MA or NES-CF, unless an RMA Schedule 1 plan change is required to address consequential matters. In that instance, unless by exemption, no plan change would be able to progress until the end of 2027. The Plan Stop provisions have no immediate effect on the proposed amendments to the Stock Exclusion Regulations.

5.6 Recommendations

The recommendation for this topic is summarised below.

Key recommendation

No changes to address implementation are recommended to the proposed amendments to the NES-MA, NES-CF and Stock Exclusion Regulations outlined in this report.

Attachment A

Consolidated recommendations – Amendments to the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020

Recommendations in relation to notified proposed provisions

The following recommendations are made in response to matters raised through submissions and in officials' overall assessment of the proposal.

The proposal section of this table includes the proposed provisions published in: Ministry for the Environment. 2025. *Package 2: Primary sector – Discussion document*. The recommendations section recommends changes to the notified proposal and specifies reasons for recommended changes. Reference to 'no change' means a recommendation to amend the proposal as notified whereas 'change' indicates a recommendation to change the notified proposal.

Any provisions in the existing National Environmental Standards for Marine Aquaculture (NES-MA) not included in the notified proposal or these tables are intended to remain the same.

Key recommendations for changes to the notified proposal to amend the NES-MA are to:

- include a clear definition of 'research or trials' activities
- enable resource consent monitoring conditions to be changed or cancelled, for matters broader than seabed conditions under an application for a restricted discretionary activity
- enable existing marine farm consent holders to amend their consent conditions to add two additional types of structures through an application for a controlled activity
- remove the proposal to enable aquaculture-related research or trials in new locations to be a permitted activity
- amend the proposal to change the matters of control for applications to change or cancel consent conditions for adding finfish to an existing finfish farm to include new matters of control for the effects on water quality and information, monitoring and reporting
- add a new entry requirement to enable aquaculture-related research or trials that involve only structures or equipment in new locations and meet specific conditions to be a controlled activity.

PART 1: PRELIMINARY PROVISIONS

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topics	Recommendations	Reasons for recommendations	Minister's decision
Regulation 3 – Area of interest definition	Amend the definition to clarify that it is the “best-practice criteria for ecologically significant effect” that must be endorsed by the regional council, not the scientific report.	Addressing known issues in the NES-MA	<p>No change</p> <ol style="list-style-type: none"> 1. Retain the proposal to amend the NES-MA ‘area of interest’ definition to clarify that the best practice criteria for ecologically significant effect must be endorsed by the regional council. 	This is a technical amendment needed to clarify how the current definition of ‘area of interest’ applies.	Yes No
Regulation 11 – Application of Regulations	<p>Amend regulation 11 so that:</p> <ul style="list-style-type: none"> • the NES-MA also applies to certain applications to change or cancel consent conditions, and certain applications for research and trials; and • the areas the NES-MA does not apply to (specified in regulation 11(2)) only relate to applications for replacement coastal permits under Parts 2, 3, and 4 of the NES-MA. 	Changes to consent conditions related to consented species, structures, and monitoring and enabling research and trials on existing farms and in new spaces	<p>No change</p> <ol style="list-style-type: none"> 2. Retain the proposal to amend Regulation 11 of the NES-MA so that it achieves the following intent: <ol style="list-style-type: none"> a. applies to applications to change or cancel consent conditions relating to species, structures, and monitoring, as well as applications for research and trials on existing farms and in new spaces; and b. that the above proposals will apply nationally, including in the areas the NES-MA currently does not apply to (Tasman district and parts of the Waikato region). 	The intent of this change is to expand the scope of what the NES-MA applies to, beyond just replacement consenting, to reflect the other proposals that have been recommended (ie, providing for certain applications to change or cancel consent conditions, and research and trial activities on existing farms and in new space).	Yes No

PART 3: REPLACEMENT COASTAL PERMITS IN RESPECT OF EXISTING MARINE FARMS WITH NO CHANGE IN CONSENTED SPECIES

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA				Minister's decision
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations		
Regulation 18(d)(i) – Matters over which discretion is restricted for replacement coastal permits under this Part and Part 4 reg 36	Amend the matters of discretion listed in regulation 18 to ensure consent authorities have discretion to consider effects on Māori access to coastal areas of cultural significance with regard to the layout, colour, positioning, density, lighting, and marking of marine farm structures within a marine farm.	Addressing known issues in the NES-MA	No change 3. Retain the proposal to amend the matters of discretion for replacement coastal permits in Part 3 and 4 of the NES-MA so it achieves the intent of providing discretion for consent authorities to consider effects on Māori access to coastal areas of cultural significance with regard to the layout, colour, positioning, density, lighting and marking of marine farm structures within a marine farm.	This amendment is intended to ensure consideration of the effects on Māori access to coastal areas of cultural significance within the vicinity of marine farms in decisions on replacement coastal permits for marine farms.	Yes No	
Regulation 22 – Additional matters over which discretion is restricted for realignment of marine farms	Amend regulation 22 to remove any reference to regulation 19.	Addressing known issues in the NES-MA	No change 4. Retain the proposal to amend Regulation 22 to remove any references to Regulation 19.	This is a technical amendment needed to remove an unnecessary reference to regulation 19 (which applies specific matters of discretion to fed aquaculture farms) identified in the Year Three Review of the NES-MA. This reference is not necessary because fed aquaculture farms cannot access the realignment provisions of the NES-MA.	Yes No	
Regulation 24 – Notification	Amend regulation 24 to provide clearer guidance on how the application of public and limited notification preclusions apply to regulation 14. An example of how this could be worded is: 1) Applications under regulation 14 must not be publicly notified.	Addressing known issues in the NES-MA	No change 5. Retain the proposal to amend Regulations on notification of replacement coastal permits for existing marine farms with no change in consented species to provide clearer direction about	Officials do not recommend changes to the notified proposal as it would not affect who is notified. The notified proposal improves how the current intent of the notification provisions is articulated.	Yes No	

PART 3: REPLACEMENT COASTAL PERMITS IN RESPECT OF EXISTING MARINE FARMS WITH NO CHANGE IN CONSENTED SPECIES

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>2) Limited notification of applications under regulation 14 is not precluded if—</p> <ul style="list-style-type: none"> – the applicant has not undertaken the process outlined in Schedule 6 within the previous 12 months; or – the application does not include the report required by clause 5 of that schedule. 		<p>how the regulation should be interpreted, as follows:</p> <ul style="list-style-type: none"> a. require applications under Regulation 14, which provide for replacement coastal permits for existing marine farms not within inappropriate areas, to not be publicly notified b. enable limited notification of applications under Regulation 14 if: <ul style="list-style-type: none"> i. the applicant has not undertaken the Schedule 6 process for seeking the views of tangata whenua on draft applications within the previous 12 months; or ii. the application does not include the report required by clause 5 of Schedule 6. 	<p>The RMA requirements to notify all affected holders of statutory acknowledgements, affected CMT groups and affected protected customary rights groups will continue to apply.</p>	

PART 4: REPLACEMENT COASTAL PERMITS FOR EXISTING MARINE FARMS TO CHANGE CONSENTED SPECIES

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation 25 – Application of this Part</p>	<p>Amend the provision so that Part 4 also applies to marine farms that obtained a coastal permit after the date on which the NES-MA came into force.</p>	<p>Addressing known issues in the NES-MA</p>	<p>No change 6. Retain the proposal to extend the application of Part 4 of the NES-MA to cover marine farms that first obtained a coastal permit after the date which the NES-MA came into force.</p>	<p>This amendment is needed to enable marine farms to obtain replacement consents and make changes to their consents through the NES-MA, regardless of the date they were originally consented. Currently, only marine farms consented before the introduction of the NES-MA can use Part 4 regulations.</p>	<p>Yes No</p>
	<p>Amend regulation 25 to ensure that Part 4 applies if applicants seek to add spat catching to a marine farm when applying for a replacement consent.</p>	<p>Addressing known issues in the NES-MA</p>	<p>No change 7. Retain the proposal to extend the application of Part 4 to enable spat catching to be added to a marine farm when applying for a replacement consent.</p>	<p>This amendment enables existing marine farmers to add spat catching to their consent when seeking a replacement consent.</p>	<p>Yes No</p>
<p>Regulation 29 – Change in consented species and changes to certain subsurface structures: restricted discretionary activity</p>	<p>Amend regulation 29 to make a replacement consent with altered subsurface structures and no changes to species a restricted discretionary activity.</p>	<p>Addressing known issues in the NES-MA</p>	<p>No change 8. Retain the proposal to enable replacement consent applications with altered subsurface structures and no changes to species as a restricted discretionary activity.</p>	<p>This amendment enables a change to certain subsurface structures without having to also change species.</p>	<p>Yes No</p>

PART 4: REPLACEMENT COASTAL PERMITS FOR EXISTING MARINE FARMS TO CHANGE CONSENTED SPECIES

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation 30 – Matters over which discretion is restricted for replacement coastal permits under regulation 29</p>	<p>Amend regulation 30 to restrict the matters over which discretion is limited for applications for replacement consents that only adjust subsurface structures to those specified in regulation 18 and hydrodynamic effects.</p>	<p>Addressing known issues in the NES-MA</p>	<p>No change</p> <p>9. Retain the proposal to amend Regulation 30 to limit the matters of discretion to those listed in Regulation 18 and hydrodynamic effects.</p>	<p>Regulation 30 lists the matters of discretion for replacement coastal permit applications that involve changes of species and certain subsurface structures. It references regulation 18, which sets out the matters of discretion councils must consider when assessing replacement coastal permits generally.</p> <p>This amendment is needed to remove two matters of discretion related to the effects of changing species for replacement coastal permits for changes in subsurface structures. These matters (the genetic effects on wild populations of farmed species escaping and the biosecurity effects arising from the farming of the new species) are not relevant for applications to only change structures.</p>	<p>Yes No</p>
<p>Regulation 32 – Change in consented species with changes to surface and subsurface structures: restricted discretionary activity</p>	<p>Include a provision for a replacement consent for altered surface and subsurface structures with no changes to species to be a restricted discretionary activity.</p>	<p>Addressing known issues in the NES-MA</p>	<p>No change</p> <p>10. Retain the proposal to enable replacement consent applications for altered surface and subsurface structures with no changes to species as a restricted discretionary activity.</p>	<p>This amendment will allow changes to structures to be made without requiring a change in species.</p>	<p>Yes No</p>

PART 4: REPLACEMENT COASTAL PERMITS FOR EXISTING MARINE FARMS TO CHANGE CONSENTED SPECIES

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA				Minister's decision
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations		
Regulations 33, 36, 39 – Matters over which discretion is restricted for replacement coastal permits under Regulations 32, 35, and 38 (respectively)	Amend regulations 33, 36 and 39 to ensure consent authorities have discretion to consider the effects on Māori access to coastal areas of cultural significance with regard to the layout, colour, positioning, density, lighting and marking of marine farm structures within a marine farm when considering applications for replacement coastal permits.	Addressing known issues in the NES-MA	No change 11. Retain the proposal to amend the matters of discretion for replacement coastal permits in Regulations 32, 35, and 38 to achieve the intent of providing discretion for consent authorities to consider effects on Māori access to coastal areas of cultural significance with regard to the layout, colour, positioning, density, lighting and marking of marine farm structures within a marine farm.	This amendment is needed to ensure consent authorities consider the effects on Māori access to coastal areas of cultural significance within the vicinity of marine farms when making decisions on replacement coastal permits for marine farms. Officials do not recommend changes as the notified proposal enables councils to set consent conditions related to the management of effects and decline applications based on tangata whenua values.	Yes No	
Regulation 35 – Change in consented species with changes to surface and subsurface structures that involve realignment: restricted discretionary activity	Amend regulation 35 to make a replacement consent involving realignment that includes altered surface and subsurface structures with no changes to a species a restricted discretionary activity.	Addressing known issues in the NES-MA	No change 12. Retain the proposal to amend Regulation 35 of the NES-MA to enable applicants to change structures without needing to change species.	This amendment will allow existing marine farm consent holders to change structures without needing to change species.	Yes No	

PART 4: REPLACEMENT COASTAL PERMITS FOR EXISTING MARINE FARMS TO CHANGE CONSENTED SPECIES

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation 44 – Notification</p>	<p>Amend regulation 44 to provide clearer guidance on how the application of public and limited notification provisions apply to the cross-referenced regulations 26 and 29. An example of how this could be worded is:</p> <ol style="list-style-type: none"> 1) Applications under Regulations 26 and 29 must not be publicly notified. 2) Limited notification of applications under Regulations 26 and 29 is not precluded if— <ol style="list-style-type: none"> a) the applicant has not undertaken the process outlined in Schedule 6 within the previous 12 months; or b) the application does not include the report required by clause 5 of that schedule. 	<p>Addressing known issues in the NES-MA</p>	<p>No change</p> <ol style="list-style-type: none"> 13. Retain the proposal to amend Regulations on notification of replacement coastal permits for existing marine farms to provide clearer direction about how the regulation should be interpreted, as follows: <ol style="list-style-type: none"> a. require applications under Regulations 26 and 29 to not be publicly notified; b. enable limited notification of applications under Regulation 26 and 29 if: <ol style="list-style-type: none"> i. the applicant has not undertaken the process under Schedule 6 process for seeking the views of tangata whenua on draft applications within the previous 12 months; or ii. the application does not include the report required by clause 5 of Schedule 6. 	<p>Officials do not recommend changes to the notified proposal as it would not affect who is notified. The notified proposal improves how the current intent of the notification provisions is articulated.</p> <p>The RMA requirements to notify all affected holders of statutory acknowledgements, affected CMT groups and affected protected customary rights groups will continue to apply.</p>	<p>Yes No</p>

SCHEDULE 6: PROCESS FOR SEEKING VIEWS OF TANGATA WHENUA ON DRAFT APPLICATION

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topics	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation 1, 2, 4, and 5 – Interpretation, information to be provided to regional council, written information to be provided by regional council, and applicant's report to regional council</p>	<p>Amend Schedule 6 so that the process for seeking views of tangata whenua on draft applications also applies to a person applying for a change or cancellation of consent conditions or research and trials under relevant new Regulations.</p>	<p>Changes to consent conditions related to consented species, structures, and monitoring, and enabling research and trials on existing farms and in new spaces</p>	<p>No change</p> <p>14. Retain the proposal to amend Schedule 6 of the NES-MA so that it also applies to a person applying for a change or cancellation of consent conditions or applying for research and trials.</p>	<p>This amendment is needed to enable the Schedule 6 process for seeking views of tangata whenua on draft applications to be used by those applying for a change of consent conditions or research and trials under the proposed regulations.</p>	<p>Yes No</p>
<p>Regulation 4 – Informing of intention to make application</p>	<p>Amend clause 4(b) to refer to a 'draft application' rather than 'proposed application'.</p>	<p>Addressing known issues in the NES-MA</p>	<p>No change</p> <p>15. Retain the proposal to amend Clause 4(b) of the NES-MA to refer to a 'draft application' rather than 'proposed application'.</p>	<p>This amendment is needed to align the language of the clause (which refers to 'proposed application') with the rest of the NES-MA (which refers to a 'draft application'). The policy intent is the same.</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

New part – Provisions for research and trials in existing space

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topics	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R1 – Application of Regulations</p>	<p>The NES-MA currently only applies to replacement consents. We are proposing to add new provisions that apply to new applications for consents for research and trials meeting the below requirements.</p> <p>Add a clause that specifies that this/these new part(s) on research and trials apply only to new applications for consents for research and trials within:</p> <ol style="list-style-type: none"> 1) an existing marine farm that already has a consent; and 2) new space (space that is not currently consented for aquaculture activities). 	<p>Enabling research and trials on existing farms and in new spaces</p>	<p>No change</p> <p>16. Retain the proposal to apply the Regulations to new research and trial activities:</p> <ol style="list-style-type: none"> a. within an existing marine farm that already has an existing resource consent; and b. in new space. 	<p>This amendment is needed to enable the NES-MA to be used to specify rules for research and trials in existing and new space.</p> <p>Officials do not recommend changes sought by submitters to limit application of the regulations only to areas identified as appropriate for aquaculture. The intent of the proposed changes is to provide a nationally consistent approach to consenting research and trial activities across New Zealand.</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

New research and trials only involving structures or equipment

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R2 – Research and trial activities on existing marine farms that involve only structures and equipment for a maximum of 12 months and under 20 m²: permitted activity</p>	<p>Add a clause that makes establishing structures or equipment for research and trials within the consented area of an existing marine farm a permitted activity.</p> <p>Proposed permitted activity conditions will include:</p> <ul style="list-style-type: none"> • Must be within the consented area of an existing marine farm. • The application must either be from the holder of the existing consent for the marine farm or have written permission from the existing consent holder. • The application is for an activity that is solely for research and trial purposes. • The application must not be for an aquaculture activity. • The area occupied by the activity and its associated mooring and anchorage systems (if relevant) shall not exceed 20 m². • The maximum height of any surface structures associated with the activity shall not exceed 2.5 m. • The activity is for a maximum period of 12 months. • The same activity cannot have occurred within the same location within the last 6 months. 	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>17. Amend the relevant permitted activity conditions for Regulation R2 to achieve the following intent:</p> <ol style="list-style-type: none"> remove all the references to “application” in Regulation R2 and instead refer to “the person undertaking the activity”; clarify that the area occupied by the activity excludes its associated mooring and anchorage systems in condition E; replace condition H with a new condition to achieve the following intent: <i>There has to be at least a 6-month period between undertaking a new research and trial activity in the same location.</i> replace condition K(i) with a new condition to achieve the following intent: 	<p>These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows.</p> <ol style="list-style-type: none"> This clarifies that there is no resource consent ‘application’ for a permitted activity. This aligns the language of the conditions with the requirements in regulation R9 to provide consistency across the proposals. This clarifies there must be at least six months before undertaking a new permitted activity in the same location. This clarifies that research or trial activities involving structures or equipment cannot take place in areas where structures are prohibited in an existing resource consent condition that applies to the existing marine farm (eg, through a structure exclusion area). This clarifies the role of the Director of Maritime New Zealand with respect to any navigational matters. This clarifies the process for providing notification to the council that a permitted activity will be carried out. 	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

New research and trials only involving structures or equipment

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> • Must notify the regional council, Harbour Master, and tangata whenua prior to undertaking the activity (in writing with the actual position of the structures/equipment and any associated mooring and anchorage systems that have been deployed). • Structures/equipment and associated mooring and anchorage systems deployed shall be maintained in good structural condition and in an effective capacity at all times. • The structures/equipment is not located in a position that: <ul style="list-style-type: none"> i. Is within a structure exclusion area identified in the regional coastal plan or on an existing resource consent; ii. Would obstruct access by water to any wharf, landing place, boat ramp, slipway, navigational channel, or mooring; iii. Will restrict navigation (unless subject to relevant exemption by a regional council); iv. Cause or have potential to cause, loss of life or injury to any person; or v. Cause damage to any vessel or property. 		<ul style="list-style-type: none"> • is within an area where structures are identified in an existing resource consent condition that applies to the existing marine farm as being explicitly prevented from being placed or established. e. replace condition L with a new condition to achieve the following intent: <p><i>Structures/equipment and any associated mooring and anchorage systems shall be marked as required by the Director of Maritime New Zealand.</i></p> f. add a new permitted activity condition to clarify that the person undertaking the permitted activity must provide notice to the council within a certain timeframe to achieve the following intent: 		

PROPOSALS FOR NEW REGULATIONS

New research and trials only involving structures or equipment

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> Structures/equipment and any associated mooring and anchorage systems shall be marked as required by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) System 'A' Maritime Buoyage System. 		<p><i>Notice must be given at least 20 working days and no more than 60 working days before the activity is carried out.</i></p>		
<p>Regulation R3 – Research and trial activities that involve only structures and equipment for a maximum of 3 years and under 2 ha: <i>controlled activity</i></p>	<p>Add a new clause that makes establishing structures or equipment for research and trials within the consented area of an existing marine farm a controlled activity.</p> <p>Entry requirements for applications to be eligible to use this regulation are below:</p> <ul style="list-style-type: none"> Must be within the consented area of an existing marine farm. Must either be holder of existing consent for the marine farm or have written permission of existing consent holder. The application is for an activity that is solely for research and trial purposes. The application must not be for an aquaculture activity. The area occupied by the activity and its associated mooring and anchorage systems (if relevant) shall not exceed 2 ha. The maximum height of any surface structures associated with the activity shall not exceed: 	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>18. Amend the relevant entry requirements for Regulation R3 to achieve the following intent:</p> <ol style="list-style-type: none"> clarify that the area occupied by the activity excludes its associated mooring and anchorage systems in E; remove the requirement for the proposed lapse period in H. replace I with a new requirement to achieve the following intent: <p><i>“There has to be at least a 6-month period between undertaking a new research and trial activity in the same location.”</i></p>	<p>These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows.</p> <ol style="list-style-type: none"> This aligns the language of the conditions with the requirements in regulation R9 to provide consistency across the proposals. The proposed lapse period of six months is no longer required as section 125 of the RMA provides sufficient direction to consenting authorities on the lapse periods for consents. This clarifies that there must be at least six months before undertaking a new research and trial activity in the same location. This clarifies that research or trial activities involving structures or equipment cannot take place in areas where structures are prohibited in an existing resource consent condition that applies to the existing marine farm. 	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

New research and trials only involving structures or equipment

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> – 2.5 m; or – 5 m if offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA). • The activity is for a maximum period of 3 years, but no longer than the term remaining on the consent for the existing marine farm. • The proposed lapse period for the resource consent is 6 months after the date of commencement. • The same activity cannot have occurred within the same location within the last 6 months. • The structures/equipment is not located within a structure exclusion area identified in the regional coastal plan or on an existing resource consent. 		<p>d. replace J with a new requirement to achieve the following intent:</p> <p><i>The structures/equipment is not located in a position that is within an area where structures are identified in an existing resource consent condition that applies to the existing marine farm as being explicitly prevented from being placed or established.</i></p>		
<p>Regulation R4 – Matters of control</p>	<p>Introduce a new clause for matters of control applying to regulation R3. The matters of control relate to key effects that may need to be managed through the consenting process. Matters of control are listed as follows:</p> <p>A. The duration and lapsing of the coastal permit</p> <p>B. Review conditions</p>	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>19. Amend the proposal to remove hydrodynamic effects as a matter of control under Regulation R3.</p>	<p>This amendment is needed to make approval processes more proportionate to the effects of activities by removing the matter of control related to hydrodynamic effects. This will streamline consenting processes while ensuring that effects can continue to be managed.</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

New research and trials only involving structures or equipment

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>C. The layout, positioning, density, lighting, and marking of structures within the consented area for the purpose of ensuring (i) continued reasonable public access (including recreational access) in the vicinity of the consented area; and (ii) navigational safety, including the provision of navigation warning devices and signs</p> <p>D. The integrity and security of the structures, including the anchoring systems</p> <p>E. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6</p> <p>F. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest</p> <p>G. Management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality</p> <p>H. The management of biosecurity risks</p> <p>I. The management of the effects on the environment of noise, rubbish, and debris</p> <p>J. Information, monitoring, and reporting requirements</p> <p>K. Hydrodynamic effects</p>				

PROPOSALS FOR NEW REGULATIONS

New research and trials only involving structures or equipment

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>L. If in an outstanding area, effects on the values and characteristics that make the area outstanding</p> <p>M. If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), conditions relating to the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity</p> <p>N. Administrative charges, coastal occupation charges, financial contributions</p> <p>O. Bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment</p>				
<p>Regulation R5 – Views of tangata whenua on draft applications</p>	<p>Introduce a new clause as follows:</p> <p>If the application under R3 does not meet the following requirements:</p> <ul style="list-style-type: none"> • the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and • the application includes the report required by clause 5 of that schedule. 	<p>Enabling research and trials on existing farms</p>	<p>No change</p> <p>20. Retain the proposal to introduce a new clause that achieves the following policy intent:</p> <ul style="list-style-type: none"> a. applicants under Regulation R3 are required to have: <ul style="list-style-type: none"> i. completed the Schedule 6 process within the last 12 months; and 	<p>This amendment is needed to ensure that applicants can seek the views of tangata whenua on draft applications for research and trial activities.</p> <p>This process is consistent with the existing regulations of the NES-MA, which require the effects of the activity on tangata whenua values to be considered where a Schedule 6 process has not been completed within the last 12 months.</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

New research and trials only involving structures or equipment

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>Then make the following change to the relevant matter of control in R4:</p> <p>The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 <u>The effects of the activity on tangata whenua values.</u></p>		<ul style="list-style-type: none"> ii. included the report required by clause 5 of Schedule 6 in their application. b. if the requirements under (a) are not met, the following matter of control in Regulation R3 “the effects of the activity identified in the report required by clause 5 of Schedule 6” would be replaced with the following matter of control “the effects of the activity on tangata whenua values” 		

PROPOSALS FOR NEW REGULATIONS

Research and trials involving aquaculture activities (excluding fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R6 – Research and trial activities that involve aquaculture activities for up to 7 years and under 4 ha (excluding fed aquaculture): controlled activity</p>	<p>Add a new clause that makes establishing research and trial activities that involve aquaculture activities (excluding fed aquaculture) within the consented area of an existing marine farm a controlled activity.</p> <p>Entry requirements for applications to be eligible to use this regulation are below:</p> <p>A. Must be within the consented area of an existing marine farm.</p> <p>B. Research and trial activity must not involve fed aquaculture.</p> <p>C. Must either be holder of existing consent for the marine farm or have written permission of existing consent holder.</p> <p>D. The application is for an activity that is solely for research and trial purposes.</p> <p>E. The area occupied by the activity and its associated mooring and anchorage systems (if relevant) shall not exceed 4 ha.</p> <p>F. The maximum height of any surface structures associated with the activity shall not exceed:</p> <ul style="list-style-type: none"> – 2.5 m; or – 5 m if offshore (offshore meaning any location not within 2 km of mean high-water springs or within the 	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>21. Amend the relevant entry requirements for Regulation R6 to achieve the following intent:</p> <p>a. clarify that the area occupied by the activity excludes its associated mooring and anchorage systems in E;</p> <p>b. replace G with a new requirement to achieve the following intent:</p> <p><i>The structures/equipment is not located in a position that is within an area where structures are identified in an existing resource consent condition that applies to the existing marine farm as being explicitly prevented from being placed or established.</i></p> <p>c. remove the requirement for the proposed lapse period in I;</p> <p>d. add a new entry requirement with the following intent:</p> <p><i>“There has to be at least a 6-month period between undertaking a new research and trial activity in the same location.”</i></p>	<p>These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows.</p> <p>a. This aligns the language of the entry requirements with those in regulation R9 to provide consistency across the proposals.</p> <p>b. This clarifies that research or trial activities involving structures or equipment cannot take place in areas where structures are prohibited in an existing resource consent condition that applies to the existing marine farm.</p> <p>c. The proposed lapse period of six months is no longer required as section 125 of the RMA provides sufficient direction to consenting authorities on the lapse periods for consents.</p> <p>e. This aligns the entry requirements in regulation R6 with the rest of the NES-MA amendments (which require a six-month gap between research and trial activities to prevent consecutive trials from taking place at the same location).</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving aquaculture activities (excluding fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>harbours and other areas described in Schedule 3 of the NES-MA).</p> <p>G. The structures are not located within a structure exclusion area identified in the regional coastal plan or on an existing resource consent.</p> <p>H. The activity is for a maximum period of 7 years, but no longer than the term remaining on the consent for the existing marine farm.</p> <p>I. The proposed lapse period for the resource consent is 6 months after the date of commencement.</p> <p>J. The re-consenting provisions of the NES-MA do not apply to a consent granted under this rule.</p>				
<p>Regulation R7 – Matters of control</p>	<p>Introduce a new clause for matters of control applying to regulation R6. The matters of control relate to key effects that may need to be managed through the consenting process. Matters of control are listed as follows:</p> <p>A. The duration and lapsing of the coastal permit</p> <p>B. Review conditions</p> <p>C. The layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of</p>	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>22. Amend the proposal to remove hydrodynamic effects as a matter of control under Regulation R7.</p>	<p>This amendment is needed to make approval processes more proportionate to the effects of activities by removing the matter of control related to hydrodynamic effects. This will streamline consenting processes while ensuring that effects can continue to be managed.</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving aquaculture activities (excluding fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>ensuring (i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and (ii) navigational safety, including the provision of navigation warning devices and signs</p> <p>D. The integrity and security of the structures, including the anchoring systems</p> <p>E. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6</p> <p>F. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest</p> <p>G. Management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality</p> <p>H. The management of biosecurity risks</p> <p>I. The management of the effects on the environment of noise, rubbish, and debris</p> <p>J. The genetic effects on wild populations of farmed species escaping</p> <p>K. Information, monitoring, and reporting requirements</p>				

PROPOSALS FOR NEW REGULATIONS

Research and trials involving aquaculture activities (excluding fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>L. Hydrodynamic effects</p> <p>M. If in an outstanding area, effects on the values and characteristics that make the area outstanding</p> <p>N. If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), conditions relating to the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity</p> <p>O. Administrative charges, coastal occupation charges, financial contributions</p> <p>P. Bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment</p>				
<p>Regulation R8 – Views of tangata whenua</p>	<p>Introduce a new clause as follows:</p> <p>If the application under regulation R6 does not meet the following requirements:</p> <p style="padding-left: 40px;">the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and</p>	<p>Enabling research and trials on existing farms</p>	<p>No change</p> <p>23. Retain the proposal to introduce a new clause that achieves the following policy intent:</p> <ul style="list-style-type: none"> a. applicants under Regulation R6 are required to have: <ul style="list-style-type: none"> i. completed the Schedule 6 process within the last 12 months; and 	<p>These amendments are needed to ensure that applicants can seek the views of tangata whenua on draft applications for research and trial activities.</p> <p>This process is consistent with the existing regulations of the NES-MA, which requires the effects of the activity on tangata whenua values to be</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving aquaculture activities (excluding fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>the application includes the report required by clause 5 of that schedule.</p> <p>Then make the following change to the relevant matter of control in regulation R7:</p> <p>The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 <u>The effects of the activity on tangata whenua values.</u></p>		<ul style="list-style-type: none"> ii. included the report required by clause 5 of Schedule 6 in their application. b. If the requirements under (a) are not met, the following matter of control Regulation R6 “the effects of the activity identified in the report required by clause 5 of Schedule 6” would be replaced with the following matter of control “the effects of the activity on tangata whenua values” 	<p>considered where a Schedule 6 process has not been completed within the last 12 months.</p>	

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm already consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R9 – Research and trial activities that involve fed aquaculture activities for up to 7 years and under 4 ha on a farm already consented for fed aquaculture: controlled activity</p>	<p>Introduce a new clause that makes establishing research and trial activities that involve fed aquaculture within the consented area of an existing marine farm already consented for fed aquaculture a controlled activity.</p> <p>Entry requirements for applications to be eligible to use this regulation are below:</p> <ul style="list-style-type: none"> The activity (including associated mooring and anchorage systems) must be within the consented area of an existing marine farm that is authorised for fed aquaculture. Must either be holder of existing consent for the marine farm or have written permission of existing consent holder. The application is for an activity that is solely for research and trial purposes. The area occupied by the activity shall not exceed 4 ha (excluding associated mooring and anchorage systems). If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), the maximum height of any surface structures associated with the activity shall not exceed 5 m. 	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>24. Amend the relevant entry requirements for Regulation R9 to achieve the following intent:</p> <ol style="list-style-type: none"> replace F with a new requirement to achieve the following intent: <p><i>“The structures / equipment is not located in a position that is within an area where structures are identified in an existing resource consent condition that applies to the existing marine farm as being explicitly prevented from being placed or established”</i></p> remove the requirement for the proposed lapse period in H replace J with a new requirement to achieve the following intent: <p><i>“There has to be at least a 6-month period between undertaking a new research and trial activity in the same location.”</i></p> 	<p>These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows.</p> <ol style="list-style-type: none"> This clarifies that research or trial activities involving structures or equipment cannot take place in areas where structures are prohibited in an existing resource consent condition that applies to the existing marine farm. The proposed lapse period of six months is no longer required as section 125 of the RMA provides sufficient direction to consenting authorities on the lapse periods for consents. This clarifies that there must be at least six months before undertaking a new research and trial activity in the same location. 	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm already consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> • The structures are not located within a structure exclusion area identified in the regional coastal plan or on an existing resource consent. • The activity is for a maximum period of 7 years, but no longer than the term remaining on the consent for the existing marine farm. • The proposed lapse period for the resource consent is 6 months after the date of commencement. • The re-consenting provisions of the NES-MA do not apply to a consent granted under this rule. • The same activity cannot have occurred within the same location within the last 6 months. 				
<p>Regulation R10 – Matters of control</p>	<p>Introduce a new clause for matters of control applying to regulation R6. The matters of control relate to key effects that may need to be managed through the consenting process. Matters of control are listed as follows.</p> <p>A. The duration and lapsing of the coastal permit</p> <p>B. Review conditions</p> <p>C. The layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of</p>	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>25. Amend the proposal to remove hydrodynamic effects as a matter of control under Regulation R10.</p>	<p>This amendment is needed to make approval processes more proportionate to the effects of activities by removing the matter of control related to hydrodynamic effects. This will streamline consenting processes while ensuring that effects can continue to be managed.</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm already consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>ensuring (i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and (ii) navigational safety, including the provision of navigation warning devices and signs</p> <p>D. The integrity and security of the structures, including the anchoring systems</p> <p>E. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6</p> <p>F. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest</p> <p>G. Management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality</p> <p>H. The management of biosecurity risks</p> <p>I. The management of the effects on the environment of noise, rubbish, and debris</p> <p>J. The genetic effects on wild populations of farmed species escaping</p> <p>K. Effects on water quality</p> <p>L. Information, monitoring, and reporting requirements</p> <p>M. Hydrodynamic effects</p>				

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm already consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>N. If in an outstanding area, effects on the values and characteristics that make the area outstanding</p> <p>O. If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), conditions relating to the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity</p> <p>P. Administrative charges, coastal occupation charges, financial contributions</p> <p>Q. Bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment</p> <p>R. The use of antibiotics and therapeutants in the marine farm</p> <p>S. The degree of exclusive occupation, if sought</p> <p>T. Underwater lighting and lighting of structures</p> <p>U. Management practices to minimise shark interactions with the marine farm</p>				

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm already consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Regulation R11 – Views of tangata whenua	<p>Introduce a new clause as follows:</p> <p>If the application under regulation R9 does not meet the following requirements:</p> <ul style="list-style-type: none"> the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and the application includes the report required by clause 5 of that schedule. <p>Then make the following change to the relevant matter of control in regulation R10:</p> <p>The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 <u>The effects of the activity on tangata whenua values.</u></p>	Enabling research and trials on existing farms	<p>No change</p> <p>26. Retain the proposal to introduce a new clause that achieves the following intent:</p> <ol style="list-style-type: none"> applicants under Regulation R9 are required to have: completed the Schedule 6 process within the last 12 months⁶⁴; and included the report required by clause 5 of Schedule 6 in their application. If these requirements under (a) are not met, the following matter of control in Regulation R9 “the effects of the activity identified in the report required by clause 5 of Schedule 6” would be replaced with the following matter of control “the effects of the activity on tangata whenua values” 	<p>These amendments are needed to ensure that applicants can seek the views of tangata whenua on draft applications for research and trial activities.</p> <p>This process is consistent with the existing regulations of the NES-MA, which require the effects of the activity on tangata whenua values to be considered where a Schedule 6 process has not been completed within the last 12 months.</p>	Yes No

⁶⁴ Schedule 6 refers to the process for seeking the views of tangata whenua on draft applications.

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm not consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
<p>Regulation R12 – Research and trial activities on existing marine farms that involve fed aquaculture activities for up to 7 years and under 4 ha on a farm not consented for fed aquaculture: restricted discretionary activity</p>	<p>Introduce a new clause that makes adding research and trial activities that involve fed aquaculture within the consented area of an existing marine farm not consented for fed aquaculture activities a restricted discretionary activity.</p> <p>Entry requirements for applications to be eligible to use this regulation are below:</p> <ul style="list-style-type: none"> The activity (including associated mooring and anchorage systems) must be within the consented area of an existing marine farm. Must either be holder of existing consent for the marine farm or have written permission of existing consent holder. The application is for an activity that is solely for research and trial purposes. The area occupied by the activity shall not exceed 4 ha (excluding associated mooring and anchorage systems). The structures are not located within a structure exclusion area identified in the regional coastal plan or on an existing resource consent. 	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>27. Amend the relevant entry requirements for Regulation R12 to achieve the following intent:</p> <ol style="list-style-type: none"> replace E with a new requirement to achieve the following intent: <i>The structures/ equipment is not located in a position that is within an area where structures are identified in an existing resource consent condition that applies to the existing marine farm as being explicitly prevented from being placed or established</i> remove the requirement for the proposed lapse period in G add a new entry requirement with the following intent: <i>There has to be at least a 6-month period between undertaking a new research</i> 	<p>These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows.</p> <ol style="list-style-type: none"> This clarifies that research or trial activities involving structures or equipment cannot take place in areas where structures are prohibited in an existing resource consent condition that applies to the existing marine farm. The proposed lapse period of six months is no longer required as section 125 of the RMA provides sufficient direction to consenting authorities on the lapse periods for consents. This clarifies that the person undertaking the activity must wait at least six months before undertaking a new activity in the same location. This aligns with the other entry requirements in the proposed NES-MA provisions (which require a six-month gap between research and trial activities to prevent consecutive trials from taking place at the same location). 	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm not consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
	<ul style="list-style-type: none"> The activity is for a maximum period of 7 years, but no longer than the term remaining on the consent for the existing marine farm. The proposed lapse period for the resource consent is 6 months after the date of commencement. The re-consenting provisions of the NES-MA do not apply to a consent granted under this rule. 		<i>and trial activity in the same location.</i>		
<p>Regulation R13 – Matters of discretion</p>	<p>Introduce a new clause for matters of discretion applying to regulation R12. The matters of discretion relate to key effects that may need to be managed through the consenting process. Matters of discretion are listed as follows:</p> <p>A. The duration and lapsing of the coastal permit</p> <p>B. Review conditions</p> <p>C. The layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of ensuring (i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and (ii) navigational safety, including the provision of navigation warning devices and signs</p>	<p>Enabling research and trials on existing farms</p>	<p>Change</p> <p>28. Amend the proposal to remove hydrodynamic effects as a matter of discretion under Regulation R13.</p>	<p>This amendment is needed to make approval processes more proportionate to the effects of activities by removing the matter of control related to hydrodynamic effects. This will streamline consenting processes while ensuring that effects can continue to be managed.</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm not consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
	<ul style="list-style-type: none"> D. The integrity and security of the structures, including the anchoring systems E. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 F. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest G. Management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality H. The management of biosecurity risks I. The management of the effects on the environment of noise, rubbish, and debris J. The genetic effects on wild populations of farmed species escaping K. Effects on water quality L. Information, monitoring, and reporting requirements M. Hydrodynamic effects N. If in an outstanding area, effects on the values and characteristics that make the area outstanding 				

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm not consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
	<p>O. If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), conditions relating to the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity</p> <p>P. Administrative charges, coastal occupation charges, financial contributions</p> <p>Q. Bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment</p> <p>R. The use of antibiotics and therapeutants in the marine farm</p> <p>S. The degree of exclusive occupation, if sought</p> <p>T. Underwater lighting and lighting of structures</p> <p>U. Management practices to minimise shark interactions with the marine farm</p>				

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm not consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
<p>Regulation R14 – Views of tangata whenua</p>	<p>Introduce a new clause as follows:</p> <p>If the application under regulation R12 does not meet the following requirements:</p> <ul style="list-style-type: none"> • the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and • the application includes the report required by clause 5 of that schedule. <p>Then make the following change to the relevant matter of control in regulation R13:</p> <p><i>The effects of the activity on matters identified in the report required by clause 5 of Schedule 6</i> <u>The effects of the activity on tangata whenua values.</u></p>	<p>Enabling research and trials on existing farms</p>	<p>No change</p> <p>29. Retain the proposal to introduce a new clause that achieves the following policy intent:</p> <ol style="list-style-type: none"> a. applicants under Regulation R12 are required to have: <ol style="list-style-type: none"> i. completed the Schedule 6 process within the last 12 months; and ii. included the report required by clause 5 of Schedule 6 in their application. b. if the requirements under (a) are not met, the following matter of discretion in Regulation R12 “the effects of the activity identified in the report required by clause 5 of Schedule 6” would be replaced with the following matter of discretion “the effects of the activity on tangata whenua values” 	<p>These amendments are needed to ensure that applicants can seek the views of tangata whenua on draft applications for research and trial activities.</p> <p>This process is consistent with the existing regulations of the NES-MA, which require the effects of the activity on tangata whenua values to be considered where a Schedule 6 process has not been completed within the last 12 months.</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm not consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
Regulation R15 – More lenient rules for applications under provisions in this Part	Introduce a new clause enabling regional councils to have a more lenient rule for an equivalent activity under regulation R12 than a restricted discretionary activity.	Enabling research and trials on existing farms	No Change 30. Retain the proposal to enable a rule in a regional or combined plan to include a more lenient activity status than a restricted discretionary activity for research or trial activities under Regulation R12.	This amendment allows councils to apply more lenient rules for fed aquaculture activities than the restricted discretionary activity status set by the NES-MA.	Yes No
Regulation R16 – Notification	Introduce a new clause precluding public and limited notification for applications for coastal permits under regulation R3, regulation R6, and regulation R9. Introduce new clauses that, for regulation R12, preclude public notification and, if the Schedule 6 process is complete and a report is included in the application, preclude limited notification.	Enabling research and trials on existing farms	No change 31. Retain the proposal which sets out the notification requirements for applications for coastal permits under Regulations R3, R6, R9, and R12 to achieve the following intent: a. preclude public and limited notification for applications for coastal permits under Regulations R3, R6, R9, and R12. b. enable limited notification of applications under Regulation R12 if: i. the applicant has not undertaken the process under Schedule 6 process for seeking the	This amendment sets out the notification requirements for applications for coastal permits under regulations R3, R6, R9 and R12, which provide for research and trials on existing farms. The RMA requirements to notify affected holders of statutory acknowledgements, affected CMT groups and affected protected customary rights groups will continue to apply.	Yes No

PROPOSALS FOR NEW REGULATIONS

Research and trials involving fed aquaculture on a farm not consented for fed aquaculture

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
			views of tangata whenua on draft applications within the previous 12 months; or ii. the application does not include the report required by clause 5 of Schedule 6.		

New part – Provisions for research and trials in new space

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<i>Research and trials only involving structures and equipment</i>					
Regulation R17 – Research and trial activities in new locations that involve only structures and equipment for up to 12 months and under 5 m²: permitted activity	Add a new clause that enables aquaculture-related research and trials in new locations as a permitted activity. Permitted activity conditions for applications to be eligible to use this regulation are below: <ul style="list-style-type: none"> The application is for an activity that is solely for research and trial purposes that relates to a current or potentially future aquaculture activity (but is not, in itself, an aquaculture activity). 	Enabling research and trials in new space	Change 32. Remove the proposal to enable aquaculture-related research and trials in new location to be a permitted activity.	This amendment is needed to address concerns raised by submitters about reduced Māori participation and potential impacts of the proposal on upholding Treaty settlements obligations and other arrangements. The intent of the proposed changes is to support the aquaculture industry to grow while upholding Treaty settlements and other related arrangements.	Yes No

New part – Provisions for research and trials in new space

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> • The area occupied by the activity and its associated mooring and anchorage systems (if relevant) shall not exceed 5 m². • The maximum height of any surface structures associated with the activity shall not exceed 2.5 m. • The activity is for a maximum period of 12 months. • Must not be located within: <ul style="list-style-type: none"> – An outstanding area (as defined in NES-MA), unless the activity only involves subsurface structures; – A significant marine ecological area; – A mooring area identified in a plan or proposed plan; – A Port zone identified in a plan or proposed plan; – A nationally or regionally significant navigation corridor identified in a plan or proposed plan. • An activity authorised under this regulation cannot have occurred at the same location (or within a 100 m vicinity) within the last 6 months. • Must notify the regional council Harbour Master and tangata whenua prior to undertaking the activity (in writing with the actual position of the structures/equipment 				

New part – Provisions for research and trials in new space

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>and any associated mooring and anchorage systems that have been deployed).</p> <ul style="list-style-type: none"> • The structures/equipment is not located in a position that: <ul style="list-style-type: none"> – Would obstruct access by water to any wharf, landing place, boat ramp, slipway, navigational channel, or mooring; – Will restrict navigation (unless subject to relevant exemption by regional council); – Cause or have potential to cause, loss of life or injury to any person; or – Cause damage to any vessel or property. • Structures/equipment and associated mooring and anchorage systems deployed shall be maintained in good structural condition and in an effective capacity at all times. • Structures/equipment and any associated mooring and anchorage systems shall be marked as required by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) System 'A' Maritime Buoyage System. 				

New part – Provisions for research and trials in new space
NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<i>Research and trials only involving structures and equipment</i>					
<p>Regulation R18 – Research and trial activities that involve only structures and equipment in new locations for up to 3 years and under 2 ha: controlled activity</p>	<p>Introduce a new clause that makes establishing structures or equipment for aquaculture-related research and trials in new locations a controlled activity.</p> <p>Entry requirements for applications to be eligible to use this regulation are below:</p> <ul style="list-style-type: none"> • The application is for an activity that is solely for research and trial purposes that relates to a current or potentially future aquaculture activity (but is not, in itself, an aquaculture activity). • The area occupied by the activity and its associated mooring and anchorage systems (if relevant) shall not exceed: <ul style="list-style-type: none"> – 0.5 ha; or – 2 ha if offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA). • The maximum height of any surface structures associated with the activity shall not exceed: <ul style="list-style-type: none"> – 2.5 m; or – 5 m if offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA). 	<p>Enabling research and trials in new space</p>	<p>Change</p> <p>33. Amend the relevant entry requirements for Regulation R18 to achieve the following intent:</p> <ol style="list-style-type: none"> a. clarify that the area occupied by the activity excludes its associated mooring and anchorage systems in B; b. remove the requirement for the proposed lapse period in E c. replace G and with a new requirement to achieve the following intent: <p style="margin-left: 20px;"><i>There has to be at least a 6-month period between undertaking a new research and trial activity in the same location.</i></p> d. add a new entry requirement with the intent of clarifying that if the activity is located within 100 metres of mean high-water springs it can only use this regulation if the activity is proposed to 	<p>These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows.</p> <ol style="list-style-type: none"> a. This aligns the language of the requirement with that in regulation 9 to provide consistency across the proposals. b. The proposed lapse period of six months is no longer required as section 125 of the RMA provides sufficient direction to consenting authorities on the lapse periods for consents. c. This clarifies that there must be at least six months before undertaking a new research and trial activity in the same location. This aligns with the other entry requirements in the NES-MA. d. This amendment is intended to restrict the use of this regulation to more appropriate locations. It aims to avoid situations where structures could be established very close to shore in areas without existing aquaculture activity, while still allowing flexibility for research and trials that are directly connected to existing marine farms. This change responds to feedback raised by councils that research and trial activities could take place in inappropriate areas. 	<p>Yes No</p>

New part – Provisions for research and trials in new space

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> • D. The activity is for a maximum period of 3 years. • E. The proposed lapse period for the resource consent is 6 months after the date of commencement. • F. Must not be located within: <ul style="list-style-type: none"> – An outstanding area (as defined in NES-MA); – A significant marine ecological area; – A mooring area identified in a plan or proposed plan; – A Port zone identified in a plan or proposed plan; – A nationally or regionally significant navigation corridor identified in a plan or proposed plan. • G. The same activity cannot have occurred within the same location within the last 6 months. 		<p>occur adjacent to an existing marine farm and is for the purpose of research or trials related to that farm</p> <p>e. add a new entry requirement to clarify that structures/equipment and any associated mooring and anchorage systems shall be marked as required by the Director of Maritime New Zealand.</p>	<p>e. This amendment is needed to clarify the role of the Director of Maritime New Zealand with respect to any navigational matters.</p>	
<p>Regulation R19 – Matters of control</p>	<p>Introduce matters of control applying to Regulation R18. The matters of control relate to key effects that may need to be managed through the consenting process. Matters of control are listed as follows:</p> <p>A) The duration and lapsing of the coastal permit.</p> <p>B) Review conditions.</p>	<p>Enabling research and trials in new space</p>	<p>Change</p> <p>34. Amend the proposal to remove hydrodynamic effects as a matter of control under Regulation R19.</p> <p>35. Amend the proposal to add a new matter of control to Regulation R19 for the degree of exclusive occupation, if sought.</p>	<p>This amendment is needed to make approval processes more proportionate to the effects of activities by removing the matter of control related to hydrodynamic effects. This will streamline consenting processes while ensuring that effects can continue to be managed.</p> <p>This amendment enables councils to consider any effects of new research and trial structures occurring in areas that may also be used for commercial fishing and responds to feedback</p>	<p>Yes No</p> <p>Yes No</p>

New part – Provisions for research and trials in new space

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>C) The layout, positioning, density, lighting, and marking of structures within the consented area for the purpose of ensuring (i) continued reasonable public access (including recreational access) in the vicinity of the consented area; and (ii) navigational safety, including the provision of navigation warning devices and signs.</p> <p>D) The integrity and security of the structures, including the anchoring systems.</p> <p>E) The effects of the activity on matters identified in the report required by clause 5 of Schedule 6.</p> <p>F) The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest.</p> <p>G) The management of biosecurity risks.</p> <p>H) The management of the effects on the environment of noise, rubbish, and debris</p> <p>I) Conditions relating to adverse effects of the activity on marine mammals and seabirds.</p> <p>J) Information, monitoring, and reporting requirements.</p> <p>K) Hydrodynamic effects.</p>			<p>from Seafood New Zealand, who requested a new matter of control be added to enable 'the degree of exclusive occupation, if sought'.</p>	

New part – Provisions for research and trials in new space

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R20 – Views of tangata whenua</p>	<p>Introduce a new clause as follows:</p> <p>If the application under regulation R18 does not meet the following requirements:</p> <ul style="list-style-type: none"> the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and the application includes the report required by clause 5 of that schedule. <p>Then make the following change to the relevant matter of control in regulation R19:</p> <p><i>The effects of the activity on matters identified in the report required by clause 5 of Schedule 6</i> <u>The effects of the activity on tangata whenua values.</u></p>	<p>Enabling research and trials in new space</p>	<p>No change</p> <p>36. Retain the proposal to introduce a new clause that achieves the following intent:</p> <ol style="list-style-type: none"> applicants under Regulation R18 are required to have: <ol style="list-style-type: none"> completed the Schedule 6 process within the last 12 months; and included the report required by clause 5 of Schedule 6 in their application. if the requirements under (a) are not met, the following matter of control Regulation R19 “the effects of the activity identified in the report required by clause 5 of Schedule 6” would be replaced with the following matter of control “the effects of the activity on tangata whenua values” 	<p>This amendment is needed to ensure that applicants can seek the views of tangata whenua on draft applications for research and trial activities.</p> <p>This process is consistent with the existing regulations of the NES-MA, which require the effects of the activity on tangata whenua values to be considered where a Schedule 6 process has not been completed within the last 12 months.</p>	<p>Yes No</p>

Research and trials involving aquaculture activities (but not fed aquaculture)

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA			Minister's decision
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	
<p>Regulation R21 – Research and trial activities in new locations that involve aquaculture activities for up to 7 years and under 4 ha (not including fed aquaculture): restricted discretionary activity</p>	<p>Introduce a new clause that makes establishing aquaculture-related research and trial activities (that do not involve fed aquaculture) in new locations a restricted discretionary activity.</p> <p>Entry requirements for applications to be eligible to use this regulation are below:</p> <p>A. The application is for an activity that is solely for aquaculture-related research and trial purposes.</p> <p>B. Research and trial activity must not involve fed aquaculture.</p> <p>C. The area occupied by the activity and its associated mooring and anchorage systems (if relevant) shall not exceed:</p> <ul style="list-style-type: none"> – 1 ha; or – 4 ha if offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA). <p>D. The maximum height of any surface structures associated with the activity shall not exceed:</p> <ul style="list-style-type: none"> – 2.5 m; or – 5 m if offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA). 	<p>Enabling research and trials in new space</p>	<p>Change</p> <p>37. Amend the relevant entry requirements for Regulation R21 to achieve the following intent:</p> <ol style="list-style-type: none"> a. clarify that the area occupied by the activity excludes its associated mooring and anchorage systems in C; b. remove the requirement for the proposed lapse period in F c. add a new entry requirement to clarify that structures/ equipment and any associated mooring and anchorage systems shall be marked as required by the Director of Maritime New Zealand. 	<p>These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows.</p> <ol style="list-style-type: none"> a. This aligns the entry requirements with those in regulation R9 to provide consistency across the proposals. b. The proposed lapse period of six months is no longer required as section 125 of the RMA provides sufficient direction to consenting authorities on the lapse period for consents. c. This clarifies the role of the Director of Maritime New Zealand with respect to any navigational matters. 	<p>Yes No</p>

Research and trials involving aquaculture activities (but not fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>E. The activity is for a maximum period of 7 years.</p> <p>F. The proposed lapse period for the resource consent is 6 months after the date of commencement.</p> <p>G. Must not be located within:</p> <ul style="list-style-type: none"> – An outstanding area (as defined in NES-MA); – A significant marine ecological area; – A mooring area identified in a plan or proposed plan; – A Port zone identified in a plan or proposed plan; – A nationally or regionally significant navigation corridor identified in a plan or proposed plan. <p>H. The re-consenting provisions of the NES-MA do not apply to a consent granted under this rule.</p>				
<p>Regulation R22 – Matters of discretion</p>	<p>Introduce a new clause for matters of discretion.</p> <p>The matters of discretion relate to key effects that may need to be managed through the consenting process. Matters of discretion are listed as follows:</p> <p>A. The duration and lapsing of the coastal permit</p> <p>B. Review conditions</p> <p>C. The layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of ensuring (i)</p>	<p>Enabling research and trials in new space</p>	<p>Change</p> <p>38. Amend the proposal to remove hydrodynamic effects as a matter of discretion under Regulation 22.</p>	<p>This amendment is needed to make approval processes more proportionate to the effects of activities by removing the matter of control related to hydrodynamic effects. This will streamline consenting processes while ensuring that effects can continue to be managed.</p>	<p>Yes No</p>

Research and trials involving aquaculture activities (but not fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>continued reasonable public access (including recreational access) in the vicinity of the marine farm; and (ii) navigational safety, including the provision of navigation warning devices and signs</p> <p>D. The integrity and security of the structures, including the anchoring systems</p> <p>E. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6</p> <p>F. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest</p> <p>G. The management of biosecurity risks</p> <p>H. The management of the effects on the environment of noise, rubbish, and debris</p> <p>I. Conditions relating to adverse effects of the activity on marine mammals and seabirds</p> <p>J. The genetic effects on wild populations of farmed species escaping</p> <p>K. Information, monitoring, and reporting requirements</p> <p>L. Hydrodynamic effects</p> <p>M. The effects of the activity on historic heritage</p> <p>N. If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), conditions relating to the effects of the visual appearance of the surface structures in</p>				

Research and trials involving aquaculture activities (but not fed aquaculture)

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA			
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>relation to location, density, materials used, colour, and reflectivity</p> <p>O. Administrative charges, coastal occupation charges, financial contributions</p> <p>P. Bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment</p>				
Regulation R23 – Views of tangata whenua	<p>Introduce a new clause as follows:</p> <p>If the application under regulation R21 does not meet the following requirements:</p> <ul style="list-style-type: none"> the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and the application includes the report required by clause 5 of that schedule. <p>Then make the following change to the relevant matter of control in regulation R22:</p> <p><u><i>The effects of the activity on matters identified in the report required by clause 5 of Schedule 6</i></u> <u><i>The effects of the activity on tangata whenua values.</i></u></p>	Enabling research and trials in new spaces	<p>No change</p> <p>39. Retain the proposal to introduce a new clause that achieves the following intent:</p> <ol style="list-style-type: none"> applicants under Regulation R21 are required to have: <ol style="list-style-type: none"> completed the Schedule 6 process within the last 12 months; and included the report required by clause 5 of Schedule 6 in their application if these requirements under (a) are not met, the following matter of discretion in Regulation R22 “the effects of the activity identified in the report required by clause 5 of Schedule 6” would be replaced with the following matter of discretion “the effects of the activity on tangata whenua values” 	<p>This amendment is needed to ensure that applicants can seek the views of tangata whenua on draft applications for research and trial activities.</p> <p>This process is consistent with the existing regulations of the NES-MA, which require the effects of the activity on tangata whenua values to be considered where a Schedule 6 process has not been completed within the last 12 months.</p>	Yes No

Research and trials involving aquaculture activities (but not fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
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Research and trials involving fed aquaculture

<p>Regulation R24 – Research and trial activities in new locations that involve fed aquaculture activities for up to 7 years and under 4 ha: restricted discretionary activity</p>	<p>Add a new clause that makes establishing aquaculture-related research and trial activities (that involve fed aquaculture) in new locations a restricted discretionary activity.</p> <p>Entry requirements for this clause are below:</p> <p>A. The application is for an activity that is solely for aquaculture-related research and trial purposes.</p> <p>B. The area occupied by the activity shall not exceed:</p> <ul style="list-style-type: none"> – 1 ha (excluding its associated mooring and anchorage systems); or – 4 ha (excluding its associated mooring and anchorage systems) if offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA). <p>C. If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), the maximum height of any surface structures associated with the activity shall not exceed 5 m.</p> <p>D. The activity is for a maximum period of 7 years.</p>	<p>Enabling research and trials in new space</p>	<p>Change</p> <p>40. Amend the relevant entry requirements for Regulation R24 to achieve the following intent:</p> <ul style="list-style-type: none"> a. remove the requirement for the proposed lapse period in E b. add a new entry requirement to clarify that structures/ equipment and any associated mooring and anchorage systems shall be marked as required by the Director of Maritime New Zealand. 	<p>These amendments are needed to respond to suggestions from industry and council submitters who sought changes to clarify the application of the notified proposal, as follows.</p> <ul style="list-style-type: none"> a. The proposed lapse period of six months is no longer required as section 125 of the RMA provides sufficient direction to consenting authorities on the lapse periods for consents. b. This clarifies the role of the Director of Maritime New Zealand with respect to any navigational matters. 	<p>Yes No</p>
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Research and trials involving aquaculture activities (but not fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>E. The proposed lapse period for the resource consent is 6 months after the date of commencement.</p> <p>F. Must not be located within:</p> <ul style="list-style-type: none"> – An outstanding area (as defined in NES-MA); – A significant marine ecological area; – A mooring area identified in a plan or proposed plan; – A Port zone identified in a plan or proposed plan; – A nationally or regionally significant navigation corridor identified in a plan or proposed plan. <p>G. The re-consenting provisions of the NES-MA do not apply to a consent granted under this rule.</p>				
<p>Regulation R25 – Matters of discretion</p>	<p>Introduce a new clause for matters of discretion.</p> <p>The matters of discretion relate to key effects that may need to be managed through the consenting process. Matters of discretion are listed as follows:</p> <p>A. The duration and lapsing of the coastal permit</p> <p>B. Review conditions</p> <p>C. The layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of ensuring (i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and (ii) navigational safety,</p>	<p>Enabling research and trials in new space</p>	<p>Change</p> <p>41. Amend the proposal to remove hydrodynamic effects as a matter of discretion under Regulation R25.</p>	<p>This amendment is needed to make approval processes more proportionate to the effects of activities by removing the matter of control related to hydrodynamic effects. This will streamline consenting processes while ensuring that effects can continue to be managed.</p>	<p>Yes No</p>

Research and trials involving aquaculture activities (but not fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>including the provision of navigation warning devices and signs</p> <p>D. The integrity and security of the structures, including the anchoring systems</p> <p>E. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6</p> <p>F. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest</p> <p>G. The management of biosecurity risks</p> <p>H. The management of the effects on the environment of noise, rubbish, and debris</p> <p>I. Conditions relating to adverse effects of the activity on marine mammals and seabirds</p> <p>J. The genetic effects on wild populations of farmed species escaping</p> <p>K. Effects on water quality</p> <p>L. Information, monitoring, and reporting requirements</p> <p>M. Hydrodynamic effects</p> <p>N. The effects of the activity on historic heritage</p> <p>O. If the activity is not offshore (offshore meaning any location not within 2 km of mean high-water springs or within the harbours and other areas described in Schedule 3 of the NES-MA), conditions relating to the effects of the visual appearance of the surface structures in</p>				

Research and trials involving aquaculture activities (but not fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>relation to location, density, materials used, colour, and reflectivity</p> <p>P. Administrative charges, coastal occupation charges, financial contributions</p> <p>Q. Bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment</p> <p>R. The use of antibiotics and therapeutants in the marine farm</p> <p>S. The degree of exclusive occupation, if sought</p> <p>T. Underwater lighting and lighting of structures</p> <p>U. Management practices to minimise shark interactions with the marine farm</p>				
<p>Regulation R26 – Views of tangata whenua</p>	<p>Introduce a new clause as follows:</p> <p>If the application under regulation R24 does not meet the following requirements:</p> <ul style="list-style-type: none"> • the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and • the application includes the report required by clause 5 of that schedule. <p>Then make the following change to the relevant matter of control in regulation R25:</p>	<p>Enabling research and trials in new space</p>	<p>No change</p> <p>42. Retain the proposal to introduce a new clause that achieves the following intent:</p> <ol style="list-style-type: none"> a. applicants under Regulation R24 are required to have: <ol style="list-style-type: none"> i. completed the Schedule 6 process within the last 12 months; and ii. included the report required by clause 5 of Schedule 6 in their application. 	<p>This amendment is needed to ensure that applicants can seek the views of tangata whenua on draft applications for research and trial activities.</p> <p>This process is consistent with the existing regulations of the NES-MA, which require the effects of the activity on tangata whenua values to be considered where a Schedule 6 process has not been completed within the last 12 months.</p>	<p>Yes No</p>

Research and trials involving aquaculture activities (but not fed aquaculture)

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA			Minister's decision
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	
	<u>The effects of the activity on matters identified in the report required by clause 5 of Schedule 6</u> The effects of the activity on tangata whenua values.		b. if the requirements under (a) are not met, the following matter of discretion in Regulation R22 “the effects of the activity identified in the report required by clause 5 of Schedule 6” would be replaced with the following matter of discretion “the effects of the activity on tangata whenua values”		
<i>Miscellaneous</i>					
Regulation R27 – More lenient rules for applications under provisions in this Part	Introduce a new clause enabling regional councils to have a more lenient rule for an equivalent activity under regulation R21 or regulation R24 than that of a restricted discretionary activity.	Enabling research and trials in new space	No change 43. Retain the proposal to enable a rule in a regional or combined plan to include a more lenient activity status than a restricted discretionary activity for research or trial activities under Regulation R21 or Regulation R24.	This amendment allows councils to apply more lenient rules for fed aquaculture activities than the restricted discretionary activity status set by the NES-MA.	Yes No

Research and trials involving aquaculture activities (but not fed aquaculture)

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R28– Notification</p>	<p>Introduce a new clause precluding public and limited notification for applications under regulation R18 and precluding public notification for applications under Regulations regulation R21 and regulation R24.</p>	<p>Enabling research and trials in new space</p>	<p>No change</p> <p>44. Retain the proposal which sets out the notification requirements for applications for coastal permits under Regulation R18, Regulation R21, and Regulation R24 to achieve the following intent:</p> <ul style="list-style-type: none"> a. preclude public notification for applications under Regulations R18, R21, and R24; and b. preclude limited notification for applications under Regulation 18. 	<p>This amendment sets out the notification requirements for applications for coastal permits under regulations R18, R21 and R24, which provide for research and trials in new space.</p> <p>The RMA requirements to notify all affected holders of statutory acknowledgements, affected CMT groups and affected protected customary rights groups will continue to apply.</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

Change or cancellation of consent conditions for aquaculture activities

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R29 – Application of Regulations</p>	<p>Introduce a new clause that specifies that this part only applies to applications relating to existing coastal permits for aquaculture activities that seek to change or cancel consent conditions.</p>	<p>Changes to consent conditions related to consented species, structures and monitoring</p>	<p>No change</p> <p>45. Retain the proposal to amend Regulation R29 of the NES-MA so that it achieves the following intent:</p> <p><i>Applies this part of the NES-MA only to applications for existing coastal permits for aquaculture activities where the applicant is seeking to change or cancel consent conditions.</i></p>	<p>The intent of this change is to clarify that this part only applies to applications relating to existing coastal permits for aquaculture activities that seek to change or cancel consent conditions as controlled activities.</p>	<p>Yes No</p>
<p>Regulation R30 – Changes or cancellation of consent conditions relating to consented species: controlled activity</p>	<p>Introduce a new clause that sets out that the following changes of consent conditions will be considered as if they were for an application for a controlled activity:</p> <ul style="list-style-type: none"> • Adding spat catching to an existing farm consented for that species; • Adding indigenous bivalve species and Pacific oysters to a farm already consented for bivalves; • Adding indigenous seaweed species and <i>Undaria pinnatifida</i> to an existing marine farm; and • Adding finfish to an existing finfish farm. 	<p>Changes to consent conditions related to consented species</p>	<p>Change</p> <p>46. Amend the proposal with the intent of replacing Regulation R30 with a new regulation that enables the following changes of consent conditions to be considered as if they were for an application for a controlled activity:</p> <ol style="list-style-type: none"> adding spat catching to an existing farm consented for that species; adding indigenous bivalve species and Pacific oysters to a farm already consented for bivalves; 	<p>This change enables councils to add spat catching, indigenous bivalves, Pacific oysters and indigenous seaweed species to existing consent conditions as a controlled activity.</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

Change or cancellation of consent conditions for aquaculture activities

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<ul style="list-style-type: none"> c. adding indigenous seaweed species to an existing marine farm; and d. adding finfish to an existing finfish farm. <p>Change</p> <p>47. Amend the proposal with the intent of providing for changes or cancellations of consent conditions relating to adding <i>Undaria pinnatifida</i> to an existing marine farm to be considered as an application for a restricted discretionary activity.</p>	<p>This amendment enables <i>Undaria pinnatifida</i> to be added to the consent conditions of an existing marine farm as a restricted discretionary activity, rather than a controlled activity. This provides a clear pathway for existing marine farm consent holders to add <i>Undaria pinnatifida</i> to their consent conditions while ensuring councils can retain discretion over biosecurity considerations.</p>	<p>Yes No</p>
<p>Regulation R31 – Matters of control for a change or cancellation of consent conditions relating to consented species</p>	<p>Introduce a new clause to set matters of control for changes/cancellation of consent conditions relating to species. The matters of control relate to key effects that may need to be managed through the consenting process. The matters of control are as follows:</p> <p>A. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6</p>	<p>Changes to consent conditions related to consented species</p>	<p>Change</p> <p>48. Amend the proposal with the intent of enabling councils to consider two additional matters of control when assessing an application under R30 to add finfish to the consent conditions of an existing finfish farm:</p> <ul style="list-style-type: none"> a. effects on water quality; and b. information, monitoring and reporting requirements. 	<p>This amendment is needed to align the regulations for changes to or cancellations of consent conditions relating to finfish with the current provisions of the NES-MA, which have specific matters of control for managing the effects of adding finfish to an existing finfish farm.</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

Change or cancellation of consent conditions for aquaculture activities
NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>B. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest</p> <p>C. The management of biosecurity risks</p> <p>D. The genetic effects on wild populations of farmed species escaping</p> <p>E. The use of antibiotics and therapeutants in the marine farm</p> <p>F. Underwater lighting and lighting of structures</p>		<p>Change</p> <p>49. Amend the proposal to include a new regulation which enables councils to consider the matters listed in Regulation R30 when deciding to grant or decline an application to add <i>Undaria pinnatifida</i> to an existing consent condition.</p>	<p>This amendment ensures councils can retain discretion over key matters for changes to or cancellation of consent conditions relating to <i>Undaria pinnatifida</i>. Officials consider that the proposed matters of discretion enable councils to manage the biosecurity risks associated with adding <i>Undaria pinnatifida</i> to a marine farm and to decline a consent where those risks are not adequately addressed.</p>	<p>Yes No</p>
<p>Regulation R32 – Change or cancellation of consent conditions relating to consented structures: <i>controlled activity</i></p>	<p>Introduce a new clause to enable an application for a change or cancellation of conditions related to the structures authorised on the consent to be considered as a controlled activity to include the following changes:</p> <ul style="list-style-type: none"> • Converting longlines to floating shellfish cages or baskets; • Converting stick and rail to floating longlines or fixed lines; and • Replacing existing mooring systems within same footprint (eg, concrete block to screw). 	<p>Changes to consent conditions related to structures</p>	<p>Change</p> <p>50. Amend the proposal with the intent of enabling existing marine farm consent holders to add two new structures to their consent conditions as a controlled activity:</p> <ol style="list-style-type: none"> a. converting stick and rail to post and rail/trestle; and b. converting longlines to adjustable longlines, or fixed long lines. 	<p>This amendment will allow existing marine farm consent holders to add two additional structures when changing or cancelling structures on their consent conditions. These structures are considered to have similar environmental effects to those consulted on and support the intent of enabling greater innovation and productivity.</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

Change or cancellation of consent conditions for aquaculture activities
NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R33 – Matters of control for a change or cancellation of consent conditions for structures</p>	<p>Introduce a new clause for matters of control.</p> <p>The matters of control relate to key effects that may need to be managed through the consenting process. Matters of control are listed as follows:</p> <ul style="list-style-type: none"> A. Review conditions B. The layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of ensuring (i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and (ii) navigational safety, including the provision of navigational warning devices and signs C. The integrity and security of the structures, including the anchoring systems navigation warning devices and signs D. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 E. The effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest F. Management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality 	<p>Changes to consent conditions related to structures</p>	<p>No change</p> <p>51. Retain the proposal to introduce a new clause with the intent of providing for certain matters of control related to changes or cancellations of consent conditions under Regulation R32. (See proposed provisions).</p>	<p>This change will enable councils to consider certain matters of control when deciding to grant or decline a resource consent application for changes to or cancellations of consent conditions relating to structures.</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

Change or cancellation of consent conditions for aquaculture activities
NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>G. The management of the effects on the environment of noise, rubbish, and debris</p> <p>H. Hydrodynamic effects</p> <p>I. If a change to surface structures is proposed, conditions relating to the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity</p> <p>J. Underwater lighting and lighting of structures</p>				
<p>Regulation R34 – Change or cancellation of consent conditions relating to monitoring: <i>controlled activity</i></p>	<p>Introduce a new clause to enable application to change method of monitoring of seabed conditions to another method that is demonstrated to be equally/more effective to be considered as a controlled activity.</p> <p>Controlled activity condition:</p> <ul style="list-style-type: none"> Application includes written agreement from relevant council that the proposed new method of monitoring is equivalent to or more effective than the current method of monitoring. 	<p>Changes to consent conditions related to monitoring</p>	<p>Change</p> <p>52. Amend the proposal by replacing Regulation R34 with a new regulation with the intent of enabling a change or cancellation of condition relating to the method of monitoring as a restricted discretionary activity where the:</p> <p><i>Method of monitoring can include a change to the equipment or techniques used to monitor the activity, location of monitoring sites, parameters measured, frequency of monitoring and or standards used.</i></p>	<p>This amendment will make it easier for applicants to change or cancel the monitoring methods on their consent conditions – where they can be improved or are no longer necessary.</p> <p>It also enables consent holders to apply to change monitoring consent conditions for a range of matters, making it easier to align monitoring obligations with current environmental risks and management needs.</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

Change or cancellation of consent conditions for aquaculture activities

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R35 – Matters of control for a change or cancellation of consent monitoring conditions</p>	<p>Introduce a new clause for matters of control. The matters of control relate to key effects that may need to be managed through the consenting process. Matters of control are listed as follows:</p> <ul style="list-style-type: none"> A. Review conditions B. The effects of the activity on matters identified in the report required by clause 5 of Schedule 6 C. Information, monitoring, and reporting requirements 	<p>Changes to consent conditions related to monitoring</p>	<p>Change</p> <p>53. Amend the proposal with the intent of enabling consent authorities to consider three additional matters of discretion when deciding to grant or decline applications for changes or cancellations of monitoring consent conditions:</p> <ul style="list-style-type: none"> a. monitoring methods, frequency, and standards, where these are proposed to be changed; b. effects on the environment which are monitored under the existing conditions but would not be monitored under the proposed changes; and c. effects on the environment as a result of the change in monitoring method. 	<p>These amendments will allow councils to retain discretion over certain environmental matters when deciding to grant or decline applications for changes to or cancellations of monitoring consent conditions.</p>	<p>Yes No</p>

PROPOSALS FOR NEW REGULATIONS

Change or cancellation of consent conditions for aquaculture activities

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-MA

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation R36 – Notification for change or cancellation of consent conditions</p>	<p>Add a new clause requiring that applications for a change of consent conditions must not be publicly notified or given limited notification unless public or limited notification is required under the Act.</p> <p>Limited notification is not precluded if the applicant has not undertaken the Schedule 6 process within the previous 12 months or does not include the report required by Schedule 6.</p>	<p>Changes to consent conditions related to consented species, structures and monitoring</p>	<p>No change</p> <p>54. Retain the proposal which sets out notification requirements for changes or cancellations to consent conditions to achieve the following intent:</p> <ul style="list-style-type: none"> a. preclude public and limited notification for applications made under Regulations R30, R32, and R34 b. enable limited notification of applications under Regulations R30, R32, and R34 if: <ul style="list-style-type: none"> i. the applicant has not undertaken the process under Schedule 6 process for seeking the views of tangata whenua on draft applications within the previous 12 months; or ii. the application does not include the report required by clause 5 of Schedule 6. 	<p>Officials do not recommend changes to the notified proposal as the RMA requirements to notify all affected holders of statutory acknowledgements, affected CMT groups and affected protected customary rights groups will continue to apply.</p>	<p>Yes No</p>

Other recommendations

Recommendations in relation to matters raised through submissions and other changes.

Topic	Feedback raised during submissions /corrections to respond to omissions	Recommendation	Reasons for recommendation	Minister's decision
Enabling research and trials on existing farms and new spaces	<p>Several submitters, including councils and subject-matter experts, recommended including a clear definition of 'research and trials'.</p> <p>Councils recommended defining the term 'research and trials' to prevent misuse for commercial aquaculture operations.</p> <p>Submitters also noted that the term 'research or trials', rather than 'research and trials', would better enable research or trial activities to occur under these regulations (rather than requiring both to be applied for).</p>	<p>55. Amend the proposal to include a definition of a research or trial activity which achieves the following intent:</p> <p><i>an activity undertaken for the purposes of investigating, monitoring, or testing new equipment, species, structures, or farming techniques to improve aquaculture practices (including productivity, sustainability, animal welfare, or reduced environmental impact) or test the suitability of a site for aquaculture.</i></p> <p>56. Replace all the references in the Regulations to 'research and trials' with 'research or trials'.</p>	<p>This amendment is needed to better support decision-making and clarify what is meant by research or trial activities and is consistent with requests for a definition in submissions.</p>	<p>Yes No</p> <p>Yes No</p>
Changes to consent conditions related to consented species, structures and monitoring	<p>These recommended changes are standard provisions that apply to similar applications and were omitted in error. These changes therefore align with the existing policy and framework of the NES-MA and what was consulted on.</p>	<p>Change</p> <p>57. Amend the proposal to include new Regulations that enable tangata whenua to contribute views on draft applications for changes or cancellations of consent conditions under Regulation R30, Regulation R32, and Regulation R34. The new Regulations would achieve the following policy intent:</p> <p>a. Applicants under Regulation R30, Regulation R32, and Regulation R34 are required to have:</p> <p>i. completed the Schedule 6 process within the last 12 months; and</p>	<p>These changes enable tangata whenua to contribute views on draft applications for particular consent applications.</p> <p>This process is consistent with the existing regulations of the NES-MA, which require the effects of the activity on tangata whenua values to be considered where a Schedule 6 process has not been completed within the last 12 months.</p>	<p>Yes No</p>

Topic	Feedback raised during submissions /corrections to respond to omissions	Recommendation	Reasons for recommendation	Minister's decision
		<ul style="list-style-type: none"> ii. included the report required by clause 5 of Schedule 6 in their application b. if the requirements under (a) are not met, the following matter of control in Regulation R31, Regulation R33, and Regulation R35 “the effects of the activity identified in the report required by clause 5 of Schedule 6” would be replaced with the following matter of control “the effects of the activity on tangata whenua values” 		
<p>More lenient rules for applications under provisions for applications for controlled research and trial activities (involving structures and equipment) in existing space and new space (regulations R3 and R18)</p>	<p>These recommended changes are standard provisions that apply to similar applications and were omitted in error. These changes therefore align with the existing policy and framework of NES-MA and what was consulted on.</p>	<p>Change</p> <p>58. Amend the proposal to include two new Regulations with the intent of enabling councils to apply a more lenient activity status for applications for controlled research and trial activities (involving structures and equipment) in existing space and new space (Regulation R3 and Regulation R18).</p>	<p>Officials have also recommended changes to the NES-MA to enable councils to apply a more lenient activity status for applications for controlled research and trial activities (involving structures and equipment) in existing and new space. This amendment enables councils to create new permitted activity rules for research and trial activities (involving structures and equipment) in existing space and new space.</p>	<p>Yes No</p>

Attachment B

Consolidated recommendations – Amendments to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

Recommendations in relation to notified proposed provisions

The following recommendations are made in response to matters raised through submissions and officials' overall assessment of the proposal.

The proposal section of this table includes the proposed provisions published in: Ministry for the Environment. 2025. *Package 2: Primary sector – Discussion document*. The recommendations section recommends changes to the notified proposal and specifies reasons for recommended changes. Reference to 'no change' means a recommendation to retain the proposal as notified whereas 'change' indicates a recommendation to change the notified proposal.

Key policy recommendations for changes to the National Environmental Standards for Commercial Forestry (NES-CF) are to:

- amend regulation 6(1)(a) to narrow the application of more stringent rules to specific areas of severe erosion where the effects of a commercial forestry activity will have significant adverse effects on receiving environments, including the coastal environment, downstream infrastructure or property
- repeal regulation 6(4A) to remove the ability of councils to make more stringent or more lenient rules in plans in relation to afforestation
- amend regulation 69 to introduce a risk-based approach to assessing and managing harvest slash on the forest cutover.

PART 1: PRELIMINARY PROVISIONS

Regulation 3 Interpretation

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Cutover definition	<i>Means the area of land that has been harvested.</i>	Introducing a slash risk management approach	<p>Change</p> <ol style="list-style-type: none"> 1. Amend the definition of 'cutover' to mean 'the area of land that has been harvested', and 'exclude forestry infrastructure or land that would be covered by water during a 5 percent AEP flood event.' 	<p>The reason for the recommended change to exclude these areas from the 'cutover' definition is that they are managed through other parts of regulation 69 (69(1–2) and 69(3–4) respectively).</p> <p>In excluding these specific areas, it is not intended that all other parts of the forest site are 'cutover' – they must be areas from which trees have been removed.</p>	Yes No

Regulation 6 Relationship between rules and these regulations

Regulation 6(1) National instruments	<p>Amend regulation 6(1)(a) to clarify the conditions under which a rule that is more stringent than the NES-CF can be included in a council plan. Specifically:</p> <ol style="list-style-type: none"> a) if it is required to manage the risk of severe erosion from commercial forestry from a defined area that will have significant adverse effects on receiving environments, including the coastal environment; downstream infrastructure; or property; and b) the effect cannot be managed through the rules in the NES-CF; and c) there is an underlying risk within the defined area that has been identified through mapping this area at a 1:10,000 scale or using a 1 m² Digital Elevation Model. 	Addressing council ability to have more stringent rules than in the NES-CF	<p>Change</p> <ol style="list-style-type: none"> 2. Amend regulation 6(1)(a) to provide for rules in a council plan to be more stringent than the NES-CF to achieve the following intent: <ol style="list-style-type: none"> a. the NES-CF does not manage the effects of a commercial forestry activity within a specific area defined as being susceptible to severe erosion and b. the consequence of the activity will have significant adverse effects on receiving environments, including the coastal environment, downstream infrastructure or property. 	<p>The intent of this amendment is that rules in a council plan that are more stringent are only used in very high-risk situations known to be caused by severe erosion that cannot be managed through existing provisions in the NES-CF. Officials expect those exceptional circumstances will be few.</p> <p>Meeting the targeted and specific amendments to regulation 6(1)(a) will require focused, site-specific evidence. This includes the selection of mapping scale, so officials do not recommend proceeding with part c of the proposal. In meeting the test in part a, councils will need to consider part b of the proposal and so it does not need to be explicitly included.</p> <p>Officials have specified the types and severity of erosion that may be considered for the purpose of regulation 6(1)(a).</p>	Yes No
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PART 1: PRELIMINARY PROVISIONS

Regulation 3 Interpretation

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<p>3. Amend the proposal so that 'severe erosion' only includes the following erosion types and severity as defined in the Land Use Capability Survey Handbook 3rd edition:</p> <ul style="list-style-type: none"> a. soil slip, debris avalanche, debris flow, and gully erosion in cretaceous geologies if their level of severity is severe, very severe or extreme. 		Yes No
<p>Regulation 6(4A) Afforestation</p>	<p>Remove regulation 6(4A) that enables a rule in a plan for afforestation to be more stringent or lenient than in Subpart 1 of Part 2 of these regulations.</p>	<p>Addressing council ability to have more stringent rules than in the NES-CF</p>	<p>No change</p> <p>4. Retain the proposal to remove Regulation 6(4A) which enables councils to make more stringent or lenient rules in relation to afforestation.</p>	<p>The regulation is proposed to be removed as the Government's approach is for settings for afforestation of commercial forestry to be managed through national direction rather than local plans. Concerns about proliferation of carbon forestry are being addressed through upcoming Emissions Trading Scheme changes (effective 31 October 2025⁶⁵).</p> <p>Many changes sought in submissions fall outside the scope of the NES-CF, are provided for in other parts of the NES-CF (ie, management of environmental effects of afforestation) or are covered by council rules.</p>	Yes No

⁶⁵ Climate Change Response (Emissions Trading Scheme – Forestry Conversion) Amendment Act 2025.

PART 2: REGULATION OF COMMERCIAL FORESTRY ACTIVITIES

Subpart 1 – Afforestation

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Permitted activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation 10A Permitted activity conditions: afforestation management plan</p>	<p>Remove regulation 10A, which requires an afforestation management plan for all afforestation activities as a permitted activity condition.</p>	<p>Reducing requirements for afforestation and replanting plans</p>	<p>Change</p> <p>5. Amend the proposal to retain Regulation 10A and improve its clarity to achieve the following intent:</p> <ul style="list-style-type: none"> a. referencing schedule 3 (requirements for afforestation plans) b. providing for a date when an afforestation plan must be in place which aligns with the dates for notice in 10(2) c. inserting a new clause setting out when a copy of the afforestation plan must be provided to councils which aligns with requirements for earthworks, quarrying and harvest. d. requiring that only amendments to afforestation management plans that are a material amendment need to be documented and dated, and the relevant council advised that an amendment has been made. 	<p>The intent is to maintain afforestation plans for matters related to afforestation (notice requirements, wilding tree risk scores and setbacks) but to remove matters that could not reasonably be known at afforestation. This will require changes to Schedule 3, and some consequential changes to regulation 10A.</p> <p>Minor amendments to regulation 10A for clarity and alignment with the rest of the regulations are recommended.</p> <p>If the requirements for an afforestation management plan are not complied with, the activity becomes a controlled activity, so a matter of control related to this should be in place to allow councils to address the omission.</p>	<p>Yes No</p>

Subpart 6 – Harvesting

Plantation forests
NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Permitted activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation 66 Permitted activity conditions: harvest plan</p>	<p>Amend regulation 66 to include a requirement for a slash mobilisation risk assessment as set out in Schedule 6.</p>	<p>Introducing a slash risk management approach</p>	<p>Change</p> <p>8. Amend the proposal to change regulation 66 to include a requirement for a slash mobilisation risk assessment in any orange or red zone as described in Regulation 63(2)(b) in Schedule 6.</p>	<p>This is a consequential change to the proposal to amend regulation 69.</p>	<p>Yes No</p>
<p>Regulation 69 Permitted activity conditions: slash and debris management</p>	<p>Amend regulation 69 to include a new requirement for a slash mobilisation risk assessment for all forest harvest as part of the existing harvest management plan, carried out in accordance with requirements set out in a slash mobilisation risk assessment template incorporated by reference as item 15 in Schedule 2. An alternative would be to include the slash mobilisation risk assessment template in the NES itself, possibly as item 15 in Schedule 2.</p> <p>Amend existing requirements for removal of slash on the forest cutover (regulation 69(5)–(7)) to apply only to those who have assessed mobilisation risk as ‘high’ or require those with risk assessed as ‘high’ to seek controlled resource consent.</p> <p>There may be consequential changes to terms, including ‘residual material’ and ‘sound wood’ but precise wording will depend on the eventual form and drafting of a new standard.</p>	<p>Introducing a slash risk management approach</p>	<p>Change</p> <p>9. Amend the proposal to change Regulation 69 to achieve the following intent:</p> <ul style="list-style-type: none"> a. removing the words ‘and debris’ from the heading; b. amending the requirement for a slash mobilisation risk assessment (SMRA) in Regulation 69(5) so it applies to all forest harvest in the orange zone and red zone land (as described in regulation 63(2)(b)) as part of the existing harvest management plan if the following criteria apply: <ul style="list-style-type: none"> (i) the Land Use Capability (LUC) unit for the cutover 	<p>The proposal is recommended to be amended following consultation. A SMRA is not considered to be required in yellow and green zones as they have inherently low mobilisation risk. Officials do not recommend requiring a SMRA for red zone land other than that portion described in regulation 63(2)(b). This is because national environmental standards cannot require a particular condition (ie, an assessment) where councils have discretion through a consent.</p> <p>In line with the intent of the proposal, to exempt low-risk slopes from onerous requirements, officials recommend requiring a SMRA using a process set out in a document to be developed by MPI and incorporated by reference in the NES-CF. To meet the intent of reducing unnecessary paperwork, a threshold test within regulations will exempt land in the orange and (limited) red zones that does not</p>	<p>Yes No</p>

Subpart 6 – Harvesting

Plantation forests
NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Permitted activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	Amend the title of regulation 69 to remove the words 'and debris management', in line with intent of removing 'woody debris' from schedules 3, 4, 5 and 6.		<p>identifies the following potential erosion types as 'severe', 'very severe' or 'extreme':</p> <ul style="list-style-type: none"> (a) Soil slip; (b) Debris avalanche; and (c) Debris flow. <p>10. Amend the proposal by removing Regulations 69(5)(a); 69(5)(b); 69(6); and 69(7) as consequential amendments to the recommendation to replace Regulation 69 (5) with new requirements.</p>	<p>meet basic criteria for high risk from needing to carry out a SMRA. The erosion types associated with slash mobilisation provide that threshold.</p> <p>The SMRA will be further developed and incorporated by reference based on the draft that went out for consultation (refer to recommendation 13).</p> <p>Consequential to recommendation 8 to remove 'woody debris' from planning requirements, remove the words 'and debris' from the title of the regulation. The word 'management' should remain as it relates to slash.</p> <p>Because regulation 69(5) is recommended to be replaced, regulations 69(6) and (7) will be redundant and should be removed.</p>	<p>Yes No</p>

Exotic continuous-cover forests					
NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY			
Permitted activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Regulation 71A(b) Permitted activity exotic continuous-cover forests	<p>Amend regulation 71A(b) to remove the word 'not' so that an activity is permitted if "any relevant forest planning requirement is complied with".</p> <p>Currently, regulation 71A incorrectly states that: "Low-intensity harvesting is a permitted activity in all erosion susceptibility classification zones if—</p> <p>a) regulations 64 to 69 are complied with; and</p> <p>b) any relevant forest planning requirement is <u>not</u> complied with.</p>	Making minor text amendments	<p>No change</p> <p>11. Amend Regulation 71A(b) to remove the word 'not' so that an activity is permitted if "any relevant forest planning requirement is complied with".</p>	<p>Currently, regulation 71A incorrectly states that: 'Low-intensity harvesting is a permitted activity in all erosion susceptibility classification zones if—</p> <p>a) Regulations 64 to 69 are complied with; and</p> <p>b) any relevant forest planning requirement is <u>not</u> complied with.'</p> <p>Fixing this error will make the regulation clearer to interpret and enforce.</p>	Yes No

Subpart 8 – Replanting					
NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY			
Permitted activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Regulation 77A Permitted activity conditions: replanting management plan	Remove regulation 77A that requires replanting plans.	Reducing requirements for afforestation and replanting plans	<p>No change</p> <p>12. Retain the proposal to remove Regulation 77A that requires replanting management plans.</p>	Replanting management plans set a redundant regulatory requirement for those planting or replanting a commercial forest as issues relating to the effects of replanting are managed through existing standards. The provisions require documentation of future forest effects that may not be reasonably known and impose costs on foresters that are not clearly justified.	Yes No

Subpart 8 – Replanting

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Permitted activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>Regulation 79 Permitted activity conditions: wilding tree risk and control</p>	<p>Amend regulation 79(5) to reduce extraneous wording in 79(5)(b) and link the required activity to the notice requirement:</p> <ul style="list-style-type: none"> Regulation 79(5) The relevant regional council and territorial authority must be given the following no more than 8 months before replanting is carried out at the same time as notice is given under regulation 78A: a) the score required under subclause (1) and the calculation sheet used to provide that score <u>calculations used for the final wilding tree risk calculator score and supporting evidence for each calculation.</u> 	<p>Making minor text amendments</p>	<p>Change</p> <p>13. Retain the proposal to amend Regulation 79(5) to achieve the following intent:</p> <ol style="list-style-type: none"> The relevant regional council and territorial authority must be given the following <u>at the same time as notice is given under Regulation 78A:</u> the score required under subclause (1) and the <u>calculations used for the final wilding tree risk calculator score and supporting evidence for each calculation;</u> and <p>14. Make consequential changes to Regulation 79(5)(a) to remove a permitted activity condition on wilding tree control in Regulation 79(4)(b).</p>	<p>The recommended amendment will address an existing problem where the regulation does not require the calculations to be submitted along with the calculation sheet.</p> <p>Officials did not explicitly consult on removing regulation 79(5)(b) but if changes to regulation 79(5)(a) are made, it would become redundant. The requirements for assessment are set out in the wilding tree risk calculator so, for clarity, officials recommend removing it.</p>	<p>Yes No</p> <p>Yes No</p>

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY			
Schedules	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Schedule 2 References for material incorporated by reference	Amend Schedule 2 to add a new item (a slash mobilisation risk assessment template) incorporated by reference.	Introducing a slash risk management approach	No change 15. Retain the proposal to amend Schedule 2 to add a slash mobilisation risk assessment template as a new item incorporated by reference.	This amendment would provide a process that must be followed for assessing slash mobilisation risk (per changes to clauses 66 and 69, and Schedule 6). It would enable changes over time as research and risk settings improve, without having to change the regulations.	Yes No
Schedule 3 Afforestation and replanting plan specifications	Remove Schedule 3, which sets out the requirements for afforestation and replanting plans required in regulations 10A and 77A respectively.	Reducing requirements for afforestation and replanting plans	Change 16. Amend Schedule 3 to remove: b. Matters that are not related to afforestation; c. Matters that could not reasonably be known at afforestation; d. References to 'replanting'; and e. Minor or consequential amendments to improve clarity and workability.	These recommendations are consequential changes due to the proposals to retain regulation 10A, with changes to what is required to comply with the regulation, and to remove regulation 77A.	Yes No
Schedules 4, 5 and 6	Remove the undefined term 'woody debris' from all forest planning requirements (schedules 4(4)(2), 5(4)(2) and 6(4)(2)).	Making minor text amendments	No change 17. Remove the undefined term 'woody debris' from all forest planning requirements.	The use of 'woody debris' has caused confusion and regulatory uncertainty and the policy intent is unclear.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY			
Schedules	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Schedule 6 Harvest plan	Amend Schedule 6, clause 4(4) to add the process required for a slash mobilisation risk assessment to the Harvest Plan requirements. Include specific reference in Schedule 6, clause 6(c) to the need for post-harvest monitoring until risk reverts to pre-harvest levels.	Introducing a slash risk management approach	<p>No change</p> <p>18. Retain the proposal to amend Schedule 6, clause 4(4) to;</p> <ul style="list-style-type: none"> a. add a requirement (d) for a slash mobilisation risk assessment to the Harvest Plan requirements; and b. include specific reference in Schedule 6, clause 6(c) to the need for post-harvest monitoring until risk reverts to pre-harvest levels. 	Consequential changes are recommended due to the proposal to amend regulation 69.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY			
Implementation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
NES-CF implementation	<p>Statutory implementation</p> <p>Changes to regulation 6(1)(a) and regulation 6(4A) will require some councils to carry out plan changes to create alignment of more stringent rules with the new intent and wording. Section 44A of the Resource Management Act 1991 enables this work to be undertaken without a Schedule 1 plan change, either in accordance with a specification in the NES, or as soon as practicable after the date it comes into force.</p>		N/A	No recommendation required	

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY			
Implementation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>Non-statutory implementation</p> <p>Te Uru Rākau – New Zealand Forest Service will update NES-CF user guidance following amendment of the NES-CF.</p> <p>Guidance on new slash requirements may include workshops and webinars with industry and councils to ensure they understand how to apply the slash mobilisation risk assessment appropriately and with common understanding of intent and the practical issues in addressing slash risk, and of monitoring risk until it reverts to pre-harvest levels.</p>				

Other recommendations

These recommendations relate to matters raised through submissions and our assessment of the proposal.

RECOMMENDATIONS FOR AMENDMENTS TO THE NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY			
Topic	Recommendations	Reasons for recommendations	Minister's decision
Addressing council ability to have more stringent rules than in the NES-CF	New 19. Amend the proposal to remove Regulation 5(5) (application) which refers to 6(4A) which is being removed.	This recommendation is consequential to removing regulation 6(4A).	Yes No
Reducing requirements for afforestation and replanting plans	New 20. Amend the proposal to add reference to Regulation 10A in Regulation 8 which sets out the regulatory responsibilities for councils.	This recommendation is consequential to changes to regulation 10A.	Yes No
Reducing requirements for afforestation and replanting plans	New 21. Amend the proposal to add reference to regulation 10A in Regulation 9 which sets out when afforestation is a permitted activity.	This recommendation is consequential to changes to regulation 10A.	Yes No
Reducing requirements for afforestation and replanting plans	New 22. Amend the proposal to add a consequential matter of control to regulation 15 if 10A is not complied with: a. Control is reserved over the information required by Regulation 10A.	This recommendation is consequential to changes to regulation 10A.	Yes No
Introducing a slash risk management approach	Change 23. Amend the proposal to include a consequential amendment to the controlled activity requirement in Regulation 70(4)(f) to achieve the following intent: a. focus the intent of matters of control for slash on the mechanism for effects, which is mobilisation.	Slash provides valuable erosion control on many cutovers, provides habitat for indigenous fauna and returns nutrients and structure to soil. It only creates a hazard when it mobilises, particularly into waterways, or where it may cause collapse of a slash pile or the ground under a slash pile. Adding this context to the matters of control that councils may impose in a resource consent will increase understanding of the effect that must be controlled and reduce the risk that a spurious condition will be applied.	Yes No

RECOMMENDATIONS FOR AMENDMENTS TO THE NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY

Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> b. refer to the mechanism for effects in 69(2), which is 'collapse'. 	<p>Officials considered narrowing this to 'at risk of mobilising to a waterway' but there will be isolated instances where slash could mobilise onto a road or other infrastructure that may need to be accommodated in a resource consent.</p>	
Material amendment definition	<p>New</p> <p>24. Amend the proposal to add a new definition of material amendment to Regulation 10A:</p> <ul style="list-style-type: none"> a. a material amendment means any significant change to the setbacks, afforestation area boundaries, species, forest purpose, or wilding conifer risk that would significantly change the methods used to manage environment effects. 	<p>This is consequential to amendments to regulation 10A. Only changes to an afforestation plan that could alter the environmental effects that need to be managed need to be documented and dated, and the relevant council advised that an amendment has been made.</p>	Yes No
Reducing requirements for afforestation and replanting plans	<p>New</p> <p>25. Amend the proposal to add reference to 78A to regulation 76 which sets out the regulatory responsibilities for councils.</p>	<p>A reference to regulation 78A was not included in regulation 76 in error in 2023. As officials are now amending 78A, it is appropriate to ensure regulatory clarity and completeness.</p>	Yes No
Reducing requirements for afforestation and replanting plans	<p>New</p> <p>26. Amend the proposal to add an additional option in Regulation 78A for foresters to provide written notice of proposed setbacks that includes a map showing proposed replanting setbacks.</p>	<p>Officials are recommending removal of the requirement to prepare a replanting plan. A replanted forest has existing use rights if it complies with section 10 of the RMA, but these do not extend to setbacks from waterways.</p> <p>Notice of proposed setbacks (including a description of how they were calculated) is required under regulation 78A(1)(a). Regional councils have a compliance function in relation to setbacks at replanting. Officials consider mapped setbacks can provide greater certainty for both afforestation and compliance purposes. To ensure flexibility, officials recommend it as an option that can be chosen by the forester rather than as a requirement.</p>	Yes No
Consequential changes to the NES-CF	<p>27. Amend the NES-CF to make consequential amendments to the instrument to respond to the above recommendations to amend the proposal.</p>	<p>There may be a need to make consequential changes to the NES-CF to give effect to the recommendations to amend the NES-CF. Any consequential changes required will be addressed through the drafting process.</p>	Yes No

Attachment C

Consolidated recommendations – Amendments to the Resource Management (Stock Exclusion) Regulations 2020

Recommendations in relation to notified proposed provisions

The following recommendation was made in response to matters raised through submissions and in officials' assessment of the proposal.

The proposal section of this table includes the proposed provisions published in: Ministry for the Environment. 2025. *Package 2: Primary sector – Discussion document*. The recommendations section recommends changes to the notified proposal and specifies reasons for recommended changes. Reference to 'no change' means a recommendation to retain the proposal as notified.

Any provision of the existing Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations) not included in the notified proposal or this table is intended to remain the same.

The key recommendation for the Stock Exclusion Regulations is to:

- retain the proposal to amend regulation 17 of the Stock Exclusion Regulations to exempt non-intensively grazed beef cattle and deer from the requirements of this regulation.

PART 1: PRELIMINARY PROVISIONS

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE STOCK EXCLUSION REGULATIONS

Clause	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
<p>Regulation 17 Exclusion of stock from natural wetlands that support threatened species described in National Policy Statement for Freshwater Management 2020</p>	<p>Amend the requirement to exclude <i>all stock</i> from natural wetlands supporting a population of threatened species so that it does not apply to non-intensively grazed beef cattle and deer.</p>		<p>No change</p> <ol style="list-style-type: none"> 1. Retain the proposal to amend Regulation 17 of the Stock Exclusion Regulations to exempt non-intensively grazed beef cattle and deer from the requirements of this regulation. 	<p>This would address concerns that, in some areas, the benefits of excluding these stock types from wetlands can be disproportionate to the costs (eg, the cost of fencing per stock unit).</p> <p>This means that the regulation will only apply to:</p> <ul style="list-style-type: none"> • dairy and dairy support cattle • intensively grazed beef cattle and deer • pigs. 	<p>Yes No</p>