

Report on Recommendations and Decisions

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National Environmental Standards for Papakāinga



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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 proposed National Environmental Standards for Papakāinga (NES-P).²

The proposal formed part of one of three packages notified in May 2025:³ Package 1: Infrastructure and development (package 1).⁴ A report summarising submissions on the proposal and outlining officials' recommendations was prepared for the Minister in October 2025 in accordance with section 46A of the Resource Management Act 1991 (RMA). The Minister subsequently made some changes to the notified proposal and intends to recommend the NES-P to the Governor-General mid-2026, before it is gazetted and comes into 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 proposal.
- **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, 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 1: Infrastructure and development – Discussion document*. Wellington: Ministry for the Environment.

Summary of recommendations and Minister's decisions

Officials recommended a number of changes to the notified NES-P proposal, drawing on submitter feedback and further analysis of the proposal.

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

Part 1 of this report contains the complete set of recommendations submitted to the Minister, accompanied by the Minister's final decisions. The original recommendations and supporting rationale are preserved in part 2 of this report. Both parts incorporate minor and technical amendments to address inaccuracies and enhance clarity.

The final text of the NES-P 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.

National Environmental Standards for Papakāinga

Officials recommended the following:

- retain most of the proposed NES-P provisions without change
- extend the provisions enabling papakāinga on Treaty of Waitangi (Treaty) settlement land as a restricted discretionary activity to include papakāinga on any land owned by a post-settlement governance entity (PSGE)
- remove land that forms part of a natural feature that has been declared under an Act to be a legal entity or person and the maunga listed in Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 from the definition of 'ancestral Māori land'
- add tanks, sheds and decks, and shared kitchen and toilet facilities to the list of ancillary non-residential activities permitted
- require the building floor area of non-residential activities to be no more than 50 percent of the total floor area of residential units
- add a definition for 'Māori cultural activities'
- increase the setback limits from neighbouring properties to 5 metres in zones for rural purposes
- increase all setback limits to 2 metres in zones for residential purposes
- add stormwater, setbacks from wetlands, protections for nationally and regionally significant infrastructure and noise from ports and airports to the list of matters that continue to apply to papakāinga
- clarify that all regional plan rules will continue to apply to papakāinga
- clarify that all district and combined plan rules not listed in the NES-P will not apply to papakāinga developments
- clarify the matters for discretion and make them more consistent across all restricted discretionary activities.

The Minister agreed to the recommendations.

Part 1: Recommendations and decisions table

Consolidated recommendations and decisions – New National Environmental Standards for Papakāinga

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 1: Infrastructure and development – 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.

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Application	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister’s decision
Where would it apply?	This NES is proposed to apply to the whole of New Zealand.	Permitted activities	<p>No change</p> <ol style="list-style-type: none"> 1. Retain the proposal to apply the NES-P to the whole of New Zealand. 2. Amend the proposal to clarify that all rules and standards in regional plans will continue to apply to papakāinga development and other activities and development included in the NES-P. 3. Amend the proposal by providing for the following matters that shall be determined by rules in the district, regional or combined plans or other regulations: 	<p>This policy is needed to enable Māori to develop homes and communities on their land anywhere in New Zealand.</p> <p>Further detail on the proposed application of the NES-P was included in the notified proposal under ‘PAS3’. These matters are addressed in this section of the recommendations as they more accurately relate to the application of the NES-P.</p> <p>The underlying plan rules listed in this provision are needed to protect the natural environment, papakāinga residents and</p>	<p>Agreed with recommendation</p> <p>Agreed with recommendation</p> <p>Agreed with recommendation</p>

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			<ul style="list-style-type: none"> a. setbacks from waterways and wetlands; b. setbacks from rail corridors; c. building height; d. earthworks; e. lighting; f. noise; g. accessways; h. traffic generation; i. road network; j. waste water and water supply; k. natural hazards; l. flood control infrastructure; m. relocatable buildings; n. green infrastructure; o. setbacks from regionally and nationally significant infrastructure; p. stormwater; q. noise from airports and ports; r. electricity networks 	<p>nationally and regionally significant infrastructure from site-specific effects. Including regional plan rules also demonstrates that Treaty settlement commitments that relate to joint management arrangements will be upheld as regional plan rules may have been made under these arrangements. It clarifies the status of any other district plan rules to remove uncertainty and ensure councils apply the NES-P consistently. This approach also aligns with the approach used in the National Environmental Standards for Detached Minor Residential Units (NES-DMRU).</p>	
			<p>4. Amend the proposal to clarify that district plan overlays for historic heritage, outstanding natural features and landscapes and wāhi tapu will continue to apply.</p>		Agreed with recommendation
			<p>5. Amend the proposal to clarify that all other district rules and standards in a district or combined plan will not apply to papakāinga.</p>		Agreed with recommendation

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Definitions	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
D1 Māori ancestral land	<p>Means:</p> <ul style="list-style-type: none"> • <i>Māori freehold land (as defined in section 129 of Te Ture Whenua Māori Act 1993), including land deemed to be Māori freehold land under section 243 or section 256 of TTWMA;</i> • <i>Māori customary land (as defined in section 129 of TTWMA);</i> • <i>land set apart as a Māori reservation under Part 17 of TTWMA and predecessor legislation;</i> • <i>land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955; and remains subject to that Act;</i> • <i>general land owned by Māori that was previously Māori freehold land, but ceased to have that status in accordance with an order of the Māori Land Court made on or after 1 July 1993 and is beneficially owned by the persons who beneficially owned the land immediately before the land ceased to be Māori land, or their successors;</i> • <i>general land owned by Māori that was previously Māori freehold land, but ceased to have that status under Part 1 of the Māori Affairs Amendment Act</i> 	<p>Other matters</p> <p>Permitted activities</p>	<p>Change</p> <p>6. Amend the proposal definition of 'Māori ancestral land' by removing the following types of land from the definition:</p> <ol style="list-style-type: none"> land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land under section 7 of the Te Urewera Act 2014); and the maunga listed in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014. 	<p>This definition enables the NES-P permitted activity standards to apply where owners have a demonstrable ancestral connection to the land and the ownership structure will limit the likelihood of the papakāinga being developed for sale.</p> <p>While officials did not receive any submissions about including natural features or land that has been declared a legal entity or person in this definition, to avoid confusion the NES-P should not permit papakāinga on land that has been declared a legal entity or person or on the listed maunga.</p>	<p>Agreed with recommendation</p>

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	<p><i>1967 and is beneficially owned by the persons who beneficially owned the land immediately before the land ceased to be Māori land, or their successors;</i></p> <ul style="list-style-type: none"> <i>• general land owned by Māori that was previously Māori land (as defined in TTWMA), and has at any time been acquired by the Crown or any local or public body for a public work or other public purpose, and has been subsequently returned to its former Māori owners or their successors, and is beneficially owned by the persons who it was returned to, or their successors;</i> <i>• land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over that land;</i> <i>• land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land under section 7 of the Te Urewera Act 2014); and</i> <i>• the maunga listed in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.</i> 				

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Definitions	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
D2 Ancillary activity	<i>means an activity that supports and is subsidiary to the primary activity.</i>	Other matters Permitted activity standards and underlying rules	No change 7. Retain the proposal definition of 'ancillary activity'.	This definition is from the National Planning Standards 2019.	Agreed with recommendation
D3 Commercial activities	<i>means any activity trading in goods, equipment or services. It includes any ancillary activity to a commercial activity (for example, administrative or head offices).</i>	Other matters Permitted activity standards and underlying rules	No change 8. Retain the proposal definition of 'commercial activities'.	This definition is from the National Planning Standards 2019.	Agreed with recommendation
D4 Conservation activities	<i>means the use of land and/or buildings for the management, maintenance and enhancement of ecological values for indigenous vegetation and indigenous fauna and their habitats. It includes:</i> <ul style="list-style-type: none"> • <i>weed and pest control;</i> • <i>fencing;</i> • <i>restoration planting;</i> • <i>associated environmental research and education activities; and</i> • <i>access tracks and associated structures.</i> 	Other matters Permitted activity standards and underlying rules	No change 9. Retain the proposal definition of 'conservation activities'.	This definition clarifies one of the types of non-residential activities the NES-P permits on papakāinga. There is no existing definition in legislation or in the National Planning Standards 2019.	Agreed with recommendation
D5 Earthworks	<i>means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.</i>	Other matters Permitted activity standards and underlying rules	No change 10. Retain the proposal definition of 'earthworks'.	This definition is from the National Planning Standards 2019.	Agreed with recommendation

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D6 Educational facilities	<i>means land or buildings used for teaching or training by childcare services, schools, or tertiary education services, including any ancillary activities.</i>	Other matters Permitted activity standards and underlying rules	No change 11. Retain the proposal definition of 'educational facilities'.	A few submitters questioned whether this includes kōhanga reo. While kaupapa Māori educational activities and kōhanga reo are not specifically mentioned, the definition is broad enough to include them. This definition is from the National Planning Standards 2019.	Agreed with recommendation
D7 General land owned by Māori	<i>means general land that is beneficially owned by a Māori or by a group of persons of whom the majority are Māori.</i>	Other matters Permitted activities	No change 12. Retain the proposal definition of 'general land owned by Māori'.	This term is used within the definition for 'Māori ancestral land'. It is from section 4 of Te Ture Whenua Māori Act 1993.	Agreed with recommendation
D8 Green infrastructure	<i>means a natural or semi-natural area, feature or process, including engineered systems that mimic natural processes, which are planned or managed to:</i> <i>(a) provide for aspects of ecosystem health or resilience, such as maintaining or improving the quality of water, air or soil, and habitats to promote biodiversity; and</i> <i>(b) provide services to people and communities, such as stormwater or flood management or climate change adaptation.</i>	Other matters Permitted activity standards and underlying rules	No change 13. Retain the proposal definition of 'green infrastructure'.	This definition is from the National Planning Standards 2019.	Agreed with recommendation

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D9 Home business	<i>means a commercial activity that is:</i> <i>(a) undertaken or operated by at least one resident of the site; and</i> <i>(b) is incidental to the use of the site for a residential activity.</i>	Other matters Permitted activity standards and underlying rules	No change 14. Retain the proposal definition of 'home business'.	This definition is from the National Planning Standards 2019.	Agreed with recommendation
D10 Intensive indoor primary production	<i>means primary production activities that principally occur within buildings and involve growing fungi or keeping or rearing livestock (excluding calf-rearing for a specified period) or poultry.</i>	Other matters Restricted discretionary activities	No change 15. Retain the proposal definition of 'intensive indoor primary production'.	This definition is from the National Planning Standards 2019.	Agreed with recommendation
D11 Māra kai	<i>means food garden.</i>	Other matter Permitted activity standards and underlying rules	Change 16. Remove the proposal definition of 'māra kai'.	This term is no longer used in the provision for non-residential activities permitted on papakāinga.	Agreed with recommendation
D12 Marae complex	<i>means the complex of buildings around the open area in front of a whareniui (meeting house) generally associated with gatherings and meetings.</i>	Other matters Permitted activity standards and underlying rules	No change 17. Retain the proposal definition of 'marae complex'.	The definition is needed to clarify interpretation of the definition of 'Māori cultural activities' permitted on papakāinga. While the NES-P will be used mainly to enable landowners to develop buildings on a papakāinga, the definition of 'marae complex' should include the open space that is the marae itself. This is a new definition. There is no existing definition in legislation or the National Planning Standards 2019.	Agreed with recommendation

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Definitions	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
D13 Mātauranga	<i>means traditional Māori knowledge.</i>	Other matters Restricted discretionary activities	Change 18. Amend the proposal term 'Mātauranga' to 'Mātauranga Māori'.	This definition describes the traditional knowledge that Māori may have that is not recorded elsewhere and may be relevant to decisions relating to papakāinga development. The term 'mātauranga' alone refers to knowledge, while 'mātauranga Māori' refers specifically to Māori knowledge.	Agreed with recommendation
D14 Papakāinga development	means the use of housing and ancillary activities on Māori ancestral land or Treaty settlement land that enables the owners to use their land and live in accordance with their culture, in perpetuity. Sometimes papakāinga are located near a marae. Includes the following terms used in district plans: 'kāinga nohoanga', 'Māori housing development', 'marae community', 'papakāinga scheduled sites'.	Other matters Permitted activities Permitted activity standards and underlying rules Restricted discretionary activities	Change 19. Amend the proposal definition of 'papakāinga development' to remove reference to the term 'kāinga nohoanga'.	The term 'kāinga nohoanga' is not included as it describes an activity relevant to the tikanga of a particular iwi who have indicated it is not a type of a papakāinga.	Agreed with recommendation
D15 Post-settlement governance entity	means: (a) a body corporate or the trustees of a trust established for the purpose of receiving redress in the settlement of the Treaty of Waitangi claims of a claimant group by that group; or by or under an enactment or order of a court; and The definition includes: (i) an entity established to represent a collective or combination of claimant groups; and	Other matters Restricted discretionary activities	No change 20. Retain the proposal definition of 'Post-settlement governance entity'.	The definition is the same as that used in section 11 of the Infrastructure Funding and Financing Act 2020.	Agreed with recommendation

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Definitions	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> (ii) an entity controlled by an entity referred to in paragraph (a); and (iii) an entity controlled by a hapū to which redress has been transferred by an entity referred to in paragraph (a). 				
D16 Primary production	<p>means:</p> <ul style="list-style-type: none"> (a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and (b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in (a); (c) includes any land and buildings used for the production of the commodities from (a) and used for the initial processing of the commodities in (b); but (d) excludes further processing of those commodities into a different product. 	<p>Other matters</p> <p>Restricted discretionary activities</p>	<p>No change</p> <p>21. Retain the proposal definition of 'primary production'.</p>	<p>This definition is from the National Planning Standards 2019.</p>	<p>Agreed with recommendation</p>
D17 Quarrying activity	<p>means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and clean filling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.</p>	<p>Other matters</p> <p>Restricted discretionary activities</p>	<p>No change</p> <p>22. Retain the proposal definition of 'quarrying activity'.</p>	<p>This definition is from the National Planning Standards 2019.</p>	<p>Agreed with recommendation</p>

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Definitions	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
D18 Residential unit	means a building or part of a building that is used for a residential activity exclusively by one household; and (a) includes sleeping, cooking, bathing, and toilet facilities.	Other matters Permitted activities Restricted discretionary activities	No change 23. Retain the proposal definition of 'residential unit'.	This definition is from the RMA.	Agreed with recommendation
D19 Rural industry	means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.	Other matters Restricted discretionary activities	No change 24. Retain the proposal definition of 'rural industry'.	This definition is from the National Planning Standards 2019.	Agreed with recommendation
D20 Sports and recreation facility	means areas used predominantly for a range of indoor and outdoor sport and active recreational activities and associated facilities and structures.	Other matters Permitted activity standards and underlying rules	No change 25. Retain the proposal definition of 'sports and recreation facilities'.	This definition describes a type of activity that may be appropriate on papakāinga.	Agreed with recommendation
D21 Taonga tuku iho	means heirloom, something handed down, cultural property, heritage.	Other matters Restricted discretionary activities	No change 26. Retain the proposal definition of 'Taonga tuku iho'.	This definition is from Te Aka Māori Dictionary. This use of the term also aligns with its use in section 2 of Te Ture Whenua Māori Act 1993.	Agreed with recommendation
D22 Tikanga Māori	means Māori customary values and practices.	Other matters Permitted activities Permitted activity standards and underlying rules	No change 27. Retain the proposal definition of 'Tikanga Māori'.	This definition is from section 4 of Te Ture Whenua Māori Act 1993.	Agreed with recommendation

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Definitions	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
D23 Treaty settlement land	means land held by a post-settlement governance entity if the land was acquired— (i) as redress for the settlement of Treaty of Waitangi claims; or (ii) by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.	Other matters Restricted discretionary activities	Change 28. Amend the proposed definition of 'D23 Treaty settlement land' to achieve the intent of being 'Land held by a post-settlement governance entity' and include '(iii) by purchase, gift or other means.'	The definition of 'D23 Land held by a post-settlement governance entity' is from section 11 of the Infrastructure Funding and Financing Act 2020.	Agreed with recommendation
D24 Urupā	means Māori burial ground, cemetery and graveyard.	Other matters Permitted activity standards and underlying rules	Change 29. Remove the proposal definition of 'urupā'.	This term is no longer used in the provision for non-residential activity permitted on papakāinga; nor is it used in the proposed new definition of 'Māori cultural activities'.	Agreed with recommendation
D25 Visitor accommodation	means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.	Other matters Permitted activity standards and underlying rules	No change 30. Retain the proposal definition of 'visitor accommodation'.	This definition is used to describe a type of non-residential activity that is permitted on papakāinga. The definition is from the National Planning Standards 2019.	Agreed with recommendation
D26 Zones for Māori purposes	Includes Māori purpose zone, and special purpose zones created for purposes including development of housing on Māori land.	Other matters Permitted activities	No Change 31. Retain the proposal definition of 'zones for Māori purposes'.	The definition is used to ensure papakāinga are enabled in any district plan zone that is for Māori purposes. The NES-DMRU takes a different approach. It applies only in Māori purpose zones as defined in the National Planning Standards 2019.	Agreed with recommendation
D27 Zones for residential purposes	Includes the following zones from the National Planning Standards: <ul style="list-style-type: none"> • large lot residential zone • low density residential zone 	Other matters Permitted activities	No Change 32. Retain the proposal definition of 'zones for residential purposes'.	This definition is used to ensure the NES-P is enabled in a similar way in all zones for residential purposes.	Agreed with recommendation

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	<ul style="list-style-type: none"> • general residential zone • medium density residential zone • high density residential zone • neighbourhood centre zone • future urban zone • mixed use zone and any other special purpose zones with a primarily residential purpose.				
D28 Zones for rural purposes	Include the following zones from the National Planning Standards: <ul style="list-style-type: none"> • general rural zone • rural production zone • settlement zone and any other special purpose zone with a primarily rural, agricultural or forestry purpose.	Other matters Permitted activities	Change 33. Amend the proposal definition of 'zones for rural purposes' to include the rural lifestyle zone.	This definition is used to ensure that papakāinga is enabled in a similar way in all zones for rural purposes. It includes rural lifestyle zones. In this respect it is similar to the proposed NES-DMRU definition for rural zones. However, papakāinga should also be enabled on 'special purpose zones' created primarily for rural agricultural and forestry purposes. These are not included in the NES-DMRU 'rural zones' definition.	Agreed with recommendation

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Permitted activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
PA1 Papakāinga development of up to 10 residential units on Māori ancestral land in a zone for rural or residential purposes or zone for Māori purposes	In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga development of up to 10 residential units on Māori ancestral land that meet the permitted activity standards is proposed to be a permitted activity, regardless of the minimum lot size in the underlying zone.	Permitted activities	Change 34. Amend the proposal to include a permitted activity rule with the intent of providing for papakāinga development for up to 10 residential units on Māori ancestral land in 'zones for rural purposes', 'zones for Māori purposes', and 'zones for residential purposes' provided they meet the permitted activity standards (PAS1-2) and the applicable district or combined plan district rules.	The provision is needed to limit the maximum scale of papakāinga permitted in specific district plan zones. The effects of developments of up to 10 residential units can be well managed by permitted activity standards.	Agreed with recommendation
PA2 Ancillary non-residential activities	The following non-residential activities are proposed to be permitted, if they are directly associated with the residential activities of the papakāinga: <ul style="list-style-type: none"> • commercial activities (of up to 100 m²); • conservation activities; • visitor accommodation for up to 8 guests (excluding manuhiri staying on a marae); • educational facilities; • health facilities; and • sports and recreation activities. 	Permitted activity standards and underlying rules	Change 35. Amend the proposal to include a permitted activity rule with the intent of providing for 'ancillary non-residential activities' to; <ol style="list-style-type: none"> a. include those that support and are subsidiary to the residential activities of the papakāinga development; and b. include: <ol style="list-style-type: none"> i. tanks, sheds and decks ii. shared kitchen and toilet facilities iii. commercial activities; iv. conservation activities; v. visitor accommodation for up to 8 guests (excluding manuhiri staying on a marae); 	The provision clarifies that non-residential activities on papakāinga should support the primary purpose of the NES-P to enable Māori landowners to develop homes and communities. Allowing commercial activities enables flexibility for landowners to decide the appropriate activities to support their papakāinga. Shared kitchen and toilet facilities enable whānau members who do not usually reside on the papakāinga to temporarily stay on their land for events such as tangihanga or just to reconnect with their land and whānau. Water-tanks, sheds and decks may be needed to support the residential units.	Agreed with recommendation

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Permitted activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<ul style="list-style-type: none"> vi. educational facilities; vii. health facilities; and viii. sports and recreation activities. <p>c. provided they:</p> <ul style="list-style-type: none"> i. meet the permitted activity standards (PAS1-2); and ii. meet the applicable district or combined plan district rules; and iii. the total area of non-residential building floor area does not exceed 50 per cent of the combined building floor area of residential units in the papakāinga. 	<p>Educational facilities, health facilities and sports and recreation facilities may support the functioning of the papakāinga community.</p> <p>Limiting the total size of buildings for ancillary purposes to less than 50 percent of the combined building floor area of all residential units in the papakāinga also helps ensure they support rather than dominate the papakāinga.</p>	
PA3 Māori cultural activities	<p>Māori cultural activities related to the papakāinga are proposed to be a permitted activity. These include:</p> <ul style="list-style-type: none"> • marae • urupā • māra kai. 	Permitted activity standards and underlying rules	<p>Change</p> <p>36. Amend the proposal to include a permitted activity rule for 'Māori cultural activities' related to papakāinga provided they meet the permitted activity standards (PAS1-2).</p>	<p>The provision uses a descriptive approach to determining cultural activities that would be appropriate on the papakāinga rather than listing the types of cultural activities that would be permitted. The descriptive approach is recommended so that the NES-P enables rather than limits Māori cultural activities.</p> <p>A new definition of 'Māori cultural activities' would also help councils interpret how to apply this rule. This includes a non-exhaustive list of activities that might be considered 'Māori cultural activities' (see other recommendations below).</p>	Agreed with recommendation

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKĀINGA			
Permitted activity standards	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
PAS1 Maximum building coverage	<p>In zones for residential purposes and zones for rural purposes, the maximum building coverage will be a maximum of 50 per cent of the site.</p> <p>In zones for Māori purposes, the maximum building coverage will be the same as the underlying plan zone.</p>	Permitted activity standards and underlying rules	<p>No change</p> <p>37. Retain the proposal to include permitted activity standards for maximum building coverage:</p> <ul style="list-style-type: none"> a. in 'zones for residential purposes' and 'zones for rural purposes' - 50 per cent of site b. in zones for 'Māori purposes' the same as the underlying zone. 	<p>The provision is needed to provide certainty about the permitted maximum density for a residential community. Developments with greater than 50 percent building coverage are likely to have insufficient space and light for residents' wellbeing.</p>	Agreed with recommendation
PAS2 Minimum setbacks from site boundaries	<p>In zones for residential purposes: front setbacks 1.5 m and all other setbacks from site boundaries 1 m.</p> <p>In zones for rural purposes: all setbacks from site boundaries 3 m.</p> <p>In zones for Māori purposes: same as the underlying plan zone.</p>	Permitted activity standards and underlying rules	<p>Change</p> <p>38. Amend the proposal to include the following building setbacks:</p> <ul style="list-style-type: none"> a. in 'zones for residential purposes' - two metre setback from all site boundaries. b. in 'zones for rural purposes' a five metre setback from boundaries with neighbouring properties and three metre setback from front property boundaries c. in 'zones for Māori purposes' the same as the underlying zone. 	<p>Minimum building setbacks control development, ensure safe distances between dwellings and provide privacy. This recommendation aligns with the equivalent requirement in the Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025 and with the proposed NES-DMRU.</p> <p>In 'zones for rural purposes', setbacks with neighbouring properties need to be at least 5 metres to protect papakāinga residents from the effects of rural activities on neighbouring properties and prevent reverse sensitivity effects on those activities.</p> <p>Minimum setbacks of any more than 5 metres would unnecessarily limit papakāinga developments on small sites.</p> <p>Front setbacks limits of 3 metres for papakāinga in 'zones for rural purposes' are</p>	Agreed with recommendation

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Permitted activity standards	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
				adequate to ensure papakāinga buildings do not visually dominate the street. Papakāinga developers should be able to decide if larger setbacks are needed to protect residents from health and safety risks and noise effects from proximity to roads in their particular situation. District and unitary councils should have worked with tangata whenua to develop any setback rules for papakāinga in 'zones for Māori purposes' so these rules should not be overridden by national direction.	
PAS3 Applicable rules of the underlying zone	Standards and rules for the following matters shall be determined by the relevant provisions from district or regional plans, or other regulations: <ul style="list-style-type: none"> • setbacks from waterways; • setbacks from rail corridors; • building height; • earthworks; • permeable surfaces; • lighting; • noise; • accessways; • waste water and water supply; • natural hazards; • relocatable buildings; and • green infrastructure. 	Permitted activity standards and underlying rules	See recommendations 2-5 on application of the NES-P.	These matters are addressed in this section of the consolidated recommendations table as they more accurately relate to the application of the NES-P.	N/A

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKĀINGA			
Monitoring for permitted activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
M01 Number of permitted papakāinga developments	Territorial authorities will be required to include information on the number of papakāinga developed under PA1 and PA2, and other implementation issues, in regular reporting to Ministry for the Environment.	Other matters	Change 39. Remove the proposal to require local authorities to provide information on permitted 'papakāinga development' to the Ministry for the Environment.	Requiring councils to provide information on permitted activities is too onerous as it will be difficult for them to gather the information that would otherwise be available from consent applications.	Agreed with recommendation

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKĀINGA			
Restricted discretionary activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
RD1 Papakāinga developments that do not comply with activity conditions or standards	In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga developments on Māori ancestral land that do not comply with the permitted activity standards PA1 and PA2 are proposed to be a restricted discretionary activity. RDM1 describes the matters for discretion for decisions on these activities.	Restricted discretionary activities	Change 40. Amend the proposal to require a resource consent for a restricted discretionary activity with the intent of providing for papakāinga development of up to 10 residential units on Māori ancestral land in 'zones for rural purposes', 'zones for Māori purposes', and 'zones for residential purposes' that does not comply with any of the permitted activity standards or applicable district and combined plan district rules for papakāinga development (PAS1 to PAS2).	The provision ensures that an appropriate level of scrutiny is applied to papakāinga proposals that do not comply with any of the permitted activity conditions or standards. Amending the proposal would enable proposed RD1 and RD2 rules for papakāinga that do not comply with permitted activity standards or applicable district or combined plans to be combined to streamline the provisions. It would also enable amalgamation of the RDM1 and RDM2 rules and correct an error in the notified proposal that should have referred to PAS1 and PAS2.	Agreed with recommendation

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RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA

Restricted discretionary activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
RDM1 Proposed matters of discretion	<p>Proposed matters of discretion:</p> <ul style="list-style-type: none"> • whether the additional building coverage is appropriate in its context; • the extent to which the siting of the building(s), decks and outdoor areas, relative to adjacent properties and the road frontage, avoid visual domination and loss of privacy and sunlight; and • the extent to which alternative options for siting the papakāinga are available to the landowners (eg if setbacks on a narrow site will mean the site cannot be used). 	Restricted discretionary activities	<p>Change</p> <p>41. Amend the proposal to provide for the matters of discretion for restricted discretionary activities (RD1) to achieve the following intent:</p> <ol style="list-style-type: none"> 1. Whether non-compliance with PAS1-2 and/or the applicable rules in the district plan or district component of a combined plan: <ol style="list-style-type: none"> a. is appropriate to its context taking into account: <ol style="list-style-type: none"> i. whether the development achieves a balance of open space and buildings and adequately provides for site permeability; ii. whether the height and scale of buildings is consistent with the character anticipated for the site in the underlying zone in a district or combined plan; iii. the need for access for emergency services; and iv. effects on: <ul style="list-style-type: none"> – land and water catchments; – outstanding natural landscapes and features; 	<p>The provisions clarify the matters that councils must consider in consent decision-making for papakāinga that do not meet permitted activity standards. They are proposed to ensure that the scale, height and setbacks of papakāinga development are appropriate in its context and the positive benefits of papakāinga can be considered.</p>	Agreed with recommendation

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA

Restricted
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- public access to the coast lakes and rivers;
 - historic heritage;
 - the amenity of adjoining properties with regard to privacy, outlook and shading; and
 - the safe and efficient operation and functioning of the transport network
- v. the effect of any measures proposed to mitigate visual dominance from building height, scale, or building coverage including those based on mātauranga Māori.
- b. Whether there is sufficient existing or new infrastructure capacity available to service the papakāinga development.
2. The social, economic, cultural and wellbeing benefits to landowners likely to result from the papakāinga.
3. The extent to which the proposed non-compliance with PAS1-2 and the applicable rules of the district plan or district components of a combined plan is needed to:

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Restricted discretionary activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<ul style="list-style-type: none"> a. support the occupation and use of the land for the benefit of the landowners, their whanau, hapu, and future generations; or b. provide for Māori to live on their land in accordance with tikanga Māori and mātauranga Māori. <p>4. The extent to which outdoor living spaces provide useable space and enable access to sunlight.</p>		
RD2 Papakāinga developments that do not comply with the applicable rules in the district or unitary plan	<p>In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga developments on Māori ancestral land that do not comply with the applicable rules in the underlying zone (see PAS3) are proposed to be a restricted discretionary activity.</p> <p>RDM2 describes the matters for discretion for decisions on these activities.</p>	Restricted discretionary activities	<p>Change</p> <p>42. Amend the proposal to remove the RD2 category for papakāinga development that does not comply with the applicable district rules in a district or combined plan.</p>	The restricted discretionary activity category is recommended to be amalgamated with RD1 to streamline the NES-P.	Agreed with recommendation
RD3 Papakāinga development on Treaty settlement land	<p>In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga developments of up to 30 residential units on Treaty settlement land are proposed to be a restricted discretionary activity.</p> <p>RDM3 describes the matters for discretion for decisions on these activities.</p>	Restricted discretionary activities	<p>Change</p> <p>43. Amend the proposal to require a resource consent for a restricted discretionary activity for papakāinga developments of up to 30 residential units on land held by a post-settlement governance entity in their area of interest.</p>	The provision is recommended to be broadened to apply to land held by PSGEs in their area of interest, which would include Treaty settlement land and other land for the benefit of members.	Agreed with recommendation

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Restricted discretionary activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			44. Change the name of the provision to 'RD3 Papakāinga development on land held by a post-settlement governance entity.'		Agreed with recommendation
RDM3 Proposed matters of discretion	Proposed matters of discretion: <ul style="list-style-type: none"> the extent to which the applicant can demonstrate that the land will remain in use as papakāinga in the long term. 	Restricted discretionary activities	<p>Change</p> <p>45. Amend the proposal to include matters of discretion for a restricted discretionary activity for papakāinga development of up to 10 residential units on land owned by a post-governance settlement entity (RD3) that achieve the following intent:</p> <ol style="list-style-type: none"> The extent to which the height, scale and intensity of the papakāinga development, and infrastructure to service it, may cause adverse environmental effects, and these effects can be minimised or remedied, on: <ol style="list-style-type: none"> land and water catchments; outstanding natural landscapes and features; public access to the coast lakes and rivers; historic heritage; the amenity of adjoining properties with regard to privacy, outlook and shading; and 	<p>The provision clarifies the matters councils must consider in consent decisions for papakāinga on land owned by a PSGE. It ensures consent decisions align with the purpose of the NES-P for enabling papakāinga development.</p> <p>The provision clarifies that the matters councils must consider in consent decisions for papakāinga of up to 11 to 30 residential units on land owned by a PSGE include those matters to be considered for any other papakāinga development of 11 to 30 residential units.</p> <p>It ensures consent decisions align with the purpose of the NES-P for enabling papakāinga development.</p> <p>The provision listed in subclause 5 of this recommendation is proposed to enable decision-makers to consider whether applicants intend for developments to remain in use as papakāinga in the long term rather than being developed for sale. This supports the policy intent to enable papakāinga by providing for PSGEs to</p>	Agreed with recommendation

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Restricted discretionary activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<ul style="list-style-type: none"> f. the safe and efficient operation and functioning of the transport network. 2. The availability and capacity of infrastructure to service the proposed scale of the papakāinga development. 3. The extent to which the papakāinga development: <ul style="list-style-type: none"> a. is appropriate to its surrounding context taking into account: <ul style="list-style-type: none"> i. whether the development achieves a balance of open space and buildings and adequately provides for site permeability. ii. whether the height and scale of buildings is consistent with the character anticipated in the underlying zone in a district or combined plan; iii. whether the development mitigates any visual dominance resulting from building height, scale or building coverage including those based on mātauranga Māori. 	develop papakāinga but not commercial developments.	

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Restricted discretionary activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<p>4. The social, economic, cultural and wellbeing benefits to landowners likely to result from the papakāinga.</p> <p>5. Whether the papakāinga provides for:</p> <p>a. the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of landowners, their whānau, hapū, and future generations; and;</p> <p>b. measures proposed to ensure the land will remain in use as papakāinga in the long term.</p> <p>6. The extent to which outdoor living spaces provide useable space and enable access to sunlight.</p>		
RD4 Non-residential activities that are not permitted	<p>In papakāinga developments in zones for rural purposes, zones for Māori purposes, and zones for residential purposes, non-residential activities not included in PA2 are proposed to be a restricted discretionary activity.</p> <p>RDM4 describes the matters for discretion for decisions on these activities.</p>	Restricted discretionary activities	<p>Change</p> <p>46. Amend the proposal to require a resource consent for a restricted discretionary activity for non-residential ancillary activities to papakāinga development that is:</p> <p>a. not included in PA2 in 'zones for rural purposes', 'zones for Māori purposes', and 'zones for residential purposes' or</p> <p>b. does not meet the performance standards in PAS1-2 or</p>	<p>The provision clarifies that papakāinga development that includes non-residential activities not listed in the permitted activity provisions requires consent.</p> <p>An amendment is recommended to clarify that this includes proposals that exceed the 50 percent of the combined building floor area of all residential units in the papakāinga, consistent with the recommended change to PA2.</p>	Agreed with recommendation

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Restricted discretionary activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			c. exceeds the 50 per cent of the combined building floor area of all residential units in the papakāinga.		
RDM4 Proposed matters of discretion	<p>Proposed matters of discretion:</p> <ul style="list-style-type: none"> • the extent to which the proposed activities: <ul style="list-style-type: none"> – are ancillary to residential activities; – are compatible with the scale and predominant residential character of the papakāinga development; – affect the amenity of neighbouring properties; and • provide for safe and efficient operation and functioning of the surrounding transport network. 	Restricted discretionary activities	<p>Change</p> <p>47. Amend the proposal to include matters of discretion for a restricted discretionary activity for non-residential ancillary activities to papakāinga development (RD4) that achieve the following intent:</p> <ol style="list-style-type: none"> 1. The extent to which the nature, height, scale, and intensity of the non-residential ancillary activity may cause adverse environmental effects, and these effects can be minimised or remedied on: <ol style="list-style-type: none"> a. land and water catchments; b. outstanding natural landscapes and features; c. public access to the coast lakes and rivers; d. historic heritage; e. the amenity of adjoining properties with regard to privacy, outlook and shading; and f. the safe and efficient operation and functioning of the transport network. 	<p>Changes are proposed to increase the matters councils must consider when considering consent applications for non-residential ancillary activities to papakāinga development. This will enable a more comprehensive assessment of the effects and benefits of proposals for ancillary non-residential development that are not permitted under PA2.</p> <p>It removes the word 'surrounding' in response to a submission received as impacts on the wider transport network should be considered.</p>	Agreed with recommendation

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RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA

Restricted
discretionary
activities

Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
		<ol style="list-style-type: none"> 2. The availability and capacity of infrastructure to service the proposed scale of the non-residential ancillary activities. 3. The extent to which the non-residential ancillary activities: <ol style="list-style-type: none"> a. are appropriate to the surrounding context taking into account: <ol style="list-style-type: none"> i. whether the balance of open space and buildings and adequately provides for site permeability; ii. whether the height and scale of buildings is consistent with the character anticipated in the underlying zone in a district or combined plan; iii. whether the development mitigates any visual dominance. resulting from building height, scale, or building coverage including those based on mātauranga Māori. 4. The social, economic, cultural and wellbeing benefits to landowners and residents likely to result from the ancillary non-residential activity. 		

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Restricted discretionary activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			5. Whether the papakāinga provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of landowners, their whānau, hapū, and future generations.		
RD5 Māori cultural activities that are not permitted	In papakāinga developments in zones for rural purposes, zones for Māori purposes, and zones for residential purposes, Māori cultural activities not included in PA2 are proposed to be a restricted discretionary activity. RDM5 describes the matters for discretion for decisions on these activities.	Restricted discretionary activities	Change 48. Amend the proposal for a restricted discretionary activity for Māori cultural activities not permitted in PA2 in 'zones for rural purposes', 'zones for Māori purposes', and 'zones for residential purposes'.	The provision clarifies that the proposals for Māori cultural activities on papakāinga must meet the definition of 'Māori cultural activities' permitted on papakāinga or will require a resource consent. It also recommends a consequential change due to the proposed removal of PAS3.	Agreed with recommendation
RDM5 Proposed matters of discretion	Proposed matters of discretion: <ul style="list-style-type: none"> the extent to which the proposed activities: <ul style="list-style-type: none"> support the occupation, development, and use of the land for the benefit of the land's owners, their whānau, hapū, and future generations; provide flexibility for Māori to develop and live on their land in accordance with tikanga Māori and mātauranga. 	Restricted discretionary activities	Change 49. Amend the proposal to include matters of discretion for Māori cultural activities that are not included in PA3. to achieve the following intent: <ol style="list-style-type: none"> The extent to which the proposed activities: <ol style="list-style-type: none"> support the occupation, and use of the land for the benefit of the landowners, their whānau, hapū, and future generations; provide for Māori to live on their land in accordance with tikanga Māori and mātauranga Māori. 	The provision is needed to clarify the matters of discretion councils must consider in decisions for consent applications for Māori cultural activities that are not permitted on papakāinga developments.	Agreed with recommendation

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Restricted discretionary activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
RD6 Papakāinga developments outside zones where they are permitted	In any zone other than zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga development of up to 30 residential units on Māori ancestral land are proposed be a restricted discretionary activity. RDM6 describes the matters for discretion for decisions on these activities.	Restricted discretionary activities	No change 50. Retain the proposal to require a resource consent for a restricted discretionary activity for papakāinga development of up to 30 residential units on Māori ancestral land in any zone other than 'zones for rural purposes', 'zones for Māori purposes', and 'zones for residential purposes'.	The provision clarifies that papakāinga outside the zones where they are permitted require a resource consent.	Agreed with recommendation
RDM6 Proposed matters of discretion	<ul style="list-style-type: none"> Proposed matters of discretion: Whether the number of residential units, siting or design of buildings is appropriate will be determined considering: <ul style="list-style-type: none"> the extent to which the development provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of the land's owners, their whānau, hapū, and future generations; the extent to which the site has special significance to the owners; the extent to which alternative locations are available for tangata whenua to occupy, use, and develop their land; the extent to which tangata whenua have faced historical barriers to occupying, using, and developing their ancestral lands; 	Restricted discretionary activities	Change 51. Amend the proposal to include matters of discretion for papakāinga development outside zones where they are permitted (RD6) that achieve the following intent: <ol style="list-style-type: none"> The extent to which the height, scale and intensity of the papakāinga development may cause adverse environmental effects, and these effects can be minimised or remedied, on: <ol style="list-style-type: none"> land and water catchments outstanding natural landscapes and features; public access to the coast lakes and rivers; historic heritage; 	The provision describes only the matters councils should consider in consent decisions for papakāinga in zones where they are not a permitted activity.	Agreed with recommendation

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RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA

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- the extent to which protections for the following matters are adequately maintained:
- protection of land and water catchments from the effects of the development and occupation of the site;
- protection of the health and safety of papakāinga residents;
- ensuring outstanding natural landscapes are not compromised;
- maintenance of public access to coastal marine areas, lakes and rivers and protection of historic heritage;
- whether the scale of development significantly changes the overall character of the underlying zone;
- adjacent properties are protected from and avoid visual domination and loss of privacy and sunlight; and
- providing for the safe and efficient operation and functioning of the surrounding transport network.

- e. the safe and efficient operation and functioning of the transport network.
- 2. The availability and capacity of infrastructure to service the proposed scale of the papakāinga development
- 3. The extent to which the papakāinga development:
 - a. Is appropriate to its surrounding content taking into account:
 - i. the nature of land use permitted in the zone and the compatibility of papakāinga development with this land use;
 - ii. whether the development achieves a balance of open space and buildings and adequately provides for site permeability;
 - iii. whether the height and scale of buildings is consistent with the character anticipated for the underlying zone in a district or combined plan;
 - iv. whether the development mitigates any visual dominance resulting from

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RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA

Restricted discretionary activities

Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>RD7 Papakāinga developments of 11 to 30 residential units</p> <p>In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga development of 11 to 30 residential units on Māori ancestral land are proposed to be a restricted discretionary activity.</p> <p>RDM6 describes the considerations for decisions on these activities.</p>	<p>Restricted discretionary activities</p>	<p>No change</p> <p>52. Retain the proposal to require a resource consent for a restricted discretionary activity for papakāinga development of 11 to 30 residential units on Māori ancestral land in 'zones for rural purposes', 'zones for Māori purposes', and 'zones for residential purposes'.</p>	<p>The provision clarifies that papakāinga developments that have more than 10 and fewer than 30 homes require consent.</p>	<p>Agreed with recommendation</p>

RDM6 Proposed matters of discretion	Proposed matters of discretion (see RDM6 above).	Restricted discretionary activities	<p>Change</p> <p>53. Amend the proposal to include matters of discretion (RDM7) for a restricted discretionary activity for papakāinga development of 11 to 30 residential units (RD7) that achieves the following intent:</p> <ol style="list-style-type: none"> 1. The extent to which the height, scale and intensity of the papakāinga development may cause adverse environmental effects, and these effects can be minimised or remedied, on: <ol style="list-style-type: none"> a. land and water catchments; b. outstanding natural landscapes and features; c. public access to the coast lakes and rivers; d. historic heritage; e. the amenity of adjoining properties with regard to privacy, outlook and shading; f. the safe and efficient operation and functioning of the transport network. 2. The availability and capacity of infrastructure to service the proposed scale of the papakāinga development. 3. The extent to which the papakāinga development: <ol style="list-style-type: none"> a. is appropriate to its surrounding context taking into account: 	The provision is needed to clarify the matters of discretion councils must consider in decisions about consent applications for papakāinga development of 11 to 30 residential units on Māori ancestral land.	Agreed with recommendation
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RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA

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- i. whether the development achieves a balance of open space and buildings and adequately provides for site permeability;
- ii. whether the height and scale of buildings is consistent with the character anticipated in the underlying zone in a district or combined plan;
- iii. whether the development mitigates any visual dominance resulting from the building height, scale or building coverage including those based on mātauranga Māori.

- 4. The social, economic, cultural and wellbeing benefits to landowners likely to result from the papakāinga.
- 5. Whether the papakāinga provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of landowners, their whānau, hapū, and future generations.
- 6. The extent to which outdoor living spaces provide useable space and enable access to sunlight.

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Restricted discretionary activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
RD8 Papakāinga development of up to 30 residential units adjacent to intensive indoor primary production, mining, quarrying, or rural industry	<p>Papakāinga developments of up to 30 residential units are proposed to be a restricted discretionary activity where they are located next to intensive indoor primary production, mining, quarrying, or rural industry.</p> <p>RDM7 describes the considerations for decisions on these activities.</p>	Restricted discretionary activities	<p>No change</p> <p>54. Retain the proposal to require a resource consent for a restricted discretionary activity for papakāinga development of up to 30 residential units where it is located next to intensive indoor primary production, mining, quarrying activities, or rural industry.</p>	The provision clarifies that papakāinga next to intensive indoor primary production, mining, quarrying, or rural industry require consent to enable consideration of effects of papakāinga development occurring in these locations.	Agreed with recommendation
RDM7 Proposed matters of discretion	<p>Proposed matters for discretion:</p> <ul style="list-style-type: none"> the likely effects of the neighbouring activity on the health and safety of papakāinga residents; the effects of the proposed activity on the continued operation, or future expansion of the existing activities in the surrounding area; the size, location and design of open space and the extent to which trees and plantings are utilised for mitigating adverse effects; and the extent to which alternative options for siting the papakāinga are available to the landowners. 	Restricted discretionary activities	<p>Change</p> <p>55. Amend the proposal to include matters of discretion for a restricted discretionary activity (RD8) for papakāinga development of up to 30 residential units where it is located next to intensive indoor primary production, mining, quarrying activities, or rural industry (RD8) that achieve the following intent:</p> <ol style="list-style-type: none"> The extent to which the scale and intensity of the papakāinga development may cause adverse environmental effects, and measures proposed to minimise or remedy these effects, on: <ol style="list-style-type: none"> land and water catchments; outstanding natural landscapes and features; 	The provision describes the matters that councils can consider in consent decisions for papakāinga that are not permitted because they are next to indoor primary production, mining, quarrying, or rural industry.	Agreed with recommendation

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Restricted discretionary activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<ul style="list-style-type: none"> c. public access to the coast lakes and rivers; d. historic heritage; e. the safe and efficient operation and functioning of the transport network. <p>2. The availability and capacity of infrastructure to service the proposed scale of the papakāinga development.</p> <p>3. The extent to which the papakāinga development:</p> <ul style="list-style-type: none"> a. is appropriate to its surrounding context taking into account: <ul style="list-style-type: none"> i. the nature of land use located or permitted on adjacent land and whether this residential use in papakāinga development with this land use; ii. the potential effects of intensive indoor primary production, mining, quarrying, or rural industry on the amenity of papakāinga residents and the effect of mitigation measures. 		

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Restricted discretionary activities	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<p>4. The social, economic, cultural and wellbeing benefits to landowners likely to result from the papakāinga.</p> <p>5. Whether the papakāinga provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of landowners, their whānau, hapū, and future generations.</p> <p>6. The extent to which outdoor living spaces provide useable space and enable access to sunlight for residents.</p>		

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Discretionary activities	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
DA1 Papakāinga developments of more than 30 residential units	Papakāinga developments of more than 30 residential units, on Māori ancestral land or Treaty settlement land, in any zone, shall be a discretionary activity.	Discretionary activities	<p>Change</p> <p>56. Retain the proposal to require a resource consent for papakāinga development of more than 30 residential units, on Māori ancestral land or Treaty settlement land, in any zone; but replace reference to 'Treaty settlement land' with 'Post-settlement governance entity land'.</p>	A resource consent for a discretionary activity for papakāinga development of more than 30 residential units would enable a full assessment of any applications to be undertaken.	Agreed with recommendation

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Notification requirements	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
N1 Limited notification for papakāinga developments	Notification for papakāinga developments with restricted discretionary activity status is limited to iwi authorities, joint management entities, the New Zealand Transport Agency (if the development will access a state highway), local authorities and immediate neighbours.	Other matters	<p>No change</p> <p>57. Retain the proposal for limited notification for papakāinga development with restricted discretionary activity status (in RD1-RD8) to:</p> <ul style="list-style-type: none"> a. iwi authorities; b. joint management entities; c. the New Zealand Transport Agency (if the development will access a state highway); d. local authorities; e. immediate neighbours. 	The provision is needed to clarify who will be notified parties for consent applications for papakāinga that are restricted discretionary activities.	Agreed with recommendation

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Leniency of rules	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
R1 District plan rules may be more lenient than the NES	Local authorities may apply methods, including rules, in its district plan that are more enabling of papakāinga developments than those in this NES.	Other matters	<p>No Change</p> <p>58. Retain the proposal that local authorities may apply methods including rules, in its district plan that are more enabling of papakāinga developments than those in the National Environmental Standards for Papakāinga.</p>	The proposal is needed to enable councils to retain rules or develop new rules appropriate to their local context in consultation with tangata whenua as long as they enable papakāinga more than the NES-P does.	Agreed with recommendation

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Implementation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
IM1 Implementation approach	This NES will have immediate effect in all local authorities.	Other matters	N/A	This is a statutory requirement and was provided for context so does not require a decision.	N/A
IM2 Consent applications already underway (transitional provision)	It is proposed that resource consent applications for papakāinga that are already underway when this NES takes effect will be completed under the district plan rules that were in place when the application was lodged.	Other matters	N/A	This is a statutory requirement and was provided for context so does not require a decision.	N/A

Other recommendations and decisions

These recommendations and decisions relate to matters raised through submissions or to clarify the proposal.

RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Topic	Recommendations to amend notified proposal	Reasons for recommendations	Minister's decision
Other matters	<p>59. Amend the proposal to add the following definition of site:</p> <ul style="list-style-type: none"> a. an area of land comprised in a single record of title under the Land Transfer Act 2017; or b. an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or c. the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or d. despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross-lease system, is the whole of the land subject to the unit development or cross lease. 	<p>The new definition is needed to clarify the area within which the restriction on the number of residential units permitted (PAS1) and activity standards for the permitted activity (PAS2) will apply.</p> <p>Owners of Māori freehold land use the term 'block' which, as defined under Te Ture Whenua Māori Act 1993, 'in relation to any Māori freehold land, means the whole parcel of land comprised and described in an instrument of title'. However, the proposed NES-P also applies to other types of land so a broader definition that is well understood by the public and local authorities is needed.</p> <p>The National Planning Standards 2019 definition of 'site' is proposed to be used. This definition is not inconsistent with the term 'block', which will reduce any confusion.</p>	Agreed with recommendation
Māori cultural activities	<p>60. Amend the proposal to include a definition for the term Māori cultural activities which achieves the intent of meaning activities for the social, cultural and ceremonial purposes of the Māori people and includes (but is not limited to) village sites, Marae, meeting places, recreation grounds, sportsgrounds, church sites, burial grounds, landing places and Ngā Whenua Rāhui (tangata whenua conservation areas). A cultural activity also includes tourist activities based on Māori culture undertaken on-site where one or more of the above activities occur but shall be secondary and ancillary to the other activities.</p>	<p>A new definition is needed to describe the types of activity that will be permitted under the amended provisions for permitted Māori cultural activities (PA3). It comprises a non-exhaustive list of the types of activities that might be considered as 'Māori cultural activities'. This includes common types of Māori cultural activities to assist council officers to interpret the definition but other activities not listed might also be considered to be Māori cultural activities. It also clarifies how tourist activities based on Māori culture are included in this definition as long as tourism is not the primary purpose of the activity.</p>	Agreed with recommendation

RECOMMENDATIONS AND DECISIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA

		This definition is adapted from the Ruapehu District Plan definition of 'Māori cultural activities'.	
Definitions	61. Amend the proposal to add a new definition for 'healthcare facility' which achieves the intent of meaning facilities used for providing physical or mental health or welfare services.	A new definition is needed to ensure councils consistently interpret the NES-P provision that permits healthcare facilities on papakāinga. This is the definition used in the Auckland Unitary Plan.	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 National Environmental Standards for Papakāinga

**Report on submissions and
recommendations**

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Executive summary

Purpose

The proposed National Environmental Standards for Papakāinga (NES-P) intend to enable papakāinga by providing a nationally consistent planning framework. This responds to the inconsistent provision for papakāinga in district and unitary plans, which has largely prevented Māori landowners from using their land to house their whānau, exercise autonomy over their whenua and build wealth.

The notified proposal permits a limited scale of papakāinga development (up to 10 homes) on certain types of land in zones for rural, residential and Māori purposes. It includes some rules to protect the environment and the health and safety of residents, so a consent required under a regional plan would still be required.

Certain non-residential activities ancillary to the residential activities of the papakāinga are proposed to be permitted.

For developments that do not meet the permitted activity standards, or that involve between 11 and 30 homes, or are located on Treaty of Waitangi (Treaty) settlement land, a resource consent for a restricted discretionary activity would be required.

Larger papakāinga developments involving more than 30 homes would require a resource consent for a discretionary activity.

The proposal would enable district plans to retain or develop rules for papakāinga that are more lenient than those in the NES-P.

Background

The proposed NES-P is part of a broader programme to change and inform development of national direction under the resource management system. It forms part of one of four packages: Package 1: Infrastructure and development (package 1), which is intended to:

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

The proposal contributes towards the Government's wider resource management reform programme. It is complemented by the Fast-track Approvals Act 2024, targeted amendments to the Resource Management Act 1991 (RMA)⁵ and the development of a new resource management system.

⁵ [Resource Management \(Freshwater and Other Matters\) Amendment Act 2024](#) and the [Resource Management \(Consenting and Other System Changes\) Amendment Act 2025](#).

Statutory consultation on package 1 ran from 29 May 2025 to 27 July 2025.⁶

Officials' recommendations

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

Consolidated recommendations are provided in: **Attachment A: Consolidated recommendations** – New National Environmental Standards for Papakāinga.

⁶ Statutory consultation on package 2 (primary sector), 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.

Introduction

This report provides recommendations to the Minister Responsible for RMA Reform (the Minister) on the proposed National Environmental Standards for Papakāinga (NES-P).

The proposed NES-P was notified on 29 May 2025, in accordance with section 46A(1)(a) of the Resource Management Act 1991 (RMA).

This report is in three parts.

- **Part A** provides an overview of the proposal and the consultation and submissions process.
- **Part B** provides a summary of key issues raised by submitters; sets out officials' analysis of the submissions and subject matter of the proposal; and outlines officials' key recommendations to amend the notified proposal.
- **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-P.

1. Part A: Overview

1.1 Proposals

1.1.1 Proposed National Environmental Standards for Papakāinga

The proposal to create the NES-P was outlined in *Package 1: Infrastructure and development – Discussion document*,⁷ along with the attached proposed provisions.⁸ The proposed NES-P was notified under section 46A(a)(1) of the RMA.

1.1.2 Proposed national direction in Package 1: Infrastructure and development – Discussion document

Other proposals to create or amend national direction in *Package 1: Infrastructure and development – Discussion document* were:

- the new National Policy Statement for Infrastructure
- amendments to the National Policy Statement for Renewable Electricity Generation 2011
- amendments to the National Policy Statement on Electricity Transmission 2008 (proposed to be renamed the National Policy Statement for Electricity Networks)
- amendments to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (proposed to be renamed the National Environmental Standards for Electricity Network Activities)
- amendments to the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016
- the new National Environmental Standards for Detached Minor Residential Units (NES-DMRU)
- the new National Policy Statement for Natural Hazards
- amendments to the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020.

Reports and recommendations to the Minister on the above proposed instruments will be prepared separately as part of the Government's wider programme of resource management reform.

⁷ Ministry for the Environment. 2025. *Package 1: Infrastructure and development – Discussion document*. Wellington: Ministry for the Environment.

⁸ Ministry for the Environment. 2025. *Attachment 1.7: Proposed provisions – New National Environmental Standards for Papakāinga*. Wellington: Ministry for the Environment.

1.1.3 Other proposed national direction

The proposed infrastructure and development national direction is complemented by additional proposals in *Package 2: Primary sector – Discussion document*⁹ and *Package 3: Freshwater – Discussion document*,¹⁰ 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 NES-P alongside other proposed new and amended infrastructure and development, primary sector and freshwater national direction from 29 May 2025 to 27 July 2025, in accordance with section 46A of the RMA.

MfE sent pre-notification letters on 5 May to all post-settlement governance entities (PSGEs) and other Māori groups with which the Ministry 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.

MfE also 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, 163 provided feedback on the proposed NES-P.

1.2.1 Collating, processing and analysing submissions

Officials collated submissions received through CitizenSpace – MfE’s consultation platform¹¹ – 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 from statutory consultation on the proposed NES-P. It outlines officials’ recommended changes to the objectives, policies and implementation requirements of the national direction in response to those submissions.

⁹ Ministry for the Environment. 2025. *Package 2: Primary sector – Discussion document*. Wellington: Ministry for the Environment.

¹⁰ Ministry for the Environment. 2025. *Package 3: Freshwater – Discussion document*. Wellington: Ministry for the Environment.

¹¹ Submitters could provide feedback on the CitizenSpace platform via a survey and/or by uploading a file.

Officials considered Part 2 of the RMA¹² 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 NES-P. Minor changes may not be fully analysed in the main body of the report, but are captured in the consolidated list of recommendations provided in attachment A.

The consolidated list of recommendations provides a clear and direct connection to the notified proposed NES-P, helping to inform and support the decision-making process.

1.4 Decision-making

This report includes officials' recommendations on the proposed NES-P provisions (as notified on 29 May 2025), in accordance with section 46A(1)(c) of the RMA.

The Minister must consider the report and recommendations before making changes to the NES-P.

The report will be publicly released around the time the Minister recommends that the Governor-General approve the NES-P.¹³

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 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 1: Infrastructure and development – Discussion document* for the proposed NES-P where possible – and officials have made generalisations for brevity.

¹² As required by section 46A(3) of the RMA.

¹³ 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](#)).

2. Part B: National Environmental Standards for Papakāinga

2.1 Proposal overview

The proposal is for new National Environmental Standards for Papakāinga (NES-P), which would enable papakāinga development by providing a nationally consistent planning framework. It would address the wide variability across New Zealand in terms of how well district plans provide for development of papakāinga (if they do at all).

The status quo restricts the ability of many Māori landowners, as tangata whenua, to use their land to develop papakāinga in accordance with their cultural traditions. The NES-P would recognise Māori ancestral connections to their land, and enable Māori landowners to use their land to house whānau, exercise autonomy over their whenua and build wealth.¹⁴

A limited scale of papakāinga development (up to 10 residential units) is proposed to be permitted on 'Māori ancestral land' in zones for rural, residential and Māori purposes. The definition of 'Māori ancestral land' includes Māori freehold land and certain other land categories. Broadly speaking, all the land types included are land categories where the owners have an ancestral connection to the land, and where the land has remained in the ownership of the original owners and their descendants.

The proposal includes some permitted activity standards to protect the environment and the health and safety of residents. These standards would need to be met for the permitted activity status to apply. Certain non-residential activities ancillary to the residential activities of papakāinga would also be permitted.

Papakāinga that do not meet the activity standards, where between 11 and 30 residential units are proposed, or that are located on Treaty settlement land, would require a resource consent for a restricted discretionary activity.

Papakāinga development of more than 30 residential units would require a resource consent for a discretionary activity.

The NES-P would enable district plan rules for papakāinga to be more lenient than the NES-P. In other words, if existing plan rules enable more homes or more activities on papakāinga than the NES-P, they would be considered more lenient.

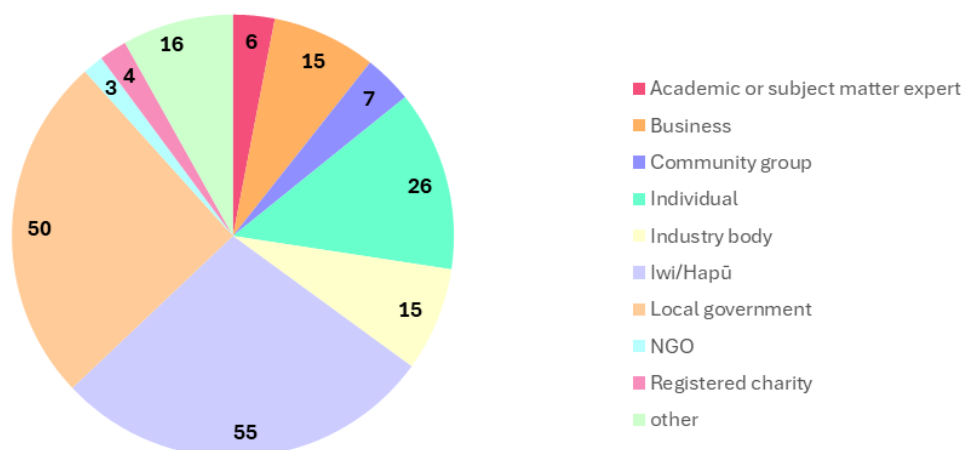
¹⁴ This analysis was carried out in accordance with Te Tautuhi ō Rongo – the public policy framework for considering the collective and individual rights, interests and responsibilities of whānau, hapū, iwi and Māori, currently being rolled out across the public service.

2.2 Summary of submissions

2.2.1 Overview of submissions

A total of 163 submissions were received on the proposed NES-P. Submitters can be broadly categorised into the following groups.

Affiliations of submitters on proposed NES for Papakāinga



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 this instrument include:

- permitted activities
- permitted activity standards, permitted non-residential activities, and underlying plan rules
- restricted discretionary activities
- iwi and hapū participation
- other matters.

2.3 Analysis of proposal and submissions

2.3.1 Topic 1: Permitted activities

2.3.1.1 Proposal

The proposal would permit papakāinga of up to 10 dwellings on 'Māori ancestral land' in zones for residential, rural and Māori purposes, subject to permitted activity standards. Māori ancestral land would include Māori freehold land as defined in Te Ture Whenua Māori Act 1993 and certain types of general land owned by Māori where there is a demonstrable ancestral connection.

The proposed definition of 'Māori ancestral land' in the discussion document also included: land that forms part of a natural feature that has been declared under an Act to be a legal entity or person; and the maunga listed in Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

2.3.1.2 Key issues from submissions

The overwhelming majority of submitters that commented on the proposal (over 90 percent) expressed support for the proposed NES-P, though many suggested amendments to the proposal. Of the few submitters who opposed the proposal, most did so because they thought that the NES-P would give Māori rights that other landowners do not have. A very small number of submitters opposing the proposal, including the Human Rights Commission, did not support it because they felt that it did not go far enough to remove barriers to papakāinga development (including barriers outside the resource management system).

Permitting papakāinga more widely

Permit papakāinga on all general land owned by Māori

Many iwi and councils submitted that the categories of land where papakāinga is proposed to be permitted should be broadened to include all 'general land owned by Māori' (as defined in Te Ture Whenua Māori Act 1993). Those submitters argued that the proposed definition of 'Māori ancestral land' would limit the intended outcomes of the NES-P, impacting the extent to which Māori are able to live as part of a papakāinga community. This was due to several factors: the land that remains as Māori freehold land is only a small proportion of the land that Māori have ancestral connection to; there is a scarcity of Māori ancestral land in many districts; and most Māori live in urban areas, away from their ancestral land.

A few councils submitted that they permit papakāinga on all general land subject to a process by which iwi verify the owners' whakapapa to the whenua.

A few submitters stated that the proposal would exclude some general land owned collectively by Māori (eg, by whānau trusts and other Māori governance entities) or would place constraints on PSGEs that purchase general land for housing. Some argued this could thereby undermine the intention of Treaty settlement redress.

Permitting papakāinga on all general land

A few submitters, including one council, suggested that general land should be excluded from the NES-P entirely because it has none of the legislative protections (under Te Ture Whenua Māori Act 1993) that Māori freehold land has, to prevent it from being subdivided and sold. They submitted that owners of general land might lose their land, for example through mortgagee sales where the general land is used as loan collateral.

Treatment of Treaty settlement land

A few iwi and councils submitted that papakāinga on Treaty settlement land should have permitted activity status, rather than restricted discretionary status as proposed. One iwi submitted that land returned through Treaty settlements and now held by PSGEs should be explicitly recognised as Māori ancestral land for the purposes of national planning, consenting and policy frameworks. They argued that 'PSGE-owned land is ancestral by both nature and right'. If it was not, that iwi submitted, Māori development aspirations would be marginalised.

This topic is discussed in detail in section 2.3.3.2 under 'Treaty settlement land and other PSGE land' and section 2.3.3.3 under 'Treaty settlement land and other PSGE land'.

A single zone for Māori land

One submitter proposed a single enabling zone for all Māori land, including Treaty settlement land, in accordance with hapū authority and tikanga Māori.

Permitting more than 10 residential units

While most submitters agreed with the proposal in general, a few specifically disagreed with the proposed number of permitted homes. A few submitters suggested more than 10 residential units should be permitted and a few others suggested there should be no limit.

2.3.1.3 Analysis

Permitting papakāinga more widely

Treatment of 'general land owned by Māori'

A few councils currently permit papakāinga on general land through their district or combined plans. Under the proposed NES-P, councils would be able to retain provisions in district or combined plan rules that are more lenient than NES-P provisions or introduce new rules for papakāinga developments that are more enabling of papakāinga than those in the NES-P.

Officials consider that permitting papakāinga on all general land without appropriate safeguards would create risks of potential misuse of the rules for commercial housing developments or for developments not on ancestral land. This would conflict with the intent of the NES-P.

For these reasons, the proposed definition of Māori ancestral land (on which papakāinga would be permitted) only includes general land categories where there are mechanisms in place that protect the interests of the beneficial owners, such as administration by the types of governance entities that prevent the land from easily being subdivided and sold. Officials do not recommend any changes to the scope of eligible general land.

Treatment of 'Treaty settlement land'

Officials do not recommend changing the proposed activity status for Treaty settlement land from 'restricted discretionary' to 'permitted'. The risks around broader categories of general land (outside the definition of 'Māori ancestral land') outlined above also apply to Treaty settlement land, which is usually general title. See section 2.3.3.2 under 'Treaty settlement land and other PSGE land' and section 2.3.3.3 under 'Treaty settlement land and other PSGE land' for analysis of submissions to include general land held by PSGEs.

A single zone for Māori land

Developing a single enabling zone for all Māori land, including Treaty settlement land, in accordance with hapū authority and tikanga Māori would require extensive consultation with hapū and other Māori landowners. Officials note that these changes are outside the scope of the current consultation. However, they may have merit for future consideration, such as through the development of the new resource management system.

Land that is part of a natural feature with legal personhood

While officials did not receive any submissions on this matter, they recommend the references to land that forms part of a natural feature or that has been declared a legal entity or person are removed from the NES-P. The legislation relating to these natural features that have legal entity status is intended to maintain the land in its natural state. It would be inappropriate to enable papakāinga developments in these areas. In any case, it is very unlikely papakāinga development would be able to proceed, as the legislation usually restricts any development on the land.

Permitting more than 10 residential units

Officials consider that the limit of 10 residential units for papakāinga to be a permitted activity under the proposed NES-P should not be changed. Proposals for larger developments are more likely to have effects that may impact the potential of natural and physical resources to meet the needs of future generations, the life-supporting capacity of air, water and soil, and the quality of the environment. Limiting the permitted activity status to development of 10 or fewer units ensures larger-scale papakāinga development would go through a consent process so that the potential effects are considered.

See section 2.3.2.3 under 'Certain district plan rules still apply' for analysis on application of district plan rules.

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

Change the permitted activity rule for papakāinga development for up to 10 residential units on Māori ancestral land (PA1), subject to certain activity standards and applicable district or combined plan rules being met (**see recommendation 34**).

Amend the definition of 'Māori ancestral land' (D1) to remove: land that forms part of a natural feature that has been declared under an Act to be a legal entity or person; and the maunga listed in Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (**see recommendation 6**).

2.3.2 Topic 2: Permitted activity standards, permitted non-residential activities, and underlying plan rules

2.3.2.1 Proposal

The proposed NES-P includes permitted activity standards relating to maximum building coverage and minimum setbacks from boundaries. The proposed maximum building site coverage is 50 percent of a site in a residential or rural zone and the same as the underlying zone in a Māori purpose zone. The proposed minimum setbacks from site boundaries are 1.5 metres (front) and 1 metre (other boundaries) in a residential zone and 3 metres to all boundaries in a rural zone. Setbacks from the underlying zone would apply in a Māori purpose zone.

The proposal also provides that the standards and rules for certain matters should be determined by the relevant provisions of the district or regional plan. These include, for example, setbacks from waterways and rail corridors, building height, earthworks, wastewater, water supply and natural hazards.

The following ancillary non-residential activities would be permitted on papakāinga:

- commercial activities (of up to 100 square metres)
- conservation activities
- visitor accommodation for up to eight guests (excluding manuhiri staying on a marae)
- educational facilities
- health facilities
- sports and recreation activities.

The following cultural activities would also be permitted:

- marae
- urupā
- māra kai.

2.3.2.2 Key issues from submissions

Permitted activity standards for building coverage and setbacks

Setbacks

Many councils submitted that the proposed setbacks in rural areas were too small to mitigate potential reverse sensitivity effects. A few councils suggested that increasing the setbacks to 5 metres would be sufficient to address this issue. Fire and Emergency New Zealand considered setbacks need to enable adequate access in the event of an emergency. It suggested the setbacks for all papakāinga developments should be at least 2 metres, to align with the proposed NES-DMRU.

Site coverage

Many councils suggested that the proposed maximum site coverage of 50 percent should be reduced, particularly in rural areas where this would be far greater density than is currently provided for.

A few submitters questioned why density standards were needed at all. They considered that the proposed limit would be too restrictive on small sites in districts where there were few alternative locations for papakāinga. A few submitters suggested that the standards should vary with site size.

Plan rules that would still apply

Balancing environmental protections against minimising compliance

Among the submissions that mentioned the proposed retention of underlying plan rules to protect the environment and the health and safety of papakāinga residents, most agreed with this proposal. However, some submitters noted that compliance with applicable underlying plan rules could be onerous. For example, one submitter noted that most papakāinga would

still need a resource consent as they would exceed the district plan limits for permitted earthworks. Those submitters considered that the need to maintain environmental protections should be balanced against the need to avoid unnecessary compliance.

Approach to underlying plan rules

Some submissions suggested that the provisions of the proposed NES-P relating to underlying plan rules should align with the equivalent provisions of the proposed NES-DMRU.

One submitter also suggested that where the applicable district plan rules are not met, the matters considered in consent decision-making should refer back to the plan provisions for those activities rather than matters of discretion defined in the NES-P.

Types of district plan rules that should continue to apply

A few submitters questioned why stormwater rules were not included in the proposed list of underlying plan rules to still apply. Submitters suggested other rule types that should continue to apply, including those relating to:

- matters regulated by codes of practice under other legislation (eg, the Building Code, New Zealand Transport Agency rules about developments with direct access to main highways, and codes of practice relating to setbacks from electricity transmission facilities)
- rules to protect residents from noise of state highways
- rules to protect residents from noise from ports and airports
- setbacks from wetlands
- protection for flood control infrastructure and electricity networks
- managing reverse sensitivity (discussed in section 2.3.3.3)
- section 6 matters such as historic heritage, sites of significance to Māori and outstanding natural landscapes.

The New Zealand Transport Authority (NZTA) also submitted that rules relating to traffic generation should also continue to apply.

Conversely one council suggested that underlying plan earthworks provisions should not apply. However, some other councils submitted that earthworks rules should apply because they are necessary to prevent adverse effects on waterways.

Regional plan rules

The Waikato River Authority submitted that all regional plan rules should continue to apply, to ensure its Treaty settlement is upheld. A few regional councils also wanted the NES-P to be clearer that regional plan rules and consents would still apply.

Permitted non-residential activities

Ensuring non-residential activities are consistent with the purpose of papakāinga

Most submissions that referred to the proposal to permit ancillary non-residential activities were supportive. A few submitters considered that the description of permitted ancillary non-residential activities should be qualified to require that the activity must be consistent with the purpose of papakāinga.

A few submitters suggested that permitted activities should be defined by their purpose or size, instead of limiting them to specific, listed activities.

Others submitted that there should be no restriction to the types of activities permitted, as this should be determined by landowners. This is discussed further in section 2.3.6.2.

Additional permitted non-residential activities

A few submitters suggested that additional non-residential activities should be included, such as:

- shared kitchen and toilet facilities
- sheds, decks, water tanks, and other structures needed to support residential units
- community facilities
- integrated cultural and commercial activities.

Defining permitted cultural activities

A few submitters suggested that additional cultural activities should be permitted. Suggestions included kapa haka, toi, tangihanga, hāngi pits and mahinga kai.

Others suggested that the NES-P should not list the permitted cultural activities as it is inappropriate for national regulations to define and limit the types of cultural activities on a papakāinga.

Size of non-residential activities

A few submitters suggested that the maximum floor area for commercial activities should be increased. One submitter thought that any commercial activities that serve iwi members should be permitted. Another noted that the 100-square-metre limit would not accommodate the full range of Māori enterprise that could support papakāinga which includes activities such as horticulture, tourism and education.

Suggestions included increasing the limit to 250 square metres or removing the limit altogether. A few considered the proposed 100-square-metre limit appropriate, or too large. Others suggested alternative or additional descriptions for commercial activities, such as home business.

One submitter argued that the rules should ensure the scale of permitted non-residential activities is proportionate to the scale of the papakāinga.

2.3.2.3 Analysis of submissions and proposal

Activity standards for building coverage and setbacks

Setbacks

The proposed standards for minimum setbacks from boundaries in rural zones were designed to provide for smaller setbacks than is typical for rural zones. This is to ensure that the NES-P is effective at enabling housing on whenua Māori, which is often located in rural zones. Large setbacks have been identified as a factor that restricts housing on rural whenua blocks.

Nevertheless, increasing the minimum setbacks from boundaries with neighbouring properties for papakāinga in rural zones from three metres to five metres is a reasonable compromise to address some of the concerns raised by submitters. This approach reduces the likelihood of

residents being affected by neighbouring rural activities. Managing reverse sensitivity effects is also discussed in section 2.3.3.3.

Officials recommend increasing the minimum setback from all boundaries in residential zones to 2 metres, to ensure access for emergency services. This will also align with the proposed NES-DMRU, which will assist councils to implement the two national direction instruments.

Building coverage

Officials consider that building coverage limits are needed to provide a minimum level of private open space. However, the proposed 50 percent building coverage is a maximum limit and in practice most rural papakāinga would be much less dense than this. Arguments from submitters for decreasing the building coverage limit mostly relate to the character of the surrounding, often rural, area. Limiting papakāinga to protect the surrounding character of an area conflicts with the policy intent to prioritise landowner autonomy and decision-making.

Officials consider that varying the building coverage standards for different site sizes is unnecessarily prescriptive. This does not align with the policy intent to make papakāinga rules more flexible.

Officials do not recommend changing the proposed standards for building coverage.

Certain plan rules would still apply

Types of district plan rules that should continue to apply

Officials agree with submitters that stormwater rules are necessary to protect water catchments and prevent erosion and flooding. Officials consider stormwater rules should be added to the NES-P provision listing underlying plan rules that continue to apply to papakāinga.

The proposed NES-P is intended to address issues in relation to district planning and consenting under the RMA. Officials agree with submitters that it should not override rules made under other legislation but the NES-P does not need to be changed to ensure that is the case.

Officials consider that some district plan rules to protect residents from road noise from state highways or local roads may be unnecessarily restrictive, especially on small sites where large setbacks from roads might be difficult to achieve. Officials consider these underlying rules should not apply to papakāinga as landowners should be able to decide whether setbacks from roads to avoid noise are necessary in the context of their papakāinga. Officials do not recommend any change to the NES-P in response to submissions on this matter.

Officials consider that district plan rules to protect residents from noise in proximity to airports and ports should continue to apply as they are location specific. They are needed to ensure residents are not subject to excessive noise levels and protect the operations of airports and ports from reverse sensitivity effects. Officials recommend that rules about noise from airports and ports be added to the NES-P list of underlying plan rules that continue to apply.

Officials consider that plan rules around flood control infrastructure and electricity networks should also be maintained as they are necessary to protect the operation of nationally and regionally important infrastructure. Officials recommend the NES-P proposal be updated to ensure they are protected.

Setbacks from wetlands are necessary to protect these sensitive environments from degradation. Officials recommend the proposal be updated to ensure plan rules for setbacks from wetlands continue to apply.

District plan overlays for historic heritage, outstanding natural features and landscapes, and wāhi tapu ensure these matters of national importance are recognised and provided for. Overlays for outstanding natural features and landscapes are also used to give effect to the New Zealand Coastal Policy Statement. Officials recommend the NES-P proposal be amended to ensure they continue to apply.

Officials consider earthworks rules are also necessary to protect waterways from run-off from papakāinga developments and for stability and erosion control purposes. Officials recommend that the requirement for papakāinga to meet earthworks rules in plans be retained. Plan rules around permeable surfaces are often also used to prevent run-off but officials consider this is addressed by the building coverage limit in the NES-P. Officials recommend permeable surface rules be removed from the list of underlying plan rules that apply to papakāinga as they may otherwise unnecessarily limit the scale of papakāinga development.

Approach to underlying plan rules

The proposed NES-DMRU is intended to specify that 'any rule or standard in a district or unitary plan that is not in the list of applicable rules of the underlying plan will not apply'.

The NES-P proposal lists underlying district rules in district or combined plans that will continue to apply to papakāinga development and other activities and development proposed to be regulated through the NES-P (eg, non-residential ancillary activities). However, the types of rules included in the list are slightly different from those proposed in the NES-DMRU. The overall relationship between the NES-P and NES-DMRU is discussed further in section 2.3.5.2.

Officials consider that different plan rules are needed to manage the likely effects of up to 10 residential units and some ancillary activities that will be quite different from the effects of a single, small minor residential unit. Therefore, no change to the underlying plan rules listed in the NES-P is required for the purpose of ensuring exact alignment between the two instruments.

Officials consider that it will help councils to implement the NES-P if it is clarified that all other district plan rules not listed in the NES-P will not apply. Officials recommend that the NES-P proposal is amended to clarify that all district rules in district or combined plans not listed in the NES-P will not apply.

The notified proposal set out, in a permitted activity standard, the district plan rules that must be met for papakāinga development to be a permitted activity. A restricted discretionary activity was also proposed for papakāinga development that did not comply with one or more of those underlying plan rules.

Officials consider that the proposal should be amended so the application of the NES-P addresses which district rules in district or combined plans would continue to apply to papakāinga development once the NES-P is operative.

The district rules in district or combined plans that are recommended to continue to apply to papakāinga development and other activities and development included in the NES-P are rules related to:

- setbacks from waterways and wetlands
- setbacks from rail corridors

- building height
- earthworks
- lighting
- noise
- accessways
- traffic generation
- road network
- wastewater and water supply
- natural hazards
- flood control infrastructure
- relocatable buildings
- green infrastructure
- setbacks from regionally and nationally significant infrastructure
- stormwater
- noise from airports and ports
- electricity networks.

Officials recommend that the NES-P proposal is amended to reflect this list of matters where district rules would continue to apply in district and combined plans to papakāinga development and other activities and development included in the NES-P.

Officials also recommend that the proposed restricted discretionary activity category for papakāinga development that does not meet the applicable district or combined plan rules (RD2 in the notified proposal, and associated matters of discretion (RDM2)) should be removed from the proposal as a separate consent category (see also section 2.3.3.3 under 'Other drafting matters' for implications of this for matters of discretion overall). The proposed RD1 category is recommended to be amended to include permitted papakāinga development that does not comply with any of the applicable district rules in district and combined plans (refer to recommendation 40).

Regional plan rules

The proposed list of plan rules that would continue to apply to papakāinga development was intended to include all rules to protect the rivers and river catchments. This is in accordance with Treaty settlement commitments to uphold Te Ture Whaimana o Te Awa o Waikato (the vision and strategy to restore the health of the Waikato River) and other Treaty settlement arrangements related to protecting rivers and their catchments such as the Waikato River Authority Joint Management Arrangements.

However, officials consider the NES-P proposal should be amended to explicitly specify that all regional plan rules will continue to apply because they are necessary to protect the natural environment and health and safety of residents.

Permitted non-residential activities

Ensuring non-residential activities are consistent with the purpose of papakāinga

Officials agree with submitters that the NES-P should only enable non-residential activities that are ancillary to the primarily residential purpose of papakāinga. The existing district rules in district or combined plans are intended to apply to other activities that are not ancillary to papakāinga so that potential effects on the natural and built environment are appropriately considered. The provisions relating to ancillary non-residential activities are recommended to be amended accordingly.

Officials also recommend a minor wording change to clarify that the permitted activity standards and applicable district rules in district or combined plans that apply to permitted papakāinga also apply to permitted ancillary non-residential activities on papakāinga.

Additional permitted non-residential activities

Permitting shared kitchen and toilet facilities would enable guests to stay temporarily for occasions such as tangihanga and to reconnect with their land and whānau. This would support the cultural function of papakāinga, including the relationship between Māori and their ancestral lands. Permitting structures needed to support residential units, such as water tanks, sheds and decks, would also enable owners to use their land and live on papakāinga in accordance with their culture. Officials recommend these facilities and structures be added to the provision describing the permitted non-residential activities.

Officials consider that many of the other suggestions from submitters on additional non-residential activities would be covered by the activities already proposed. For example, community facilities would be enabled under the definition of 'sports and recreation facilities' and combined cultural and commercial facilities would be permitted under the definitions of 'cultural activities' and 'commercial activities'.

Defining permitted cultural activities

Officials consider that landowners should be able to determine the types of cultural activity that are appropriate on their papakāinga. This would align with the intent of the proposal to enable Māori landowners to develop papakāinga in accordance with their cultural traditions. That said, many of the activities suggested by submitters do not need to be included in the NES-P because they do not come under council control.

Officials recommend the proposed provision for permitted Māori cultural activities (PA3) is amended so that it enables rather than limits Māori cultural activities. A new definition of 'Māori cultural activities' is also recommended to help councils interpret this provision. It is intended to include a non-exhaustive list of types of activities that might be considered 'Māori cultural activities', to assist interpretation. It should not include activities that do not come under council control such as kapa haka, toi, tangihanga, hāngi pits, mahinga kai and māra kai.

Officials also recommend a minor wording change to clarify that the activity standards and applicable district rules in district and combined plans for permitted papakāinga also apply to Māori cultural activities on papakāinga.

Scale of non-residential activities

The notified proposal only specified the building size limit for ancillary non-residential activities for commercial activities as being up to 100 square metres. A size limit was not set for educational facilities, health facilities and sports and recreation activities. This could have

resulted in an unintended consequence of large facilities being permitted with an additional 100 square metres of floor area for commercial activities.

Officials consider that the NES-P should provide for small-scale commercial activities that allow landowners greater autonomy to develop either single or multiple commercial activities to support the viability of papakāinga. However, any non-residential activity should be smaller in scale and ancillary to the residential units on papakāinga.

Officials also consider that limiting the size of health facilities, educational facilities and sports and recreation facilities is necessary to limit the effects on the natural and built environment, such as the impact on traffic.

Officials recommend the proposal be amended to remove the 100-square-metre size limit for commercial activities. Instead, the proposal should provide that the combined floor area of all non-residential buildings on papakāinga must comprise no more than 50 percent of the combined building floor area of residential units in the papakāinga.

2.3.2.4 Recommendations

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

Key recommendations

Permitted activity standards

Do not change the 50 percent maximum building coverage in zones for residential and rural purposes and keep the same maximum building coverage as the underlying zone in zones for Māori purposes (see recommendation 37).

Increase the minimum setbacks from site boundaries in zones for residential purposes to 2 metres (see recommendation 38a).

Increase the minimum setbacks in zones for rural purposes to 5 metres from boundaries with neighbouring properties (see recommendation 38b).

Underlying plan rules

Expand the list of district plan rules that will continue to apply, where they are necessary to protect the environment and the wellbeing of papakāinga residents (see recommendation 3).

Clarify that district plan overlays for historic heritage, outstanding natural features and landscapes, and wāhi tapu continue to apply (see recommendation 4).

Clarify that any district rule or standard in a district or combined plan that is not in the list of applicable district rules of the district or combined plan will not apply to papakāinga (see recommendation 3).

Clarify that all rules and standards in regional plans will continue to apply to papakāinga (see recommendation 2).

Non-residential activities

Amend the description of permitted ancillary non-residential activities to clarify that they should be 'subsidiary to' and 'support' the primarily residential purpose of papakāinga (see recommendation 35a).

Expand the list of permitted ancillary non-residential activities to include shared kitchens and bathrooms, and tanks, sheds and decks (see recommendation 35b).

Clarify that the permitted activity standards and applicable district rules in district or combined plans for residential activities for papakāinga also apply to ancillary non-residential activities on papakāinga (see recommendations 2 and 35).

Amend the description of Māori cultural activities in PA3 so that the list of activities included is replaced with a statement that Māori cultural activities are permitted on papakāinga (see recommendation 36).

Add a new definition for 'Māori cultural activities' (see recommendation 60).

Clarify that the district rules in district or combined plans for permitted papakāinga also apply to Māori cultural activities on papakāinga (see recommendations 2 and 36).

Amend the description of permitted non-residential activities to provide that the maximum combined floor area of all non-residential buildings is 50 percent of the total combined floor area of residential units in the papakāinga (see recommendation 35c).

2.3.3 Topic 3: Restricted discretionary activities

2.3.3.1 Proposal

The proposed NES-P would provide a restricted discretionary consenting pathway for papakāinga that do not meet the permitted activity standards, have between 11 and 30 residential units, or are located on Treaty settlement land. Papakāinga of more than 30 residential units would be a discretionary activity.

2.3.3.2 Key issues from submissions

Most submitters supported the restricted discretionary consenting pathway for papakāinga as described in the proposal. Some submitters suggested that the rules for restricted discretionary activities could be improved through changes to the wording.

Treaty settlement land and other PSGE land

Treaty settlement land

A few iwi, councils and other submitters argued that papakāinga on Treaty settlement land should be a permitted activity rather than a restricted discretionary activity as proposed. Some iwi submitted that the restricted discretionary status would impose unnecessary barriers and undermine the intent of Treaty settlement redress.

One iwi submitted that the proposed requirement to demonstrate ongoing Māori ownership for larger developments on Treaty settlement land should be retained and extended. The submitter considered that this would prevent NES-P rules from being used for developments that would result in the sale of Māori land. It also noted this requirement would uphold mana whenua authority and protect the integrity of papakāinga for future generations.

General land held by PSGEs

A few submitters suggested that the restricted discretionary activity status for papakāinga on Treaty settlement land should be extended to apply to any general land held by a PSGE.

All general land owned by Māori

A few councils submitted that papakāinga on general land owned by Māori should be enabled as a restricted discretionary activity, to ensure that protocols could be put in place with tangata whenua to verify whakapapa. Some of the councils who submitted on this matter have already established protocols to undertake this work.

Subdivision

Some submitters addressed the question¹⁵ of whether the NES-P should include rules preventing future subdivision of papakāinga, to ensure that the rules are not used to develop commercial housing for sale on the open market. Submissions on this issue were divided but most opposed such rules, for a variety of reasons. These included that a blanket rule would be limiting, that subdivision is already addressed in planning rules, and that 'the NES-P should not unduly prevent the owners of Māori general land to exercise autonomy over their whenua and build wealth'.

Alternative matters of discretion

Submitters suggested the following be added to the matters of discretion for all papakāinga applying for consent on the restricted discretionary pathways:

- whether iwi and hapū had been consulted on the proposed papakāinga
- whether the proposed papakāinga is consistent with mana whenua values or tikanga
- whether the benefits of the papakāinga outweigh the negative effects.

Suggestions included adding the following matters of discretion for particular restricted discretionary activities:

- whether landowners' mātauranga, or proposed solutions based on mātauranga Māori, should be a matter of discretion to mitigate potential effects where the activity standards are not met
- the extent to which councils could manage the additional demand on public infrastructure should be a matter of discretion for papakāinga of 11 to 30 residential units
- electricity network capacity should be a matter for discretion for papakāinga developments of 11 to 30 residential units.

Other submitters suggested removing the following from the matters of discretion for papakāinga not in zones for residential purposes, rural purposes or Māori purposes and papakāinga of between 11 and 30 residential units:

- whether the scale of development changes the overall character of the underlying zone
- whether adjacent properties are affected by visual domination and loss of privacy.

One submitter suggested that minimum setback standards should replace the restricted discretionary activity status for developments next to intensive indoor primary production, mining, quarrying or rural industry.

¹⁵ See question 70 in: Ministry for the Environment. 2025. [Package 1: Infrastructure and development – Discussion document](#). Wellington: Ministry for the Environment.

Other minor drafting matters

Other submitters suggested minor drafting amendments to clarify how the restricted discretionary activities and matters of discretion are applied.

One submitter suggested removing the word ‘surrounding’ from the phrase ‘safe and efficient operation and functioning of the surrounding transport network’ in the matters for discretion for papakāinga developments outside the zones specified in the NES-P.

2.3.3.3 Analysis

Treaty settlement land and other PSGE land

Treaty settlement land

Officials consider that papakāinga on Treaty settlement land should remain a restricted discretionary activity, rather than becoming a permitted activity (as noted in section 2.3.1.4 under ‘Permitting papakāinga more widely’). This would ensure that the NES-P enables papakāinga that support the long-term intergenerational occupation and use of that land by the owners, as kaitiaki, in accordance with tikanga Māori. Generally, Treaty settlement land that is developable for papakāinga purposes will be general title land that is surplus to Crown requirements (eg, a former school site). As general title land, it would not be subject to any of the legislative provisions that govern subdivision and sale of ‘Māori ancestral land’ (and, in particular, Māori freehold land). To prevent misuse of the NES-P rules, such land must be subject to a consenting pathway that requires the applicant to commit to keeping the land as papakāinga for the long term. Officials therefore do not recommend any changes to the activity status for Treaty settlement land.

General land held by PSGEs

The suggestion from submitters that any general land (not just Treaty settlement land) held by PSGEs should have restricted discretionary activity status (see section 2.3.1.4) would be consistent with the proposed treatment of Treaty settlement land and the policy intent to better enable papakāinga. Some PSGEs are actively purchasing general title land for papakāinga developments, partly due to the scarcity of suitable Māori land. Officials recommend that the restricted discretionary activity category for papakāinga on Treaty settlement land should be broadened to include any general land owned by a PSGE within its area of interest.¹⁶

All general land owned by Māori

Extending the proposal to permit papakāinga on all general land owned by Māori (ie, general freehold title land that is not included within the definition of ‘Māori ancestral land’) was not contemplated in the notified proposal. Officials consider that such a change would carry a risk of widespread unintended consequences that would be inconsistent with the policy intent. As previously noted, councils would be able to retain more permissive rules, or introduce more lenient provisions for papakāinga (eg, on general land), if they were more enabling than the NES-P. Officials do not recommend any changes to the proposal on this matter.

Subdivision rules

Submissions on whether the NES-P should include rules to prevent subsequent subdivision were divided. However, along with most of the submissions on this topic, officials consider

¹⁶ ‘Area of interest’ as defined in Treaty settlement legislation.

such provisions would unreasonably inhibit landowners' autonomy. Officials do not consider that any changes to the proposal are required to prohibit future subdivision of papakāinga on general land.

Alternative matters of discretion

Iwi and hapū consultation

Officials do not consider that whether iwi and hapū have been consulted should be a matter of discretion. Councils should meet their obligations under the RMA and Treaty settlements to consult with iwi and hapū on consent applications, where they apply. The NES-P does not override these obligations. Making decisions subject to iwi consultation would also not be consistent with the proposed NES-P policy intent to better enable landowners to make their own decisions about using their land.

Tangata whenua values and tikanga

Officials have tried to minimise the extent to which the NES-P defines te ao Māori values and concepts. The proposal has only offered such definitions where necessary to enable councils to provide greater certainty in interpreting the provisions. Officials therefore recommend that matters of discretion should not be changed to include the matter of whether tangata whenua values and tikanga are upheld.

Mātauranga Māori as a mitigation to adverse effects

Papakāinga proposals may include mātauranga Māori about the site or information relating to traditional practices that may mitigate adverse effects of the papakāinga development. Officials consider that this knowledge should be a consideration where rules and standards intended to protect the land, waterways and people are not met. Officials therefore recommend amending the matter of discretion relating to the mitigation of adverse effects, so that it explicitly includes mitigations based on mātauranga Māori. This would be consistent with the policy intent.

Benefits of papakāinga

The purpose of the matters of discretion is to ensure decision-makers balance the purpose of the NES-P (to provide landowners with more freedom to develop papakāinga and enable them to experience the benefits from the development) against the effects of the papakāinga exceeding the limits or not complying with rules for permitted activities. Officials therefore recommend that the benefits of papakāinga should be added to any matter of discretion where it is not already clear that the benefits should be considered.

Increased demand on public infrastructure and electricity supply

Officials do not expect that the number of papakāinga being developed under the proposed rules will place significant additional strain on council-provided infrastructure. Officials consider that councils should undertake their own modelling to ensure sufficient infrastructure capacity. In addition, many papakāinga will be located in rural areas without public drinking-water, wastewater and stormwater services and will be responsible for providing their own infrastructure. Compliance with relevant regional and district plan rules as specified in the NES-P (as discussed in section 2.3.2.3 under 'Certain plan rules would still apply') would ensure adequate provision of stormwater, wastewater and drinking-water services in those circumstances.

Papakāinga of more than 10 residential units would, however, place additional demand on electricity supply. This could cause problems in rural areas with limited electricity network

capacity. Officials consider an assessment of electricity supply capacity and cumulative effects should be a consideration and should be added to the matters of discretion for papakāinga of 11 to 30 residential units. Recommendations for the drafting of matters of discretion for all restricted discretionary activities are discussed further under 'Other drafting matters' below.

Character, visual effects, and privacy

Officials agree with the submitter that consideration of the effects of papakāinga on the character of the underlying zone and the visual effects or loss of privacy, in consent decisions, could be detrimental to the enabling intent of the NES-P. However, officials consider that the potential effects of building height and scale on the surrounding context should be balanced against the potential benefits of the papakāinga in consent decisions. Recommendations for how the NES-P describes the potential environmental effects to be considered in the matters of discretion for all restricted discretionary consent decisions for papakāinga are discussed below under 'Other drafting matters'.

Replacing restricted discretionary rule with minimum setbacks to manage reverse sensitivity

Officials consider minimum setback standards are a blunt approach to managing reverse sensitivity and health effects for papakāinga developments next to intensive indoor primary production, mining, quarrying or rural industrial activities. They do not take into account the characteristics of the site, the papakāinga and the activity, which will be different in each papakāinga. Officials consider that the proposed restricted discretionary activity and matters of discretion better ensure that the unique context of each papakāinga is taken into account. No change to the proposal is recommended.

Other drafting matters

Officials recommend other minor drafting changes are made to improve the clarity and workability of matters of discretion. These are outlined in the recommendations table in attachment A and the precise wording can be resolved through drafting.

These changes include removing the word 'surrounding' from the phrase 'safe and efficient operation and functioning of the surrounding transport network'. Officials agree with the submitter that the effects on the operation and functioning of the transport network could occur more widely than just the surrounding area.

Officials also make the following recommendations.

- All the matters of discretion are amended to ensure councils may consider the potential environmental effects and positive benefits of papakāinga that requires a consent for a restricted discretionary activity.
- The proposed matters of discretion for all restricted discretionary activities are amended to better reflect the nature, scale and potential effects of the activity and development being considered. Key considerations are intended to relate to the appropriateness of the scale of the papakāinga or non-residential ancillary development to its context, potential effects of the development, the capacity and availability of infrastructure and social, economic and cultural benefits to Māori of continued use of land in accordance with tikanga Māori and mātauranga Māori. Detailed recommendations on these matters are included in attachment A.
- Remove the extent to which options for siting the papakāinga are available to the landowners from where they were included in any of the proposed matters of discretion.

Councils considering this would require applicants to provide evidence of alternative options that would impose more compliance burden on the landowners. Officials consider this does not align with the intent of the NES-P to reduce consenting requirements.

2.3.3.4 Recommendations

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

Key recommendations

Retain the proposed restricted discretionary activity status for papakāinga that do not meet the permitted activity standards or have between 11 and 30 residential units (see recommendations 40 and 52).

Amend the proposal that papakāinga on Treaty settlement land that meet the permitted activity standards is a restricted discretionary activity so that it applies to all land owned by a PSGE, not just Treaty settlement land, and rename the provision 'Papakāinga development on land held by a post-settlement governance entity' (see recommendations 43 and 44).

Amend the matters of discretion to describe matters that resource consent decision-makers should consider when assessing landowners' proposals, including those based in mātauranga Māori, to mitigate the effects of not complying with activity standards (see recommendation 41).

Amend the matters of discretion for considering restricted discretionary activities and remove from the matters for discretion the extent to which alternative options for siting the papakāinga are available to the landowners (see recommendations 41, 51 and 55).

Remove the word 'surrounding' from the phrase 'safe and efficient operation and functioning of the surrounding transport network' (see recommendation 55).

Make other amendments to the matters of discretion to include the relevant environmental effects and benefits of papakāinga relating to:

- whether the environmental effects can be managed
- whether the proposed papakāinga is appropriate in its context
- whether there is sufficient existing or new infrastructure capacity available to service the papakāinga
- the purpose and benefits of the papakāinga

(see recommendations 41, 45, 47, 49, 51, 53 and 55).

2.3.4 Topic 4: Iwi and hapū participation

2.3.4.1 Proposal

Potential consequence of removing the consent requirements for smaller papakāinga

Under the proposed NES-P, iwi authorities would not be notified of some smaller (up to 10 residential units) papakāinga developments in their rohe, because a resource consent would no longer be required.

The proposal provides for limited notification of papakāinga with restricted discretionary activity status. Notification of those developments is limited to iwi authorities, joint management entities, the New Zealand Transport Agency (if the development will access a state highway), local authorities and neighbours adjacent to the site.

Beyond these provisions, the proposal does not include any new provisions, or changes, to Treaty partnership approaches developed by councils with iwi or hapū.

2.3.4.2 Key issues from submissions

Exercise of kaitiakitanga

A small number of PSGEs were concerned that removing resource consent and notification requirements for smaller papakāinga could undermine their kaitiaki responsibilities to protect wāhi tapu and other culturally significant areas.

Tangata whenua involvement in developing district plan rules

Some PSGEs and councils also submitted that:

- iwi and hapū should be involved in setting planning rules for papakāinga in their rohe, or
- existing papakāinga rules that have been developed in consultation with tangata whenua should be retained, particularly where these were developed in line with Treaty settlement arrangements or iwi management plans, or
- councils should be able to retain more stringent provisions than those in the NES-P, where those provisions were developed with tangata whenua.

Several submitters supported the proposed provisions to enable district plan rules to be more lenient than the NES-P as this would continue to provide an opportunity for tangata whenua involvement in the development of local rules.

2.3.4.3 Analysis of submissions and proposal

Exercise of kaitiakitanga

Removing the resource consent requirement for smaller papakāinga developments may affect the exercise of kaitiakitanga by iwi and Māori. This unintended consequence could have adverse impacts where smaller papakāinga developments are situated on, or in proximity to, wāhi tapu or other sites of significance, but the developers are unaware of the mātauranga related to the whenua.

However, where a site or area of significance to Māori has been documented by a council in the district plan, the relevant underlying plan rules will continue to apply. It may also be possible for councils to develop non-statutory processes to notify iwi and hapū of permitted papakāinga proposals. This topic is discussed further in section 2.3.6.2 in the context of Treaty settlements.

Tangata whenua involvement in developing district plan rules

The NES-P would not override protocols developed by councils with iwi or hapū that provide for their participation in plan-making, or for iwi and hapu management plans to be considered in plan development, consistent with sections 6, 7 and 8 of the RMA. Councils should still work in partnership with mandated entities to develop papakāinga rules in their districts. Councils would need to consider whether any more lenient rules for papakāinga are required to respond to local circumstances in their districts.

Officials consider that it would be not possible for the NES-P to provide for more stringent provisions without considerably reducing the effectiveness of the NES-P to achieve the policy intent.

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

No change

2.3.5 Other matters

2.3.5.1 Determining if rules are more lenient

Key issues from submissions

Almost all submitters who commented on the proposal that district plan rules could be more lenient than the NES-P (under the leniency provision in section 43B(3) of the RMA) supported this proposal. However, many submitters expressed uncertainty about what effect the provision would have in practice.

Analysis and recommendations

The proposed leniency provision was included to ensure the NES-P achieves the policy intent to enable papakāinga. Existing district plan provisions should continue to apply if they enable landowners to use their land for papakāinga when the NES-P does not; or allow landowners more freedom to decide the activities on the papakāinga than the NES-P does; or both.

In other words, if existing plan rules enable more homes or more activities on papakāinga than the NES-P, they would be considered more lenient.

Officials do not propose any change to the leniency provision proposed in the NES-P. Guidance alongside the NES-P could assist councils to interpret how the leniency provision should be applied.

2.3.5.2 Interaction with other national direction instruments

Key issues from submissions

Some submitters requested more clarity about the interaction of the NES-P with existing national direction instruments, in particular the National Policy Statement for Highly Productive Land (NPS-HPL).

Officials also received some submissions questioning how the proposed NES-DMRU and the proposed National Policy Statement for Natural Hazards (NPS-NH) would interact with the NES-P.

Analysis and recommendations

The NES-P is not intended to override any other existing or proposed national direction. Officials consider that implementation guidance, rather than changes to the NES-P, may be necessary to clarify how the interaction between national direction would play out in practice.

While the NES-P and NES-DMRU describe some matters differently, where possible the intention is that the two instruments align, so they will be easier to implement. Section 2.3.2.3 discusses some aspects of this further.

The proposed NES-P specifies that underlying plan rules for natural hazards will still apply to papakāinga development. This means underlying plan rules that councils develop to implement the NPS-NH would apply.

2.3.5.3 Monitoring and development plans

Key issues from submissions

The NES-P proposal would require councils to report the number of papakāinga developed under the permitted activity rules to MfE. A few councils submitted that it would be difficult to collect information for reporting on the number of papakāinga developments progressed under the NES-P. This information would usually be collected from consent applications. As consent would no longer be required for many papakāinga developments, councils would have no mechanism to collect the information.

One iwi suggested that a robust monitoring framework for the NES-P should be co-developed with tangata whenua. This would include monitoring indicators that reflect tikanga and mātauranga Māori.

A few submitters suggested that the NES-P could require papakāinga developers to provide development plans (also called structure plans) as a condition of the permitted activity status. They submitted that this could help councils support papakāinga developers to plan how they will meet requirements for permitted activity status. Submitters considered that it would also help whenua owners make good design decisions to ensure the papakāinga functions as intended.

Analysis and recommendations

Officials consider it would not be appropriate to require councils to report on permitted activities as there is no efficient means by which this information could be recorded. Officials recommend the monitoring requirement be removed from the NES-P.

Officials agree that development plans could potentially be a useful tool for councils and landowners. However, the RMA does not enable any national environmental standards to place a condition on a permitted activity. Officials do not recommend the proposal should be amended to include a requirement for a development plan.

2.3.5.4 Other definitions

Officials received several submissions suggesting minor wording changes to clarify definitions and other aspects of the proposed NES-P. Officials consider those changes should be implemented where they add clarity and are consistent with the policy intent. Officials recommend using definitions that already exist in the National Planning Standards 2019 or other legislation where they are fit for their intended purpose in the NES-P. Consistency with the existing standards and legislation reduces complexity and makes implementation easier.

Officials received the suggestion that a definition for the term 'site' should be added to the proposal. The National Planning Standards 2019 definition for 'site' could be included in the NES-P to clarify how the NES-P applies. Officials recommend adding 'site' as a defined term.

One submitter objected to the term 'kāinga nohoanga' being included in the definition of papakāinga development. They noted that 'kāinga nohoanga' has specific meaning only relevant to their iwi. Officials note that 'papakāinga/kāinga nohoanga' is a defined term in some district plans. Officials consider the term 'kāinga nohoanga' is not needed in the definition of papakāinga development and should be removed to avoid any unnecessary confusion.

One submitter suggested that the NES-P definition of 'zones for rural purposes' should include the 'rural lifestyle zone' as defined in the National Planning Standards 2019. Officials agree that rural lifestyle zones would be suitable places for papakāinga, like those in other zones for rural purposes, to be built. Officials recommend the proposal is amended to include 'rural lifestyle zone' in the definition of 'zones for rural purposes'.

The proposal is also not clear about what is meant by the term 'healthcare facilities'. Officials consider a definition for 'healthcare facilities' should be added to the NES-P to assist interpretation.

Submissions and recommendations on definitions for Māori ancestral land and Māori cultural activities are discussed in sections 2.3.1 and 2.3.2 respectively.

2.3.5.5 Minor drafting matters

A few submitters noted that the proposal needs to be clearer that the limit on visitor accommodation should not apply to limit the number of visiting whānau. The provision was intended to apply only to visitor accommodation for paying customers. Officials consider the proposed definition is clear that visitor accommodation is paid for by a tariff (a list of fixed prices charged, eg, by a company for services or by a hotel for rooms) and no changes are needed.

2.3.5.6 Other suggestions that could be addressed in the future

Officials received many other suggestions that they consider merit further consideration. However, officials also don't think due consideration of these matters is possible within the time constraints of the current process to develop and amend national direction. The suggestions included the following.

- Some submissions suggested that tikanga and mātauranga Māori should be applied more broadly to rules and decision-making for papakāinga. However, while this would be consistent with the policy intent, officials consider that tikanga and mātauranga Māori can only be determined by iwi and Māori as tangata whenua. Extensive consultation with iwi, hapū and Māori landowners would be required to determine how tikanga and mātauranga Māori could be applied more broadly.
- A few submitters suggested that criteria and processes for monitoring implementation of the NES-P should be co-developed and co-led with iwi and Māori. This approach would give effect to the Treaty principle of partnership.
- Some submitters noted that other barriers to papakāinga development, such as provision of infrastructure and limited availability of finance for developing whenua Māori, also needed to be addressed. This would improve equity between Māori and non-Māori citizens.
- The New Zealand Planning Institute suggested that more consistency could be provided by including permitted standards for access, waterways and water supply rather than relying on the rules of the relevant district plan. This would simplify implementation and ensure unnecessarily restrictive district and regional plan rules do not apply. Officials agree that there would be merit in exploring this option in the future.

Officials also received a few submissions raising concerns about possible effects of other recent and proposed law changes including the Regulatory Standards Bill 155-1 and consultation on changes to Te Ture Whenua Māori Act 1993. Officials do not consider that potential impacts of recently enacted and proposed legislative changes can be managed through changes to the NES-P as it is not primary legislation.

Officials also received a suggestion that the Crown should not have jurisdiction over whenua Māori and the proposal risks embedding the undermining of Māori rights and interests (tino rangatiratanga and tikanga). However, the NES-P proposal was designed within the current regulatory frameworks. A wider review of the legal frameworks for regulating development on whenua Māori would be required to address this suggestion.

2.3.5.7 Recommendations

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

Key recommendations

Amend the proposal definition of ‘zones for rural purposes’ to include the ‘rural lifestyle zone’ (see recommendations 33).

Remove the proposed monitoring requirements (see recommendation 39).

Add the National Planning Standards 2019 definition for ‘site’ (see recommendation 59).

Remove ‘kāinga nohoanga’ from the definition of ‘papakāinga development’ (see recommendation 19).

Add a new definition for ‘healthcare facility’ (see recommendation 61).

2.3.6 Other considerations

2.3.6.1 Part 2 RMA

Context

Officials are required to consider 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

Some submitters expressed concern that the proposal did not address matters of national importance under section 6 of the RMA such as protection of wāhi tapu, outstanding natural features, significant natural areas and historic heritage.

Some submitters suggested that section 5 matters should be incorporated into the matters of discretion related to restricted discretionary activities. This would require councils to consider section 5 of the RMA when assessing consent applications where applicable rules

from the underlying plan were not complied with (eg, safeguarding the life-supporting capacity of land and water).

Some submissions related to sections 6(e) and 8 of the RMA. These include concerns analysed above that:

- iwi and hapū should be more involved as partners in decision-making (refer to section 2.3.4.2)
- the proposal embeds existing frameworks that do not recognise tino rangatiratanga (refer to section 2.3.5.6)
- iwi and hapū would not be informed about papakāinga as a permitted activity (refer to section 2.3.4.2)
- the NES-P would override local provisions developed in partnership with tangata whenua (refer to section 2.3.4.2).

However, many submitters who expressed support for the NES-P considered that by enabling landowners more decision-making over their land, the NES-P proposal supports tino rangatiratanga. Many noted that it recognises Māori landowners as tangata whenua who have cultural connection to whenua and communal living. This aligns with section 6(e) of the RMA.

Analysis of submissions

Section 6 of the RMA lists matters of national importance that anyone exercising functions and powers under the RMA, in relation to managing the use, development and protection of natural and physical resources, shall recognise and provide for. One of these matters (section 6(e)) is the relationship of Māori and their culture and traditions to their ancestral lands, water, sites, wāhi tapu and other taonga.

The NES-P has been specifically developed to address an issue related to the matters described in section 6(e) of the RMA. It addresses the fact that some district plans do not adequately enable Māori landowners to use their land to develop papakāinga in recognition of their connection with the land and in accordance with their culture and traditions.

The NES-P also includes provisions to ensure underlying plan rules that recognise and provide for other matters relating to sections 5 and 6 of the RMA will be upheld. For example, the underlying plan protections for waterways, wetlands and water catchments align with:

- the purpose of the RMA to promote the sustainable management of natural and physical resources (section 5)
- the preservation of wetlands, lakes and rivers and their margins in accordance with section 6(a).

By providing that these rules will not be overridden and limiting non-residential activities, the NES-P has been designed to ensure that decision-makers have regard to the matters listed in section 7 of the RMA such as kaitiakitanga, the ethic of stewardship and the intrinsic values of ecosystems.

By enabling Māori landowners to more easily develop papakāinga housing on their land, the NES-P has regard to the efficient use and development of natural and physical resources (section 7(b) of the RMA). As noted by submitters, by allowing landowners more freedom to develop their land, the NES-P also aligns with Article 2 of the Treaty of Waitangi/Te Tiriti o Waitangi and the Treaty principle of active protection.

The NES-P will not override existing national direction. This will ensure that the protection of indigenous vegetation and significant habitats of indigenous fauna are recognised and provided for in accordance with section 6(c) and (h) of the RMA. These points do not need to be specified in the NES-P. However, officials consider they should be noted in implementation guidance for clarity. The proposed matters for discretion for restricted discretionary activities (for papakāinga proposals that do not comply with underlying plan rules) include all matters relevant to sections 5, 6 and 7 of the RMA.

2.3.6.2 Treaty settlement considerations

Context

The Crown has made a number of commitments to iwi through Treaty settlements. Officials have considered the relevant settlement legislation when preparing the NES-P proposal. When deciding on the recommendations in this report, the Minister will also need to consider Treaty settlement legislation matters, as highlighted further in this section.

Submissions

The key issues identified in submissions relating to Treaty settlements have been described in the relevant sections above. Among these, three submitters raised concerns about the removal of formal notification processes for iwi for smaller, non-notified, papakāinga developments. This could limit visibility over developments that may affect wāhi tapu or other culturally sensitive areas.

Three submissions from iwi authorities indicated they consider this would be contrary to statutory acknowledgements in Treaty settlements.

Some iwi and councils were also concerned that local plan rules developed with iwi and hapū would be overridden.

As noted in section 2.3.2.2, the Waikato River Authority submitted that the NES-P needs to recognise Te Ture Whaimana o Te Awa o Waikato (the vision and strategy to restore the health of the Waikato River) (Te Ture Whaimana). It submitted that the NES-P should clarify that all regional plan rules and national environmental standards will continue to apply to ensure Treaty settlement commitments are upheld.

Analysis of submissions

Statutory acknowledgement obligations to inform iwi authorities of consent applications

Statutory acknowledgements agreed as part of Treaty settlements recognise the particular cultural, spiritual, historical and traditional association of iwi with defined 'statutory areas'. They require consenting authorities to consult with PSGEs on consent applications for activities within, adjacent to or directly affecting those 'statutory areas'. The NES-P will not change this requirement.

As noted in section 2.3.4.3, however, iwi authorities will no longer be informed about some smaller papakāinga developments (10 or fewer residential units) that have permitted activity status and therefore do not require a district council resource consent. There is a risk that this may impede the safeguarding of some statutory areas identified in Treaty settlements, if developed near these areas. Officials note that most 'statutory areas' are rivers and tributaries, harbours, islands, reserves, maunga, wāhi tapu, conservation areas and other areas unsuitable for papakāinga developments.

While this risk could be removed by requiring all papakāinga to go through a district plan consent process, doing so would render the NES-P ineffective in its primary purpose of reducing barriers for papakāinga.

National direction under the replacement resource management legislation may offer a pathway to ensure that iwi authorities are informed about smaller, non-consented papakāinga developments that may impact statutory areas, or other wāhi tapu and culturally sensitive areas, while still being more enabling of papakāinga. Officials consider this approach has merit for future investigation. They also recommend the issue is highlighted in implementation material (see section 2.3.6.3).

Overriding plan changes that have been developed with iwi participation

The proposed NES-P would not override Treaty settlement commitments, including those related to iwi participation in local plan-making, because these commitments are included in primary legislation.

The NES-P would, however, override any existing district plan provisions developed with iwi participation that are more stringent than the NES-P. Officials consider that district councils will need to work with iwi authorities to develop new local provisions, where this is the case.

As discussed in sections 2.3.4.2 and 2.3.4.3, three iwi raised concerns about this. Approximately 17 Treaty settlements provide for iwi and hapū involvement in rule setting. Iwi and hapū may also have lodged iwi and hapū management plans, which will influence plan-making.

Upholding Treaty settlements that require particular regard to Te Ture Whaimana

As noted above (section 2.3.2.3 under 'Certain plan rules would still apply'), officials consider that the NES-P should specify that all regional plan rules continue to apply. The NES-P also specifies that plan provisions that protect water catchments, such as requirements around stormwater, wastewater and earthworks continue to apply. Officials consider these measures improve clarity for implementation purposes. However, under the Acts that recognise Te Ture Whaimana, establish the Waikato River Authority and provide for co-management arrangements in respect of the Waikato and Waipā river:¹⁷

- Te Ture Whaimana prevails over any inconsistent provision in an NES
- anyone exercising functions and powers in relation to those rivers and their catchments is required to have particular regard to Te Ture Whaimana.

Therefore, officials consider that these Treaty settlements would continue to be upheld regardless of these measures in the NES-P.

2.3.6.3 Implementation

The NES-P (once approved) would have immediate enabling effect nationally. As part of its implementation, the proposal would:

- override existing local papakāinga provisions that may have been developed in consultation with tangata whenua – where those provisions are more stringent than the NES-P
- limit the scope of future district plan changes (as only district plan rules that are more lenient than the NES-P would be allowed).

¹⁷ These are the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 and Ngā Wai o Maniapoto (Waipā River) Act 2012.

Consequently, the NES-P would reduce the likelihood that iwi authorities will be informed of proposed papakāinga in their rohe, because there would no longer be a resource consent process to trigger notification for papakāinga that are 'permitted'.

Section 2.3.5.1 also looks at implementation of the NES-P provisions that allow more lenient district plan rules to apply.

Resourcing – guidance and training for councils and Māori landowners

A few submitters felt that additional resourcing for iwi, hapū and councils should be provided to support implementation. These submitters stated that this approach would align with Article 2 of the Treaty (tino rangatiratanga) and the Treaty principle of active protection.

While councils may choose to update their district plans to align with the NES-P, the proposal for national environmental standards does not require this. Officials consider that guidance and training to assist councils and Māori landowners in understanding and applying the NES-P may be beneficial and could be considered as part of broader implementation support across the current resource management reform work programme.

Implementation guidance

Implementation guidance could usefully cover advice on:

- the option for councils to develop more lenient district plan rules in partnership with tangata whenua
- the impact of the NES-P on more stringent district plan rules developed with tangata whenua
- the status of underlying regional plan rules developed in accordance with Treaty settlements
- how Treaty settlement commitments, and RMA section 5, 6 and 7 matters will be upheld, including through the application of council discretionary powers
- mechanisms that identify and inform councils and tangata whenua of statutory areas recorded in Treaty settlements (and any other wāhi tapu or other sites of cultural significance to iwi and Māori), relating to smaller, non-notified papakāinga that would not require district plan consent
- the interaction with other national direction instruments
- interpretation of terms.

Further detail on the implementation of the NES-P is provided in Part C.

Recommendations

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

Key recommendations

No change

3. Part C: Implementation

3.1 Context

This part outlines key implementation considerations for the proposed NES-P, drawing on submissions received during consultation on packages 1 and 2.

It begins with an overview of implementation issues raised across all national direction proposals, including timing, system alignment and resourcing. It then focuses on specific implementation pathways and implications for the NES-P, including statutory and non-statutory mechanisms and the impact of recent legislative changes.

These implementation considerations are critical to ensuring that the NES-P achieves its intended outcomes and aligns with the Government's broader resource management reform programme.

3.2 Implementation

3.2.1 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 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

exceptions to this are the proposed National Policy Statement for Infrastructure and proposed changes to the National Policy Statement for Renewable Electricity Generation 2011 and National Policy Statement on Electricity Transmission 2008, 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 2.¹⁸

3.3 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 is included of these more general implementation issues. 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.

3.4 Overview of submissions

3.4.1 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).

¹⁸ 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.

- 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).

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.

3.4.2 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).

3.4.3 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).

3.4.4 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.
- There is a 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.

3.4.5 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.

3.5 Implementation of proposals

3.5.1 Implementation methods

Implementation of the proposed NES-P can be through either:

- **statutory implementation** in the form of direction on how and when the proposal, or parts of the proposal, should take effect – for example, particular parts of the national direction that must be considered by decision-makers; when and 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.

Section 44A of the RMA outlines the statutory implementation provisions for national environmental standards.

3.5.2 Statutory implementation of the NES-P

The NES-P will have an immediate effect on resource consent decisions for papakāinga development.

The new rules will immediately mean that papakāinga development (up to 10 residential units) is permitted on 'Māori ancestral land' in zones for rural, residential and Māori-purposes, subject to meeting identified permitted activity standards and applicable district or combined plan rule requirements.

If the NES-P is made as recommended in this report, a resource consent for a restricted discretionary activity will be required for any of the following forms papakāinga development:

- papakāinga development (up to 10 residential units), where any of the permitted activity standards or applicable district rules in district or combined plans are not met, or
- papakāinga development (between 11 and 30 residential units), or
- papakāinga development on 'PSGE land' and
- papakāinga development outside zones where they are permitted, or
- papakāinga development adjacent to intensive indoor primary production, mining, quarrying or rural industry.

Papakāinga development (31+ homes) will require a resource consent for a discretionary activity.

There will also be a leniency provision enabling district or combined plans to be more lenient than any of these proposed rules for papakāinga development.

The NES-P must be considered for all applicable 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 (including consent conditions), other RMA plan provisions and any other matter the decision-maker considers relevant and reasonably necessary to make a decision.

The NES-P will also have an immediate effect on district or combined plans, with rules in the NES-P replacing those equivalent district rules in these plans. The new rules would override existing plan provisions 28 days after being notified in the *New Zealand Gazette*.

Once operative, the NES-P would apply even if a plan change to implement it had not been completed. District plan rules in district or combined plans that are more lenient than those in the NES-P would apply instead of the rules in the NES-P.

Regional plan rules applicable to papakāinga development would continue to apply without requiring any further action.

3.5.3 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 the 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 the proposed NES-P.

This does not affect private plan changes, which are still able to progress and will need to consider relevant national direction including the proposed NES-P.

The Plan Stop provisions have no immediate effect on implementation of the proposed NES-P 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.

3.6 Recommendations

The recommendation for this topic is summarised below.

Key recommendations

No change

Attachment A

Consolidated recommendations – New National Environmental Standards for Papakāinga

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 1: Infrastructure and development – 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.

Key policy recommendations for changes to the National Environmental Standards for Papakāinga (NES-P) proposal are to:

- extend the provisions enabling papakāinga on Treaty settlement land as a restricted discretionary activity to include papakāinga on any land owned by a post-settlement governance entity, within its area of interest as defined in the relevant Treaty settlement legislation
- remove land that forms part of a natural feature that has been declared under an Act to be a legal entity or person and the maunga listed in Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 from the definition of 'ancestral Māori land' where papakāinga will be permitted
- change the provision for a permitted activity for ancillary non-residential activities to include a requirement that the building floor area is not more than 50 percent of the total building floor area of residential units in the papakāinga
- change the provision for permitted Māori cultural activities, including adding a definition, to clarify interpretation of the proposed rule
- increase the setback limits from neighbouring properties from 2 metres to 5 metres in zones for rural purposes and all setbacks to 2 metres in zones for residential purposes
- add stormwater, setbacks from wetlands, protections for nationally and regionally significant infrastructure, and noise from airports and ports to the list of plan rules that would continue to apply
- clarify the list of applicable district and combined plan rules and confirm that all other district and combined plan rules not listed in the NES-P will no longer apply to papakāinga development or other activities and development included in the NES-P.

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKĀINGA				Minister's decision
Application	Proposed provisions	Topic	Recommendations	Reasons for recommendations		
Where would it apply?	This NES is proposed to apply to the whole of New Zealand.	Permitted activities	No change			Yes No
			1. Retain the proposal to apply the NES-P to the whole of New Zealand.		This policy is needed to enable Māori to develop homes and communities on their land anywhere in New Zealand.	Yes No
			2. Amend the proposal to clarify that all rules and standards in regional plans will continue to apply to papakāinga development and other activities and development included in the NES-P.		Further detail on the proposed application of the NES-P was included in the notified proposal under 'PAS3'. These matters are addressed in this section of the recommendations as they more accurately relate to the application of the NES-P.	Yes No
			3. Amend the proposal by providing for the following matters that shall be determined by rules in the district, regional or combined plans or other regulations: <ul style="list-style-type: none"> a. setbacks from waterways and wetlands; b. setbacks from rail corridors; c. building height; d. earthworks; e. lighting; f. noise; g. accessways; h. traffic generation; i. road network; j. waste water and water supply; k. natural hazards; l. flood control infrastructure; m. relocatable buildings; 		The underlying plan rules listed in this provision are needed to protect the natural environment, papakāinga residents and nationally and regionally significant infrastructure from site-specific effects. Including regional plan rules also demonstrates that Treaty settlement commitments that relate to joint management arrangements will be upheld as regional plan rules may have been made under these arrangements. It clarifies the status of any other district plan rules to remove uncertainty and ensure councils apply the NES-P consistently. This approach also aligns with the approach used in the National Environmental Standards for Detached Minor Residential Units (NES-DMRU).	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA				Minister's decision
Application	Proposed provisions	Topic	Recommendations	Reasons for recommendations		
			<ul style="list-style-type: none"> n. green infrastructure; o. setbacks from regionally and nationally significant infrastructure; p. stormwater; q. noise from airports and ports; r. electricity networks <p>4. Amend the proposal to clarify that district plan overlays for historic heritage, outstanding natural features and landscapes and wāhi tapu will continue to apply.</p> <p>5. Amend the proposal to clarify that all other district rules and standards in a district or combined plan will not apply to papakāinga.</p>		<p>Yes No</p> <p>Yes No</p>	

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA				Minister's decision
Definition	Proposed provisions	Topic	Recommendations	Reasons for recommendations		
D1 Māori ancestral land	<p>Means:</p> <ul style="list-style-type: none"> • <i>Māori freehold land (as defined in section 129 of Te Ture Whenua Māori Act 1993), including land deemed to be Māori freehold land under section 243 or section 256 of TTWMA;</i> • <i>Māori customary land (as defined in section 129 of TTWMA);</i> 	<p>Other matters</p> <p>Permitted activities</p>	<p>Change</p> <p>6. Amend the proposal definition of 'Māori ancestral land' by removing the following types of land from the definition:</p> <ul style="list-style-type: none"> a. land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land under section 7 of the Te Urewera Act 2014); and 	<p>This definition enables the NES-P permitted activity standards to apply where owners have a demonstrable ancestral connection to the land and the ownership structure will limit the likelihood of the papakāinga being developed for sale.</p> <p>While officials did not receive any submissions about including natural features or land that has been declared a legal entity or person in this definition, to avoid confusion the NES-P should</p>	<p>Yes No</p>	

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKĀINGA			
Definition	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> land set apart as a Māori reservation under Part 17 of TTWMA and predecessor legislation; land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955; and remains subject to that Act; general land owned by Māori that was previously Māori freehold land, but ceased to have that status in accordance with an order of the Māori Land Court made on or after 1 July 1993 and is beneficially owned by the persons who beneficially owned the land immediately before the land ceased to be Māori land, or their successors; general land owned by Māori that was previously Māori freehold land, but ceased to have that status under Part 1 of the Māori Affairs Amendment Act 1967 and is beneficially owned by the persons who beneficially owned the land immediately before the land ceased to be Māori land, or their successors; general land owned by Māori that was previously Māori land (as defined in TTWMA), and has at any 		<ul style="list-style-type: none"> b. the maunga listed in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014. 	not permit papakāinga on land that has been declared a legal entity or person or on the listed maunga.	

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Definition	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p><i>time been acquired by the Crown or any local or public body for a public work or other public purpose, and has been subsequently returned to its former Māori owners or their successors, and is beneficially owned by the persons who it was returned to, or their successors;</i></p> <ul style="list-style-type: none"> • <i>land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over that land;</i> • <i>land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land under section 7 of the Te Urewera Act 2014); and</i> • <i>the maunga listed in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.</i> 				
D2 Ancillary activity	<i>means an activity that supports and is subsidiary to the primary activity.</i>	Other matters Permitted activity standards and underlying rules	No change 7. Retain the proposal definition of 'ancillary activity'.	This definition is from the National Planning Standards 2019.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Definition	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
D3 Commercial activities	<i>means any activity trading in goods, equipment or services. It includes any ancillary activity to a commercial activity (for example, administrative or head offices).</i>	Other matters Permitted activity standards and underlying rules	No change 8. Retain the proposal definition of 'commercial activities'.	This definition is from the National Planning Standards 2019.	Yes No
D4 Conservation activities	<i>means the use of land and/or buildings for the management, maintenance and enhancement of ecological values for indigenous vegetation and indigenous fauna and their habitats. It includes:</i> <ul style="list-style-type: none"> • <i>weed and pest control;</i> • <i>fencing;</i> • <i>restoration planting;</i> • <i>associated environmental research and education activities; and</i> • <i>access tracks and associated structures.</i> 	Other matters Permitted activity standards and underlying rules	No change 9. Retain the proposal definition of 'conservation activities'.	This definition clarifies one of the types of non-residential activities the NES-P permits on papakāinga. There is no existing definition in legislation or in the National Planning Standards 2019.	Yes No
D5 Earthworks	<i>means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.</i>	Other matters Permitted activity standards and underlying rules	No change 10. Retain the proposal definition of 'earthworks'.	This definition is from the National Planning Standards 2019.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Definition	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
D6 Educational facilities	<i>means land or buildings used for teaching or training by childcare services, schools, or tertiary education services, including any ancillary activities.</i>	Other matters Permitted activity standards and underlying rules	No change 11. Retain the proposal definition of 'educational facilities'.	A few submitters questioned whether this includes kōhanga reo. While kaupapa Māori educational activities and kōhanga reo are not specifically mentioned, the definition is broad enough to include them. This definition is from the National Planning Standards 2019.	Yes No
D7 General land owned by Māori	<i>means general land that is beneficially owned by a Māori or by a group of persons of whom the majority are Māori.</i>	Other matters Permitted activities	No change 12. Retain the proposal definition of 'general land owned by Māori'.	This term is used within the definition for 'Māori ancestral land'. It is from section 4 of Te Ture Whenua Māori Act 1993.	Yes No
D8 Green infrastructure	<i>means a natural or semi-natural area, feature or process, including engineered systems that mimic natural processes, which are planned or managed to:</i> <i>(a) provide for aspects of ecosystem health or resilience, such as maintaining or improving the quality of water, air or soil, and habitats to promote biodiversity; and</i> <i>(b) provide services to people and communities, such as stormwater or flood management or climate change adaptation.</i>	Other matters Permitted activity standards and underlying rules	No change 13. Retain the proposal definition of 'green infrastructure'.	This definition is from the National Planning Standards 2019.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Definition	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
D9 Home business	<i>means a commercial activity that is:</i> <i>(a) undertaken or operated by at least one resident of the site; and</i> <i>(b) is incidental to the use of the site for a residential activity.</i>	Other matters Permitted activity standards and underlying rules	No change 14. Retain the proposal definition of 'home business'.	This definition is from the National Planning Standards 2019.	Yes No
D10 Intensive indoor primary production	<i>means primary production activities that principally occur within buildings and involve growing fungi or keeping or rearing livestock (excluding calf-rearing for a specified period) or poultry.</i>	Other matters Restricted discretionary activities	No change 15. Retain the proposal definition of 'intensive indoor primary production'.	This definition is from the National Planning Standards 2019.	Yes No
D11 Māra kai	<i>means food garden.</i>	Other matters Permitted activity standards and underlying rules	Change 16. Remove the proposal definition of 'māra kai'.	This term is no longer used in the provision for non-residential activities permitted on papakāinga.	Yes No
D12 Marae complex	<i>means the complex of buildings around the open area in front of a whareniui (meeting house) generally associated with gatherings and meetings.</i>	Other matters Permitted activity standards and underlying rules	No change 17. Retain the proposal definition of 'marae complex'.	The definition is needed to clarify interpretation of the definition of 'Māori cultural activities' permitted on papakāinga. While the NES-P will be used mainly to enable landowners to develop buildings on a papakāinga, the definition of 'marae complex' should include the open space that is the marae itself. This is a new definition. There is no existing definition in legislation or the National Planning Standards 2019.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKĀINGA				Minister's decision
Definition	Proposed provisions	Topic	Recommendations	Reasons for recommendations		
D13 Mātauranga	<i>means traditional Māori knowledge.</i>	Other matters Restricted discretionary activities	Change 18. Amend the proposal term 'Mātauranga' to 'Mātauranga Māori'.	This definition describes the traditional knowledge that Māori may have that is not recorded elsewhere and may be relevant to decisions relating to papakāinga development. The term 'mātauranga' alone refers to knowledge, while 'mātauranga Māori' refers specifically to Māori knowledge.	Yes No	
D14 Papakāinga development	means the use of housing and ancillary activities on Māori ancestral land or Treaty settlement land that enables the owners to use their land and live in accordance with their culture, in perpetuity. Sometimes papakāinga are located near a marae. Includes the following terms used in district plans: 'kāinga nohoanga', 'Māori housing development', 'marae community', 'papakāinga scheduled sites'.	Other matters Permitted activities Permitted activity standards and underlying rules Restricted discretionary activities	Change 19. Amend the proposal definition of 'papakāinga development' to remove reference to the term 'kāinga nohoanga'.	The term 'kāinga nohoanga' is not included as it describes an activity relevant to the tikanga of a particular iwi who have indicated it is not a type of a papakāinga.	Yes No	
D15 Post-settlement governance entity	means: (a) a body corporate or the trustees of a trust established for the purpose of receiving redress in the settlement of the Treaty of Waitangi claims of a claimant group by that group; or by or under an enactment or order of a court; and	Other matters Restricted discretionary activities	No change 20. Retain the proposal definition of 'Post-settlement governance entity'.	The definition is the same as that used in section 11 of the Infrastructure Funding and Financing Act 2020.	Yes No	

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Definition	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>The definition includes:</p> <ul style="list-style-type: none"> (i) an entity established to represent a collective or combination of claimant groups; and (ii) an entity controlled by an entity referred to in paragraph (a); and (iii) an entity controlled by a hapū to which redress has been transferred by an entity referred to in paragraph (a). 				
D16 Primary production	<p>means:</p> <ul style="list-style-type: none"> (a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and (b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in (a); (c) includes any land and buildings used for the production of the commodities from (a) and used for the initial processing of the commodities in (b); but (d) excludes further processing of those commodities into a different product. 	<p>Other matters</p> <p>Restricted discretionary activities</p>	<p>No change</p> <p>21. Retain the proposal definition of 'primary production'.</p>	<p>This definition is from the National Planning Standards 2019.</p>	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Definition	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
D17 Quarrying activity	means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and clean filling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.	Other matters Restricted discretionary activities	No change 22. Retain the proposal definition of 'quarrying activity'.	This definition is from the National Planning Standards 2019.	Yes No
D18 Residential unit	means a building or part of a building that is used for a residential activity exclusively by one household; and (a) includes sleeping, cooking, bathing, and toilet facilities.	Other matters Permitted activities Restricted discretionary activities	No change 23. Retain the proposal definition of 'residential unit'.	This definition is from the RMA.	Yes No
D19 Rural industry	means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.	Other matters Restricted discretionary activities	No change 24. Retain the proposal definition of 'rural industry'.	This definition is from the National Planning Standards 2019.	Yes No
D20 Sports and recreation facility	means areas used predominantly for a range of indoor and outdoor sport and active recreational activities and associated facilities and structures.	Other matters Permitted activity standards and underlying rules	No change 25. Retain the proposal definition of 'sports and recreation facilities'.	This definition describes a type of activity that may be appropriate on papakāinga.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Definition	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
D21 Taonga tuku iho	means heirloom, something handed down, cultural property, heritage.	Other matters Restricted discretionary activities	No change 26. Retain the proposal definition of 'Taonga tuku iho'.	This definition is from Te Aka Māori Dictionary. This use of the term also aligns with its use in section 2 of Te Ture Whenua Māori Act 1993.	Yes No
D22 Tikanga Māori	means Māori customary values and practices.	Other matters Permitted activities Permitted activity standards and underlying rules	No change 27. Retain the proposal definition of 'Tikanga Māori'.	This definition is from section 4 of Te Ture Whenua Māori Act 1993.	Yes No
D23 Treaty settlement land	means land held by a post-settlement governance entity if the land was acquired— (i) as redress for the settlement of Treaty of Waitangi claims; or (ii) by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.	Other matters Restricted discretionary activities	Change 28. Amend the proposed definition of 'D23 Treaty settlement land' to achieve the intent of being 'Land held by a post-settlement governance entity' and include '(iii) by purchase, gift or other means.'	The definition of 'D23 Land held by a post-settlement governance entity' is from section 11 of the Infrastructure Funding and Financing Act 2020.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKĀINGA			
Definition	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
D24 Urupā	means Māori burial ground, cemetery and graveyard.	Other matters Permitted activity standards and underlying rules	Change 29. Remove the proposal definition of 'urupā'.	This term is no longer used in the provision for non-residential activity permitted on papakāinga; nor is it used in the proposed new definition of 'Māori cultural activities'.	Yes No
D25 Visitor accommodation	means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.	Other matters Permitted activity standards and underlying rules	No change 30. Retain the proposal definition of 'visitor accommodation'.	This definition is used to describe a type of non-residential activity that is permitted on papakāinga. The definition is from the National Planning Standards 2019.	Yes No
D26 Zones for Māori purposes	Includes Māori purpose zone, and special purpose zones created for purposes including development of housing on Māori land.	Other matters Permitted activities	No Change 31. Retain the proposal definition of 'zones for Māori purposes'.	The definition is used to ensure papakāinga are enabled in any district plan zone that is for Māori purposes. The NES-DMRU takes a different approach. It applies only in Māori purpose zones as defined in the National Planning Standards 2019.	Yes No
D27 Zones for residential purposes	Includes the following zones from the National Planning Standards: <ul style="list-style-type: none"> • large lot residential zone • low density residential zone • general residential zone • medium density residential zone • high density residential zone • neighbourhood centre zone • future urban zone • mixed use zone and any other special purpose zones with a primarily residential purpose.	Other matters Permitted activities	No Change 32. Retain the proposal definition of 'zones for residential purposes'.	This definition is used to ensure the NES-P is enabled in a similar way in all zones for residential purposes.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA				Minister's decision
Definition	Proposed provisions	Topic	Recommendations	Reasons for recommendations		
D28 Zones for rural purposes	<p>Include the following zones from the National Planning Standards:</p> <ul style="list-style-type: none"> • general rural zone • rural production zone • settlement zone <p>and any other special purpose zone with a primarily rural, agricultural or forestry purpose.</p>	<p>Other matters</p> <p>Permitted activities</p>	<p>Change</p> <p>33. Amend the proposal definition of 'zones for rural purposes' to include the rural lifestyle zone.</p>	<p>This definition is used to ensure that papakāinga is enabled in a similar way in all zones for rural purposes. It includes rural lifestyle zones. In this respect it is similar to the proposed NES-DMRU definition for rural zones.</p> <p>However, papakāinga should also be enabled on 'special purpose zones' created primarily for rural agricultural and forestry purposes. These are not included in the NES-DMRU 'rural zones' definition.</p>	Yes No	

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA				Minister's decision
Permitted activity	Proposed provisions	Topic	Recommendations	Reasons for recommendations		
PA1 Papakāinga development of up to 10 residential units on Māori ancestral land in a zone for rural or residential purposes or zone for Māori purposes	<p>In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga development of up to 10 residential units on Māori ancestral land that meet the permitted activity standards is proposed to be a permitted activity, regardless of the minimum lot size in the underlying zone.</p>	<p>Permitted activities</p>	<p>Change</p> <p>34. Amend the proposal to include a permitted activity rule with the intent of providing for papakāinga development for up to 10 residential units on Māori ancestral land in 'zones for rural purposes', 'zones for Māori purposes', and 'zones for residential purposes' provided they meet the permitted activity standards (PAS1-2) and the applicable district or combined plan district rules.</p>	<p>The provision is needed to limit the maximum scale of papakāinga permitted in specific district plan zones. The effects of developments of up to 10 residential units can be well managed by permitted activity standards.</p>	Yes No	
PA2 Ancillary non-residential activities	<p>The following non-residential activities are proposed to be permitted, if they are directly associated with the residential activities of the papakāinga:</p>	<p>Permitted activity standards and underlying rules</p>	<p>Change</p> <p>35. Amend the proposal to include a permitted activity rule with the intent of providing for 'ancillary non-residential activities' to;</p>	<p>The provision clarifies that non-residential activities on papakāinga should support the primary purpose of the NES-P to enable Māori landowners to develop homes and communities.</p>	Yes No	

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Permitted activity	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ul style="list-style-type: none"> commercial activities (of up to 100 m²); conservation activities; visitor accommodation for up to 8 guests (excluding manuhiri staying on a marae); educational facilities; health facilities; and sports and recreation activities. 		<ol style="list-style-type: none"> include those that support and are subsidiary to the residential activities of the papakāinga development; and include: <ol style="list-style-type: none"> tanks, sheds and decks shared kitchen and toilet facilities commercial activities; conservation activities; visitor accommodation for up to 8 guests (excluding manuhiri staying on a marae); educational facilities; health facilities; and sports and recreation activities. provided they: <ol style="list-style-type: none"> meet the permitted activity standards (PAS1-2); and meet the applicable district or combined plan district rules; and the total area of non-residential building floor area does not exceed 50 per cent of the combined building floor area of residential units in the papakāinga. 	<p>Allowing commercial activities enables flexibility for landowners to decide the appropriate activities to support their papakāinga. Shared kitchen and toilet facilities enable whānau members who do not usually reside on the papakāinga to temporarily stay on their land for events such as tangihanga or just to reconnect with their land and whānau.</p> <p>Water-tanks, sheds and decks may be needed to support the residential units. Educational facilities, health facilities and sports and recreation facilities may support the functioning of the papakāinga community.</p> <p>Limiting the total size of buildings for ancillary purposes to less than 50 percent of the combined building floor area of all residential units in the papakāinga also helps ensure they support rather than dominate the papakāinga.</p>	

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKĀINGA			
Permitted activity	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
PA3 Māori cultural activities	Māori cultural activities related to the papakāinga are proposed to be a permitted activity. These include: <ul style="list-style-type: none"> • marae • urupā • māra kai. 	Permitted activity standards and underlying rules	Change 36. Amend the proposal to include a permitted activity rule for 'Māori cultural activities' related to papakāinga provided they meet the permitted activity standards (PAS1-2).	The provision uses a descriptive approach to determining cultural activities that would be appropriate on the papakāinga rather than listing the types of cultural activities that would be permitted. The descriptive approach is recommended so that the NES-P enables rather than limits Māori cultural activities. A new definition of 'Māori cultural activities' would also help councils interpret how to apply this rule. This includes a non-exhaustive list of activities that might be considered 'Māori cultural activities' (see other recommendations below).	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKĀINGA			
Permitted activity standard	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
PAS1 Maximum building coverage	In zones for residential purposes and zones for rural purposes, the maximum building coverage will be a maximum of 50 per cent of the site. In zones for Māori purposes, the maximum building coverage will be the same as the underlying plan zone.	Permitted activity standards and underlying rules	No change 37. Retain the proposal to include permitted activity standards for maximum building coverage: <ol style="list-style-type: none"> in 'zones for residential purposes' and 'zones for rural purposes' - 50 per cent of site in zones for 'Māori purposes' the same as the underlying zone. 	The provision is needed to provide certainty about the permitted maximum density for a residential community. Developments with greater than 50 percent building coverage are likely to have insufficient space and light for residents' wellbeing.	Yes No
PAS2 Minimum setbacks from site boundaries	In zones for residential purposes: front setbacks 1.5 m and all other setbacks from site boundaries 1 m.	Permitted activity standards and underlying rules	Change 38. Amend the proposal to include the following building setbacks:	Minimum building setbacks control development, ensure safe distances between dwellings and provide privacy. This recommendation aligns with the equivalent requirement in the Building and Construction	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKĀINGA			
Permitted activity standard	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<p>In zones for rural purposes: all setbacks from site boundaries 3 m.</p> <p>In zones for Māori purposes: same as the underlying plan zone.</p>		<ul style="list-style-type: none"> a. in 'zones for residential purposes' - two metre setback from all site boundaries. b. in 'zones for rural purposes' a five metre setback from boundaries with neighbouring properties and three metre setback from front property boundaries c. in 'zones for Māori purposes' the same as the underlying zone. 	<p>(Small Stand-alone Dwellings) Amendment Act 2025 and with the proposed NES-DMRU.</p> <p>In 'zones for rural purposes', setbacks with neighbouring properties need to be at least 5 metres to protect papakāinga residents from the effects of rural activities on neighbouring properties and prevent reverse sensitivity effects on those activities.</p> <p>Minimum setbacks of any more than 5 metres would unnecessarily limit papakāinga developments on small sites.</p> <p>Front setbacks limits of 3 metres for papakāinga in 'zones for rural purposes' are adequate to ensure papakāinga buildings do not visually dominate the street. Papakāinga developers should be able to decide if larger setbacks are needed to protect residents from health and safety risks and noise effects from proximity to roads in their particular situation.</p> <p>District and unitary councils should have worked with tangata whenua to develop any setback rules for papakāinga in 'zones for Māori purposes' so these rules should not be overridden by national direction.</p>	

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKĀINGA			
Permitted activity standard	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
PAS3 Applicable rules of the underlying zone	<p>Standards and rules for the following matters shall be determined by the relevant provisions from district or regional plans, or other regulations:</p> <ul style="list-style-type: none"> • setbacks from waterways; • setbacks from rail corridors; • building height; • earthworks; • permeable surfaces; • lighting; • noise; • accessways; • waste water and water supply; • natural hazards; • relocatable buildings; and • green infrastructure. 	Permitted activity standards and underlying rules	See recommendations 2-5 on application of the NES-P.	These matters are addressed in this section of the consolidated recommendations table as they more accurately relate to the application of the NES-P.	

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKĀINGA			
Monitoring for permitted activity	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
M01 Number of permitted papakāinga developments	Territorial authorities will be required to include information on the number of papakāinga developed under PA1 and PA2, and other implementation issues, in regular reporting to Ministry for the Environment.	Other matters	<p>Change</p> <p>39. Remove the proposal to require local authorities to provide information on permitted 'papakāinga development' to the Ministry for the Environment.</p>	Requiring councils to provide information on permitted activities is too onerous as it will be difficult for them to gather the information that would otherwise be available from consent applications.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKĀINGA			
Restricted discretionary activity	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
RD1 Papakāinga developments that do not comply with activity conditions or standards	<p>In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga developments on Māori ancestral land that do not comply with the permitted activity standards PA1 and PA2 are proposed to be a restricted discretionary activity.</p> <p>RDM1 describes the matters for discretion for decisions on these activities.</p>	Restricted discretionary activities	<p>Change</p> <p>40. Amend the proposal to require a resource consent for a restricted discretionary activity with the intent of providing for papakāinga development of up to 10 residential units on Māori ancestral land in 'zones for rural purposes', 'zones for Māori purposes', and 'zones for residential purposes' that does not comply with any of the permitted activity standards or applicable district and combined plan district rules for papakāinga development (PAS1 to PAS2).</p>	<p>The provision ensures that an appropriate level of scrutiny is applied to papakāinga proposals that do not comply with any of the permitted activity conditions or standards.</p> <p>Amending the proposal would enable proposed RD1 and RD2 rules for papakāinga that do not comply with permitted activity standards or applicable district or combined plans to be combined to streamline the provisions. It would also enable amalgamation of the RDM1 and RDM2 rules and correct an error in the notified proposal that should have referred to PAS1 and PAS2.</p>	Yes No
RDM1 Proposed matters of discretion	<p>Proposed matters of discretion:</p> <ul style="list-style-type: none"> whether the additional building coverage is appropriate in its context; the extent to which the siting of the building(s), decks and outdoor areas, relative to adjacent properties and the road frontage, avoid visual domination and loss of privacy and sunlight; and the extent to which alternative options for siting the papakāinga are available to the landowners (eg if setbacks on a narrow site will mean the site cannot be used). 	Restricted discretionary activities	<p>Change</p> <p>41. Amend the proposal to provide for the matters of discretion for restricted discretionary activities (RD1) to achieve the following intent:</p> <ol style="list-style-type: none"> Whether non-compliance with PAS1-2 and/or the applicable rules in the district plan or district component of a combined plan: <ol style="list-style-type: none"> is appropriate to its context taking into account: <ol style="list-style-type: none"> whether the development achieves a balance of open space and buildings and adequately provides for site permeability; 	<p>The provisions clarify the matters that councils must consider in consent decision-making for papakāinga that do not meet permitted activity standards. They are proposed to ensure that the scale, height and setbacks of papakāinga development are appropriate in its context and the positive benefits of papakāinga can be considered.</p>	Yes No

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RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA

Restricted
discretionary
activity

Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
		<ul style="list-style-type: none"> ii. whether the height and scale of buildings is consistent with the character anticipated for the site in the underlying zone in a district or combined plan; iii. the need for access for emergency services; and iv. effects on: <ul style="list-style-type: none"> – land and water catchments; – outstanding natural landscapes and features; – public access to the coast lakes and rivers; – historic heritage; the amenity of adjoining properties with regard to privacy, outlook and shading; and – the safe and efficient operation and functioning of the transport network. v. the effect of any measures proposed to mitigate visual dominance from building height, scale, or building coverage including those based on mātauranga Māori. <p>b. Whether there is sufficient existing or new infrastructure capacity available</p>		

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Restricted discretionary activity	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<p>to service the papakāinga development.</p> <ol style="list-style-type: none"> 2. The social, economic, cultural and wellbeing benefits to landowners likely to result from the papakāinga. 3. The extent to which the proposed non-compliance with PAS1-2 and the applicable rules of the district plan or district components of a combined plan is needed to: <ol style="list-style-type: none"> a. support the occupation and use of the land for the benefit of the landowners, their whanau, hapu, and future generations; or b. provide for Māori to live on their land in accordance with tikanga Māori and mātauranga Māori. 4. The extent to which outdoor living spaces provide useable space and enable access to sunlight 		
RD2 Papakāinga developments that do not comply with the applicable rules in the district or unitary plan	In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga developments on Māori ancestral land that do not comply with the applicable rules in the underlying zone (see PAS3) are proposed to be a restricted discretionary activity.	Restricted discretionary activities	<p>Change</p> <p>42. Amend the proposal to remove the RD2 category for papakāinga development that does not comply with the applicable district rules in a district or combined plan.</p>	The restricted discretionary activity category is recommended to be amalgamated with RD1 to streamline the NES-P.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Restricted discretionary activity	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	RDM2 describes the matters for discretion for decisions on these activities.				
RD3 Papakāinga development on Treaty settlement land	In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga developments of up to 30 residential units on Treaty settlement land are proposed to be a restricted discretionary activity.	Restricted discretionary activities	Change 43. Amend the proposal to require a resource consent for a restricted discretionary activity for papakāinga developments of up to 30 residential units on land held by a post-settlement governance entity in their area of interest.	The provision is recommended to be broadened to apply to land held by PSGEs in their area of interest, which would include Treaty settlement land and other land for the benefit of members.	Yes No
	RDM3 describes the matters for discretion for decisions on these activities.		44. Change the name of the provision to 'RD3 Papakāinga development on land held by a post-settlement governance entity.'		Yes No
RDM3 Proposed matters of discretion	Proposed matters of discretion: <ul style="list-style-type: none"> the extent to which the applicant can demonstrate that the land will remain in use as papakāinga in the long term. 	Restricted discretionary activities	Change 45. Amend the proposal to include matters of discretion for a restricted discretionary activity for papakāinga development of up to 10 residential units on land owned by a post-governance settlement entity (RD3) that achieve the following intent: <ol style="list-style-type: none"> The extent to which the height, scale and intensity of the papakāinga development, and infrastructure to service it, may cause adverse environmental effects, and these effects can be minimised or remedied, on: <ol style="list-style-type: none"> land and water catchments; 	The provision clarifies the matters councils must consider in consent decisions for papakāinga on land owned by a PSGE. It ensures consent decisions align with the purpose of the NES-P for enabling papakāinga development. The provision clarifies that the matters councils must consider in consent decisions for papakāinga of up to 11 to 30 residential units on land owned by a PSGE include those matters to be considered for any other papakāinga development of 11 to 30 residential units.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Restricted discretionary activity	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<ul style="list-style-type: none"> b. outstanding natural landscapes and features; c. public access to the coast lakes and rivers; d. historic heritage; e. the amenity of adjoining properties with regard to privacy, outlook and shading; and f. the safe and efficient operation and functioning of the transport network. <p>2. The availability and capacity of infrastructure to service the proposed scale of the papakāinga development.</p> <p>3. The extent to which the papakāinga development:</p> <ul style="list-style-type: none"> a. is appropriate to its surrounding context taking into account: <ul style="list-style-type: none"> i. whether the development achieves a balance of open space and buildings and adequately provides for site permeability. ii. whether the height and scale of buildings is consistent with the character anticipated in the underlying zone in a district or combined plan; 	<p>It ensures consent decisions align with the purpose of the NES-P for enabling papakāinga development.</p> <p>The provision listed in subclause 5 of this recommendation is proposed to enable decision-makers to consider whether applicants intend for developments to remain in use as papakāinga in the long term rather than being developed for sale. This supports the policy intent to enable papakāinga by providing for PSGEs to develop papakāinga but not commercial developments.</p>	

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RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA

Restricted discretionary activity

Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<p>RD4 Non-residential activities that are not permitted</p>	<p>In papakāinga developments in zones for rural purposes, zones for Māori purposes, and zones for residential purposes, non-residential activities not included in PA2 are proposed to be a restricted discretionary activity.</p>	<p>Restricted discretionary activities</p>	<p>Change 46. Amend the proposal to require a resource consent for a restricted discretionary activity for non-residential ancillary activities to papakāinga development that is:</p>	<p>The provision clarifies that papakāinga development that includes non-residential activities not listed in the permitted activity provisions requires consent. An amendment is recommended to clarify that this includes proposals that exceed the 50 percent of the combined building floor area</p> <p>Yes No</p>

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Restricted discretionary activity	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	RDM4 describes the matters for discretion for decisions on these activities.		<ul style="list-style-type: none"> a. not included in PA2 in 'zones for rural purposes', 'zones for Māori purposes', and 'zones for residential purposes' or b. does not meet the performance standards in PAS1-2 or c. exceeds the 50 per cent of the combined building floor area of all residential units in the papakāinga. 	of all residential units in the papakāinga, consistent with the recommended change to PA2.	
RDM4 Proposed matters of discretion	<p>Proposed matters of discretion:</p> <ul style="list-style-type: none"> • the extent to which the proposed activities: <ul style="list-style-type: none"> – are ancillary to residential activities; – are compatible with the scale and predominant residential character of the papakāinga development; – affect the amenity of neighbouring properties; and • provide for safe and efficient operation and functioning of the surrounding transport network. 	Restricted discretionary activities	<p>Change</p> <p>47. Amend the proposal to include matters of discretion for a restricted discretionary activity for non-residential ancillary activities to papakāinga development (RD4) that achieve the following intent:</p> <ol style="list-style-type: none"> 1. The extent to which the nature, height, scale, and intensity of the non-residential ancillary activity may cause adverse environmental effects, and these effects can be minimised or remedied on: <ul style="list-style-type: none"> a. land and water catchments; b. outstanding natural landscapes and features; c. public access to the coast lakes and rivers; d. historic heritage; 	<p>Changes are proposed to increase the matters councils must consider when considering consent applications for non-residential ancillary activities to papakāinga development. This will enable a more comprehensive assessment of the effects and benefits of proposals for ancillary non-residential development that are not permitted under PA2.</p> <p>It removes the word 'surrounding' in response to a submission received as impacts on the wider transport network should be considered.</p>	Yes No

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Restricted
discretionary
activity

Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
		<ul style="list-style-type: none"> e. the amenity of adjoining properties with regard to privacy, outlook and shading; and f. the safe and efficient operation and functioning of the transport network. <p>2. The availability and capacity of infrastructure to service the proposed scale of the non-residential ancillary activities.</p> <p>3. The extent to which the non-residential ancillary activities:</p> <ul style="list-style-type: none"> a. are appropriate to the surrounding context taking into account: <ul style="list-style-type: none"> i. whether the balance of open space and buildings and adequately provides for site permeability; ii. whether the height and scale of buildings is consistent with the character anticipated in the underlying zone in a district or combined plan; iii. whether the development mitigates any visual dominance resulting from building height, scale, or building coverage including those based on mātauranga Māori. 		

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Restricted discretionary activity	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<p>4. The social, economic, cultural and wellbeing benefits to landowners and residents likely to result from the ancillary non-residential activity.</p> <p>5. Whether the papakāinga provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of landowners, their whānau, hapū, and future generations.</p>		
RD5 Māori cultural activities that are not permitted	<p>In papakāinga developments in zones for rural purposes, zones for Māori purposes, and zones for residential purposes, Māori cultural activities not included in PA2 are proposed to be a restricted discretionary activity.</p> <p>RDM5 describes the matters for discretion for decisions on these activities.</p>	Restricted discretionary activities	<p>Change</p> <p>48. Amend the proposal for a restricted discretionary activity for Māori cultural activities not permitted in PA2 in 'zones for rural purposes', 'zones for Māori purposes', and 'zones for residential purposes'.</p>	The provision clarifies that the proposals for Māori cultural activities on papakāinga must meet the definition of 'Māori cultural activities' permitted on papakāinga or will require a resource consent. It also recommends a consequential change due to the proposed removal of PAS3.	Yes No
RDM5 Proposed matters of discretion	<p>Proposed matters of discretion:</p> <ul style="list-style-type: none"> • the extent to which the proposed activities: <ul style="list-style-type: none"> – support the occupation, development, and use of the land for the benefit of the land's owners, their whānau, hapū, and future generations; – provide flexibility for Māori to develop and live on their land in accordance with tikanga Māori and mātauranga. 	Restricted discretionary activities	<p>Change</p> <p>49. Amend the proposal to include matters of discretion for Māori cultural activities that are not included in PA3. to achieve the following intent:</p> <ol style="list-style-type: none"> 1. The extent to which the proposed activities; <ol style="list-style-type: none"> a. support the occupation, and use of the land for the benefit of the landowners, their whānau, hapū, and future generations; 	The provision is needed to clarify the matters of discretion councils must consider in decisions for consent applications for Māori cultural activities that are not permitted on papakāinga developments.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Restricted discretionary activity	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			b. provide for Māori to live on their land in accordance with tikanga Māori and mātauranga Māori.		
RD6 Papakāinga developments outside zones where they are permitted	In any zone other than zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga development of up to 30 residential units on Māori ancestral land are proposed be a restricted discretionary activity. RDM6 describes the matters for discretion for decisions on these activities.	Restricted discretionary activities	No change 50. Retain the proposal to require a resource consent for a restricted discretionary activity for papakāinga development of up to 30 residential units on Māori ancestral land in any zone other than 'zones for rural purposes', 'zones for Māori purposes', and 'zones for residential purposes'.	The provision clarifies that papakāinga outside the zones where they are permitted require a resource consent.	Yes No
RDM6 Proposed matters of discretion	Proposed matters of discretion: <ul style="list-style-type: none"> Whether the number of residential units, siting or design of buildings is appropriate will be determined considering: the extent to which the development provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of the land's owners, their whānau, hapū, and future generations; the extent to which the site has special significance to the owners; the extent to which alternative locations are available for tangata whenua to occupy, use, and develop their land; the extent to which tangata whenua have faced historical barriers to occupying, 	Restricted discretionary activities	Change 51. Amend the proposal to include matters of discretion for papakāinga development outside zones where they are permitted (RD6) that achieve the following intent: <ol style="list-style-type: none"> The extent to which the height, scale and intensity of the papakāinga development may cause adverse environmental effects, and these effects can be minimised or remedied, on: <ol style="list-style-type: none"> land and water catchments outstanding natural landscapes and features; public access to the coast lakes and rivers; historic heritage; 	The provision describes only the matters councils should consider in consent decisions for papakāinga in zones where they are not a permitted activity.	Yes No

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA

Restricted
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Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
<ul style="list-style-type: none"> using, and developing their ancestral lands; • the extent to which protections for the following matters are adequately maintained: • protection of land and water catchments from the effects of the development and occupation of the site; • protection of the health and safety of papakāinga residents; • ensuring outstanding natural landscapes are not compromised; • maintenance of public access to coastal marine areas, lakes and rivers and protection of historic heritage; • whether the scale of development significantly changes the overall character of the underlying zone; • adjacent properties are protected from and avoid visual domination and loss of privacy and sunlight; and • providing for the safe and efficient operation and functioning of the surrounding transport network. 		<ul style="list-style-type: none"> e. the safe and efficient operation and functioning of the transport network. 2. The availability and capacity of infrastructure to service the proposed scale of the papakāinga development 3. The extent to which the papakāinga development: <ul style="list-style-type: none"> a. Is appropriate to its surrounding content taking into account: <ul style="list-style-type: none"> i. the nature of land use permitted in the zone and the compatibility of papakāinga development with this land use; ii. whether the development achieves a balance of open space and buildings and adequately provides for site permeability; iii. whether the height and scale of buildings is consistent with the character anticipated for the underlying zone in a district or combined plan; iv. whether the development mitigates any visual dominance resulting from building height, scale, or building coverage including those based on mātauranga Māori. 		

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Restricted discretionary activity	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<ol style="list-style-type: none"> 4. The social, economic, cultural and wellbeing benefits to landowners likely to result from the papakāinga. 5. Whether the papakāinga provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of landowners, their whānau, hapū, and future generations. 6. The extent to which outdoor living spaces provide useable space and enable access to sunlight for residents. 		
RD7 Papakāinga developments of 11 to 30 residential units	<p>In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga development of 11 to 30 residential units on Māori ancestral land are proposed to be a restricted discretionary activity.</p> <p>RDM6 describes the considerations for decisions on these activities.</p>	Restricted discretionary activities	<p>No change</p> <p>52. Retain the proposal to require a resource consent for a restricted discretionary activity for papakāinga development of 11 to 30 residential units on Māori ancestral land in 'zones for rural purposes', 'zones for Māori purposes', and 'zones for residential purposes'.</p>	The provision clarifies that papakāinga developments that have more than 10 and fewer than 30 homes require consent.	Yes No
RDM6 Proposed matters of discretion	Proposed matters of discretion (see RDM6 above).	Restricted discretionary activities	<p>Change</p> <p>53. Amend the proposal to include matters of discretion (RDM7) for a restricted discretionary activity for papakāinga development of 11 to 30 residential units (RD7) that achieves the following intent:</p> <ol style="list-style-type: none"> 1. The extent to which the height, scale and intensity of the papakāinga development may cause adverse environmental 	The provision is needed to clarify the matters of discretion councils must consider in decisions about consent applications for papakāinga development of 11 to 30 residential units on Māori ancestral land.	N/A

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Restricted discretionary activity	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<p>effects, and these effects can be minimised or remedied, on:</p> <ol style="list-style-type: none"> a. land and water catchments; b. outstanding natural landscapes and features; c. public access to the coast lakes and rivers; d. historic heritage; e. the amenity of adjoining properties with regard to privacy, outlook and shading; f. the safe and efficient operation and functioning of the transport network. <ol style="list-style-type: none"> 2. The availability and capacity of infrastructure to service the proposed scale of the papakāinga development. 3. The extent to which the papakāinga development: <ol style="list-style-type: none"> a. is appropriate to its surrounding context taking into account: <ol style="list-style-type: none"> i. whether the development achieves a balance of open space and buildings and adequately provides for site permeability; ii. whether the height and scale of buildings is consistent with the character anticipated in the underlying zone in a district or combined plan; 		

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Restricted discretionary activity	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
			<ul style="list-style-type: none"> iii. whether the development mitigates any visual dominance resulting from the building height, scale or building coverage including those based on mātauranga Māori. 4. The social, economic, cultural and wellbeing benefits to landowners likely to result from the papakāinga. 5. Whether the papakāinga provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of landowners, their whānau, hapū, and future generations. 6. The extent to which outdoor living spaces provide useable space and enable access to sunlight. 		
RD8 Papakāinga development of up to 30 residential units adjacent to intensive indoor primary production, mining, quarrying, or rural industry	<p>Papakāinga developments of up to 30 residential units are proposed to be a restricted discretionary activity where they are located next to intensive indoor primary production, mining, quarrying, or rural industry.</p> <p>RDM7 describes the considerations for decisions on these activities.</p>	Restricted discretionary activities	<p>No change</p> <p>54. Retain the proposal to require a resource consent for a restricted discretionary activity for papakāinga development of up to 30 residential units where it is located next to intensive indoor primary production, mining, quarrying activities, or rural industry.</p>	The provision clarifies that papakāinga next to intensive indoor primary production, mining, quarrying, or rural industry require consent to enable consideration of effects of papakāinga development occurring in these locations.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Restricted discretionary activity	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
RDM7 Proposed matters of discretion	<p>Proposed matters for discretion:</p> <ul style="list-style-type: none"> the likely effects of the neighbouring activity on the health and safety of papakāinga residents; the effects of the proposed activity on the continued operation, or future expansion of the existing activities in the surrounding area; the size, location and design of open space and the extent to which trees and plantings are utilised for mitigating adverse effects; and the extent to which alternative options for siting the papakāinga are available to the landowners. 	Restricted discretionary activities	<p>Change</p> <p>55. Amend the proposal to include matters of discretion for a restricted discretionary activity (RD8) for papakāinga development of up to 30 residential units where it is located next to intensive indoor primary production, mining, quarrying activities, or rural industry (RD8) that achieve the following intent:</p> <ol style="list-style-type: none"> The extent to which the scale and intensity of the papakāinga development may cause adverse environmental effects, and measures proposed to minimise or remedy these effects, on: <ol style="list-style-type: none"> land and water catchments; outstanding natural landscapes and features; public access to the coast lakes and rivers; historic heritage; the safe and efficient operation and functioning of the transport network. The availability and capacity of infrastructure to service the proposed scale of the papakāinga development. The extent to which the papakāinga development: <ol style="list-style-type: none"> is appropriate to its surrounding context taking into account: 	The provision describes the matters that councils can consider in consent decisions for papakāinga that are not permitted because they are next to indoor primary production, mining, quarrying, or rural industry.	Yes No

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKĀINGA

Restricted
discretionary
activity

Proposed provisions

Topic

Recommendations

Reasons for recommendations

Minister's
decision

			<ul style="list-style-type: none"> i. the nature of land use located or permitted on adjacent land and whether this residential use in papakāinga development with this land use; ii. the potential effects of intensive indoor primary production, mining, quarrying, or rural industry on the amenity of papakāinga residents and the effect of mitigation measures. <ul style="list-style-type: none"> 4. The social, economic, cultural and wellbeing benefits to landowners likely to result from the papakāinga. 5. Whether the papakāinga provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of landowners, their whānau, hapū, and future generations. 6. The extent to which outdoor living spaces provide useable space and enable access to sunlight for residents. 		
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NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Discretionary activity	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
DA1 Papakāinga developments of more than 30 residential units	Papakāinga developments of more than 30 residential units, on Māori ancestral land or Treaty settlement land, in any zone, shall be a discretionary activity.	Discretionary activities	Change 56. Retain the proposal to require a resource consent for papakāinga development of more than 30 residential units, on Māori ancestral land or Treaty settlement land, in any zone; but replace reference to 'Treaty settlement land' with 'Post-settlement governance entity land'.	A resource consent for a discretionary activity for papakāinga development of more than 30 residential units would enable a full assessment of any applications to be undertaken.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKAKĀINGA			
Notification requirement	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
N1 Limited notification for papakāinga developments	Notification for papakāinga developments with restricted discretionary activity status is limited to iwi authorities, joint management entities, the New Zealand Transport Agency (if the development will access a state highway), local authorities and immediate neighbours.	Other matters	No change 57. Retain the proposal for limited notification for papakāinga development with restricted discretionary activity status (in RD1-RD8) to: a. iwi authorities; b. joint management entities; c. the New Zealand Transport Agency (if the development will access a state highway); d. local authorities; e. immediate neighbours.	The provision is needed to clarify who will be notified parties for consent applications for papakāinga that are restricted discretionary activities.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Leniency of rules	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
R1 District plan rules may be more lenient than the NES	Local authorities may apply methods, including rules, in its district plan that are more enabling of papakāinga developments than those in this NES.	Other matters	No Change 58. Retain the proposal that local authorities may apply methods including rules, in its district plan that are more enabling of papakāinga developments than those in the National Environmental Standards for Papakāinga.	The proposal is needed to enable councils to retain rules or develop new rules appropriate to their local context in consultation with tangata whenua as long as they enable papakāinga more than the NES-P does.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Implementation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
IM1 Implementation approach	This NES will have immediate effect in all local authorities.	Other matters	N/A	This is a statutory requirement and was provided for context so does not require a decision.	N/A
IM2 Consent applications already underway (transitional provision)	It is proposed that resource consent applications for papakāinga that are already underway when this NES takes effect will be completed under the district plan rules that were in place when the application was lodged.	Other matters	N/A	This is a statutory requirement and was provided for context so does not require a decision.	N/A

Other recommendations

These recommendations relate to matters raised through submissions or to clarify the proposal.

RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA			
Topic	Recommendations to amend notified proposal	Reasons for recommendations	Minister's decision
Other matters	<p>59. Amend the proposal to add the following definition of site:</p> <ul style="list-style-type: none"> a. an area of land comprised in a single record of title under the Land Transfer Act 2017; or b. an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or c. the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or d. despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross-lease system, is the whole of the land subject to the unit development or cross lease. 	<p>The new definition is needed to clarify the area within which the restriction on the number of residential units permitted (PAS1) and activity standards for the permitted activity (PAS2) will apply.</p> <p>Owners of Māori freehold land use the term 'block' which, as defined under Te Ture Whenua Māori Act 1993, 'in relation to any Māori freehold land, means the whole parcel of land comprised and described in an instrument of title'. However, the proposed NES-P also applies to other types of land so a broader definition that is well understood by the public and local authorities is needed.</p> <p>The National Planning Standards 2019 definition of 'site' is proposed to be used. This definition is not inconsistent with the term 'block', which will reduce any confusion.</p>	Yes No
Māori cultural activities	<p>60. Amend the proposal to include a definition for the term Māori cultural activities which achieves the intent of meaning activities for the social, cultural and ceremonial purposes of the Māori people and includes (but is not limited to) village sites, Marae, meeting places, recreation grounds, sportsgrounds, church sites, burial grounds, landing places and Ngā Whenua Rāhui (tangata whenua conservation areas). A cultural activity also includes tourist activities based on Māori culture undertaken on-site where one or more of the above activities occur but shall be secondary and ancillary to the other activities.</p>	<p>A new definition is needed to describe the types of activity that will be permitted under the amended provisions for permitted Māori cultural activities (PA3). It comprises a non-exhaustive list of the types of activities that might be considered as 'Māori cultural activities'. This includes common types of Māori cultural activities to assist council officers to interpret the definition but other activities not listed might also be considered to be Māori cultural activities. It also clarifies how tourist activities based on Māori culture are included in this definition as long as tourism is not the primary purpose of the activity.</p> <p>This definition is adapted from the Ruapehu District Plan definition of 'Māori cultural activities'.</p>	Yes No

RECOMMENDATIONS FOR NEW NATIONAL ENVIRONMENTAL STANDARDS FOR PAKĀINGA

Topic	Recommendations to amend notified proposal	Reasons for recommendations	Minister's decision
Definitions	61. Amend the proposal to add a new definition for 'healthcare facility' which achieves the intent of meaning facilities used for providing physical or mental health or welfare services.	A new definition is needed to ensure councils consistently interpret the NES-P provision that permits healthcare facilities on papakāinga. This is the definition used in the Auckland Unitary Plan.	Yes No