

Addendum to recommendations and decisions for National Environmental Standards for Papakāinga

Under section 44(2)(b) of the Resource Management Act 1991, the Minister Responsible for RMA Reform made further decisions on the proposed National Environmental Standards for Papakāinga following their original decisions outlined in the [National Environmental Standards for Papakāinga: Report on Recommendations and Decisions](#).

Overview of the changes

Minor wording changes were made to clarify and provide more certainty about the matters councils may consider in a consenting process for papakāinga that are a restricted discretionary activity. These included:

- replacing general considerations of amenity and character with the specific matters to be considered;
- replacing some terms with well recognized planning terms;
- removing provisions relating to private open space; and
- specifying that matters of discretion for breaches of permitted activity standards for papakāinga of up to 10 homes are limited to the rule breached.

The changes will better support the regulations transition to the new planning system that will be established if the Planning Bill and the Natural Environment Bill, currently before parliament, are enacted.

Reading the addendum with the original report

The following table identifies the proposed provisions where Minister decisions differ from those in the original report on recommendations and decisions. Changes are marked using **bold** for new text and ~~strikethrough~~ for deleted text. Recommendations on all other proposed provisions remain unchanged and are set out in the original report. The proposal section of the table includes the proposed provisions published in: *Ministry for the Environment. 2025. Package 1: Infrastructure and development – Discussion document*. Reference to ‘change’ means a recommendation to amend the notified proposal. The final text of the instrument may vary from officials’ recommendations as a result of legal drafting conventions.

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
<p>DECISION 41 RDM1</p> <p>Proposed matters of discretion</p>	<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). 	<p>Restricted discretionary activities.</p>	<p>Change</p> <p>41. Amend the proposal to provide for the matters of discretion for restricted discretionary activities (RD1), ensuring that the matters of discretion only apply to the specific condition/s breached to achieve the following intent:</p> <p>1. Whether non-compliance with PAS1-2 and/or the applicable rules in the district plan or district component of a combined plan:</p> <p>a. is appropriate to its context taking into account:</p> <ul style="list-style-type: none"> i. whether the building height, bulk and building coverage of the papakāinga development achieves a balance of open space and buildings achieves a balance of open space and buildings and ii. the adequacy adequately provides for site permeability of the proposed stormwater disposal method; iii. 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 visual dominance on adjoining properties; 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 	<p>Amendments are recommended to clarify the intent of the matters of discretion. While this matter was not consulted on in the notified NES-P proposal, this does not create any additional legal risk. It will result in simplified application and consenting processes. It is consistent with good practice.</p> <p>Officials recommend amalgamating matters 1 a. i. and iii. to streamline the assessment matters and clarify that the reference to a 'balance of open space and buildings' refers to the consideration of proposed building coverage in the particular setting.</p> <p>The reference to 'site permeability' is recommended to be amended to clarify that it means either a connection to the public stormwater drainage system or adequacy of the on-site stormwater drainage where a connection to a public drainage system is unavailable.</p> <p>The reference to character is not considered necessary as the setting of the site is proposed to be considered in the reference to 'is appropriate to its context'.</p> <p>Officials recommend amending 41. 1. a. iv. to clarify the types of effects that could be considered in relation to adjoining properties and be more explicit that the reference to 'outlook' means visual dominance (associated with bulk) of a development and not general matters of building design.</p>	<p>Agreed</p>

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			<p>including those based on mātauranga Māori</p> <p>No change to recommendations 2 and 3.</p> <p>4. Amend the proposal to remove the matter of discretion: The extent to which outdoor living spaces provide useable space and enable access to sunlight.</p>	<p>Decision 4 is recommended to be rescinded as the landowners would be expected to consider the form and location of outdoor living spaces that would be appropriate for future papakāinga residents.</p>	
<p>Decision 45 RDM3</p> <p>Proposed matters of discretion</p>	<p>Proposed matters of discretion:</p> <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. 	<p>Restricted discretionary activities.</p>	<p>Change</p> <p>45. Amend the proposal to include matters of discretion for a restricted discretionary activity for papakāinga development of up to 130 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 building coverage 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 privacy, shading and visual dominance of adjoining properties with regard to privacy, outlook and shading; and the safe and efficient operation and functioning of the transport network. 	<p>Officials recommend correcting decision 45 to align with decision 43 for RD3 which refers to up to 30 residential units. This will ensure the matters of discretion apply to the extent they are relevant with higher-scale development likely to require more rigorous consideration than smaller-scale developments.</p> <p>Amendments are recommended to 1e. to clarify the types of effects that could be considered in relation to adjoining properties and be more explicit that the reference to outlook means visual dominance (associated with bulk) of a development rather than other matters of building design.</p>	<p>Agreed</p>

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
			<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> <p>a. is appropriate to its surrounding context taking into account:</p> <p>i. whether the building height, scale and building coverage of the development achieves a balance of open space and buildings and</p> <p>ii. the adequacy of the proposed stormwater disposal method site permeability,</p> <p>iii. whether the height and scale of buildings is consistent with the character anticipated in the underlying zone in a district or combined plan;</p> <p>iv. whether the development mitigates any visual dominance resulting from building height, scale or building</p> <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>	<p>Amalgamating matters 3 a i and iii is recommended to streamline the assessment matters and clarify that the reference to a 'balance of open space and buildings' relates to a consideration of proposed building coverage in the particular setting.</p> <p>The reference to 'site permeability' is recommended to clarify that it means either a connection to the public stormwater drainage system or the on-site stormwater drainage where a connection to a public drainage system is not available.</p> <p>The reference to character in decision 45 3. a. iii. is not considered necessary as the setting of the site is proposed to be considered in the reference to 'is appropriate to its context'.</p> <p>Decision 45 6. is recommended to be rescinded as the landowners would be expected to consider whether outdoor living spaces are appropriate for future residents.</p>	

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
<p>DECISION 47 RDM4</p> <p>Proposed matters of discretion</p>	<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. 	<p>Restricted discretionary activities.</p>	<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, building height, scale, and building coverage 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 visual dominance of adjoining properties; and 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 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 building height, scale and building coverage of the development balance of open space and buildings and ii. the adequacy adequately provides for of the proposed stormwater drainage infrastructure or on-site stormwater drainage permeability; 	<p>Amendments are recommended to clarify the intent of the matters of discretion.</p> <p>Amendments are recommended to 1 to clarify that the reference to intensity relates to building coverage.</p> <p>Amendments to 1e. are recommended to clarify the types of effects that could be considered in relation to adjoining properties and be more explicit that the reference to outlook means visual dominance (associated with bulk) of a development rather than other matters of building design.</p> <p>Amalgamating matters 3 a. i and iii is recommended to streamline the assessment matters and clarify that the reference to a 'balance of open space and buildings' relates to a consideration of proposed building coverage in the particular setting.</p> <p>The reference to 'site permeability' is recommended to be amended to clarify that it means either a connection to the public stormwater drainage system or the on-site stormwater drainage where a</p>	<p>Agreed</p>

Restricted discretionary activities					
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			<ul style="list-style-type: none"> iii. whether the height and scale of buildings is consistent with the character anticipated in 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. <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>	<p>connection to a public drainage system is not available.</p> <p>The reference to character is not considered necessary as the setting of the site is proposed to be considered in the reference to 'is appropriate to its context'.</p>	
<p>DECISION 51</p> <p>RDM6</p> <p>Proposed matters of discretion</p>	<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: • 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; 	Restricted discretionary activities.	<p>Change</p> <p>51. Amend the proposal to include matters of discretion for papakāinga development outside zones where they are permitted (RD6) that achieve the following intent:</p> <p>1. The extent to which the building height, scale and building coverage intensity of the papakāinga development may cause adverse environmental effects, and these effects can be minimised or remedied, on:</p> <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; e. the safe and efficient operation and functioning of the transport network. 	<p>Amendments are recommended to decision 51 to clarify the intent of the matters of discretion.</p> <p>Amendments are recommended to 1 to clarify that the reference to intensity relates to building coverage.</p>	Agreed

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
	<ul style="list-style-type: none"> 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; 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; 		<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> the nature of land use permitted in the zone and the compatibility of papakāinga development with this land use; whether the building height, scale and building coverage of the development the adequacy of the proposed stormwater disposal method development achieves a balance of open space and buildings and adequately provides for on-site permeability; whether the height and scale of buildings is consistent with the character anticipated for the underlying zone in a district or combined plan; whether the development mitigates any visual dominance resulting from building height, scale, or building coverage including those based on mātauranga Māori. The social, economic, cultural and wellbeing benefits to landowners likely to result from the papakāinga development. Whether the papakāinga development 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>Amending 3a is recommended to correct an error and replace the word 'content' with 'context.'</p> <p>Amalgamating matters 3 a. i to iii is recommended to streamline the assessment matters and clarify that the reference to a 'balance of open space and buildings' relates to the consideration of proposed building coverage in the particular setting.</p> <p>The reference to 'site permeability' is recommended to be amended to clarify that it means either a connection to the public stormwater drainage system or the on-site stormwater drainage where a connection to a public drainage system is not available.</p> <p>The reference to character is not considered necessary as the setting of the site is proposed to be considered in the reference to 'is appropriate to its context'.</p>	

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	<ul style="list-style-type: none"> 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. 		<p>6. The extent to which outdoor living spaces provide useable space and enable access to sunlight for residents.</p>	<p>Decision 51 6. is recommended to be rescinded as the landowners would be expected to consider whether outdoor living spaces are appropriate for future residents.</p>	
<p>DECISION 53 RDM6 Proposed matters of discretion</p>	<p>Proposed matters of discretion (see RDM6 above).</p>	<p>Restricted discretionary activities.</p>	<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"> The extent to which the building height, scale and building coverage intensity of the papakāinga development may cause adverse environmental effects, and these effects can be minimised or remedied, 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 shading and visual dominance; the safe and efficient operation and functioning of the transport network. 	<p>Amendments are recommended to decision 53 to clarify the intent of the matters of discretion.</p> <p>Amendments to 1 are to clarify that the reference to intensity relates to building coverage.</p> <p>Amendments to 1e. are proposed to clarify the types of effects that could be considered in relation to adjoining properties and be more explicit that the reference to outlook means visual dominance</p>	<p>Agreed</p>

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
			<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> <p>a. is appropriate to its surrounding context taking into account:</p> <p>i. whether the building height, scale and building coverage of the development;</p> <p>ii. achieves a balance of open space and buildings and adequately provides site permeability the adequacy of the proposed stormwater disposal method;</p> <p>iii. whether the height and scale of buildings is consistent with the character anticipated in the underlying zone in a district or combined plan;</p> <p>iv. whether the development mitigates any visual dominance resulting from the building height, scale or building coverage including those based on mātauranga Māori.</p> <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.</p>	<p>(associated with bulk) of a development rather than other matters of building design.</p> <p>Amalgamating matters 3 a. i and iii is recommended to streamline the assessment matters and clarify that the reference to a 'balance of open space and buildings' relates to a consideration of proposed building coverage in the particular setting.</p> <p>The reference to 'site permeability' is recommended to be amended to clarify that it means either a connection to the public stormwater drainage system or the on-site stormwater drainage where a connection to a public drainage system is not available.</p> <p>The reference to character is not considered necessary as the setting of the site is proposed to be considered in the reference to 'is appropriate to its context'.</p> <p>Decision 53 6. is recommended to be rescinded as these the landowners would be expected to consider whether outdoor living spaces are appropriate for future residents and build this into the design.</p>	

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<p>DECISION 55</p> <p>RDM7</p> <p>Proposed matters of discretion</p>	<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. 	<p>Restricted discretionary activities.</p>	<ul style="list-style-type: none"> Change <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 building coverage 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: <ol style="list-style-type: none"> the nature of land use located or permitted on adjacent land; and whether this residential use in papakāinga development with this land use; the potential noise and odour effects of intensive indoor primary production, mining, quarrying, or rural industry on the amenity of papakāinga residents and the effect of mitigation measures. 	<p>Amendments are recommended to decision 55 to clarify the intent of the matters of discretion.</p> <p>Amendments to 1 are to clarify that the reference to intensity relates to building coverage.</p> <p>Amendments are recommended to 3. to streamline these matters and align with the wording of other similar matters, and to be more specific on the effects to be managed from those activities.</p>	<p>Agreed</p>

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended 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. 	<p>Decision 55 6. is recommended to be rescinded as these the landowners would be expected to consider whether outdoor living spaces are appropriate for future residents and build this into the design.</p> <ul style="list-style-type: none"> • 	