



Notification of freshwater planning instruments

Update following the Resource Management (Freshwater and Other Matters) Amendment Act 2024 that came into force on 25 October 2024

The Government has restricted the notification of freshwater planning instruments that give effect to the National Policy Statement for Freshwater Management 2020.

Context

Section 80A¹ of the Resource Management Act 1991 (RMA) required councils to notify freshwater planning instruments (regional policy statements and plans) that give effect to the National Policy Statement for Freshwater Management 2020 (NPS-FM) by 31 December 2027.

Restricting notification of freshwater planning instruments

The Resource Management (Freshwater and Other Matters) Amendment Act 2024 (the Amendment Act) introduced section 80A(4A) into the RMA. This section applies from 22 October 2024 (retrospectively) and temporarily restricts regional councils from notifying any freshwater planning instruments before the sooner of the following dates:

- the date on which a new NPS-FM that replaces the current NPS-FM takes effect
- 31 December 2025.

Exemptions

Exemptions are possible, to accommodate circumstances where freshwater planning instruments must progress during the restriction period. The Minister for the Environment can exempt a freshwater planning instrument (or parts of it) from the restriction if it is:

- required to progress flood protection or remediation or to prevent or mitigate natural hazard risk
- required to address unintended consequences, unforeseen implications, or unworkable or inefficient plan provisions

¹ Freshwater planning process.

- required to address changes to national direction or the RMA from Royal Assent of the Bill until the restriction ceases
- related to the provision, operation or maintenance of regionally or nationally significant infrastructure, including large hydro-electric power schemes
- required for the provision, operation or maintenance of municipal drinking water, stormwater or wastewater
- required to progress housing development
- required to give effect to Treaty settlement obligations
- required for any other reason the Minister deems appropriate.

Applying for an exemption

Any regional council considering applying for an exemption to the restriction should contact the Ministry for the Environment to discuss their application. The restriction requires the Minister, when granting an exemption, to consider the freshwater planning instrument the council intends to notify. The Minister can grant an exemption for a full freshwater planning instrument or identify specific parts that can be notified.

The Minister will give written notice of a decision to grant, grant in part, or decline an application for an exemption, which will include reasons for the decision.

Freshwater planning instruments that have already been notified

The change does not affect freshwater planning instruments that were notified before 22 October 2024, or operative regional policy statements and plans.

Resources

For more information, including background information, on the Amendment Act, see Ministry for the Environment: [Resource Management \(Freshwater and Other Matters\) Amendment Act 2024](#).

To view the Amendment Act, see New Zealand Legislation: [Resource Management \(Freshwater and Other Matters\) Amendment Act 2024](#).

