



Ports – Extending Coastal Permits

Changes introduced by the Resource Management (Consenting and Other System Changes) Amendment Act 2025

These changes, which passed into law on 20 August 2025, belong to a wider programme of resource management reform. Visit the Ministry for the Environment’s [webpage about the new Amendment Act](#) for more information.

Context

The Resource Management (Consenting and Other System Changes) Amendment Act 2025 (the Amendment Act) extends coastal permits granted to port companies under section 384A (s 384A permits) of the Resource Management Act 1991 (RMA) for an additional 20 years.

Coastal permits issued in 1993 give certain port companies¹ the right to occupy the coastal marine area to the extent they did in 1991. The permits allow port companies to continue operations while they transition into the RMA planning framework. The s 384A permits were initially issued for 35 years, until 30 September 2026.

The s 384A permits cover crucial aspects of port activities like navigation aids (such as buoys, lights and fog signals), exclusive occupation areas (such as safe anchor areas) and some structures (such as wharves). They do not consent discharges to air, land or water, noise or other activities associated with port operations, including landside operations, or any activities or infrastructure established after 1991.

Since 1991, when the RMA was introduced, ports have expanded, and new activities in the coastal marine area have been permitted under the RMA. However, the complexity of the RMA has made gaining consents for pre-1991 activities increasingly difficult. If the s 384A permits had been allowed to expire, port companies may have been subject to enforcement action by their regional council for unconsented activities or structures or been unable to enforce exclusive occupation rights.

¹ Northport (Whangārei), Auckland, Tauranga, Gisborne, Napier, New Plymouth, Wellington, Picton, Nelson, Lyttleton, Timaru, Otago and South Port (Bluff).

Key changes

- Section 47 of the Amendment Act adds a new subpart 5 to Part 7A of the RMA.

The Amendment Act extends section 384A coastal permits for an additional 20 years to 30 September 2046. The extension applies only to those port companies that hold a current coastal permit under s 384A and is automatic, with no application required.

The Amendment Act also introduces a process requiring consent authorities to review consent conditions on these permits and introduce or modify conditions where necessary. This process will not change the scope of the activities enabled by the permits.

The process to introduce or modify conditions is designed to be simple and low cost for consent authorities and port companies. It is designed to provide an opportunity to modernise the coastal permits, so that they reflect best practice and better protect the public interest, without negatively affecting port operations. It will also help to safeguard the natural environment and engagement with Māori, including in relation to Treaty settlement commitments and customary marine title applications under the Marine and Coastal Area (Takutai Moana) Act 2011. For this reason, the Amendment Act includes a new process that:

- is bespoke and tailored to s 384A permits
- requires consent authorities to initiate the review by 30 September 2027, by notifying key stakeholders specifically identified in the Amendment Act:
 - the Department of Conservation
 - iwi authorities
 - post-settlement governance entities
 - ngā hapū o Ngāti Porou
 - iwi and hapū that are party to Mana Whakahono ā Rohe
 - customary marine title holders and applicants (within the meaning of the Marine and Coastal Area (Takutai Moana) Act 2011)
 - iwi and hapū that are party to a joint management agreement under the RMA
- allows these parties to submit on the review within 20 working days of receiving notification, which must be taken into consideration by the consent authority; no hearing is allowed
- allows the consent authority to recover the reasonable costs of this process from the port company (noting that, otherwise, the costs of any review would fall on ratepayers)
- allows the consent authority two years from initiation to complete the process
- does not prevent the permit holder from carrying out the port activities to which the permit relates.

