

New Zealand Coastal Policy Statement, National Policy Statement for Highly Productive Land, National Policy Statement for Indigenous Biodiversity, National Policy Statement for Freshwater Management and National Environmental Standards for Freshwater



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Introduction

This report summarises submissions received, outlines officials' recommendations in response to those submissions, and presents the final decisions of the Minister Responsible for RMA Reform¹ and Minister of Conservation (for matters relating to the New Zealand Coastal Policy Statement (NZCPS)) on the following national direction proposals:

- proposed amendments to the National Policy Statement for Highly Productive Land 2022 (NPS-HPL)
- proposed amendments to multiple instruments for quarrying and mining provisions:
 - proposed amendments to the NPS-HPL
 - proposed amendments to the National Policy Statement for Indigenous Biodiversity 2023 (NPSIB)
 - proposed amendments to the National Policy Statement for Freshwater Management 2020 (NPS-FM)
 - proposed amendments to the National Environmental Standards for Freshwater (NES--F)
- proposed amendments to the NZCPS.

The proposals formed part of one of three packages notified in May 2025:² Package 2: Primary sector (package 2).³ A report summarising submissions and outlining officials' recommendations was prepared for the Minister Responsible for RMA Reform and Minister of Conservation (in relation to matters affecting the NZCPS only) in September 2025 in accordance with section 46A of the Resource Management Act 1991 (RMA). The Minister for RMA Reform subsequently made some changes to the notified proposals before recommending making amendments to the NPS-HPL, NPSIB, NPS-FM and NES-F to the Governor-General. Similarly, the Minister of Conservation revised the notified NZCPS proposals before recommending amendments to the NZCPS to the Governor-General. The Governor-General approved all amendments on 15 December 2025. The national direction instruments were subsequently gazetted on 18 December 2025 and will come into effect on 15 January 2026.

The Minister Responsible for RMA Reform and Minister of Conservation (for matters relating to the NZCPS) are required to publicly notify any report prepared under section 46A (see sections 44(1)(b) and 52(3)(b) of the RMA) and provide any submitters on a national policy statement (NPS) with a summary of officials' recommendations and a summary of the Ministers' decision on the recommendations (including reasons for not adopting any recommendations). This report fulfils those legal requirements.⁴

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 RMA. The Minister Responsible for RMA Reform can exercise these powers in accordance with section 7 of the Constitution Act 1986.

² 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.

³ Ministry for the Environment. 2025. [Package 2: Primary sector – Discussion document](#). Wellington: Ministry for the Environment.

⁴ There is no equivalent requirement to provide any submitter on national environmental standards (NES) with a summary of the recommendations and the Minister's decisions for NES. However, a similar process has been followed for NES in packages 1 and 2 to give submitters visibility of decision-making and clarity about the changes.

The report is structured in two parts.

- **Part 1** sets out officials' final recommendations and the Ministers' final decisions on the proposed amendments to the NZCPS, NPS-HPL, NPSIB, NPS-FM and NES-F.
- **Part 2** provides the original supporting analysis and recommendations that informed those decisions, as prepared under section 46A of the RMA for the Ministers in September 2025.

Summary of recommendations and Ministers' decisions

Officials recommended some changes to the notified proposed NPS-HPL, NPSIB, NPS-FM, NES-F and NZCPS, drawing on submitter feedback and further analysis of the proposals. The recommended changes for the proposed NPS-HPL were presented as options for the Minister Responsible for RMA Reform to consider.

The Minister Responsible for RMA Reform and Minister of Conservation (for matters relating to the NZCPS) considered the recommendations and made final decisions on the national direction. In some areas, this resulted in changes to the notified proposals. The final instruments, including changes, have been considered under Part 2 of the RMA, and the instruments are consistent with the purpose of the RMA.

Part 1 of this report includes the full set of recommendations provided to the Ministers with the final decisions made by the Ministers. Recommendations and supporting rationale in part 1 have been updated from what was originally provided to the Ministers in September to reflect subsequent ministerial advice (as noted in the instrument summaries below and in the tables in part 1) or to correct minor and technical errors and enhance clarity. The original recommendations and rationale provided to the Ministers are preserved in part 2 of this report. Minor and technical updates have been made to the original report in part 2 to correct errors and enhance clarity; any matters considered more significant are not reflected in the text but are highlighted at the start of part 2.

The proposal section of part 1 includes the proposed provisions published in: Ministry for the Environment. 2025. *Package 2: Primary sector – Discussion document*. The recommendations section includes recommended changes to the notified proposal and specifies reasons for recommended changes and the options provided. 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 instruments may vary from officials' recommendations as a result of legal drafting conventions.

Any provision in the existing national direction not included in the notified proposal or part 1 will remain unchanged.

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

National Policy Statement for Highly Productive Land 2022

Officials presented three options for amending the NPS-HPL for the Minister Responsible for RMA Reform's consideration in the section 46A report and recommendations.

- Option 1: Revoke the NPS-HPL instrument in its entirety (not consulted on).
- Option 2: Amend the NPS-HPL by removing Land Use Capability (LUC) 3 land from the NPS-HPL restrictions on highly productive land (HPL), removing the proposal to identify special

agriculture areas (SAAs) and changes to the timeframes for councils to complete mapping HPL.

- Option 3: Amend the NPS-HPL by exempting rezoning of LUC 3 land for urban development from the restrictions in the NPS-HPL, removing the proposal to identify SAAs and changes to the timeframes for councils to complete mapping HPL.

Follow-up advice was presented on:

- broadening option 3 to also exempt urban development – not just rezoning – on LUC 3 from the definition of HPL (before HPL is mapped)
- enabling the use of New Zealand Land Resource Inventory (NZLRI) maps post 2022 to determine LUC status and whether the NPS-HPL applies.

The Minister Responsible for RMA Reform agreed to the recommendations to broaden option 3 and allow NZLRI maps (post 2022) to be used to determine LUC status.

Quarrying and mining amendments – National Policy Statement for Indigenous Biodiversity

Officials recommended changes to the NPSIB exceptions for quarrying and mining activities affecting significant natural areas (SNAs) to:

- retain the proposal to replace mineral and aggregate extraction with the ‘extraction of minerals and ancillary activities’ and ‘quarrying activities’ (refer to part 1 NPSIB recommendation 1 a–b)
- retain the proposal to amend the exceptions to better align the gateway tests with the NPS-HPL, NPS-FM and NES-F (refer to part 1 NPSIB recommendation 1 c–e)
- change the proposal to include definitions for ‘ancillary activities’ and ‘quarrying activities’ from the National Planning Standards 2019 (refer to part 1 NPSIB recommendations 2 and 3).

The Minister Responsible for RMA Reform agreed to the recommendations.

Quarrying and mining amendments – National Policy Statement for Freshwater Management and National Environmental Standards for Freshwater

Officials recommended amendments to the NPS-FM and NES-F for quarrying and mining activities affecting wetlands to:

- retain the proposal to add ‘operational need’ to the gateway tests/restrictions (refer to part 1 NPS-FM and NES-F recommendations 1–3).

The Minister Responsible for RMA Reform agreed to the recommendation.

Quarrying and mining amendments – National Policy Statement for Highly Productive Land

Officials recommended changes to the NPS-HPL for quarrying and mining activities affecting HPL to:

- retain the proposal to replace mineral and aggregate extraction with the ‘extraction of minerals and ancillary activities’ and ‘quarrying activities’, to include a definition of quarrying activities and to better align the gateway tests with the NPSIB, NPS-FM and NES--F (refer to part 1 NPS-HPL quarrying and mining recommendations 1, 2 and 4)
- make changes to remove the requirement for a public benefit for extraction of minerals and quarrying activities (refer to part 1 NPS-HPL quarrying and mining recommendations 3 and 5)
- make changes to include a definition of ‘ancillary activities’ (refer to part 1 NPS-HPL quarrying and mining recommendation 6).

The Minister Responsible for RMA Reform agreed to the recommendations.

New Zealand Coastal Policy Statement

Officials recommended changes to the NZCPS proposal to:

- retain the proposal as notified (refer to part 1 NZCPS recommendations 1–3 and 6)
- amend the term ‘resource extraction’ and replace it with the term ‘extraction of minerals’ (refer to part 1 NZCPS recommendation 4)
- replace the proposed policies 6(1)(k) and 6(2)(f) with new clause(s) in Policy 6 to provide for the operational need of priority activities but restricting mineral extraction to that which supports infrastructure (refer to part 1 NZCPS recommendation 5)
- change the wording in the proposal in policy 8(b) to require decision-makers to consider ‘ecological benefits’ (refer to part 1 NZCPS recommendation 7).

The Minister of Conservation agreed to the recommendations.

Part 1: Recommendations and decisions tables

Consolidated recommendations and decisions – Amendments to the National Policy Statement for Highly Productive Land 2022

Recommendations and decisions in relation to notified proposed provisions to remove Land Use Capability 3 and test inclusion of special agricultural areas

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

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

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

Any provision in the existing National Policy Statement for Highly Productive Land 2022 (NPS-HPL) not included in the notified proposal or these tables will remain the same.

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

- a new amendment to clause 3.6, which is within scope of notified options
- an alteration to the recommendation on clause 3.5
- alterations to the reasons for the Minister's decision on all proposed amendments except clause 4.1.

Minister-approved option

Exempting urban development on LUC 3 from NPS-HPL restrictions until HPL is mapped.

PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NPS-HPL			
1.3 Interpretation (definitions)	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
LUC 1, 2 or 3 land	Amend to remove LUC 3, refer to clause 3.4 and clause 3.5(7).	LUC3	Change <ol style="list-style-type: none"> Amend the proposal so the reference to LUC 3 in the interpretation section of the NPS-HPL is retained. 	<p>The existing term 'LUC 3' in the interpretation section of the NPS-HPL is no longer required to be removed. Until HPL is mapped, urban development on LUC 3 is exempt from the definition of HPL (see clause 3.5(7)), meaning the NPS-HPL does not apply to urban development on LUC 3 until the end of 2027 or until new direction on mapping HPL is provided under the new resource management system. LUC 3 is also exempt from urban rezoning tests (see clause 3.6).</p> <p>LUC 3 needs to be retained in the interpretation section because while timeframes for mapping HPL will be extended to end of 2027, the existing criteria for mapping HPL (in clause 3.4) based on LUC 1–3, will remain unchanged. No change to the mapping criteria is proposed at this stage (see clause 3.4). The Plan Stop effectively prevents councils from notifying HPL maps in regional policy statements until 2028, during which time the replacement resource management system could come into effect.</p>	Agreed with recommendation

PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NPS-HPL			
Clause	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
3.4 Mapping highly productive land	<p>No specific changes to mapping criteria, however, this is subject to the outcomes of consultation.</p> <p>Additional amendments may include changes to mapping criteria including:</p> <ul style="list-style-type: none"> consequential amendments related to the removal of LUC 3 additional criteria for capturing 'special agriculture areas', which is a new land category that is intended to capture areas that are regionally or nationally significant for food and fibre production but may be compromised by the removal of LUC 3 (these could include Pukekohe and Horowhenua). 	<p>LUC 3</p> <p>SAA</p> <p>HPL mapping</p>	<p>Change</p> <p>2. Amend the proposal to remove the proposed SAA and consequential changes to the highly productive land mapping criteria.</p>	<p>The criteria for identifying SAAs and the process for identifying them require further consideration as identified in the Section 46A RMA report on submissions and recommendations.</p> <p>Further consideration of criteria for mapping HPL will be considered as part of developing the new resource management system.</p>	Agreed with recommendation
3.5 Identifying highly productive land in regional policy statements and district plans	<p>Changes to timeframes for councils to notify HPL maps in regional policy statements either extend timeframes in clause 3.5(1) or suspend mapping (see Part 4).</p> <p>Remove LUC 3 from clause 3.5(7).</p> <p>Subject to outcomes of consultation, additional amendments to how HPL is defined before HPL mapping is notified in a regional policy statement may include:</p> <p>limiting LUC 3 removal to urban rezoning decisions only (either just council-led urban rezoning or for private urban rezoning proposals and retaining restrictions on rural lifestyle on LUC 3)</p>	<p>LUC 3</p> <p>SAA</p> <p>HPL mapping</p>	<p>Change</p> <p>3. Amend the proposal to extend the requirement for local authorities to map highly productive land in regional policy statements until 31 December 2027.</p> <p>4. Amend the proposal relating to policy requiring HPL to be identified in regional policy statements and district plans so that:</p> <p>a. the existing reference to LUC 3 is retained.</p> <p>5. Amend the proposal to exempt urban development on LUC 3 (excludes rural lifestyle) from the definition of HPL in 3.5(7).</p>	<p>The proposal to extend the timeframes for HPL mapping is intended to align with the timeframes for the Plan Stop on plan changes, which effectively creates a 'pause' on mapping HPL under the RMA until 31 December 2027.</p> <p>Removal of urban development on LUC 3 from the definition of HPL ensures that the change has immediate effect, while avoiding increasing land fragmentation and land values associated with rural lifestyle development.</p> <p>Making this change allows any updated mapping (eg, updates to the national-scale</p>	Agreed with recommendations

PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NPS-HPL			
Clause	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
	allowing HPL to be defined via consideration of LUC units and limitations within the LUC classification system.		6. Amend the proposal to allow improvements to the New Zealand Land Resource Inventory undertaken post 2022 to be used to assess what land the NPS-HPL applies to.	LUC map) to be used to determine LUC status and whether the NPS-HPL applies to a particular proposal or not.	

PART 4: TIMING					
PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NPS-HPL			
Reference	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
3.6 Restricting urban rezoning of highly productive land	Exempt council initiated or private plan changes on LUC 3 from urban rezoning tests.	LUC 3	Give effect to the proposal to exempt council initiated and private plan changes on LUC 3 from urban rezoning tests in clause 3.6.	This proposal was tested as part of public consultation and is consistent with the Going for Housing Growth plan to amend national direction to increase the land available for urban development with immediate effect, noting Plan Stop only applies to council-initiated plan changes and not private plan changes.	Agreed with recommendations
4.1 When this National Policy Statement takes effect	Align with changes to clause 3.4 and clause 3.5 subject to the outcomes of consultation.	LUC 3 SAA HPL mapping	Refer to recommendation 3 (Amend the proposal to pause the requirement for local authorities to map highly productive land in regional policy statements until 31 December 2027.)	The amendment is required to remove the burden on councils to map HPL, align with the Plan Stop restricting plan changes and allow time for a longer-term solution to identifying and managing HPL to be considered in the new resource management system. No separate recommendation is required as this is addressed in recommendation 3.	N/A

Consolidated recommendations and decisions – Amendments to the National Policy Statement for Indigenous Biodiversity 2023

Recommendations and decisions in relation to notified proposed provisions

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

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

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

Any provision in the existing National Policy Statement for Indigenous Biodiversity 2023 (NPSIB) not included in the notified proposal or these tables will remain the same.

ART 3: IMPLEMENTATION					
NOTIFIED PROPOSAL			RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NPSIB		
Clause	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister’s decision
3.11(1)(a)(i) and (iii) Exceptions for mineral and aggregate extraction	Exceptions for mineral and aggregate extraction Proposed changes to the consent pathway for mining and quarrying.	Amend the NPSIB and NPS-HPL to align quarrying and mining definitions and terminology	No change 1. Retain the proposal to amend NPSIB exceptions that provide policy direction on consent pathways for quarrying and mining activities that adversely affect SNA, by:	Using the same terms to describe quarrying and mining activities will improve transparency and consistency. Removing the word ‘public’ from benefits tests will allow a wider range of private and localised benefits to be considered.	Agreed with recommendation

ART 3: IMPLEMENTATION

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NPSIB					
Clause	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
	<ol style="list-style-type: none"> 1) Replace 'mineral extraction' with 'the extraction of minerals and ancillary activities' in clause 3.11(1)(a)(ii). 2) Replace 'aggregate extraction' with 'quarrying activities' in clause 3.11(1)(a)(iii). 3) Remove the gateway test requiring assessment of all other resources in New Zealand by removing the wording 'that could not otherwise be achieved using resources within New Zealand' from 3.11(1)(a)(ii) and (iii). 4) Amend subclauses 3.11(1)(a)(ii) and (iii) of the NPSIB to align the gateway test for significant public benefit of mining and quarrying across the NPS-IB, NPS-FM, NES-F and NPS-HPL by: <ul style="list-style-type: none"> – removing the word 'public' because it is used to describe the benefit of quarrying and mining; and – including significant 'regional' benefit in clause 3.11(1)(a)(ii) for the extraction of minerals and ancillary activities so that both subclauses require the activities to provide significant national or regional. 	Amend the quarrying and mining gateway tests in the NPSIB and NPS-HPL	<ol style="list-style-type: none"> a. replacing the term 'mineral extraction' with 'the extraction of minerals and ancillary activities' (clause 3.11(1)(a)(ii)), b. replacing the term 'aggregate extraction' with 'quarrying activities' (clause 3.11(1)(a)(iii)), c. removing the requirement for 'the extraction of minerals and ancillary activities' and 'quarrying activities' affecting an SNA to provide a 'public' benefit (clause 3.11(1)(a)(ii) and (iii)), d. including consideration of 'regional' benefits to the exception for 'extraction of minerals and ancillary activities' ((3.11(1)(a)(ii)); and e. deleting the following requirement from both exceptions: 'that could not otherwise be achieved using resources within New Zealand' (clause 3.11(1)(a)(ii) and (iii)). 	<p>Adding 'regional' benefit to the mining exception will allow local benefits to be considered and aligns the approach with the quarrying exception.</p> <p>Removing the requirement to consider all other resources in New Zealand from both exceptions will improve the workability of the exceptions gateway tests and reduce the quantity of evidence required.</p> <p>The changes will improve consistency across national direction and enable more mines, quarries and their ancillary activities that adversely affect SNAs to be considered through the consent process. This supports the Government's growth agenda.</p>	

Other recommendations

The following recommendation were made in response to other matters raised through submissions and in our overall assessment of the proposal.

RECOMMENDATIONS FOR AMENDMENTS TO THE NPSIB			
Topic	Recommendations	Reasons for recommendation	Minister's decision
Amend the NPSIB to align quarrying and mining definitions and terminology	Change 2. Amend the proposal to include the definition of 'ancillary activities' from the National Planning Standards 2019.	This amendment results from the proposed change in terminology from 'mineral extraction' to 'the extraction of minerals and ancillary activities' (see further discussion in part B).	Agreed with recommendation
Amend the NPSIB to align quarrying and mining definitions and terminology	Change 3. Amend the proposal to include the definition of 'quarrying activities' from the National Planning Standards 2019.	This amendment results from the proposed change in terminology from 'aggregate extraction' to 'quarrying activities' (see further discussion in part B).	Agreed with recommendation

Consolidated recommendations and decisions – Amendments to the quarrying and mining provisions in the National Policy Statement for Freshwater Management 2020 and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020

Recommendations and decisions in relation to notified proposed provisions

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

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

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

Any provision in the existing National Policy Statement for Freshwater Management 2020 (NPS-FM) and National Environmental Standards for Freshwater (NES-F) not included in the notified proposal or these tables will remain the same.

Subpart 3: Specific requirements					
NOTIFIED PROPOSAL			RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NPS-FM		
Clause	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
3.22(1)(d)(iii) and (1)(e)(iii)	<p>Proposed changes to the consent pathways for mining and quarrying.</p> <p>Amended clause 3.22(1)(d)(iii) to add 'operational need' so it reads "there is a functional need <u>or operational need</u> for the activity to be done in that location; and".</p> <p>Amended clause 3.22(1)(e)(iii) to add 'operation need' so it reads "there is a functional need <u>or operational need</u> for the activity to be done in that location; and".</p>	Addition of the 'operational need' test to the NPS-FM and NES-F	<p>No change</p> <ol style="list-style-type: none"> 1. Amend the NPS-FM requirements for including policy in regional plans so they provide for 'quarrying activities' and 'extraction of minerals and ancillary activities' that result in the loss of extent or values of natural inland wetlands, where they have a 'functional need' <u>or 'operational need'</u> to undertake the activity in that location (subclauses 3.22(1)(d)(iii) and (e)(iii)). 	<p>The proposed changes would improve consistency and alignment for quarrying and mining provisions across national direction instruments.</p> <p>The addition of 'or operational need' will amend policy in regional plans to enable more quarries, mines and their ancillary activities that adversely affect natural inland wetlands to be considered through the consent process. This supports the Government's growth agenda.</p>	Agreed with recommendation

Part 3 Subpart 1 – Natural inland wetlands					
NOTIFIED PROPOSAL			RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-F		
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Quarrying activities Section 45A(6)(b)	<p>New proposed changes to the discretionary activity status for quarrying affecting wetlands.</p> <p>Amend to add 'operational need' so it reads "satisfied itself that there is a functional need <u>or operational need</u> for the quarrying activity in that location; and".</p>	Addition of the operational needs test to the NPS-FM and NES-F	<p>No change</p> <ol style="list-style-type: none"> 2. Amend the NES-F discretionary activity requirement for granting a consent for 'quarrying activities' so that the consent authority is required to satisfy itself that the activity has a 'functional need' <u>or 'operational need'</u> to adversely affect natural inland wetlands. 	<p>The proposed changes would improve consistency and alignment for quarrying and mining consent pathways across national direction instruments.</p> <p>The addition of 'or operational need' will amend rules in regional plans to enable more quarries and their ancillary activities that adversely affect natural inland wetlands to be considered through the consent process. This supports the Government's growth agenda.</p>	Agreed with recommendation

Part 3 Subpart 1 – Natural inland wetlands

NOTIFIED PROPOSAL

RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NES-F

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Extraction of minerals and ancillary activities Section 45D(6)(b)	<p>New proposed changes to the discretionary activity status for extraction of minerals and ancillary activities affecting wetlands.</p> <p>Amend to add 'operational need' so it reads "satisfied itself that there is a functional need <u>or operational need</u> for the extraction of minerals and ancillary activities in that location; and".</p>	<p>Addition of the operational needs test to the NPS-FM and NES-F</p>	<p>No change</p> <p>3. Amend the NES-F discretionary activity requirement for granting a consent for 'extraction of minerals and ancillary activities' so that the consent authority is required to satisfy itself that the activity has a 'functional need <u>or operational need</u>' to adversely affect natural inland wetlands.</p>	<p>The proposed changes would improve consistency and alignment for quarrying and mining consent pathways across national direction instruments.</p> <p>The addition of 'or operational need' will amend rules in regional plans to enable more mines and their ancillary activities that adversely affect natural inland wetlands to be considered through the consent process. This supports the Government's growth agenda.</p>	<p>Agreed with recommendation</p>

Consolidated recommendations and decisions – Amendments to the National Policy Statement for Highly Productive Land 2022 (quarrying and mining)

Recommendations and decisions in relation to notified proposed provisions for quarrying and mining

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

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

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

Any provision in the existing National Policy Statement for Highly Productive Land 2022 (NPS-HPL) not included in the notified proposal or these tables will remain the same.

NOTIFIED PROPOSAL			RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NPS-HPL		
Clause	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decisions
1.3 Interpretation (definitions): Aggregate extraction	Remove the term.	Amend the NPS-HPL to align quarrying and mining definitions and terminology	No change 1. Retain the proposal to amend the NPS-HPL to remove the term 'aggregate extraction' and replace it with 'quarrying activities' as defined in the National Planning Standards 2019.	This amendment results from the proposed change in terminology from 'aggregate extraction' to 'quarrying activities'.	Agreed with recommendation
1.3 Interpretation (definitions): Quarrying activities	Introduce a new definition that: <i>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 cleanfilling 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.</i>	Amend the NPS-HPL to align mining and quarrying definitions and terminology	No change Refer to recommendation 1 above	It provides a simpler, consistent approach to the definition of quarrying activities which will align with the approach taken in other national direction.	Agreed with recommendation

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NPS-HPL			
Clause	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
Mining and quarrying 3.9 Protecting highly productive land from inappropriate use and development	<p>Replace reference to mineral extraction with “the extraction of minerals and ancillary activities” in clause 3.9(2)(iii).</p> <p>Amend the test for mineral extraction in clause 3.9(2)(j)(iii) by:</p> <p>a) removing the test that requires applicants to demonstrate the benefits of the activity “could not otherwise be achieved using resources within New Zealand”; and</p> <p>b) replacing it with the following test: “proposals that provide a national or regional public benefit”.</p> <p>Amend the test for aggregate extraction to apply to quarrying activities (see proposed definition change from aggregate extraction) (clause 3.9(2)(j)(iv)) to remove the requirement that applicants must demonstrate the benefits of the activity “could not otherwise be achieved using resources within New Zealand”.</p>	<p>Amend the NPSIB and NPS-HPL to align quarrying and mining definitions and terminology</p> <p>Amend the quarrying and mining gateway tests in the NPSIB and NPS-HPL</p>	<p>No change</p> <p>2. Retain the proposal to amend the provisions in the NPS-HPL, which outline the instances ‘mineral extraction’ may be appropriate on highly productive land, by:</p> <p>a. replacing the term ‘mineral extraction’ with ‘the extraction of minerals and ancillary activities’; and,</p> <p>b. including consideration of regional benefits; and</p> <p>c. deleting the following requirement: ‘that could not otherwise be achieved using resources within New Zealand’.</p> <p>Change</p> <p>3. Amend the proposal to provide for:</p> <p>a. removal of the requirement for ‘extraction of minerals and ancillary activities’ affecting HPL to provide a ‘public’ benefit.</p> <p>No change</p> <p>4. Retain the proposal to amend policy on the instances an aggregate extraction activity may be appropriate, by:</p> <p>a. replacing the term ‘aggregate extraction’ with ‘quarrying activities’; and</p> <p>b. deleting the following requirement: ‘that could not otherwise be achieved using resources within New Zealand’.</p> <p>Change</p> <p>5. Amend the proposal to provide for:</p> <p>a. removal of the requirement for ‘quarrying activities’ affecting HPL to provide a ‘public’ benefit.</p>	<p>Using the same terms to describe mining and quarrying activities will improve transparency and consistency.</p> <p>Removing the word ‘public’ from benefits tests will allow a wider range of private and localised benefits to be considered.</p> <p>Adding ‘regional’ benefit to the mining exception will allow local benefits to be considered and aligns the approach with the quarrying exception.</p> <p>Removing the requirement to consider all other resources in New Zealand from both exceptions will improve the workability of the exceptions gateway tests and reduce the quantity of evidence required.</p> <p>Removal of the word ‘public’ from where it appears in the phrase ‘public benefit’ in relation to quarrying and mining was intended by the package 2 discussion document (see page 43 of the document) but not shown correctly in its associated appendices. This would be corrected by recommendations 10(a), 11(b) and 12(a).</p> <p>The changes will improve consistency across national direction (NPS-FM, NES-F and NPSIB) and enable more quarries, mines and their ancillary activities that adversely affect HPL to be considered through the consent process. This supports the Government’s growth agenda.</p>	<p>Agreed with recommendations</p>

Other recommendations

The following recommendations were made in response to matters raised through submissions.

RECOMMENDATIONS FOR AMENDMENTS TO THE NPS-HPL			
Topic	Recommendations	Reasons for recommendation	Minister's decision
N/A	Change 6. Amend the proposal to include the definition of 'ancillary activities' from the National Planning Standards 2019.	This amendment results from the proposed change in terminology from 'mineral extraction' to 'the extraction of minerals and ancillary activities' (see further discussion in part B on changes to the NPS-HPL).	Agreed with recommendation

Consolidated recommendations and decisions – Targeted amendments to the New Zealand Coastal Policy Statement 2010

Recommendations and decisions in relation to notified proposed provisions

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

The notified proposal section of this table includes the proposed provisions published in: Ministry for the Environment. 2025. *Package 2: Primary sector – Discussion document*. This table should be read in conjunction with the proposal overview included in the discussion document. For the purposes of this report, the notified proposal has been restructured to improve its flow and readability. The remainder of the table includes recommended changes to the notified proposal and specifies reasons for the 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 exact final text of the instrument may vary from officials’ recommendations as a result of legal drafting conventions.

Any provision in the existing New Zealand Coastal Policy Statement 2010 (NZCPS) not included in the notified proposal or these tables will remain the same.

NOTIFIED PROPOSAL		RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NZCPS			
Policies	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
Policy 6 Activities in the coastal environment	<p>Amend Policy 6 by strengthening the language in Policy 6(1)(a) and policy 6(1)(g) to make it more directive to better enable use and development of the coastal environment for the Government's priority activities (specified infrastructure, renewable electricity generation, electricity transmission, aquaculture and resource extraction).</p> <p>Policy 6 text with possible changes:</p> <p>6(1) In relation to the coastal environment:</p> <p>(a) recognise that the provision of infrastructure, the supply and transport of energy, including the generation and transmission of electricity, and the extraction of minerals are activities important to which may be required for the social, economic and cultural well-being of people and communities;</p> <p>(b) ...</p> <p>(g) take into account recognise the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of current and future generations; ...</p> <p>6(2) Additionally, in relation to the coastal marine area:</p> <p>(a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of current and future generations (Note: notified proposals to amend 6(e) and add (k) and to add 6(2)(f) are discussed in the next row)</p>	Policy 6 Activities in the coastal environment – strengthening the language	<p>No change</p> <p>1. Retain the proposal to amend policy 6(1)(a) to replace 'important to' with 'which may be required for'.</p> <p>No change</p> <p>2. Retain the proposal to amend Policy 6(1)(g) to replace 'take into account' with 'recognise'.</p> <p>No change</p> <p>3. Retain the proposal to amend Policies 6(1)(g) and 6(2)(a) to provide for meeting the reasonably foreseeable needs of current and future generations.</p> <p>Change</p> <p>4. Amend the proposal to replace the term 'resource extraction' with 'extraction of minerals' in policy 6.</p>	<p>Submitters expressed mixed views about strengthening the language in Policy 6. The proposals would make it easier to consent priority activities, while still safeguarding important coastal values.</p> <p>The proposed changes will be read alongside stronger enabling direction in other national policy statements.</p> <p>To support decarbonisation of the economy, to meet the needs of current as well as future generations is recommended for Policy 6.</p> <p>For greater clarity and consistency, the term 'extraction of minerals' rather than 'resource extraction' is recommended for Policy 6.</p>	Agreed with recommendations

[illegible]

NOTIFIED PROPOSAL			RECOMMENDATIONS AND DECISIONS FOR AMENDMENTS TO THE NZCPS		
Policies	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
Policy 8 Aquaculture	<p>Amend policy 8 by including a new provision directing local authorities to provide for aquaculture activities within aquaculture settlement areas gazetted under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004; and Policy 8 text with possible changes:</p> <p>(a)</p> <p>(d) Providing for aquaculture activities within aquaculture settlement areas gazetted under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004.</p>	New Policy 8(d) aquaculture settlement areas	<p>No change</p> <p>7. Retain the proposal to provide for aquaculture activities within aquaculture settlement areas gazetted under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004.</p>	<p>Most submitters thought the proposed changes would support iwi involvement in new aquaculture activities. The proposed changes support the Government's aquaculture objectives.</p>	Agreed with recommendation
	<p>Amend Policy 8 by requiring decision-makers to also take account of the cultural and environmental benefits of aquaculture.</p> <p>Policy 8 text with possible changes:</p> <p>Recognise the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities by:</p> <p>(b) taking account of the <u>environmental, cultural</u>, social and economic benefits of aquaculture activities, including any available assessments of national and regional economic benefits;</p>	Policy 8(b) wording changes	<p>Change</p> <p>8. Amend the proposal for changes to Policy 8(b) to include 'ecological benefits' and achieve the following intent:</p> <p><i>take account of the environmental (ecological, cultural, social and economic) benefits of aquaculture, including any available assessments of national and regional benefits</i></p>	<p>Most submitters supported this change, and many recommended the word 'environmental' be replaced with 'ecological'.</p> <p>To represent the policy intent to consider any benefits on biodiversity and ecosystems, the term 'ecological' is recommended.</p> <p>For consistency with the RMA definition of 'environment', it is also recommended that ecological, cultural, social and economic benefits are identified as subsets of environmental benefits.</p>	Agreed with recommendation

Other recommendations

The following recommendations were made in response to matters raised through submissions.

RECOMMENDATIONS FOR AMENDMENTS TO THE NZCPS			
Topic	Recommendations	Reasons for recommendations	Minister's decision
Other issues	No change 9. No amendments are made to the proposal to respond to other issues raised in submissions.	The part B assessment responds to submissions on other issues including: not proceeding with changes to national direction now; the impact of an increase in applications; the impact of natural hazards and specific ecosystem matters. Officials recommend not making any changes to the proposal regarding these matters as they are either being considered as part of other proposals, have not been consulted on or could be considered as part of the resource management reform.	Agreed with recommendation
Other considerations	No change 10. No amendments are made to the proposal to respond to other considerations raised in submissions.	The part B assessment responds to issues on other considerations and recommends that no changes are made.	Agreed with recommendation

Part 2: Section 46A RMA report and recommendations

Minor and technical corrections have been made to the Section 46A RMA report and the recommendations originally provided to the Minister Responsible for RMA Reform (the Minister) in September 2025. Additionally, minor and technical revisions have been made to enhance clarity.

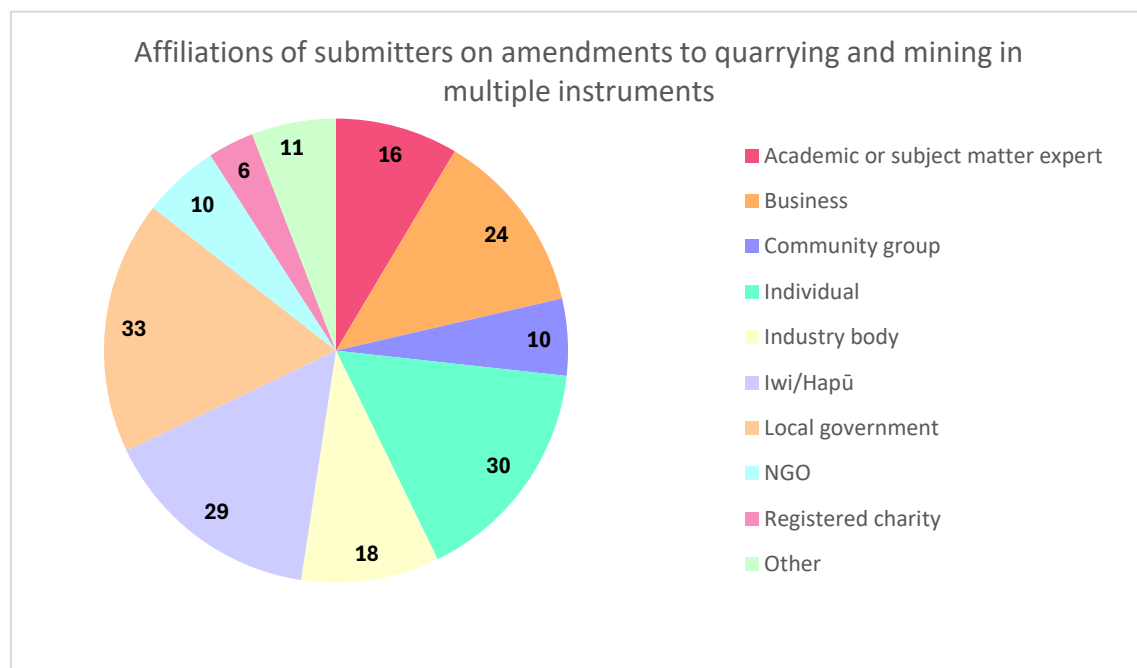
The following issues were not changed but are noted here for reference.

NPS-HPL

- Additional advice was provided after the Minister considered the Section 46A RMA report and recommendations. That advice resulted in alterations to option 3 content – exempting urban development on LUC 3 from NPS-HPL restrictions until HPL is mapped (part 1, NPS-HPL decisions table refers).
- Additional advice was also provided to the Minister subsequent to the delivery of the Section 46A report and recommendations on the source of LUC information in determining LUC status. That advice resulted in allowing NZLRI maps (post 2022) to be used to determine LUC status (part 1, NPS-HPL decisions table refers).

Quarrying and mining amendments to the NPS-HPL, NPSIB, NES-F and NPS-FM

- The total submission count in section 3.2.1 of the report is incorrect. The actual number of submissions on the quarrying and mining proposal was 142, not 137 (see updated graph below for the breakdown by submitter type). The original figure reflected the best available data at the time of drafting, but subsequent quality assurance confirmed the revised total. This adjustment does not affect the analysis or recommendations provided to the Minister in September, as all submissions were considered during the report’s development.



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.

Proposed Targeted Amendments to the New Zealand Coastal Policy Statement, National Policy Statement for Highly Productive Land, National Policy Statement for Indigenous Biodiversity, National Policy Statement for Freshwater Management and National Environmental Standards for Freshwater

Report on Submissions and Recommendations

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Executive summary

Purpose

New Zealand Coastal Policy Statement 2010

The proposed amendments to the New Zealand Coastal Policy Statement 2010 (NZCPS) aim to better enable priority activities (ie, infrastructure, including renewable electricity generation and electricity transmission, aquaculture activities and resource extraction), while still protecting the environment. They involve:

- strengthening the language in policy 6 to better enable development of priority activities
- recognising that priority activities may have a functional or operational need to be located in the coastal marine area
- considering the potential of renewable resources in the coastal environment and the potential contribution of renewable marine energy in the coastal marine area to meet the reasonably foreseeable needs of both current and future generations
- directing decision-makers to provide for aquaculture activities within aquaculture settlement areas
- giving more recognition to the cultural and environmental benefits of aquaculture.

National Policy Statement for Highly Productive Land 2022

The proposed amendments to the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) aim to better enable development of greenfield land while retaining the most agriculturally productive land for primary production. The proposed amendments as notified involve:

- removing Land Use Capability (LUC) 3 land from NPS-HPL restrictions, or urban expansion on LUC 3 land is exempt from NPS-HPL restrictions
- maintaining NPS-HPL restrictions on LUC 1 and 2 land
- testing alternative ways to protect areas of important agricultural land, and consulting on establishing special agricultural areas (SAAs)
- extending, or suspending, requirements for mapping highly productive land (HPL) until further direction is provided on the replacement of the resource management system.

The amendments also include changes to better enable quarrying and mining. These are discussed directly below.

Quarrying and mining

The proposed quarrying and mining amendments to the National Policy Statement for Indigenous Biodiversity 2023 (NPSIB), NPS-HPL, National Policy Statement for Freshwater Management 2020 (NPS-FM) and National Environmental Standards for Freshwater (NES-F) aim to better enable quarrying and mining to support the Government's infrastructure, development and economic goals by aligning terminology and consent pathways across the four instruments. The proposed amendments involve:

- adding 'operational need' to the wetland provisions and consent pathways in the NPS-FM and NES-F to make them more enabling and consistent with the NPSIB and NPS-HPL

- using the terms ‘quarrying activities’ and ‘mineral extraction and ancillary activities’ across all four instruments to improve consistency
- amending and removing some of the restrictions or gateway tests in the provisions for quarrying and mining activities affecting HPL and significant natural areas (SNAs) in the NPS-HPL and NPSIB. This will make them more enabling and align them with the amended NPS-FM and NES-F.

Background

The proposed amendments to the NZCPS, NPS-HPL, NPSIB, NPS-FM and NES-F are part of a broader programme to change and inform development of national direction under the resource management system. They form part of one of four packages: Package 2: Primary sector (package 2).

The proposals contribute towards the Government’s wider resource management reform programme. They are complemented by the Fast-track Approvals Act 2024, targeted amendments to the Resource Management Act 1991 (RMA),⁵ and the development of a new resource management system.

Statutory consultation on package 2 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 NZCPS, NPS-HPL, NPSIB, NPS-FM and NES-F and includes officials’ recommended amendments to the notified proposals. Officials’ recommendations are informed by submissions and further analysis of the proposals. They are intended to support the effective implementation of the proposed national direction and help achieve their intended outcomes.

Consolidated recommendations are provided in the following appendices:

- **Appendix A: Consolidated recommendations** – Amendments to the National Policy Statement for Highly Productive Land 2022
- **Appendix B: Consolidated recommendations** – Amendments to the National Policy Statement for Indigenous Biodiversity 2023
- **Appendix C: Consolidated recommendations** – Amendments to the National Policy Statement for Freshwater Management 2020 and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020
- **Appendix D: Consolidated recommendations** – Amendments to the quarrying and mining content in the National Policy Statement for Highly Productive Land 2022
- **Appendix E: Consolidated recommendations** – Targeted amendments to the New Zealand Coastal Policy Statement 2010.

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

⁶ Statutory consultation on package 1 (infrastructure and development), and non-statutory consultation on package 3 (freshwater), also ran from 29 May 2025 to 27 July 2025. Non-statutory consultation on package 4 (Going for Housing Growth) ran from 18 June to 17 August 2025.

Introduction

This report provides recommendations to the Minister Responsible for RMA Reform and Minister of Conservation (for matters relating to the New Zealand Coastal Policy Statement 2010) on the proposed amendments to the following national direction:

- National Policy Statement for Highly Productive Land 2022 (NPS-HPL)
- National Policy Statement for Indigenous Biodiversity 2023 (NPSIB)
- National Policy Statement for Freshwater Management 2020 (NPS-FM)
- National Environmental Standards for Freshwater 2020 (NES-F)
- New Zealand Coastal Policy Statement 2010 (NZCPS).

The proposed amendments were notified on 29 May 2025, in accordance with section 46A(1)(c) of the Resource Management Act 1991 (RMA).

This report is in three parts.

Part A provides an overview of the proposals and the consultation and submissions process.

Part B provides a summary of key issues raised by submitters at an instrument level; sets out officials' analysis of the submissions and subject matter of the proposal; and outlines officials' key recommendations to amend the notified proposals.

Part C provides a summary of submissions made on general implementation of national direction in Package 1: Infrastructure and development and Package 2: Primary sector. It also discusses specific implementation options available for the NZCPS, NPS-HPL, NPSIB, NPS-FM and NES-F.

1. Part A: Overview

1.1 Proposals

1.1.1 **Proposed targeted amendments to the New Zealand Coastal Policy Statement, National Policy Statement for Highly Productive Land, National Policy Statement for Indigenous Biodiversity, National Policy Statement for Freshwater Management and National Environmental Standards for Freshwater**

The proposals to amend the New Zealand Coastal Policy Statement 2010 (NZCPS), National Policy Statement for Highly Productive Land 2022 (NPS-HPL), National Policy Statement for Indigenous Biodiversity 2023 (NPSIB), National Policy Statement for Freshwater Management 2020 (NPS-FM) and National Environmental Standards for Freshwater 2020 (NES-F) under section 46(a)(1) and (2) of the Resource Management Act 1991 (RMA) were outlined in Package 2: Primary sector (package 2),⁷ along with the attached proposed provisions.⁸

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

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

- amendments to Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020
- amendments to Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017
- amendments to Resource Management (Stock Exclusion) Regulations 2020.

Reports and recommendations to the Minister Responsible for RMA Reform 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 2: Primary sector – Discussion document*. Wellington: Ministry for the Environment.

⁸ Attachment 2.3: Proposed provisions – Amendment to the New Zealand Coastal Policy Statement 2010, Attachment 2.4: Proposed provisions – Amendments to the National Policy Statement for Highly Productive Land 2022, Attachment 2.5: Proposed provisions – Amendments to the National Policy Statement for Indigenous Biodiversity 2023, Attachment 2.6: Proposed provisions – Amendments to the National Policy Statement for Freshwater Management 2020 and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

1.1.3 Other proposed national direction

The proposed primary sector national direction is complemented by additional proposals in *Package 1: Infrastructure and development – Discussion document*⁹ (package 1) 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 (and Department of Conservation for matters relating to the NZCPS) publicly consulted on the proposed NZCPS, NPS-HPL, NPSIB, NPS-FM and NES-F – 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.

The Ministry for the Environment 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.

The Department of Conservation gave customary marine title groups on the Land Information New Zealand register¹¹ early notice of the proposed targeted amendments to the NZCPS and they were invited to hui to discuss the proposal during both the pre-statutory and statutory consultation periods.

The Ministry for the Environment 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, 142 provided feedback on the proposed amendments to the NZCPS. A total of 266 submitters provided feedback on the proposed amendments to the NPS-HPL. A total of 137 submitters provided feedback on quarrying and mining proposals across the NPS-HPL, NPSIB, NPS-FM and NES-F.

⁹ Ministry for the Environment. 2025. *Package 1: Infrastructure and development – Discussion document*. Wellington: Ministry for the Environment.

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

¹¹ These included Ngā Hapū o Ngāti Porou, the Supervisors of Tamaitemioka and Pohowaitai from Ngāi Tahu, and Ngāti Kahungunu hapū in the Wairarapa.

1.2.1 Collating, processing and analysing submissions

Officials collated submissions received through CitizenSpace – the Ministry for the Environment’s consultation platform¹² – 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 amendments to the NZCPS, NPS-HPL, NPSIB, NPS-FM and NES-F. It outlines officials’ recommended changes to the objectives, policies and implementation requirements of the national direction in response to those submissions.

Officials considered Part 2 of the RMA¹³ and relevant Treaty settlements when preparing the report and recommendations.

The recommendations address both substantive and technical matters, supporting the implementation and intent of the proposed changes to the NZCPS, NPS-HPL, NPSIB, NPS-FM and NES-F. Minor changes may not be fully analysed in the main body of this report, but are captured in the consolidated lists of recommendations provided in appendices A to E.

The consolidated lists of recommendations provide a clear and direct connection to the notified proposed amendments to the NZCPS, NPS-HPL, NPSIB, NPS-FM and NES-F, helping to inform and support the decision-making process.

1.4 Decision-making

This report includes officials’ recommendations to change the proposed amendments to the NZCPS, NPS-HPL, NPSIB, NPS-FM and NES-F (as notified on 29 May 2025), in accordance with section 46A of the RMA.

The Minister Responsible for RMA Reform must consider the report and recommendations before making changes to the NES-F or any of the national policy statements, and the Minister of Conservation must do the same for the NZCPS.

The report will be updated with the Ministers' decisions and publicly released around the time the Ministers makes recommendations to the Governor-General on the NES-F, NZCPS or national policy statements.¹⁴

¹² Submitters could provide feedback on the CitizenSpace platform via a survey and/or by uploading a file.

¹³ As required by section 46A(3) of the RMA.

¹⁴ 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](#)). The report and recommendations for a national policy statement are required to be publicly notified as soon as practicable after the national policy statement is approved by the Governor-General (see [section 52\(3\)\(b\) of the RMA](#)).

1.5 Limitations and constraints

1.5.1 Collating, processing and analysing submissions

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

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 2: Primary sector – Discussion document* for the proposed amendments to the NZCPS, NPS-HPL, NPSIB, NPS-FM and NES-F where possible – and officials have made generalisations for brevity.

2. Part B: Proposed amendments to the National Policy Statement for Highly Productive Land 2022

2.1 Proposal overview

The consultation proposal to amend the National Policy Statement for Highly Productive Land 2022 (NPS-HPL)¹⁵ is part of the Government's Going for Housing Growth work programme, which aims to better enable development of greenfield land while retaining protections on the most productive land for primary production.

The proposed amendments to the NPS-HPL were outlined in *Package 2: Primary sector – Discussion document*, which was released in May 2025.

Key elements of the proposal to amend the NPS-HPL included:

- exempting/removing Land Use Capability (LUC) 3 land from the restrictions of the NPS-HPL or providing an exemption for urban rezoning of LUC 3 land
- testing alternative ways to continue to protect additional areas of agricultural land that are important for food and fibre production, and consulting on establishing special agricultural areas (SAAs) around key horticultural hubs like Pukekohe and Horowhenua
- extending timeframes for mapping highly productive land (HPL) to 2027 or 2028 or suspending mapping requirements for HPL until further direction is provided in the new resource management system.

The proposal does not propose any specific changes to policy on LUC 1–2 land. An additional option of revoking the NPS-HPL in its entirety (not consulted on) is covered in section 2.3.5: Other issues.

A consolidated recommendations table for NPS-HPL is included in appendix A.

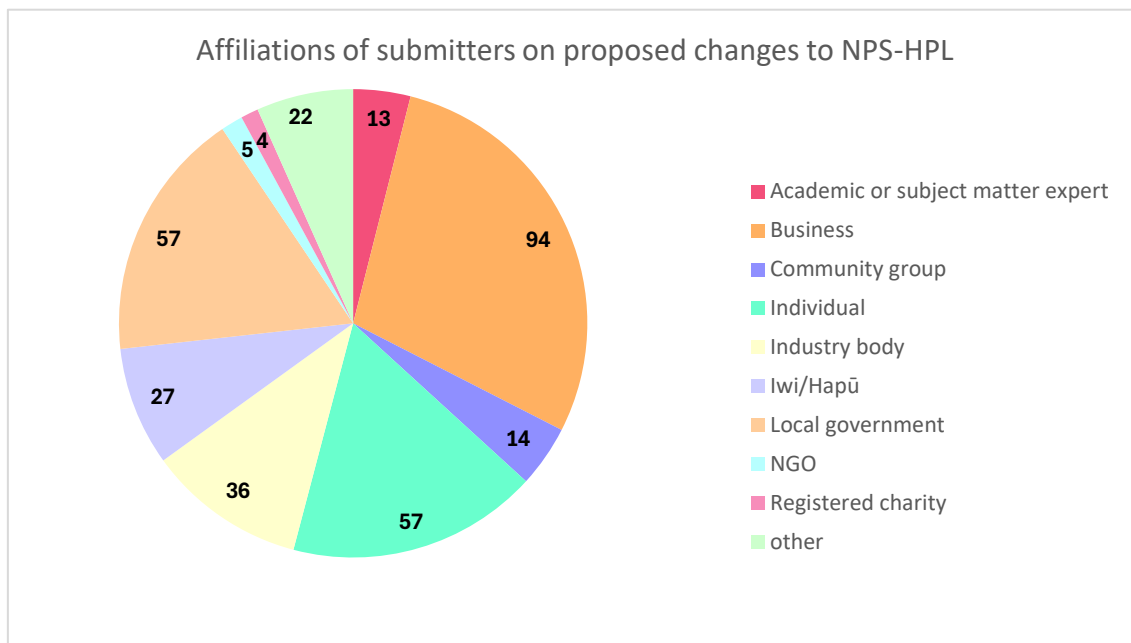
A further proposal affecting HPL is included in the part B section on quarrying and mining.

¹⁵ The NPS-HPL categorises land into eight classes based on its long-term potential for sustained primary production. It uses the Land Use Capability (LUC) classification system. Class 1 land is the most versatile land and is suitable for a wide range of primary-production activities. Class 8 land is the least versatile for primary production and is typically set aside for conservation. Land in classes 1, 2 and 3 is generally regarded as the most highly productive in New Zealand.

2.2 Summary of submissions

2.2.1 Overview of submissions

A total of 266 submitters provided feedback on the proposal to amend the NPS-HPL. Submitters can be broadly categorised into the following groups.



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

2.2.2 Key submission topics

Key topics raised in submissions on the proposal to amend the NPS-HPL include:

- removal of LUC 3 land from the policy so that the NPS-HPL applies to LUC 1 and 2 only
- inclusion of SAAs
- removal of restrictions on LUC 3 for planned urban development only (exemption of urban development on LUC 3 land from HPL policy)
- testing inclusion of SAAs
- changes to highly productive land mapping timeframes.

These topics are discussed in further detail below.

2.3 Analysis of proposal and submissions

2.3.1 Remove LUC 3

2.3.1.1 Proposal

The proposal sought to remove LUC 3 land from the HPL restrictions in the NPS-HPL. Subdivision and development on LUC 3 land was proposed to be managed by district and regional plans and national direction including the National Policy Statement for Urban Development 2020 (NPS-UD) and resource consent processes.

2.3.1.2 Key issues from submissions

Responses to the proposal to remove LUC 3 restrictions from the NPS-HPL were highly varied, with some submitters supporting the removal of LUC 3, and others opposing the blanket removal and/or supporting only partial removal of LUC 3 restrictions.

Submitters' reasons for supporting removal of LUC 3

The submitters' (including developers' and some councils') reasons for supporting the removal of LUC 3 from the NPS-HPL included:

- the perception that LUC 3 land has limited ability to support high-value primary production
- it will provide greater land-use flexibility and allow councils to manage rural land based on district/regional priorities
- it will lower land prices as there would be fewer restrictions on developing LUC 3 land
- the need for more urban-fringe land for industrial, residential and retirement village developments.

Submitters' reasons for retaining protection of LUC 3

Concerns expressed by submitters, including primary sector organisations, iwi/Māori and councils, regarding the removal of LUC 3 restrictions included:

- irreversible loss of agricultural land availability impacting food security without creating significant benefits for housing supply, increased land prices and reverse sensitivity
- the lack of evidence for the proposed changes (ie, whether protection of LUC 3 land has constrained development and evidence that LUC 3 land is not valuable for primary production)
- the risk of proliferation of inappropriate rural lifestyle developments on LUC 3 land resulting in fragmentation and cumulative loss of productive soils
- the need for protection of valuable vegetation growing areas.

Consequential amendments for identifying LUC 1 and 2 only

Feedback was sought on whether the removal of LUC 3 would require changes to how maps of highly productive land are prepared (ie, how boundaries are defined and their spatial extent).

Responses to this question were linked to submitters' position on the proposal to introduce SAAs and whether to pause highly productive land mapping under the Resource Management

Act 1991 (RMA) until the resource management reforms are implemented or to extend timeframes. The mapping topic is covered in more detail in section 2.3.4: HPL mapping requirement and timeframes, and the SAA topic in section 2.3.2: Special agricultural areas.

The following feedback relates to changes to the identification and mapping of LUC 1 and 2 land. Submitters who welcomed changes to HPL mapping (including councils, developers, primary sector organisations and the Parliamentary Commissioner for the Environment (PCE)) commented:

- relying on the New Zealand Land Resource Inventory (NZLRI) for mapping LUC 1 and 2 could misidentify HPL due to the broad scale of mapping
- removal of LUC 3 would require farm-scale mapping to accurately define LUC 1 and 2 boundaries
- LUC 1 and 2 areas are often fragmented and would need some LUC 3 included to connect them / provide buffers between land-based primary production and urban development.

However, some councils had concerns that mapping changes could lead to:

- risk of mapping confusion
- potential administrative burden on councils.

Submitters' support for removal of LUC 3 for urban development only

Most submitters, including most councils, supported retaining some level of LUC 3 restrictions, either retaining LUC 3 restrictions altogether (ie, status quo) or removing LUC 3 restrictions for urban development only and retaining LUC 3 protections over rural lifestyle land (see section 2.3.3: Exempt LUC 3 for urban development).

2.3.1.3 Analysis of submissions and proposal

As highlighted by submissions, a blanket removal of LUC 3 land from the NPS-HPL would impact the productivity and resilience of agricultural, pastoral and horticultural activities, while not necessarily resulting in a significant increase in housing.

Blanket removal of LUC 3 land from the NPS-HPL would reduce the amount of productive land protected by the NPS-HPL by two-thirds, leaving some districts with no HPL. It could also impact the protection of LUC 1 and 2 land, as LUC 1, 2 and 3 land is often spatially intertwined¹⁶ and located on the same site. Submitters also raised concerns about increased reverse sensitivity effects. Additionally, blanket removal of LUC 3 from the NPS-HPL could hinder flexibility around primary production locations, which is particularly relevant given the uncertainty about climate change.

The removal of LUC 3 land from the NPS-HPL may not materially enable more housing capacity in the short to medium term, as other planning considerations may be barriers to greenfield development (eg, transport links, infrastructure provision, natural hazards, adopted plan provisions such as identified growth areas (ie, identified in adopted spatial or district plans)).

While council-led plan changes are affected by the Plan Stop, the demand for private plan changes for urban development, particularly on the periphery of established urban areas,

¹⁶ LUC classes 1, 2 and 3 are often not aligned with land parcel boundaries. These LUC areas may cross multiple parcels, and a single parcel may contain more than one LUC category.

would be expected to increase as LUC 3 land would be exempt from the provisions of the NPS-HPL for urban rezoning.

Enabling urban development on LUC 3 land does not necessarily require the land class to be entirely removed from the NPS-HPL. Submitters noted that the intent of the policy change (to enable increased greenfield development) can be provided through an exemption for urban development from the NPS-HPL restrictions on LUC 3 (see further discussion in section 2.3.3: Exempt LUC 3 for urban development).

Removing LUC 3 would align with Going for Housing Growth but may not support the Government priority of Getting Back to Farming and the Cabinet Economic Policy Committee's objective for the new resource management system of "enabling primary sector growth and development (including aquaculture, forestry, pastoral, horticulture, and mining)".

While this option may enable development on greenfield sites that are currently restricted by being LUC 3, submitters have highlighted the risk that removing LUC 3 land outright would have wider consequences on the productivity and resilience of agricultural, pastoral and horticultural activities.

2.3.1.4 Recommendations

The recommendation for this topic is summarised below and outlined in full in the numbered recommendations in the consolidated recommendations table in appendix A.

Key recommendation for preferred option (option 3)

Amend the proposal so the reference to LUC 3 in the interpretation section of the NPS-HPL is retained (see recommendation 1 in table 2)

2.3.2 Special agricultural areas

2.3.2.1 Proposal

SAAs were proposed as a new category of highly productive land intended to protect key food-growing areas, like Pukekohe and Horowhenua, that could be compromised by the removal of LUC 3. SAAs were intended to be subject to the same provisions in the NPS-HPL as LUC 1 and 2.

As part of public consultation, the Government sought feedback on criteria to identify SAAs, on the process (either local- or central government-led) and on the alignment or misalignment of SAAs with other proposed commercial vegetable-growing policy as part of the suite of freshwater changes being considered in Package 3: Freshwater.

2.3.2.2 Key issues from submissions

It is difficult to categorise the position of submitters as either 'supporting' or 'opposing' SAAs, as most offered further context in their responses. For analysis purposes, the responses from different organisations are represented as general or overall responses to proposals relevant to SAAs. Differing views amongst organisations are also covered.

Submitters' reasons for opposing (fully or partially) the inclusion of SAAs

- It would add unnecessary complexity to the identification of HPL and may be difficult to implement.
- More analysis is needed to ensure that it does not result in restrictions on large areas of rural land.
- SAAs could lock up land for vegetation growing, preventing diversification and limiting the ability to adapt to change (ie, in the market or climate).
- SAAs could compromise waterbodies and impact other consented activities, and lack regional flexibility,
- In effect, the NPS-HPL already provides scope for regional councils to take a similar approach to identifying areas of locally important productive land (clause 3.4(3)) that are not necessarily LUC 1–3.

Submitters' reasons for supporting (fully or partially) the inclusion of SAAs

- SAAs provide protection for key horticultural areas.
- They offer protection to areas that may have strong cultural significance for Māori.
- They could prove to be a useful tool in protecting key food-growing areas while being more enabling of urban development.

Many of these submitters considered that the criteria for SAAs should include parameters beyond LUC, such as infrastructure, climate change and proximity to markets.

SAA criteria feedback

Specific criteria for SAAs were not proposed as part of public consultation. The package 2 discussion document asked about key considerations for informing criteria to identify SAAs. Key themes from submissions included the following.

- Criteria should align with the policy intent and objective of the NPS-HPL, specifically, that highly productive land is protected for land-based primary production and not a particular type of activity.
- Criteria should be based on inherent quality of the soil/land not the crop type or land use.
- Some councils thought that criteria would not be needed as SAAs can already be provided for under the status quo (clause 3.4(3)).
- One council noted there are instances when an area should not be recognised as an SAA (eg, in a hazard-prone location or where there is potential for adverse effects on the management of water quality).
- The PCE considered the LUC classification, and the associated national datasets, unfit for the regulatory instruments they underpin.
- Some sector organisations and growers suggested that the definition of HPL could be broadened to include key food-producing areas, climate and soil, climate change and other uses/development that support production (ie, pack houses) and key transport links and water infrastructure.

Who should lead the process for identifying SAAs

- Most submitters suggested that SAAs should be mapped by central government in collaboration with local government, with the criteria set nationally to reduce interpretation issues.
- Others suggested that SAAs should be led by local government as this allows for greater scrutiny of proposals, and local authorities have greater understanding of local context.
- Some iwi/Māori organisations suggested that SAAs should be co-designed with iwi and hapū and regionally determined.

Other matters raised by submitters on SAAs

Submitters raised concerns about how SAAs align with other national direction (see section 2.3.6.1: Interaction with other national direction instruments).

- Horowhenua District Council noted that vegetable growing in the district occurs primarily on LUC 1 and 2 land, meaning an SAA in Horowhenua would be misaligned with the spatial distribution of vegetable production in the district (the council strongly opposed being identified as an SAA).
- SAAs would complicate the mapping of HPL due to uncertainty around mapping criteria and methodology.
- Limiting SAAs to a select number of areas would mean other valuable productive LUC 3 land could be lost to development.
- Horticulture New Zealand (HortNZ) suggested the Heretaunga Plains be identified as an interim SAA, and noted that when spatial mapping occurs under the proposed Planning Act, other areas could be identified as SAAs.
- The New Zealand Society of Soil Science (NZSSS) is also concerned about a ‘goldrush effect’ (ie, rush of applications for urban development) if LUC 3 is removed before SAA identification is complete.
- The risk of cutting across public processes was also raised (eg, to manage land-use discharges in plans), especially in the Waikato context.

2.3.2.3 Analysis of submissions and proposal

SAA criteria

Limiting SAAs to just two areas is unlikely to be feasible as other areas across the country could make a case to be an SAA. Submitters did not necessarily support such a tight approach and suggested a range of options for criteria.

The NPS-HPL does not specify the type of land-based primary production that can occur on HPL. SAAs would be a significant change in policy intent as they were proposed specifically to protect key food-growing areas.

Officials consider that the inclusion of SAA requires more work, as the criteria for setting them, and the implications of prioritising certain land uses for some areas over other land uses, need to be understood. Further policy development is needed to consider how a nationally consistent approach could be taken to protect food-growing areas. Potential SAA criteria and policy would also benefit from further testing with local government, industry, Māori and the public to develop criteria that are workable and align with the Government’s growth priorities.

SAA decision-making

Generally, submitters were split on whether local or central government should be the lead decision-maker on SAAs. A common theme was the need for the process to be collaborative, irrespective of who leads it.

Both options for SAA decision-maker (ie, central government-led or local government-led) carry risks. A central government-led process for identifying SAAs could reduce interpretation issues (compared with local authorities determining criteria in plans). However, a central government-led process may also mean blanket protection for areas better managed by local authorities in consultation with industry and local communities. Such a situation is illustrated by Horowhenua where most of the vegetable production occurs on LUC 1 and 2 land, meaning SAAs could inadvertently add further restrictions to land not used for vegetable production. A local government-led process could be more regionally relevant and reflective of community interests but may not align with national priorities.

Other suggested SAAs and links to other national direction

Submitters nominated other areas as potential SAAs, including Gisborne Plains, Bay of Plenty, Hawke's Bay (specifically Heretaunga Plains), Tasman and Central Otago.

The link of SAAs to freshwater / commercial vegetable-growing policy was a key theme raised. Most submitters thought that more work was needed to understand the implications of SAAs for freshwater outcomes, and the link of SAAs to commercial vegetable-growing policy.

Officials consider that the feasibility of SAAs would be best considered as part of the resource management reform as it would provide time to work through implementation considerations, integrate with other national direction (ie, on freshwater) and align with suspending mapping timeframes (see section 2.3.4: HPL mapping requirements and timeframes).

2.3.2.4 Recommendations

The recommendation for this topic is summarised below and outlined in full in the numbered recommendations in the consolidated recommendations table in appendix A.

Key recommendations for preferred option (option 3)

Amend the proposal to remove the proposed special agricultural areas and consequential changes to the HPL mapping criteria (see recommendation 2 in table 2)

2.3.3 Exempt LUC 3 for urban development

2.3.3.1 Proposal

This section discusses submissions on the proposal to retain LUC 3 in the NPS-HPL but exempt rezoning LUC 3 land for urban development from the restrictions in the NPS-HPL. The intention is to immediately enable greenfield development, in support of the Government's Going for Housing Growth programme.

2.3.3.2 Key issues from submissions

Most submitters, including most councils, supported retaining some level of LUC 3 restrictions, either retaining LUC 3 restrictions altogether (ie, status quo) or removing LUC 3 restrictions for urban development only and retaining LUC 3 protections over rural lifestyle land. Key reasons cited by submitters included the following.

- It provides regional flexibility to manage LUC 3 land in relation to development pressure.
- It supports well-planned, strategic, large-scale urban development to support local housing and development needs over ad hoc rural lifestyle expansion, which provides minimal additional housing gains.
- Most submitters noted private plan changes may not provide the same level of coordination and efficiency and preferred some council oversight of urban development proposals on LUC 3 land.
- Groups representing iwi/Māori supported either retaining LUC 3 entirely or allowing partial removal (ie, an exemption for urban development on LUC 3 land).

Submissions from or on behalf of iwi/Māori supported an exemption that included enabling urban development on LUC 3 land and/or enabling development of whenua Māori. Submitters mentioned the significance of HPL as a taonga, the need to uphold tino rangatiratanga and to enable land use on whenua Māori to align with iwi/Māori tikanga and aspirations. There was also strong support for mechanisms enabling tangata whenua participation in plan change processes and to help mitigate potential adverse effects on statutory acknowledgements areas and sites of significance to Māori.

2.3.3.3 Analysis of submissions and proposal

The primary objective of the proposed amendments to the NPS-HPL was to better balance enabling greenfield development with protecting highly productive land.

To achieve this objective, and in response to submissions, officials recommend amending the NPS-HPL to exempt planned urban development on LUC 3 land from NPS-HPL restrictions. This would remove the NPS-HPL restrictions for planned urban development on LUC 3 land and provide for council-led and privately initiated plan changes¹⁷ including iwi/Māori-led proposals. Officials consider this amendment would provide a better way to balance the Government priorities of 'Going for Housing Growth' with 'Getting Back to Farming' than removing LUC 3 in its entirety.

The exemption for urban development on LUC 3 land would support the development of LUC 3 whenua owned by Māori. The existing exemptions for specified Māori land in clauses 3.8 and 3.9 of the NPS-HPL already provide scope for papakāinga on specified Māori land not being subject to the restrictions of the NPS-HPL. This approach generally aligns with provisions in the proposed National Environmental Standards for Papakāinga (NES-P) to better enable Māori to develop their land. However, it should be noted that the definition of specified Māori land in the NPS-HPL does not capture all land anticipated to be captured by the proposed NES-P. Further consultation would be required to expand the definition of specified Māori land in the NPS-HPL. Better alignment of definitions for Māori land across national direction could be considered in the resource management system reform.

¹⁷ Under the status quo, rezoning of HPL for urban development has been approved for private plan changes in Manawatū, Kaipara and Selwyn districts (to name a few). As urban development has already occurred under the status quo, officials' recommendation will provide even more opportunities for development capacity across the country while maintaining protections for LUC 3.

2.3.3.4 Recommendations

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

Key recommendations for preferred option (option 3)

Amend the proposal relating to policy requiring HPL to be identified in regional policy statements and district plans so that:

- the existing reference to LUC 3 is retained;
- an exemption from the restrictions in the NPS-HPL on rezoning LUC 3 land for urban development, via council-led or private plan change proposals, is included; and
- the proposal allowing HPL to be defined via consideration of LUC units and limitations within the LUC classification system is removed

(see recommendation 4 in table 2)

2.3.4 HPL mapping requirements and timeframes

2.3.4.1 Proposal

The proposal to partially or fully exempt LUC 3 land from the restrictions of the NPS-HPL and test the inclusion of SAAs required either extension or suspension of HPL mapping timeframes.

Feedback was also sought on whether direction on how to map LUC 1 and 2 land would need to be amended if LUC 3 was removed.

2.3.4.2 Key issues and themes from submissions

Many submitters noted that mapping timeframes should be suspended, rather than being extended or remaining the same.

The most common reason for requesting suspension of mapping was that the amount of change in the resource management system would impact on decision-making. Submitters also considered that the suspension of mapping timeframes would provide time to engage meaningfully with iwi and hapū, allowing any future framework to incorporate co-governance arrangements, not just statutory consultation.

Some submitters indicated support for HPL mapping timeframes to be extended instead of suspended, as this would allow time for councils to complete mapping requirements and engagement. A few submitters indicated support for both the suspension and extension of mapping timeframes. A few submitters proposed that the timeframes for mapping HPL should remain the same.

2.3.4.3 Analysis of submissions and proposal

Officials have considered the different matters raised in submissions on whether to extend or suspend HPL mapping timeframes. Officials consider that the suspension of HPL mapping rather than extending the timeframes best addresses submitters' feedback.

Suspending the requirements of the NPS-HPL for local authorities to map HPL will reduce the burden on local authorities. It will also provide time for consideration of HPL in the new resource management system.

2.3.4.4 Recommendations

The recommendation for this topic is summarised below and outlined in full in the numbered recommendations in the consolidated recommendations table in appendix A.

Key recommendation for preferred option (option 3)

Amend the proposal to pause the requirement for local authorities to map highly productive land in regional policy statements until 31 December 2027 (see recommendation 3 in table 2)

2.3.5 Other issues

This section first covers the additional option, that was not consulted on, of revoking the NPS-HPL in its entirety to address concerns about the impacts of the NPS-HPL on urban development. The section then briefly addresses other submission comments that were out of scope from the proposals for consultation.

2.3.5.1 ‘Out of scope’ submissions

Some of the submissions raised issues that were ‘out of scope’ of the proposal consulted on. These issues are discussed further below.

Revoke the entire NPS-HPL

The New Zealand Initiative and a few individuals suggested the entire NPS-HPL should be revoked on the basis that the market should be left to determine the best use of land. Submitters who raised revoking the NPS-HPL were a small minority.

Other submitters considered that there was a lack of evidence that the NPS-HPL had unduly constrained urban development or that the existing pathways for urban development were resulting in poor land-use decisions (including Poultry NZ and Auckland Council).

Revoking the NPS-HPL is not recommended by officials as it is out of scope of this consultation process. It would require a statutory process under RMA section 46A (involving public consultation), or a legislative process.¹⁸ The current and future role of the NPS-HPL in New Zealand’s planning system is being considered by the Government, including whether it should be revoked.

¹⁸ Where the Government introduces a Bill to Parliament that explicitly revokes or replaces an existing NPS. This could be part of a broader amendment to the RMA or a standalone Act.

Why revoke the NPS-HPL?

Revoking the NPS-HPL would open previously classified highly productive land to other land use or development than primary production.¹⁹ Restricting use of land for urban development can impact land prices.²⁰ The restrictions placed on the use of land for urban development can impact housing supply and costs.²¹

The medium-term benefits of revoking the NPS-HPL could be increased housing supply and other forms of urban development (ie, employment opportunities located near housing opportunities) particularly in peri-urban areas adjoining established towns (both of which could also be addressed by allowing urban rezoning on LUC 3 land). However, the ability of these benefits to be realised in the short term will rest with private plan changes, as local authorities' ability to undertake plan changes are affected by the Plan Stop.²² Local authorities can also apply for exemptions from the Plan Stop.

Risks of Revoking NPS-HPL

Revoking the NPS-HPL would mean no national direction is in place to guide strategic management of the subdivision, use or development of HPL, which is a finite resource.

Prior to the NPS-HPL coming into force, councils took a variety of approaches to managing HPL, which in some cases reflected local priorities. This meant inconsistent approaches between councils and little consideration nationally of the cumulative loss of HPL. These issues contributed to the well documented ongoing, incremental and permanent loss of HPL nationally. In particular, the *Environment Aotearoa 2022* and *Our Land 2021* reports highlight the ongoing reduction in the availability of HPL for primary production due to urban rezoning and fragmentation by ad hoc development and rural lifestyle development.²³

In addition, inconsistent fragmented policy sometimes resulted in incompatible land uses located near each other. This led to established land-based primary production being impacted by reverse sensitivity effects (eg, leading to complaints about light pollution, noise and spray drift).

Revoking the NPS-HPL would increase the risk of the following.

- **Fragmentation and loss of productive capacity.** Since the 1970s, Auckland has lost over a third of its most versatile land to development, with remaining areas often fragmented into parcels under 8 hectares.²⁴ While pace of loss differs, such trends are experienced across the country.²⁵

¹⁹ Noting that the NPS does provide a pathway for a wide range of different uses or development to locate on HPL, including urban development, renewable energy developments, supporting activities, indigenous biodiversity, small-scale or temporary land-use activities.

²⁰ A joint paper authored by the Housing Technical Working Group found that restrictions on the supply of urban land are estimated to have added \$378.4 per square metre to the price of urban land immediately inside of the Rural Urban Boundary line in Auckland in 2021. Housing Technical Working Group. 2024. [Analysis of Availability of Land Supply in Auckland](#). Retrieved 24 November 2025.

²¹ See Donovan S, Maltman M. 2025. *Dispelling Myths: Reviewing the evidence on zoning reforms in Auckland*; Been et al. 2025. *Supply Skepticism Revisited*.

²² Ministry for the Environment. (nd). [Understanding Plan Stop](#). Retrieved 24 November 2025.

²³ Ministry for the Environment and Stats NZ. 2022. [Environment Aotearoa 2022](#); Ministry for the Environment and Stats NZ. 2021. [Our land 2021](#). Retrieved 24 November 2025.

²⁴ Knowledge Auckland. 2025. *State of the Environment Report*.

²⁵ Curran-Cournane F et al. 2021. Cumulative effects of fragmentation and development on highly productive land in New Zealand. *New Zealand Journal of Agricultural Research* 66: 1–24.

- **Reduced climate resilience and higher cost of living.** Events like Cyclone Gabrielle and the Auckland floods in 2023 caused widespread crop damage to two major food bowls, highlighting the need for flexible production areas. When supply is disrupted, food prices rise – fruit and vegetable prices increased by around 45 per cent in the nine years to March 2023, contributing to cost-of-living pressures.²⁶
- **Expansion of rural residential development.** Lifestyle blocks (under 2 hectares) further drive fragmentation from rural residential development, which can also create conflicts with existing farming operations (known as reverse sensitivity), leading to further constraints on production.²⁷

Collectively, these impacts could reduce the primary sector's contribution to the economy and undermine Government objectives for export growth and resilience.

A core aspect of the Government's 'Going for Growth' plan is the target to double the value of New Zealand's exports in 10 years (by 2034). What is the 'best' (or highest value) land use changes over time. Therefore, careful management of our most versatile land is needed to retain as many high-value crop options as possible (noting arable and horticultural cropping is largely limited to LUC 1–3 land). Doing so will help retain our future export market opportunities.

Versatile highly productive land benefits New Zealand's food and fibre economy

HPL (LUC 1–3) is a finite asset underpinning New Zealand's food and fibre economy. HPL is versatile land that can support a wide range of different primary production uses, and it requires fewer inputs like fertiliser and irrigation. The 'optionality' that HPL presents means flexibility in land use to adapt to climate change and shifts in market preferences around food production; this could be impacted if the NPS was revoked.

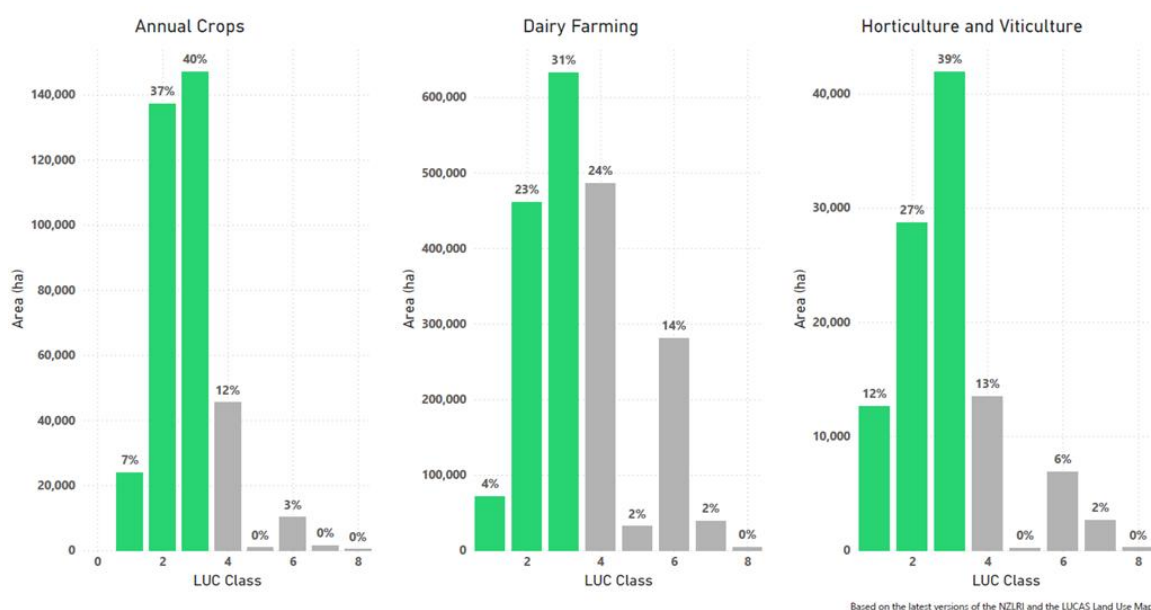
The primary sector supports around \$60 billion²⁸ in annual exports and provides the versatility needed for high-value horticulture and arable production. Retaining this land is likely to be necessary to achieve the Government's goal of doubling export value by 2034 and maintaining domestic food security. This is illustrated below, which highlights the total area in hectares (ha), by LUC class, used for three key primary industries that are essential for both domestic food supply and high-value export industries.²⁹ National direction through the NPS-HPL ensures consistency across councils, reducing fragmentation and preserving option value to operate in future markets as land-use patterns shift with climate change.

²⁶ Vatsa P, Renwick, A. 2024. Food prices in New Zealand: implications for feeding people better. *Journal of the Royal Society of New Zealand*.

²⁷ Andrew R, Dymond JR. 2012. Expansion of lifestyle blocks and urban areas onto high-class land: an update for planning and policy. *Journal of the Royal Society of New Zealand* 43: 128–40.

²⁸ [Situation and Outlook for Primary Industries \(SOPI\) June 2025](#)

²⁹ Adaption from NZSSS submission – overlaid LUCAS land use map and the NZLRI.



Total area (ha) by Land Use Capability (LUC) class used for three key primary industries

Revoking the NPS-HPL poses a significant risk of reducing the overall scale of land used for land-based primary production and with it, the flexibility of primary production locations. This issue is particularly relevant given the uncertainty surrounding climate change impacts. This could reduce the economic contribution the primary sector makes to the national economy, which may not align with the Government's 'Getting Back to Farming' agenda, priorities for doubling exports, and 'Going for Growth' plan. Therefore, officials do not recommend this option.

Replace the LUC system

A small number of submitters (predominately agricultural sector groups³⁰) suggested using alternative criteria for defining HPL rather than the Land Use Capability Classification System (LUCCS). They submitted that the LUCCS system is dated and that consideration should be broader to fully capture different uses or development needed for land to be used productively. Suggested criteria included more detailed soil mapping, access to water, infrastructure and management of reverse sensitivity.

Submissions on this matter could be used to inform HPL policy development for the new resource management system.

Expanding activities enabled on HPL to specifically include aquaculture activities

Aquaculture New Zealand and the New Zealand Salmon Farmers Association submitted that the NPS-HPL may not fully capture all necessary activities typically associated with the industry, specifically, freshwater aquaculture. Some hatcheries may not fall within scope of clause 3.9(2)(aa) of the NPS-HPL, and therefore an amendment to broaden the scope is sought. Officials note that would cross over with the NPS-FM and the NES-F.

Officials do not recommend expanding activities enabled on HPL to specifically include aquaculture at this time. However, submissions on this matter can be used to inform policy development for the new resource management system.

³⁰ PCE, Federated Farmers, HortNZ and Vegetables NZ.

2.3.6 Other considerations

2.3.6.1 Interaction with other national direction instruments

Context

Feedback was sought on potential interactions between the NPS-HPL and other national direction. The key issues raised by submitters related to this topic are covered in the table below.

Key issues from submissions

Topic	Summary of key issues raised by submitters
Freshwater	Freshwater regulations may restrict access to water for productive use of LUC 1–3 land, undermining economic viability. NPS-FM with NPS-HPL should align to ensure water availability supports productive land use ³¹ within environmental limits, and SAAs should not override or impact the ability of councils to implement the NPS-FM.
	Freshwater rules may hinder vegetable growing.
	Lack of national consistency for vegetable growing and need for consistency pathways.
Commercial forestry	Forestry may be restricted on productive land. The National Environmental Standards for Commercial Forestry need to enable forestry in suitable areas without compromising NPS-HPL.
Coastal areas	SAAs should be strategically aligned with National Planning Standards and the NPS-FM and NZCPS (for receiving environments).
Natural hazards	Lack of clarity in hazard management affecting productive land.
Electricity	Solar farms and other electricity infrastructure development may displace HPL; policies need to balance renewable energy and electricity infrastructure development with land protection under NPS-HPL.
Infrastructure	Infrastructure development may encroach on productive land.
Urban development	Restrictions on development in LUC 1–2 areas may hinder urban growth.
Granny flats	Urban-centric design may conflict with rural land protection.
Papakāinga	NPS-HPL may prevent papakāinga development. It needs to accommodate cultural housing needs.

Where possible, officials will consider opportunities for alignment between the NPS-HPL and other instruments. However, the proposals in Package 1: Infrastructure and Development and in package 2 were targeted reviews and there is limited scope to provide for more comprehensive integration between instruments.

Information received on these issues will be considered when developing the new resource management system.

³¹ On the amendments to require councils to map source water risk management areas (SWRMAs) under the NPS-FM, HortNZ added, “if establishing a new supply would impose land-use constraints on highly productive land or an SAA, alternative locations should be prioritised. As such, HortNZ seeks that no new drinking water supply requiring SWRMA mapping should be located where SWRMA zones 1 or 2 would overlap with identified highly productive land or SAAs” (HortNZ).

2.3.6.2 Part 2 RMA

Context

Officials are required to consider matters in Part 2 of the RMA when preparing reports and making recommendations on proposals for amendments to national policy statements (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).

A summary of submissions that specifically refer to Part 2 matters, and our analysis are outlined below.

Submissions and analysis

The key issues identified through submissions relating to Part 2 of the RMA were as follows.

Enabling people and communities to provide for their social, economic and cultural well-being (section 5(2)); and efficient use of natural and physical resources and finite characteristics of natural and physical resources (section 7(b)(g))

The recommended exemption of LUC 3 land used for urban development from the restrictions of the NPS-HPL may have the following effects.

- It may undermine local and export markets for primary production and food security for future generations. It may result in unplanned growth and cumulative impacts, such as proliferation of rural lifestyle development, inefficient use of land, increased land fragmentation and increased reverse sensitivity effects on primary production activities.
- It may lead to ad-hoc development from private plan changes, resulting in fragmented urban expansion with little regard for cumulative effects, broader spatial planning objectives and capacity, or integration with existing urban areas. This heightens the risks of increased infrastructure costs for ratepayers and reverse sensitivity issues for surrounding productive food and export farmland.
- It may contribute to increased urban land-prices and housing affordability issues.

The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, and Te Tiriti o Waitangi (sections 6(e) and 8)

The recommended exemption of LUC 3 land used for urban development from the restrictions of the NPS-HPL:

- may enable development of Māori-owned whenua and opportunities for upholding tino rangatiratanga of mana whenua to determine appropriate land use based on their aspirations, values and tikanga
- is considered likely to result in minimal or no change to tangata whenua participation in plan change processes to mitigate potential adverse effects on statutory acknowledgements areas, significant natural areas (SNA) and sites of significance to Māori.

Officials' consideration of Part 2 matters

The proposal to exempt LUC 3 land from the restrictions of the NPS-HPL provides for social and economic well-being (section 5 of the RMA) by enabling additional urban capacity at urban fringes where infrastructure can be sequenced, potentially easing housing shortages and affordability pressures. However, the recommended changes to the NPS-HPL, which make it

more permissive of urban development on LUC 3 land, could result in irreversible loss of versatile soils from primary production, which could impact on the duties of councils / decision-makers to safeguard the life-supporting capacity of soil (section 5(2)(b)). The NPS-HPL provides direction to councils to ensure that land-based primary production is prioritised and supported, such as managing reverse sensitivity so land-based primary production is not constrained.

Section 5 purpose of the RMA

Removing restrictions for urban development of LUC 3 land, but retaining restrictions on rural lifestyle development, will address concerns raised by submitters that the most significant factor contributing to the loss of HPL is rural lifestyle developments. Whether the proposal 'achieves' section 5 depends on strong safeguards and credible evidence that benefits of additional housing and infrastructure efficiency materially outweigh the long-term irreversibility of a finite resource in HPL.

Regarding the concern of some submitters (eg, commercial vegetable growers) that the NPS-HPL risks stranding growers' assets when that land cannot be used for primary production due to other restrictions, officials make the following observations.

- Whether this occurs is dependent on the decisions on national direction relating to commercial vegetable growing and those decisions are still 'live'.
- There are existing consent pathways for allowing alternative land uses when there are long-term or permanent constraints (eg, clause 3.10). Clause 3.9(e) and (f) also enables activities for the purpose of protecting, maintaining, restoring or enhancing indigenous biodiversity or providing for the retirement of land from land-based primary production for the purpose of improving water quality.
- As noted in the NPS-HPL Implementation Guide, councils have the discretion to decide whether non-reversible fragmentation or other constraints are relevant to a resource consent application made under clause 3.10. However, this may need to be made clearer (less onerous) depending where national direction permitting commercial vegetable growing lands.

Section 6 – matters of national importance

Soils are not listed in section 6 of the RMA as a matter of national importance; however, growth onto LUC 3 land can affect section 6(a) natural character (on rural-coastal edges), section 6(b) outstanding natural features and landscapes in some districts, and section 6(e) where whenua has cultural significance.

In terms of section 6, some iwi/Māori submitters said that removal of LUC 3 will better uphold tino rangatiratanga of mana whenua to determine appropriate land use based on their aspirations, values and tikanga.

Some Māori land (whenua Māori) is currently exempt from restrictions of the NPS-HPL.³² However, this definition does not include:

- Māori customary or freehold land that was taken under the Public Works Act 1981 and returned as general title
- land that had its status changed without the owners' knowledge under an order of the Māori Land Court made on or after 1 July 1993; or Part 1 of the Māori Affairs Amendment Act 1967

³² See clause 1.3 of the NPS-HPL for the definition of specified Māori land.

- Treaty settlement land (being land held by a post-settlement governance entity (PSGE) if the land was acquired as redress for the settlement of Treaty of Waitangi claims or by the exercise of rights under a Treaty settlement Act or deed).

This raises the question of whether the proposal could be amended to better uphold tino rangatiratanga, including exempting Treaty settlement land from NPS-HPL restrictions and better aligning the definition of specified Māori land in the NPS-HPL with the definition of ‘ancestral land’ in the NES-Papakāinga. This would also address implementation issues raised by a range of submitters, including councils and Te Uru Kaihika, that could result from having different interpretations of whenua Māori in the two instruments.

The scope of whenua Māori exempted by the NPS-HPL was not consulted on and amendments to the definition of specified Māori land would require further consultation. This could be considered in the resource management system reform.

Section 7 – other matters

In terms of section 7 of the RMA, LUC 1–3 land is generally considered to be a finite resource (section 7(g)), as the soil properties relating to LUC 1–3 land take millions of years to form. The recommendation to exempt urban development on LUC 3 land also reduces adverse effects from rural lifestyle development on this finite resource.³³ However, this option will see greater loss of that resource on LUC 3 land than the status quo.

Regarding the efficient use and development of natural and physical resources (section 7(b)), development on LUC 3 land could improve efficiency of infrastructure provision and reduce sprawl, provided appropriate planning is in place.

Regarding amenity / environmental quality (section 7(c) and (f)), urbanisation changes rural character, but this can be mitigated via design buffers and open-space structure plans.

In terms of climate change (section 7(i)), the option, if paired with compact, transit ready forms, can reduce transport emissions. However, weak conditions could see car-dependent sprawl.

Section 8 – Treaty of Waitangi

In terms of section 8 of the RMA, in addition to upholding tino rangatiratanga, iwi/Māori submitters sought to retain mechanisms for tangata whenua participation in plan change processes to mitigate potential adverse effects on statutory acknowledgements areas and sites of significance to Māori. These issues are discussed in section 2.3.6.3: Treaty settlement considerations.

In terms of section 8 of the RMA, it is noted that:

- exemptions for urban development on LUC 3 land can support Māori housing and economic development if growth areas are co-designed with iwi/hapū, while avoiding undermining Māori primary production aspirations
- alignment with Treaty principles of partnership is embedded in how and where urban development on LUC 3 land occurs, if practical protections for Māori land and interests remain

³³ For example, reverse sensitivity, increasing rural land prices and land fragmentation reduce the economic viability of using that land for land-based primary production. The latter two also raise the costs for future urban development.

- the removal of LUC 3 can also support equity by improving Māori access to housing in well-located areas and reduce costs.
- in regard to **active protection of taonga**, versatile soils and productive whenua (including lands with mahinga kai potential) are of intergenerational importance; allowing urbanisation on LUC 3 land may diminish those taonga unless Māori groups are involved in planning
- in regard to **rangatiratanga**:
 - rezoning pressure may constrain future choices for Māori if market dynamics mean further use and development being provided for on HPL
 - there is a risk of distributional effect, where loss of peri-urban productive jobs can disproportionately affect Māori workers in horticulture and associated sectors.

2.3.6.3 Treaty settlement considerations

Context

The Crown has made a number of commitments to individual iwi through Treaty settlement redress. Officials have considered these relevant settlements when preparing the proposed amendments. When deciding on the recommendations in this report, decision-makers for the NPS-HPL will also need to consider Treaty settlement Act matters, as highlighted further in this section.

Submissions

The majority of submissions from iwi/Māori referred to the importance of the proposed national direction packages appropriately recognising and upholding the rights and interests guaranteed in Treaty settlements and Te Tiriti o Waitangi.

Analysis

The main Treaty settlement concern relating to the NPS-HPL was raised by the Waikato River Authority (WRA) and Te Nehenehenui, which is the PSGE under the Maniapoto Claims Settlement Act 2022.

Waikato-Tainui also comments that:

all urban development in our rohe must align with Te Ture Whaimana, which provides the primary direction for the health and wellbeing of our tuupuna awa. Urban intensification that increases discharge, impervious surfaces, or sedimentation must be evaluated through this lens. (Te Whakakitenga o Waikato Incorporated)

The WRA considers that retaining restrictions on urban and rural lifestyle sprawl over the most fertile and versatile soil of the Waikato region is important while it notes that there may be a case for council-planned urban growth and plan changes to enable a timely supply of urban-zoned land:

WRA also disagrees with the proposal to ring fence special agricultural areas without sufficient attention to how risk of discharges will be managed. For CVP (Commercial Vegetable Growing), a longer-term solution to manage highly productive land should be developed in the replacement resource management system. Allocation within environmental limits to protect the awa can be addressed at that stage, rather than pre-empting them now with SAA's. WRA has made comment on Package 3 proposals about CVP and wishes to be involved in further discussion to develop these.

Te Nehenehenui acknowledges the Government's intent to support urban growth and primary industry and to reduce bureaucracy. However, it expects Maniapoto to share in any potential benefits in this regard. Te Nehenehenui also notes:

These objectives must be carefully balanced against maintaining strong iwi involvement, preserving the integrity of the various settlement instruments, including Te Ture Whaimana, and ensuring Maniapoto has site-specific environmental oversight for any development within, or which impacts on, our rohe. To this extent, we are concerned about the potential weakening of protections for wetlands, freshwater, and highly productive land.

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 established Te Ture Whaimana, which is the primary direction-setting document for the Waikato River. Te Ture Whaimana lists several objectives, including objective (f),³⁴ which sets a precautionary approach to resource use and environmental impact:

The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.

The WRA notes the existing presence of residential development in its rohe. Of the 150 nationwide urban development projects listed under the Fast-track Approvals Act 2024, 20 are in the Waikato area. As a result, they seek to protect the development of highly productive land, opposing urban sprawl over fertile soils and arguing for strategic, council-led urban growth. This supports the goal of Te Ture Whaimana to achieve sustainable land use that does not compromise the river's health, either immediately or cumulatively.

They further argue that pre-emptive designation of SAA for commercial vegetable-growing may undermine the integrity of future planning processes. Any inconsistencies created against environmental limits will directly conflict with the objectives of Te Ture Whaimana, and the intent of the settlement to safeguard Waikato River's health and wellbeing.

Other Treaty settlement matters raised by many iwi/Māori submitters, including PSGEs, involved requests that amendments uphold tino rangatiratanga of mana whenua to determine appropriate land use on whenua Māori based on their aspirations, values and tikanga. There were also strong requests for mechanisms for tangata whenua to participate in plan change processes to mitigate potential adverse effects on statutory acknowledgements areas, SNA and sites of significance to Māori.

Upholding tino rangatiratanga

The proposal does not affect existing exemptions for use of highly productive land for 'specified Māori land' in clauses 3.8 and 3.9 of the NPS-HPL. While there may be benefits in broadening the scope of this definition and aligning it to similar definitions in other national direction instruments, this is outside the scope of the current proposal. Further consideration could be given to defining Māori land as part of the resource management reform.

³⁴ See page 8 of [Restoring and Protecting the Health and Wellbeing of the Waikato River: Vision and Strategy for the Waikato River](#).

Tangata whenua participation in plan making

In relation to tangata whenua participation in plan change processes:

- the policy proposals do not propose to change the mechanisms that provide for Treaty settlement or other arrangements in consenting and planning processes (eg, statutory acknowledgements and participation and plan-making processes)
- requirements to notify relevant iwi/Māori groups as specified by the arrangements and RMA will continue to apply
- PSGEs and other representative Māori groups will continue to influence decision-making through council planning and consenting processes.

It is noted that the Plan Stop until 31 December 2027, and the proposed pause on mapping HPL, will mean that there will be less plan-making occurring.

Iwi consultation

Engagement with PSGEs to date on these proposals has been limited, due to short timeframes, and is unlikely to have met all of the Crown's engagement obligations arising from Treaty settlements.

- **Summary of feedback received from the nine PSGEs on the NPS-HPL.** PSGEs generally supported the proposed exemption of LUC 3 from the restrictions of the NPS-HPL in principle, on the basis that it will result in fewer restrictions on how that land is used. Some noted the importance of NPS-HPL on protecting against urban development and reverse sensitivity impacts of residential development on marae activities on HPL.
- Ngāti Rangi was not aware that any consent applications in its rohe (Ohakune, Raetihi, Waiohuru) have been made more difficult because of the NPS-HPL.
- Ngāti Tamaoho remains concerned about the impact of growth and development in the urban fringes around South Auckland.
- The importance of tangata whenua involvement in decision-making was emphasised.
- PSGE concerns remain about the effects of land use on freshwater degradation.
- The importance of future-proofing the primary sector due to climate change was also noted.

Further engagement with tangata whenua and PSGEs will be required to fully understand the implications of these options to remove LUC 3 for Māori rights and interests, including any impacts on Treaty settlement redress arrangements.

3. Part B: Amendments to the mining and quarrying provisions

These proposed amendments are to the:

- National Policy Statement for Highly Productive Land
- National Policy Statement for Indigenous Biodiversity
- National Policy Statement for Freshwater Management
- National Environmental Standards for Freshwater.

3.1 Proposal overview

The National Policy Statement for Indigenous Biodiversity 2023 (NPSIB), the National Policy Statement for Highly Productive Land 2022 (NPS-HPL), the National Policy Statement for Freshwater Management 2020 (NPS-FM) and the National Environmental Standards for Freshwater 2020 (NES-F) (the instruments) provide direction to councils to identify, protect and manage adverse effects on significant natural areas (SNAs), highly productive land (HPL) and wetlands, respectively. These instruments also provide direction on consent pathways for quarrying and mining activities that adversely affect SNAs, HPL and natural inland wetlands (wetlands). However, the terminology and consent pathways differ across the instruments.

The proposed changes to the NPSIB, NPS-HPL, NPS-FM and NES-F will better align the terminology and consent pathways direction across the four instruments, to provide a more consistent approach to managing quarrying and mining activities that adversely affect SNAs, HPL or wetland protected natural environments. The proposed changes include:

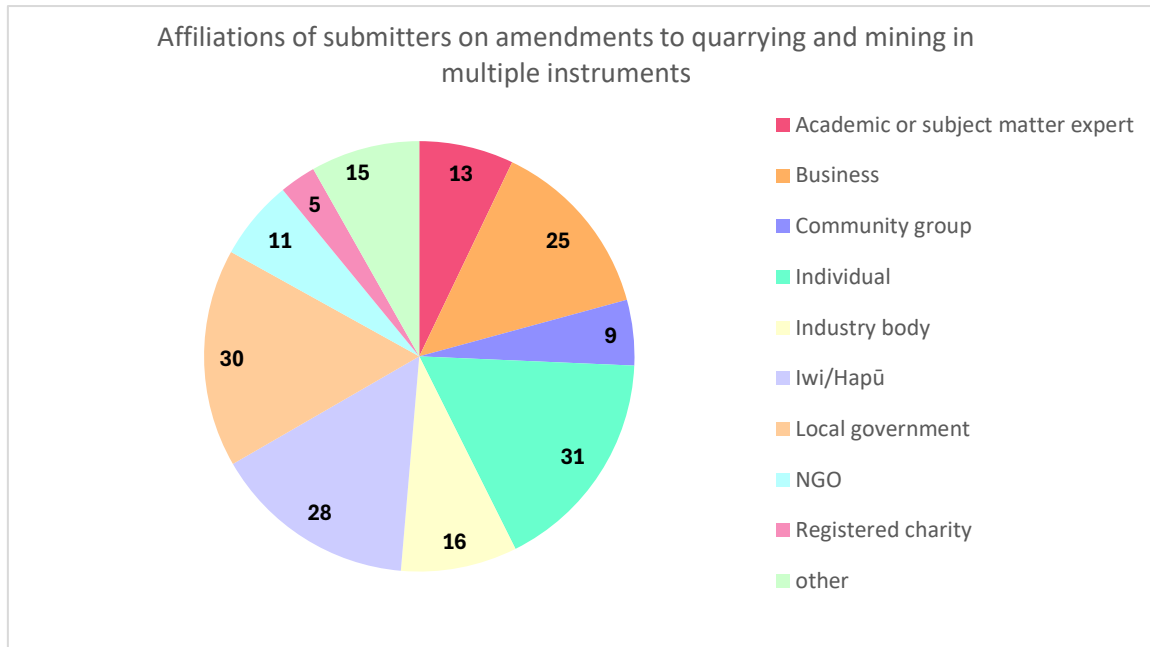
- adding ‘operational need’ to the natural inland wetland consent pathways in the NPS-FM and NES-F to make them more enabling and consistent with the approaches in the NPSIB and NPS-HPL
- using the terms ‘quarrying activities’ and ‘mineral extraction and ancillary activities’ across all four instruments
- amending and removing some of the restrictions or gateway tests in the NPS-HPL and NPSIB for quarrying and mining activities affecting HPL and SNAs to make them more enabling and better align them with the amended NPS-FM and NES-F.

To give effect to the Government’s objective of increasing quarrying and mining activity to support its infrastructure development and economic goals, more quarry and mining projects need to be able to access consent pathways. More consistent and enabling gateway tests across the four instruments will make the process more transparent for applicants and clarify the approach for consenting authorities.

3.2 Summary of submissions

3.2.1 Overview of submissions

A total of approximately 137 submitters provided feedback on the proposal to amend the NPSIB, NPS-HPL, NPS-FM and NES-F. Submitters can be broadly categorised into the following groups.



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

3.2.2 Key submission topics

The submitters provided comments on:

- the addition of the 'operational need' test to the NPS-FM and NES-F
- aligning quarrying and mining definitions in the NPSIB and NPS-HPL with those in the NES--F, NPS-FM and National Planning Standards 2019
- amending the mining and quarrying gateway tests in the NPSIB and NPS-HPL
- whether operational need should be added as a gateway test for other activities controlled by the NPS-FM and NES-F
- whether the changes align with Part 2 of the Resource Management Act 1991 (RMA)
- cultural impacts for hapū/iwi/Māori and Treaty settlements.

These topics are discussed in further detail below.

3.3 Analysis of proposal and submissions

3.3.1 Summary of submitter feedback

Approximately a third of submitters supported the proposals in full, just over a third opposed the proposals in full, and just under a third expressed either mixed or no views.

- Support was mainly from industry bodies and local government.
- Those who opposed the changes were predominantly environmental non-government organisations (ENGOS), iwi and hapū, experts and many individuals.
- There was general support for a more consistent approach to the consent pathways and gateway tests across these instruments, especially from the quarrying and mining sectors, associated business organisations and councils.
- Councils and many other submitters considered that alignment should not weaken environmental safeguards.
- Many submissions objected to the inclusion of the 'operational need' as a gateway test in the NPS-FM and NES-F, although industry supported the change.
- Most submitters supported amending the NPSIB and NPS-HPL to align mining and quarrying definitions and terminology with those of the NPS-FM and NES-F, although some considered these should be more clearly defined.
- Industry supported amending the mining and quarrying gateway tests in the NPSIB and NPS-HPL, although concerns were raised by several other submitters about the assumption that consent pathways should be easier for mining and quarrying.
- Most non-industry submitters objected to or raised concerns about more enabling consent pathways leading to irreversible loss and degradation of wetlands, HPL and indigenous biodiversity.
- All iwi and hapū submitters raised Treaty matters and Treaty settlement considerations, including adverse impacts on wāhi tapu, and active protection obligations under the Treaty of Waitangi.
- There were few responses to the discussion document question: "Should 'operational need' be added as a gateway test for other activities [other than quarrying and mining] controlled by the NPS-FM and NES-F?". Those submitters who answered were not supportive of further changes.
- Concerns were raised as to whether the changes are consistent with the purposes and principles of Part 2 of the RMA.

The table below summarises the general positions held by the various submitter groups.

Stakeholder group	Support or oppose	Key points
Local government	Support in part	<p>Supported consistency and alignment of the instruments.</p> <p>Concerned proposals would shift costs of biodiversity and wetland loss onto councils and communities.</p> <p>The changes could lead to irreversible harm in their regions, and conflict with their environmental protection roles.</p>
Mining and quarrying sector and associated businesses	Support strongly	<p>Will better align the instruments and improve clarity.</p> <p>Quarrying and mineral extraction are essential to infrastructure, housing and industrial development.</p> <p>Will enable more projects in more locations and some that have had resource consents declined due to the current gateway test settings.</p> <p>Potential benefits between quarrying and mining projects and other sectors.</p>
Iwi/hapū	Oppose strongly	<p>The proposals would be a risk to taonga, including indigenous biodiversity and freshwater and culturally significant sites.</p> <p>Fail to give effect to the Crown's obligations under Te Tiriti o Waitangi, including the obligation to actively protect Māori interests, such as those mentioned above.</p>
NGOs and subject matter experts	Oppose	<p>Concerned that the proposals will adversely impact SNAs, HPL and wetlands.</p> <p>Harm will outweigh benefits.</p> <p>The Parliamentary Commissioner for the Environment (PCE) submitted that the effects management hierarchy would not provide meaningful protection.</p>
Community groups and other	Oppose	<p>Concern for potential for greater adverse impacts on SNAs and wetlands.</p>
Individuals	Opposed in part	<p>Supported the intention of alignment and consistency.</p> <p>Considered that the proposal uses the opportunity of alignment to weaken the tests that protect SNAs, HPL and wetlands from excessive quarrying and mining.</p> <p>Request for clear provisions to be included to address the cumulative effects of quarrying and mining.</p> <p>Oppose the impact on protected environments.</p>

3.3.2 Topic 1: Addition of the 'operational need' test to the NPS-FM and NES-F

3.3.2.1 Proposal

Background

The NPS-FM and the NES-F provide a consent pathway for mining and quarrying activities where this would adversely affect wetlands with effects managed through the effects management hierarchy. Access to the consent pathways is subject to requirements or 'gateway tests' that require the applicant to show a:

- ‘functional need’³⁵ to locate, operate or develop in a manner that affects a wetland
- significant national or regional benefit.

The NPS-FM and NES-F gateway tests for quarrying and mining are inconsistent with those in the NPSIB and NPS-HPL, which include ‘operational need’.³⁶ Previous feedback from the Aggregate and Quarrying Association (AQA) was that the gateway tests in NES-F and NPS-FM are too restrictive.

Proposed changes consulted on

The proposal includes adding ‘operational need’ as a gateway test (as an alternative to the existing functional needs test) into the NPS-FM and NES-F wetlands provisions / consent pathways for mining and quarrying. The objective of the change is to improve consistency and better enable resource extraction and use, while providing for any associated adverse effects on wetlands to be considered and mitigated. The change will better enable projects that support key Government objectives (eg, development of infrastructure, housing and renewable energy, and economy/exports).

3.3.2.2 Key issues from submissions

There was a range of conflicting views on whether ‘operational need’ should be added to the NPS-FM and NES-F gateways tests for mining and quarrying.

- The quarrying and mining sector supported the inclusion of ‘operational need’ to enable quarrying and mining activities to take place in viable locations. The changes would mean ancillary activities could take place closer to mines, improving project logistics and economics.
- Most other submitters (including ENGOs and PCE) were opposed to adding ‘operational need’ due to concerns about environmental harm to wetlands.
- Some iwi/hapū and other Māori submitters did not support ‘operational need’ as it may result in the destruction of wetlands purely for economic reasons.
- Councils had mixed views of the benefits and costs of adding ‘operational need’. One council submitted that the impacts are unlikely to be material, and reflect the reality of the geological and logistical constraints on the location of quarrying and mining. Many councils considered that ‘operational need’ should only be available to low-value or less significant wetlands, and some submitted additional offsetting should be required.
- Most individual submitters opposed the changes.

³⁵ ‘Functional need’ is defined in the National Planning Standards 2019 as the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

³⁶ ‘Operational need’ is defined in the National Planning Standards 2019 as the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

3.3.2.3 Analysis of submissions and proposal

The mining and quarrying sector welcomed the changes. Winstone Aggregates submitted that two of its proposed quarry expansions have not been able to proceed due to low-value wetlands.³⁷

The current definition of wetlands in the NPS-FM does not provide scope to differentiate wetland significance, making it potentially difficult to apply the 'operational need' proposal to low-value or less significant wetlands as sought by many local authorities.

While officials acknowledge the concerns of the submitters opposed to the changes about the potential for environmental harm to wetlands, the consent processes outlined in the NES-F and NPS-FM require consideration of how the environmental effects of quarrying and mining are managed and mitigated at the local level. The consent authority must be satisfied that the effects management hierarchy has been applied and the effects have been fully mitigated before granting a consent³⁸ and it can apply conditions for compliance and monitoring.

Officials agree with the council submitter that the proposal reflects the reality of the geological and logistical constraints on the location of quarrying and mining. In general, these constraints may support a proposal in meeting the 'functional need' test and, as a result, the impact of the changes may be marginal in relation to any single project or region. However, there may still be a material overall impact on the number and nature of quarrying and mining projects affecting wetlands nationally.

Adding the 'operational needs' test would enable more quarrying and mining projects and their supporting/ancillary activities that affect wetlands to pass the relevant gateway tests to progress to the consent application stage. Officials consider that the proposed changes would support the mining and quarrying sectors. The outputs of these sectors provide resources to support the Government's goals around economic growth, infrastructure and development.

3.3.2.4 Recommendations

Officials recommend proceeding with the proposed changes to the NES-F and NPS-FM as consulted on, which is to add 'or operational need' to the consent pathway gateway tests for mining and quarrying activities affecting wetlands.

Officials note that these instruments are currently undergoing a significant review as part of Package 3: Freshwater, which may include further changes to the wetland provisions. Officials consider that the changes proposed here will not limit later decisions Ministers may make with respect to wetland provisions.

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

³⁷ Winstone Aggregates submitted that these projects would supply 63 million tonnes of aggregate for major roading projects.

³⁸ To show compliance with the effects management hierarchy, applicants would have to demonstrate how the effects of the quarrying or mining activity on a natural inland wetland have been avoided, minimised and remedied where practicable, and then offset or compensate for any residual effects where possible and appropriate.

Key recommendations

Add 'or operational need' to clause 3.22(1)(d)(iii) and (e)(iii) of the NPS-FM to read –
"there is a functional need or operational need for the activity to be done in that location"
(see recommendation 1)

Add 'or operational need' to sections 45A(6)(b) and 45D(6)(b) of the NES-F to read "satisfied
itself that there is a functional need or operational need for" (see recommendations 2 and 3)

3.3.3 Topic 2: Amend the NPSIB and NPS-HPL to align mining and quarrying definitions and terminology

3.3.3.1 Proposal

Background

The NPSIB provides an exception that makes provision for a consent pathway for mineral and aggregate extraction activities that adversely affect SNAs subject to certain requirements (clause 3.11(1)(a)). NPS-HPL clause 3.9(2)(j) outlines in what circumstances mineral and aggregate extraction activities may be appropriate on HPL.

There is inconsistency and ambiguity around the terminology and interpretation of 'mineral extraction' and 'aggregate extraction' in the NPS-HPL and NPSIB as they are undefined terms and do not clearly state which aspects of mining and quarrying activities are included. The terms also differ from those in the NES-F and NPS-FM that use 'quarrying activities' and 'the extraction of minerals and ancillary activities', both of which incorporate ancillary activities.³⁹

Proposed changes consulted on

The proposal intends to improve consistency and clarity by replacing the following terms: 'mineral extraction' with 'the extraction of minerals and ancillary activities'; and 'aggregate extraction' with 'quarrying activities'. This would align the NPSIB and NPS-HPL with the approach taken in the NPS-FM and NES-F. Other changes are also proposed to the NPS-HPL (refer to the NPS-HPL part B assessment).

3.3.3.2 Key issues from submissions

On the whole, submitters supported the proposed change. They commented that the proposals would better align the mining and quarrying terminology and definitions in NPSIB, NPS-HPL, NPS-FM and NES-F and would improve clarity for consent processes. Some submitters requested additional guidance or definitions for 'quarrying activities' and 'ancillary activities'. Many submitters, including councils, were concerned that the inclusion of undefined ancillary activities could allow activities to occur on SNAs and HPL, when in theory those activities could take place elsewhere.

3.3.3.3 Analysis of submissions and proposal

The AQA noted that issues with the consent decision with regard to the consent pathway for aggregate extraction in the NPS-HPL (clause 3.9(2)(j)(iv)) were raised on appeal in *C J Industries*

³⁹ The definition of 'quarrying activities' in section 14 of the National Planning Standards includes a list of ancillary activities.

v Tasman District Council.⁴⁰ The question was whether restoration of the site was enabled as an ancillary activity under this consent pathway or whether a separate consent for restoration activities would be required. We consider that some of the ambiguity, around what aspects of quarrying and mining activities are covered by the provisions in the NPSIB and NPS-HPL, can be clarified by the proposed changes.

The National Planning Standards 2019 include standardised definitions for ‘quarrying activities’ and ‘ancillary activities’.⁴¹ To address some of the concerns raised by submitters, definitions from the National Planning Standards are recommended to be referred to in the NPSIB and NPS-HPL.

Consistent terminology and definitions for quarrying and mining activities across NPSIB, NPS-HPL, NPS-FM and NES-F will also make plan development and consent processes for mining and quarrying more transparent for applicants and clarify the approach for consent authorities.

3.3.3.4 Recommendations

Officials recommend proceeding with the terminology changes to the NPSIB and NPS-HPL as consulted on. As identified by submitters, officials also recommend including consistent definitions where these are available. The additional proposed change would incorporate definitions of ‘ancillary activities’ and ‘quarrying activities’ as defined in the National Planning Standards 2019.

Recommendations for this topic are summarised below and outlined in full in the numbered recommendations in the consolidated recommendations tables in appendices B and D.

Key recommendations

Include definitions for ‘quarrying activities’ and ‘ancillary activities’ in the NPSIB and NPS-HPL that align with those of the National Planning Standards 2019 (see recommendations 2 and 3, appendix B and recommendations 1 and 6, appendix D)

Amend NPSIB clause 3.11(1)(a) by replacing ‘mineral extraction’ with ‘the extraction of minerals and ancillary activities’ and ‘aggregate extraction’ with ‘quarrying activities’ (see recommendations 1a and 1b, appendix B)

Amend NPS-HPL clause 3.9(2)(j) by replacing ‘mineral extraction’ with ‘the extraction of minerals and ancillary activities’ and ‘aggregate extraction’ with ‘quarrying activities’ (see recommendations 2a and 4a, appendix D)

⁴⁰ *C J Industries v Tasman District Council* [2025] NZEnvC 213 at [272–275].

⁴¹ Ministry for the Environment. 2022. *National Planning Standards 2019*. Wellington: Ministry for the Environment. See definitions of ‘ancillary activities’ p 54 and quarrying activities’ p 62.

3.3.4 Topic 3: Amend the mining and quarrying gateway tests in the NPSIB and NPS-HPL

3.3.4.1 Proposal

Background

The NPSIB and NPS-HPL make provision for use or development associated with mineral extraction and aggregate extraction that adversely affect SNAs and HPL (NPSIB clause 3.11(1)(a)(ii) and (iii); NPS-HPL clause 3.9(2)(j)(iii) and (iv)). The NPSIB requires effects to be managed by the effects management hierarchy (clause 3.10(3) and (4)). Access to these consent pathways in plans is currently subject to requirements or gateway tests that require the applicant to show:

- a significant national public benefit for mining, or for quarrying a significant national or regional public benefit
- that it cannot otherwise be achieved using resources within New Zealand
- a functional or operational need to take place in that location.

The NPSIB and NPS-HPL gateway tests for quarrying and mining are inconsistent with those in the NPS-FM and NES-F, and some of the gateway tests are considered unworkable or ambiguous. For example, public benefit is not well defined and the requirement of ‘cannot otherwise be achieved using resources within New Zealand’ is unclear and has such a wide scope that it can be impracticable to prove. Having different thresholds (national or regional) for considering the benefits of quarrying compared to mining does not take into account that they have similar effects on their receiving environments.

Proposed changes consulted on

The objective of the proposal is to improve consistency across the four national direction instruments and better enable quarrying and mining, while providing for any associated adverse effects on SNAs and HPL to be considered and mitigated. The following changes to both the NPSIB (clause 3.11(1)(a)(ii) and (iii)) and NPS-HPL (clause 3.9(2)(j)(iii) and (iv)) were consulted on in *Package 2: Primary sector – Discussion document*.⁴²

- Remove the requirement for the benefits to be ‘public’ (ie, allowing any benefits to be considered).
- Add consideration of ‘regional benefits’ to the mining consent pathways, to allow benefits to be assessed at a more local scale.
- Remove ‘could not otherwise be achieved using resources in New Zealand’.

3.3.4.2 Key issues from submissions

There was mixed feedback on the proposed changes to the gateway tests for mining and quarrying in the NPSIB and NPS-HPL.

- There was strong support from the quarrying and mining industry.

⁴² Ministry for the Environment. 2025. [Package 2: Primary sector – Discussion document](#). Wellington: Ministry for the Environment. See section 2.5.

- Other submitters considered the proposals would lower the barriers to consent pathways too much, or that the provisions were not stringent enough to begin with.
- Some considered that projects should demonstrate public benefits and that removing this requirement will result in worse outcomes for New Zealanders.
- Submitters noted that the higher test of national public benefit of 'mineral extraction' is intended to address the increased risk to the environment associated with the extraction of minerals such as coal, oil, gold and silver.
- Many councils were concerned that the proposal would create or shift costs of biodiversity loss onto councils and communities.
- Others noted that the changes weaken environmental safeguards and create pathways for irreversible change and loss of SNAs and HPL.

Removal of the public benefit test in the NPSIB and NPS-HPL

Industry organisations (AQA and Minerals Council) submitted that the consent pathways in the NPSIB and NPS-HPL are overly restrictive for quarrying and mining activities. They supported the proposal to replace 'public benefit' with 'benefit', as public benefit is vague and undefined, and noted that quarrying and mining provide a range of benefits to a variety of stakeholders and extraction activities often have local economic benefits.

There were a significant number of objections to the removal of public benefits considerations. The PCE and others, including councils, considered the removal of public benefit would set a low-local threshold (any benefit) and reduce protection of SNAs. The PCE noted that biodiversity (ie, SNAs) is predominantly a public good and removing the public benefit test would mean only the private gain would be considered while the public good and public costs are ignored. Many councils were concerned that the proposal would create or shift costs of biodiversity loss onto councils and communities.

Addition of 'regional benefits' to the mining consent pathway in the NPSIB and NPS-HPL

The Minerals Council submitted there was no justification for differential treatment, as the regulations should address the effects of activities, not the type of extraction or mineral being extracted. This is because the effects extraction might have on SNAs or HPL are similar, regardless of what is being extracted. They also considered regional and national benefits to be ambiguous terms.

Some councils opposed adding consideration of 'regional benefits' to the mining consent pathways in the NPSIB and NPS-HPL, as widening the gateway tests could conflict with the RMA duty to protect areas of significant indigenous biodiversity and maintain HPL. The Environmental Defence Society (EDS), Environment and Conservation Organisations NZ and Forest & Bird submitted that as the protection of SNAs is a matter of national importance, enabling harm to SNAs (by providing less restrictive consenting pathways for quarrying and mining projects) must be balanced by a level of 'public benefit' that is nationally significant.

Removal of the 'could not otherwise be achieved using resources within New Zealand' gateway test in the NPSIB and NPS-HPL

The Minerals Council submitted that removing the test makes the instruments more consistent with the NPS-FM and NES-F. The AQA noted that an appeal in the Tasman District raised issues

with the pathway for aggregate extraction in the NPS-HPL (clause 3.9(2)(j)(iv)), due to differing interpretations of the required nature and scale of benefits.⁴³

Some councils and NGOs submitted that removing the test would lead to additional adverse impacts on SNAs and HPL. The New Zealand Planning Institute submitted that there was a lack of evidence that this test posed a significant barrier to the consent application stage.

Alignment of tests with least or most restrictive gateway tests

Some submitters, including all iwi and hapū who made submissions, were concerned that unnecessary loss of indigenous biodiversity and highly productive land will occur if gateway tests are not high enough to guarantee that the activity is only enabled where there are no other options. They considered the changes weaken environmental safeguards, and consistency should not be set at the lowest common denominator.

The PCE submitted that the effects management hierarchy contained in the NPSIB would not provide meaningful protection for SNAs due to a lack of environmental information and poor monitoring of biodiversity losses and offsets. Issues with monitoring were also raised by Wairoa District Council, Moriori Imi Settlement Trust, Tasman District Council and Raukawa.

To address the above concerns, some submitters, including most ENGOs, the PCE and councils, recommended aligning the gateway tests with either the most restrictive standard in each instrument or a compromise standard.

Other matters

AQA also noted that the wording in attachment 2.4 to the package 2 discussion document was inconsistent with the description of the proposed changes in the discussion document.

3.3.4.3 Analysis of submissions and proposal

Removal of the public benefit test

While the mining and quarrying sector supported the removal of the public good aspects of the benefits tests, most other submitters opposed the proposal on the basis that protection of biodiversity and HPL is a public good and their loss should be balanced / considered against a public benefit requirement.

The mining and quarrying sector considers that the current test is restrictive on projects with significant but private financial, or other, benefits, which may include wider social and economic benefits. It considers that the public benefit test also precludes smaller projects that may not by themselves have significant public benefit but enable activities that do (eg, construction of farm roads) and removing the word 'public' does not prevent the consideration of non-private benefits.

To achieve several of the Government's objectives (eg, in infrastructure, housing and renewable energy), which have wider social and economic benefits, greater access to quarried or mined aggregates or minerals is required. The Government has identified aggregate and sand, and some other minerals as being strategically important 'critical minerals' to support those aims. The Government has also committed to increasing the value of mineral exports to \$3 billion per annum by 2035.

⁴³ The case referred to was *C J Industries v Tasman District Council* [2025] NZEnvC 213 at [286]–[302].

Given these Government commitments, officials recommend removing the public benefit test and replacing it with consideration of a broader range of benefits, including private financial and localised benefits, to enable more quarrying and mining projects to progress to the consent application stage. At the consent application stage, the effects management hierarchy must be applied to ensure that impacts on SNAs are mitigated with a net gain, and impacts on HPL are avoided, remedied or mitigated. This change will better balance enabling development with effects management mechanisms already in place. With regard to HPL, the changes will ensure that higher-value activities (quarrying and mining) have consent pathways, and remediation can occur to the greatest extent possible.

Addition of 'regional benefits' to the mining consent pathway

The mining sector considered that the higher threshold for mining compared with other development (such as quarrying and infrastructure) is discriminatory and does not occur in any other national direction, especially as the impacts are similar regardless of what is being extracted.

Having different thresholds also does not consider that these projects could include effect management strategies, which will have to avoid, minimise, remedy, offset or compensate for impacts on SNAs and avoid, remedy or mitigate effects on HPL. Officials note the concerns of some submitters that historically, effects management may not have been effective or well monitored and whether the changes will prevent councils from meeting their RMA duties to protect these environments.

Officials consider mining developments with appropriate effects management and monitoring consent conditions should not pose any greater risk of adverse impacts on SNAs and HPL than quarrying developments, which already have the lower gateway test to access a consent pathway. This approach is also more consistent with the approach to wetlands taken in the NPS-FM and NES-F. Officials consider including 'regional benefits' for mining as well as quarrying better reflects that mining activities can often have no greater impact than many quarrying developments and that the proposals should have the opportunity to be assessed against the appropriate effects management regimes.

Removal of the 'could not otherwise be achieved using resources within New Zealand' gateway test

Industry considers this test is ambiguous and has led to some confusion for applicants and consent authorities. For example, the recent appeal decision discussed above raised an issue over the type and size of benefit necessary to meet this gateway test.⁴⁴ Practical issues with the test include the ability of planners and developers to feasibly consider the resource availability or benefits at a national level, as this requires prohibitively expensive and lengthy exploration. There are significant costs associated with proving a mineral resource, and it is not practical to consider all alternatives to the same degree. The lack of guidance as to which factors should be considered exacerbates the issue.

Officials consider that meeting the effects management requirements for SNAs and HPL, and environmental assessments required by the RMA, will still require applicants to prove that they have taken measures to avoid impacts on these protected environments. Officials recommend removing this gateway test, which should reduce confusion, remove duplication and improve consistency for quarrying and mining activities.

⁴⁴ *C J Industries v Tasman District Council* [2025] NZEnvC 213 at [286]–[302].

Alignment of tests with least or most restrictive gateway tests

It is likely that retaining the current restrictions or making the gateway tests more restrictive, as recommended by submitters, would limit access of quarrying and mining projects to consent pathways provided for in the NPSIB and NPS-HPL. This would not sufficiently enable quarrying and mining projects in line with Government priorities.

Other matters

It was noted by the AQA that there was inconsistency in the wording between the package 2 discussion document and its attachment 2.4. This was unintentional, because the wording was intended to align the terminology and gateway tests for quarrying and mining across the NPSIB, NPS-HPL, NPS-FM and NES-F, as described on page 43 of the discussion document. Given the feedback received on submissions on this matter, officials consider that this has not had any significant impact on the submission process.

3.3.4.4 Recommendations

For the reasons outlined in above, officials recommend proceeding with the changes to the NPSIB and NPS-HPL as consulted on. These changes will align the NPSIB and NPS-HPL mining and quarrying consent pathways more closely with those in the NPS-FM and NES-F. Officials note that these changes are those proposed in the package 2 discussion document⁴⁵ and not the erroneous wording in attachment 2.4 to the discussion document.

Recommendations for this topic are summarised below and outlined in full in the numbered recommendations in the consolidated recommendations tables in appendices B and D.

Key recommendations

Amend NPSIB clause 3.11(1)(a) as follows:

- remove the word 'public' from the mining and quarrying benefits tests (see recommendation 1c, appendix B)
- add 'or regional' to the mining benefits test (see recommendation 1d, appendix B)
- remove the words 'could not otherwise be achieved using resources within New Zealand' from the mining and quarrying benefits tests (see recommendation 1e, appendix B)

Amend NPS-HPL clause 3.9(2)(j) as follows:

- remove the word 'public' from the mining and quarrying benefits test (see recommendations 3a and 5a, appendix D)
- add 'or regional' to the mining benefits test (see recommendation 2b, appendix D)
- remove the words 'could not otherwise be achieved using resources within New Zealand' from the mining and quarrying benefits tests (see recommendations 2c and 4b, appendix D)

⁴⁵ Ministry for the Environment. 2025. *Package 2: Primary sector – Discussion document*. Wellington: Ministry for the Environment. See section 2.5, p 43.

3.3.5 Other issues

3.3.5.1 Should 'operational need' be added as a gateway test for other activities controlled by the NPS-FM and NES-F?

Submitters were asked if 'operational need' should be added as a gateway test for other activities (ie, non-mining and quarrying activities) controlled by the NPS-FM and NES-F. There was significant opposition from submitters on this issue. Officials note that the consultation feedback provides useful information for considering policies in future resource management reviews.

Recommendations

The recommendation for this topic is summarised below.

Key recommendation

No change

3.3.5.2 Other changes sought by submitters

ENGOs made several recommendations on matters not included in the proposals consulted on. Their suggested changes included prohibiting coal mining and mining and quarrying on conservation land and imposing higher thresholds for the gateway tests. These suggestions would require significant further policy work and further consultation.

Recommendations

As these matters are outside of the scope of the consultation, officials do not recommend making any further changes to the proposal.

The recommendation for this topic is summarised below.

Key recommendation

No change

3.3.6 Other considerations

3.3.6.1 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 policy statements (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

Some submitters (predominately ENGOs, as well as iwi and hapū, and the PCE) considered that the proposals would fail to avoid, remedy or mitigate any adverse effects of activities on the environment, as required by section 5 of the RMA. EDS submitted that the proposals would enable more activities which are contrary to section 5(2) of the RMA, which requires the safeguarding the life-supporting capacity of air, water, soil and ecosystems. Some submitters, including EDS and other NGOs, explicitly consider the proposals, particularly the addition of the 'operational needs' test in the NPS-FM and NES-F, to be inconsistent with section 6 of the RMA. They are concerned that the proposals do not recognise or provide for the following matters of national importance:

- section 6(a): "the preservation of the natural character of ... wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development"
- section 6(c): "the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna"
- section 6(e): "the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga".

All iwi and hapū submitters considered that the changes would impact wāhi tapu, SNAs and wetlands. These areas are taonga or contain taonga species. They considered the proposals breach active protection obligations under the Treaty of Waitangi. A few submitters considered that the lack of consultation with Māori on the proposals was a breach of the Treaty principles of partnership and/or participation.

Most iwi and hapū made recommendations relating to duties to consult, cultural impact assessments, and protections for wāhi tapu, land Treaty settlement areas and Māori land. Some submitters noted the burdens (financial, time and emotional) that resource consent processes place on them, and concerns that any proposals to enable more activities near taonga or sites of significance would only increase this burden.

Analysis

Section 5 – Purpose

The proposed changes are consistent with aspects of the purpose of the RMA (section 5), because they provide for the social and economic well-being of people and communities by enabling the reliable supply of materials to support Government goals for infrastructure, housing development and economic growth. Greater local access to aggregate and minerals may also help to reduce development costs and provide local jobs and time-limited economic benefits for the adjacent communities. It will also improve the clarity of provisions for managing mining and quarrying activities, while retaining existing requirements to manage and mitigate the effects of quarrying and mining on SNAs, wetlands and HPL.

The proposed changes risk conflicting with section 5(2)(b) requirements to safeguard the life-supporting capacity of water, soil and ecosystems as they weaken the requirement to avoid adverse impacts and sustainably manage these protected environments. Mitigation of those impacts (in accordance with section 5(2)(c)) will still be required for HPL. Proposals affecting wetlands and SNAs will have to fully mitigate their effects through the effects management hierarchies.

Overall, officials consider the recommendations to align the instruments with the need to provide for the social and economic well-being of communities, while acknowledging that safeguards are in place to manage and mitigate the adverse effects of these economically important developments on protected environments. Officials note that cultural impacts can be site specific so are harder to address at a nationwide level; as such, they are best dealt with on a case-by-case basis through engagement (as required by these instruments) and the consenting process.

Section 6 – Matters of national importance

Section 6 of the RMA outlines matters of national importance including the preservation of wetlands (section 6(a)) and the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, or SNAs (section 6(c)). The enabling element (reducing gateway test restrictions) of the proposed changes could result in an increase in adverse effects on wetlands and SNAs through additional consents being granted for mining and quarrying associated activities in these areas. Overall, the amendments could lower the protective bar for nationally important protected values, this could weaken alignment with the s6 obligations on decisionmakers and may increase risk of judicial review. However, it should be noted that consent pathways for quarrying and mining activities already exist in these instruments and have been through the full s46A process to become gazetted. They were considered necessary to enable those activities that Government needed to support social and economic wellbeing. The changes will remove some of the duplication in the gateway tests and effects management hierarchy for SNAs and enable ancillary activities necessary for the operation of mines and quarries in wetlands to apply for consent. Overall, there will be more consistency between the consent pathways provided for in the NPSIB and in the NPS-FM and NES-F, which frequently overlap in terms of the values and environment they protect and, as per clause 1.4(3) of the NPSIB, where there is a conflict the NPS-FM / NES-F prevail. Therefore, it makes sense to align the mining and quarrying provisions as much as possible to reduce conflict, make the process more transparent for applicants and clarify the approach for consenting authorities.

Changes will enable more quarrying and mining projects to pass the relevant gateway tests to progress to the consent application stage, including proving they have a need to locate in that environment. The consent process will still consider cumulative effects, impacts on cultural values and how the effects of quarrying and mining are managed and mitigated at the local level. The effects of the mining or quarrying activities on protected natural environments will still need to be satisfactorily addressed.

Section 7 – Other matters

Officials note that the proposals intersect with RMA section 7 matters, such as:

- section 7(b): the efficient use of resources as they will improve the efficiency of processes for consenting mining and quarrying activities that produce products for use in domestic infrastructure and local development
- section 7(d): intrinsic values of ecosystems – see section 6 commentary
- section 7(f): maintenance and enhancement of the quality of the environment – poorly managed extractive activities can cause environmental decline, wetlands are at risk of severe degradation and indigenous biodiversity is already in decline
- section 7(g): finite characteristics, minerals are finite resources alongside HPL – further losses of HPL may have wider social and economic impacts on food supplies.

Overall, the changes are likely to improve procedural efficiency but could increase the risk to finite environmental resources. Ultimately this would need to be addressed on a case-by-case basis through the consent process where the value of the proposed mining or quarrying activities regionally or nationally is balanced against their impacts and the ability to mitigate any resulting adverse effects in accordance with the appropriate effects management framework. The use of conditions to enforce the effects management regimes alongside monitoring of their effectiveness will remain considerations for decision-makers.

Section 8 – Treaty of Waitangi

Officials acknowledge the proposals may increase the number of projects that can access consent pathways and, therefore, the number of projects that Māori groups are compelled to engage with. There is an increased risk that Māori land may be adversely impacted by specific projects. Impacts of specific projects on Māori rights and interests will depend on the location. Generally, the proposals do not change the ability to take the principles of the Treaty of Waitangi into account, or to recognise and provide for the relationship of Māori and their culture and taonga as a matter of national importance in the resource management system under the RMA. However, the changes could impact Māori–Crown relationships due to the perceived risk of adverse impacts of increased quarrying and mining on Māori interests, including their responsibilities as kaitiaki.

Officials consider mandatory cultural impact assessments and consultation to be out of scope of the gateway tests under the relevant instruments. This is because impacts can be assessed as part of the consenting process, and iwi and hapū usually can make submissions on significant projects and a partnership approach to decision-making is strongly encouraged by the instruments. This input will help ensure impacts on wāhi tapu, SNAs and wetlands can be managed through engagement, the effects management hierarchy and conditions placed on projects. This, however, assumes that these mandates and rights continue to apply.

3.3.6.2 Treaty settlement considerations

Submissions

The Waikato River Authority submitted that the proposed addition of the ‘operational need’ test in the NPS-FM and NES-F will impact the achievement of Te Ture Whaimana in Waikato and Waipā River catchments. Te Ture Whaimana o Te Awa o Waikato is the vision for the Waikato River and is recognised under certain legislation, including the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

Some PSGEs submitted that they should be empowered and supported to undertake monitoring activities in their rohe.

Analysis

The Waikato Regional Policy Statement must reflect Te Ture Whaimana and where an NPS conflicts with Te Ture Whaimana, Te Ture Whaimana prevails. The proposed amendments may add some complexities for Waikato Regional Council policy and consenting, when considering the interaction with Te Ture Whaimana.

With regard to most Treaty settlements with statutory acknowledgements and resource management participation requirements, the consenting process will still require authorities to have regard for statutory acknowledgements and the association that groups hold with a site.

These amendments on their own would not impact how groups or their values interact with RMA planning documents, for those with this type of settlement redress. However, councils may have to balance some protective values with the more enabling direction of these amendments.

3.3.6.3 Other Acts and provisions

There are other Acts and policy documents which interact with quarrying and mining beyond those mentioned above, notably the Crown Minerals Act 1991. The recommendations support the purpose of that Act: “to promote prospecting for, exploration for, and mining of Crown owned minerals for the benefit of New Zealand”.⁴⁶

Recommendations

The recommendation for this topic (other considerations) is summarised below.

Key recommendation

No change

⁴⁶ [Section 1A, Crown Minerals Act 1991](#) as amended.

4. Part B: Proposed targeted amendments to the New Zealand Coastal Policy Statement

4.1 Proposal overview

Targeted changes are proposed to two policies of the New Zealand Coastal Policy Statement 2010 (NZCPS) that enable activities in the coastal environment. Policy 6 applies generally to activities in the coastal environment and Policy 8 applies to aquaculture. The specific proposal is targeted at priority activities – namely infrastructure (including electricity generation and transmission), aquaculture and resource extraction – and aims to:

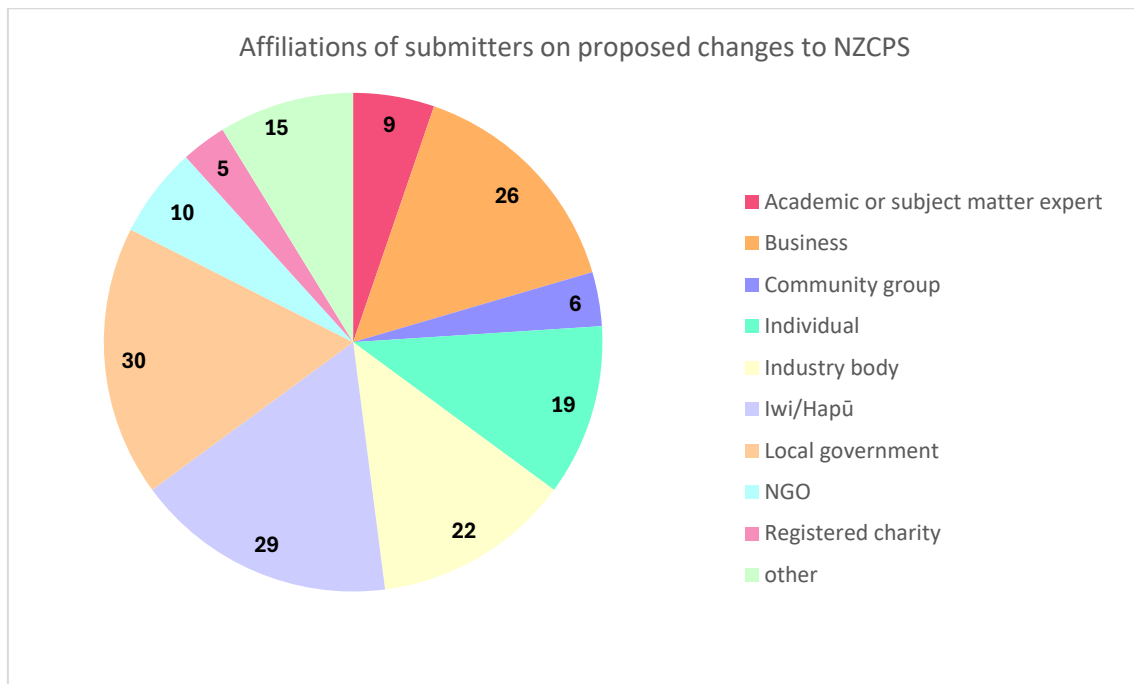
- strengthen the language in policy 6: Activities in the coastal environment, to better enable the development of priority activities
- expand the functional needs test in Policy 6 to include operational needs. This would recognise that priority activities may have a functional need or operational need to locate in the coastal marine area (CMA)
- change Policy 6 to consider the potential of renewable resources in the coastal environment and the potential contribution of renewable marine energy in the CMA to meet the reasonably foreseeable needs of both current and future generations
- direct decision-makers to provide for aquaculture activities within aquaculture settlement areas (ASAs)
- change the language in Policy 8 to better recognise the cultural and environmental benefits of aquaculture.

Overall, the proposed changes aim to make it easier to consent priority activities in the coastal environment, including in areas with important coastal values.

4.2 Summary of submissions

4.2.1 Overview of submissions

A total of 142 submitters provided feedback on the proposal to amend the NZCPS. Submitters can be broadly categorised into the following groups.



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

4.2.2 Key submission topics

Key topics from submissions on the NZCPS include:

- whether changes to the NZCPS should be progressed now or at all given the Resource Management Act 1991 (RMA) is to be replaced shortly with new legislation
- how directive the language in Policy 6 should be, and which activities should be treated as priority activities
- whether to expand the 'functional needs' test in Policy 6 to include 'operational needs' and, if so, which activities this test should apply to
- whether to require consideration of the potential of renewable energy resources in the coastal environment and the potential contribution of renewable marine energy in the CMA to meet the reasonably foreseeable needs of both current and future generations
- how directive the language in Policy 8 should be in relation to providing for aquaculture activities in ASAs
- whether to change the language in Policy 8 to require the cultural and environmental benefits of aquaculture to be considered
- whether the proposed changes to Policies 6 and 8 uphold environmental protections and cultural values, including the exercise of kaitiakitanga and customary marine title (CMT) rights.

These topics are discussed in further detail below in the analysis section of this part.

4.3 Analysis of proposal and submissions

4.3.1 Topic 1: Policy 6: Activities in the coastal environment – strengthening the language

4.3.1.1 Proposal

The proposal includes amendments to Policy 6(1)(a) and (g) of the NZCPS in relation to the Government's priority activities to make the wording more directive (ie, more like the wording of Policy 9 on ports). The proposed changes would be supported by the enabling proposals in proposed changes to other national direction instruments such as the National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG), and the proposed National Policy Statement for Electricity Transmission (NPS-ET) (to be renamed National Policy Statement for Electricity Networks (NPS-EN)) and the proposed National Policy Statement for Infrastructure (NPS-I) (see [Package 1: Infrastructure and development – Discussion document](#)).

The combined increase in directive and enabling policies for priority activities should elevate the importance of these developments in decision-making. It could soften how the 'avoid' requirements in the protection policies are applied, in a similar way to the Port Otago decision.⁴⁷

To support decarbonisation of the economy, the proposed changes would also require decision-makers to consider the potential of renewable resources in the coastal environment and the potential contribution of renewable marine energy in the CMA to meet the reasonably foreseeable needs of both current and future generations in Policy 6(1)(g) and (2)(a).

4.3.1.2 Key issues from submissions

Submitters expressed mixed views about strengthening the language in Policy 6. Some were concerned that the change would impact important public or iwi values. Some were concerned that it would result in occupation of coastal space that would be needed for future activities. Most submitters opposed better enabling resource extraction activities in the coastal environment and CMA. Some took issue with the open-ended nature of the term 'resource extraction'. The Parliamentary Commissioner for the Environment (PCE) said resource extraction should not be treated in the same way as ports (as in Policy 9) or other public infrastructure, which provide important public benefits.

Several submitters thought strengthened language in Policy 6 should only apply to public infrastructure, or infrastructure that provides significant regional or national benefits. Some regional councils and unitary authorities (eg, Waikato Regional Council and Gisborne District Council) and water service providers mentioned the importance of applying the changes to public stormwater, flood control and coastal protection assets, and other climate adaptation infrastructure.

Other councils opposed the changes. One regional council (Environment Canterbury) raised concerns about how the definition of 'infrastructure' in the NZCPS will interact with the more expansive definition used in the proposed NPS-I and the potential for consequential changes to result in unanticipated weakening of the protection policies in the NZCPS.

⁴⁷ [Port Otago Limited v Environmental Defence Society Incorporated \[2023\] NZSC 112](#).

Some submitters queried the drafting of proposed changes to Policy 6(1)(a). They questioned whether replacing 'important to' with 'which may be required for' could be interpreted as weakening the policy, as it implies optionality.

Transpower and some large electricity generators thought the policies should go further and sought the inclusion of alternative provisions or wording that:

- explicitly recognises the requirements of a sustainable electricity system, including the need for some activities to occur in the CMA
- recognises the national and regional significance of renewable electricity generation and electricity transmission networks
- provides for the operation, maintenance and upgrade of existing infrastructure
- reconciles the tension between the enabling and the avoid policies in the NZCPS
- further aligns the wording in Policy 6 with Policy 9 for ports
- supports the realisation of the potential of renewable coastal resources for renewable electricity generation.

The Independent Electricity Generators Association supported the proposed changes but asked for the NPS-REG to prevail over the NZCPS. Transpower sought the inclusion of similar clauses in the proposed NPS-EN.

Most councils, iwi and environmental non-government organisations (ENGOS) were keen to ensure the changes did not undermine the protection of important coastal values. Some submissions from fishing interests were concerned about potential impacts on fisheries resources. One iwi (Ngāi Tahu) sought the inclusion of new clauses in Policy 6 to better provide for the ancestral relationship of tangata whenua with the coastal environment, address interactions between ASA identification and coastal permit processes, and recognise the opportunities tangata whenua may have to develop iwi-led aquaculture.

Ngāti Porou CMT holders sought explicit protection in the NZCPS for rights and interests under Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or specific reference to the Act as a relevant matter in Policies 6 and 8.⁴⁸

4.3.1.3 Analysis of submissions and proposal

What infrastructure should be included in Policy 6 changes

The NZCPS relies on the RMA definition of infrastructure. The proposed strengthened language in Policy 6 would apply to all infrastructure that meets that definition. Most submitters thought proposals should be more targeted (ie, only apply to public infrastructure, or infrastructure that provides significant regional or national benefit) given the potential for development to compromise important public and iwi values in the coastal environment.

There are more targeted infrastructure-related definitions in other national direction, which the NZCPS could seek to align with. For example, 'specified infrastructure' is used in avoidance exemptions in the National Policy Statement for Indigenous Biodiversity 2023 (NPSIB) and National Policy Statement for Freshwater Management 2020 (NPS-FM), and 'national

⁴⁸ Submissions were received from Ngā Hapū o Ngāti Porou on behalf of the six CMT Management Arrangements, as well as independently from Whanau Hapu o Te Aitanga a Mate Te Aowera and Te Whanau a Hinekehu Takutai Kaitiaki Trust and Ngāti Wakarara - Ngāti Hau Takutai Kaitiaki Trust.

significance' is used in the existing NPS-ET to recognise the importance of the electricity transmission network. However, these definitions reflect the different scope and purpose of those instruments and may not be appropriate for use in the NZCPS.

A broader definition of infrastructure was also consulted on for the proposed NPS-I, including social infrastructure (eg, schools and hospitals) and stormwater infrastructure, as well as a definition of 'infrastructure-supporting activities'. These definitions could help address submitter concerns about the need to prioritise flood and coastal protection infrastructure.

While it is desirable to have a consistent approach to infrastructure definitions across all national direction, there is a risk that applying either a wider or a narrower definition at this stage of a targeted process could result in unintended consequences. Officials consider that this is better addressed as part of the wider reform of the resource management system, which would provide the opportunity for further consultation.

'Resource extraction' versus 'extraction of minerals'

In Policy 6(1)(a) of the NZCPS, the term 'extraction of minerals' is used, while some proposals would introduce a different term: 'resource extraction'. Submitters raised concern that 'resource extraction' could be interpreted more broadly than intended. To avoid ambiguity and ensure consistency with the existing NZCPS and the policy intent, officials recommend using the term 'extraction of minerals' in Policy 6 proposals.⁴⁹

Including 'ancillary activities and quarrying'

The Government consulted on proposed changes to align quarrying and mining definitions across four national direction instruments (National Policy Statement Highly Productive Land 2022 (NPS-HPL), NPSIB, NPS-FM and National Environmental Standards for Freshwater (NES-F)). Those changes use the terms 'extraction of minerals and ancillary activities' and 'quarrying activities'.⁵⁰ Standardising the definitions in those documents is intended to give consistent access for these activities to consent pathways. The targeted changes proposed to the NZCPS do not relate to exemptions or consent pathways, so an equivalent change was not consulted on.

No submissions on the NZCPS raised ancillary activities or quarrying as a key issue. Most submissions opposed greater enablement of resource extraction (irrespective of how this is defined) in the coastal environment. Officials therefore recommend not extending the provisions to include ancillary activities, or use of the term 'quarrying'. This matter may be considered as part of the work on replacing the RMA, which would provide the opportunity for further consultation.

Recognising the needs of current as well as future generations

Proposed amendments to Policy 6(1)(g) and (2)(a) were generally supported by submitters. Some industry submitters sought to further strengthen proposed Policy 6(1)(g) to 'provide for' the potential of renewable resources 'to be realised', and to narrow the policy to only apply to

⁴⁹ Sand and shingle are terms used in section 12 of the RMA.

⁵⁰ See part 2.5 of [Package 2: Primary sector – Discussion document](#). In the proposal to amend the NPSIB, 'aggregate extraction' is proposed to be replaced with 'quarrying activities' in clause 3.11(1)(a)(iii). 'Mineral extraction' is proposed to be replaced with 'extraction of minerals and ancillary activities' in clause 3.11(1)(a)(ii).

renewable electricity generation. Officials do not recommend this as it would go against the original intent of the policy to apply generally to all renewable resources. Officials consider that the NPS-REG is a more appropriate place to house specific renewable electricity generation policies and recommend that policy 6(1)(g) and (2)(a) be retained as proposed.

New clauses proposed in submissions for Policy 6 regarding electricity generation and transmission

The existing NPS-ET and NPS-REG already recognise the national importance of electricity transmission and renewable electricity generation. Officials do not support duplicating these provisions in the NZCPS. Decision-makers must read all relevant national policy direction together when making decisions, so the proposed strengthened NPS-EN and NPS-REG provisions would be considered alongside any relevant NZCPS provisions.

Some submissions sought to apply a more permissive effects management approach to existing renewable electricity generation and electricity network activities. Previous policy work had developed a draft 'effects management hierarchy' to address adverse effects on values in section 6 of the RMA and other national direction. The Government has decided to focus on resolving these major tensions between infrastructure and natural environment values in the replacement of the RMA, rather than through the current proposed changes to national direction.

Alternative wording proposed in submissions for Policy 6(1)(a)

Officials do not recommend replacing 'transmission of electricity' in Policy 6(1)(a) with 'electricity transmission network activities' because this term is not defined in the RMA or national direction, and it may have the result of excluding distribution networks.

Some submitters thought the use of 'which may be required for' could be interpreted as weakening policy 6(1)(a) rather than strengthening it, as 'may' implies optionality. However, that optionality is an intentional feature to ensure coastal space is allocated efficiently. It encourages decision-makers to consider if, or to what extent, a proposed development provides benefit. The use of 'may' is complemented with the use of 'be required for' instead of 'important' – so that for those developments such as renewable electricity generation and electricity network activities which do provide the described benefits, the supporting language is stronger and would make those activities more likely to get consent. Policy 6(1)(a) will also be read alongside the enabling provisions of the proposed NPS-I and proposed amendments to the NPS-REG and the proposed NPS-EN.

Additional clauses proposed in submissions for Policy 6

Ngāi Tahu sought to include an additional clause in Policy 6 to recognise the benefits of iwi-led aquaculture. The proposed amendments would be a better fit for Policy 8 as they aim to provide increased recognition of the cultural and economic benefits of aquaculture. The provision would need to be tested with other iwi, which is not possible due to the timeframe for this national direction review process. Officials recommend that this matter is considered as part of the work on replacing the RMA.

A number of iwi submissions did not favour strengthening the provision for activities unless they were aquaculture or renewable electricity generation activities agreed to, or operated by, iwi. Officials consider this to be a significant change that is outside the scope of the proposed amendments to the NZCPS which would require further consultation.

Ngā Hapū o Ngāti Porou sought specific reference to the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 as a relevant matter in Policy 6. While recognising the significant connection between the arrangements under the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 and the resource management system, officials consider further consultation would be necessary prior to adopting such a proposal. Interactions between the RMA and CMT are discussed further in section 4.3.3: New Policy 8(d) – aquaculture settlement areas.

4.3.1.4 Recommendations

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

Key recommendations

No change to the proposed amendments to Policy 6(1)(a) to replace ‘important to’ with ‘which may be required for’ ([recommendation 1](#))

No change to the proposed replacement of ‘take into account’ with ‘recognise’ in Policy 6(1)(g) ([recommendation 2](#))

No change to the proposed inclusion of ‘current and’ future generations in Policy 6(1)(g) and (6)(2)(a) ([recommendation 3](#))

Amend the proposal to replace the term ‘resource extraction’ with ‘extraction of minerals’ in Policy 6 ([recommendation 4](#))

4.3.2 Topic 2: Policy 6 functional and operational need

4.3.2.1 Proposal

Under the NZCPS, activities must satisfy a ‘functional need’ test to locate in the CMA.⁵¹ The proposed changes include adding new subclause (k) to policy 6(1) and subclause (f) to policy 6(2) to also recognise that priority activities may have an ‘operational need’ to locate in the CMA.

An activity with a ‘functional need’ is one that must traverse, locate or operate in the CMA because that is the only place the activity can occur. Expanding this to a ‘functional need’ or ‘operational need’ would enable decision-makers to consider technical, logistical or operational characteristics or constraints that make locating in the CMA necessary. Similar provisions already exist in the NPS-HPL and were consulted on for the proposed NPS-I and proposed amendments to the NPS-REG and NPS-ET.

This proposal would make it easier for priority activities to locate in the CMA. For example, it recognises that while some activities can occur on land, there may be technical, logistical or operational constraints that make locating them in the CMA necessary (eg, pipe or cable infrastructure routes across harbours, roads across inlets and structures associated with port

⁵¹ Policy 6(1)(e) requires that decision-makers “consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area”. Policy 6(2)(c) recognises “that there are activities that have a functional need to be located in the coastal marine area”. Policy 6(2)(d) recognises “that activities that do not have a functional need for location in the coastal marine area generally should not be located there”.

activities or marinas). 'Functional need' and 'operational need' are defined in the National Planning Standards 2019 (national planning standards) and widely used.

4.3.2.2 Key issues from submissions

Most industry submissions support the expansion of the 'functional need' test in Policy 6 for their specific activities. Te Ohu Kaimoana queried the need for the change for aquaculture since marine farming applications already have a functional need to locate in the CMA. While only a few submissions from the extractive industries sector were received, the feedback was generally positive. Some port and some fishing industry submitters expressed concern about how the changes could impact their operations.

Some electricity industry submitters thought the drafting should be clearer. Some submitters proposed replacing 'coastal marine area' in Policy 6(1)(e) with 'coastal environment' so that the operational need test applies in both the CMA and the wider coastal environment. Some electricity industry submitters thought the proposed changes should reconcile tension between the enabling and the avoid policies in the NZCPS, or that the proposed NPS-EN or NPS-REG with its proposed amendments should have priority over the NZCPS. Other submissions sought to retain the effect of the avoid policies.

Several regional councils said the changes would increase competition for space, making coastal allocation more complex. They also raised concerns about the potential for overdevelopment of coastal margins, cumulative ecological degradation, and the need to retain a robust assessment of alternative locations or methods.

Most iwi submitters opposed the expansion of the functional need test in the coastal marine area for priority activities, particularly for resource extraction. They expressed concern about the potential irreversible nature of effects, degradation of coastal ecosystems, disruption of taonga species, negative impacts on cultural values, and removal of space needed for the iwi and hapū to undertake their own activities. For Ngā Hapū o Ngāti Porou, the main concern was that a more permissive regime would result in erosion of their governance and management rights. Some iwi were more open to changes in relation to aquaculture and renewable electricity generation operated by, or approved by, iwi.

The PCE questioned how the operational need test would be examined and weighted, and expressed concern that unless public costs were considered, the decision to locate in the CMA would likely be based on maximising investment returns. The PCE and many others raised the need for spatial planning to manage conflict and ensure resources are allocated appropriately.

Several submitters raised general concerns about the need to align approaches to operational need or functional need tests across national direction.

4.3.2.3 Analysis of submissions and proposal

Operational needs test for infrastructure

Officials note that the proposed NPS-I, the proposed amendments to the NPS-REG and the proposed NPS-EN recognise the national importance and public benefits of their respective activities. These instruments propose to recognise the 'operational need' or 'functional need' of infrastructure to locate in particular places and contain provisions to ensure the tests are

applied appropriately.⁵² These provisions will be read alongside relevant NZCPS policies and inform consenting of infrastructure activities in the CMA.

Policy 6, and the NZCPS more generally, aim to ensure activities in the coastal environment (particularly the CMA) are optimally located and with a minimal footprint, leaving space for other uses, including navigation and public open space.

Several submitters expressed concern that in the absence of tools such as spatial planning and improved allocation mechanisms, the proposed changes would increase conflicts over space rather than improve overall outcomes for New Zealand. These matters are expected to be considered as part of the new resource management system.

Operational needs test for aquaculture

Under the RMA, ‘aquaculture activities’ are activities that involve occupation of the CMA.⁵³ Therefore, by definition, all aquaculture activities will have a ‘functional need’ to locate in the CMA.

Aquaculture activities also have the benefit of a direct enabling Policy 8(a), which requires councils to include provision for aquaculture activities in ‘appropriate places’ in regional policy statements and plans. The need for land-based facilities associated with marine farming is specifically identified as a relevant consideration in this clause. In effect, Policy 8 already recognises an ‘operational need’ for land-based activities associated with aquaculture and requires provision for those activities in planning instruments.

Policy 6(2)(c) also provides for activities with a ‘functional need’ to locate in the CMA to be provided for in appropriate places. This policy applies in the context of resource consent applications as well as plan provisions. Officials consider this policy covers the need for aquaculture activities to locate in specific places for operational reasons, such as proximity to transport or processing facilities.

While industry submissions were generally supportive of the proposal, no examples of expected benefits were provided, and Te Ohu Kaimoana queried the need for the change. There was some opposition from other submitters to including aquaculture in the operational need provisions. This was nuanced in the case of iwi submissions, as discussed above.

While the ‘operational need’ for aquaculture activities to locate in a particular part of the CMA appears to be covered by the reference to ‘appropriate places’, including an ‘operational need’ test may provide the industry with some additional certainty and comfort that the operational needs of aquaculture activities will be taken into account by decision-makers.

⁵² For a definition of infrastructure, see [Package 1: Infrastructure and development – Discussion document](#), p 13.

⁵³ Under section 2(1) of the RMA, aquaculture activities “means **any activity described in section 12** done for the purpose of the **breeding, hatching, cultivating, rearing, or ongrowing of fish, aquatic life, or seaweed for harvest if the breeding, hatching, cultivating, rearing, or ongrowing involves the occupation of a coastal marine area**; and includes the taking of harvestable spat if the taking involves the occupation of a coastal marine area; ...” [emphasis added].

Operational needs test for extraction of minerals

Extraction of minerals can enable other sectors, and it can support development of important public infrastructure (eg, sand used to make concrete).⁵⁴ Minerals are often only found in very specific places in the CMA, extraction is uncommon and it will usually satisfy a 'functional need' test. There may, however, be operational reasons why the extraction of minerals is only viable in certain areas. Reasons might include the lack of infrastructure such as absence of ports on the West Coast, increased travel distance and associated costs and emissions, and differences in composition and grades of resources. This means there could be some benefit to the sector of including extraction of minerals in the operational needs test.

Mineral industry submissions on this topic were generally supportive. However, there is otherwise a high level of opposition. Submissions from most other industries were concerned about competition for space while the fishing industry was concerned about effects on fisheries resources. Iwi were concerned about the potential environmental and cultural effects.

Consistency across instruments is desirable, so officials consider that extraction of minerals should be included in the operational need test for the CMA where the activity is for the purpose of supporting infrastructure and it can benefit from relevant policies in the NPS-I. Application of the test to mining more generally may be a relevant matter for the review of the resource management system.

Drafting of proposed functional need or operational need provisions

Officials agree that some drafting refinements are needed to give effect to the policy intent, and recommend clarifying the relationship between the existing policies and the 'operational need' test for priority activities along the following lines:

Where an activity is infrastructure, including renewable electricity generation or electricity transmission, an aquaculture activity or extraction of minerals that is required to support infrastructure, Policy 6(1)(e), (2)(c) and (2)(d) must be read to apply if the activity has a functional need or operational need'

Officials recommend clarifying that the 'functional need' and 'operational need' definitions from the national planning standards should be used as this will bring consistency with how those terms are used in other national direction. 'Operational need' is already a relevant matter for decisions under the NPSIB (eg, for subdivision, use or development within an SNA), so there is existing experience with its operation.

Changing the effects management approach in the NZCPS

As discussed above, the Government has decided to focus on resolving the major tensions between infrastructure and natural environmental values in the replacement of the RMA, rather than through the current proposed changes to national direction.

Policy 6(1)(e)

Proposed subclause (e) in Policy 6(1) is a reverse sensitivity clause, which aims to ensure activities in the coastal environment do not compromise those activities that have a 'functional need' to be in the CMA. Some submitters wanted the clause to also apply to land-based

⁵⁴ As is recognised in the NPS-I proposal to include quarrying in the definition of infrastructure related activities.

activities in the coastal environment. This suggested change could have effects on private property that cannot be assessed at this time. Officials therefore do not recommend any changes as these would require further consultation.

Additional clause in Policy 6(1) to provide for Māori rights and interests

Ngāi Tahu sought the inclusion of an additional clause in policy 6(1) to better provide for RMA sections 6(e), 7(a) and 8, in particular the ancestral relationship of tangata whenua with the coastal environment. Officials acknowledge Ngāi Tahu's concerns but consider that these matters would need to be addressed through amendments to Policy 2 of the NZCPS and further consultation would need to be undertaken on any such a proposal.

4.3.2.4 Recommendations

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

Key recommendations

Replace proposed policies 6(1)(k) and 6(2)(f) with new clause(s) in Policy 6 to achieve the following intent:

“Where an activity is infrastructure, including renewable electricity generation or electricity transmission, an aquaculture activity, or extraction of minerals for the purpose of supporting infrastructure, (1)(e), (2)(c) and (2)(d) above must be read to apply if the activity has a functional need or operational need” (see recommendation 5)

Include definitions of ‘operational need’ and ‘functional need’ as set out in the National Planning Standards 2019 issued under section 58E of the RMA (see recommendation 6)

4.3.3 Topic 3: New Policy 8(d) – aquaculture settlement areas

4.3.3.1 Proposal

ASAs are space the Crown has reserved for aquaculture settlement negotiations under the Māori Commercial Aquaculture Claims Settlement Act 2004. The Act requires that the space is suitable for aquaculture. It does not require consideration of whether the space is needed for other industries such as renewable electricity generation or cables.

The presence of the ASA prevents anyone but the iwi which holds an authorisation relating to that ASA from applying for aquaculture consents within it. It also prevents consenting of other activities unless they are compatible with aquaculture. However, aquaculture activities within the ASA by the authorised iwi still require resource consents under the RMA, with assessments of effects on environmental values and other activities.

Policy 8 is proposed to be amended to include a new policy 8(d) to direct decision-makers to provide for aquaculture activities within ASAs.

This change aims to make it easier to consent new aquaculture activities in space reserved for gazetted ASAs, but without removing the need to assess effects on the environment and other activities. This will support Māori to realise the potential of ASAs, which is an objective of the New Zealand Aquaculture Development Plan 2025–2030.

4.3.3.2 Key issues from submissions

Most submitters, including councils, some ENGOs and some iwi supported the proposal to amend Policy 8 to direct decision-makers to provide for aquaculture activities within ASAs. Some iwi submitters and professional associations said Māori need to be more involved in the ASA process. Te Ohu Kaimoana thought the changes would give iwi aquaculture organisations more confidence that councils would support them to use settlement space for aquaculture activities.

Ngāi Tahu submitted that the proposed provision “lacks teeth” and does not bridge the gap between the Māori Commercial Aquaculture Claims Settlement Act 2004 and the RMA consenting process. Te Ohu Kaimoana queried whether the change could help resolve issues with older plans (ie, those that lack ASA provisions) and identified the need for clear implementation guidance and central government support to ensure the policy intent is met.

Some iwi submitters said that they support the Māori Commercial Aquaculture Claims Settlement Act 2004. However, as tangata tiaki for the environment, they are uncomfortable supporting more aquaculture activities without ensuring due process is followed and environmental protections are upheld.

A few ENGOs and some iwi and CMT holders oppose the proposal, saying that it undermines Māori rights and interests and may impact environmental protections and CMT rights. Ngā Hapū o Ngāti Porou oppose this proposed policy change because they think it would undermine their rights under the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019. They are concerned about their ability to exercise their CMT rights in relation to ASAs.

The Royal Forest and Bird Protection Society of New Zealand (Forest & Bird) is concerned that these proposed changes could be ultra vires and effectively require consent authorities to approve new marine farms, guaranteeing the outcome of a coastal permit even where a new marine farm would have significant adverse environmental effects. Te Ohu Kaimoana requested the inclusion of an explanatory note to clarify that aquaculture activities within ASAs **will still be subject to checks and balances through the consenting process**. Similarly, Environment Southland requested the following qualifier be added to the proposed clause: “subject to appropriate environmental effects management”.

One council (Greater Wellington Regional Council) recommended the incorporation of regional-scale spatial planning to assess the suitability of aquaculture in the CMA, co-designed with mana whenua. Submissions on Policy 6 from industry groups that expressed concern about increased use of space by other activities impeding their own activities are also relevant in considering Policy 8, as ASAs could prevent the granting of approvals for activities such as cables and renewable electricity generation.

4.3.3.3 Analysis of submissions and proposal

Support for the new policy on ASAs

Most submitters supported this new policy for ASAs and agreed with the wording that was proposed. Most iwi submitters supported this policy for ASAs as they saw the potential for greater iwi involvement in new aquaculture activities and that the proposal would facilitate long-awaited development opportunities for iwi. Officials consider that the proposed changes to Policy 8(d) are useful to support the Government’s aquaculture objectives and recommend they are retained unchanged.

Some submitters thought the policy should go further

Ngāi Tahu wanted recognition in the NZCPS of the benefits of iwi-led aquaculture. The provision would need to be tested with other iwi as part of consultation requirements for a new proposal. Officials recommend that this matter is considered further in the work on reforming the resource management system.

Ngāi Tahu thought 'enable' should be used instead of 'provide for' to ensure that aquaculture applications within an ASA are granted. Officials do not support this suggestion because while the ASA process considers the suitability of the space for aquaculture activities, and its productive capacity, it does not address the need for space for other activities or environmental effects of a particular marine farm proposal within the area.

Ngāi Tahu also proposed alternative drafting for Policy 8, which included a new effects management approach for areas with important coastal values. Ministers have deferred consideration of the effects management provisions in national direction, including policies 11, 13 and 15 of the NZCPS, to further work on the replacement resource management system.

Concerns the policy could undermine CMT rights

ASAs provide iwi with the exclusive right to apply for a coastal permit for that space. The changes do not remove CMT rights in relation to coastal permit applications for new aquaculture activities within ASAs but could affect those rights in relation to other activities such as renewable electricity generation. These matters are addressed in more detail in section 4.3.6.2: Treaty of Waitangi and Treaty settlement considerations.

Concern that 'provide for' means all eligible permits within an ASA must be granted

The proposed language does not guarantee that a resource consent would be granted as each application would still need to be assessed on a case-by-case basis. The specific location, type and extent of the proposed activity and consideration of effects (including effects on other existing and potential uses) would be required to be assessed in the usual way through the resource consent process. Officials are comfortable that the proposal will not result in rubber stamping of aquaculture applications.

Additional clauses and wording in Policy 8 to clarify the relationship between ASAs and coastal permitting processes

Some iwi submitters raised concerns about how the Māori Commercial Aquaculture Claims Settlement Act 2004 and RMA coastal permit processes interact. For example, Ngāi Tahu sought stronger linkages between the ASA and RMA process. Officials acknowledge these concerns but note that the Māori Commercial Aquaculture Claims Settlement Act 2004 and the RMA have very different purposes and some matters appear to be implementation rather than regulatory in nature and better addressed through other processes.

Further guidance or clarifying statements are matters best addressed through supporting non-statutory material.

Requirement for regional-scale spatial planning in the CMA

Policy 7 of the NZCPS supports the use of strategic planning tools such as spatial planning. Requiring regional-scale spatial planning has not been consulted on as part of this review, but was sought by some submitters. This work is intended to be a core part of the new resource management system.

4.3.3.4 Recommendations

The recommendation for this topic is summarised below and outlined in full in the numbered recommendations in the consolidated recommendations table in appendix E.

Key recommendation

No change to Policy 8(d) to provide for aquaculture activities in ASA (see recommendation 7)

4.3.4 Topic 4: Policy 8(b) wording changes

4.3.4.1 Proposal

The current wording of Policy 8(b) refers only to the ‘social and economic benefits of aquaculture’. The proposal is to amend Policy 8(b) to also refer to the ‘cultural and environmental benefits of aquaculture’. It would be up to decision-makers in each case to determine whether those benefits would be delivered, and what weight they would have in a consent decision.

4.3.4.2 Key issues from submissions

There were mixed views about this proposal – some submitters thought the proposed changes go too far, and others consider they do not go far enough.

Some submitters such as councils, professional organisations and iwi raised the issue that cultural, social and economic benefits are subsets of environmental benefits (see the RMA definition of ‘environment’) and suggested rewording the proposed policy to either replace ‘environmental’ with ‘ecological’ or clarify the relationship between the terms. Of these submitters, many regional and district councils suggested changing the word ‘environment’ to ‘ecological’ to ensure that development is undertaken in a way that supports ecological systems. One regional council (Greater Wellington Regional Council) said that if the changes proceed, applicants should have to demonstrate that their proposal has net environmental or cultural benefits and nature-positive aquaculture practices (eg, regenerative shellfish farming).

Two industry submitters said these changes do not go far enough. Aquaculture New Zealand suggested adding a provision (as a temporary measure) to “recognise that many effects of aquaculture are reversible”.

Some ENGOs and Māori organisations oppose these proposed changes because they are concerned about environmental degradation and impacts on cultural values. They are concerned about the cumulative effect of these changes on marine biodiversity, recognised customary rights and public interests in the CMA.

The Ngāi Tahu submission sought further changes to enable iwi-led aquaculture because the protection policies make it hard to consent new aquaculture, including for iwi. They sought new regulations and a consenting pathway for iwi-led aquaculture.

Industry submissions on Policy 6 frequently raised concerns about the impact of encouraging more use of the CMA on the availability of space for their activities.

4.3.4.3 Analysis of submissions and proposal

On balance, officials consider the proposed changes to Policy 8(b) are useful to support the Government's aquaculture objectives. Some industry submitters thought the changes should go further. However, given the targeted nature of the proposed changes to the NZCPS and the timeframes for this work, their concerns may be better considered as part of the wider review of the resource management system.

Replacing the word 'environmental' with 'ecological'

Officials agree with submitters that cultural benefits are a subset of the RMA definition of 'environment'. The wording in proposed policy 8(b) aims to ensure that the cultural and ecological benefits of aquaculture (eg, roosting and feeding for seabirds) are expressly recognised. For clarity, officials recommend that the clause is redrafted to reflect that the listed benefits are subsets of 'environmental' benefits and specific reference to ecological benefits is added.

Reversibility of effects

Adding a provision to recognise reversibility of effects would create duplication, as whether effects are reversible is already a relevant consideration for plan and consent assessments and is equally applicable to many other activities in the CMA. This could also create inconsistency or uncertainty as to why reversibility is specifically mentioned in Policy 8, when other relevant considerations are not. Officials recommend that no change to Policy 8(b) is made.

Requiring net environmental/cultural benefits

Including a requirement for applicants to prove that their proposal has net environmental or cultural benefits, as suggested by submitters, is a significant change which has not been consulted on as part of this review of Policy 8. It may be a relevant matter for consideration during the review of the resource management system, which would provide the opportunity for further consultation.

4.3.4.4 Recommendations

The recommendation for this topic is summarised below and outlined in full in the numbered recommendations in the consolidated recommendations table in appendix E.

Key recommendation

Change proposed Policy 8(b) to include 'ecological benefits' and achieve the following intent:

"taking account of the environmental (ecological, cultural, social and economic) benefits of aquaculture, including any available assessments of national and regional benefits"
(see recommendation 8)

4.3.5 Other issues

This section contains issues raised in submissions that have not been covered in earlier sections.

Do not proceed with national direction changes now

Many submitters commented that making targeted changes to national direction at this time will not make a difference to resource management decisions, given recent restrictions on changes to regional policy statements, regional plans and district plans.⁵⁵ They considered that the proposals should not proceed ahead of work to replace the RMA. Others were concerned that making changes outside the context of this work could result in unintended negative effects on the system. The Government has committed to progressing changes that will impact on consenting decisions before the RMA is replaced.

An increase in applications will jeopardise important activities

Some submitters raised the point that these NZCPS proposals may lead to more applications for activities in the CMA (eg, for structures and mining) and that may lead to increased conflicts over the allocation of space, and a greater need for assessments of cumulative effects and alternative locations. Industry submissions often expressed concern that this would lead to negative impacts on their sector. Several submitters mentioned the need for spatial planning to map constraints, including natural hazards and high value areas, and to address allocation issues (ie, to integrate national policy direction and ensure the right development is in the right place).

Natural hazards and the role natural defences play in climate adaptation

Several submitters identified natural hazards as an issue in the coastal environment, and the need for natural hazard adaptation, including application of nature-based solutions. One submitter specifically identified a risk that allowing an increased number of activities in the CMA could compromise natural defences against the impacts of extreme weather, and that a failure to consider climate change (eg, rising sea levels) in permitting activities could result in inappropriate activities being authorised. Several submissions were either concerned about how changes might affect natural hazard mitigation or sought amendments to the NZCPS to better support climate change adaptation.

Natural hazard policy is being considered in the proposed National Policy Statement for Natural Hazards (NPS-NH) and work on replacing the RMA.

Specific ecosystem matters

Forest & Bird thought the NZCPS should recognise the potential benefits of blue carbon and direct decision-makers to take into account habitats of particular significance for fisheries management (HOPS), which can be established under section 9(c) of the Fisheries Act 1996. Including these matters would require significant changes, which were not consulted on. They could be relevant matters to consider as part of the review of the resource management system.

4.3.5.1 Recommendation

The recommendation for this topic (other issues) is summarised below and outlined in the 'other issues' section of the consolidated recommendations table in appendix E.

Key recommendation

No change (see recommendation 9)

⁵⁵ The Resource Management (Consenting and Other System Changes) Amendment Act 2025 created a 'Plan Stop' until December 2027, which was made public during this proposals notification period. Further details on the Plan Stop are provided in part C.

4.3.6 Other considerations

4.3.6.1 Part 2 RMA

The NZCPS is an integrated suite of policies providing guidance for implementation of the RMA in the coastal environment, including all relevant matters covered by Part 2 of the RMA including section 5 (purpose), section 6 (matters of national importance), section 7 (other matters) and section 8 (Treaty of Waitangi).

Officials consider the proposals as amended to be consistent with the purpose of the Act, because they:

- promote the sustainable management of natural and physical resources in the coastal environment of New Zealand
- enable people and communities to provide for their social and economic well-being
- continue to recognise and provide for the environmental and cultural values set out in sections 6 and 7 of the RMA through existing provisions in the NZCPS, as implemented through regional coastal plans and consenting processes.

The amendments will enable priority activities to be considered more favourably in consenting decisions. Existing policy direction in the NZCPS for restoration and indigenous biodiversity is retained and will continue to safeguard the life-supporting capacity of coastal ecosystems. Existing protection policies in the NZCPS in relation to important section 6 values (indigenous biodiversity, natural character and natural features and landscapes) are retained and require that adverse effects on the coastal environment be avoided, remedied or mitigated.

Proposed amendments do not change policy 2 of the NZCPS, which addresses RMA section 8 (Treaty of Waitangi); section 6(e) (the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga); section 6(g) (the protection of protected customary rights);⁵⁶ and section 7(a) (kaitiakitanga).

4.3.6.2 Treaty of Waitangi and Treaty settlement considerations

Many iwi submitters commented that they would rather see all proposed national direction changes covered in the work on the replacement of the RMA so that the full implications of impacts on Treaty rights and interests and cultural values can be considered.

In relation to submissions by iwi on the proposed changes to the NZCPS:

- the majority were opposed to strengthening the language in Policy 6
- the majority were strongly opposed to the functional needs test being widened to include operational need to locate in the CMA
- many supported the wording changes in policy 8(b) to include environmental and cultural benefits. Some suggested using the word 'ecological' rather than 'environmental'. A few opposed including environmental and cultural benefits
- many supported the wording changes in policy 8(d) to provide for ASAs and a few submitters opposed this change with concerns it may impact on their rights and interests and impact on their cultural values.

⁵⁶ Section 6(g) was amended after the NZCPS became operative. Before that amendment, it referred to the protection of recognised customary activities.

The policy proposals are to enable more priority activities in the CMA. This may provide greater participation opportunities for iwi with interests in marine activities such as iwi aquaculture organisations, but submitters were concerned that the occupation of space by others may limit the future options for iwi developments. They were also concerned that enabling more priority activities such as mineral extraction or specified infrastructure could have negative effects on the environment and values that iwi want to see protected (eg, kaitiakitanga).

The policy proposals do not intend to change any mechanisms that provide for Māori engagement in consenting processes under Treaty settlements, or other arrangements, including the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, which provide for either participation in the consenting system or consideration of specific values.

The impacts on environmental values or impeding future iwi development options will vary depending on how enabling the final NZCPS proposals are in any given situation.

Officials consider the proposals will mean the NZCPS will continue to recognise and provide for the matters in section 6(e) of the RMA⁵⁷ while also acknowledging both the public benefits of priority activities, and the enabling of iwi-led activities such as aquaculture to occur where appropriate.

Upholding Treaty settlements

There are over 75 Treaty settlements containing commitments intended to provide for iwi involvement or influence in decision-making under the RMA. The policy proposals do not intend to change the mechanisms that provide for Treaty settlements in the consenting process. Requirements to notify relevant post-settlement governance entities (PSGEs) as specified under Treaty settlements in RMA processes will continue to apply.

The targeted review of the NZCPS focuses on policies 6 and 8, which relate to enabling priority activities in the coastal environment and coastal marine area. The proposed changes do not intend to change any processes or requirements under the RMA that provide for PSGEs to be involved in any planning or consenting processes. Mechanisms such as statutory acknowledgements will continue to apply to consenting authority processes, alongside any requirements to consider any planning documents.

The changes have the intent of enabling more activities, and this could result in more consenting applications that PGSEs need to participate in, impacting their capacity to do other work.

4.3.6.3 Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019

Section 77 of the Marine and Coastal Area (Takutai Moana) Act 2011 requires the Minister of Conservation to consult with CMT groups recorded on the register in relation to changes to the NZCPS and consider their views. All groups were advised of the proposed changes during early engagement and formal consultation.

⁵⁷ RMA section 6(e) requires decision-makers to recognise and provide for the following as a matter of national importance: “the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga”.

Discussions were held with Ngā Hapū o Ngāti Porou, as required under the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 (Ngā Hapū o Ngāti Porou Act), during both the early engagement (prior to notification of the proposal under section 46A) and formal consultation phases (following notification) and three groups submitted on the proposals. They opposed the proposed changes to Policies 6 and 8 of the NZCPS because those have the potential to enable development which would eventually reduce rights under the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act. Those concerns are discussed in earlier analysis sections or covered below. Submissions sought that the Ngā Hapū o Ngāti Porou Act be expressly referred to in the NZCPS or as a relevant matter in the amendments to Policies 6 and 8.

Officials consider that Ngā Hapū o Ngāti Porou Act does not need to be expressly referred to within the NZCPS.

Section 31 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act requires that a person who prepares a report and recommendations for a proposed national policy statement that directly affects Ngā Rohe Moana must consider the environmental covenant provided for under that Act. It is possible that the proposed changes to the NZCPS could affect Ngā Rohe Moana; however, the environmental covenant is currently under development.

The proposals will not impact the rights and arrangements provided under the Marine and Coastal Area (Takutai Moana) Act 2011. Rights that provide for participation in resource consenting processes, such as the RMA permission right for customary marine title holders, will continue to apply. However, the increase in coastal activities may result in impacts on Takutai Moana groups that will need to engage in more resource consents.

In addition, for groups that gain a protected customary right or CMT order in future, an increase in consented activities at the date of the order is likely to reduce their ability to manage and benefit from their title or exercise their rights.

Ngā Hapū o Ngāti Porou raised concerns on the implications of the ASAs for aquaculture on their rights and arrangements. Officials consider that their rights to be engaged in aquaculture consents will remain the same and will not be impacted.

4.3.6.4 Other Acts and provisions

There are many other Acts and policy documents which interact with resource management in the CMA, notably the Crown Minerals Act 1991, Fisheries Act 1996, Treaty settlement legislation, the Hauraki Gulf Marine Park Act 2000 and other protected area legislation. Due to the narrow scope of the proposed amendments, other legislation is only discussed in the sections above where it is relevant to the particular policy (eg, Māori Commercial Aquaculture Claims Settlement Act 2004 is discussed in section 4.3.2: Topic 2: Policy 6 functional and operational need).

4.3.6.5 Recommendations

The recommendation for this topic (other considerations) is summarised below and outlined in the consolidated recommendations table in appendix E.

Key recommendation

No change ([see recommendation 10](#))

5. Part C: Implementation

5.1 Context

This part discusses 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 implementation options available specifically for the proposed amendments to the New Zealand Coastal Policy Statement 2010 (NZCPS), National Policy Statement for Highly Productive Land 2022 (NPS-HPL), National Policy Statement for Indigenous Biodiversity 2023 (NPSIB), National Policy Statement for Freshwater Management 2020 (NPS-FM) and National Environmental Standards for Freshwater (NES-F).

5.2 Implementation

5.2.1 Proposal overview

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

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

Question	
1	Does ‘as soon as practicable’ provide sufficient flexibility for implementing this suite of NPS and the NZCPS?
2	Is providing a maximum time period for plan changes to fully implement NPS to be notified sufficient? a. If not, what would be better, and why? b. If yes, what time period would be reasonable, and why? Eg, 5 years?
3	Is requiring all plan changes to fully implement an NPS before or at plan review reasonable?
4	Are there other statutory or non-statutory implementation provisions that should be considered?

Options for implementing NPS 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 an NPS
- requiring all plan changes to fully implement the NPS before or at plan review in addition to specific implementation provisions in each proposal. The exception to this is the proposed National Policy Statement for Infrastructure (NPS-I) and proposed changes to the National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG) and the proposed National Policy Statement for Electricity Transmission (NPS-ET) (to be renamed National Policy Statement for Electricity Networks (NPS-EN)), 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 2.⁵⁸

⁵⁸ Ministry for the Environment. 2025. [Package 1: Infrastructure and development – Discussion document](#); Ministry for the Environment. 2025. [Package 2: Primary sector – Discussion document](#).

5.3 Key issues from submissions

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

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

An overview of submissions raised in each theme is provided below. No specific analysis 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.

5.4 Overview of submissions

5.4.1 Implementation timing and system alignment

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

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

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 NPSs. Some suggested timeframes of 5 to 10 years for full implementation of NPSs.

5.4.2 Clarity, definitions and guidance

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

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

5.4.3 Resourcing and cost sharing

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

- Implementation requires resourcing from central government to support councils (Porirua City Council, Timaru District Council).
- Incentives to support implementation were suggested (Auckland Council).
- There should be flexibility for councils to determine the sequencing of how they implement national direction instruments (Auckland Council).
- Costs should be shared between local government and central government (Waikato District Council, Waimate District Council, Meridian Energy Limited).
- Smaller councils face disproportionate costs and need tailored support (Manawātū District Council, Mackenzie District Council).
- Monitoring and enforcement costs should not shift unfairly from users to ratepayers (Horizon Regional Council).

5.4.4 Technical and legal considerations

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

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

5.4.5 Other matters

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

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

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

5.5 Implementation of proposals

5.5.1 Implementation methods

Implementation of the proposed amendments to NZCPS, NPSIB, NPS-HPL, NPS-FM and NES-F can be through either:

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

Sections 44A and 55 of the RMA outline the statutory implementation provisions for national environmental standards and national policy statements.

5.5.2 Statutory implementation of the NZCPS

The NZCPS is the only national direction instrument which is statutorily required at all times.⁵⁹

The amendments to the NZCPS (if agreed to) will have an immediate effect on resource consent decisions, designations and heritage orders due to the NZCPS applying in the terrestrial coastal environment.

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

⁵⁹ See [section 57\(1\) of the RMA](#).

The RMA includes two options for how and when NPS provisions are implemented in RMA documents under section 55(2) and (2D) of the RMA. The option for an NPS to require direct insertion of specific policies into an NPS under section 55(2) was not exercised in the NZCPS proposal, so it is not available. The other option relates to a local authority-led plan change to implement an NPS 'as soon as practicable' after becoming operative under section 55(2D)(a). This would follow the plan change process set out in Schedule 1 of the RMA and involve public consultation on the proposed plan provisions, and an opportunity for submitters on the plan change to be heard at a public hearing. Decisions on the plan changes would also be subject to appeals at the Environment Court.

The typical plan change process has been affected by a recent amendment to the Resource Management Act 1991 to stop council RMA plan-making processes. This amendment limits the ability for local authorities to undertake plan changes using Schedule 1 processes until 31 December 2027 (refer to *RMA Amendment Act 2025, Plan Stop Provisions and implications for national direction implementation* for more information on the Plan Stop amendments). This is discussed further below.

5.5.3 Statutory implementation of the NPS-HPL, and quarrying and mining amendments across the NPS-HPL, NPSIB and NPS-FM

The amendments to the NPS-HPL, NPSIB and NPS-FM (if accepted) will have an immediate effect on resource consent decisions, water conservation orders, decisions on notice of requirements (for designations) and heritage orders.

The NPS-HPL, NPSIB, and NPS-FM must be considered for all resource consent applications under s104 and will directly apply to the determination of resource consents for discretionary and non-complying activities under s104B. This means national direction will be a factor in consent decision making, alongside the assessment of effects, any mitigation measures, other RMA plan provisions, and any other matter the decision maker considers relevant and reasonably necessary to make a decision.

The RMA includes two options for how and when NPS provisions are implemented in RMA documents under s55(2) and (2D) of the RMA. The option for an NPS to require direct insertion of specific policies into an NPS under s55(2) was not exercised in the NPS-HPL proposal, so it is not available. The other option relates to a local authority led plan change to implement an NPS "as soon as practicable" after becoming operative under s55(2D)(a). This would follow the plan change process set out in Schedule 1 of the RMA and involve public consultation on the proposed plan provisions, and an opportunity for submitters on the plan change to be heard at a public hearing. Decisions on the plan changes would also be subject to appeals at the Environment Court.

The typical plan change process has been affected by a recent amendment to the Resource Management Act 1991 to stop council RMA plan making processes. This amendment limits the ability for local authorities to undertake plan changes using Schedule 1 processes until 31 December 2027 (refer to section 5.5.5).

5.5.4 Statutory implementation of quarrying and mining changes to NES-F

Once approved, the amendment to NES-F recommended as part of the quarrying and mining proposal provisions will have immediate effect on opportunities for development proposals.

The new gateway test adding 'operational need' to the wetland consent pathways for quarrying and mining activities in the NES-F will mean that more mining and quarrying activities can be considered for a resource consent application.

It will also have an immediate effect on plans, with the operational need gateway being applied to rules for mining and quarrying activities in natural inland wetlands in plans. Typically, local authorities would commence a plan change under s.44A RMA, to amend inconsistencies between plans and the NES-F, without using the RMA Schedule 1 process. The RMA requires a plan change to implement an NES to be undertaken as soon as practicable after an NES comes into effect. These plan changes can be progressed/implemented from the date the NES comes into force.

Once in force the amended NES-F would apply even if the plan change to implement it has not been completed.

5.5.5 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 new national policy statements, where those policy statements specify that its implementation – or parts of its implementation – are to occur through a plan-making process before 31 December 2027. This is not relevant to proposed amendments to NZCPS, NPS-HPL, NPSIB or NPS-FM.

This does not affect private plan changes, which are still able to progress and will need to consider relevant national direction including the proposed amendments to NZCPS, NPS-HPL, NPSIB or NPS-FM.

The Plan Stop provisions have no immediate effect on the proposed amendments to NES-F unless a Schedule 1 plan change is required to address consequential matters. In that instance, no plan change would be able to progress until the end of 2027.

5.6 Recommendations

No change is recommended to assist in the implementation of the proposed amendments to the NZCPS and NPS-HPL, and the quarrying and mining provisions in NPS-HPL, NPSIB, NPS-FM and NES-F. The Plan Stop amendment allows the implementation of NPS through resource consents, and the amendments to the NES-F can be applied immediately.

The recommendation for this topic is summarised below.

Key recommendation

No changes are recommended to the proposed amendments to NZCPS and NPS-HPL, and the quarrying and mining provisions of the NPS-HPL, NPSIB, NPS-FM and NPS-F outlined in this report.

Appendix A: Consolidated recommendations – Amendments to the National Policy Statement for Highly Productive Land 2022

Recommendations in relation to notified proposed provisions to remove Land Use Capability 3 land and test inclusion of special agricultural areas, and new option of revoking the NPS-HPL

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

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

Any provision in the existing National Policy Statement for Highly Productive Land 2022 (NPS-HPL) not included in the notified proposal or these tables is intended to remain the same.

The tables below address three options for amending or revoking the NPS-HPL. The options are numbered according to the level of detail (with option 1 being an overarching option); however, the tables are sequenced so that the notified proposal options are first (options 2 and 3) and these are followed by option 1, which was not consulted on.

- Table 1 – to amend the NPS-HPL by removing Land Use Capability (LUC) 3 land from the NPS-HPL restrictions on highly productive land (HPL), removing the proposal to identify special agriculture areas (SAAs) and changes to the timeframes for councils to complete mapping HPL (option 2).
- Table 2 – to amend the NPS-HPL by exempting rezoning of LUC 3 land for urban development from the restrictions in the NPS-HPL, removing the proposal to identify SAAs and changes to the timeframes for councils to complete mapping HPL (option 3).
- Table 3 – to revoke the NPS-HPL instrument in its entirety (not consulted on) (option 1).

Table 1: Removing LUC 3 land from the NPS-HPL (option 2)

PROPOSAL		CONSULTED OPTION FOR AMENDMENTS TO THE NPS-HPL			
1.3 Interpretation (definitions)	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
LUC 1, 2 or 3 land	Amend to remove LUC 3, refer to clause 3.4 and clause 3.5(7).	Land Use Capability 3	No change 1. Retain the proposal to remove the reference to LUC 3 in the interpretation section of the NPS-HPL. See recommendation 4.	This change would amend the term which is referenced in the policy for identifying HPL in regional policy statements and district plans.	Yes No

PROPOSAL		CONSULTED OPTION FOR AMENDMENTS TO THE NPS-HPL			
Clause	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
3.4 Mapping highly productive land	No specific changes to mapping criteria, however, this is subject to the outcomes of consultation. Additional amendments may include changes to mapping criteria including: <ul style="list-style-type: none"> consequential amendments related to the removal of LUC 3 additional criteria for capturing 'special agriculture areas', which is a new land category that is intended to capture areas that are regionally or nationally significant for food and fibre production but may be compromised by the removal of LUC 3 (these could include Pukekohe and Horowhenua). 	LUC 3 Special agricultural areas HPL mapping	Change 2. Amend the proposal to remove the proposed SAAs and consequential changes to the HPL mapping criteria.	The criteria for identifying SAAs and the process for identifying them requires further consideration as identified in the part B assessment. Adding mapping criteria to identify SAAs would require a plan change and significant process which is inconsistent with the Plan Stop. Further consideration to SAAs will be considered in the resource management reform.	Yes No

PROPOSAL		CONSULTED OPTION FOR AMENDMENTS TO THE NPS-HPL			
Clause	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
3.5 Identifying highly productive land in regional policy statements and district plans	Changes to timeframes for councils to notify HPL maps in regional policy statements either extend timeframes in clause 3.5(1) or suspend mapping (see Part 4).	LUC 3 SAA HPL mapping	Change 3. Amend the proposal to pause the requirement for local authorities to map HPL in regional policy statements until 31 December 2027. 4. Retain the proposal to remove LUC 3 from the policy on identifying HPL in regional policy statements and district plans and amend the proposal to remove the changes related to: <ol style="list-style-type: none"> limiting LUC3 removal to urban rezoning decisions only allowing HPL to be defined via consideration of LUC units and limitations within the LUC classification system. 	The proposal to pause the HPL mapping requirements is intended to align with the timeframes for the Plan Stop on plan changes.	Yes No
	Remove LUC 3 from clause 3.5(7). Subject to outcomes of consultation, additional amendments to how HPL is defined before HPL mapping is notified in a regional policy statement may include: <ul style="list-style-type: none"> limiting LUC 3 removal to urban rezoning decisions only (either just council-led urban rezoning or for private urban rezoning proposals and retaining restrictions on rural lifestyle on LUC 3) allowing HPL to be defined via consideration of LUC units and limitations within the LUC classification system. 			This proposal would enable urban development on LUC 3 land as the HPL would not apply to LUC 3 land. The additional amendments referred to in the proposal are not required under this option. The proposal regarding consideration of LUC units to define HPL is not proposed to be progressed and may be considered as part of the resource management review.	Yes No

PART 4: TIMING					
PROPOSAL		CONSULTED OPTION FOR AMENDMENTS TO THE NPS-HPL			
Reference	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
4.1 When this National Policy Statement takes effect	Align with changes to clause 3.4 and clause 3.5 subject to the outcomes of consultation.	LUC 3 SAA HPL mapping	See recommendation 3 (Amend the proposal to pause the requirement for local authorities to map HPL in regional policy statements until 31 December 2027.)	The amendment is required to remove the burden on councils to map HPL, align with the Plan Stop restricting plan changes, and allow time for a longer-term solution to identifying and managing HPL to be considered in the new resource management system. No separate recommendation is required as this is addressed in recommendation 3.	N/A

Table 2: Exempting rezoning of LUC 3 land for urban development from the restrictions in the NPS-HPL (option 3 – recommended option)

PROPOSAL		CONSULTED OPTION FOR AMENDMENTS TO THE NPS-HPL			
1.3 Interpretation (definitions)	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
LUC 1, 2 or 3 land	Amend to remove LUC 3, refer to clause 3.4 and clause 3.5(7).	LUC 3	Change <ol style="list-style-type: none"> Amend the proposal so the reference to LUC 3 in the interpretation section of the NPS-HPL is retained. 	The existing term 'LUC 3' in the interpretation section of the NPS-HPL is no longer required to be removed to support the notified proposal to amend policy on identifying highly productive land in regional policy statements and district plans (see discussion under recommendation 4 below).	Yes No

PROPOSAL		CONSULTED OPTION FOR AMENDMENTS TO THE NPS-HPL			
Clause	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
3.4 Mapping highly productive land	<p>No specific changes to mapping criteria, however, this is subject to the outcomes of consultation.</p> <p>Additional amendments may include changes to mapping criteria including:</p> <ul style="list-style-type: none"> consequential amendments related to the removal of LUC 3 additional criteria for capturing 'special agriculture areas', which is a new land category that is intended to capture areas that are regionally or nationally significant for food and fibre production but may be compromised by the removal of LUC 3 (these could include Pukekohe and Horowhenua). 	<p>LUC 3</p> <p>SAA</p> <p>HPL mapping</p>	<p>Change</p> <p>2. Amend the proposal to remove the proposed SAA and consequential changes to the HPL mapping criteria.</p>	<p>The criteria for identifying SAAs and the process for identifying them require further consideration as identified in the part B assessment. Adding mapping criteria to identify SAAs would require a plan change and significant process which is inconsistent with the Plan Stop.</p> <p>Further consideration to SAAs will be considered in the resource management reform.</p>	<p>Yes No</p>
3.5 Identifying highly productive land in regional policy statements and district plans	<p>Changes to timeframes for councils to notify HPL maps in regional policy statements either extend timeframes in clause 3.5(1) or suspend mapping (see Part 4).</p> <p>Remove LUC 3 from clause 3.5(7).</p>	<p>LUC 3</p> <p>SAA</p> <p>HPL mapping</p>	<p>Change</p> <p>3. Amend the proposal to pause the requirement for local authorities to map HPL in regional policy statements until 31 December 2027.</p> <p>4. Amend the proposal relating to policy requiring HPL to be identified in regional policy statements and district plans so that:</p> <p>a. the existing reference to LUC 3 is retained;</p>	<p>The proposal to pause the HPL mapping requirements is intended to align with the timeframes for the Plan Stop on plan changes.</p> <p>Removal of LUC 3 is not necessary under this option as it proposes using the alternative exemption approach.</p> <p>The exemption from restrictions in the NPS-HPL on rezoning LUC 3 land for urban</p>	<p>Yes No</p> <p>Yes No</p>

PROPOSAL		CONSULTED OPTION FOR AMENDMENTS TO THE NPS-HPL			
Clause	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
	<p>Subject to outcomes of consultation, additional amendments to how HPL is defined before HPL mapping is notified in a regional policy statement may include:</p> <ul style="list-style-type: none"> limiting LUC 3 removal to urban rezoning decisions only (either just council-led urban rezoning or for private urban rezoning proposals and retaining restrictions on rural lifestyle on LUC 3) allowing HPL to be defined via consideration of LUC units and limitations within the LUC classification system. 		<p>b. an exemption from the restrictions in the NPS-HPL on rezoning LUC 3 land for urban development, via council-led or private plan change proposals, is included; and</p> <p>c. the proposal allowing HPL to be defined via consideration of LUC units and limitations within the LUC classification system is removed.</p>	<p>development (via council-initiated or private plan changes) will be more enabling of greenfield urban development consistent with the intent of the Government's Going for Housing Growth programme.</p> <p>The proposal regarding consideration of LUC units to define HPL is not proposed to be progressed and may be considered as part of the resource management review.</p>	

PART 4: TIMING					
PROPOSAL		CONSULTED OPTION FOR AMENDMENTS TO THE NPS-HPL			
Reference	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
4.1 When this National Policy Statement takes effect	Align with changes to clause 3.4 and clause 3.5 subject to the outcomes of consultation.	<p>LUC 3</p> <p>SAA</p> <p>HPL mapping</p>	<p>Refer to recommendation 3.</p> <p>(Amend the proposal to pause the requirement for local authorities to map HPL in regional policy statements until 31 December 2027.)</p>	<p>The amendment is required to remove the burden on councils to map HPL, align with the Plan Stop restricting plan changes, and allow time for a longer-term solution to identifying and managing HPL to be considered in the new resource management system.</p> <p>No separate recommendation is required as this is addressed in recommendation 3.</p>	N/A

Table 3: Revoke the NPS-HPL instrument in its entirety (new proposal following consultation) (option 1)

ALTERNATIVE OPTION FOR AMENDMENTS TO THE NPS-HPL			
Topic	Option	Advice	Minister's decision
Other matters HPL mapping	1. Revoke the entire National Policy Statement for Highly Productive Land (NPS-HPL) instrument	<p>While this option was not consulted on, the New Zealand Initiative and a few individuals suggested revoking the NPS-HPL as they considered the market should be left to determine the best use of land. Key stakeholders have not had the opportunity to consider the implications of this proposal and provide feedback.</p> <p>There are risks associated with this option due to its implications for the HPL resource and the wider primary production sector and this option would benefit from a more detailed analysis.</p> <p>Officials do not recommend proceeding with this option.</p>	<p>Yes No</p> <p>Yes No</p>

Appendix B: Consolidated recommendations – Amendments to the National Policy Statement for Indigenous Biodiversity 2023

Recommendations in relation to notified proposed provisions

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

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

Any provision in the existing National Policy Statement for Indigenous Biodiversity 2023 (NPSIB) not included in the notified proposal or these tables is intended to remain the same.

Key recommendations for changes to the NPSIB exceptions, which provide direction for consent pathways for quarrying and mining activities that adversely affect significant natural areas (SNAs), are to:

- retain the proposal to amend the NPSIB to align the terms used for quarrying and mining activities with the same terms used in the other national direction (National Policy Statement for Highly Productive Land 2022 (NPS-HPL), National Policy Statement for Freshwater Management 2020, National Environmental Standards for Freshwater and National Planning Standards 2019) (refer to recommendation 1 a–b)
- retain the proposal to amend the NPSIB exceptions provisions for quarrying and mining activities to better align their gateway tests with other national direction and make the exceptions more enabling (recommendation 1 c–e)
- change the proposal to include definitions for 'ancillary activities' and 'quarrying activities' from the National Planning Standards 2019 (refer to recommendations 2 and 3).

PART 3: IMPLEMENTATION

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NPSIB

Clause	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
3.11(1)(a)(i) and (iii) Exceptions for mineral and aggregate extraction	<p>Exceptions for mineral and aggregate extraction</p> <p>Proposed changes to the consent pathway for mining and quarrying.</p> <p>2) Replace 'mineral extraction' with 'the extraction of minerals and ancillary activities' in clause 3.11(1)(a)(ii).</p> <p>2) Replace 'aggregate extraction' with 'quarrying activities' in clause 3.11(1)(a)(iii).</p> <p>3) Remove the gateway test requiring assessment of all other resources in New Zealand by removing the wording 'that could not otherwise be achieved using resources within New Zealand' from 3.11(1)(a)(ii) and (iii).</p> <p>4) Amend subclauses 3.11(1)(a)(ii) and (iii) of the NPSIB to align the gateway test for significant public benefit of mining and quarrying across the NPS-IB, NPS-FM, NES-F and NPS-HPL by:</p> <ul style="list-style-type: none"> – removing the word 'public' because it is used to describe the benefit of quarrying and mining; and – including significant 'regional' benefit in clause 3.11(1)(a)(ii) for the extraction of minerals and ancillary activities so that both subclauses require the activities to provide significant national or regional. 	<p>Amend the NPSIB and NPS-HPL to align quarrying and mining definitions and terminology</p> <p>Amend the quarrying and mining gateway tests in the NPSIB and NPS-HPL</p>	<p>No change</p> <p>1. Retain the proposal to amend NPSIB exceptions that provide policy direction on consent pathways for quarrying and mining activities that adversely affect SNAs, by:</p> <ul style="list-style-type: none"> a. replacing the term 'mineral extraction' with 'the extraction of minerals and ancillary activities' (clause 3.11(1)(a)(ii)); b. replacing the term 'aggregate extraction' with 'quarrying activities' (clause 3.11(1)(a)(iii)); c. removing the requirement for 'the extraction of minerals and ancillary activities' and 'quarrying activities' affecting an SNA to provide a 'public' benefit (clause 3.11(1)(a)(ii) and (iii)); d. including consideration of 'regional' benefits to the exception for 'extraction of minerals and ancillary activities' (clause 3.11(1)(a)(ii)); and e. deleting the following requirement from both exceptions: 'that could not otherwise be achieved using resources within New Zealand' (clause 3.11(1)(a)(ii) and (iii)). 	<p>Using the same terms to describe quarrying and mining activities will improve transparency and consistency.</p> <p>Removing the word 'public' from benefits tests will allow a wider range of private and localised benefits to be considered.</p> <p>Adding 'regional' benefit to the mining exception will allow local benefits to be considered and aligns the approach with the quarrying exception.</p> <p>Removing the requirement to consider all other resources in New Zealand from both exceptions will improve the workability of the exceptions gateway tests and reduce the quantity of evidence required.</p> <p>The changes will improve consistency across national direction and enable more mines, quarries and their ancillary activities that adversely affect SNAs to be considered through the consent process. This supports the Government's growth agenda.</p>	Yes No

Other recommendations

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

RECOMMENDATIONS FOR AMENDMENTS TO THE NPSIB			
Topic	Recommendations	Reasons for recommendation	Minister's decision
Amend the NPSIB to align quarrying and mining definitions and terminology	Change 2. Amend the proposal to include the definition of 'ancillary activities' from the National Planning Standards 2019.	This amendment results from the proposed change in terminology from 'mineral extraction' to 'the extraction of minerals and ancillary activities' (see further discussion in part B).	Yes No
Amend the NPSIB to align quarrying and mining definitions and terminology	Change 3. Amend the proposal to include the definition of 'quarrying activities' from the National Planning Standards 2019.	This amendment results from the proposed change in terminology from 'aggregate extraction' to 'quarrying activities' (see further discussion in part B).	Yes No

Appendix C: Consolidated recommendations – Amendments to the quarrying and mining provisions in the National Policy Statement for Freshwater Management 2020 and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020

Recommendations in relation to notified proposed provisions

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

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

Any provision in the existing National Policy Statement for Freshwater Management 2020 (NPS-FM) and National Environmental Standards for Freshwater (NES-F) not included in the notified proposal or these tables is intended to remain the same.

The key recommendation to amend the NPS-FM and NES-F is to:

- add 'operational need' to the gateway tests/restrictions to the provisions and consent pathways for mining and quarrying activities that affect wetlands (recommendations 1–3).

Subpart 3: Specific requirements					
NOTIFIED PROPOSAL			RECOMMENDATIONS FOR AMENDMENTS TO THE NPS-FM		
Clause	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
3.22(1)(d)(iii) and (1)(e)(iii)	<p>Proposed changes to the consent pathways for mining and quarrying.</p> <ul style="list-style-type: none"> Amended clause 3.22(1)(d)(iii) to add 'operational need' so it reads "there is a functional need <u>or operational need</u> for the activity to be done in that location; and". Amended clause 3.22(1)(e)(iii) to add 'operation need' so it reads "there is a functional need <u>or operational need</u> for the activity to be done in that location; and". 	Addition of the 'operational need' test to the NPS-FM and NES-F	<p>No change</p> <ol style="list-style-type: none"> Amend the NPS-FM requirements for including policy in regional plans so they provide for 'quarrying activities' and 'extraction of minerals and ancillary activities' that result in the loss of extent or values of natural inland wetlands, where they have a 'functional need' <u>or 'operational need'</u> to undertake the activity in that location (clause 3.22(1)(d)(iii) and (e)(iii)). 	<p>The proposed changes would improve consistency and alignment for quarrying and mining provisions across national direction instruments.</p> <p>The addition of 'or operational need' will amend policy in regional plans to enable more quarries, mines and their ancillary activities that adversely affect natural inland wetlands to be considered through the consent process. This supports the Government's growth agenda.</p>	Yes No

Part 3 Subpart 1 – Natural inland wetlands					
NOTIFIED PROPOSAL			RECOMMENDATIONS FOR AMENDMENTS TO THE NES-F		
Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Quarrying activities Section 45A(6)(b)	<p>New proposed changes to the discretionary activity status for quarrying affecting wetlands.</p> <ul style="list-style-type: none"> Amend to add 'operational need' so it reads "satisfied itself that there is a functional need <u>or operational need</u> for the quarrying activity in that location; and". 	Addition of the operational needs test to the NPS-FM and NES-F	<p>No change</p> <ol style="list-style-type: none"> Amend the NES-F discretionary activity requirement for granting a consent for 'quarrying activities' so that the consent authority is required to satisfy itself that the activity has a 'functional need' <u>or 'operational need'</u> to adversely affect natural inland wetlands. 	<p>The proposed changes would improve consistency and alignment for quarrying and mining consent pathways across national direction instruments.</p> <p>The addition of 'or operational need' will amend rules in regional plans to enable more quarries and their ancillary activities that adversely affect natural inland wetlands to be considered through the consent process. This supports the Government's growth agenda.</p>	Yes No

Part 3 Subpart 1 – Natural inland wetlands

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-F

Regulation	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decision
Extraction of minerals and ancillary activities Section 45D(6)(b)	<p>New proposed changes to the discretionary activity status for extraction of minerals and ancillary activities affecting wetlands.</p> <p>3. Amend to add 'operational need' so it reads "satisfied itself that there is a functional need <u>or operational need</u> for the extraction of minerals and ancillary activities in that location; and".</p>	<p>Addition of the operational needs test to the NPS-FM and NES-F</p>	<p>No change</p> <p>3. Amend the NES-F discretionary activity requirement for granting a consent for 'extraction of minerals and ancillary activities' so that the consent authority is required to satisfy itself that the activity has a 'functional need <u>or operational need</u>' to adversely affect natural inland wetlands.</p>	<p>The proposed changes would improve consistency and alignment for quarrying and mining consent pathways across national direction instruments.</p> <p>The addition of 'or operational need' will amend rules in regional plans to enable more mines and their ancillary activities that adversely affect natural inland wetlands to be considered through the consent process. This supports the Government's growth agenda.</p>	<p>Yes No</p>

Appendix D: Consolidated recommendations – Amendments to the National Policy Statement for Highly Productive Land 2022 (quarrying and mining)

Recommendations in relation to notified proposed provisions for quarrying and mining

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

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

Any provision in the existing National Policy Statement for Highly Productive Land 2022 (NPS-HPL) not included in the notified proposal or these tables is intended to remain the same.

Key recommendations for changes to the NPS-HPL clauses that provide direction for quarrying and mining activities on highly productive land (HPL) are to:

- retain the proposal to amend the NPS-HPL to align the terms used for quarrying and mining activities and the gateway tests with those in other national direction (National Policy Statement for Indigenous Biodiversity 2023 (NPSIB), National Policy Statement for Freshwater Management 2020 (NPS-FM), National Environmental Standards for Freshwater (NES-F) and National Planning Standards 2019) to make them more enabling (recommendations 1, 2 and 4)
- make changes to remove the requirement for a public benefit for extraction of minerals (recommendations 3 and 5) and include a definition of 'ancillary activities' (recommendation 6).

PART 1: PRELIMINARY PROVISIONS

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NPS-HPL					
Clause	Proposed provisions	Topic	Recommendations	Reasons for recommendations	Minister's decisions
1.3 Interpretation (definitions): Aggregate extraction	Remove the term.	Amend the NPS-HPL to align quarrying and mining definitions and terminology	No change 1. Retain the proposal to amend the NPS-HPL to remove the term 'aggregate extraction' and replace it with 'quarrying activities' as defined in the National Planning Standards 2019.	This amendment results from the proposed change in terminology from 'aggregate extraction' to 'quarrying activities'.	Yes No
1.3 Interpretation (definitions): Quarrying activities	Introduce a new definition that: <i>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 cleanfilling 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.</i>	Amend the NPS-HPL to align mining and quarrying definitions and terminology	No change Refer to recommendation 1.	It provides a simpler, consistent approach to the definition of quarrying activities which will align with the approach taken in other national direction.	

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NPS-HPL

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PART 3: IMPLEMENTATION					
NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO THE NPS-HPL			
Clause	Proposed provisions	Topic	Recommendation	Reasons for recommendation	Minister's decision
			Change 5. Amend the proposal to provide for: <ul style="list-style-type: none"> a. removal of the requirement for 'quarrying activities' affecting HPL to provide a 'public' benefit. 	corrected by recommendations 10(a), 11(b) and 12(a). The changes will improve consistency across national direction (NPS-FM, NES-F and NPSIB) and enable more quarries, mines and their ancillary activities that adversely affect HPL to be considered through the consent process. This supports the Government's growth agenda.	Yes No

Other recommendations

The following recommendations are made in response to matters raised through submissions.

RECOMMENDATIONS FOR AMENDMENTS TO THE NPS-HPL			
Topic	Recommendations	Reasons for recommendation	Minister's decision
N/A	Change 6. Amend the proposal to include the definition of 'ancillary activities' from the National Planning Standards 2019.	This amendment results from the proposed change in terminology from 'mineral extraction' to 'the extraction of minerals and ancillary activities' (see further discussion in part B on changes to the NPS-HPL).	Yes No

Appendix E: Consolidated recommendations

– Targeted amendments to the New Zealand Coastal Policy Statement 2010

Recommendations in relation to notified proposed provisions

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

The notified proposal section of this table includes the proposed provisions published in: Ministry for the Environment. 2025. *Package 2: Primary sector – Discussion document*. This table should be read in conjunction with the proposal overview included in the discussion document. For the purposes of this report, the notified proposal has been restructured to improve its flow and readability. The remainder of the table includes recommended changes to the notified proposal and specifies reasons for the recommended changes. Reference to 'no change' means a recommendation to amend the proposal as notified whereas 'change' indicates a recommendation to change the notified proposal.

Any provision in the existing New Zealand Coastal Policy Statement 2010 (NZCPS) not included in the notified proposal or these tables is intended to remain the same.

Key recommendations for the NZCPS proposal are to:

- retain the proposal as notified (recommendations 1–3 and 6)
- amend the term 'resource extraction' and replace it with the term 'extraction of minerals' (recommendation 4)
- replace the proposed Policy 6(1)(k) and 6(2)(f) with new clause(s) in Policy 6 to provide for the operational need of priority activities but restricting mineral extraction to that which supports infrastructure (recommendation 5)
- change the wording in the proposal in policy 8(b) to require decision-makers to consider 'ecological benefits' (recommendation 7).

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO THE NZCPS			
Policies	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
Policy 6 Activities in the coastal environment	Amend Policy 6 by strengthening the language in Policy 6(1)(a) and policy 6(1)(g) to make it more directive to better enable use and development of the coastal environment for the Government's priority activities (specified infrastructure, renewable electricity generation, electricity transmission, aquaculture and resource extraction).	Policy 6 Activities in the coastal environment – strengthening the language	No change 1. Retain the proposal to amend Policy 6(1)(a) to replace 'important to' with 'which may be required for'.	Submitters expressed mixed views about strengthening the language in Policy 6. The proposals would make it easier to consent priority activities, while still safeguarding important coastal values.	Yes No
	Policy 6 text with possible changes: 6(1) In relation to the coastal environment: (e) recognise that the provision of infrastructure, the supply and transport of energy, including the generation and transmission of electricity, and the extraction of minerals are activities important to which may be required for the social, economic and cultural well-being of people and communities;		No change 2. Retain the proposal to amend Policy 6(1)(g) to replace 'take into account' with 'recognise'.	The proposed changes will be read alongside stronger enabling direction in other national policy statements.	Yes No
	(f) ... (g) take into account recognise the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of current and future generations; ...		No change 3. Retain the proposal to amend Policy 6(1)(g) and 6(2)(a) to provide for meeting the reasonably foreseeable needs of current and future generations.	To support decarbonisation of the economy, to meet the needs of current as well as future generations is recommended for Policy 6.	Yes No
	6(2) Additionally, in relation to the coastal marine area: (a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting		Change 4. Amend the proposal to replace the term 'resource extraction' with 'extraction of minerals' in policy 6.	For greater clarity and consistency, the term 'extraction of minerals' rather than 'resource extraction' is recommended for Policy 6.	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO THE NZCPS			
Policies	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
	the energy needs of current and future generations (Note: notified proposals to amend 6(e) and add (k) and to add 6(2)(f) are discussed in the next row)				
	<p>Amend Policy 6 by recognising that priority activities may have either a functional need or operational need under policy 6(1)(e) and policy 6(2)(c) and (d) to locate in the coastal marine area.</p> <p>Policy 6(1) text with possible changes:</p> <p>(e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to operate in the coastal marine area...</p> <p>(k) <u>in relation to (1)(e) recognise that Infrastructure, renewable electricity, electricity transmission, aquaculture and resource extraction activities may have a functional need or operational need to locate in the coastal marine area.</u></p> <p>Policy 6(2) text with possible changes:</p> <p>(g) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;</p> <p>(h) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and...</p> <p>(f) <u>in relation to (2)(c) and (d) recognise that Infrastructure, renewable electricity, electricity transmission, aquaculture and resource</u></p>	Policy 6 functional and operational need	<p>Change</p> <p>5. Amend the proposal to replace proposed Policy 6(1)(k) and 6(2)(f) with new clause(s) in Policy 6 to achieve the following intent:</p> <p><i>Where</i> an activity is infrastructure, including renewable electricity generation or electricity transmission, an aquaculture activity, or extraction of minerals for the purpose of supporting infrastructure, Policy 6(1)(e), (2)(c) and (2)(d) above must be read to apply if the activity has a functional need or operational need.</p> <p>Change</p> <p>6. Amend the proposal to include definitions of 'operational need' and 'functional need' as set out in the National Planning Standards 2019 issued under section 58E of the RMA.</p>	<p>Overall, there was a high level of opposition to including an operational need test in the NZCPS, particularly for resource extraction. Submitters were more comfortable with it applying to public infrastructure.</p> <p>Many mineral extraction activities will already satisfy the functional need test. For consistency with the proposed National Policy Statement for Infrastructure (NPS-I), it is recommended that extraction of minerals is included in the operational need test where the activity is for the purpose of supporting infrastructure.</p> <p>Broader application of the operational need test to extraction of minerals is not recommended ahead of wider work on replacing the RMA due to the potential impacts on environmental and cultural values in the coastal marine area.</p>	<p>Yes No</p> <p>Yes No</p>

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO THE NZCPS			
Policies	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
	<u>extraction activities may have a functional need or operational need to locate in the coastal marine area.</u>			Specifying that the National Planning Standards definitions of 'operational need' and 'functional need' apply delivers on the policy intent and is consistent with the approach used for other national direction.	
Policy 8 Aquaculture	<p>Amend policy 8 by including a new provision directing local authorities to provide for aquaculture activities within aquaculture settlement areas gazetted under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004; and Policy 8 text with possible changes:</p> <p>(b)</p> <p>(d) Providing for aquaculture activities within aquaculture settlement areas gazetted under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004.</p>	New Policy 8(d) aquaculture settlement areas	<p>No change</p> <p>7. Retain the proposal to provide for aquaculture activities within aquaculture settlement areas gazetted under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004.</p>	Most submitters thought the proposed changes would support iwi involvement in new aquaculture activities. The proposed changes support the Government's aquaculture objectives.	Yes No
	<p>Amend Policy 8 by requiring decision-makers to also take account of the cultural and environmental benefits of aquaculture.</p> <p>Policy 8 text with possible changes:</p> <p>Recognise the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities by:</p> <p>...</p>	Policy 8(b) wording changes	<p>Change</p> <p>8. Amend the proposal for changes to Policy 8(b) to include 'ecological benefits' and achieve the following intent:</p> <p><i>take account of the environmental (ecological, cultural, social and economic) benefits of aquaculture, including any available</i></p>	<p>Most submitters supported this change, and many recommended the word 'environmental' be replaced with 'ecological'.</p> <p>To represent the policy intent to consider any benefits on biodiversity and ecosystems, the term 'ecological' is recommended.</p>	Yes No

NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO THE NZCPS			
Policies	Proposed provisions	Topic	Recommendations	Reason for recommendations	Minister's decision
	(b) taking account of the <u>environmental, cultural,</u> social and economic benefits of aquaculture activities, including any available assessments of national and regional economic benefits;		<i>assessments of national and regional benefits</i>	For consistency with the RMA definition of 'environment', it is also recommended that ecological, cultural, social and economic benefits are identified as subsets of environmental benefits.	

Other recommendations

The following recommendations are made in response to matters raised through submissions.

RECOMMENDATIONS FOR AMENDMENTS TO THE NZCPS			
Topic	Recommendations	Reasons for recommendations	Minister's decision
Other issues	No change 9. No amendments are made the proposal to respond to other issues raised in submissions.	The part B assessment responds to submissions on other issues including: not proceeding with changes to national direction now, the impact of an increase in applications, the impact of natural hazards and specific ecosystem matters. Officials recommend not making any changes to the proposal regarding these matters as they are either being considered as part of other proposals, have not been consulted on or could be considered as part of the resource management reform.	Yes No
Other considerations	No change 10. No amendments are made to the proposal to respond to other considerations raised in submissions.	The part B assessment responds to issues on other considerations and recommends that no changes are made.	Yes No