PACKAGE

2

Discussion document

Have your say on proposed changes to national direction

Primary sector

Te Kāwanatanga o Aotearoa
New Zealand Government

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Message from the Minister Responsible for RMA Reform

The primary sector underpins New Zealand's economy and standard of living. When farmers do well, New Zealand does well – but for too long, New Zealand's farmers and growers have struggled against overly restrictive, confusing and duplicative regulations.

The Resource Management Act 1991 (RMA) has made it harder to farm. Our package of proposed reforms seeks to streamline and clarify many of the bugbears causing our primary industries sector sleepless nights and lost productivity.

This Government is committed to enabling primary sector growth as a key driver of both the New Zealand export sector and prosperity in the wider economy. Growing our economy and improving productivity relies on our primary sector thriving.

Next year we'll replace the RMA with new legislation premised on property rights. Our new system will unlock development, streamline processes, and support growth, including in aquaculture, forestry, pastoral, horticulture, and mining. Our simpler resource management system will provide for environmental outcomes without telling landowners how to run their business or imposing unnecessary consenting and compliance costs.

But we aren't willing to wait until then. New Zealanders need relief from an overly burdensome planning system now. This is why we are proposing targeted changes to a suite of National Direction this year to realise immediate economic gains.

The primary sector proposals in this discussion document are one of four packages of changes to National Direction being consulted on. It is the largest change to National Direction in New Zealand's history.

The proposals are designed to drive productivity in the primary sector through amendments to National Direction instruments including for highly productive land, commercial forestry, the New Zealand Coastal Policy Statement, as well as marine aquaculture changes.

These National Direction changes have been designed to minimise the implementation burden for local government and have been developed with the new system in mind, with these changes expected to carry over and transition into it when the time comes.

I encourage you to provide your thoughts on the primary sector proposals by providing a submission.

Hon Chris Bishop
Minister Responsible for RMA Reform

Section 1: Introduction

What are we proposing?

The Government is proposing new and amended national direction[1] to improve operation of the resource management system under the Resource Management Act 1991 (RMA). Updated national direction is needed to set national-level resource management policy and rules which inform regional and local plans, policy statements and resource consent decisions.

The national direction programme proposes:

- targeted amendments to 12 existing national direction instruments, and introduction of four new national direction instruments, through a combined statutory consultation process
- consultation on options to amend two existing national direction instruments on freshwater
- consultation on national housing and urban policy (currently part of national direction under the RMA) to inform development of the new resource management system.

For efficiency and integration across related topics, the programme is grouped into four 'packages'.

Package 1: Infrastructure and development and **Package 2: Primary sector** comprise new instruments and amendments to existing national direction instruments. These packages are open for public consultation and submissions as part of the statutory process to prepare and amend national direction under section 46A(1) and (2) of the RMA.

Package 3: Freshwater is open for feedback on options to amend existing national direction instruments for freshwater. Submissions are invited on freshwater proposals, which include some broad options. Further consultation will be undertaken through an exposure draft.

Package 4: Going for Housing Growth includes a discussion document for consultation and submissions on key aspects of the Going for Housing Growth Pillar 1 policy proposals, and an indicative assessment of implementation options for different components in the new resource management system. Further consultation will be held as the detailed design of the new system progresses.[2]

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1 National direction comprises national policy statements, national environmental standards, national planning standards and regulations made under section 360 of the RMA.

2 See Ministry of Housing and Urban Development. Going for Housing Growth programme. Retrieved 28 April 2025.

Table 1: National direction instruments proposed for development or amendment[3]

Package 1: Infrastructure and development
• New National Policy Statement for Infrastructure • Amendments to National Policy Statement for Renewable Electricity Generation 2011 • Amendments to National Policy Statement on Electricity Transmission 2008 (proposed to be renamed National Policy Statement for Electricity Networks) • Amendments to Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (proposed to be renamed National Environmental Standards for Electricity Network Activities) • Amendments to Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016 • New National Environmental Standards for Granny Flats (Minor Residential Units) • New National Environmental Standards for Papakāinga • New National Policy Statement for Natural Hazards
Package 2: Primary sector
• 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 New Zealand Coastal Policy Statement 2010 • Amendments to National Policy Statement for Highly Productive Land 2022 • Amendments to Resource Management (Stock Exclusion) Regulations 2020 • Amendments to mining and quarrying provisions in: – National Policy Statement for Indigenous Biodiversity 2023 – National Policy Statement for Highly Productive Land 2022 – National Policy Statement for Freshwater Management 2020 – Resource Management (National Environmental Standards for Freshwater) Regulations 2020
Package 3: Freshwater
• Amendments to National Policy Statement for Freshwater Management 2020 • Amendments to Resource Management (National Environmental Standards for Freshwater) Regulations 2020
Package 4: Going for Housing Growth
The package focuses on: • obtaining public feedback on key aspects of the Going for Housing Growth Pillar 1 policy proposals • providing an indicative assessment about implementing different components in the new resource management system.

[3] The packages do not propose amendments to other regulations made under Section 360 of the RMA, or to the following national direction instruments:

- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat
- National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat
- National Environmental Standards for Air Quality
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Sources of Human Drinking Water
- National Environmental Standards for Storing Tyres Outdoors.

Why are we changing national direction?

The proposals in the national direction programme are intended to contribute to the overarching goals of the Government's resource management reform programme, namely:

- unlocking development capacity for housing and business growth
- enabling delivery of high-quality infrastructure for the future, including doubling renewable energy
- enabling primary sector growth and development, including aquaculture, forestry, pastoral, horticulture, and mining.

Primary sector package

Aotearoa New Zealand's economy has been built on our natural environment. The primary sector is a key part of our economy, society and heritage. Its economic contribution is significant, with a strong export revenue forecast for the year to 30 June 2025.

The Government's top priority is economic growth. Within this growth focus we need to ensure the right balance of objectives: social, economic, cultural and environmental.

New Zealand's national direction settings have become relatively inflexible and are seen as restricting rather than enabling primary sector innovation.

The proposals in this primary sector package are intended to deliver on what the Government said it would do to back the primary sector in its pre-election manifesto and Coalition Agreement commitments. The proposals also aim to put in place enduring changes to national direction settings.

The proposals include new and amended rules to clarify which activities are proposed to be permitted as of right, and which would need a consent in district[4] or regional plans. The proposals also provide more targeted national policy direction to support resource consent and plan-making processes, with a focus on better enabling the primary sector.

The proposals complement other government initiatives such as the Fast-track Approvals Act 2024 and other targeted amendments to the RMA.[5]

Role and content of this discussion document

Through this discussion document, the Government invites submissions on the proposals. Submissions will inform advice the Government considers before making final decisions or drafting any national direction instruments.

This discussion document explains the suite of national direction proposed in the primary sector package and includes material on the proposals to create or amend national policy statements and national environment standards under section 46A(1) and (2) of the RMA.

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4 References to district plans in this document also include the district plan components of combined plans, including unitary plans, prepared under s80 of the RMA.

5 Resource Management (Consenting and Other System Changes) Amendment Bill.

Proposed new provisions for national direction are provided in section 5 of this document and form part of the proposals for the primary sector package.

Section 2 of this document outlines the scope and content of each new or amended national direction instrument in the primary sector package. This section includes an overview of the potential impacts of each proposal on various parties, describing how the proposal is intended to be implemented and how it incorporates Treaty of Waitangi and Treaty settlement considerations.

Section 3 outlines tools available to implement the national direction proposals in the primary sector package.

Section 4 explains how you can make a submission.

Section 5 contains proposed provisions for each new or amended instrument in the primary sector package. The attachments provide details about the scope and indicative content proposed for each instrument.

Further information on the proposed changes to national direction, including Interim Regulatory Impact Statements, can be found on the Changes to resource management web page on the Ministry for the Environment's website.

Section 2: Primary sector proposals

Part 2.1: National Environmental Standards for Marine Aquaculture

Context

The aquaculture sector contributes $763 million annually to Aotearoa New Zealand's economy, employing 3,300 people across New Zealand.[6] The sector has significant potential to contribute to the Government's export growth goals, and the Government has made a commitment to support growing and future-proofing the sector.

Marine aquaculture is primarily managed by the RMA and associated national direction such as the New Zealand Coastal Policy Statement (NZCPS) and the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 (NES-MA). The NES-MA came into effect in 2020 with the intent of providing more consistent and certain rules for replacing coastal permits (reconsenting).

In 2023, a review of the NES-MA[7] found that although the regulations were effective and had met their objectives, some improvements could be made. The proposed changes to the NES-MA respond to several issues identified by the review and targeted engagement in 2024. These changes will support the Government's objectives to support the aquaculture industry to grow and develop, and to improve regulatory quality in the resource management system, while upholding Treaty of Waitangi settlements and other related arrangements.

What problems does the proposal aim to address?

The NES-MA review and subsequent engagement found that consent processes are often disproportionate to the effects of activities, including that:

- the NES-MA contains unnecessary restrictions at reconsenting
- it is overly difficult to change consent conditions
- getting consents for research and trials is too hard and taking too long.

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6 Ministry for Primary Industries. 2024. *New Zealand Aquaculture Development Plan: 2025–2030*.

7 Fisheries New Zealand. 2023. *Report on the Year Three Review of the National Environmental Standards for Marine Aquaculture*. Technical Paper No. 2023/02. Prepared for the Minister for the Environment and the Minister for Oceans and Fisheries by Fisheries New Zealand.

The NES-MA contains three unnecessary restrictions for reconsenting

Marine farmers cannot apply to change their farm structures at the time of reconsenting, unless they are also changing the species that they are farming at the time.[8]

Marine farmers are currently prohibited from adding spat[9] catching to their farms during reconsenting. Our analysis showed no clear rationale for this prohibition. Although the industry mainly relies on wild-caught spat, alternative methods of catching spat are important. Currently, if marine farmers want to add spat catching, they need to apply to change consent conditions or obtain a new resource consent, both of which can be costly and inefficient.

Only marine farms consented before the NES-MA came into force in 2020 are permitted to use the NES-MA to apply for a replacement consent that includes a change to species and structures.[10] This is an unnecessary and arbitrary barrier to more recently consented aquaculture farms.

It is overly difficult to change consent conditions

Section 127 of the RMA allows consent holders to apply to change consent conditions during the lifetime of the consent. The process for this can be costly and time-consuming, and councils have wide discretion in considering these applications. The aquaculture industry has told us this requirement is decreasing industry certainty and limiting innovation.

Getting consents for research and trials is too hard and taking too long

There is no consistent approach to consenting research and trials for aquaculture. This leads to uncertainty and means the cost and time of the consent process is often disproportionate to the scale of the activity being applied for. Short-term, small-scale research and trial activities are often required to go through the same consenting process as large commercial farms.

Question	
1.	Have the key problems been identified?

What is the proposal?

The proposal is to amend the NES-MA to:

- address known issues in the NES-MA
- set out a more lenient activity status for certain changes to consent conditions
- enable new regulatory pathways for research and trial activities on existing farms and in new spaces, including making some activities permitted activities.

More detail on the proposed provisions is included in attachment 2.1.

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8 Regulations 26, 29, 32 and 35 of the NES-MA.

9 In regard to the NES-MA, spat are juvenile shellfish. They can include other species in other legislation.

10 Regulation 25(1) of the NES-MA.

Amend the NES-MA to address three known issues

Amendments to the NES-MA are proposed to address three issues with the reconsenting process, by:

- enabling marine farmers to change their structures when applying for a replacement consent without also having to change species (this will remove an unnecessary barrier to marine farmers wanting to update their consent conditions when reconsenting)
- removing the NES-MA provision in Regulation 25 that excludes the additional spat catching to a farm during the NES-MA reconsenting process. This will better enable marine farmers to use existing farms to catch spat of their consented shellfish species, which could contribute to a more resilient supply of spat[11]
- removing the restriction that only marine farms that obtained consents before the NES-MA came into force in 2020 can use the NES-MA regulations to make changes at reconsenting.

The proposed amendments would enable all marine farms to use the NES-MA to change their on-farm structures and species at reconsenting.

Questions	
2.	Do the proposed provisions adequately address the three issues identified?
3.	What are the benefits, costs or risks of the proposed changes?

Amend the NES-MA to set out a more lenient activity status for certain changes to consent conditions

This amendment proposes to streamline specific applications to change consent conditions by making them controlled activities. Applications for controlled activities must[12] be granted by consent authorities, although conditions relating to matters of control can be applied.

The following three types of changes to consent conditions are proposed to be controlled activities:

- applications to change consent conditions relating to consented species, including:
  - adding spat catching to an existing farm consented for that species
  - adding indigenous bivalve species and Pacific oysters to a farm already consented for bivalves
  - adding indigenous seaweed species and *Undaria pinnatifida* to an existing marine farm
  - adding finfish to an existing finfish farm

[11] The industry currently largely relies on wild-caught spat, which has extremely low survival rates after being transferred to a marine farm. Increasing on-farm spat catching and can boost spat supply.

[12] Consenting authorities must not grant an application for an activity to be carried out in the coastal marine area if the activity is likely to have adverse effects that are more than minor on the exercise of a protected customary right.

- applications to change consent conditions relating to structures, including:
  - converting longlines to floating shellfish cages or baskets
  - converting stick and rail to floating longlines or fixed lines
  - replacing existing mooring systems within the same footprint (eg, concrete block to screw)
- applications to change consent conditions relating to monitoring.

By streamlining specific changes to consent conditions, these amendments would make it easier for marine farmers to update conditions and innovate.

This amendment to the NES-MA is dependent on changes being made to section 127 and section 43A of the RMA through the Resource Management (Consenting and Other System Changes) Amendment Bill.[13]

These proposals should[14] not be used if the change in consent conditions would result in additional adverse effects or would fundamentally change the activity.

Questions	
4.	Do you support the proposed amendments to streamline specific applications to change consent conditions by making them controlled activities?
5.	Should there be any further changes to the matters of control specified in attachments 2.1 and 2.1.1?
6.	Should any other types of changes to consent conditions be included?

Amend the NES-MA to enable new regulatory pathways for research and trial activities on existing farms and in new spaces, including making some activities permitted activities

This proposal better enables research and trials by permitting or specifying a more lenient activity status for a variety of activities. Making the resource management system more enabling for aquaculture research will encourage innovation and boost New Zealand's attractiveness and viability for aquaculture research and trials. This proposal creates regulatory pathways for:

- some limited permitted activities
- consents for research and trials in space already consented for aquaculture
- consents for research and trials in space not consented for aquaculture.

More detail on this proposal including entry requirements for permitted activities, how groups are notified and matters of control and discretion can be found in attachment 2.1 and attachment 2.1.1.

[13] These changes will empower NES relating to aquaculture activities to direct a more lenient activity status than a discretionary activity for applications to change or cancel consent conditions.

[14] Consenting authorities are required to assess whether the application meets these requirements, or whether it should be processed as an application for a new consent.

Research and trials: permitted activities

The proposal includes making placing structures with no livestock in the coastal marine area a permitted activity. As a permitted activity does not require a resource consent, rights and arrangements that provide for Māori input into consent processes, including Treaty settlement redress, will not apply. This includes rights provided for through the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

RMA consenting processes that enable public participation and council discretion in decision-making will also not apply.

The proposal includes different criteria depending on whether any permitted activities take place in space consented for aquaculture (see table 2). An example of how these provisions could be used is placing buoys or small rafts in the coastal marine area to monitor water quality and assess the suitability of sites for different types of aquaculture.

Table 2: Research and trial activities that are permitted activities

Research and trial activity	Location	Criteria	Activity status
Structures only (no species)	In space consented for aquaculture	Activity duration ≤ 12 months Area ≤ 20 m^2 Height ≤ 2.5 m	Permitted
Structures only (no species)	Not in space consented for aquaculture	Activity duration ≤ 12 months Area ≤ 20 m^2 Height ≤ 2.5 m	Permitted

Research and trials: consented activities

Tables 3 and 4 summarise proposals enabling consents for research and trials in space already consented for aquaculture and space not consented for aquaculture.

Table 3: Research and trial activities within space already consented for aquaculture

Research and trial activity	Type of farm where activity is located	Criteria	Activity status
Structures only (no species)	Aquaculture	Consent duration ≤ 3 years Area ≤ 2 ha If inshore, height ≤ 2.5 m If offshore, height ≤ 5 m	Controlled
Non-fed aquaculture[15]	Non-fed aquaculture	Consent duration ≤ 7 years Area ≤ 4 ha If inshore, height ≤ 2.5 m If offshore, height ≤ 5 m	Controlled
Fed aquaculture	Fed aquaculture	Consent duration ≤ 7 years Area ≤ 4 ha Height ≤ 5 m (if not offshore)	Controlled

[15] Refers to all aquaculture excluding fed aquaculture. 'Fed aquaculture' refers to all aquaculture that requires the addition of food in the water column (eg, finfish).

Research and trial activity	Type of farm where activity is located	Criteria	Activity status
Fed aquaculture	Non-fed aquaculture	Consent duration ≤ 7 years Area ≤ 4 ha	Restricted discretionary

Table 4: Research and trial activities within space not consented for aquaculture

Research and trial activity	Criteria	Activity status
Structures only (no species)	Consent duration ≤ 3 years If inshore, area ≤ 0.5 ha (≤ 2 ha if offshore) If inshore, height ≤ 2.5 m (≤ 5 m if offshore)	Controlled
Non-fed aquaculture	Consent duration ≤ 7 years If inshore, area ≤ 1 ha (≤ 4 ha if offshore) If inshore, height ≤ 2.5 m (≤ 5 m if offshore)	Restricted discretionary
Fed aquaculture	Consent duration ≤ 7 years If inshore, area ≤ 1 ha (≤ 4 ha if offshore) Height ≤ 5 m if inshore	Restricted discretionary

Questions	
7.	Do you support the proposed changes to better enable research and trial activities on existing farms and in new spaces, including making some activities permitted?
8.	Are there benefits in making small-scale structures permitted activities, instead of controlled activities?
9.	Should there be any changes to the entry requirements, matters of control and matters of discretion specified in attachment 2.1.1?

What does the marine aquaculture proposal mean for you?

Table 5 includes an overview of the anticipated impacts of the proposed changes to the NES-MA on various parties. More detailed information about the potential impacts of the proposal is included in the *Interim Regulatory Impact Statement: NES Marine Aquaculture* available on the Ministry for the Environment's website.

Table 5: Overview of anticipated impacts of the proposed amendments to the NES-MA

Party	Anticipated impacts
Local authorities	Local authorities may be required to process and administer more consent applications for aquaculture. However, assessing applications for changes to consent conditions and research and trials will be simpler with discretion more limited. Some transactional costs would be incurred to train staff to become familiar with the new requirements and incorporate them into regional policy statements and plans. The regulations that relate to research and trials and changes to consent conditions will apply to all regions. (Note that existing NES-MA regulations exclude some areas.) Local authorities may need to record the location of permitted activities in the coastal marine area.

Party	Anticipated impacts
People and communities	The proposals will not significantly affect most people and communities. Minor economic benefits may arise from industry innovation. Groups who are deemed to be unaffected by applications relating to the proposals will not be able to submit on them.
Applicants	Consent authorities are likely to process applications relating to the proposals faster, and outcomes of the applications will be more certain. This will benefit groups who are seeking to conduct research or trials, change consent conditions, or replace consents.
Māori groups	Māori groups that participate in aquaculture, or are interested in participating, may benefit from the improved ability to conduct research and trials and change consent conditions. Rights and arrangements that provide for Māori input into consenting processes, including Treaty settlement redress, would not apply to permitted activities. Māori groups with statutory acknowledgements will continue to be able to submit on consent applications unless they are deemed not to be affected parties. In some cases, consent authorities will have less discretion when making decisions on applications. This could impact the extent to which notified groups can influence consent decisions. The proposed research and trials provisions include two rules that make placing a structure in the coastal marine area a permitted activity. As permitted activities do not require a resource consent, rights and arrangements that provide for Māori input into consenting processes, including Treaty settlement redress, will not apply. This includes rights provided for through the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA because they:

- further enable the use and development of natural resources for operating aquaculture activities while managing effects on the environment through clear and concise rules
- enable people and communities to provide for their social, economic and cultural wellbeing by enabling research and trials and changes to consent conditions while minimising effects on the environment through rules.

Treaty considerations

The proposed changes to the NES-MA streamline, and in some cases remove, consent requirements for activities of low risk to the environment. This will limit Māori input into decision-making in the resource management system.

The proposed research and trials provisions include two rules that make placing a structure in the coastal marine area a permitted activity. As permitted activities do not require a resource consent, rights and arrangements that provide for Māori input into consenting processes, including Treaty settlement redress, will not apply. This includes rights provided for through the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Consultation will be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups. The proposals are likely to benefit Māori groups that are involved in the aquaculture industry.

We have engaged with iwi aquaculture organisations, Te Ohu Kaimoana and some post-settlement governance entities (PSGEs) on these proposals.

Implementation

If progressed, all proposed changes to the NES-MA would have immediate legal effect. Consent authorities would be responsible for processing and administering applications submitted under the NES-MA.

Rules in national environmental standards prevail over rules in district or regional plans. This means that while councils are required by the RMA to align plans with national environmental standards, the level of alignment does not affect the interpretation of the law.

Part 2.2: National Environmental Standards for Commercial Forestry

Context

Forestry is a large contributor to New Zealand's economy, with the value of exports expected to reach $6.1 billion by 2026[16] and the industry employing between 35,000 and 40,000 people in timber production, processing and the commercial sector.[17] The Government has committed to growing and future-proofing the sector. To achieve this, it is proposing regulations to reduce inefficiencies and restore confidence to commercial forestry, including improving the regulations managing forestry slash.

Amendments to the National Environmental Standards for Commercial Forestry (NES-CF) are proposed to:

- restore confidence and certainty in forestry
- encourage more investment in productive forestry
- support increased forestry exports and economic growth
- support growing the forestry supply chain
- support land-use resilience.

What problems does the proposal aim to address?

Regulation 6 of the NES-CF enables councils to make more stringent rules than the NES-CF in limited circumstances to protect sensitive or unique environments. This increases regional variation in forestry rules, which reduces certainty and consistency for the sector. Regulations 6 (1)(a) and 6 (4)(A) have been identified as having the potential to undermine the effectiveness of the NES-CF. Stringency under regulation 6(1)(a) is currently enabled if the rule gives effect to an objective developed to give effect to National Policy Statement for Freshwater Management (NPS-FM). Stringency is also enabled if councils seek to have stricter provisions to control aspects of afforestation, including location (enabled under regulation 6(4A)).

The regulations introduced in 2023 (regulations 69(5)–(7)) to manage slash on the forestry harvest cutover are costly to implement and not fit for purpose. No national data currently available on the magnitude of the risk of slash mobilisation or on the amount of slash that has been reduced by these regulations.

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16 Ministry for Primary Industries. 2024. Situation and Outlook for Primary Industries (SOPI) December 2024.

17 Ministry for Primary Industries. Forestry and wood processing data | NZ Government. Accessed 16 May 2025.

Regulations 69(5)–(7) require the removal of large defined slash from the cutover unless it is unsafe to do so. Application of the standard has resulted in practical issues for both foresters and councils. These issues include increased cost, and technical difficulty in retrieving and storing material, and measuring residual slash for compliance purposes. This is without any clear evidence of improved environmental outcomes or benefits.

The current regulations do not achieve a level of environmental protection in proportion to the slash mobilisation risk. This has generated significant cost and effort, with councils and foresters both struggling to understand, meet and monitor the regulations. More consents are required, and there are safety issues with removing smaller pieces of slash.

The NES-CF drafting creates some inefficiencies and increased costs for foresters and local authorities, as follows.

- Regulations 10A and 77A require planning documentation that duplicates existing requirements.
- Schedules 3, 4, 5 and 6 use the term "woody debris" where existing definitions for "slash" may already cover this term.
- The wilding tree risk assessment required at the time of replanting is unclear and not part of the assessment sheet submitted to local authorities.
- A drafting error in regulation 71A(b) contradicts the policy intent behind it by including the word "not".

For further information on this topic, please refer to the *Interim Regulatory Impact Statement: National Environment Standards for Commercial Forestry* available on the Ministry for the Environment's website).

What is the proposal?

This proposal contains a discrete set of amendments to create efficiencies in forestry operation and consenting, and provide clarity for users of the NES-CF. The proposal is for the following key changes to the NES-CF.

- Amend regulation 6(1)(a) to be more specific about the criteria for how councils can impose stricter rules than the NES-CF.
- Repeal regulation 6(4A) which enables councils' broad discretion to have more stringent rules to control aspects of afforestation.
- Amend regulation 69 to require a slash mobilisation risk assessment (SMRA) for all forest harvests as part of the existing harvest management plan, and/or amend regulation 69(5) to require all slash above an identified size to be removed from the forest cutover.
- Repeal regulations 10A and 77A (which, respectively, require afforestation and replanting plans) and repeal Schedule 3 (which sets out the requirements for these plans).
- Remove the undefined term "woody debris" from all forest planning requirements in Schedules 4, 5 and 6.
- Amend wilding tree risk and control regulations 11(4)(b) and 79(5)(b) to simplify wording and link the required activity to the notice requirement.
- Amend regulation 71A(b) to state that low-intensity harvesting is permitted if "any relevant forest planning requirement is complied with".

Addressing council ability to introduce more stringent rules than in the NES-CF

The proposed amendment of regulation 6(1)(a) would enable councils to consider making a rule in a plan more stringent only if:

- it is required to manage the risk of severe erosion from a commercial forestry activity in a defined area that would have significant adverse effects on receiving environments, including the coastal environment, downstream infrastructure and property
- the risk cannot be managed through the current rules in the NES-CF
- an underlying risk has been identified within the defined area through mapping at a 1:10,000 scale or using a 1 square metre digital elevation model.

The Government is mindful of the substantial damage to forestry land in Tairāwhiti/Gisborne during Cyclone Gabrielle and other high-rainfall weather events. It recognises the need to support extreme and unique circumstances. Generally, the NES-CF rules are sufficient to manage risk. However, there may be circumstances where NES-CF rules have not anticipated a new effect or its intensity, so more stringent rules are required.

The proposed amendments would require an assessment of evidence as it relates to the specific geologies and topographies, to demonstrate if there is a need for a more stringent rule based on hazard risk.

Question	
10.	Does the proposed amendment to 6(1)(a) enable management of significant risks in your region?

A supplementary information sheet on these proposals is provided on the Ministry for Primary Industries website (see National Environmental Standards for Commercial Forestry | NZ Government).

Regulation 6(4A) of the NES-CF is proposed to be repealed, which would give councils broad discretion to set more stringent rules to control aspects of afforestation. Control of afforestation would be managed through the regulations, and councils would retain the ability to make more stringent rules for afforestation under the amended regulation 6(1)(a) and under other provisions of regulation 6 not proposed to change. This would include allowing more stringent rules where they:

- give effect to any of policies 11, 13, 15 and 22 of the NZCPS (regulation 6(1)(b))
- recognise and provides for the protection of outstanding natural features and landscapes, from inappropriate use and development, or significant natural areas (regulation 6(2))
- manage separation-point granite soils, geothermal areas or karst geology identified in a regional policy statement, regional plan or district plan (regulation 6(3)(a) and (b))
- manage activities conducted within 1 km of the abstraction point of a drinking water supply (regulation 6(3)(c)).

Councils would also have discretion over afforestation on red-zoned land and could decline a consent.

Questions	
11.	Does the proposal provide clarity and certainty for local authorities and forestry planning?
12.	How would the removal of 6(4A) impact you, your local authority or business?

Introducing a slash management risk assessment approach

The proposal is to amend regulation s 69(5)–(7) to require an SMRA for all forest harvests, to assess and identify where slash needs more management. The SMRA enables slash mobilisation risk to be reduced to appropriate levels. The SMRA would be carried out in accordance with requirements set out in an SMRA template (refer to attachment 2.2.1), and will become part of an existing harvest management plan.

The intent of the proposed changes is that an SMRA will identify what further slash management actions will be required:

- where the risk of slash mobilisation is assessed as low, no further action will be required to manage slash on the cutover
- where slash mobilisation risk is assessed as not low but the risks can be readily managed through accepted forestry practices, those practices will be included in the harvest management plan and only those practices will be needed to manage slash on the cutover
- where slash mobilisation risk is assessed as high, careful attention to assessing and managing risk will be required, either by removing most slash from the cutover or by mitigations agreed through a resource consent.

The SMRA template explains that the assessment criteria used to support regulations should be:

- of a high level of certainty as a predictor of risk
- backed by peer-reviewed evidence
- measurable to a meaningful level of accuracy (ie, measurement methods must provide consistent results, thus minimising the potential for bias or subjectivity)
- be available to all regulated parties.

Where a high level of slash mobilisation risk is identified, a resource consent would be required to manage slash on the cutover using the same consent status as would apply for any failure to meet the regulations. We seek feedback on whether, in circumstances where a high level of risk is identified, a permitted activity standard should be set for removal of slash on the cutover using different prescriptive standards. Foresters would still have the option to seek a resource consent where they had better options for managing slash mobilisation risk other than removing it from the cutover.

An alternative option to a risk-based approach is to change the size and volume thresholds in the current regulations. This option would amend Regulation 69(5–7) so that all slash that is sound wood greater than 3.1 metres with a 10-centimetre small-end diameter must be removed from the forest cutover. A residual amount of 15 cubic metres of material of this size might be left on the cutover. This option would allow a greater volume of forestry slash to remain on the cutover that might be at risk of mobilisation, while reducing the overly prescriptive regulation of low-risk sites.

The definition of cutover would be amended in both options to “the area of land that has been harvested”.

Questions	
13.	Do you support amendments to regulations 69(5-7) to improve their workability?
14.	Do you support a site-specific risk-based assessment approach or a standard that sets size and/or volume dimensions for slash removal?
15.	Is the draft slash mobilisation risk assessment template (provided in attachment 2.2.1 to this document) suitable for identifying and managing risks on a site-specific basis?
16.	Should a slash mobilisation risk assessment be required for green-zoned and yellow-zoned land? If so, please explain the risks you see of slash mobilisation from the forest cutover that need to be managed in those zones?
17.	If a risk-based approach is adopted which of the two proposed options for managing high-risk sites, do you prefer (ie, requiring resource consent or allowing the removal of slash to a certain size threshold as a condition of a permitted activity)?
18.	For the alternative option of setting prescriptive regulations for slash management, is the suggested size and/or volume threshold appropriate?
19.	Do you support the proposed definition of cutover to read "*cutover means the area of land that has been harvested*"?

A supplementary information sheet on these proposals is provided on the Ministry for Primary Industries website (see National Environmental Standards for Commercial Forestry | NZ Government).

Remove the requirement for afforestation and replanting plans

The proposal is to repeal regulations 10A and 77A (respectively, requirements for afforestation and replanting plans) and Schedule 3 of the NES-CF, which sets out the requirements for those plans.

The NES-CF already requires management plans where forestry quarrying, earthworks and harvest are carried out as permitted activities. Councils have discretion over the preparation and content of management plans if they choose to require them for resource consents, which many councils do. It is not clear what regulatory purpose the afforestation and replanting plans serve, or what actions councils should take in their compliance and enforcement role.

Question	
20.	Do you support the proposed removal of the requirement to prepare afforestation and replanting plans?

Other minor text amendments

The proposal is to remove the undefined term "woody debris" from forest planning requirements in Schedules 3(4)(2), 4(4)(2), 5(4)(2) and 6(4)(2)), and to remove the term "debris" from the heading of regulation 69. The regulations already contain defined terms (eg, "slash") that cover woody debris.

The proposal is to amend wilding tree risk and control regulations 11(4)(b) and 79(5)(b) to simplify wording and link the required activity to the notice requirement.

Question	
21.	Do you support the proposed minor text amendments?

The proposal is to amend regulation 71A(b) to read "any relevant forest planning requirement is complied with".

For more details on the proposal, how the amendments are proposed to work and what they are expected to achieve, refer to the *Interim Regulatory Impact Statement: National Environmental Standards for Commercial Forestry* available on the Ministry for the Environment's website.

What does the commercial forestry proposal mean for you?

Table 6 includes an overview of the anticipated impacts of the NES-CF proposal on various parties. More detailed information about the potential impacts of the proposal is included in the *Interim Regulatory Impact Statement: National Environmental Standards for Commercial Forestry* available on the Ministry for the Environment's website.

Table 6: Overview of anticipated impacts of the proposed amendments to the NES-CF

Party	Anticipated impacts of addressing council abilities to introduce rules more stringent than the NES-CF	Anticipated impacts of introducing SMRA	Anticipated impacts of removing duplicative requirements and making minor text amendments to improve the efficiency of the NES-CF
Local authorities	Local authorities would need to align plans with the new regulations. There would be more clarity and certainty for councils on the regulations.	It is anticipated that the proposal would result in fewer resource consents but would require councils to have an understanding of slash risk and mitigation.	The proposed changes would clarify the regulations, increasing regulatory certainty, and would remove requirements for redundant paperwork.
People and communities	Communities with specific localised risks would benefit from more stringent rules.	More-effective risk management would benefit communities downstream of forestry activities.	The proposed changes would clarify the regulations, increasing regulatory certainty.
Applicants/regulated groups(forest owners, harvest planners, consenting staff, harvest contractors)	There would be more clarity and certainty on the regulations. There would be a reduction in costs associated with plan changes, submissions, and administrating consents and management plans.	Regulated groups would be required to assess slash mobilisation risk for forest harvests in the orange susceptibility classification zone.	The proposed changes would clarify the regulations, increasing regulatory certainty, and would remove requirements for redundant paperwork.

Party	Anticipated impacts of addressing council abilities to introduce rules more stringent than the NES-CF	Anticipated impacts of introducing SMRA	Anticipated impacts of removing duplicative requirements and making minor text amendments to improve the efficiency of the NES-CF
Iwi/Māori	There would be more clarity and certainty for iwi/Māori on the regulations. For Māori foresters and/or land owners there would be a reduction in costs associated with plan changes, submissions, and administration of consents and management plans.	The proposed changes are expected to help protect Māori land from the downstream impacts of slash. The proposed changes may impose greater costs on Māori foresters, compared with other groups within the sector, as Māori land tends to be in higher land-use capability and therefore at higher risk for slash management.	The proposed changes would clarify the regulations, increasing regulatory certainty, and would remove requirements for redundant paperwork.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA because they:

- further enable the use and development of natural and physical resources to develop, operate, protect and maintain commercial forestry, while managing effects on the environment by providing clear and nationally consistent rules
- enable people and communities to provide for their social, economic and cultural wellbeing as well as their health and safety, by:
  - making the regulations clearer for when councils can introduce more stringent rules than the NES-CF
  - introducing a new risk assessment approach for slash management that will reduce over-regulation of forestry harvest sites with low risk of slash mobilisation.

Treaty considerations

The proposed changes to the NES-CF are intended to clarify the rules for industry and councils. Amending regulation 6(1)(a) will ensure councils can apply stringency when required and where backed by evidence. Repealing regulation 6(4A) (which enables a rule in a plan to be more stringent or lenient than subpart 1 of Part 2 of the NES-CF regulations) may reduce the influence of tangata whenua on forestry management in areas over which they are kaitiaki, compared to the status quo. However, regulation 6(4A) has not been applied in any region, and this risk is further mitigated through the proposal to amend regulation 6(1)(a) to allow greater stringency if justified.

These proposals do not limit other ways Māori partnership and influence with local authorities can influence forestry regulation, including the ability to use other provisions of regulation 6 in the NES-CF. Repealing regulation 6(4A) is expected to lessen regulatory costs for Māori commercial forestry owners and/or management companies who could have been impacted

by discretionary changes to permitted activities in some areas. This will give Māori with commercial forestry interests greater investment certainty by reducing the ability for councils to introduce plan rules that lead to regional variance.

The proposed change to slash management regulations will help protect Māori land and communities from the downstream impacts of slash but may impose greater costs on Māori land owners involved in forestry relative to other groups within the sector. This is because Māori land tends to be in lower capability land-use classes compared with general land – 65 per cent of Māori land is in Land Use Capability (LUC) 6 and 7 (compared with 50 per cent of general land) – and therefore is at higher risk for slash management. Consultation will better inform the potential impacts and any alternative options, including the use of site-specific risk assessments and different specified slash dimensions in the existing slash regulations (regulations 69(5)–(7)).

Consultation will be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups.

The proposals are unlikely to significantly impact Māori participation in commercial forestry.

Some Māori groups have been involved in the policy process. The Crown also has specific obligations relating to engagement that are intended to be met through this consultation.

Implementation

Councils will need guidance to clarify the intent of the amended provision and ensure they are clear about what evidence is required to demonstrate the need for more stringent rules, the expectations for mapping affected land, and the SMRA as set out in attachment 2.2.1 of the proposed provisions.

The SMRA guidance will identify the intent of the amended provision and confirm how to undertake an SMRA. That guidance is formally part of this statutory consultation. A draft SMRA can be found in attachment 2.2.1 and further information is available on the Ministry for Primary Industries website (see National Environmental Standards for Commercial Forestry | NZ Government).

Regulation 6(4A) of the NES-CF was only introduced in late 2023 and, to date, no council has notified new council plan rules under it. Therefore, there is no need for implementation and monitoring on the effect of removing regulation 6(4A).

We expect the minor changes to have only minor implementation needs. We also expect the proposals to reduce documentation requirements.

Part 2.3: New Zealand Coastal Policy Statement

Context

The NZCPS is a compulsory national policy statement under the RMA that applies to the coastal environment. It is the only national policy statement that is approved by the Minister of Conservation. The coastal environment includes areas between mean high-water springs and the 12 nautical mile limit (the coastal marine area), and some adjacent land.

New Zealand's coastal marine area comprises more than 4 million square kilometres and is 21 times our land area. An estimated 30 per cent of known biodiversity in New Zealand is found in our marine environment. The remoteness and size of our marine environment make it a global hotspot for biodiversity. Of the identified marine species, over half are only found in New Zealand.[18]

The marine economy contributed 1.2 per cent to New Zealand's total gross domestic product in 2021, according to Stats NZ's economic accounts. In 2017, the total value of the marine economy was estimated at $7 billion and it employed more than 30,000 people.[19]

The coastal environment is valued by New Zealanders and our visitors. It is place of significant public use, and also a place where many activities occur, including infrastructure such as ports, roads, rail, cables and pipelines, energy generation and transmission facilities, mineral extraction, built developments, urban areas, papakāinga and aquaculture. These different (and sometimes competing) activities and uses mean the coastal environment needs to be managed carefully.

These proposals relate to two policies in the NZCPS that enable activities in the coastal environment. Policy 6 applies to all activities in the coastal environment, and policy 8 applies to aquaculture. In this discussion document, we refer to these policies (together with policy 9 relating to ports)[20] as "activity policies". They signal the value of appropriate activities in the coastal environment.

The NZCPS also provides direction on how some matters of national importance in section 6 of the RMA must be protected, including indigenous biodiversity (policy 11), natural character (policy 13), and natural features and natural landscapes (policy 15). We refer to them in this document as the "protection policies".

The NZCPS is an integrated document, and all the policies (including the activity policies and protection policies) are designed to be read together.

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18 *Briefing to Incoming Ministers: Oceans Issues*. Department of Conservation, page 3 Nov. 2023.

19 *Briefing to Incoming Ministers: Oceans Issues*. Department of Conservation, page 3 Nov. 2023.

20 Policy 9 recognises "that a sustainable national transport system requires an efficient national network of safe ports…".

What problems does the proposal aim to address?

The Government wants to better enable priority activities (ie, specified infrastructure, renewable electricity generation, electricity transmission, aquaculture and resource extraction) while still protecting the environment.

Some industries consider the protection policies to be a barrier to development because they require that certain effects on particular protection values be avoided. This means the activity must either avoid the areas with the protected values or be designed and operated in a way that avoids causing adverse effects on the protected values.

Recent court cases[21] have clarified that, where an activity policy has sufficient directive language (for example, policy 9 for ports), activities may be allowed in some circumstances even if they have some effects that are contrary to the 'avoid' provisions in the protection policies.

However, not all of the activity policies contain sufficiently directive language. The language in policy 6, for example, is not as strong as the language in policy 9 and so has less impact when being interpreted. Policy 8 lacks some content that should direct decision-making on aquaculture proposals.

There is an opportunity to provide more directive language within the activity policies to create more circumstances in which activities may be allowed, even if they have some effects which would not otherwise be allowed under the protection policies.

What is the proposal?

The proposal is for targeted amendments to the NZCPS. An overview of this proposal is outlined below, and more detailed proposed provisions for the NZCPS are included in attachment 2.3.

The proposed amendments are intended to:

- strengthen the language in policy 6 to better enable development of priority activities
- recognise that priority activities may have a functional or operational need to be located in the coastal marine area
- direct decision-makers to provide for aquaculture activities within aquaculture settlement areas
- give more recognition to the cultural and environmental benefits of aquaculture.

[21] *Port Otago Limited v Environmental Defence Society Incorporated* [2023] NZSC 112 and *Royal Forest and Bird Protection Society of New Zealand Incorporated v New Zealand Transport Agency* [2024] NZSC 26 (East-West Link).

Strengthening the language in policy 6 (activities in the coastal environment)

It is proposed to amend policy 6(1)(a) and (g) in relation to the Government's priority activities to make the wording more directive (ie, more like the wording of policy 9[22] on ports).

The proposed changes would be supported by the enabling proposals in other national direction instruments such as renewable energy generation, infrastructure and electricity distribution (see the Package 1: infrastructure and development Discussion document).

The combined impact of these changes for priority activities should elevate the importance of such 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.[23]

The proposed changes would also require decision-makers to consider the renewable energy needs of current and future generations, to support decarbonisation of the economy.

Overall, the proposed changes will make it easier to give consent to priority activities in the coastal environment, including in areas with important coastal values. The proposed changes will be relatively straightforward to transition to a new resource management system and implement.

Giving more recognition to operational need in the coastal marine area

Under the NZCPS, activities must satisfy a functional needs test to be located in the coastal marine area.[24] 'Functional need[25]' means a proposal or activity must traverse, be located or operated in the coastal marine area because that is the only place the activity can occur. The test is designed to ensure that exploration of potentially more effective places to locate an activity has been fully exhausted before making a decision.

The Government is proposing to expand the functional needs test into a 'functional or operational needs' test. Expanding the test to encompass both functional and operational

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22 The NZCPS states: "Policy 9: Ports. Recognise that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connection with other transport modes…".

23 *Port Otago Limited v Environmental Defence Society Incorporated* [2023] NZSC 112 and *Royal Forest and Bird Protection Society of New Zealand Incorporated v New Zealand Transport Agency* [2024] NZSC 26 (East-West Link).

24 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".

25 Defined 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". Ministry for the Environment. 2019. *National Planning Standards*. Wellington: Ministry for the Environment. p 58.

need[26] would allow decision-makers to also consider any technical, logistical or operational characteristics or constraints that make locating in the coastal marine area necessary.

The proposed changes include adding new clauses to policies 6(1) and 6(2) to recognise that priority activities may have a functional or operational need to be located in the coastal marine area. Similar provisions are in the proposed National Policy Statement for Infrastructure, the proposed amendments to the National Policy Statement for Renewable Electricity Generation and National Policy Statement on Electricity Transmission, and they already exist in the National Policy Statement for Highly Productive Land.

This proposal would make it easier for priority activities to be located in the coastal marine area. For example, it recognises that while some activities can occur on land, there may be technical, logistical or operational constraints on locating them there (eg, pipe or cable infrastructure routes in harbours for extracting coastal sand or minerals).

Providing for aquaculture activities within aquaculture settlement areas in policy 8 (aquaculture)

Aquaculture settlement areas are a tool under the Māori Commercial Aquaculture Claims Settlement Act 2004, which the Crown can use to reserve space in the coastal marine area as a settlement asset for Māori. This prevents aquaculture proposals by others, and it prevents incompatible activities from occurring within the aquaculture settlement area.

However, any aquaculture activities within these areas still require a resource consent under the RMA to assess their effects on environmental values and other activities. This means that, while aquaculture space may be allocated, it does not guarantee that a resource consent will be granted.

It is proposed to amend policy 8 to direct decision-makers to provide for aquaculture activities within aquaculture settlement areas. This change could make it easier to consent new aquaculture activities in space reserved for gazetted aquaculture settlement areas in some regions. This will support Māori to realise the potential of aquaculture settlement areas, which is an objective of the New Zealand Aquaculture Development Plan 2025–2030.

Adding consideration of cultural and environmental benefits to policy 8 (aquaculture)

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.

This may support the uptake of new aquaculture opportunities by requiring the consideration of a wide range of benefits.

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[26] Defined 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". Ministry for the Environment. 2019. *National Planning Standards.* Wellington: Ministry for the Environment. p 62.

What does the NZCPS proposal mean for you?

Table 7 includes an overview of the anticipated impacts of the NZCPS proposal on various parties. More detailed information about the potential impacts of the proposals are included in the *Interim Regulatory Impact Statement: New Zealand Coastal Policy Statement amendments to policies 6 and 8* available on the Ministry for the Environment's website.

Table 7: Overview of anticipated impacts of the proposed amendments to the NZCPS

Party	Anticipated impacts
Local authorities	The proposals mean that local authorities will need to consider additional factors when considering consents or amending district, unitary or regional plans. The proposals do not require local authorities to change their plans outside of normal plan cycles.
Applicants	Applicants for some types of consents will be more likely to have consents granted. This will be particularly likely where they have an operational but not functional need to be in the coastal marine area, or if they need to be in an area relevant to an 'avoid' requirement in a protection policy.
People and communities	Improved enabling of priority activities will deliver more public benefits – infrastructure, renewable energy and economic development. This may, however, result in loss of some public values if these activities are approved without all effects on important values being avoided.
Māori groups	The policy proposals are to enable more priority activities and development in the coastal marine area. This may provide more development opportunities for iwi and Māori but may also negatively affect environmental and cultural values.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform and the Minister of Conservation consider the proposals to be consistent with the purpose of the RMA, 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 wellbeing
- recognise and provide for environmental values of national importance (set out in section 6 of the RMA) through existing provisions in the NZCPS, while the amendments to the policies that cover priority activities (ie, policies 6 and 8) will enable priority activities to be considered more favourably when it comes to consenting decisions.

Treaty considerations

The policy proposals do not propose to change any mechanisms that provide for Māori engagement in consenting processes under Treaty settlements, or other arrangements (eg, the Marine and Coastal Area (Takutai Moana) Act 2011) that provide for either participation in the consenting system or consideration of specific values.

The policy proposals are to enable more priority activities and development in the coastal marine area. This may provide greater participation opportunities for iwi-Māori with interests in marine development such as iwi aquaculture organisations.

However, enabling more priority activities such as resource extraction or specified infrastructure may have negative effects on the environment and the values that iwi and Māori wish to see protected (such as kaitiakitanga). The occupation of space by others may also limit the future options for developments by iwi and Māori.

Targeted pre-engagement was undertaken from late August to mid-September 2024. This engagement included groups to whom the Department of Conservation has obligations to consult on the NZCPS, and iwi and Māori organisations who expressed interest in the targeted review of the NZCPS.

Consultation will be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups.

Implementation

The proposed changes would affect how consent applications are assessed and would influence any future amendments to regional coastal plans. Councils will not need to undertake changes to plans in response to the amendments, unless they are reviewing plans for other reasons.

Questions	
22.	Would the proposed changes achieve the objective of enabling more priority activities and be simple enough to implement before wider resource management reform takes place?
23.	Would the proposed changes ensure that wider coastal and marine values and uses are still appropriately considered in decision-making?
24.	Are there any further changes to the proposed provisions that should be considered?

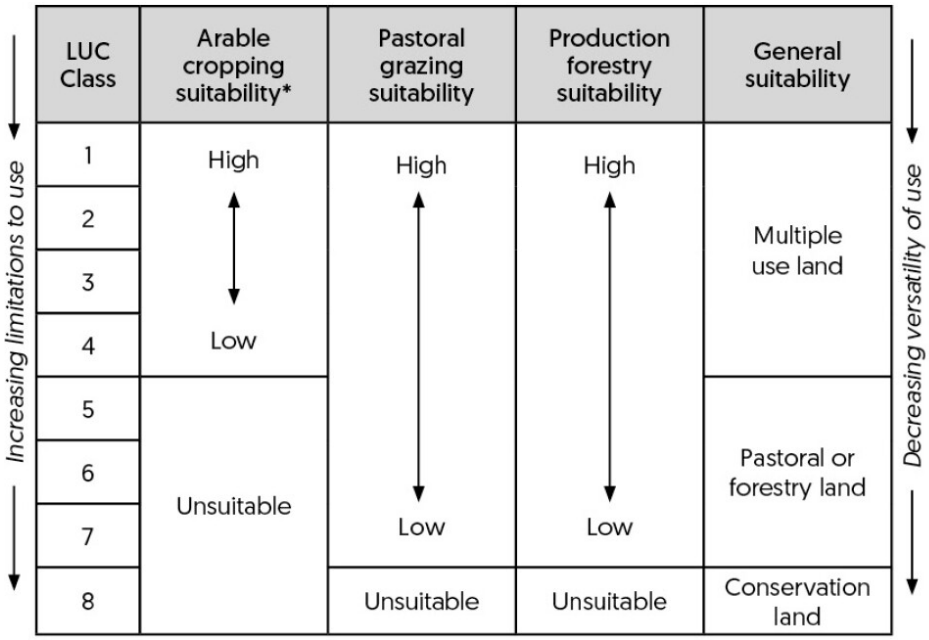
Part 2.4: National Policy Statement for Highly Productive Land

Context

The National Policy Statement for Highly Productive Land (NPS-HPL) came into effect in October 2022 to protect highly productive land for use in land-based primary production,[27] now and for future generations.

Concerns have been raised about the impact the NPS-HPL has on making land available for urban development. Specifically, there are concerns that the inclusion of LUC 3[28] land in the NPS-HPL may overly restrict the supply of greenfield land, which may be suited for housing, in some parts of New Zealand.

Figure 1: Increasing limitations to use and decreasing versatility of use from LUC 1 to LUC 8[29]



*includes vegetable cropping

[27] The NPS-HPL defines land-based primary production as "production, from agricultural, pastoral, horticultural or forestry activities, that is reliant on the soil resource of the land".

[28] All land in New Zealand is classified into eight LUC classes based on its long-term potential for sustained primary production. In the LUC classification system, LUC 1 land is the most versatile land and is suitable for a wide range of primary production activities. LUC 8 land is the least versatile for primary production and is typically set aside for conservation. Land in LUC 1, 2 and 3 is generally regarded as the most highly productive land, based on its versatility for a wide range of primary production activities that are reliant on the soil (see figure 1).

[29] Manaaki Whenua | Landcare Research. An introduction to LUC. Retrieved 16 May 2025.

The NPS-HPL restricts the rezoning, subdivision and use of highly productive land (HPL). It provides a consent pathway for specific purposes, including quarrying and mining, which enables consideration of these activities on HPL. To access the consent pathway, a consent application must meet 'gateway tests' before a consent application can be considered.

The criteria for mapping HPL is included in Clause 3.4 of the NPS-HPL[30]. Land must be zoned for rural purposes[31] but not identified for future urban development. It must include large and geographically cohesive areas of LUC 1 to 3 land. Councils can also identify land that is not LUC 1 to 3 as HPL, if it is considered to be highly productive in that region.[32]

LUC 1, 2 or 3 land represents approximately 15 per cent of New Zealand's landmass (approximately 3.8 million hectares). LUC 3 land makes up around 64 per cent of the land area currently protected under the NPS-HPL.[33]

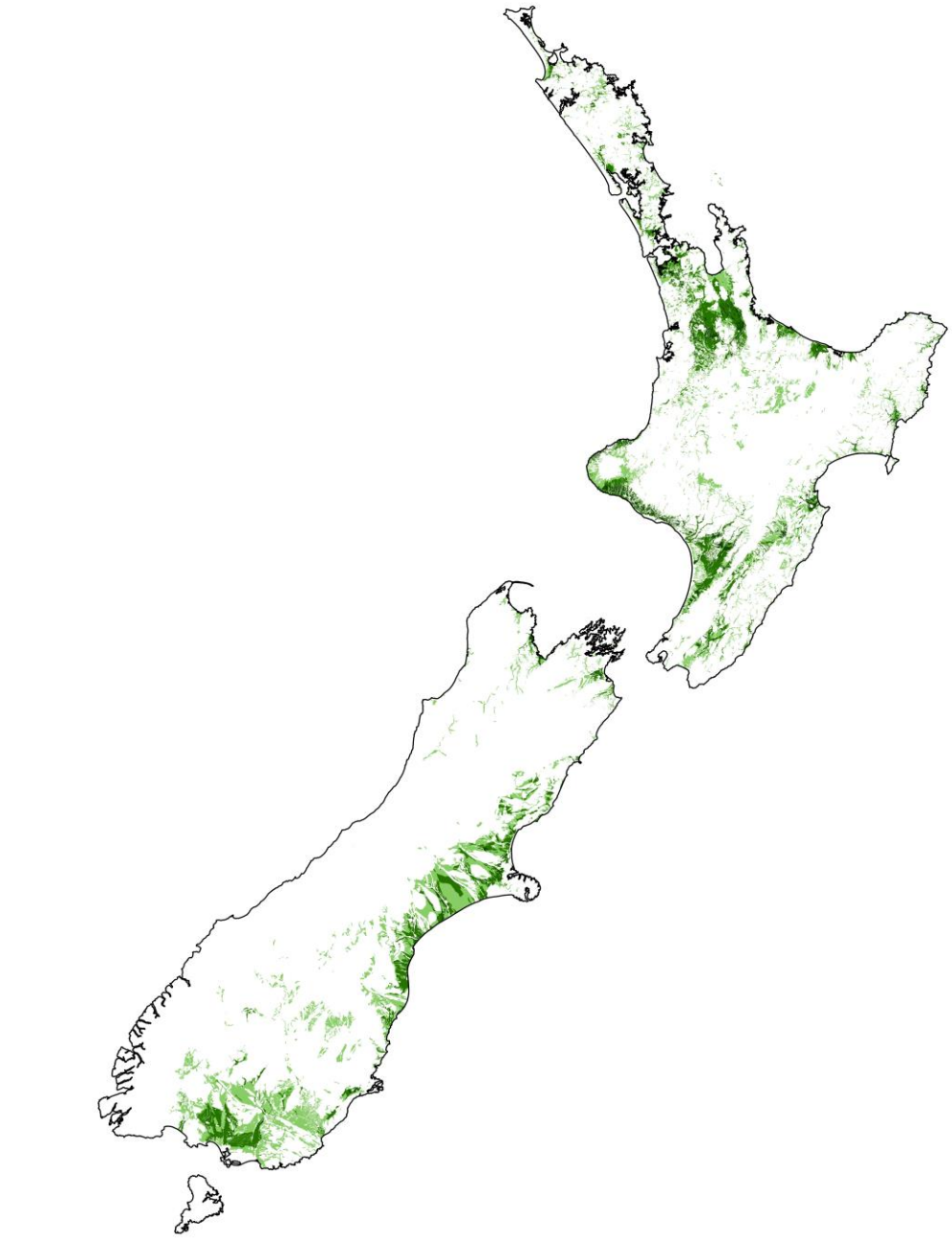
30 See Clause 3.4 of NPS-HPL.

31 This includes land in a general rural zone or rural production zone.

32 Until HPL mapping has been made operative in a regional policy statement, HPL is LUC class 1, 2 or 3 land, zoned for rural purposes but not identified for future urban development or subject to a council-initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

33 The NPS-HPL defines LUC 1, 2 or 3 land as "land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification". The New Zealand Land Resource Inventory is a broad-scale national map derived from field surveys generally carried out in the 1970s.

Figure 2: LUC 1–3 land across New Zealand[34]

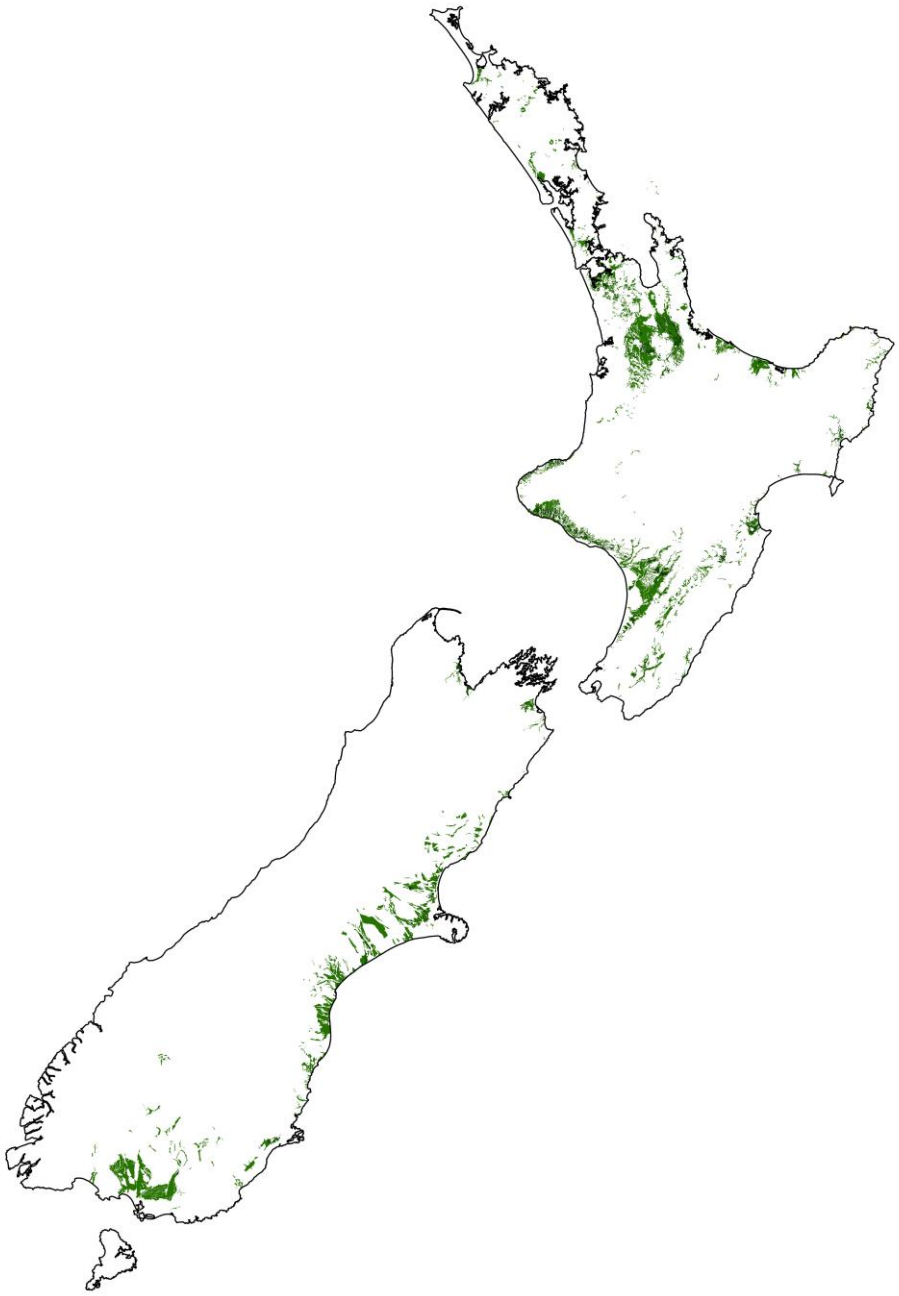


Key:

LUC 1
LUC 2
LUC 3

[34] Manaaki Whenua | Landcare Research. Our Environment – Baseline Highly Productive Land, Retrieved 16 May 2025.

Figure 3: LUC 1–2 land across New Zealand[35]



Key:

LUC 1
LUC 2

[35] Manaaki Whenua | Landcare Research. Our Environment – Baseline Highly Productive Land. Retrieved 16 May 2025.

What problems does the proposal aim to address?

Including LUC 3 land in the NPS-HPL restricts greenfield development. Removing this land from the NPS-HPL will free up the supply of land to work towards addressing our housing crisis, as restrictions on use of land for urban development impacts land prices which contributes towards housing affordability issues.[36]

There are inconsistent definitions for quarrying and mining activities across the NPS-FM, the National Policy Statement for Indigenous Biodiversity (NPSIB) and the NPS-HPL. These inconsistencies create uncertainty for quarrying and mining activities.

More detail on quarrying and mining issues on HPL is included in Part 2.5 of this discussion document.

What is the proposal?

The proposal is to amend the NPS-HPL to provide more opportunities for urban development while retaining the most agriculturally productive land for primary production. It involves:

- removing LUC 3 land from NPS-HPL restrictions with immediate effect
- maintaining NPS-HPL restrictions on LUC 1 and 2 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 agriculture areas (SAAs) around key horticulture hubs like Pukekohe and Horowhenua
- extending timeframes for mapping of HPL to be completed within two to three years (2027 or 2028) or suspending requirements for mapping HPL until further direction is provided in the replacement resource management system.

A further proposal for mining and quarrying on HPL land is outlined in Part 2.5 of this discussion document.

Proposed provisions to amend the NPS-HPL are included in attachment 2.4.

The Package 4: Going for Housing Growth discussion document contains more information about key aspects of the Going for Housing Growth Pillar 1 policy proposals, along with an indicative assessment about how and where different components could be implemented in the new resource management system.

The Package 3: Freshwater – Discussion document contains more information about options for enabling commercial vegetable growing.

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[36] A joint 2024 paper reported findings authored by the Housing Technical Working Group (HTWG), a joint initiative of the Treasury, Ministry of Housing and Urban Development and the Reserve Bank of New Zealand, found that restrictions on the supply of urban land are estimated to have added $378.40 per square metre to the price of urban land immediately inside of the Rural Urban Boundary line in Auckland in 2021. The Treasury, Ministry of Housing and Urban Development, Reserve Bank of New Zealand. 2024. *Analysis of availability of land supply in Auckland*. Prepared for The Treasury, Ministry of Housing and Urban Development, Reserve Bank of New Zealand by the Housing Technical Working Group. Wellington: The Treasury.

Removing LUC 3

The intent of the proposal to remove LUC 3 land from NPS-HPL restrictions is to be more enabling of greenfield development that will provide additional housing capacity with immediate effect (ie, before HPL is mapped). The intent is also to ensure this amendment is consistent with the main objective of the NPS-HPL (ie, that HPL is protected for use in land-based primary production, now and for future generations).

Questions	
25.	Should LUC 3 land be exempt from NPS-HPL restrictions on urban development (leaving LUC 3 land still protected from rural lifestyle development) or, should the restrictions be removed for both urban development and rural lifestyle development?
26.	If the proposal was to exempt LUC 3 land from NPS-HPL restrictions for urban development only, would it be better for this to be for local authority led urban rezoning only, or should restrictions also be removed for private plan changes to rezone LUC 3 land for urban development?
27.	If LUC 3 land were to be removed from the criteria for mapping HPL, what, other consequential amendments will be needed? For example, would it be necessary to: a. amend 'large and geographically cohesive' in clause 3.4(5)(b) b. amend whether small and discrete areas of LUC 3 land should be included in HPL mapping clauses 3.4(5)(c) and (d) c. amend requirements for mapping scale and use of site-specific assessments in clause 3.4(5)(a), and amend definition of LUC 1, 2 or 3 land d. remove discretion for councils to map additional land under clause 3.4(3). e. use more detailed information about LUC data to better define HPL through more detailed mapping, including farm scale and/or more detailed analysis of LUC units and sub-classes.

New special agricultural areas

Special Agricultural Areas (SAA) are proposed to be a new category of HPL. This is intended to protect key food growing areas like Pukekohe and Horowhenua. It recognises that areas important for food and fibre production may be compromised by the removal of LUC 3, and that these areas should be subject to the NPS-HPL.

Questions	
28.	Given some areas important for foods and fibre production such as Pukekohe and Horowhenua may be compromised by the removal of LUC land, should additional criteria for mapping HPL be considered as part of these amendments?
29.	If so, what additional criteria could be used to ensure areas important for food and fibre production are still protected by NPS-HPL?
30.	What is the appropriate process for identifying special agricultural areas? Should this process be led by local government or central government?
31.	What are the key considerations for the interaction of special agriculture areas with other national direction – for example, national direction for freshwater?

Implications for timeframes for mapping HPL

Removal of LUC 3 land from the NPS-HPL, and potential inclusion of SAAs, means it is appropriate to extend or suspend NPS-HPL requirements for HPL maps to be notified in regional policy statements by October 2025.

Whether mapping timeframes are extended or mapping is suspended depends on whether the preference is either:

- for councils to progress plan changes under the RMA ahead of the replacement resource management system (in which case an extension of timeframes via a separate legislative process[37] would be more appropriate), or
- to provide time to develop a longer-term solution for managing HPL in the replacement resource management system. This would involve directing councils to suspend mapping of HPL.[38]

Question	
32.	Should timeframes for local authorities to map highly productive land in regional policy statements be extended based on revised criteria? Alternatively, should the mapping of HPL under the RMA be suspended to provide time for a longer-term solution to managing highly productive land to be developed in the replacement resource management system?

What does this proposal mean for you?

Table 8 includes an overview of the anticipated impacts of the NPS-HPL proposal on various parties. More detailed information about the proposal's potential impacts is included in the *Interim Regulatory Impact Statement: National Policy Statement for Highly Productive Land* available on the Ministry for the Environment's website.

Table 8: Overview of anticipated impacts of the proposed amendments to the NPS-HPL

Party	Anticipated impacts
Local authorities	The proposals would impact timeframes and scope of mapping of HPL in regional policy statements and district plans. The implementation timeframes will either need to be extended or the mapping of HPL will need to be suspended (subject to the outcomes of consultation). The proposal may generate more plan changes to rezone LUC 3 land for urban development and for rural-residential development. Differences in district and/or regional plans may result in different regional approaches and decisions about what is appropriate on LUC 3 land.
People and communities	Removing LUC 3 is likely to have mixed impacts for different people and communities. Those who have supported the objective and intent of the policy would likely prefer LUC 3 land to remain protected under the NPS-HPL, while others might support more flexibility for rural activities or urban development. The proposal will reduce restrictions on urban development and rural lifestyle development on LUC 3 land.
Applicants	The proposal will enable applicants to use or develop LUC 3 land for non-land-based primary production and create opportunities for urban development in some cases dependent on provisions in district plans.

[37] Extending timeframes could be considered under section 44(3)(d) in the RMA "to extend the timeframe for implementation of any part of a national environmental standard", which is applied to national policy statements by section 53(2) of the RMA.

[38] One way of suspending the mapping may be to amend Part 4 of the NPS-HPL. Alternatively, clause 3.4 and 3.5 of the NPS-HPL would need to be removed.

Party	Anticipated impacts
Māori groups	It is not possible to fully assess impacts of the proposal on existing Treaty settlements, and iwi and hapū currently in Treaty settlement negotiations. However, in lieu of fuller engagement and consultation, the following points can be made. • The policy proposals do not propose to change the mechanisms that provide for Treaty settlements or other arrangements in consenting and planning processes (eg, statutory acknowledgements and participation in plan-making processes). • Requirements to notify relevant iwi and Māori groups as specified by the arrangements and RMA will continue to apply. • PSGEs and other Māori representative groups will continue to influence decision-making through council planning and consenting processes.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA, because they:

- enable use and development of rural land resources, which in some circumstances have lower productive potential (LUC 3) than our most productive soils (LUC1 and 2)
- better enable urban development to provide for the social and cultural wellbeing of people and communities
- enable limited use of HPL (LUC 1 and 2) for non-productive purposes to provide for the social, economic and cultural wellbeing of people while sustaining the potential of HPL to meet the needs of future generations.

Treaty considerations

Analysis to date has not identified significant impacts on specific Treaty settlement redress mechanisms.

The process and requirement to involve tangata whenua in the mapping of HPL is not intended to change. However, tangata whenua may have fewer opportunities for meaningful input into the mapping of HPL if changes to the mapping criteria being proposed are progressed (eg, removing a council's discretion to include additional land, apart from LUC 1 or 2).

Further engagement with tangata whenua and PSGEs through the public consultation process will assist in fully understanding the implications of these proposals on Māori rights and interests, including any impacts on Treaty settlement redress arrangements. Consultation will also be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups.

Implementation

Once amendments to national policy statements are gazetted, councils must have regard to those provisions (as relevant) when making consent decisions, including what is defined as HPL prior to mapping HPL.

In respect to mapping HPL, timeframes for mapping will either be extended, or mapping under the RMA will be suspended – see above section on Implications for timeframes for mapping HPL.

Part 2.5: Multiple instruments for quarrying and mining provisions

National Policy Statement for Indigenous Biodiversity

National Policy Statement for Freshwater Management

National Environmental Standards for Freshwater

National Policy Statement for Highly Productive Land

Context

The National Policy Statement for Indigenous Biodiversity (NPSIB), the National Policy Statement for Highly Productive Land (NPS-HPL), and the National Policy Statement for Freshwater Management (NPS-FM) and National Environmental Standards for Freshwater (NES-F) provide direction to councils to identify, protect and manage the adverse effects on significant natural areas (SNAs), HPL and wetlands (respectively), while providing for the social, economic and cultural wellbeing of people and communities.

These national direction documents provide for consent pathways for quarrying and mining activities that adversely affect SNAs, wetlands and HPL. The terminology and consent pathways differ across the three documents.

The Government has committed to:

- unlocking development capacity for housing and business growth and doubling mineral exports (to support this commitment, locally sourced aggregate and minerals are needed)
- improving the consistency of the consent pathways in the NPS-FM, NPS-HPL and NPSIB for quarrying and mining.

We are consulting on changes to align definitions across four national direction instruments that provide for quarrying and mining, and to ensure the consent pathways are consistent.

What problems does the proposal aim to address?

Inconsistent terminology across national direction instruments on quarrying and mining

The NPS-FM, NPSIB and NPS-HPL have inconsistent terminology for quarrying and mining activities. For example, “quarrying activities” are referred to in the NPS-FM and NES-F, whereas the NPSIB and NPS-HPL use “aggregate extraction” (undefined). The definition of

quarrying activities in the National Planning Standards includes both the activity of quarrying as well as the ancillary activities needed to support it.[39]

Similarly, the NPS-FM and NES-F refer to "the extraction of minerals and ancillary activities", whereas the NPSIB and NPS-HPL use "mineral extraction". Neither term is defined. The NPS-FM term covers all the activities needed to support mineral extraction and ensure a viable consent pathway.

Inconsistent gateway tests and consent pathways for mining and quarrying

The national policy statements provide consent pathways for specific purposes (eg, quarrying and mining) and regulate certain activities[40] where they adversely affect SNAs, HPL and wetlands. The consent pathways allow consent authorities to recognise government goals – including social and economic wellbeing and the need for resources – while managing adverse effects of activities on SNAs, HPL and wetlands.[41]

To access these consent pathways, a consent application must show a need exists for the adverse effects on protected environments to occur by meeting certain 'gateway tests'. If the application meets these gateway tests, a proposal's adverse effects can be managed using an effects management hierarchy. For example, the gateway tests for quarrying in or around a wetland under the NPS-FM and NES-F are that the aggregate will provide significant national or regional benefits, and there is a functional need for the quarry to be in that location.

The NPSIB has different gateway tests relevant to SNAs, including that there is an operational or functional need, and that the proposal provides significant regional and or national public benefits that could not otherwise be achieved using resources within New Zealand. The NPS-HPL applies three gateway tests similar to those in the NPSIB.

What is the proposal?

We are consulting on changes to align the terminology and gateway tests for quarrying and mining in the NPSIB, NPS-HPL, NPS-FM and NES-F.

The proposal to amend the NPSIB:

- replaces "mineral extraction" with "the extraction of minerals and ancillary activities" and replaces "aggregate extraction" with "quarrying activities" (to be consistent with the National Planning Standards, NPS-FM and NES-F)

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[39] The National Planning Standards define 'quarrying activities' as "the extraction, processing (including crushing, screening, washing and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock and 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." Ministry for the Environment. 2022. *National Planning Standards*. Wellington: Ministry for the Environment. p 62.

[40] For example, the wetland provisions control vegetation clearance, earthworks and water take, use, discharges for mining and/or quarrying.

[41] SNAs and wetlands are matters of national importance under section 6 of the RMA and require consenting authorities "to recognise and provide for" them in decision-making. HPL is listed under section 7 of the RMA and requires consenting authorities to have "particular regard" for HPL in decision-making.

- removes “could not otherwise be achieved using resources in New Zealand”, for consistency with the NPS-FM and NES-F
- removes the requirement for the benefit to be “public” (ie, allowing any benefits to be considered)
- adds consideration of “regional benefits” to the mining consent pathway.

The proposal to amend the NPS-FM and NES-F:

- adds “operational need” as a gateway test (to the existing “functional need” test) in wetlands for mining and quarrying, to make it consistent with the other national direction instruments.

The proposal to amend the NPS-HPL:

- replaces “mineral extraction” with “the extraction of minerals and ancillary activities” and replaces “aggregate extraction” with “quarrying activities” (to be consistent with the National Planning Standards, NPS-FM and NES-F)
- removes “could not otherwise be achieved using resources in New Zealand”, for consistency with the NPS-FM and NES-F
- removes the requirement for the benefit to be “public” (ie, allowing any benefits to be considered removes the requirement for the benefit to be ‘public’ (ie, allowing any benefits to be considered)
- adds consideration of “regional benefits” to the mining consent pathway.

Proposed provisions to amend the instruments are included in the following attachments.

- NPSIB – refer to attachment 2.5.
- NPS-HPL – refer to attachment 2.4. This attachment also addresses other changes to the NPS-HPL (outlined in Part 2.4 of this document).
- NPS-FM and NES-F – refer to attachment 2.6.

Questions	
33.	Do you support the proposed amendments to align the terminology and improve the consistency of the consent pathways for quarrying and mining activities affecting protected natural environments in the NPS-FM, NES-F, NPSIB and NPS-HPL?
34.	Are any other changes needed to align the approach for quarrying and mining across national direction and with the consent pathways provided for other activities?
35.	Should “operational need” be added as a gateway test for other activities controlled by the NPS-FM and NES-F?

What does this proposal mean for you?

Table 9 includes an overview of the anticipated impacts of the proposed changes on various parties. More detailed information about the potential impacts of the proposal is included in the *Interim Regulatory Impact Statement: Providing a consistent consenting pathway for quarrying and mining affecting significant natural areas, highly productive land and wetlands* available on the Ministry for the Environment’s website.

Table 9: Overview of anticipated impacts of the proposed amendments for quarrying and mining in the NPSIB, NPS-HPL, NPS-FM and NES-F

Party	Anticipated impacts
Local authorities	Councils will need to have regard to the amendments when assessing consent applications and amend plans as necessary. More quarrying and mining projects may progress to the consent application stage, which could increase workload and costs.
People and communities	The proposal may increase access to local aggregates and other mineral resources needed for housing and critical infrastructure projects. It also may increase the number of mines and quarries, with a range of positive and negative benefits for local communities and neighbouring properties.
Applicants	The amendments would provide certainty for applicants by improving consistency and providing more enabling consent pathways which may allow quarrying and mining proposals to obtain consent.
Māori groups	Similar positive and negative effects for Māori and non-Māori from potential increase in number of mines and quarries. Decision making will continue to require the principles of the Treaty of Waitangi to be taken into account, or to recognise and provide for the relationship of Māori and their culture with their taonga.

Consistency with the purpose of the RMA

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA, because they provide for the social and economic wellbeing of people and communities for infrastructure and development, by improving the certainty of rules for using mineral and aggregate natural resources while retaining existing requirements to manage the effects of quarrying and mining on protected environments.

Treaty considerations

The proposals to enable quarrying and mining may increase the number of projects that can access consent pathways – and, therefore, the number of projects that Māori groups may want to engage with. Impacts of specific projects on Māori rights and interests will depend on location.

Generally, 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 with their taonga as a matter of national importance in the resource management system under the RMA.

We have not identified any significant impacts of the proposals on Treaty settlements or related arrangements.

Further engagement with tangata whenua and PSGEs through the public consultation process will increase our understanding of the implications of these options on Māori rights and interests, including any impacts on Treaty settlement redress arrangements. Consultation will also be necessary to test whether iwi, hapū and other Māori groups have concerns about the proposal or any perceived impacts on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups.

Implementation

Once amendments to national policy statements are gazetted, councils must have regard to those provisions (as relevant – eg, the NPSIB and NPS-HPL) when making consent decisions.

In respect of the relevant freshwater sections (on wetlands) in the NPS-FM, these clauses are required to be directly inserted into regional plans under section 55 of the RMA, without using the plan-making process in Schedule 1 of the RMA. Councils must update their plans as soon as possible following gazettal.

Amendments to the NES-F would take effect immediately and will drive both consent applications and decision-making as soon as the amended NES-F is gazetted.

Part 2.6: Stock Exclusion Regulations

Context

The Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations) prohibit access of cattle, pigs and deer to wetlands, lakes and rivers. Livestock entering waterways contaminates water, damages riverbanks and compromises recreation and mahinga kai. Livestock dung and urine can carry disease and promote weed growth, degrading the ecosystem and inhibiting fish spawning.

In 2024, the Government cut red tape for farmers by repealing the map of low-slope land in the Stock Exclusion Regulations and simplifying rules for intensive winter grazing.[42] These changes were part of the Government's move to a more risk-based, catchment-focused approach.

The Government wants to remove further parts of the Stock Exclusion Regulations where the benefits of the rules do not outweigh the costs to the primary sector.

What problems does the proposal aim to address?

Regulation 17 of the Stock Exclusion Regulations requires all stock to be excluded from wetlands that support threatened species, regardless of the size of the wetland or the intensity of the farming system. Regulation 17 is inflexible and unable to be adapted to individual circumstances. This means that, in some areas (eg, along the West Coast and in the South Island High Country), there is the potential for the benefits of excluding stock from these wetlands to be disproportionate to the cost.

What is the proposal?

The proposal to amend regulation 17 of the Stock Exclusion Regulations includes amending the requirement that all stock must be excluded from any natural wetlands that support a population of threatened species[43], so that it would not apply to non-intensively grazed beef cattle and deer.

Proposed provisions to amend the Stock Exclusion Regulations are included in attachment 2.7.

Question	
36.	Do you agree that the cost of excluding stock from all natural wetlands in extensive farming systems can be disproportionate to environmental benefits?

[42] Through the Resource Management (Freshwater and Other Matters) Amendment Act 2024.

[43] As described in the compulsory value for threatened species in the NPS-FM.

What does this proposal mean for you?

Table 10 includes an overview of the anticipated impacts on various parties of proposed amendments to the Stock Exclusion Regulations proposal. More detailed information about the potential impacts of the proposal is included in the *Interim Regulatory Impact Statement: Options to amend regulations for farming activities* available on the Ministry for the Environment's website.

Table 10: Overview of anticipated impacts on parties

Party	Anticipated impacts
Local authorities	Local authorities may wish to provide additional protection for any regionally significant wetland no longer covered by regulation 17.
People and communities	There will likely be some cost savings for certain groups on private land Some stock may impact natural wetlands by removing protection from some wetlands supporting threatened species valued by people and communities and for their intrinsic environmental value.
Applicants	N/A There are no applications required in respect of these regulations.
Māori groups	Stock may impact on natural wetlands by removing protection from some wetlands supporting threatened species which may be a taonga for Māori (see also Treaty considerations below).

Treaty considerations

Claimants in the Wai 2358 Stage 2 inquiry[44] held that the failure of the Crown to issue stock exclusion regulations in 2017 had contributed to the degradation of waterbodies. These regulations were issued in 2020, but the proposal set out above would remove protection from stock access in wetlands supporting a population of threatened species. Some of those species have a high likelihood of being taonga to Māori.

However, this proposal would apply primarily to wetlands on private farmland, where issues have consistently been raised by stakeholders about the unworkability of regulation 17 of the Stock Exclusion Regulations. In the rare cases where the proposal would apply on Crown land (eg, the Taieri Scroll Plains), tangata whenua could work with local authorities in the freshwater planning stages to apply more stringent plan rules in respect of these waterbodies, or to apply other mitigating plan measures to protect freshwater quality and taonga species.

We consider that this proposal appropriately balances Māori rights and interests with the interests of private agricultural land owners. Severe impacts on Māori rights and interests could be mitigated through more stringent plan provisions where required.

Implementation

Regulations made under section 360 (in this case, section 360(1)(hn)) of the RMA do not require resource consent, and they apply directly to the relevant party on the day they are gazetted.

[44] Wai 2358 Stage 2 inquiry reports.

Section 3: Implementation of primary sector instruments

Types of implementation

Implementation of instruments in the primary sector package can comprise two forms.

- **Non-statutory implementation** aids understanding and delivery of the proposals through guidance, workshops or other means. Implementation plans to help deliver any consequent national direction will be developed after we have considered any recommendations or requests received in submissions.
- **Statutory implementation** is part of the proposals[45] .Alongside the RMA requirements, statutory implementation provides more detailed direction on:
  - how and when decision-makers must consider the proposals
  - how and when required RMA plan amendments are to be progressed
  - who is to use and implement the national direction.

Statutory implementation

Where specific statutory implementation provisions are proposed, they are included in the proposed provisions. The following general provisions apply.

National environmental standards implementation

National environmental standards have immediate effect, and plan changes can be made to amend any inconsistencies with national environmental standards without using the Schedule 1 process.[46] The RMA generally requires this to be undertaken as soon as practicable after national environmental standards come into effect.

National policy statements implementation

National policy statements have immediate effect, and consent authorities must have regard to national policy statements when considering an application for a resource consent[47].

Some plan or policy statement changes will be required to implement new national policy statements. If a national policy statement directs that a local authority must amend a plan or policy statement in the manner described in section 55(2) of the RMA, the plan changes must be made without using the Schedule 1 process.[48] However, for any subsequent changes

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[45] The standard provisions for statutory implementation are found in sections 44A and sections 55 of the RMA.

[46] Schedule 1 of the RMA provides for the preparation, change and review of policy statements and plans.

[47] Under section 104(1)(b) (iii) of the RMA.

[48] Schedule 1 of the RMA provides for the preparation, change and review of policy statements and plans.

necessary to ensure a plan or policy statement gives effect to a provision in a national policy statement a Schedule 1 process is required as soon as practicable after the national policy statement comes into effect (or based on a timeframe or event specified in the national policy statement).

Additional implementation options

The RMA has no provision for flexibility in the statutory implementation of national environmental standards other than including stringency and leniency provisions in individual standards.

The RMA does provide options[49] for how and when national policy statement provisions are implemented into RMA documents.[50] None of the national policy statement proposals include provisions for specific objectives and policies to be directly inserted into RMA documents. Rather, each individual national policy statement proposal directs that plan changes to implement the national policy statement are undertaken "as soon as practicable".[51]

The proposed options for national policy statements are to:

- rely on the RMA default provisions of "as soon as practicable"
- provide an implementation timeframe of five years from gazettal for making amendments to regional and district plans and policy statements
- require all plan changes to fully implement each national policy statement before or at plan review, in addition to any specific implementation provisions in each proposal.

Note that national environmental standards and national policy statements can apply to any specified district or region of any local authority, or to any specified part of New Zealand[52]. This provision has not been proposed for any of the proposals.

How are national policy statements to be used?

The RMA stipulates that decision-makers on resource management matters must:

- "have regard to" provisions in national policy statements when making decisions on resource consents and water conservation orders
- "have particular regard" to provisions in a national policy statement when making decisions on notice of requirements and heritage orders
- prepare and amend their regional policy statement and regional and district plan provisions in accordance with provisions in a national policy statement.

Once plan changes have been undertaken to give effect to a policy statement, plan provisions can usually be relied on to appropriately reflect the national policy statement.

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49 Under section 55(2) and (2D) of the RMA.

50 Under section 55(1) in subsection (2) and (2A) a document means a regional policy statement, a proposed regional policy statement, a proposed plan, a plan or a variation.

51 As required by section 55(2D)(a) of the RMA. Using the provisions for implementation timeframes under section 55 92D) (b) and (c) of the RMA.

52 Under section 43(4) and section 45A of the RMA.

Leniency and stringency under national environmental standards

A national environmental standard can identify whether associated plan provisions can be more lenient or stringent than the provisions in the national environmental standard. The individual proposals in this discussion document identify whether they include any leniency or stringency options.

Implementation questions

Questions	
37.	Does “as soon as practicable” provide enough flexibility for implementing this suite of new national policy statements and amendments?
38.	Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient? a. If not, what would be better, and why? b. If yes, what time period would be reasonable (eg, five years), and why?
39.	Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review?
40.	Are there other statutory or non-statutory implementation provisions that should be considered?

Section 4: Have your say

Consultation for this package closes at 11.59pm on 27 July 2025.

The Government welcomes your feedback on this discussion document. The questions posed are a guide only and all comments are welcome. You do not have to answer any or all of the questions.

To ensure your point of view is clearly understood, you should explain your rationale and provide supporting evidence, where appropriate.

You can provide a submission through Citizen Space, our consultation hub, by either filling out the feedback form or by uploading your own written submission.

We would prefer you use the online system for making your submission. However, if you need to, mail your written submission to:

National direction consultation, Ministry for the Environment, PO Box 10362, Wellington 6143.

Please ensure you include your:

- name or name of the organisation you represent
- postal address
- telephone number
- email address.

If you have any questions, please email ndprogramme@mfe.govt.nz.

Publishing and releasing submissions

All or part of any written comments (including names of submitters) may be published on the Ministry for the Environment's website, environment.govt.nz. Unless you clearly specify otherwise in your submission, the Ministry will consider that you have consented to online posting of both your submission and your name.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment (including via email). Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions to this document under the Official Information Act.

The Privacy Act 2020 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including by the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies.

Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this document. Please

clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

Section 5: Attachments – proposed provisions

Attachment 2.1: Proposed provisions – Amendments to the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020

Attachment 2.1.1: Matters of control and discretion for proposed new regulations in the National Environmental Standards for Marine Aquaculture (Attachment 2.1)

Attachment 2.2: Proposed provisions – Amendments to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

Attachment 2.2.1: Draft Slash Mobilisation Risk Assessment

Attachment 2.3: Proposed provisions – Amendments 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

Attachment 2.7: Proposed provisions – Amendments to the Resource Management (Stock Exclusion) Regulations 2020