



AGENDA

Policy & Planning

Tuesday 22 July 2025 10.30am

Policy and Planning Committee

22 July 2025 10:30 AM



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Health and Safety Message

Emergency Procedure

In the event of an emergency, please exit through the emergency door in the Committee Room by the kitchen.

If you require assistance to exit, please see a staff member.

Once you reach the bottom of the stairs make your way to the assembly point at 43 Cloten Road. Staff will guide you to an alternative route if necessary.

Earthquake

If there is an earthquake - drop, cover and hold where possible. Please remain where you are until further instruction is given.



Date: 22 July 2025

Subject: Policy and Planning Committee Minutes – 10 June 2025

Author: M Jones, Governance Administrator

Approved by: A D McLay, Director - Resource Management

Document: TRCID-1492626864-775

Recommendations

That Taranaki Regional Council:

- a) takes as read and confirms the minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Tuesday 10 June 2025
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 24 June 2025.

Appendices/Attachments

TRCID-1492626864-809: [Policy and Planning Committee Minutes – 10 June 2025](#)



Date:	10 June 2025	
Venue:	Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford	
Document:	TRCID-1492626864-809	
Present:	B J Bigham	Chairperson
	S W Hughes	
	A L Jamieson	
	D M Cram	(zoom)
	C S Williamson	ex officio (left meeting at 1.08pm)
	N W Walker	ex officio
	B Haque	New Plymouth District Council (left meeting at 12.13pm)
	C Filbee	South Taranaki District Council
	M Ritai	Iwi Representative (zoom - left meeting at 11.45am)
	E Bailey	Iwi Representative (zoom – left meeting at 1.58pm)
	P Moeahu	Iwi Representative (left meeting at 11.53am)
	L Gibbs	Federated Farmers
Attending:	S J Ruru	Chief Executive
	A J Matthews	Director – Environment Quality
	D Harrison	Director – Operations (left meeting at 1.21pm)
	F Kiddle	Acting Director – Resource Management and Strategy lead
	M Jones	Governance Administrator
	L Hawkins	Policy Manager (zoom)
	F Kumeroa	Scientist - Freshwater
	F Jansma	Scientist – Water Quality
	T Kleysen	Scientist - Freshwater
	T McElroy	Manager – Science and Technology
	J Reader	Communications and Engagement Manager
	C Woollin	Communications Advisor
	S Tamarapa	Pou Takawaenga - Relationship Facilitator
	B Hutterd	Senior Policy Analyst (joined meeting at 11.48am)
	G Marcroft	Senior Policy Analyst - Regional Planning Lead
	A Smith	Science Communications Adviser (left meeting at 11.33am)
	J Cookson	Programme Lead - Primary Industry
	T Gordan	Programme Manager – Freshwater
	H Goslin	Consultant
	F Boyd	Consultant

15 members of the public in attendance. 12 left the meeting at 11.44am

The meeting opened at 10.30am.

Apologies: Were received and sustained from Councillor Littlewood, Councillor McIntyre and Councillor Boyde – Stratford District Council.

Bigham/Hughes

1. Deputation: Fiona Young – Protect our Moana Taranaki.

1.1 Fiona spoke in opposition of the matters of seabed mining and the fast-track process.

2. Deputation: D Ngāwera-Packer – Ngāti Ruanui

2.1 Debbie spoke in opposition of the fast-track process relating to seabed mining.

Resolved

That the Taranaki Regional Transport Committee:

- a) received the deputations from F Turner and D Ngāwera-Packer.

Bigham/Hughes

3. Confirmation of Minutes Policy and Planning 29 April 2025

Resolved

That the Taranaki Regional Council:

- a) took as read and confirmed the minutes of the Policy and Planning Committee of the Taranaki Regional Council held on 29 April 2025 at Taranaki Regional Council 47 Cloten Road Stratford
- b) noted the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 13 May 2025.

Bigham/Walker

4. Fast-track Approvals Act and Taranaki VTM Project

4.1 F Kiddle provided an overview of the Fast-track Approvals Act 2024 and the Taranaki VTM Project to undertake iron sand extraction in the South Taranaki Bight.

Resolved

That the Taranaki Regional Council:

- b) received this memorandum titled *Fast Track Approvals Act and Taranaki VTM Project*
- c) noted that if Council is deemed a relevant local authority, it will be asked to nominate a person to the decision-making panel for the Taranaki VTM Project application and provide comment on the application
- d) noted Council must approach the Taranaki VTM Project application without predetermination, focusing its comments on the regulatory tests after a robust assessment of the relevant documents
- e) noted that due to time constraints, some decisions may need to be consulted with the Policy & Planning Committee out of session via email, and either retrospectively endorsed or taken directly to Ordinary Council for a decision.

(L Gibbs abstained from the vote, stating that Federated Farmers has not formed a view on the Taranaki VTM Project)

Williamson/Hughes

5. State of the Environment Monitoring Report 2019-2024 and Marine and Coast Snapshot

- 5.1 A Matthews introduced J Valdes who provided an overview of the Rocky Shore State of the Environment monitoring report 2019-2024.

Resolved

That the Taranaki Regional Council:

- a) received the memorandum Rocky Shore State of the Environment Monitoring Report 2019-2024 and Marine and Coast Snapshot
- b) noted the recommendations therein
- c) received the accompanying technical report and environmental snapshot.

Walker/Williamson

6. Investigating Drivers of Temporal Patterns in Freshwater Macroinvertebrate Metrics in Taranaki

- 6.1 A Matthews introduced F Kumeroa who gave an overview of the recent NIWA report - Investigating drivers of temporal patterns in freshwater macroinvertebrate metrics in *Taranaki* that was commissioned by Council.

Resolved

That the Taranaki Regional Council:

- a) received the memorandum *Investigating Drivers of Temporal Patterns in Freshwater Macroinvertebrate Metrics in Taranaki* and the accompanying technical report
- b) noted the findings therein.

Walker/Williamson

7. Freshwater Implementation June Update

- 7.1 L Hawkins provided a freshwater Implementation update for June 2025.

Resolved

That the Taranaki Regional Council:

- a) received the June 2025 update on the Freshwater Implementation Programme.

Williamson/Walker

8. Suspension of Standing Orders – Land and Freshwater Workshop items

- 8.1 S Ruru explained the need to suspend Standing Orders for the following agenda items:

- a. Freshwater Implementation Update
- b. Integrated Management
- c. Fish Passage Update
- d. Contaminated Land
- e. High Flow Harvesting
- f. Animal Effluent phase out report back

Resolved

That the Taranaki Regional Council:

- a) received the Suspension of Standing Orders - Freshwater Workshop items memorandum
- b) approved the suspension of Standing Orders 20.2, 20.5, 20.6, 20.8, 20.10, 20.11, 20.12, 20.13, 20.14, 20.15, 21, 24 and 25
- c) determined in accordance with Standing Order 3.5, that these standing orders should be suspended to facilitate more in-depth discussion between Committee members and officers in relation to the different policy options that might exist for a particular issue
- d) noted that the suspension of Standing Orders will end at the completion of the Animal Effluent phase out report back item
- e) determined that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002
- f) determined that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determined that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Bigham/Filbee

9. Integrated Management – Draft Land and Freshwater Plan

- 9.1 L Hawkins outlined the purpose, structure and direction that is being navigated by staff in drafting the Integrated Management (IM) chapter of the draft Land and Freshwater Plan (LFWP).

Resolved

That the Taranaki Regional Council:

- a) received the memorandum title Integrated Management – draft land and freshwater plan.
- b) supported the direction set out in the memorandum, pending any changes in detail discussed during the workshop held during the meeting
- c) determined that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002
- d) determined that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determined that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Walker/Bailey

The meeting was adjourned at 12.28pm

The meeting reconvened at 12.55pm

10. Fish Passage Update

- 10.1 L Hawkins introduced B Hutterd and T Kleyzen who gave a PowerPoint presentation update on the work that has been completed to date in support of fish passage remediation throughout the region.

Resolved

That the Taranaki Regional Council:

- a) supported the direction set out in Option 2 to refine the Draft Plan's management approach to instream works
- b) received the draft classification of desirable and undesirable species within Taranaki found in Appendix I
- c) noted that further engagement is required for the classification of desirable and undesirable species
- d) noted the work being taken to maintain, improve and remediate fish passage across the region
- e) determined that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002
- f) determined that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determined that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Cram/Gibbs

11. Contaminated Land and Waste

- 11.1 L Hawkins introduced H Goslin and C McKenzie who gave a PowerPoint presentation on the proposed framework to manage contaminated land and waste in the draft Freshwater Plan.

Resolved

That the Taranaki Regional Council:

- a) received the memorandum titled – Contaminated Land and Waste
- b) supported the recommended direction to managing Contaminated Land and Waste set out in this paper
- c) noted that staff will engage with iwi Pou Taiao as part of the next phase of work, including discussions with the Wai Steering Group.

Filbee/Walker

12. High Flow Harvesting

- 12.1 F Boyd gave a PowerPoint presentation and sought support from the Committee for a preferred framework in managing high flow harvesting.

Resolved

That the Taranaki Regional Council:

- a) received the memorandum titled – High flow harvesting
- b) supported the recommended direction for managing high flow harvesting set out in this paper
- c) noted that staff will continue to engage with iwi Pou Taiao as part of the next phase of work, including discussions with the Wai Steering Group.

E Bailey and C Filbee were not in support of recommendation b)

Jamieson/Hughes

13. Report Back on Proposed Dairy Effluent Management phase - Out

13.1 L Hawkins and F Boyd provided a further update on proposed dairy effluent management phase out options which included alternate phase-out options based off the feedback received from the 29 April 2025 Policy and Planning committee meeting.

Resolved

That the Taranaki Regional Council:

- a) received the memorandum title Report back on proposed effluent phase-out; and
- b) supported the direction set out in the alternative option for phasing out existing discharges to water as described in this paper.

Bigham/Jamieson

There being no further business the Committee Chairperson, B J Bigham, declared the meeting of the Policy and Planning Committee closed at 2.14pm.

Policy and Planning

Committee Chairperson: _____

B J Bigham



Date: 22 July 2025

Subject: Submission on National Direction Consultation

Author: F Kiddle, Acting Director - Resource Management

Approved by: F Kiddle, Acting Director - Resource Management

Document: TRCID-1492626864-886

Purpose

1. To seek endorsement of a submission on three Government discussion documents on proposed changes to national direction under the Resource Management Act 1991.

Executive summary

2. The Government is consulting on a wide-ranging suite of proposed changes to national direction under the Resource Management Act 1991 (RMA). These are grouped into four thematic packages: Infrastructure and Development, Primary Sector, Freshwater, and Going for Housing Growth. These proposals represent a substantive shift in national policy and, if implemented, would significantly change how the Taranaki Regional Council (Council) carries out its regulatory responsibilities.
3. Council supports the overall intent of the reforms – particularly the goals of streamlining planning processes, enabling infrastructure delivery, and improving freshwater management. However, the Council's submission raises several substantive concerns and recommendations.
4. Key themes across the submission include:
 - a. Policy conflicts: Council highlights the lack of a clear framework for resolving conflicts between enabling and protection-based policies across national instruments
 - b. Māori engagement: While the proposals recognise the role of tangata whenua, the language is weak in key places
 - c. Implementation timing: The Council opposes mandatory plan changes ahead of the RMA replacement but supports councils retaining the option to proceed voluntarily where it benefits their communities.
5. The submission provides detailed feedback on instruments most relevant to regional government. The submission has intentionally not commented on provisions related to telecommunications, granny flats, papakāinga, or the Going for Growth package. These matters are more appropriately addressed by territorial local authorities.
6. Overall, the submission advocates for a balanced and regionally responsive approach to national direction. One that enables development while safeguarding environmental values is important.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum titled *Submission on national direction consultation*
- b) endorses the submission contained in Attachment One
- c) determines that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002
- d) determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

7. The Government is consulting on a significant package of national direction under the Resource Management Act 1991 (RMA). There are four packages. These are:
 - a. Infrastructure and Development: The Government's aim with this package is to enable growth in the primary sector. This is the only consultation before these instruments take legal effect
 - b. Primary Sector: The Government's aim for this package is to enable growth in the primary sector. This is the only consultation on these instruments before they have legal effect
 - c. Freshwater: A discussion document presenting a range of freshwater-related questions to inform further development of a proposal. There will be a second round of consultation later this year with specific proposed amendments
 - d. Going for Growth: A discussion document seeking views about broad proposals to improve housing supply. The results of this consultation will inform the replacement of the RMA.
8. Submissions on packages 1, 2 and 3 close on 27 July 2025. Submissions on package 4 close on 17 August 2025.
9. A key question across packages 1, 2, and 3 is how changes should be implemented – particularly whether councils should be required to undertake plan changes to implement new policy now or have the option to wait until the replacement resource management legislation is implemented. It is proposed that the decision should be one that can be made by individual councils rather than be 'imposed' by Government.
10. Further details on each package are set out below.

Package 1: Infrastructure and Development

11. National Policy Statement for Infrastructure (NPS-I): The NPS-I introduces a comprehensive framework to better enable and protect infrastructure, including energy, three waters, transport, social infrastructure, and green infrastructure. It also includes provisions for managing reverse sensitivity and integrating infrastructure planning with spatial strategies, which will affect how councils coordinate infrastructure delivery across catchments and districts.
12. National Policy Statement for Renewable Electricity Generation (NPS-REG): Amendments to the NPS-REG aim to support the Government's Electrify NZ programme and emissions reduction targets. The changes strengthen the objective, expand the list of benefits, and introduce new policies to enable renewable electricity generation (REG).

13. National Policy Statement for Electricity Networks (NPS-EN): The existing NPS for Electricity Transmission will be renamed and expanded to include electricity distribution. The proposed NPS-EN introduces updated objectives and policies for route selection, managing environmental effects, and protecting network infrastructure.
14. National Environmental Standards for Electricity Network Activities (NES-ENA): The NES-ENA, which amends the existing NES, will include new rules for electricity distribution and EV charging infrastructure. It proposes more permissive standards for routine activities.
15. National Environmental Standards for Telecommunication Facilities (NES-TF): The NES-TF will be updated to reflect technological advancements and urban intensification. Proposed changes include increased permitted heights for poles and antennas, enabling renewable electricity generators for telecommunication facilities, and simplifying rules for temporary and heritage-related installations.
16. National Environmental Standards for Granny Flats (NES-GF): A new NES-GF will permit minor residential units up to 70m² on rural and residential land, subject to specified conditions. The proposal aims to increase housing supply, affordability, and support intergenerational living.
17. National Environmental Standards for Papakāinga (NES-P): The NES-P will enable up to 10 homes and associated activities on Māori land as permitted activities, with pathways for larger developments. It aims to reduce barriers to Māori housing development.
18. National Policy Statement for Natural Hazards (NPS-NH): The NPS-NH introduces a risk-based approach to managing natural hazard risks in land use planning. It defines significant risk using a matrix and directs councils to use the best available information to guide development decisions.

Package 2: Primary Sector

19. National Environmental Standards for Marine Aquaculture (NES-MA): Amendments to the NES-MA will streamline consenting, enable changes to farm structures and species, and introduce new pathways for research and trials. The changes aim to reduce costs and support innovation in aquaculture.
20. National Environmental Standards for Commercial Forestry (NES-CF): Proposed changes include a slash mobilisation risk assessment, removal of planning requirements the Government considers unnecessary, and clarification of when councils can introduce more stringent rules. These changes aim to improve regulatory certainty and reduce compliance costs.
21. New Zealand Coastal Policy Statement (NZCPS): Amendments will strengthen enabling provisions for priority activities such as infrastructure, renewable energy, and aquaculture. The changes include recognising the operational need for some activities to occur in the coastal marine area.
22. National Policy Statement for Highly Productive Land (NPS-HPL): The proposal removes LUC 3 land from protection to enable urban development, while retaining restrictions on LUC 1 and 2 land. It will also either extend or suspend mapping timeframes.
23. Quarrying and Mining Provisions: Changes across a range of national direction instruments aim to align terminology and consent pathways for quarrying and mining. The amendments seek to improve consistency and enable access to aggregate and mineral resources.
24. Stock Exclusion Regulations: Amendments will exclude non-intensively grazed beef cattle and deer from wetland exclusion requirements. This change is intended to reduce compliance costs for extensive farming systems.

Package 3: Freshwater

25. National Policy Statement for Freshwater Management (NPS-FM) objectives: The Government is considering replacing the current objective of the NPS-FM, which refers to a hierarchy of obligations, with multiple objectives. The proposed objectives are to:

- a. Safeguard the life-supporting capacity of freshwater and the health of people and communities while enabling communities to provide for their social, cultural and economic well-being, including productive economic opportunities
 - b. Consider the pace and cost of change and who bears those costs
 - c. Provide for vegetable growing and water security
 - d. Set the requirement to maintain or improve freshwater quality.
26. Te Mana o te Wai: Options include removing the hierarchy of obligations from the current definition, reinstating provisions from the 2017 NPS-FM, or removing the concept of Te Mana o te Wai entirely. The aim is to clarify its application and reduce variability in interpretation.
27. National Objectives Framework (NOF): Proposals include making some values and attributes optional, allowing councils to deviate from national thresholds, and simplifying monitoring requirements. This is intended to improve flexibility and regional responsiveness. These proposals are consistent with previous Council advocacy.
28. Water Security and Storage: A potential new objective in the NPS-FM, along with new national standards, would permit off-stream water storage. These changes aim to reduce consenting barriers and support climate resilience.
29. Wetlands Provisions: Proposed simplifications include redefining induced wetlands, permitting low-risk farming activities, enabling wetland construction, and removing mapping requirements. The changes aim to reduce complexity and support restoration.
30. Fish Passage Regulations: Proposed changes reduce information requirements, update culvert conditions, and distinguish temporary structures. These aim to improve workability and reduce compliance costs.
31. Farmer-Facing Regulations: The Government is considering repealing synthetic nitrogen fertiliser receipting requirements, aligning reporting dates, and removing the 190 kg/ha/year nitrogen cap.
32. Mapping Drinking Water Sources: A new requirement would direct councils to map Source Water Risk Management Areas (SWRMAs) to improve drinking water safety. This includes mapping three zones and publishing the data.

Package 4: Growing for Growth

33. The Going for Housing Growth programme is part of the Government's broader plan to tackle Aotearoa New Zealand's ongoing housing shortage. It is structured around three pillars aimed at addressing the underlying causes of the housing supply shortage. These are:
 - a. Freeing up land for urban development, including removing unnecessary planning barriers
 - b. Improving infrastructure funding and financing to support urban growth
 - c. Providing incentives for communities and councils to support growth.

Issues

34. The proposed changes to national direction reflect a substantive change in policy, and they would change how Council undertakes its regulatory responsibilities.

Discussion

35. The Council submission supports the overall intent of the reforms – particularly the goals of streamlining processes, enabling infrastructure, and improving freshwater management – but raises several substantive concerns and recommendations across all three consultation packages.
36. The submission highlights four overarching issues:

- a. Policy conflicts: There is no clear framework for resolving conflicts between enabling and protection-based policies across national instruments
 - b. Māori engagement: While the proposals recognise the role of tangata whenua, the language is weak in key places
 - c. Functional vs operational need: The Council supports recognising operational need but recommends that it be managed through an effects management hierarchy, with functional need given greater weight
 - d. Implementation timing: Councils should not be required to undertake plan changes ahead of the RMA replacement but should retain the option to do so. This is especially relevant for the NPS-FM, where frequent changes have undermined our ability to better manage freshwater, and provide certainty to our community, for over a decade.
37. The submission also provides detailed comments on most of the specific instruments. The submission intentionally does not comment on everything, instead focusing on matters particularly relevant to regional government and Taranaki. The submission does not comment on provisions related to telecommunications, granny flats, papakāinga, or those in the Going for Growth package. These matters are more appropriately addressed by territorial authorities.

Options

38. Council can endorse the submission as drafted, endorse the submission with amendments, or not endorse it. Considering the importance of the issue to Council's work, it is important that its voice is heard in the national direction development process. Accordingly, endorsing the submission is recommended.

Significance

39. This decision is assessed as not significant with regard to the Significance and Engagement Policy. It will have no impact on levels of service, incur more than \$10,000,000 budgeted or \$5,000,000 of unbudgeted expenditure, or involve the transfer of ownership or control of a strategic asset. More broadly, final decision-making authority rests with the Government.

Financial considerations—LTP/Annual Plan

40. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

41. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Climate change considerations

42. There are climate change impacts to consider in relation to this item. Many of the national direction proposals relate to climate change to varying degrees. In particular:
- a. The proposed NPS for Natural Hazards is relevant for climactic hazards that will be exacerbated by climate change

- b. The proposals related to renewable electricity generation and transmission are highly pertinent for facilitating emissions reduction
- c. The proposed NPS for Infrastructure could facilitate the development of infrastructure for climate change adaptation purposes
- d. The proposals regarding off-stream freshwater storage could be an important tool for climate resilience.

Iwi considerations

- 43. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted Long-Term Plan and/or Annual Plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

- 44. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

- 45. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

TRCID-1553446934-95: [TRC submission on national direction package](#)

TRCID-1553446934-79: [Package 1: Infrastructure and development discussion document](#)

TRCID-1553446934-78: [Package 2: Primary sector discussion document](#)

TRCID-1553446934-80: [Package 3: Freshwater discussion document](#)

22 July 2025

Document: TRCID-1553446934-95



Ministry for the Environment

Via email: ndprogramme@mfe.govt.nz

Taranaki Regional Council submission on national direction consultation

1. The Taranaki Regional Council (TRC) welcomes the opportunity to provide feedback on the proposed changes to national direction instruments under the Resource Management Act 1991 (RMA). This submission reflects input from across our organisation and draws on our practical experience implementing national direction in the Taranaki region.
2. We support the intent of the reforms to streamline processes, improve clarity, better enable infrastructure, and improve freshwater management. However, we have identified several areas where the proposals may lead to unintended consequences, increase complexity, or undermine key environmental protections. There are also some missed opportunities to improve the current regime. Attachment One of this letter contains our detailed comments on the proposals. Across the proposals we have a number of consistent comments that we wish to highlight here.
3. First, we support in-principle enabling policies like those proposed for the National Policy Statement (NPS) for Infrastructure and the NPS for Renewable Electricity Generation. But we are concerned that there is currently no clear way to reconcile any conflicts with constraining policies in other national policy statements, particularly the NPS for Freshwater Management. This issue also applies to conflict between proposed enabling and protection-based policies within the New Zealand Coastal Policy Statement itself. Specific clauses are needed in the relevant national policy statements on how such conflicts will be managed and what instruments get precedence. Better guidance is also needed on how to balance national benefits against local environmental effects.
4. Second, we support the requirement across many of the proposals to require decision-makers to recognise and provide for Māori interests in relation to a given piece of national direction. However, we note the subsequent requirements to only 'take into account' the outcome of engagement with tangata whenua is substantively weaker language. It does not match a requirement to 'recognise and provide for'. Similarly, the requirement to only provide for tangata whenua involvement regarding sites of significance to Māori in 'appropriate circumstances' could exclude tangata whenua from exercising their kaitiakitanga responsibilities. We also want to emphasize the importance of recognising the pivotal role iwi and hapū play in freshwater management.
5. Third, we support the increased inclusion of operational need alongside the already established references to functional need. However, a framework for managing adverse effects is still required. The policy approach should acknowledge that operational need is generally of lesser significance than functional need. Therefore, direction to not impede functional need should be explicit, while operational need should be facilitated through the application of an effects management hierarchy – such as that in the National Policy Statement for Freshwater Management (NPS FM).

6. Finally, no council should be required to undertake a plan change to implement the proposed changes ahead of the replacement of the Resource Management Act 1991 (RMA) or indeed be required to wait for new legislation. All councils should have the option to decide on the approach that is in the best interests of its local communities. This will allow decisions to be made based on the circumstances that exist in each region. This is particularly important for changes to the NPS-FM where constant policy changes have undermined local government's ability to better manage freshwater, and provide certainty to its communities, for over a decade.

Yours faithfully,

S J Ruru
Chief Executive

Attachment One: Detailed comments

Package 1: Infrastructure and development	
Part 2.1 NPS Infrastructure (NPS I)	• Support the NPS-I objective and general intent. • Recommend explicit recognition of the Land Transport Management Act 2003 (LTMA) and how the NPS would interact with that piece of legislation. This is particularly so for D13 and D21. The LTMA governs planning and funding of land transport. Its omission risks misalignment between statutory frameworks. • Recommend explicit inclusion of public transport in the definition of social infrastructure. Public transport is critical to land use planning, economic development, and housing enablement. Recognising it as a network is essential for effective operation. • Support inclusion of stormwater networks and waste recovery/disposal facilities in the definition of infrastructure. However, we recommend clarifying the term “watercourse” to avoid unintended consequences if receiving waterbodies were to be considered as part of the watercourse. • Refer covering comments on conflicting policies, functional and operational need, and tangata whenua. • Recommend inclusion of flood protection infrastructure within scope of the NPS I.
Part 2.2 NPS Renewable Electricity Generation (NPS REG)	• Support the proposed changes to the NPS REG. Taranaki’s natural energy resources position the region to contribute significantly to national renewable energy goals, economic growth, and workforce development. The NPS REG as drafted would help enable this. • Encourage the inclusion of a similar policy in this NPS to P3 regarding spatial planning in the NPS I. The Taranaki region is looking closely at how we can use spatial planning to help support the development of renewable electricity generation and would like to see this flow through to specific regulatory requirements. • Refer covering comments on conflicting policies, functional and operational need, and tangata whenua.
Part 2.3 NPS Electricity Transmission (NPS ET)	• Support the proposed updated objective of the NPS ET. • Welcome the increased focus on network resilience, this is an issue for Taranaki where our network is vulnerable to volcanic ash hazards and frequent high wind events.

	• Encourage the inclusion of a similar policy in this NPS to P3 regarding spatial planning in the NPS I. The Taranaki region is looking closely at how we can use spatial planning to help support the development of renewable electricity generation and associated transmission infrastructure. We would like to see this flow through to specific regulatory requirements. • Recommend clause 1(c) of proposed policy 5 be amended to read "recognise that <u>some</u> changes in amenity are unavoidable...". This recognises that not all amenity changes are unavoidable and efforts should still be made to avoid, remedy, or mitigate adverse effects. • Recommend policy 6 make explicit reference to Outstanding Water Bodies (OWBs) in the list of sensitive areas for EN development and non-routine activities. These are subject to rigorous identification and protection processes under regional plans. Inclusion would clarify expectations for electricity network providers. • Support the provisions in policy 10 enabling local authorities to access EN assets and establish buffer zones to manage vegetation risks. We recommend applying this to 33 kV lines and above. Increased wind intensity due to climate change heightens risk to network reliability; proactive vegetation management is essential. • Refer covering comments on conflicting policies, functional and operational need, and tangata whenua.
Part 2.4 NES Electricity Transmission Activities (NES ETA)	• Support a permitted pathway for small-scale regional activities (e.g. short-term groundwater dewatering), but we are concerned about increased complexity for activities like river crossings. These may now be subject to three regulatory layers (regional plans, NES Freshwater and NES ETA). We recommend a policy-based approach to resolving these conflicts rather than additional rules. • Recommend that the use of management plans not be limited to permitted activities. Management plans should be certifiable and applicable across activity classes. Certified management plans can provide consistent environmental safeguards and reduce consenting burden across activity types.
Part 3.3 NPS Natural Hazards (NPS NH)	• Support the exclusion of volcanic hazards from the NPS NH for now. Further work is required to identify what specific volcanic hazards should be managed under the resource management framework (e.g. lahar risk), vs those that are potentially more suitable to be managed under other frameworks such as the Building Act (e.g. ash fall impacts on buildings). In collaboration with Taranaki councils, we call on the Government to support further work in this area to ensure volcanic hazards are appropriately managed. • Note further work is also needed around how the resource management regime can support the resilience of primary production to the impacts of natural hazards.

	• Recommend clearer definition of “active fault” to avoid ambiguity. Not all faults classified as active may pose future risk, and some inactive faults may still rupture. GNS defines active faults as those with surface rupture in the last 125,000 years (or 25,000 years in the Taupō Rift), but further clarification is needed for planning purposes. • Support the inclusion of a risk matrix but note that the high-level nature of the NPS will require detailed guidance documents to be effective. Councils need practical tools and examples to apply the framework consistently across regions for different hazard types. • We are concerned about disparities in hazard data between regions and the lack of clarity around the proportionality requirements in policy 3 and the way in which policy 3 interacts with policy 4 and 6. We recommend guidance on balancing development needs with hazard risk be developed. While we acknowledge the need to improve hazard data and risk assessment information across New Zealand, policies 4 and 6 have the ability to place significant additional cost and liability on to local authorities. Policy 6 in particular, could be seen to impose an ‘endless’ obligation on councils to update hazard information following significant events. We recommend that Policy 6 either be deleted or at least limited so that councils have a discretion to consider whether an updated natural hazard risk assessment should be produced. • Support integration of NPS NH with NZ Coastal Policy Statement, with the most stringent provisions prevailing.
Package 2: Primary sector	
Part 2.2 NES for Commercial Forestry (NES CF)	• Recommend amending regulation 6(1)(a) to allow use of finer-scale regional mapping where available, rather than relying solely on the Erosion Susceptibility Classification (ESC). Regional datasets offer greater accuracy and improve risk assessment. The use of finer-grain mapping will improve outcomes for all, including foresters, by more accurately managing risks. • Oppose repeal of afforestation/replanting plan requirements as part of the permitted activity standards. Poor site selection for afforestation/replanting can lead to long-term environmental harm. It is appropriate a plan be required to avoid trees being planted in sensitive or erosion-prone areas. • Support site-specific slash removal requirements to mitigate environmental risks. Poor slash management has contributed to severe impacts during events like Cyclone Gabrielle. • We question the basis for the claims of excessive regulatory burden from the NES CF. Consent data shows forestry activities are rarely consented, suggesting the sector operates with minimal regulatory interference. Since 2020, Council has issued only seven consents for forestry activities and none since January 2024.

	We are concerned that the regulatory impact statement identifies the proposed changes are based on medium-to-low certainty evidence and lack a detailed problem definition.
Part 2.3: NZ Coastal Policy Statement (NZCPS)	Refer covering comments on conflicting policies and functional and operational need.
Part 2.4: NPS for Highly Productive Land (NPS HPL)	- We support the removal of LUC class 3 from the NPS HPL in Taranaki – but acknowledge this may not be appropriate in other regions. We also recommend retaining controls for rural lifestyle development on LUC 3 land. Removal would facilitate the development of a well-functioning urban environment, and that should be the focus. Rural lifestyle development still poses risks of land fragmentation and cumulative loss. - Recommend that only local authorities be enabled to lead rezonings of LUC 3 land. Compared to a private plan change, councils have a broader understanding of development pressures, land fragmentation, and cumulative impacts at district and regional scales. - Recommend that timelines to implement mapping requirements be addressed through the replacement of the RMA process. Mapping requires close collaboration between regional councils and territorial authorities, which can be carried out through any joint spatial planning process.
Part 2.5: Amendments to mining and quarrying provisions	We are concerned the proposed changes could result in a loss of wetlands with significant habitat extent and ecological value. Accordingly, we oppose providing for quarrying and mining in these areas where there is only an operational need (as opposed to a functional need). If this change is to progress, it should be limited to low-value wetlands only. Application of an effects management hierarchy should also be required.
Part 2.6: Resource Management (Stock Exclusion) Regulations 2020	We acknowledge the practical and financial challenges of fencing wetlands in low intensity areas and the difficulty of a landowner ascertaining if a threatened species is present. Rather than removing the requirement entirely, we suggest the regulation is amended to require fencing where a regional council has identified a threatened species is present through its plan making process.
Package 3 Freshwater	
Part 2: Relation of national direction	Refer covering comments on implementation timelines.

reform timelines to wider RM Reforms	
Part 2.1: Rebalancing freshwater management through multiple objectives	• Oppose the introduction of multiple objectives. The justification for change is weak, and the proposal risks increasing legal complexity, cost, and ambiguity without resolving underlying tensions. The proposed objectives duplicate existing provisions and offer no practical improvement. It is better suited as a policy direction. We emphasize the current NPS-FM already requires consideration of environmental, social, cultural, and economic wellbeing through long-term visions and phasing provisions. • We note the concerns raised in the discussion document around the pace and cost of change. We consider taking a long-term and phased approach is already provided for under the current NPS-FM. • We oppose introducing objectives that favour specific sectors (e.g. vegetable growing). High-intensity vegetable production is regionally specific and is better driven through a policy approach in regional plans. A policy, not an objective, should be drafted that provides for regional nuance through spatial planning and avoids creating a hierarchy of different uses. • If multiple objectives are included, we support maintaining water quality where it is good and improving it where it is degraded. We recommend clarifying that water quantity is also included. • Overall, we support a single overarching objective focused on sustainable use and continuous improvement. We consider that Te Mana o Te Wai as a concept provides a good single objective for freshwater management in New Zealand. If this was the focus for the NPS-FM, then the content of the proposed multiple objectives could be redrafted as part of the policy direction. This approach would enable regional discretion with councils working with their communities to achieve a national objective.
Part 2.2: Rebalancing Te Mana o te Wai	• We oppose the removal of Te Mana o te Wai. We emphasise that Te Mana o te Wai is a guiding concept that applies to all New Zealanders and reflects a sensible approach to integrated freshwater management – see our comment above regarding it being an appropriate single objective for the NPS-FM. • If changes to Te Mana o te Wai are progressed, we support option 1. The hierarchy of obligations has been a much-misunderstood part of Te Mana o te Wai, and we understand the need to address this to allow freshwater management to progress in New Zealand. However, Te Mana o Te Wai is much more than the hierarchy of obligations and it is important this is not lost in any amendments. Care will be needed to ensure any changes to Te Mana o te Wai do not lead to unintended consequences in the interpretation of its remaining aspects. • Any changes should also acknowledge and build upon the work already undertaken by Councils, communities and tangata whenua. There has already been a significant time and financial investment across the country that should not be lost.

Part 2.3: Providing flexibility in the National Objectives Framework	• Support greater flexibility in the NOF process regarding consultation and plan-making. The current process is resource-intensive and inflexible. Councils should be able to build on existing work and tailor engagement to local contexts. • Any changes made to the NOF process should also not in-validate previous consultation done by councils. To do so would be a significant waste of resources. • Support retaining the four compulsory values. Flexibility should apply to additional values, which may vary by FMU and community. The four compulsory values reflect known degradation issues in Taranaki and across New Zealand. • Regarding NOF attributes we support: ○ Retaining a constrained set of Appendix 2A national attributes as a minimum requirement (nitrogen, phosphorus, sediment, <i>E. coli</i>) to ensure consistency and support national reporting. These attributes are foundational to ecosystem health and provide a level playing field for industry and global market credibility. ○ Retaining the remaining Appendix 2A and 2B attributes within the NOF, with flexibility for regions to opt to apply these as and where appropriate. ○ Providing for consistency in the measurement and reporting of all attributes to enable consistent national reporting. • Support flexibility in applying attributes and thresholds but only where evidenced-based and consistent with objectives. Flexibility must not weaken protections or allow good science to be overridden. • Strongly support retaining national bottom lines, with flexibility where natural processes prevent compliance. Bottom lines are essential for consistency, credibility, and public trust. Exemptions should be evidence-based and scientifically justified. • Support making action plans and limits optional and interchangeable with regional rules, based on local appropriateness. • We support spatial management of freshwater through FMUs but note that the prescriptive nature of the NOF through identifying visions, values and outcomes may not always result in significant differentiation between areas. This can be a problem for smaller regions with less distinct catchments. As information continues to be collected spatially by regional councils within an FMU framework, this may improve overtime. In the interim, there should be some acknowledgement in NOF that some outcomes can be achieved through region-wide or activity-based approaches. • With regional policy statements proposed to be removed under the resource management reform, thought is needed to determine how to approach areas of the NOF framework where integration into a regional policy statement is required. These provisions

	should be amended to provide for a future where regional policy statements do not exist. Many of these elements are suitable for inclusion into either a spatial plan or a regional plan.
Part 2.5: Addressing water security and water storage	• Support national direction for off-stream water storage, provided it complements efficient water use and land use diversification and does not lead to perverse outcomes (i.e. increased hazard risk due to dam failure, or further contaminant loss as a result of increasing intensification). We note detailed feedback on setbacks and other components will depend on the full suite of provisions when these are released. • Support a permitted activity pathway for off-stream water storage. Recommend excluding sensitive environments (e.g. SNAs, sites of significance to Māori). This protects ecological and cultural values while enabling appropriate infrastructure. • Recommend including a clear definition of “off-stream water storage” to avoid confusion with constructed wetlands and other water bodies. • Strongly recommend that water take and use for storage remain under regional council control to ensure catchment-appropriate responses. • Clarity is needed on if off-stream storage facilities meet the definition of a “lake” and are then subject to section 13 restrictions. • Consideration should be given to whether the permitted activity status should be limited to non-classifiable dams under the Building Act (i.e. less than 20,000m³ stored volume and less than 4m high). At the very least, we would encourage the inclusion of an advice note so people are aware of their dam safety responsibilities.
Part 2.6: Simplifying the wetlands provisions	• Support clearer wetland definitions but caution that reverting to the RMA definition may unintentionally capture more low-value or induced wetlands. Recommend scaling rules to environmental effects rather than creating multiple pathways. The RMA definition is broad and may include degraded or induced wetlands. • Strongly support retaining the current pasture exclusion. The exclusion protects agricultural areas and is supported by a nationally consistent plant indicator system. Removing it would increase regulatory burden without clear ecological benefit. • Support defining and excluding induced wetlands from NES-F, but recommend refining the definition to also include wetlands formed by unmaintained infrastructure (e.g. blocked culverts). Suggest adding additional size and age thresholds to capture ecologically significant induced wetlands. Larger, older induced wetlands may hold high ecological value and should be regulated. We understand most of the issues with induced wetlands are for smaller and younger wetlands without a significant degree of ecological value.

	• Support enabling constructed wetlands as a permitted activity but recommend requiring a management/construction plan. Constructed wetlands must be properly designed and maintained. Plans should outline purpose, location, and ecological safeguards. Purpose-based rules are less effective than outcome-based conditions. • Support in principle a permitted activity pathway for fencing and irrigation. However, we note the earthworks definition in the national planning standards already excludes fencing. We are cautious of permitted activity status for water storage within 100m of wetlands. Storage facilities may have significant effects on wetlands if they interfere with the flow of water. • Overall, regulation 55 of the NES Freshwater needs considerable attention. It is complicated and unworkable. We consider it could be substantially improved whilst maintaining appropriate protections for wetlands from degradation. • We support relaxing the timeline for when regional councils must have mapped natural inland wetlands. However, the requirement to do so should remain and be integrated into the data requirements for spatial planning under the replacement of the RMA.
Part 2.7: Simplifying the fish passage regulations	• Support consolidating information requirements into a single regulation but note that the issue lies more with the content than the number of regulations. Recommend limiting detailed information requirements to permitted activities only. • Oppose removal of requirement to record structure material. While not directly related to fish passage, this information supports assessments of structure longevity and flood capacity. • Support review of burial requirements but caution against increasing burial depth without considering broader environmental impacts (e.g. flood capacity, erosion). • Support inclusion of a permitted activity rule for temporary culverts, with conditions tailored to regional contexts (e.g. spawning seasons, species presence). • Support simplification of permitted activity standards.
Part 2.8: Addressing remaining issues with the farmer-facing regulations	• Oppose the repeal of the nitrogen cap. The cap is currently the only regulatory tool currently available to Council to manage fertiliser use. Removing it prematurely risks condoning poor practice and undermines community efforts toward better management. Regional freshwater plans will provide more nuanced, catchment-specific direction in time. • Support removing the requirement to provide fertiliser receipts. This requirement adds little value and does not contribute meaningfully to compliance or environmental outcomes. • Support aligning the dairy farm reporting date with the farming calendar. This is a pragmatic change that improves administrative efficiency and aligns with farm management cycles.

Part 2.9: Including mapping requirements for drinking water sources.	• Support inclusion of Source Water Risk Management Areas (SWRMAs) in regional plans. Council has already mapped SWRMAs for large supplies using the recommended methodology. • Support use and mapping of the three SWRMA levels. However, discretion should be allowed for the application of SWRMA 3 to be determined regionally, as the value it adds over the other levels varies. • If mapping requirements are lowered to a threshold of 100 people, we emphasize the importance of enabling regional discretion in the rules that are applied. This is to help manage any issues where SWRMA 3 coverage becomes very large and unmanageable. • We note there is considerable ambiguity in how proposals around not establishing infrastructure in drinking water protection zones would interact with SWRMAs. This is compounded by the clarification that SWRMAs would not affect implementation of the NES for Sources of Human Drinking Water. Greater clarity is needed.
Additional matters	• Support a national-level review of the outstanding national waterbodies (OWB) definition. Recommend reverting to the 2017 NPS-FM definition, which required multiple outstanding values to be identified and provided clearer guidance. The current definition allows OWBs to be identified based on a single value, which is subjective and may lead to over-identification. A more robust definition would ensure OWBs are truly exceptional and warrant specific policy responses. • Recommend clarifying the relationship between “outstanding” and “significant” values in Policy 8 of the NPS FM. The current policy creates confusion by requiring protection of “significant” values for OWBs, despite the definition focusing on “outstanding” values. A clearer threshold and management distinction is needed. • Support allowing councils to manage relationships between outstanding and significant values at their discretion. This enables tailored management responses that reflect local context and avoids unnecessary regulatory burden.

Discussion document

Have your say on proposed
changes to national direction

Infrastructure and development



Te Kāwanatanga o Aotearoa
New Zealand Government



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI



Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT

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Message from the Minister Responsible for RMA Reform



The Resource Management Act 1991 (RMA) is a direct cause of New Zealand's infrastructure deficit. It drives up costs, slows projects down, and has become a complicated nightmare for developers, councils and applicants alike.

Addressing this deficit is a critical part of this Government's plan to boost growth and improve productivity in New Zealand.

Turning our economy around requires changing the culture of 'no' that has existed in New Zealand's planning system for decades. Whether its new roads connecting our growing cities, new windfarms to electrify the country, or new telecommunications sites to deliver faster internet speeds to our cell phones, the RMA has obstructed growth instead of enabling it.

As a Government, we have been laying the groundwork to create the highly performing infrastructure sector New Zealand needs. We want to fundamentally shift the way we plan, select, fund and finance, build, and look after our infrastructure.

Next year we'll replace the RMA with new legislation premised on property rights. Our new system will provide a framework that makes it easier to plan and deliver infrastructure and energy projects, as well as protecting the environment.

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 infrastructure and development 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.

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 these proposals through a submission.

A handwritten signature in blue ink, reading "Chris Bishop". The signature is stylized and fluid, with the first name "Chris" and last name "Bishop" clearly distinguishable.

Hon Chris Bishop
Minister Responsible for RMA Reform

Section 1: Introduction

What are we proposing?

The Government is proposing new and amended national direction¹ 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

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 amendment³**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 Telecommunication 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

This 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 Standards 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.

Proposals in infrastructure and development package

The proposals in this package have been chosen to better enable infrastructure and development where they are needed and can be developed safely, while appropriately managing effects on people and the environment. The proposals are intended to:

- improve efficiencies and outcomes by supporting fit-for-purpose infrastructure, coordinated with development that meets the longer-term needs of people, communities and our environment
- enable opportunities and choice for housing to support a range of people and circumstances, including young people and seniors, and to support Māori living on ancestral land in papakāinga
- support development in areas with a reduced risk to people, communities and property from natural hazards.

The proposals include new and amended rules to clarify which activities would be permitted as of right, and which would need a consent in district⁴, 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 infrastructure and development.

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 infrastructure and development package and includes material on the proposals to create or amend national policy statements and national environmental standards under section 46A(1) and (2) of the RMA. Proposed new provisions for national direction are provided in [section 6](#) of this document and form part of the proposals for the infrastructure and development package.

⁴ References to district plans in this document also include the district plan components of combined plans, including unitary plans, prepared under [section 80](#) of the RMA.

⁵ [Resource Management \(Consenting and Other System Changes\) Amendment Bill](#).

[Section 2](#) of this document outlines the scope and content of each new or amended national direction instrument relating to infrastructure. [Section 3](#) provides the same outline for the development part of the package. These sections include 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 4](#) outlines tools available to implement the national direction proposals in the infrastructure and development package.

[Section 5](#) explains how you can make a submission.

[Section 6](#) contains proposed provisions for each new or amended instrument in the infrastructure and development 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: Infrastructure

Part 2.1: National Policy Statement for Infrastructure

Context

Aotearoa New Zealand needs to invest in more infrastructure to grow the economy, support new housing development, increase energy efficiency, improve resilience and achieve better environmental outcomes.⁶ We need to develop our infrastructure more efficiently. Although we spend a lot on infrastructure, it is insufficient in quality and quantity. For the last few decades, central and local government has spent approximately 5.5 per cent of GDP on infrastructure. This is about the same as other high-income countries, but New Zealand is among the bottom 10 per cent of such countries in delivering infrastructure.⁷ This ‘efficiency gap’ means some community infrastructure needs remain unmet, and we are not sufficiently maintaining some existing infrastructure.

The current resource management system contributes to this infrastructure shortfall and efficiency gap. The system has neither sufficiently protected the natural environment nor sufficiently enabled development and infrastructure to meet people’s needs.⁸

What problems does the proposal aim to address?

The current resource management system and national direction does not sufficiently recognise the benefits of infrastructure, or the role of infrastructure services in supporting the wellbeing, health and safety of people and communities, now and in the future. This means New Zealand’s infrastructure expenditure is inefficient, and community needs for infrastructure services are unmet.

The existing resource management plans and other documents that guide decision-making often underplay the benefits of infrastructure, relative to its local adverse environmental effects. In addition, decision-making on infrastructure across the country is inconsistent.

⁶ New Zealand Infrastructure Commission. 2021. [New Zealand’s infrastructure challenge: Quantifying the gap and path to close it](#). Wellington: New Zealand Infrastructure Commission | Te Waihangā.

⁷ New Zealand Infrastructure Commission. 2021. [Investment gap or efficiency gap? Benchmarking New Zealand’s investment in infrastructure](#). Wellington: New Zealand Infrastructure Commission | Te Waihangā.

⁸ Ministry for the Environment. 2023. [Briefing for Incoming Ministers – Environment, Climate Change and RMA Reform](#). Wellington: Ministry for the Environment.

Long-term planning for infrastructure is limited and not well coordinated with land-use planning. Current infrastructure consenting processes and conditions are increasingly costly, with disproportionate requirements for assessing the environmental effects of proposals. This adds considerable costs and delays to infrastructure projects.

Management of the interface between infrastructure and other types of development is inconsistent, which creates uncertainty and increases costs and litigation for infrastructure providers. Consent decisions may constrain hours of operation or prevent the development of infrastructure, in response to sensitive activities located nearby.

Further uncertainties and costs result from inconsistent treatment of infrastructure across local authority boundaries, and between different national direction instruments. This is a particular issue for national or linear infrastructure, which must traverse several locations and could impact on a range of environmental values.

The problems are compounded because the resource management system for infrastructure lacks specific national direction. The existing national direction does not include all forms of infrastructure provided by central and local government or by other providers, or environmental resilience infrastructure. No national-level policy direction exists for transport, ports, water, wastewater and stormwater, health, education, defence or corrections infrastructure. This has resulted in a fragmented, ad hoc approach that is not aligned with how infrastructure is planned, developed or operated.

Recent years have seen a shift in the understanding of infrastructure, away from being discrete physical assets that are defined and categorised into separate sectors (eg, transport, energy or water). Instead, infrastructure is now recognised as a complex network of interconnected elements with a public-good purpose – for example, a hospital cannot function without electricity, water or a transport network.

Nationally consistent policy direction is required, to provide more certainty and better enable infrastructure development.

What is the proposal?

The proposal is for a new National Policy Statement for Infrastructure (NPS-I) to address the problems identified above and better enable and protect infrastructure, by providing:

- consistent definitions to support the proposed policies
- an objective setting out a range of infrastructure outcomes expected from the resource management system
- general policies to better enable and protect infrastructure, while managing its effects on various environments, and recognising and providing for Māori rights and interests
- policies on managing the interface between infrastructure and other activities
- policies to enable infrastructure while managing its effects on the environment.

More detail on the proposed provisions is included in [attachment 1.1](#) of this document.

Scope and definitions

The proposed NPS-I covers a broad range of infrastructure as defined by the RMA, including:

- energy (except renewable electricity generation, and electricity transmission and distribution covered by other national policy statements)
- three waters (eg, wastewater, stormwater and drinking water)
- transport networks and assets.

It also covers social infrastructure (hospitals, emergency services, educational, defence and corrections facilities), parks, district or regional resource recovery or waste disposal facilities, and 'green' infrastructure that delivers flood management services.⁹

The proposed NPS-I is intended to apply to all RMA decisions affecting the operation, maintenance, renewal and upgrade of existing infrastructure, and to development of new infrastructure. This includes decisions on infrastructure itself, as well as activities that interface with, and are affected by, infrastructure (eg, wastewater treatment plants).

To assist interpretation, the proposed NPS-I includes a set of definitions for infrastructure and related activities, with the definition of infrastructure being broader than the RMA definition.

The NPS-I also proposes to define 'infrastructure-supporting activities' not undertaken by the infrastructure provider, including quarrying activities (as defined in the National Planning Standards).¹⁰ [Attachment 1.1](#) of this document contains a full list of proposed definitions.

Questions	
1.	Is the scope of the proposed NPS-I adequate?
2.	Do you agree with the definition of 'infrastructure', 'infrastructure activities' and 'infrastructure supporting activities' in the NPS-I?

Objective

The proposed objective for the NPS-I is to identify infrastructure outcomes that planning decisions would contribute to. Outcomes include that infrastructure:

- supports the wellbeing of people and communities and their health and safety
- provides national, regional or local benefits
- supports the development and change of urban and rural environments to meet the diverse and changing needs of present and future generations
- is well functioning and resilient
- provides value for money to people and communities
- is delivered in a timely, efficient and ongoing manner while managing adverse effects on the environment
- is protected from the adverse effects of other activities.

⁹ For example, infrastructure forming part of overland flow paths, watercourses and streams, with infrastructure activities including regeneration and restoration.

¹⁰ Ministry for the Environment. 2019. [National Planning Standards](#). Wellington: Ministry for the Environment. p 62.

Question

3. Does the proposed objective reflect the outcomes sought for infrastructure?

Benefits of infrastructure

The proposed NPS-I requires decision-makers to recognise and provide for the benefits of infrastructure. The proposed provisions detailed in [attachment 1.1](#) of this document show the full list of benefits decision-makers must consider, which cover:

- the wellbeing of future generations
- well-functioning urban and rural environments, including sufficient development capacity
- supporting development and growth
- protecting the natural environment
- mitigating effects of climate change
- resilience to natural hazards.

Question

4. Does the proposed policy adequately reflect the benefits that infrastructure provides?

Operational and functional needs

The NPS-I proposes to require decision-makers to recognise and provide for the functional need¹¹ or operational need¹² of infrastructure to locate in particular environments. The particular infrastructure-related needs are specified in the proposed provisions detailed in [attachment 1.1](#) of this document.

The operational need part of the policy is intended to recognise the technical and financial constraints for infrastructure providers in managing adverse effects of infrastructure on the environment. A corresponding policy proposal is intended to:

- recognise the operational or functional need of 'infrastructure-supporting activities' (including quarrying) to locate in particular places
- enable timely delivery of infrastructure activities.

Question

5. Does the proposed policy sufficiently provide for the operational and functional needs for infrastructure to be located in particular environments?

¹¹ 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.

¹² 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.

Considering spatial planning and other strategic plans

The proposed policy is to require decision-makers to have regard to spatial plans – including future development strategies¹³ and other strategic plans for infrastructure – in protecting and enabling new infrastructure required to meet changing community needs.

Question	
6.	Do you support the proposed requirement for decision-makers to have regard to spatial plans and strategic plans for infrastructure?

Efficient and timely delivery of infrastructure

The proposed NPS-I includes requirements for addressing the long timeframes and costs of consenting infrastructure projects. It requires efficient and timely processes for consenting and re-consenting infrastructure, including using information gathered for investment processes and nationally recognised standards in assessing and managing effects. These requirements aim to avoid duplication of assessments and information requirements, as well as avoiding the re-litigation of options in different regulatory processes.

The proposal aims to enable more effective use of existing infrastructure, including maintenance, upgrades and re-consenting. It provides flexibility to use new technology to improve infrastructure services, environmental outcomes or resilience to natural hazards and climate change.

The proposed NPS-I also provides direction on supporting infrastructure activities such as quarrying, given their importance for the timely delivery of infrastructure projects.

Question	
7.	Would the proposed policy help improve the efficient and timely delivery of infrastructure?

Providing for Māori interests

A policy in the proposed NPS-I sets national requirements for:

- engaging with Māori
- considering Māori values and aspirations
- involving Māori in infrastructure projects, including those affecting sites of significance to Māori.

The proposed policy is based on existing policies in the National Policy Statement on Urban Development (NPS-UD). The intent is to apply a consistent approach across the proposed

NPS-I, proposed amendments to the National Policy Statement for Renewable Electricity Generation (NPS-REG) and the National Policy Statement on Electricity Transmission (NPSET) (to be renamed the National Policy Statement for Electricity Networks (NPS-EN)). Nothing in these policies is intended to override any Treaty settlement requirement or other relevant arrangement.

¹³ Required under the [National Policy Statement on Urban Development 2020](#).

The policy proposes that decision-makers must recognise and provide for Māori interests in relation to infrastructure, including by:

- (a) taking into account the outcome of any engagement with tangata whenua on a resource consent, notice of requirement or request for a private plan change
- (b) recognising the opportunities tangata whenua may have in developing and operating their own infrastructure at any scale or in partnership
- (c) providing opportunities in appropriate circumstances for tangata whenua involvement in relation to sites of significance to Māori and issues of cultural significance
- (d) operating in a way that is consistent with iwi participation legislation.¹⁴

Question

8. Does the proposed policy adequately provide for the consideration of Māori interests in infrastructure?

Assessing and managing adverse effects of infrastructure

Three policies are proposed to provide nationally consistent direction for assessing and managing adverse effects of infrastructure on the environment.

The first is intended to address the costly and time-consuming provisions and processes for infrastructure providers. The proposal provides guidance for decision-makers, specifying that they should consider:

- the extent to which effects have been managed through route or site selection and design
- the technical operational requirements of infrastructure
- only the change or increase in effects for re-consenting or infrastructure upgrades
- adopting best practice standards
- ensuring that measures and consent conditions are proportionate and cost effective.

The second proposed policy enables the creation of new infrastructure and upgrades to existing infrastructure with adverse effects on environmental values not included in section 6 of the RMA or covered by national direction, so long as these effects are avoided, remedied or mitigated where practicable.

Previous policy work had developed a draft 'effects management hierarchy' to address adverse effects on values in section 6 of the RMA and other national direction. The Government has now decided to focus on resolving these major tensions between infrastructure and natural environmental values in the replacement of the RMA, rather than through the current proposed changes to national direction.

A further proposed policy is to enable the efficient operation, maintenance and minor upgrade of existing infrastructure, provided that adverse effects are avoided, remedied or mitigated where practicable.

¹⁴ Iwi participation legislation is defined in [section 58L](#) of the RMA to mean any legislation, including legislation listed in [Schedule 3](#) of the Treaty of Waitangi Act 1975, that provides a role for iwi or hapū in processes under the RMA. Note that item (d) does not exclude participation provided under the Marine and Coastal Area (Takutai Moana) Act 2011 or under Mana Whakahono ā Rohe.

Question	
9.	Do the proposed policies sufficiently provide nationally consistent direction on assessing and managing the adverse effects of infrastructure?

Interface and compatibility of infrastructure and other activities

The proposed policies aim to manage the tensions between providing long-term certainty for infrastructure services and providing for compatible housing and other development. They aim to protect existing and consented infrastructure from the effects of nearby development, including from reverse sensitivity (impacts of new activities on existing activities). The policies provide details on what local authorities must do, including:

- engaging with infrastructure providers
- identifying activities that are compatible with or sensitive to infrastructure
- adopting a range of methods to manage interfaces with sensitive uses.

A further proposed policy provides direction on managing the interface between infrastructure and other activities. For example, it recognises that:

- some typical effects cannot be completely avoided (eg, dust, vibration, noise)
- amenity changes are necessary to achieve well-functioning environments
- new activities are primarily responsible for managing adverse effects.

Question	
10.	Do the proposed policies sufficiently provide for the interface between infrastructure and other activities including sensitive activities?

What does the proposal mean for you?

Table 2 outlines anticipated impacts of the proposed NPS-I on various parties, with more detailed information available in the [Interim Regulatory Impact Statement: National Policy Statement for Infrastructure](#) available on the Ministry for the Environment's website.

Table 2: Overview of anticipated impacts of the proposed NPS-I

Party	Anticipated impacts
Local authorities	Clearer and more consistent direction for planning and consenting processes. Some transactional costs incurred to train staff to become familiar with new requirements and incorporate them into regional policy statements and regional, district or unitary plans when practicable.
People and communities	Benefits from improved or maintained infrastructure services, including reduced costs of services. Possible loss of amenity and property rights due to greater infrastructure protections including from impacts of other activities.

Party	Anticipated impacts
Applicants	Greater likelihood that infrastructure projects can be consented and likely reduced costs in consenting processes, dependent on projects and locations. Increased protection of existing infrastructure, reducing costs. Operational costs incurred for applicants to become familiar with the new requirements. Potential increased costs of participating in plan review processes.
Māori groups	Similar benefits for Māori and non-Māori from improved or maintained infrastructure services, including reduced costs of services (eg, lower consenting costs). Reduced costs possible through a consistent approach to engaging Māori and recognising their interests, and through early engagement (may reduce costs later in processes, including appeal costs).

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 the use and development of natural and physical resources to develop, operate, protect, maintain and upgrade infrastructure while managing effects on the environment by providing clear and directive objectives and policies to decision-makers
- support people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, by contributing to maintaining and improving the services that infrastructure provides
- further enable development, while protecting natural environmental values in accordance with relevant national direction (ie, river/lakes/wetlands continue to be managed under the National Policy Statement for Freshwater Management (NPS-FM)). The provisions of district and regional plans will continue to protect values under section 6 of the RMA that do not have national direction.

Treaty considerations

Infrastructure activities can have both positive and adverse effects for tangata whenua and for land, water and other taonga. Although the proposals may have impacts on taonga, decision-makers will be required to consider the national significance and benefits of infrastructure alongside other national direction (eg, the New Zealand Coastal Policy Statement (NZCPS) and the NPS-FM), regional policy statements, and regional and district plans. This helps decision-makers to effectively weigh up the effects of infrastructure activities when considering a consent application.

The proposals provide for recognition of Māori values, aspirations and engagement.¹⁵ The proposals will not directly impact the decision-making process requirements under the RMA, Treaty settlements or other legislative arrangements, including the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

¹⁵ As required by [section 8](#) of the RMA.

Treaty settlement agreements and related legislation continue to apply. Some Treaty settlements place obligations on councils, including involving iwi/Māori in plan development and decision-making and inclusion of policies in plans. The proposals do not present a risk to the operation of these Treaty settlement commitments.

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

General material on implementation supporting the proposed NPS-I, including the statutory requirements, is provided in [section 4](#) of this document. Specific implementation provisions proposed for this national policy statement are as follows:

- the provisions in the NPS-I would affect decisions on policy statements and plans, notice of requirements, and decisions by consent authorities. The recent *Gibbston Vines*¹⁶ case has shown that each part of the instrument should be clear about what decisions are being made and by whom
- no provisions in the proposed NPS-I provide further direction on implementation beyond what is provided by the RMA (as described in [section 4](#) of this document).

¹⁶ [Gibbston Vines Limited v Queenstown Lakes District Council](#) [2023] NZEnvC 265.

Part 2.2: National Policy Statement for Renewable Electricity Generation

Context

The [National Policy Statement for Renewable Electricity Generation](#) (NPS-REG) came into effect in 2011. It provides an objective and policies to enable the sustainable management of renewable electricity generation (REG). The NPS-REG has particular regard to two matters of national significance:

- the need to develop, operate, maintain and upgrade REG activities throughout New Zealand
- the benefits of REG.

In April 2023, a proposed NPS-REG and discussion document were released for public consultation.¹⁷ Submissions were received, but the instruments were not finalised before the 2023 General Election, and the NPS-REG proposed in 2023 has now been withdrawn.¹⁸ This proposal has been informed by this earlier work.

The proposed changes to the NPS-REG will help achieve the Government's Electrify NZ programme, which aims to double REG in New Zealand. This is an important part of achieving electricity security and our climate goals as electrifying the energy and transport sectors could deliver almost a third of the emissions reductions New Zealand needs to reach net zero by 2050.¹⁹

What problems does the proposal aim to address?

The current resource management system does not enable and protect REG to the extent needed to achieve New Zealand's electrification, electricity security, and emissions reduction targets.

The current NPS-REG is no longer fit for purpose, resulting in the following problems.

- Decision-makers do not fully or consistently recognise the significance and benefits of REG in RMA decision-making processes.
- Strong, enabling REG policy guidance is lacking across New Zealand.

¹⁷ Ministry for the Environment. 2023. [Proposed National Policy Statement for Renewable Energy Generation](#). Wellington: Ministry for the Environment. Ministry of Business, Innovation & Employment. [Consenting improvements for renewable electricity generation and transmission](#). Retrieved 28 April 2025.

¹⁸ Under [section 51A](#) of the RMA.

¹⁹ Boston Consulting Group. 2022. [The Future is Electric. A Decarbonisation Roadmap for New Zealand's Electricity Sector](#). p 14.

- There is insufficient direction on how to address key issues around consenting decisions for REG projects (such as how to resolve competing national and local interests).
- Uncertainty has increased, as have consenting costs and the complexity of resource consent conditions. These factors can reduce the efficiency of existing REG and make projects difficult to consent.
- The costs and processes associated with resource consent acquisition can discourage investment in smaller-scale projects that tend to have fewer significant adverse effects.

Drafting conventions for national policy statements have also changed, favouring strongly directive language as national policy statements take priority in decision-making.

What is the proposal?

The key proposed changes to the NPS-REG include:

- a new, strengthened objective that better recognises:
 - the critical role REG plays in society and the economy
 - the rapid increase in REG required to achieve climate emissions reductions
- new enabling and directive policies to better enable REG and protect existing REG assets
- new direction on recognising and providing for Māori interests
- new policies to better enable REG while managing effects on the environment.

More detail on the proposed provisions is included in [attachment 1.2](#) of this document. No existing provisions of the NPS-REG beyond those included in this proposal are open for public consultation.

Scope and definitions

The scope of the NPS-REG 2011 is not proposed to change. The word 'hydro-electricity' in the definition of REG is proposed to change to 'water' for consistency with the rest of the definition. A number of new definitions are proposed to assist interpretation of the new and amended policies. An example is separating out definitions of 'small-scale REG' from 'community-scale REG', as they have different meanings. Further details on proposed changes to definitions are available in [attachment 1.2](#) of this document.

Objective

The proposed amendments to the objective respond to New Zealand's targets for reducing emissions becoming law. The proposed amended objective highlights the critical role and benefits REG provides, stating the aims that REG generated in New Zealand:

- (a) increases in a rate and manner necessary to support the achievement of New Zealand's emissions reduction and energy targets and associated plans under the Climate Change Response Act 2002
- (b) provides greater resilience to disruptions to electricity supply
- (c) provides for the social, economic and cultural wellbeing of people and communities, and for their health and safety, while managing the adverse effects of REG activities.

Question	
11.	Do you support the proposed amendments to the objective of the NPS-REG?

National significance and benefits

Policy A of the existing NPS-REG is proposed to be strengthened by:

- ensuring decision-makers give greater consideration and weighting to the national significance and benefits of REG projects
- increasing the list of REG benefits to include:
 - the benefits of maintaining and upgrading existing assets
 - locating REG close to demand and electricity networks.

Question	
12.	Are the additional benefits of renewable electricity generation helpful considerations for decision-makers? Why or why not?

Cumulative gains and losses of REG

Policy B of the NPS-REG is proposed to be amended to strengthen the weight to be given to considering cumulative gains and losses of REG capacity.

Operational and functional need for REG

Policy C1 of NPS-REG is proposed to be amended to require consideration of the operational need or functional need for REG activities to be in particular environments. The proposed policy applies the definitions of functional need²⁰ or operational need²¹ in the National Planning Standards.

Question	
13.	Does the proposed policy sufficiently provide for the operational and functional need of renewable electricity generation to be located in particular environments?

Existing REG

Two new policies are proposed to get the most out of our existing REG assets. The first proposed policy ensures decision-makers enable the continued operation and maintenance of existing REG assets. The second proposed policy provides direction to decision-makers when existing REG assets are to be re-consented, upgraded or re-powered,²² to:

²⁰ 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.

²¹ 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.

²² Re-powering refers to the whole or partial replacement of wind and solar REG assets within an existing REG site.

- have particular regard to the efficiencies and environmental benefits of increasing REG output within the same or similar environmental footprint
- consider only additional or different effects to those from the existing REG assets
- provide flexibility in consent conditions to allow upgrades to adapt to new technologies and improve resilience.

Amendments are proposed to Policy D of the existing NPS-REG, to strengthen the requirement for decision-makers to protect existing REG assets from reverse sensitivity effects. This policy will require decision-makers to consider reverse sensitivity effects on REG activities when considering applications for new nearby activities that may be incompatible with REG activities.

Question	
14.	Do the proposed new and amended policies adequately provide for existing renewable electricity generation to continue to operate?

Providing for Māori interests

The current NPS-REG does not provide any direction for Māori interests in REG, creating uncertainty for Māori. A proposed policy requires decision-makers to recognise and provide for Māori interests in relation to REG, including by:

- taking into account the outcome of any engagement with tangata whenua on a resource consent, notice of requirement or request for a private plan change
- recognising the opportunities tangata whenua may have in developing and operating their own REG at any scale or in partnership
- providing opportunities in appropriate circumstances for tangata whenua involvement in relation to sites of significance to Māori and issues of cultural significance
- operating in a way that is consistent with iwi participation legislation.²³

The proposed policy is based on the existing NPS-UD provisions, and a consistent approach is being taken across the proposed NPS-I, NPS-REG and NPS-EN instruments. Nothing in these policies is intended to override any Treaty settlement requirement or other relevant arrangement.

Question	
15.	Do the proposed policy changes sufficiently provide for Māori interests in renewable electricity generation?

Managing adverse effects

A proposed policy enables REG with adverse effects on environmental values not included in section 6 of the RMA or covered by national direction, so long as these effects are avoided, remedied or mitigated where practicable.

²³ Iwi participation legislation is defined in [section 58L](#) of the RMA to mean any legislation, including legislation listed in [Schedule 3](#) of the Treaty of Waitangi Act 1975, that provides a role for iwi or hapū in processes under the RMA. This would include participation provided under the Marine and Coastal Area Act 2011 or under Mana Whakahono ā Rohe.

Previous policy work had developed a draft 'effects management hierarchy' to address adverse effects on values in section 6 of the RMA and other national direction. The Government has now decided to focus on resolving these major tensions between infrastructure and natural environmental values in the replacement of the RMA, rather than through the current proposed changes to national direction.

Question	
16.	Do you support the proposed policy to enable renewable electricity generation development in areas not protected by section 6 of the RMA, or covered by other national direction?

What does the proposal mean for you?

Table 3 outlines the anticipated impacts of the NPS-REG proposal on various parties, with more detail available in the [Interim Regulatory Impact Statement: NPS Renewable Electricity Generation](#) on the Ministry for the Environment's website.

Table 3: Overview of anticipated impacts of the proposed amendments to the NPS-REG

Party	Anticipated impacts
Local authorities	Clearer and more consistent direction for planning and consenting processes. Some transactional costs incurred to train staff to become familiar with the new requirements and incorporate them into regional policy statements and regional and district plans when practicable.
People and communities	Benefits from improved or maintained electricity supply, while meeting increased demand, including reduced costs and greater reliability. If emissions costs rise in the future, REG will be cheaper for consumers compared to fossil fuel electricity generation. Possible loss of amenity and property rights due to greater REG protection from impacts of other activities.
Applicants	Greater likelihood that REG projects can be consented and likely reduced costs in consenting processes, dependent on projects and locations. Increased protection of existing REG infrastructure, reducing costs. Operational costs incurred by applicants to become familiar with the new requirements. Potential increased costs of participating in plan review processes.
Māori groups	Similar benefits for Māori and non-Māori from improved or maintained electricity supply, including more reliability and reduced costs of services. Improved potential for Māori to be involved in their own REG projects. Reduced costs possible through a consistent approach to engaging Māori and recognising their interests, and through early engagement (may reduce costs later in processes, including appeals costs).

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 the use and development of natural and physical resources to develop, operate, protect, maintain and upgrade renewable electricity generation while managing effects on the environment by providing clear and directive objectives and policies to decision-makers

- support people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, by contributing to maintaining and increasing REG capacity to improve electricity security and meet emissions reduction targets
- enable development, while protecting natural environmental values in accordance with relevant national direction (ie, river/lakes/wetlands continue to be managed under the NPS-FM). Section 6 matters without national direction will continue to be protected through the provisions of district and regional plans.

Treaty considerations

REG projects can have both positive and adverse effects for tangata whenua and for land, water and other taonga. Although the proposals may have impacts on taonga, decision-makers will be required to consider REG benefits and other provisions alongside other relevant national direction (eg, the NZCPS and NPS-FM), regional policy statements, and regional and district plans. This helps decision-makers to effectively weigh up both positive and adverse effects of REG activities when considering a consent application.

The proposals improve on the 2011 NPS-REG, which does not include any policies that provide for Māori values, aspirations and engagement.²⁴ The proposals are also more enabling of iwi-led REG activities, which has been a consistent request from Māori seeking greater electricity options and self-sufficiency. The proposals will not directly impact the decision-making process requirements under the RMA, Treaty settlements or other legislative arrangements, including the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Treaty settlement agreements and related legislation continue to apply. Some Treaty settlements place obligations on councils, including involving iwi/Māori in plan development and decision-making and inclusion of policies in plans. The proposals do not present a risk to the operation of these Treaty settlement commitments.

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

General material on implementation supporting this proposal, including the statutory requirements, is provided in [section 4](#) of this document. Specific implementation provisions for this NPS are as follows:

- the provisions in the NPS-REG would affect decisions on policy statements and plans, notice of requirements, and decisions by consent authorities. The recent *Gibbston Vines*²⁵ case has shown that each part of the instrument should be clear about what decisions are being made and by whom
- no provisions in the proposed NPS-I provide further direction on implementation beyond what is provided by the RMA (as described in [section 4](#) of this document).

²⁴ As required by [section 8](#) of the RMA.

²⁵ [Gibbston Vines Limited v Queenstown Lakes District Council](#) [2023] NZEnvC 265.

Part 2.3: National Policy Statement on Electricity Transmission

Context

Electricity networks – which include infrastructure for both electricity transmission and distribution networks – needs to be developed, operated, maintained, upgraded and protected to ensure continuity of electricity supply and network resilience. Electricity networks are planned for and managed under the RMA.²⁶ Often, multiple resource consents must be obtained under the RMA to carry out works on electricity networks, despite the existence of national direction in the form of the:

- [National Policy Statement on Electricity Transmission 2008](#) (NPSET)
- [National Environmental Standards for Electricity Transmission Activities 2009](#) (NESETA).

Electrifying the energy and transport sectors could deliver almost a third of the emissions reductions New Zealand needs to reach net zero by 2050.²⁷ The Supercharging EV²⁸ programme proposes a ‘no consents’ regime to develop and operate electric vehicle (EV) charging stations.

In April 2023, a proposed NPSET draft and a discussion document,²⁹ including amendments to NESETA, were released for public consultation. Submissions were received but the instruments were not finalised before the 2023 General Election, and the NPSET proposed in 2023 has now been withdrawn.³⁰ The proposal has been informed by this earlier work.

What problems does the proposal aim to address?

Transitioning away from using fossil fuels and towards more REG will require a significant increase in the number of REG sites and a proportionate increase in the capacity of the electricity network.

²⁶ In addition to regulation under the Electricity Act 1992, Commerce Act 1986 and Public Works Act 1981.

²⁷ Boston Consulting Group. 2022. [The Future is Electric. A Decarbonisation Roadmap for New Zealand's Electricity Sector](#). p 14.

²⁸ The programme focuses on enabling the roll-out of charging infrastructure to support New Zealanders to shift to electric vehicles.

²⁹ Ministry for the Environment. 2023. [Proposed National Policy Statement on Electricity Transmission](#). Wellington: Ministry for the Environment. Ministry of Business, Innovation & Employment. [Consenting improvements for renewable electricity generation and transmission](#). Retrieved 28 April 2025.

³⁰ Under [section 51A](#) of the RMA.

The following resource management problems have been identified for electricity networks.

- The national significance and benefits of electricity networks are not sufficiently recognised in resource management decisions.
- Inconsistent policies, processes and rules add unnecessary complexity, cost and delay.
- Decision-makers lack guidance to balance competing interests and environmental values.
- Protecting electricity networks from the effects of other activities is time-consuming and more costly than it needs to be.

What is the proposal?

Proposed amendments to the NPSET will expand its scope to include electricity distribution. To reflect this broader application, the instrument would be renamed the National Policy Statement for Electricity Networks (NPS-EN).

The proposed NPS-EN will include:

- an amended objective to recognise and provide for the national significance and benefits of the electricity network
- a new objective and associated policies to recognise and provide for the electricity distribution network
- amended and new policies to support route selection and manage environmental effects
- a new policy to recognise and provide for tangata whenua interests
- policy amendments to provide greater protection of electricity networks
- updated references to the electric and magnetic fields international guidelines (from the currently referenced 1998 guidelines to the 2010 guidelines)
- alignment of the policy directions of the NPS-EN and the proposed National Environmental Standards for Electricity Network Activities (NES-ENA).

More detail on the proposed provisions is included in [attachment 1.3](#) of this document. No existing provisions of the NPSET beyond those included in this proposal are open for public consultation.

Scope and definitions

Increasing the scope of the national policy statement is intended to better enable electrification and recognise the importance of electricity distribution to electricity networks. The different scales and types of electricity distribution infrastructure will require specific approaches.

Several new definitions are proposed to ensure the new and amended policies are sufficiently precise and can deliver on the proposed NPS-EN objectives. For example, 'routine activities' and 'non-routine activities' will be redefined to distinguish regular activities that are part of the lifecycle of electricity networks. The effects of routine activities are typically less than those resulting from non-routine activities.

Questions	
17.	Do you support the inclusion of electricity distribution within the scope of the NPS-EN?
18.	Are there risks that have not been identified?
19.	Do you support the proposed definitions in the NPS-EN?
20.	Are there any changes you recommend to the NPS-EN?

Objective

Proposed amendments to the NPSET objective recognise national emissions reduction targets and the need to ensure energy resilience and security. The proposed objective is that electricity networks are developed, operated, maintained, upgraded and protected in a manner that:

- (a) recognises and provides for its national significance
- (b) secures the resilience of electricity networks, including in relation to the effects of natural hazards and climate change
- (c) provides for the wellbeing and needs of present and future generations, including by increasing and improving the capacity and delivery of electricity networks over time
- (d) recognises and provides for the role of electricity networks in achieving New Zealand's emissions reduction and renewable energy targets, and associated commitments in any relevant plan prepared under the Climate Change Response Act 2002
- (e) manages adverse effects on the environment in a proportionate and cost-effective way
- (f) protects electricity networks from the adverse effects of other activities.

Question	
21.	Do you support the proposed objective? Why or why not?

National significance and benefits of electricity networks

The proposal is to strengthen Policy 1 of the existing NPSET so that decision-makers on electricity networks proposals must recognise and provide for the national significance and benefits of electricity networks to be realised at national, regional and local levels. The proposed policy will also list additional benefits, such as emissions reduction and energy security, as well as recognise the contribution of electricity networks to modern life and the functioning of the community and economy.

Question	
22.	Will the proposed policy improve the consideration of the benefits of electricity networks in decision-making?

Recognising operational and functional need of electricity networks

The proposal is to strengthen the requirement in the NPSET for decision-makers to recognise and provide for electricity networks which have a functional or operational need to be in particular environments, including in areas with section 6 RMA values, and with unavoidable adverse effects on those environments.

The definitions of functional need³¹ or operational need³² will be the same as the definitions in the National Planning Standards.

This proposed policy recognises that the electricity network often needs to traverse a wide range of environments (eg, urban, rural and coastal), and that the system is interconnected across New Zealand. It also recognises the need to maintain and upgrade an ageing network, and that REG needs to connect directly to the electricity network.

Question	
23.	Does the proposed policy sufficiently provide for the operational and functional needs for electricity networks to be located in particular environments?

Route and site selection

A new policy is proposed to ensure resource management decisions recognise the role of Transpower and electricity distribution businesses in selecting a preferred route for electricity networks. The proposed policy requires that decision-makers have regard to how much adverse effects have been managed through route selection and that some effects are unavoidable.

The route and site selection process should also consider the operational or functional need of electricity networks development.

Questions	
24.	Do you support Transpower and electricity distribution businesses selecting the preferred route or sites for development of electricity networks?
25.	Are there any other route or site selection considerations that have not been identified?

Providing for Māori interests

The NPSET published in 2008 contains no Māori policy, creating uncertainty on how Māori interests may be considered in decision-making on electricity networks.

The proposal to provide for Māori interests is based on current policy in the NPS-UD. The intent is to apply a consistent approach across the proposed NPS-I and proposed amendments to the NPS-REG and NPS-EN. Nothing in these proposals is intended to override any Treaty settlement requirement or other relevant arrangement.

It is proposed that decision-makers must recognise and provide for Māori interests in relation to electricity networks, including by:

- (a) taking into account the outcome of any engagement with tangata whenua on a resource consent, notice of requirements or request for a private plan change, including through the site, route and method selection process

³¹ 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.

³² 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.

- (b) recognising the opportunities tangata whenua may have in developing and operating their own distribution infrastructure at any scale or in partnership
- (c) avoiding where practicable, or otherwise mitigating, the adverse effects of electricity networks' activities on sites of significance to Māori
- (d) operating in a way that is consistent with iwi participation legislation.³³

Question

26.	Does the proposed policy adequately provide for the consideration of Māori interests in electricity networks?

Managing adverse effects

Existing policy to manage environmental effects currently in the NPSET (Policy 8) will be retained with some amendments, and some new policies are proposed.

Although route and site selection policies can manage some effects, other effects will be unavoidable. A proposed new policy will support effects management decisions for electricity network development. The policy directs decision-makers to consider:

- constraints imposed by the technical and/or operational requirements of electricity networks
- the need to increase network capacity
- that changes in amenity are unavoidable
- adopting international or national standards or best practice to manage effects
- financial or timing implications from measures or conditions to manage effects (and to ensure these are proportionate and cost effective).

A proposed new policy enables infrastructure for electricity networks with adverse effects on environmental values not in section 6 of the RMA or covered by national direction, so long as these effects are avoided, remedied or mitigated, where practicable.

Another new proposed policy directs routine activities associated with electricity networks to be enabled in all environments, provided adverse effects are avoided, remedied or mitigated, where practicable.

Policy 8 in the NPSET manages effects on areas with significant environmental values. The current drafting proposes removing the reference to 'sensitive activities' and retaining the remainder of the policy. Previous policy work had developed a draft 'effects management hierarchy' to address adverse effects on values in section 6 of the RMA and other national direction. The Government has now decided to focus on resolving these major tensions between infrastructure and natural environmental values in the replacement of the RMA, rather than through the current proposed changes to national direction.

³³ Iwi participation legislation is defined in [section 58L](#) of the RMA to mean any legislation, including legislation listed in [Schedule 3](#) of the Treaty of Waitangi Act 1975, that provides a role for iwi or hapū in processes under the RMA. Note that item (d) does not exclude participation provided under the Marine and Coastal Area Act 2011 or under Mana Whakahono ā Rohe.

Questions	
27.	Do you support the proposed policy to enable development of electricity networks in areas not protected by section 6 of the RMA, or covered by other national direction?
28.	Do the proposals cover all the matters that decision-makers should evaluate when considering and managing the effects of electricity network activities?
29.	Do you support the proposed policy to enable routine works on existing electricity network infrastructure in any location or environment?
30.	What other practical refinements to Policy 8 of the NPS-EN could help avoid adverse effects on outstanding natural landscapes, areas of high natural character, and areas of high recreation value and amenity in rural environments?

Protection and strategic planning of the electricity network

A new proposed policy requires decision-makers to consider the urban environment in relation to electricity network decisions, to:

- recognise the role of electricity networks as part of a well-functioning urban environment
- enable changes in amenity
- recognise that sometimes adverse effects are unavoidable
- recognise that electricity network development may be appropriate in the context of protecting historic heritage.

To fulfil this policy, decision-makers would need to ensure the plan-making process considers on-site space for distribution assets at the development site. The proposed policy requires developers to consult with the electricity distribution provider to determine whether sufficient space has been provided.

Amendments are proposed for Policies 12, 13 and 14 of the NPSET, to ensure spatial planning documents (ie, future development strategies) consider electricity networks, particularly in urban areas over the long term. The proposed changes would require councils to:

- engage with electricity network operators to promote strategic planning over the medium-to-long term
- recognise that the designations process can also support long-term planning.

Questions	
31.	Do you support the proposed policy to enable sufficient on-site space for distribution assets?
32.	Should developers be required to consult with electricity distribution providers before a resource consent for land development is granted? If not, what type or scale of works would merit such consultation?

What does the proposal mean for you?

Table 4 outlines the anticipated impacts of the NPS-EN proposal on various parties, with more detail available in the [Interim Regulatory Impact Statement: National direction for electricity networks \(updating NPSET 2008 and NES-ETA 2009\)](#) on the Ministry for the Environment's website.

Table 4: Overview of anticipated impacts of the proposed amendments to NPS-EN

Party	Anticipated impacts
Local authorities	Clearer and more consistent direction for planning and consenting processes. Some transactional costs incurred to train staff to become familiar with the new requirements and incorporate them into regional policy statements and regional and district plans when that is practicable.
People and communities	Benefits from improved or maintained electricity supply while meeting increased demand, including reduced costs and greater reliability. Possible loss of amenity and property rights due to greater protections to electricity networks from impacts of other activities.
Applicants	Greater likelihood that electricity transmission and distribution projects can be consented and likely reduced costs in consenting processes, dependent on projects and locations. Increased protection of existing transmission and distribution infrastructure, reducing costs. Operational costs incurred for applicants to become familiar with the new requirements. Potential increased costs of participating in plan review processes.
Māori groups	Similar benefits for Māori and non-Māori from improved or maintained electricity supply, including reliability and costs of services. Reduced costs possible through a consistent approach to engaging Māori and recognising their interests, and through early engagement (may reduce costs later in processes, including appeal costs). Māori land owners and communities may benefit from enablement of the distribution network to directly connect to REG sites, including those on Māori land.

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 the use and development of natural and physical resources to develop, operate, protect, maintain and upgrade electricity transmission and distribution networks (collectively referred to as the electricity network) while managing effects on the environment by providing clear and directive objectives and policies to decision-makers
- support people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, by contributing to maintaining and increasing electricity networks capacity which will improve electricity security and meet emissions reduction targets
- strengthen New Zealand's ability to meet the electricity needs of future generations by improving the capacity of electricity networks, by:
 - enabling upgrading and new development
 - protecting electricity networks from direct and reverse sensitivity effects from third parties.

Treaty considerations

Changes to electricity networks can have both positive and adverse effects for tangata whenua and for land, water and other taonga. Although the proposals may have impacts on taonga, decision-makers will be required to consider the national significance and benefits of electricity networks alongside other national direction (eg, the NZCPS and NPS-FM), regional policy statements, and regional and district plans. This helps decision-makers to effectively weigh up the effects of proposed changes to electricity networks when considering a consent application.

The proposals improve on the existing NPSET, which does not include any policies that provide for Māori values, aspirations and engagement.³⁴ The proposals will not directly impact the decision-making process requirements under the RMA, Treaty settlements or other legislative arrangements, including the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Treaty settlement agreements and related legislation continue to apply. Some Treaty settlements place obligations on councils, including involving iwi/Māori in plan development and decision-making and inclusion of policies in plans. The proposals do not present a risk to the operation of these Treaty settlement commitments.

Consultation is 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

General material on implementation supporting this proposal, including the statutory requirements, is provided in [section 4](#) of this document. Specific implementation provisions for this national policy statement are as follows:

- the proposed NPS-EN will affect decisions on the contents of policy statements and plans, notice of requirements, and decisions by consent authorities. The recent *Gibbston Vines*³⁵ case has shown that each part of the instrument should be clear about what decisions are being made and by whom
- no provisions in the proposed NPS-EN provide further direction on implementation beyond what is provided by the RMA (as described in [section 4](#) of this document).

³⁴ As required by [section 8](#) of the RMA.

³⁵ [Gibbston Vines Limited v Queenstown Lakes District Council](#) [2023] NZEnvC 265.

Part 2.4: National Environmental Standards for Electricity Transmission Activities

Context

The [National Environmental Standards for Electricity Transmission Activities](#) (NESETA) came into effect in 2009. The NESETA enabled Transpower to undertake activities for the operation, maintenance and upgrade of electricity transmission network lines existing at 14 January 2010. The NESETA was intended to complement the enabling policies of the NPSET 2008.

No existing national direction covers electricity distribution or EV charging infrastructure.

What problems does the proposal aim to address?

The NESETA does not enable and protect electricity networks enough to achieve the Government's objectives for electrification, energy security and economic growth. Proposed amendments to the NESETA aim to address the following problems.

- Inconsistent policies, processes and rules add unnecessary complexity, cost and delay to the operation, maintenance and upgrade of the electricity transmission network.
- Protecting the electricity transmission network from the effects of other activities is time-consuming and unnecessarily costly.
- Current national direction does not cover the electricity distribution network and inconsistencies in district plan provisions relating to this infrastructure.
- In some cases, the NPSET terms and policies are inconsistent with the NESETA rules.

Without national direction for EV charging infrastructure, district plan provisions are being prepared inconsistently across the country. Variation in plan rules creates additional costs and greater inefficiencies, such as higher average output costs for manufacturers. Unnecessary consent requirements for EV charging infrastructure cause time delays and excessive compliance costs, and some requirements necessitate bespoke designs. These factors are likely to impede efficient and timely roll-out of EV charging infrastructure.

What is the proposal?

The proposal is to amend the NESETA, to provide more enabling standards and extend its application to include electricity distribution and EV charging infrastructure. The proposed amendments are intended to:

- enable more routine work on the electricity transmission network in all environments
- introduce new rules to protect the electricity transmission network based on the National Grid Corridor provisions

- introduce new provisions for the electricity distribution network (ie, protection and routine works for the existing network, and construction of new distribution network assets)
- introduce new permitted activity standards for EV charging infrastructure.

More detail on the proposed provisions is included in [attachment 1.4](#) of this document. No existing provisions of the NESETA beyond those included in this proposal are open for public consultation.

Scope and definitions

The proposal is to rename the NESETA to the National Environmental Standards for Electricity Network Activities (NES-ENA), to recognise and provide for the electricity distribution network as well as EV charging infrastructure.

The current NESETA only applies to the operation, maintenance and upgrading of existing electricity transmission lines.³⁶ The proposed NES-ENA will include regional and district plan rules to support the construction and development of new electricity distribution lines. The proposed NES-ENA would not apply to transmission lines developed after 2010 (including any future lines), as these are likely to be covered by designations under the RMA, which already provide an enabling framework.

Definitions across the proposed NPS-EN and proposed NES-ENA will be aligned to support effective implementation. Key new definitions include 'routine electricity network activities' and 'ancillary electricity network activities', as well as a proposed definition for EV charging infrastructure (discussed in the [Public EV charging infrastructure](#) section below).

Enabling routine work on the electricity transmission network

The proposed NES-ENA would be more permissive than the existing NESETA for some routine electricity transmission activities (such as relocation, replacements and ancillary activities like vegetation clearance and earthworks). This will increase the permitted activity thresholds for certain activities (eg, a higher threshold to increase the height of support structures from 15 per cent to 25 per cent).

Some electricity transmission activities (eg, adding overhead conductors) may not be able to meet the permitted activity standards. The proposed NES-ENA would amend the status of these activities from a 'restricted discretionary activity' to a 'controlled activity', which would:

- provide electricity network operators with more certainty
- recognise routine activities essential for the electricity network
- focus on how activities should be undertaken instead of whether they should be undertaken.

³⁶ Electricity transmission lines operational, or able to be operated, as at 14 January 2010.

The proposal is to make matters of control more consistent for controlled activities.³⁷ This is to align the new and amended definitions and ensure all relevant matters can be considered.

The general changes proposed to permitted and controlled activities are:

- applying consistent references to a 'natural area' and a 'historic heritage place or area'
- adding new matters of control relating to technical requirements, operational need and functional need of electricity network activities
- considering the benefits of the electricity network.

The electricity sector has raised concerns that some of the general matters of control in the NESETA are too broad or vague. However, the Government considers it appropriate to retain the ability to consider and manage visual, landscape and ecological effects, even when these do not relate to values protected under section 6 of the RMA.

Questions	
33.	What activity status is appropriate for electricity transmission network activities when these: - do not comply with permitted activity standards? - are located within a natural area or a historic heritage place or area?
34.	Do you support the proposed scope of activities and changes to the permitted activity conditions for electricity transmission network activities?
35.	Do you support the proposed matters of control and discretion for all relevant matters to be considered and managed through consent conditions?

Rules for the National Grid Yard and Subdivision Corridor

The proposed NES-ENA introduces rules for the National Grid Yard and Subdivision Corridor, based on the existing provisions developed over a number of years by Transpower with stakeholders, such as Federated Farmers, and generally accepted as best practice.

The proposal establishes a 'National Grid Yard' and 'National Grid Subdivision Corridor' to prevent inappropriate buildings and structures, land disturbance and subdivision by third parties from taking place near or underneath transmission lines and support structures. The proposed rules permit certain activities within the National Grid Yard if they do not present a risk to the transmission network.

With agreement from Auckland Council, the Government proposes to recognise and provide for the Auckland Compromised and Uncompromised Spans, retaining the existing setbacks and rules within the Auckland Unitary Plan.

Question	
36.	Would the proposed National Grid Yard and Subdivision Corridor rules be effective in restricting inappropriate development and subdivision underneath electricity lines?

³⁷ Resource consents for controlled activities must be granted by consent authorities and consent authorities have limited discretion to impose conditions.

Potential new regional regulations and management plan requirements

The NESETA regulates some activities on existing transmission lines relating to regional council functions (ie, managing water, soils and the coastal marine area). Many transmission activities are necessary to facilitate the ongoing operation and efficiency of the network and cannot be avoided in these environments. Five regional activities Transpower routinely undertakes, which are not currently within the scope of the NESETA, are:

- river crossings
- groundwater takes and use, dewatering
- stormwater discharges
- structures in the coastal marine area
- works in the bed of a lake or river.

The proposal is to ensure a nationally consistent approach by creating new permitted activity rules for the above categories in the NES-ENA. A permitted activity would be subject to conditions which, if not met, would require a consent for a restricted discretionary or controlled activity.

The Government also seeks feedback on a proposal for the NES-ENA to require management plans to be submitted to regional councils as part of a permitted activity. The management plans could cover routine ancillary activities such as vegetation management and earthworks, in addition to the proposed management plan approach for discharges from blasting.

Further detail on these proposals is included in [attachment 1.4](#) of this document.

Questions	
37.	Do you support adding any or all of the five categories of regional activities to the NES-ENA as permitted activities?
38.	Do you support the proposed permitted activity conditions and the activity classes if these conditions are not met?
39.	Do you support management plans being used to manage environmental impacts from blasting, vegetation management and earthworks?

New provisions for the electricity distribution network

The proposal is to provide nationally consistent regulations to enable electricity distribution activities that:

- align with proposed policy in the NPS-EN to enable routine activities in all environments
- recognise the necessity of routine activities for the safe, efficient and effective development, operation, maintenance and upgrading of the electricity distribution network
- provide greater certainty to electricity distribution businesses that routine maintenance, operation and upgrade activities will be enabled.

Changes are proposed in the following areas:

- **existing distribution assets** – add new permitted activity regulations for certain electricity distribution activities on existing lines when the standards are met, and controlled activity regulations when they are not
- **new distribution assets** – provide permitted activity regulations for the development of new distribution lines and cabinets when standards are met, and restricted discretionary activity regulations when they are not
- **new rules** – provide regulations relating to subdivision and construction of buildings or structures near electricity distribution lines to ensure these comply with safe distance requirements.

Some amendments to the matters of control for controlled activities are discussed above, in the [Enabling routine work on the electricity transmission network](#) section. These amendments would also apply to the electricity distribution network.

The proposed rules for buildings, structures and subdivisions proposed near electricity distribution lines will require compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 (NZECP 34).³⁸

Questions	
40.	What is an appropriate activity status for electricity distribution activities when the permitted activity conditions are not met, and should this be different for existing versus new assets?
41.	What is your feedback on the scope and scale of the electricity distribution activities to be covered by the proposed NES-ENA?
42.	Do you support the proposed inclusion of safe distance requirements and compliance with some or all of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001?
43.	Is the proposed NES-ENA the best vehicle to drive compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distance 34:2001? If not, what other mechanisms would be better?

Allowing plan rules to be more stringent or lenient

The NESETA does not currently allow district or regional plan rules to be more stringent or lenient than the instrument itself.

The proposed NES-ENA allows district plan rules to be more lenient, but not more stringent, in relation to electricity distribution activities (and EV charging infrastructure) regulated by the NES-ENA. District plans would need to incorporate more lenient provisions using plan-making processes under Schedule 1 of the RMA. Leniency will help preserve existing rules that have been developed in collaboration with transmission and distribution providers, which are more enabling than the proposed NES-ENA.³⁹

Questions	
44.	Should the NES-ENA allow plan rules to be more lenient for electricity distribution activities proposed to be regulated?
45.	Should the NES-ENA allow plan rules to be more stringent in relation to electricity distribution activities in specific environments? (eg, when located in a 'natural area').

³⁸ Worksafe. [Electrical Codes of Practice](#). Retrieved 28 April 2025.

³⁹ [Schedule 1](#) of the RMA provides for the preparation, change and review of policy statements and plans.

Public EV charging infrastructure

What problems does the proposal aim to address?

The current resource management system does not support the Government's target of 'supercharging EV infrastructure' by enabling the installation of 10,000 public EV charging points by 2030.

Although some councils have included specific EV charging provisions in their district plans, most have not, and there is no consistency in how plans consider EV charging infrastructure.

What changes are proposed?

New permitted activity rules are proposed for district or unitary plans. These proposed rules cover the construction, maintenance and operation of EV charging infrastructure under specified circumstances and in specified locations, including:

- private charging at home or at work
- public charging in land transport corridors
- public charging as an ancillary activity
- public charging at standalone facilities.

Definitions

The proposed definition of 'EV charging infrastructure' is the construction and operation of any buildings and structures, parking spaces, chargers and associated equipment used for the purposes of, and associated with, charging EVs.

Providing national direction for EV charging infrastructure

The proposal is to include EV charging infrastructure standards in the NES-ENA, because it is the most appropriate national direction instrument that could include such rules, and because the rules can take effect immediately.

Private charging at home or at work

Private facilities for charging EVs at home or at work typically have no or negligible adverse effects on the environment. The proposal makes private EV charging and the associated infrastructure a permitted activity. However, private EV charging infrastructure needs to comply with relevant zone rules for the construction of buildings and structures to maintain existing amenity controls (eg, setback to boundaries, height limits).

Questions	
46.	Do you support the proposed provisions to make private electric vehicle charging and associated infrastructure a permitted activity at home or at work?
47.	Have private or at work electric vehicle users been required to obtain a resource consent for the installation, maintenance and use of electric vehicle charging infrastructure?

Public charging in land transport corridors

Land transport corridors⁴⁰ are a convenient location for EV charging infrastructure. Activities in land transport corridors also require the approval of road- or rail-controlling authorities.

The design of charging infrastructure in land transport corridors can vary widely, but the effects could be reasonably managed solely by the road- or rail-controlling authorities. This proposal is consistent with other activities in land transport corridors (eg, telecommunication facilities and lighting).

The proposed rule is for the construction, operation and maintenance of EV charging infrastructure to be a permitted activity, without any constraints on scale or other variables, if it is located in a land transport corridor.

Question

48.	Should the construction, operation and maintenance of electric vehicle charging infrastructure be a permitted activity, if it is located in a land transport corridor?

Ancillary EV charging

EV charging infrastructure is often ancillary to a primary activity (ie, at service stations and supermarket car parks) available for public use. The additional environmental effects of ancillary EV charging infrastructure are generally minor compared to the scale of the primary activity.

The proposal is to make ancillary EV charging a permitted activity, subject to compliance with limits on height and noise, and with earthworks standards.

A resource consent would be required, with a restricted discretionary activity status, for ancillary EV charging that cannot meet the permitted activity standards. This constrains the decision-making scope of the consent authority to matters of discretion.

Question

49.	Should the construction, operation and maintenance of electric vehicle charging infrastructure become a permitted activity, if it is ancillary to the primary activity or outside residential areas?

Standalone EV charging infrastructure facilities

Charging infrastructure can also be designed as a standalone facility so that EV charging is the primary use of the site. Standalone public EV charging infrastructure can be large scale and have a high traffic volume, compared with private, transport corridor or ancillary charging infrastructure. Standalone charging facilities can operate like a self-service petrol station, with relatively limited effects.

The proposal is to make standalone EV charging infrastructure facilities a permitted activity outside residential zones, 'natural areas', and places with historic heritage value – subject to compliance with limits on height and noise, and with earthworks standards.

⁴⁰ The land transport corridor includes the road or rail carriageway, and footpaths, berms or grassed areas on either side of the carriageway.

A resource consent would be required, for a restricted discretionary activity, for proposed standalone EV charging infrastructure:

- in residential areas and residential zones
- in 'natural areas' and places with historic heritage value
- that is part of a project that does not comply with the permitted activity standards.

Question	
50.	Do you support the proposed provisions for electric vehicle charging for all types of EVs, or are additional requirements needed for heavy vehicles such as large trucks, ferries or aircraft?

What does the proposal mean for you?

Table 5 outlines the anticipated impacts of the NES-ENA proposal on various parties, with more detail available in the [Interim Regulatory Impact Statement: National Direction for electricity networks \(updating NPSET 2008 and NES-ETA 2009\)](#) on the Ministry for the Environment's website.

Table 5: Overview of anticipated impacts of the proposed NES-ENA

Party	Anticipated impacts
Local authorities	Clearer and more consistent rules and standards to support operation, maintenance and upgrading of electricity network assets and EV charging infrastructure. Some transactional costs incurred to train staff to become familiar with the new rules and replace any conflicting existing plan rules as soon as practicable.
People and communities	Benefits from improved or maintained electricity supply while meeting increased demand, including reduced costs and greater reliability. Improved access to EV charging facilities. Possible local effects from maintenance, removal and/or relocating and upgrading of electricity network activities (eg, possible visual, vegetation, water quality and soil contamination impacts). National Grid Yard, Subdivision Corridor and distribution network protection rules may restrict what land owners can do on their land, but will also provide safety.
Applicants	Greater certainty that electricity network projects can go ahead or that a resource consent will be obtained. This would reduce costs for Transpower and electricity distribution businesses. Better protection of the electricity network, reducing costs. Operational costs incurred to allow applicants time to become familiar with the new requirements.
Māori groups	Similar benefits for Māori and non-Māori from improved or maintained electricity supply, including reliability and decreased costs of services. Improved access to EV charging facilities. National Grid Yard, Subdivision Corridor and distribution network protection rules may restrict what land owners can do on their land, but will also provide safety protection.

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 the use and development of natural and physical resources to develop, operate, protect, maintain and upgrade electricity transmission and distribution networks and EV charging facilities, while managing effects on the environment by providing clear and nationally consistent rules
- support people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, by:
 - contributing to maintaining and increasing electricity transmission and distribution, and EV charging capacity, to improve electricity security and meet emissions reduction targets
 - providing additional protections for the National Grid
 - managing adverse effects of electricity network activities on the environment, by setting permitted activity conditions and defaulting activities to controlled status where conditions are not met, with matters of control retained to manage environmental effects.

Treaty considerations

The NES-ENA proposals are designed to enable electricity network activities to meet increasing electricity demand, and to deliver affordable and reliable electricity through a secure supply. The Crown can protect Māori interests and support Māori development (ie, Māori enterprise) by ensuring Māori have access to affordable and reliable electricity.

Some adverse environmental impacts are associated with the permitted activity rules, but none are predicted to cause significant effects on the environment. The NES-ENA does not permit the construction of new transmission lines. Effects from necessary maintenance and upgrades of network are often unavoidable. This could impact Māori land, taonga or cultural sites near electricity networks. The permitted activity standards seek to avoid or mitigate environmental effects, and, where they cannot be met, the electricity network operator must obtain a resource consent.

Where electricity transmission lines are located on Māori land, the National Grid Corridor rules will restrict what Māori can do on their land.

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

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

With the exception of stringency and leniency provisions, nothing in the proposal provides further direction on implementation other than existing direction in the RMA, which is described in [section 4](#) of this document.

Part 2.5: National Environmental Standards for Telecommunication Facilities

Context

Telecommunication networks are critical national infrastructure. They are essential for conducting business, operating other critical national infrastructure, and for delivering key services such as education, health, finance and government.

The [Resource Management \(National Environmental Standards for Telecommunication Facilities\) Regulations 2016 \(NES-TF\)](#) enable telecommunication providers⁴¹ to install and operate a range of low-impact telecommunication facilities without a resource consent, provided they comply with relevant standards. The NES-TF first came into effect in 2008 and was most recently updated in 2016. The types of telecommunication facilities permitted by the NES-TF include installation and operation of antennas, cabinets, poles and customer connection lines (ie, fibre and copper cables).

District plan rules set other resource consent requirements for telecommunication facilities that fall outside the scope of the NES-TF. Where a district plan classifies a telecommunication activity as a permitted or controlled activity, but it is not permitted under NES-TF, the activity defaults to a controlled activity. A local authority can determine what type of consent is required, whether consultation is necessary, and can impose conditions on resource consents. For telecommunication facilities regulated by NES-TF (eg, poles in the road reserve), where a district plan classifies its construction as a permitted or controlled activity, but it is not permitted under the NES-TF, the activity defaults to a controlled activity.

District or regional plan rules guide the requirement for resource consents for:

- natural and/or special environments (such as biodiversity areas, notable trees and outstanding landscapes) covered by Subpart 5 of the NES-TF
- earthworks covered by Subpart 6 of the NES-TF.

⁴¹ The term 'telecommunication provider' refers to a facility operator subject to the NES-TF. This includes a network operator (as defined in [section 5](#) of the Telecommunications Act 2001), the Crown or a Crown agent.

What problems does the proposal aim to address?

The NES-TF has not kept pace with changes in the built environment

Towns and cities in New Zealand are continuing to intensify to accommodate housing growth, leading to taller, more compact buildings.

Greater numbers of residential buildings exceed the height of telecommunication poles, which increases the likelihood of black spots and connectivity disruptions. To work around the NES-TF, providers must either build more, smaller poles to maintain coverage, pursue lease arrangements to place antennas on buildings, or obtain resource consents for telecommunication facilities that do not meet activity standards. The telecommunication sector has told the Government this situation is becoming uneconomic, expressing a need for changes to the permitted heights of telecommunication poles.

The NES-TF is not keeping pace with changes in technology

Telecommunication infrastructure is advancing rapidly. Households and businesses want more modern telecommunication technology, with increasing expectations for network performance in terms of capacity, coverage, reliability and speed. However, several substantive ongoing network upgrades are not enabled by the NES-TF as follows.

- The roll-out of 5G mobile technology requires a larger, permitted, notional envelope for antennas, and larger cabinets, than those currently permitted by the NES-TF.
- The activity standards for cabinets do not provide enough space for new equipment, including back-up batteries for network resilience.
- No standards in the NES-TF support the construction and operation of renewable electricity generators. (These are often used for off-grid energy solutions in remote locations, or as back-up for network resilience.)
- Customer connection lines (ie, fibre broadband) to heritage buildings must be installed in accordance with historic heritage district plan rules. These rules vary between districts and are subject to different levels of restriction, which is costly and can be a barrier to fibre broadband access.

The status quo is resulting in uncertainty and high costs for telecommunication providers

The current rules in the NES-TF are too restrictive and do not cover a range of low impact telecommunication facilities. Telecommunication providers have had to obtain resource consents to roll out or upgrade many low-impact telecommunication facilities on a site-by-site basis. This is resulting in significant costs and delays for rolling out or upgrading necessary telecommunication services. These inefficiencies may mean that telecommunication providers forgo or delay important investment in upgrading or expanding telecommunication networks.

Question	
51.	Do the proposed provisions sufficiently enable the roll-out or upgrade of telecommunication facilities to meet the connectivity needs of New Zealanders?

What is the proposal?

The proposal is to amend the NES-TF by:

- updating the existing permitted activity standards relating to poles, headframes, cabinets and antennas
- expanding the scope of existing permitted activity standards (ie, permitting new poles in more zones and removing restrictions in the road reserve)
- enabling renewable electricity generators for telecommunication facilities
- enabling temporary telecommunication facilities
- enabling customer connection lines to heritage buildings
- making other minor technical updates to ensure the NES-TF is fit for purpose.

Subpart 5 of NES-TF, which states that rules in district and regional plans apply in certain environmentally significant areas, will largely be retained.

More detail on the proposed provisions is included in [attachment 1.5](#) of this document. No existing provisions of the NES-TF beyond those included in this proposal are open for public consultation.

Scope and definitions

The amendments will expand the application of the NES-TF to recognise new activities and zones provided in the National Planning Standards.⁴² The proposed NES-TF includes new definitions for 'renewable energy generator', which will align with changes proposed to the NPS-REG, and for 'temporary telecommunication facility'.

Updating permitted activity standards for pole heights, cabinets and antennas

The proposal is to amend the permitted activity standards for poles, cabinets and antennas and feedback on options for specific changes as summarised in table 6. Further detail on these proposed provisions is included in [attachment 1.5](#) of this document.

⁴² Ministry for the Environment. 2019. [National Planning Standards](#). Wellington: Ministry for the Environment.

Table 6: Options for proposed amendments to permitted activity standards

Regulated activity	Proposed amendments
Maximum pole heights The NES-TF links maximum pole heights to the height of existing pole infrastructure, (ie, the height of a cell tower is tied to the height of a streetlight pole, electricity pole or existing mobile tower in the area).	Option 1 (<i>preferred</i>) Specify the following height caps by zone: 20 m in residential road reserve (see figure in attachment 1.5.1), local centre and neighbourhood centre zones 25 m in commercial, industrial and mixed-use zones, and in the road reserve for open space and special purpose zones (see figures 2 and 3 in attachment 1.5.1) 35 m in a rural zone (see figure 5 in attachment 1.5.1). Option 2 Permit caps to be the higher of either those proposed in Option 1, or building zone height plus 5 m for poles in: - commercial zones (capped at 30 m) - industrial zones (no cap) - road reserves in residential zones (no cap). Note: Both options permit a further 5 m where two or more facility operators co-locate antennas on poles (excluding residential zones).
Limits on headframes on poles in the road reserve The NES-TF currently prevents the installation of headframes on new or existing poles in the road reserve.	Option 1 (<i>preferred</i>) Permit the installation of 1.6 m-wide headframes (excluding antennas) on poles in the road reserve in commercial, industrial, mixed-use and rural zones. Option 2 Permit the installation of: 4.5 m-wide headframes on poles in the road reserve in commercial (excluding local centre or neighbourhood), industrial and rural zones (see figure 3 in attachment 1.5.1) 1.6 m wide headframes (excluding antennas) on poles in the road reserve in residential, local centre, neighbourhood centre and mixed-use zones where a pole is at least 15 m in height and this is to support co-location of multiple facility operators (see figure 4 in attachment 1.5.1). Note: Both options retain existing provisions that enable existing headframes to be replaced up to existing width. There are also proposed changes to limits on headframes for poles outside of the road reserve in Regulation 33(6) of proposed provisions in attachment 1.5
Cabinets in the road reserve	- Increase permitted cabinet height in a residential zone to 2 m (from 1.8 m) and the footprint to 2 m² (from 1.4 m²). - Increase the permitted footprint of a group of cabinets to 3 m² (from 2 m²). - Decrease cabinet spacing to 10 m (from 30 m) and remove the minimum distance requirement where two or more facility operators are co-located.
Antennas	- Increase the permitted notional envelope of new panel antennas on poles (without a headframe) in the road reserve to 5 m (from 3.5 m) in length and 1.2 m (from 0.7 m) in diameter. For panel antennas on poles outside of the road reserve, increase to 1 m (from 0.7 m) in width. - Increase the permitted diameter for dish antennas on poles in the road reserve or outside the road reserve in a residential zone to 0.6 m (from 0.38 m). Increase the maximum diameter for dish antennas outside of the road reserve and not in a residential, local centre, neighbourhood or open space zone, to 2 m (from 1.2 m). - Amend definition of 'small cell unit', increasing its size from 0.11 m³ to 0.33 m³.

Regulated activity	Proposed amendments
Antennas on buildings	Option 1 (<i>preferred</i>) - Amend the height limit rules in the NES-TF to specify that limits for antennas on buildings in all zones only apply from the highest point of the building (not from the point an antenna is attached to a building). - Increase height limit for antennas on buildings not in a residential zone to 10 m (from 5 m).
	Option 2 - Specify the maximum permitted height for the top of an antenna on a building is the building zone height plus 5 m. - Reduce the height minimum to attach antennas to a building in a residential zone to 11 m (from 15 m) to enable antennas to be attached to three-storey buildings.

Expanding the limits on the location of new or replacement poles

The NES-TF has several limits on the location of new or replacement poles both in and outside the road reserve. In the road reserve, a replacement pole must be within 5 metres of the original pole it is replacing, and new poles must be within 100 metres of an existing pole. Outside the road reserve, a replacement pole must be within 5 metres of the original pole it is replacing, and new poles are only permitted in rural zones, with a 50-metre setback from any building used for residential or educational purposes.

Telecommunication providers have told the Government these rules are too restrictive and advised that they still rely heavily on district plan rules to deploy new and replacement infrastructure.

Several changes are proposed to the NES-TF to permit new poles in more areas. The proposal allows placement of new poles to be based on network design requirements and commercial feasibility, and not to be constrained by the location of existing infrastructure. The proposed amendments would:

- remove limitations on the location of new or replacement poles in the road reserve, so that new poles can be erected anywhere in the road reserve
- amend the 50-metre setback rule for new poles in a rural zone so they must be 50 metres from any building used for sensitive activities on a neighbouring property (this applies to poles both in the road reserve and outside of the road reserve)
- permit the installation of new poles outside the road reserve in commercial, industrial, local centre, mixed-use and neighbourhood centre zones. New poles in mixed-use, local centre and neighbourhood centre zones will include a height-in-relation-to-boundary setback of 4 metres and a 60-degree recession plane. In all other zones (ie, open space, residential and special purpose zones), replacement poles can be built 10 metres from the original pole.

New poles in these areas would still be subject to district or regional plan rules if they are in an environmentally significant area listed in Subpart 5 of the NES-TF, and may still require a resource consent.

Enabling renewable electricity generators for telecommunication facilities

The NES-TF proposes to fill the gap in national standards for renewable electricity generators that power telecommunication facilities. The proposed changes include:

- permitting renewable and non-renewable electricity generators for an off-grid site as a back-up in rural zones
- activity performance standards requiring a generator or facility to be located a minimum of 50 metres away from buildings on adjacent properties used for sensitive activities
- proposed new standards for solar panels requiring the panel footprint to be less than 100 square metres
- a maximum permitted height of 25 metres for wind turbines.

Enabling customer connection lines to heritage buildings

The proposal would make installation of a customer connection line (such as fibre optic broadband cables) to a heritage building or structure a permitted activity. To avoid damage to heritage buildings, permitted activity standards would require installers to make use of existing entry points, and ensure that a connection line would not be attached to a primary feature of the front façade of a heritage building or structure.

Non-compliance with permitted activity standards would mean the installations would be either a controlled activity or a restricted discretionary activity – the latter being the preferred option. Under either option, the activity status would limit consideration of resource consents to effects on historic heritage values and any other reasonable alternative installation solution.

Enabling temporary telecommunication facilities

No standards in the existing NES-TF relate to temporary telecommunication facilities. These are important in emergency events and were critical during Cyclone Gabrielle in 2023. A new permitted activity is proposed for a temporary telecommunication facility for coverage or additional capacity.

The proposal is to amend the NES-TF to include time limits for temporary telecommunication facilities of:

- up to six months for emergencies and maintenance
- up to three months for events or short periods during high demand (ie, holiday periods at a campsite).

This change would also permit the installation and operation of temporary telecommunication facilities in natural and/or special environments protected under the NES-TF⁴³ in emergencies, if the protected areas are not damaged or altered. The maximum height of a temporary telecommunication facility is proposed to be 25 metres, with a maximum footprint of no more than 15 square metres (see figure 7 in [attachment 1.5.1](#)).

⁴³ For details of these areas, see [Subpart 5](#) of the NES-TF.

Allowing plan rules to be more lenient

The proposed changes allow district plan rules to be more lenient than the standards in the NES-TF for temporary telecommunication facilities. This means district councils can use Schedule 1 plan-making processes⁴⁴ to incorporate longer timeframes for temporary telecommunication facilities than those outlined above.

Questions	
52.	Which option for proposed amendments to permitted activity standards for telecommunication facilities do you support?
53.	Do the proposed provisions appropriately manage any adverse effects (such as environmental, visual or cultural effects)?
54.	Do the proposed provisions place adequate limits on the size of telecommunication facilities in different zones?
55.	Should a more permissive approach be taken to enabling telecommunication facilities to be inside rather than outside the road reserve?
56.	Do you support the installation and operation of fewer larger telecommunication facilities to support co-location of multiple facility operators?

What does the proposal mean for you?

Table 7 outlines the anticipated impacts of the NES-TF proposal on various parties, with more detail available in the [Interim Regulatory Impact Statement: Amendments to the National Environmental Standards for Telecommunication Facilities 2016](#) on the Ministry for the Environment's website.

Table 7: Overview of anticipated impacts of proposed amendments to the NES-TF

Party	Anticipated impacts
Local authorities	Clearer and more consistent rules to reduce consenting volumes without the need for a plan change. Some transactional costs incurred to train staff to become familiar with new requirements.
People and communities	The proposed amendments would support faster and more cost-effective new or upgraded telecommunication facilities (eg, 5G services, battery upgrades), which would improve the performance and resilience of the telecommunication network that New Zealanders rely on. Reduced compliance costs could result in these costs not being passed onto consumers through price increases. Possible changes to local amenity values for communities due to the visual impact of larger telecommunication facilities permitted in more locations.
Applicants	A more streamlined process through NES-TF for new or upgraded telecommunication facilities is expected to significantly reduce ongoing consenting and planning costs for telecommunication providers. Some costs to providers to review and engage on NES-TF changes (including in consultation), and to learn the new policies and rules.

⁴⁴ [Schedule 1](#) of the RMA provides for the preparation, change and review of policy statements and plans.

Party	Anticipated impacts
Māori groups	Similar connectivity benefits for Māori and non-Māori. A wider range of activities permitted, so temporary telecommunication infrastructure may be installed in areas that have cultural significance to Māori. This includes new standards permitting installation of customer connection lines (ie, fibre) to heritage buildings, including marae, and installation of temporary telecommunication facilities in an emergency. Existing site protections under a district plan would still apply outside a state of emergency. Including new permitted activities in the NES-TF removes the ability for councils to notify consents to engage with iwi/hapū. However, facilities proposed to be permitted are low impact, substantially retain any district plan protections for sites of cultural significance/wāhi tapu or archaeological sites, and include measures to avoid or mitigate adverse effects.

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 consistent rules to develop, operate, protect and upgrade telecommunication networks which is critical national infrastructure that supports the social, economic and cultural wellbeing of people and communities, and is crucial for public health and safety as it enables people to contact emergency services.
- support meeting the telecommunication needs of present and future generations by enabling newer technologies to be installed as permitted activities (where standards to manage environmental effects are met) which will improve coverage to rural areas and speed and connectivity nationwide.

Treaty considerations

The proposed changes to the NES-TF are designed to enable telecommunication facilities to meet increasing demand, and to deliver affordable and reliable mobile and internet coverage and connectivity. The Crown can protect Māori interests and support Māori development (ie, Māori enterprise) by ensuring Māori have access to affordable and reliable telecommunications.

Although substantial changes are proposed to the NES-TF, it will retain existing settings for Māori engagement when rolling out or upgrading telecommunication infrastructure in areas of cultural significance to Māori. For this reason, the amended NES-TF will continue to be Treaty compliant.

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

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

General material on implementation supporting this proposal, including the statutory requirements, is provided in [section 4](#) of this document.

Specific to the proposed changes to the NES-TF, following consultation and final decisions from the Government on changes, the updated NES-TF would take effect 28 days after it is gazetted.

Section 3: Development

Part 3.1: National Environmental Standards for Granny Flats (Minor Residential Units)

Context

The Government has committed to amend the Building Act 2004 and the resource consent system to make it easier to build granny flats⁴⁵ or other small structures up to 60 square metres, requiring only an engineer's report.

The Government invited submissions on changing the rules around building granny flats from 17 June to 12 August 2024 through a discussion document.⁴⁶ Almost 2,000 submissions⁴⁷ were received on the discussion document, which proposed the following actions:

- develop new national environmental standards under the RMA to enable a 'minor residential unit' up to 60 square metres to be built without the need for a resource consent, subject to specified permitted activity standards
- add a new schedule to the Building Act 2004 to provide a building consent exemption for granny flats up to 60 square metres, subject to a set of conditions, and make associated changes to the Local Government Act 2002 (referred to collectively as 'the building consent exemption changes').

The Government has decided to proceed with preparing National Environmental Standards for Granny Flats (Minor Residential Units) (NES-GF) under the RMA. The proposal has been updated based on feedback received through the 2024 discussion document, and to align with changes to the proposals under the Building Act 2004.

This updated proposed NES-GF differs from the proposal outlined in the 2024 discussion document in that it proposes a maximum internal floor area of 70 square metres (increased from 60 square metres) for granny flats that are permitted activities. It also proposes changes to several permitted activity standards. More detail on the proposed provisions is included in [attachment 1.6](#) of this document.

⁴⁵ Granny flats are known as 'minor residential units' in the resource management system.

⁴⁶ Ministry of Business, Innovation & Employment and Ministry for the Environment. 2024. [Making it easier to build granny flats. Discussion document](#). Wellington: Ministry of Business, Innovation & Employment.

⁴⁷ Ministry of Business, Innovation & Employment and Ministry for the Environment. 2024. [Making it easier to build granny flats. Summary of submissions](#). Wellington: Ministry of Business, Innovation & Employment.

Submissions are invited on the updated proposed NES-GF. These will be considered alongside submissions received on the 2024 discussion document, in preparing a report on this new national direction instrument.⁴⁸

This consultation only relates to the NES-GF proposal.⁴⁹ The Government has already made final policy decisions on the building consent exemption changes, which is following a separate process.⁵⁰

What problems does the proposal aim to address?

Housing affordability is a key issue in New Zealand

New Zealand has some of the least affordable housing in the world,⁵¹ and home ownership dropped from 74 per cent in the 1990s to 65 per cent in 2018.⁵² High housing costs have a greater impact on retirees on fixed incomes, Māori, Pacific people, and people with disabilities.

There is increasing demand and a lack of supply of small houses

Poor alignment between household size and number of bedrooms in existing dwellings suggests an undersupply of one- to two-bedroom homes for smaller households. The 2018 Census recorded that just under twenty per cent of houses in New Zealand had two bedrooms, and six per cent had one bedroom – but over half the recorded households had one or two people.⁵³ Demand in the future is likely to increase, due to demographic changes such as:⁵⁴

- more single parent families
- people having fewer children
- an ageing population.

Data collected in December 2024 show 49 per cent of applications in the public housing register require one bedroom.⁵⁵

⁴⁸ Provided to the Minister under [section 46A\(1\)–\(3\)](#) of the RMA.

⁴⁹ For further information, see Ministry of Business, Innovation & Employment. [Making it easier to build granny flats \(2024\)](#). Retrieved 28 April 2025.

⁵⁰ Hon Chris Bishop, Hon Chris Penk, Hon Shane Jones. 5 April 2024. [Super-sized granny flats coming to backyards](#) Retrieved 14 May 2025.

⁵¹ OECD. 2020. [How's Life? 2020: Measuring Well-being](#). Paris: OECD Publishing. Table 1.1, p 23.

⁵² Stats NZ. 2020. [Housing in Aotearoa](#). Wellington: Stats NZ.

⁵³ Stats NZ. 2018. Census data.

⁵⁴ Stats NZ. 2018. Census data.

⁵⁵ Ministry of Social Development. December 2024. [Monthly Housing Report](#). Factsheet. Wellington: Ministry of Social Development. p 2.

Regulatory barriers increase the time and cost to build new houses

Housing has become more difficult and expensive to build in New Zealand. The cost of building a house has increased around 41 per cent since 2019.⁵⁶ Regulatory compliance costs for consenting and building are part of what drives housing costs. If a small house requires a resource consent, this costs around \$1,500.⁵⁷ This may be small in proportion to the overall financial cost of building a minor residential dwelling, but the average time taken to process land-use consents has steadily increased. Resource consent processing time in 2022/23 was more than double the regulated 20 days.⁵⁸ Removing the time and cost barriers to consents would likely lead to more construction of this type of housing, helping to address the current unmet demand.

Inconsistent approach to regulating granny flats

Some district plans currently enable granny flats, but there is inconsistency in how enabling these provisions are across the country. Not all councils enable granny flats, some councils only enable granny flats in either residential or rural zones, and the relevant standards vary.

What is the proposal?

A new NES-GF is proposed to support the development of granny flats (minor residential units) in identified areas. More detail on the proposed provisions is included in [attachment 1.6](#) of this document.

The proposed NES-GF is intended to enable one small, detached, self-contained, single-storey house (minor residential unit) per site for residential use as a permitted activity (ie, no resource consent required). The proposed NES-GF uses the definition for 'minor residential unit' in the National Planning Standards.⁵⁹ The proposal is for the NES-GF to apply in residential, rural, mixed-use and Māori-purpose zones, where specified permitted activity standards are met.

Question	
57.	Are the proposed provisions in the NES-GF the best way to make it easier to build granny flats (minor residential units) in the resource management system?

⁵⁶ The 41.3% represents the cumulative increase since the fourth quarter of 2019. This mostly occurred in 2021 and 2022.

⁵⁷ National monitoring system 2021/22 consent data for minor residential units. Ministry for the Environment. [National monitoring system](#). Retrieved 28 April 2025.

⁵⁸ Ministry for the Environment. 2024. [Patterns in Resource Management Act Implementation – National Monitoring System data from 2014/15 to 2022/23](#). Figure 10, p 15.

⁵⁹ Defined as “a self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site”. Ministry for the Environment. 2019. [National Planning Standards](#). Wellington: Ministry for the Environment. p 60.

Specified permitted activities will enable granny flats in particular areas

The proposed permitted activity standards for granny flats are:

- a maximum 70-square metre internal floor area
- one minor residential unit per site in common ownership with the principal residential unit on the same site
- 50 per cent maximum building coverage in residential zones, mixed-use zones and Māori purpose zones (with no maximum coverage in rural zones)
- minimum front and side boundary setbacks of 2 metres in residential zones
- minimum front boundary setbacks of 10 metres, and side and rear boundaries of 5 metres, in rural zones
- 2-metre setbacks from the principal residential unit.

Question

58.	Do you support the proposed permitted activity standards for minor residential units?

Leniency of rules

Some district plans already have rules relating to minor residential units that are more enabling than the standards proposed in the NES-GF. In addition, councils that have implemented the medium-density residential standards may have more lenient rules and standards – for example, relating to setbacks. The proposal is that district plan standards can be more lenient than those in the NES-GF.⁶⁰ This would ensure the proposed NES-GF does not restrict the level of development already enabled in some areas by district and unitary plans.

Although district plans may have more lenient standards for minor residential units, a building consent may still be required if relevant conditions under the Building Act 2004 are not met.

Questions

59.	Do you support district plans being able to have more lenient standards for minor residential units?
60.	Should the proposed NES-GF align, where appropriate, with the complementary building consent exemption proposal?

Limiting matters district plan rules can address when considering granny flats

The proposed NES-GF includes a list of matters relating to minor residential units that local authorities cannot set rules for in district or unitary plans. This list details standards to ensure the uptake of granny flats is not unduly limited, namely:

- individual outdoor space
- glazing, privacy or sunlight access
- parking and access.

⁶⁰ As provided in [section 43B\(3\)](#) of the RMA.

Question	
61.	Do you support the proposed list of matters that local authorities may not regulate in relation to minor residential units? Should any additional matters be included?

The proposal is that existing district plan rules apply where a development does not meet one or more of the specified permitted activity standards in the NES-GF (ie, where a granny flat is no longer a permitted activity under the NES-GF).

Question	
62.	Do you support existing district plan rules applying when one or more of the proposed permitted activity standards are not met?

Defined and limited scope of application for the NES-GF

The proposed NES-GF will not set rules or standards or change any consent requirements for:

- subdivision
- earthworks
- matters of national importance under section 6 of the RMA (eg, management of risks from natural hazards)
- specific use of the minor residential unit (other than for residential activities)
- regional plan rules
- papakāinga
- setbacks from transmission lines, railway lines and the National Grid Yard.

These matters will continue to be managed through existing RMA plans or national environmental standards (where relevant).

Question	
63.	Do you support the list of matters that are out of scope of the proposed NES-GF? Should any additional matters be included?

What does this proposal mean for you?

Table 8 outlines the anticipated impacts of the NES-GF proposal on various parties, with more detail available in the [Interim Regulatory Impact Statement: National Environmental Standards for minor residential units \(granny flats\)](#) on the Ministry for the Environment's website.

Table 8: Overview of anticipated impacts of the proposed NES-GF

Party	Anticipated impacts
Local authorities	Replaced or introduced district plan rules permitting granny flats (minor residential units) that meet the permitted activity standards in the NES-GF, without the need for a Schedule 1 plan change. ⁶¹
Applicants	Applicants enabled to build a minor residential unit without a resource consent if it meets certain permitted activity standards, reducing costs and time for development.

⁶¹ [Schedule 1](#) of the RMA provides for the preparation, change and review of policy statements and plans.

Party	Anticipated impacts
People and communities	Neighbours and other parties unable to object to any proposals for any minor residential unit development that meets certain permitted activity standards. This may not be a significant change to the status quo, depending how district plan rules provide for third-party objections and submissions.
Māori groups	Māori groups enabled to build a minor residential unit without a resource consent if it meets certain permitted activity standards and is held in common ownership with the principal dwelling on the site. Māori groups, and other parties, unable to object to proposals for any minor residential unit development that meets permitted activity standards. May not be a significant change to the status quo, depending how district plan rules provide for third-party objections and submissions. May go some way to addressing the regulatory and consenting challenges for developing on Māori land, and for papakāinga and kaumātua housing, where the circumstances of this proposal apply. A separate NES for papakāinga is proposed to provide a more targeted policy response to support Māori housing outcomes and address the broader challenges to building on and development of Māori land.

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:

- ensure the use, development and protection of natural and physical resources as the following matters are out of scope of the proposed NES-GF and would continue to be managed by existing provisions in district and regional plans:
 - subdivision
 - earthworks
 - matters of national importance under section 6 of the RMA (eg, management of risks from natural hazards)
 - specific use of the minor residential unit (other than for residential activities)
 - regional plan rules
 - papakāinga
 - setbacks from transmission lines, railway lines and the National Grid Yard

(note: a resource consent may still be required for these matters, to ensure effects are appropriately managed)
- provide for the social, economic and cultural wellbeing of people and communities, and their health and safety, by:
 - increasing housing supply and housing choice (The proposed NES-GF will remove resource consent requirements for minor residential units and provide consistent permitted activity standards and allow local authorities to provide for more enabling standards to support housing supply and housing choice.)
 - providing clarity where existing RMA plan provisions apply
 - supporting intergenerational living and ageing in place

- ensure development has no more than minor adverse effects on the environment, where permitted activity standards are met. This would ensure effects would be similar to what could occur resulting from a permitted single dwelling on the site.

Treaty considerations

Māori who want to develop housing face issues of cost and time to consent small, simple houses. The proposed NES-GF may help address the regulatory and consenting challenges for developing on Māori land,⁶² and for papakāinga⁶³ and kaumātua housing,⁶⁴ where this NES applies. This proposal therefore has the potential in these circumstances to:

- make it easier for Māori land trusts, whānau and other Māori groups to build affordable housing at a reduced cost, and support intergenerational living
- increase housing stock likely to be taken up by Māori renters.

This proposal is not designed to address the broader challenges related to building papakāinga and other Māori housing (including on Māori land). This means the application of this policy to these matters has some limitations. For example, the proposals may not always fit with the characteristics of collectively owned Māori land (eg, where the minor residential unit may not necessarily be held in common ownership with the principal unit). For this reason, a targeted national environmental standard is proposed to enable papakāinga (discussed below in [Part 3.2: National Environmental Standards for Papakāinga](#)).

The overall impact of the proposed NES-GF on Treaty settlements is likely minor, because the proposal does not:

- prevent councils from upholding their statutory acknowledgment commitments for consenting and plan-making
- directly affect planning processes that involve post-settlement governance entities (PSGEs) and joint entities.

Some impact may result because the proposed NES-GF can override district plan rules and mechanisms that notify PSGEs through resource consent processes. However, minor residential units are unlikely to have any significant impact, because:

- granny flats are unlikely to be built on areas of cultural or historical significance, since they require an existing primary dwelling to be exempt from resource consent processes.

Section 6 of the RMA is out of scope of the proposed NES-GF, and will continue to be regulated by councils.

Consultation is 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.

⁶² Includes Māori customary land and Māori freehold land (as defined by Te Ture Whenua Māori Act 1993).

⁶³ Can be described as communal settlements on ancestral Māori land.

⁶⁴ Housing specifically provided for kaumātua (elders).

Implementation

General material on implementation supporting the proposed NES-GF, including the statutory requirements, is provided in [section 4](#) of this document. Specific implementation provisions proposed for these national environmental standards are:

- the NES-GF proposes that district plans can include more lenient permitted activity standards
- home owners wishing to build a granny flat on their property will need to check the NES-GF or the relevant district plan (if relying on more lenient rules) to see whether a proposed granny flat:
 - will meet the standards in the NES-GF
 - will meet more enabling standards in the district plan, or
 - requires them to apply for a resource consent.

Part 3.2: National Environmental Standards for Papakāinga

Context

In recent years, many whānau Māori have become interested in returning to live on ancestral land in papakāinga. ‘Papakāinga’ can be defined in many ways but is usually understood to refer to a communal settlement on ancestral land.

Planning rules do not always reflect the needs of Māori land owners who want to develop multiple dwellings and perhaps some non-residential activities on communal land. This is especially true in rural zones where plans often permit only one home per lot. Specific planning provisions are needed to enable papakāinga and provide opportunities to live on ancestral land.

What problems does the proposal aim to address?

Provision for the development of papakāinga in district plans is variable, if it exists at all. This restricts the ability of many whānau, trusts and incorporations to develop papakāinga on their land, and misses opportunities to:

- increase the supply of affordable housing
- enable the development of whenua Māori
- support positive social and economic outcomes.

The relationship between Māori and their culture and traditions that involve ancestral lands, water, sites, wāhi tapu and other taonga is a matter of national importance under section 6 of the RMA. The inconsistent provision for papakāinga in district and unitary plans is preventing Māori land owners from using their land to house their whānau, exercise autonomy over their whenua and build wealth.

What is the proposal?

The proposal is for new National Environmental Standards for Papakāinga (NES-P). An overview of this proposal is outlined below, and more detailed proposed provisions are available in [attachment 1.7](#) of this document.

Permitted papakāinga development

The proposed NES-P is intended to enable papakāinga by providing a nationally consistent planning framework. The proposal permits a limited scale of papakāinga development (up to 10 homes) on certain types of land in rural zones, residential zones and Māori-purpose zones. The proposed NES-P includes some rules to protect the environment and health and safety of residents, so a consent required under a regional plan might still be required.

The permitted activity status would apply on categories including, but not limited to:

- Māori freehold land
- Māori customary land
- Māori reservations and reserves
- former land that was compulsorily converted under the Māori Affairs Amendment Act 1967
- returned land taken for public works.

Broadly speaking, these are land categories where the owners have an ancestral connection to the land, and where the land has remained in the ownership of the original owners and their descendants.

Certain non-residential activities ancillary to the residential activities of the papakāinga are proposed to be permitted, including:

- commercial activities (of up to 100 square metres) and conservation activities
- visitor accommodation for up to eight guests (this limit would not apply to manuhiri staying on a marae, as no change to marae activities is proposed)
- educational and health facilities
- sports and recreation activities
- marae, urupā and māra kai.

Questions	
64.	Do you support the proposal to permit papakāinga (subject to various conditions) on the types of land described above?
65.	What additional non-residential activities to support papakāinga should be enabled through the NES-P?

Proposed permitted activity standards

Papakāinga enabled by the proposed NES-P will be a permitted activity, subject to the following permitted activity standards:

- building coverage to be a maximum of 50 per cent of the site
- in residential zones, minimum setback of 1.5 metres from front boundaries and 1 metre from all other boundaries
- in rural zones, minimum front and side setbacks of 3 metres
- in Māori-purpose zones, minimum front and side setbacks will be the same as the underlying zone.

The proposal is for certain rules and standards in the underlying zone to continue to apply, to maintain protection for the natural environment and for the health and safety of people and communities. Existing rules and standards in district, regional and unitary plans not affected by this proposal include setbacks from waterways and rail corridors, building height, earthworks, permeable surfaces, lighting, noise, accessways, wastewater, water supply, natural hazards, relocatable buildings and green infrastructure.

Questions	
66.	What additional permitted activity standards for papakāinga should be included?
67.	Which, if any, rules from the underlying zone should apply to papakāinga developments?

Proposed restricted discretionary activities

The proposal is for a resource consent process for a restricted discretionary activity to apply to other, smaller-scale papakāinga that do not meet all the permitted activity standards, have between 11 and 30 residential units or that are proposed to be located on Treaty settlement land.

Questions	
68.	Should local authorities have restricted discretion over papakāinga on Treaty settlement land (ie, should local authorities only be able to make decisions based on the matters specified in the proposed rule)?
69.	What alternative approaches might help ensure that rules to enable papakāinga on general land are not misused (for private/commercial use or sale)?
70.	Should the NES-P specify that the land containing papakāinga on general land cannot be subdivided in future?

Larger papakāinga developments

The proposal is that a resource consent process for a discretionary activity will apply to larger-scale papakāinga developments of more than 30 residential units.

Where the papakāinga development is on Treaty settlement land, the proposed NES-P requires applicants to demonstrate that the land will remain in Māori ownership in the long term. This is due to fewer restrictions applying to subsequent subdivision and sale of this land for housing, compared with the other land categories described above.

Leniency of rules

The proposal is that district plan rules for papakāinga can be more lenient than the NES-P.⁶⁵ This would give local authorities the flexibility to work with mana whenua to develop bespoke papakāinga provisions if they wish, or to retain existing rules that are more enabling than the NES-P.

What does the proposal mean for you?

Table 9 outlines the anticipated impacts of the NES-P proposal on various parties, with more detail available in the [Interim Regulatory Impact Statement: Enabling papakāinga in Resource Management](#) on the Ministry for the Environment's website.

⁶⁵ As provided in [section 43B\(3\)](#) of the RMA.

Table 9: Overview of anticipated impacts of the proposed NES-P

Party	Anticipated impacts
Local authorities	For local authorities with more restrictive district plan rules for papakāinga than the proposed NES-P, consents would no longer be required for papakāinga that meet activity conditions and performance standards, leading to cost and time savings. Where existing district plan rules for papakāinga are more lenient than the NES-P, those district rules continue to apply and consent requirements would be unchanged. For local authorities without enabling rules for papakāinga, it may reduce the need for resource consents for smaller-scale papakāinga where rules in the underlying zone do not permit papakāinga. This may lead to cost and time savings in plan-making and consent processing.
Māori groups/applicants	Māori land owners enabled to develop papakāinga of up to 10 homes on certain types of Māori land, together with ancillary non-residential activities, without a resource consent (subject to certain conditions and performance standards). Enabled to develop, as restricted discretionary or discretionary activity: - larger-scale papakāinga or those that do not meet all the performance standards - developments on Treaty settlement land. These activities to be subject to a consent process, with limited council discretion to ensure consenting decisions align with the purpose of the NES-P: to enable papakāinga while protecting the environment. Reduced cost and time for development. Development enabled on sites where papakāinga may previously have been non-complying.
People and communities	Papakāinga housing enabled on certain types of Māori land and Treaty settlement land, including on sites where this may not have previously been allowed. No notification required for papakāinga of up to 10 homes that comply with the relevant performance standards. Limited notification required for developments of between 10 and 30 homes.

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:

- support people and communities to provide for their social, economic and cultural wellbeing by providing consistent rules enabling Māori land owners to use their land to develop and live in papakāinga communities
- provide consistent rules for papakāinga development that support the health and safety of Māori land owners while maintaining protection of land and the natural environment.

Treaty considerations

By reducing or removing consent processes, the proposed NES-P would facilitate the development of housing on Māori land. This would support Māori land owners to exercise mana or authority over their land and kāinga (consistent with Article 2 of the Treaty of Waitangi / Te Tiriti o Waitangi) and contribute to addressing inequities in housing outcomes (consistent with Article 3).

We do not consider any Crown commitments to iwi in Treaty settlements will be directly affected by the proposed NES-P.

The proposed NES-P will have immediate enabling effect nationally. However, achieving this immediacy and certainty involves a trade-off, in that the new NES-P would:

- override more stringent or restrictive existing local papakāinga provisions (which may have been developed in consultation with tangata whenua)
- limit the scope of future district plan provisions (as only district plan rules that are more lenient or enabling than the NES-P would be allowed)
- reduce the likelihood that iwi will be informed about small papakāinga developments.

We have undertaken targeted engagement on this trade-off, receiving mixed feedback. Some whenua owners said they would prefer certainty and noted that, in practice, iwi and hapū have limited influence on district plan rules. Other iwi indicated that the ability to influence the rules in their tribal area is very important.

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

With the exception of leniency provisions, nothing in the proposal provides further direction on implementation other than existing direction in the RMA, which is described in [section 4](#) of this document.

The proposed NES-P enables existing district plans to retain rules that are more lenient (or to include new such rules through a Schedule 1 plan-making process).⁶⁶ If a local authority decides to change its plans to be more lenient than the NES-P, Schedule 1 of the RMA requires councils to consult tangata whenua as part of any such plan-change process.

⁶⁶ [Schedule 1](#) of the RMA provides for the preparation, change and review of policy statements and plans.

Part 3.3: National Policy

Statement for Natural Hazards

Context

New Zealand is located on the boundary of the Pacific and Australian tectonic plates and has numerous fault lines, as well as volcanic and geothermal activity. It has a small landmass, a large coastline and experiences strong winds. These features mean that New Zealand is exposed to a wide range of natural hazards including earthquakes, volcanoes, erosion, landslides, floods, tsunami and extreme weather events. Climate change is increasing the severity and frequency of some natural hazards, including flooding, heatwaves, drought, wildfire, sea-level rise and coastal inundation.

The resource management system, governed by the RMA, determines where and how new development occurs. This makes the RMA the key tool for ensuring either that development is directed away from areas where natural hazard risk is unacceptable or that risk is mitigated to acceptable levels. The RMA currently requires that the management of significant risks from natural hazards is recognised and provided for, as a matter of national importance.⁶⁷

Although the RMA requires local authorities to manage significant risk from natural hazards when making plans and assessing resource consent applications, it does not provide a process to follow. No national direction on natural hazard risk exists, apart from some non-statutory guidance documents and some natural hazard provisions in the New Zealand Coastal Policy Statement (NZCPS) relating to the coastal environment and coastal marine area.

What problems does the proposal aim to address?

The resource management system is not being used effectively to manage natural hazard risk, as established through numerous national reviews and investigations, as well as through feedback from insurers, councils and practitioners. New Zealand communities – including the places people live, their property and supporting infrastructure – have been developed in areas at risk from natural hazards, without appropriate measures being taken to reduce that risk.

Many natural hazard risks, such as flooding, are expected to be exacerbated by climate change, and some communities already face these increasing risks. The RMA is not designed to support climate adaptation for existing homes and other structures, but it can be used to ensure that anything built from now on is resilient.

Resilient new development will limit the future costs (in terms of loss of life, social and economic disruption and property damage) of natural hazard events. This was demonstrated during the severe weather events across New Zealand in 2023, in which development in areas exposed to natural hazard risk resulted in severe damage to life, property and wellbeing, accompanied by high recovery costs.

⁶⁷ Under [section 6\(h\)](#) of the RMA.

New Zealand is a growing country. Inappropriately risk-averse approaches to natural hazards may prevent much-needed new development even though it could be designed or located so as to withstand natural hazards. Targeted feedback from developers has revealed concerns that some local authorities have been too risk averse, inappropriately restricting development to avoid risk from natural hazards.

Part of the problem is that the RMA does not provide guidance on the requirement for local authorities to consider natural hazard risk when developing plans or when making resource consent decisions. Further, the RMA does not define the term 'significant risk'.

Consequently, local authorities have developed their own approaches to identifying, assessing and managing natural hazard risk, leading to variability in natural hazard provisions in their RMA planning documents. Such inefficiency and inconsistency also means that, in some areas, land-use or other use decisions may allow risky development or prevent appropriate development. The result is uncertainty for communities and developers about what to expect for natural hazard risk management in different areas.

Implementing effective planning provisions and making consent decisions that respond to or address natural hazard risk can create legal and practical challenges, including:

- obstacles to gathering and applying hazard and risk information
- funding constraints
- the risk of legal challenge from property owners or developers when local authorities try to introduce or implement natural hazard-related provisions.

What is the proposal?

To address the challenges outlined above, the Government proposes a new National Policy Statement for Natural Hazards (NPS-NH). The proposed NPS-NH is a first step towards more comprehensive national direction for natural hazards in the future.

The proposed NPS-NH directs local authorities to take a risk-based approach to new development – that is, assessing a specific development for risk from a specific natural hazard. The risk associated with some development (such as childcare facilities or aged care facilities) would be greater than with others (such as an unoccupied storage facility). Although the proposed NPS-NH does not tell local authorities how to respond to a specific level of risk, it does tell them to proportionately manage natural hazard risk. This means high-risk activities should be limited, and low-risk activities should be enabled.

The proposed NPS-NH also requires that, in deciding resource consent applications, consent authorities must consider risk-reduction measures (such as raising floor levels, installing retaining walls or using landscape features such as swales to divert flood waters). Getting the right kind of development in the right place maximises development, while reducing disaster losses from inappropriate new development in the long term.

Many local authorities have limited consideration of natural hazard risk in their planning documents. Although some local authorities already use a risk-based approach, there is no clear national direction on how this should be done. Providing this direction will support the resource management system to improve the ability of local authorities to manage natural hazard risk.

The key elements of the proposed NPS-NH are that local authorities must:

- take a risk-based approach to natural hazard risk, including the introduction of a risk matrix that will define significant risk
- take a proportionate approach to natural hazard risk
- use best available information in assessing natural hazard risk.

The proposed requirement to use the best available information recognises the dynamic nature of natural hazard data and information, leading local authorities to make progress in natural hazard management.

More detail on the proposed provisions for the NPS-NH is included in [attachment 1.8](#) of this document. Guidance will be provided to support the implementation of the NPS-NH.

For coastal environments, new policy introduced would sit alongside the NZCPS, with the NZCPS prevailing where there is any conflict between policies.

The proposed NPS-NH is intended to complement the forthcoming national adaptation framework, which aims to establish an enduring, long-term approach to climate change adaptation in New Zealand. The proposal aims to improve the management of natural hazard risk. It will support decision-makers to avoid inappropriate use and subdivision in risky locations, thereby limiting the increase of people and property exposed to hazards and so limiting costs to New Zealand.

The proposed NPS-NH will have immediate influence on resource consent decision-making and plan changes, including private plan changes. No date is given as to when local authorities must comprehensively give effect to this new instrument in their existing district or regional plans. This deliberate omission is so local authorities do not feel obliged to make plan changes ahead of reforms to replace the RMA at the end of 2025.

Scope of the proposed NPS-NH and definitions

The proposed NPS-NH applies to new subdivision, new use and new development in all environments and zones, including coastal environments. 'New development' is proposed to include either development of new buildings or structures on land that does not already have buildings or structures on it, or the extension or replacement of existing buildings and structures.

The proposed NPS-NH applies only to seven hazards: flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction and tsunamis. However, the proposal does not intend to limit the management of other natural hazards through land-use and other use planning. It does not prevent local authorities from having policy on other natural hazards, activities or the environment.

The proposal is that the NPS-NH will not apply to infrastructure, as defined in the RMA, and 'primary production', as defined in the National Planning Standards.⁶⁸ The proposed NPS-NH is a foundational tool that will be built on, so management of the risk of natural hazards to infrastructure and primary production activities is not a priority. Application of the national direction to a wider scope of activities can be revisited in future policy work.

Questions	
71.	Should the proposed NPS-NH apply to the seven hazards identified and allow local authorities to manage other natural hazard risks?
72.	Should the NPS-NH apply to all new subdivision, land use and development, and not to infrastructure and primary production?

Objective

The objective for the proposed NPS-NH focuses on the outcome anticipated for natural hazard risk management. To avoid, mitigate and reduce risks arising from natural hazards on subdivision, land use and development, local authorities should apply:

- a risk-based approach to managing natural hazard risks
- land-use and other use controls that are proportionate to the level of natural hazard risk.

Question	
73.	Would the proposed NPS-NH improve natural hazard risk management in New Zealand?

Risk-based approach

The proposed NPS-NH seeks to improve the location and design of new development by directing local authorities to take a risk-based approach to assessing and managing natural hazard risk in the resource management system.

The proposal introduces a requirement that when assessing natural hazard risk (for the purposes of land-use planning) local authorities must consider:

- the likelihood of a natural hazard event occurring
- the consequences of a natural hazard event for the activity being assessed
- existing and proposed mitigation measures
- residual risk
- potential impacts of climate change on natural hazards at least 100 years into the future.

Questions	
74.	Do you support the proposed policy to direct minimum components that a risk assessment must consider but allow local authorities to take a more comprehensive risk assessment process if they so wish?
75.	How would the proposed provisions impact decision-making?

⁶⁸ The definition of 'primary production' includes any aquaculture, pastoral, horticultural, mining, quarrying or forestry activities, and any initial processing of commodities resulting from these activities. Ministry for the Environment. 2019. [National Planning Standards](#). Wellington: Ministry for the Environment. p 62.

The proposal provides a definition of 'significant risk from natural hazards' for the purposes of the NPS-NH:

Significant risk from natural hazards is defined as 'medium', 'high' and 'very high' risk using the proposed risk matrix, when considering consequences to property and potential for injury or fatalities.

This definition specifies the level of natural hazard risk at which consent authorities would require proposals for new subdivision, land use or development to include mitigation. Otherwise, consent authorities could consider refusing a consent due to risks from natural hazards. In practice, this means that when a proposed development is deemed to be a 'significant risk', the development should be avoided or the risk should be reduced (even when the mitigations required to achieve this are minor). The choice between avoiding and reducing risk will depend on both the level of risk associated with the specific proposed activity, and the local authority's proportionate management approach.

To define significant risk, the proposed NPS-NH also introduces a nationally consistent language of natural hazard risk by using the terms 'low', 'medium', 'high' and 'very high'. These levels of natural hazard risk do not have to be directly applied to decisions, but they reflect the different levels of risk within 'significant risk' and support consistency in decisions being made proportionate to the level of risk.

Figure 1: Definitions of risk based on standardised definitions of likelihood and consequence

		Likelihood level						
		Almost certain	Very likely	Likely	Possible	Unlikely	Rare	Very rare
ARI (years)		up to 10	10–20	20–50	50–100	100–500	500–5,000	> 5,000
AEP		10% or more	10% to 5%	5% to 2%	2% to 1%	1% to 0.2%	0.2% to 0.02%	< 0.02%
Consequence level	Catastrophic	Very high	Very high	Very high	High	Medium	Medium	Medium
	Major	Very high	Very high	High	High	Medium	Medium	Medium
	Moderate	High	High	High	Medium	Medium	Low	Low
	Minor	Medium	Medium	Medium	Medium	Low	Low	Low
	Negligible	Low	Low	Low	Low	Low	Low	Low

Note: ARI = Average recurrence interval; AEP = Annual exceedance probability.

Source: Ministry for the Environment:2025

The proposed NPS-NH introduces a matrix that identifies levels of natural hazard risk, using combinations of defined likelihood and consequences (as shown in figure 1 above) to help with defining 'significant risk from natural hazards'. A benefit of this matrix is that it provides a nationally consistent language that local authorities can use.

Questions	
76.	Do you support the placement of very high, high, medium and low on the matrix?
77.	Do you support the definition of significant risk from natural hazards being defined as very high, high, medium risk, as depicted in the matrix?

Proportionate management

The approach of the proposed NPS-NH is to respond proportionately to natural hazard risk. This means that stronger constraints on development are appropriate when risk is higher, and conversely, development should be enabled where risk is lower. A proportionate approach would ensure that any limitation placed on new development is justified and maximises use of land. The proposed NPS-NH does not set out how to respond to specific classifications of risk, but more detailed non-statutory guidance can be provided to support decision-makers.

The proposed NPS-NH does not include a more directive approach to local authorities on classifying and responding to risk, because the expected implementation of the proposed NPS-NH in the short term will be through resource consents. Increasing process requirements for resource consents is not appropriate, because New Zealand needs to grow. A more standardised approach that allows managing natural hazard risk through planning documents, rather than on a consent-by-consent basis, could be considered as part of any future resource management system reforms.

Questions	
78.	Should the risks of natural hazards to new subdivision, land use and development be managed proportionately to the level of natural hazard risk?
79.	How will the proposed proportionate management approach make a difference in terms of existing practice?

Use the best available information

Information about hazards is constantly improving. The proposed NPS-NH directs local government to make planning decisions using the best available information. This proposed policy encourages local authorities to take all practicable steps to improve information, and to consider the validity of data for intended planning decisions. Local authorities will also be directed to continue with risk assessments where information is unclear or uncertain.

Questions	
80.	Should the proposed NPS-NH direct local authorities to use the best available information in planning and resource consent decision-making?
81.	What challenges, if any, would this approach generate?

What does the proposal mean for you?

Table 10 outlines the anticipated impacts of the NPS-NH proposal on various parties, with more detail available in the [Interim Regulatory Impact Statement: National Policy Statement on Natural Hazards](#) on the Ministry for the Environment's website.

Table 10: Overview of anticipated impacts of the proposed NPS-NH

Party	Anticipated impacts
Local authorities	Local authorities may be impacted by one-off and ongoing costs (possible costs of resourcing and building staff capacity to implement the risk-based approach).
People and communities	People and communities will be safer and more resilient in natural hazard events, with new development only in areas where natural hazard risks are being managed (They may experience less disruption and reduced recovery costs). Costs of investment in community-wide mitigation efforts may also be reduced.
Applicants	Additional one-off costs may arise in preparing a resource consent application. Costs will depend on whether district or regional plan rules are risk-based, and on the natural hazard risk itself. Some applicants may incur costs for risk mitigation. Cost of mitigation may be prohibitive to some development proceeding. Reduced losses from future natural hazard events. Benefit from investing in development that is less vulnerable to the effects of natural hazards.
Māori groups and applicants	Māori communities face heightened risks to natural hazards due to their geographical locations, the industries they work in, and current socioeconomic circumstances.⁶⁹ Similar benefits for Māori and non-Māori in terms of long-term risk reduction (eg, reduced losses from natural hazard events to new development). Similar costs in preparing applications for resource consent for Māori and non-Māori seeking to develop their land or property. Owners of whenua Māori are possibly more likely to face restrictive developmental controls, due to the disproportionate impact of natural hazard risk and climate change on Māori land.

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:

- support the sustainable use, development and protection of the natural and built environment while managing significant risk from natural hazards through clear and nationally consistent policy
- support people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, by consistent assessment and management of natural hazard risk which is proportionate to these risks when making resource management decisions for new development.

⁶⁹ Analysis by Te Puni Kōkiri has found that Māori households face similar exposure to climate hazards as the overall population, but are projected to face greater risks due to a higher proportion of Māori households being at risk from poverty, health disparities, justice and protection concerns and adaptability issues. Te Puni Kōkiri. [Understanding climate hazards for hapori Māori](#). Retrieved 28 April 2025.

Treaty considerations

The proposals will not directly impact the decision-making process requirements under the RMA, Treaty settlements or other legislative arrangements including the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.⁷⁰

Treaty settlements and legislation will continue to apply. Some Treaty settlements place obligations on councils, including involving iwi/Māori in plan development and decision-making and inclusion of policies in plans. The proposals do not present a risk to the operation of these Treaty settlement commitments.

Engagement with Māori on the previous proposal for national direction for natural hazards indicated that many Māori supported efforts to keep people and property safe. However, feedback included concerns that national direction would further narrow the already limited opportunities to develop whenua Māori. Strong support was expressed for including policy to clarify that mātauranga Māori is a valuable and valid source of information.

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 NPS-NH is a foundational tool that will be built on in the future to align with amendments to the RMA. The instrument will have an immediate effect on resource consent decisions and will influence plan changes (including private plan changes). There will be no short-term requirement for comprehensive plan changes to give effect to the proposed NPS-NH in existing district or regional plans. Therefore, the proposal does not include a date by which local authorities must give effect to the NPS-NH. This approach is intended to minimise the implementation burden on councils.

The proposed NPS-NH will be supported by non-statutory guidance to support implementation. The guidance will give further detail on implementing the proportionate response policies.

Question

82. What additional support or guidance is needed to implement the proposed NPS-NH?

The NZCPS has provisions for natural hazards in relation to the coastal environment and coastal marine area. Where there are inconsistencies with the proposed NPS-NH, the NZCPS provisions will prevail.

Question

83. Should the NZCPS prevail over the proposed NPS-NH?

⁷⁰ In line with the requirement in [section 8](#) of the RMA to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Section 4: Implementation of infrastructure and development instruments

Types of implementation

Implementation of instruments in the infrastructure and development package can comprise two forms:

1. **Non-statutory implementation** aids understanding and delivery of the proposals through guidance, workshops or other means. Implementation plans to help deliver any subsequent national direction will be developed after we have considered any recommendations or requests received in submissions.
2. **Statutory implementation** is part of the proposals.⁷¹ 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 inconsistencies with the national environmental standards without using the Schedule 1 process.⁷² 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.⁷³

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

⁷¹ The standard provisions for statutory implementation are found in [section 44A](#) and [section 55](#) of the RMA.

⁷² [Schedule 1](#) of the RMA provides for the preparation, change and review of policy statements and plans.

⁷³ Under [section 104\(1\)\(b\)\(iii\)](#) of the RMA.

made without using the Schedule 1 process.⁷⁴ However, for any subsequent changes 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 options⁷⁵ for how and when national policy statement provisions are implemented into council planning documents.⁷⁶ 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”.⁷⁷

The proposed options for national policy statements are to:

- rely on the RMA default provision 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.⁷⁸ 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 plans in accordance with provisions in a national policy statement.

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

⁷⁴ [Schedule 1](#) of the RMA provides for the preparation, change and review of policy statements and plans.

⁷⁵ Under [section 55\(2\) and \(2D\)](#) of the RMA.

⁷⁶ 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.

⁷⁷ As required by [section 55\(2D\)\(a\)](#) of the RMA. Using the provisions for implementation timeframes under [section 55\(2D\)\(b\) and \(c\)](#) of the RMA.

⁷⁸ 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 specify whether they include any leniency or stringency options.

Implementation questions

Questions	
84.	Does 'as soon as practicable' provide enough flexibility for implementing this suite of new national policy statements and amendments?
85.	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?
86.	Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review?
87.	Are there other statutory or non-statutory implementation provisions that should be considered?

Section 5: Have your say

Consultation for this package closes at 11:59 pm 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 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.

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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 6: Attachments – proposed provisions

[Attachment 1.1: Proposed provisions – New National Policy Statement for Infrastructure](#)

[Attachment 1.2: Proposed provisions – Amendments to the National Policy Statement for Renewable Electricity Generation 2011](#)

[Attachment 1.3: Proposed provisions – Amendments to the National Policy Statement on Electricity Transmission 2008](#)

[Attachment 1.4: Proposed provisions – Amendments to the Resource Management \(National Environmental Standards for Electricity Transmission Activities\) Regulations 2009](#)

[Attachment 1.4.1: National Grid Yard and National Grid Corridor for proposed NES-EN](#)

[Attachment 1.5: Proposed provisions – Resource Management \(National Environmental Standards for Telecommunication Facilities\) Regulations 2016](#)

[Attachment 1.5.1 Pictures related to proposed amendment to the National Environmental Standards for Telecommunication Facilities](#)

[Attachment 1.6: Proposed provisions – New National Environmental Standards for Granny Flats \(Minor Residential Units\)](#)

[Attachment 1.7: Proposed provisions – New National Environmental Standards for Papakāinga](#)

[Attachment 1.8: Proposed provisions – New National Policy Statement for Natural Hazards](#)

Discussion document

Have your say on proposed
changes to national direction

Primary sector



Te Kāwanatanga o Aotearoa
New Zealand Government



Disclaimer

The information in this publication is, according to the Ministry for the Environment's best efforts, accurate at the time of publication. The Ministry will make every reasonable effort to keep it current and accurate. However, users of this publication are advised that:

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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.

A handwritten signature in blue ink, appearing to read 'Chris Bishop'.

Hon Chris Bishop
Minister Responsible for RMA Reform

Section 1: Introduction

What are we proposing?

The Government is proposing new and amended national direction¹ 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

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 amendment³**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 district⁴ 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.

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-MA⁷ 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.

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 spat⁹ 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](#).

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 re consenting 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 re consenting)
- removing the NES-MA provision in [Regulation 25](#) that excludes the additional spat catching to a farm during the NES-MA re consenting 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 spat¹¹
- 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 re consenting.

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

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 must¹² 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 should¹⁴ 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 2026¹⁶ 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.

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 regulations [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 “ <i>cutover means the area of land that has been harvested</i> ”?

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 administering 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.

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 cases²¹ 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

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.

need²⁶ 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.

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 production²⁷ 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 3²⁸ 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 8²⁹

	LUC Class	Arable cropping suitability*	Pastoral grazing suitability	Production forestry suitability	General suitability	
Increasing limitations to use	1	High ↕ Low	High ↑ ↓ Low	High ↑ ↓ Low	Multiple use land	Decreasing versatility of use
	2					
	3					
	4					
	5	Unsuitable	Low	Low	Pastoral or forestry land	
	6					
	7					
	8					
			Unsuitable	Unsuitable	Conservation land	

*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-HPL³⁰. Land must be zoned for rural purposes³¹ 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

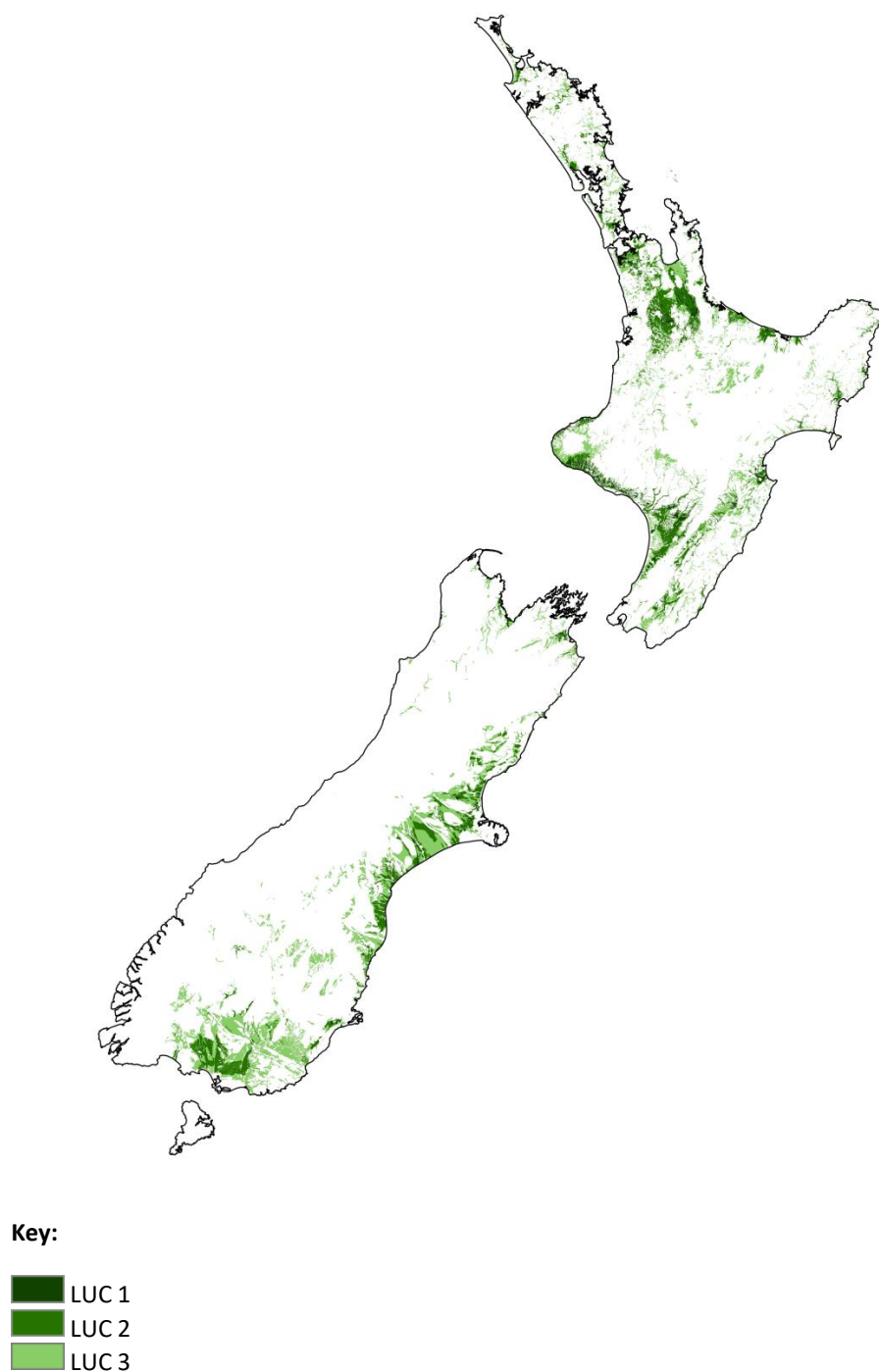
³⁰ [See Clause 3.4 of NPS-HPL.](#)

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.

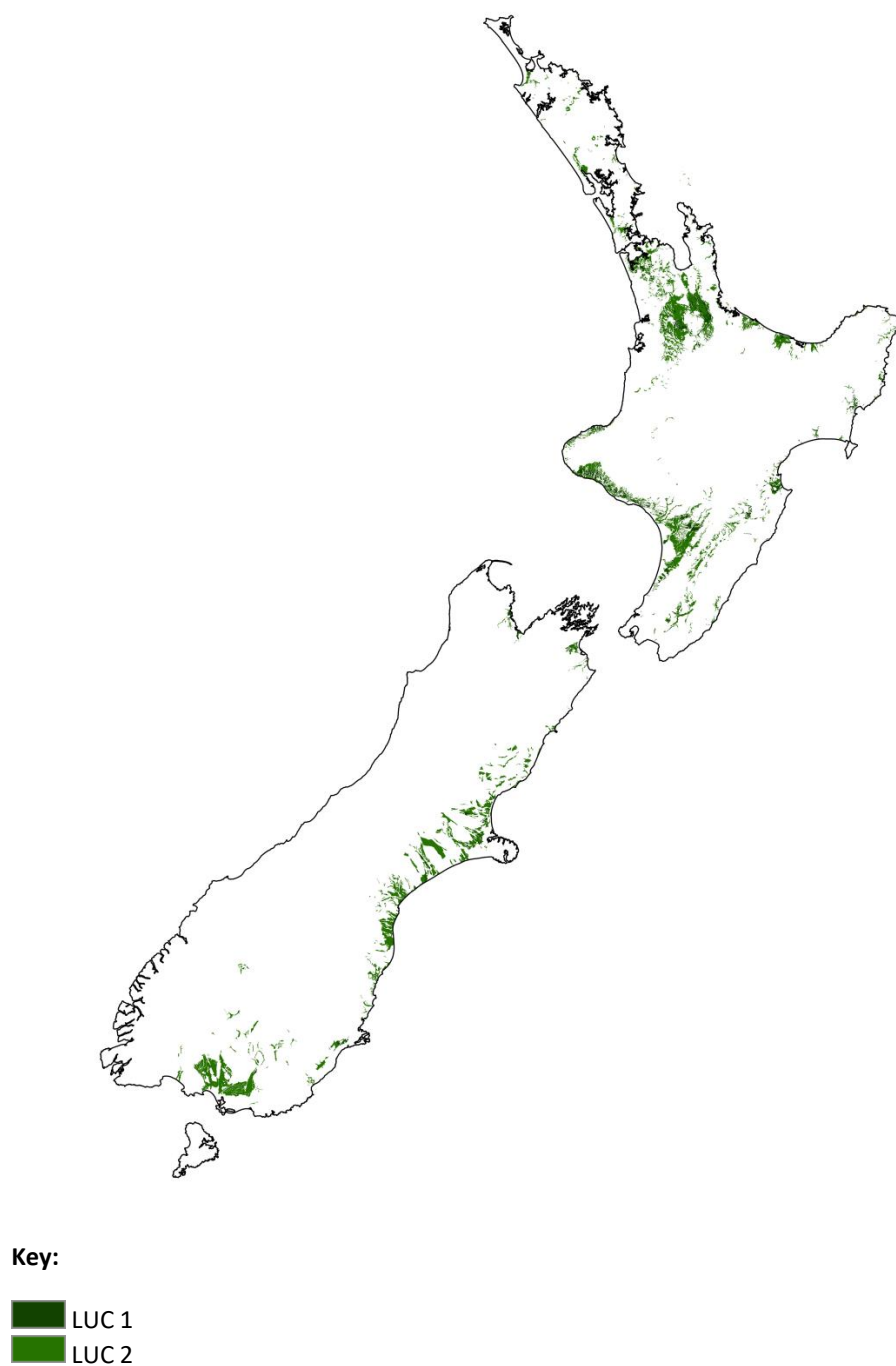
³³ The NPS-HPL defines LUC 1, 2 or 3 land as "land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification". The New Zealand Land Resource Inventory is a broad-scale national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

Figure 2: LUC 1–3 land across New Zealand³⁴



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

Figure 3: LUC 1–2 land across New Zealand³⁵



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.

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 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 it to be for local authorities 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 appropriate process for identifying special agricultural areas should be? 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 process³⁷ 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 3id 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 protection 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
- enables 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 activities⁴⁰ 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)

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)
- 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 species⁴³ 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 inquiry⁴⁴ 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 proposals⁴⁵. 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 consent⁴⁷.

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

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 options⁴⁹ 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 Zealand⁵². 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.

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\(2D\)\(b\) 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.

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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](#)

Discussion document

Have your say on proposed
changes to national direction

Freshwater



Te Kāwanatanga o Aotearoa
New Zealand Government



Ministry for Primary Industries
Manatū Ahu Matua



Disclaimer

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Message from the Minister Responsible for RMA Reform



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. Achieving this will require high-quality regulation that targets environmental outcomes by setting limits for landowners to work within. However, the current freshwater management system is complex and expensive to implement and has not delivered the outcomes for freshwater that New Zealanders expect.

We have committed to replace the National Policy Statement for Freshwater Management 2020 and the National Environmental Standards for Freshwater to better reflect the interests of all water users.

This Government wants to enable primary sector growth to drive both the New Zealand export sector and prosperity in the wider economy. Growing our economy and improving productivity relies on our primary sector thriving – and right now our freshwater rules are holding it back.

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 the primary sector. 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 proposals set out in this discussion document are designed to equip regional councils to manage freshwater resources in a way that is efficient, effective, and aligned with the Government's goals. In addition, we are seeking feedback on proposals that will address barriers to investment in water storage and provide clearer rules for food production and wetland management.

Some proposals presented in this document are specific while others span a range of approaches. We seek your views on which approach would result in an enduring freshwater management system.

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.

Your input will shape our final proposals, which we expect to be able to test further later this year. We look forward to hearing your thoughts.

A handwritten signature in blue ink, appearing to read 'Chris Bishop'.

Hon Chris Bishop
Minister Responsible for RMA Reform

Section 1: Introduction

What are we proposing?

The Government is proposing new and amended national direction¹ 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.

The Government is also seeking feedback on whether the freshwater changes should be implemented through amending national direction under the RMA or whether it would be better to implement these under the framework of the new resource management legislation.

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

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 amendment³**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 Telecommunication Facilities) Regulations 2016
- New National Environmental Standards for Granny Flats (Minor Residential Units)
- New National Environmental Standards for Papakāinga
- New National Environmental Standards 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

This 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.

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 amendments to national direction instruments. Further consultation will then be undertaken on an exposure draft of proposals to amend freshwater national direction.

National direction for freshwater includes the following:

- National Policy Statement for Freshwater Management 2020⁴ (NPS-FM)
- Resource Management (National Environmental Standards for Freshwater) Regulations 2020⁵ (NES-F)
- Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007⁶ (NES-DW).

Proposed changes to the Resource Management (Stock Exclusion) Regulations 2020⁷ and specific amendments to freshwater national direction instruments relating to quarrying and mining only are set out in the [Package 2: Primary sector discussion document](#).

[Section 2](#) of this discussion document outlines the scope and content of the proposed amendments to freshwater national direction instruments.

[Section 3](#) outlines the potential tools available to implement freshwater national direction proposals.

[Section 4](#) explains how you can make a submission.

[Section 5](#) provides supporting documents including summary of freshwater proposals and implementation, and draft standards for off-stream water storage.

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.

⁴ Current and previous versions of this national policy statement are available online. Ministry for the Environment. [National Policy Statement for Freshwater Management](#). Retrieved 5 April 2025.

⁵ [Resource Management \(National Environmental Standards for Freshwater\) Regulations 2020](#).

⁶ [Resource Management \(National Environmental Standards for Sources of Human Drinking Water\) Regulations 2007](#).

⁷ [Resource Management \(Stock Exclusion\) Regulations 2020](#).

Section 2: Options for changing national direction for freshwater

Introduction

The Government is committed to safeguarding freshwater for the benefit of all New Zealanders.

New Zealanders rely on freshwater for a wide range of uses, both essential (eg, drinking water) and recreational (eg, swimming and fishing). Water is crucial for many industries and underpins the primary sector. Farmers and growers in Aotearoa New Zealand are leading the way in global farming practices, including taking action to clean up waterways and revive wetlands.

Freshwater is under increasing pressure. A growing population and land-use changes have contributed to deteriorating water quality in some areas. The demand for freshwater is increasing, and climate change is contributing to shortages in some parts of the country at certain times.

The approach to managing freshwater has become too complex and expensive to implement. It will not deliver the outcomes for freshwater that New Zealanders expect. Councils have said that the National Policy Statement for Freshwater Management 2020 (NPS-FM) is inflexible. It does not allow them to take account of matters that they should be able to when managing freshwater, including differences between regions and catchments.

The NPS-FM has been amended many times since it was introduced in 2011. The frequency of change has been inefficient. In seeking a balance that better reflects the interests of all water users, the Government aspires to freshwater management settings that will be enduring. The proposals in this document will enable feedback on how to achieve that.

Topics in this discussion document

This discussion document covers the following topics:

- rebalancing freshwater management through multiple objectives
- rebalancing Te Mana o te Wai
- providing flexibility in the National Objectives Framework
- enabling commercial vegetable growing
- addressing water security and water storage
- simplifying the wetlands provisions
- simplifying the fish passage regulations
- addressing remaining issues with the farmer-facing regulations (ie, synthetic nitrogen fertiliser)
- including mapping requirements for drinking water sources.

Impact analysis

This document is partnered with impact analysis covering these topics. The impact analysis documents are available on the [Ministry for the Environment's website](#). They provide detailed information to support you to make informed submissions. This includes information on regulatory settings, how these might change, and estimates of the costs and benefits of those changes.

The impact analysis documents also include a Treaty Impact Analysis. Freshwater management is an issue of significance to tangata whenua, and all of the options in this document intersect with Māori freshwater rights and interests in some way. The Treaty Impact Analysis looks at the potential impacts of these options on Māori rights and interests, and on Treaty settlements.

Further impact analysis will be completed once final policy proposals are developed following this consultation.

Relationship to wider resource management reform

The Government has already paused regional councils' ability to notify freshwater planning instruments⁸ while it is working through changes to national direction and a significant reform programme to replace the RMA.

That is why we are also seeking feedback on **whether any of the changes proposed in this discussion document should be implemented now, or if they should instead be incorporated into or made under the upcoming replacement legislation for the RMA.**

Further information on implementation options for national direction more broadly is included in [Section 3](#).

Question	
1.	What resource management changes should be made in the current system under the RMA (to have immediate impact now) or in the future system (to have impact longer term)? From the topics in this discussion document, which elements should lead to changes in the current system or the future system, and why?

⁸ Through amendments to [section 80A of the RMA by the Resource Management \(Freshwater and Other Matters\) Amendment Act 2024](#).

Part 2.1: Rebalancing freshwater management through multiple objectives

The Government has committed to:

- replacing the NPS-FM to better reflect the interests of all water users
- replacing the NPS-FM to allow district councils more flexibility in how they meet environmental limits.

The NPS-FM has a single objective

Currently, the NPS-FM's sole objective sets out a hierarchy of obligations to ensure that natural and physical resources are managed in a way that prioritises:

- first, the health and well-being of water bodies and freshwater ecosystems
- second, the health needs of people (such as drinking water)
- third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The Government is concerned this hierarchy is currently being interpreted as requiring pristine water quality to be achieved, before allowing any other uses of freshwater. This is not consistent with the Government's intention for how the NPS-FM should be applied.

Multiple objectives for the NPS-FM

The NPS-FM used to have multiple objectives before it was amended in 2020 to have a single objective. Multiple objectives require councils to provide for multiple outcomes and can better reflect the interests of all water users. This is a more balanced approach than the current hierarchy in the NPS-FM's single objective.

The objectives proposed in this discussion document, particularly those relating to costs and timeframes, are intended to help ensure that efforts to improve freshwater quality are realistic and practical for communities and sector groups.

The Government is consulting on **whether to replace the NPS-FM's single objective (clause 2.1 of the NPS-FM) with multiple new objectives**. The potential new objectives are summarised below.

Providing for health of the environment, people, social, cultural and economic well-being

In the 2017 version of the NPS-FM, councils were directed to safeguard the life-supporting capacity of fresh water, as well as enabling communities to provide for their economic well-being (among other outcomes).⁹

We are consulting on **introducing a new objective that will direct councils to:**

- safeguard the life-supporting capacity of freshwater and the health of people and communities
- while enabling communities to provide for their social, cultural and economic well-being, including productive economic opportunities.

This objective would not operate as a hierarchy but would require councils to provide for these matters equally within their planning documents.

Considering the pace and cost of change

The NPS-FM does not specifically require councils, when setting targets and controls on resource use, to consider the anticipated costs, or to inform their communities about these costs.

The NPS-FM has often been misinterpreted as requiring water quality and bottom lines to be achieved or complied with immediately. However, the NPS-FM has never specified a timeframe by which targets and limits must be met. This is a choice for councils and communities.

We are consulting on **introducing a new objective to consider the pace and cost of change, and who bears the cost.** This would support councils and communities to have balanced conversations about their aspirations for the environment. It would require councils to consider:

- communities' long-term goals/visions for freshwater
- the cost of change and who bears the cost (including what the trade-offs are)
- within what timeframes change should occur, recognising that improving freshwater quality will require iterative, gradual improvement over a long time and through multiple planning cycles.

This is expected to increase recognition that change takes time. Long timeframes for improving water quality have always been appropriate and are, in some cases, unavoidable.

Providing for vegetable growing and water security

We are also consulting on new objectives to enable the continued domestic supply of fresh vegetables, and to address water security. The detail of those objectives is covered in [Part 2.4](#) and [Part 2.5](#) below.

⁹ This is covered in a number of objectives in the [2017 version of the NPS-FM](#), including Objectives A1, A4, B1 and B5, and Policies A7 and B8.

Setting an objective to maintain or improve

The NPS-FM requires freshwater quality to be maintained or improved.¹⁰ Freshwater quality has to be at least *maintained* everywhere and may need to be *improved* if it is below a national bottom line or if councils/communities choose to aim for improvement. Targets have to be set at or above the national bottom line or current state.

We are consulting on **including the requirement to maintain or improve freshwater quality as a new objective.**

For further information on this topic, refer to the impact analysis document entitled [Interim Regulatory Impact Statement: Replacing the National Policy Statement for Freshwater Management](#).

Questions	
2.	Would a rebalanced objective on freshwater management give councils more flexibility to provide for various outcomes that are important to the community? How can the NPS-FM ensure freshwater management objectives match community aspirations?
3.	What do you think would be useful in clarifying the timeframes for achieving freshwater outcomes?
4.	Should there be more emphasis on considering the costs involved, when determining what freshwater outcomes councils and communities want to set? Do you have any examples of costs associated with achieving community aspirations for freshwater?

¹⁰ These requirements are expressed through [Policy 5 in clause 2.2 of the NPS-FM](#), combined with clause 3.11, which sets out the process for setting targets.

Part 2.2: Rebalancing Te Mana o te Wai

The Government has committed to:

- rebalancing Te Mana o te Wai to better reflect the interests of all water users
- replacing the NPS-FM to better reflect the interests of all water users.

Te Mana o te Wai in the NPS-FM is a defined concept that refers to the fundamental importance of water. It includes a hierarchy of obligations that prioritises the health and well-being of water bodies and freshwater ecosystems, and a set of principles that describe the role of people in the management of freshwater.¹¹ Various provisions in the NPS-FM then refer to this defined concept and set out processes for how councils should apply it – for example, by actively involving tangata whenua in freshwater management.¹²

We are seeking feedback on options to rebalance Te Mana o te Wai

The proposal in the previous section to include multiple objectives in the NPS-FM is a key part of options to rebalance Te Mana o te Wai. We are consulting on **three additional options to rebalance Te Mana o te Wai**, as set out below.

Option 1: Remove hierarchy of obligations and clarify how Te Mana o te Wai applies

This option would amend the concept described in clause 1.3 of the NPS-FM and provisions referring to Te Mana o te Wai, to:

- remove the hierarchy of obligations
- clarify that for the purposes of the NPS-FM (and councils needing to ‘have regard’ to it in consent decision-making), Te Mana o te Wai does not apply to consenting decisions and that progressive improvement over time is allowed
- retain process steps for councils to apply Te Mana o te Wai – for example, by actively involving tangata whenua in freshwater management.

Option 2: Reinstate Te Mana o te Wai provisions from 2017

This option would remove the concept described in clause 1.3 and provisions referring to Te Mana o te Wai, and instead reintroduce provisions from the 2017 NPS-FM.¹³

¹¹ Refer to clause 1.3 of the [NPS-FM](#).

¹² Refer to [Policy 1 in clause 2.2, and to clause 3.2 of the NPS-FM](#) for examples of provisions referring to the concept of Te Mana o te Wai.

¹³ See page 7 and Part AA of the [2017 version of the NPS-FM](#).

Option 3: Remove Te Mana o te Wai provisions

This option would completely remove the concept described in clause 1.3 and provisions referring to Te Mana o te Wai.

For further information on this topic, refer to the impact analysis document entitled [Interim Regulatory Impact Statement: Replacing the National Policy Statement for Freshwater Management](#).

Questions	
5.	What will a change in NPS-FM objectives mean for your region and regional plan process?
6.	Do you think that Te Mana o te Wai should sit within the NPS-FM's objectives, separate from the NPS-FM's objectives, or outside the NPS-FM altogether – and why?
7.	How will the proposed rebalancing of Te Mana o te Wai affect the variability with which it has been interpreted to date? Will it ensure consistent implementation?

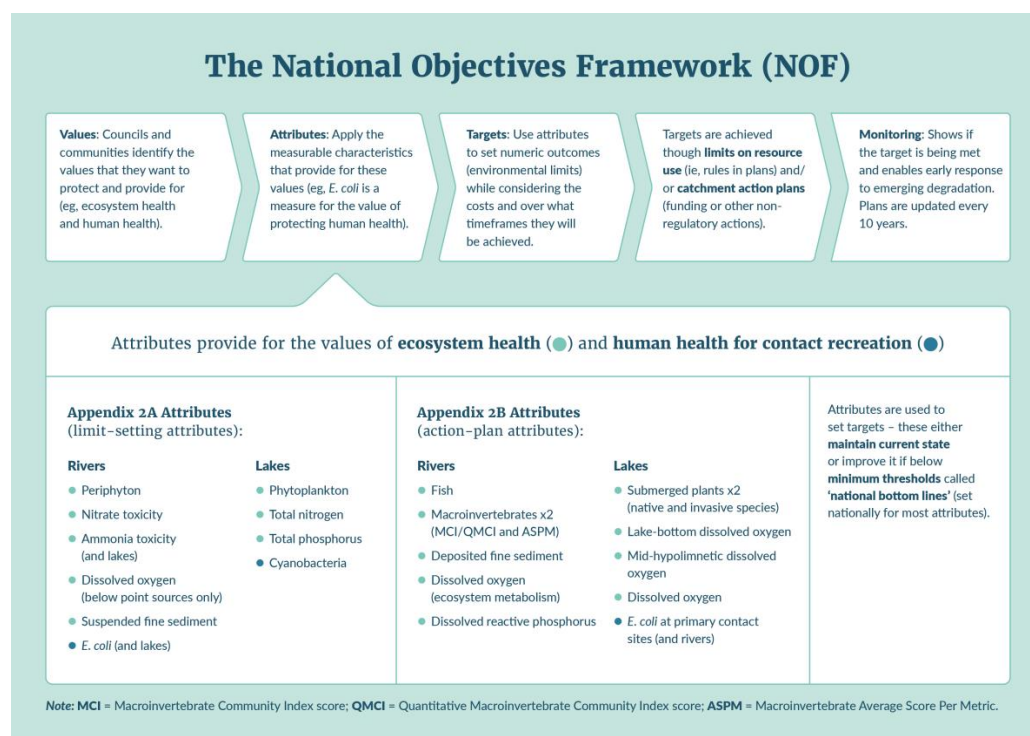
Part 2.3: Providing flexibility in the National Objectives Framework

The Government has committed to:

- replacing the NPS-FM to better reflect the interests of all water users
- replacing the NPS-FM to allow district councils more flexibility in how they meet environmental limits.

Since 2014, the National Objectives Framework (NOF) has provided a consistent process for setting environmental limits at a catchment level. Figure 1 describes the components and process of the NOF.

Figure 1: The National Objectives Framework



National direction needs some flexibility in terms of what councils measure and manage. Some bottom lines are arguably unsuitable for some catchments, and it may not always be necessary to manage all attributes to achieve desired environmental outcomes. The Government wants to ensure that the scope of the NOF and national bottom lines are focused only on matters critical at the national level.

We are consulting on **whether or not to retain some elements of the NOF and make it more flexible to implement**. This consultation covers:

- which values should be compulsory to provide for, and which should be optional
- which attributes and national bottom lines are critical for councils to manage nationally
- whether to give councils flexibility to deviate from the nationally defined thresholds (including bottom lines) that guide where the environmental limits (targets) are set, and to deviate from the detailed methods for monitoring attributes.

Values

The NOF requires councils and communities to develop a long-term vision and identify the values they want to see provided for. We are interested in which values should be compulsory.

The NPS-FM currently has four compulsory values,¹⁴ which cover the core aspects that matter to people. These are healthy ecosystems, human interaction, mahinga kai (food gathering), and protection for our most threatened species. Councils are required to consider an additional nine optional values.¹⁵

Councils and communities could have more flexibility to choose the values they consider appropriate for their region. We are consulting on **which values should be compulsory to provide for, and which should be optional**.

Changes to which values are compulsory or optional would mean changes to Appendices 1A and 1B of the NPS-FM.

Table 2: Values for the National Objectives Framework

Compulsory values	Optional values
• Ecosystem health • Human contact • Mahinga kai • Threatened species Councils must provide for these values.	• Natural form and character • Fishing • Irrigation, cultivation and food (and beverage) production • Animal drinking water • Wai tapu • (Drinking) water supply • Commercial and industrial use • Hydro-electric power generation • Transport and Tauranga waka Councils may consider these values, having regard to their local and regional circumstances.

Attributes

Attributes in the NOF are measurable characteristics (eg, nutrient concentrations) that provide for values (eg, ecosystem health). Councils must at least *maintain* the health of freshwater. They must *improve* it if it is below minimum thresholds called 'national bottom lines', or where councils/communities choose to aim for improvement.

¹⁴ Refer to Appendix 1A of the [NPS-FM](#).

¹⁵ Refer to Appendix 1B of the [NPS-FM](#).

The management of attributes could be more flexible

We are consulting on **which attributes and national bottom lines are critical for councils to manage nationally**.

The NPS-FM has been criticised for being relatively inflexible. Some attributes may not need to be managed to achieve the desired outcomes in particular catchments. Also, councils and communities can identify additional attributes locally.

It is important councils are directed to manage the four major contaminants that are known to adversely affect freshwater (ie, nitrogen, phosphorous, sediment and *Escherichia coli* (*E. coli*)).¹⁶ This direction will ensure cumulative effects are managed at the catchment scale, and it provides a basis for future resource allocation systems.

We are seeking feedback on all options, including whether attributes should be retained as compulsory or optional, and whether these should be subject to requirements to monitor and respond to degradation. Table 3 sets out an example of compulsory and optional attributes.

Table 3: Attributes for the National Objectives Framework

Compulsory values	Optional values
Ten compulsory attributes, as shown as Appendix 2A attributes in the NOF (see figure 1).	Eleven optional attributes, as shown as Appendix 2B attributes in the NOF (see figure 1).
Councils must manage these attributes through targets and controls on resource use, with the option to also use action plans.	Councils may manage these attributes – whether that is through targets and controls on resource use, or through action plans – having regard to their local and regional circumstances.
Councils must monitor all attributes and respond if an attribute shows a declining trend.	

Changes to which attributes are compulsory or optional would mean changes to Appendices 2A and 2B of the NPS-FM.

Nationally defined thresholds could also be more flexible

We are consulting on:

- whether to give councils flexibility to deviate from:
 - nationally defined thresholds (including bottom lines) that guide where the environmental limits (targets) are set
 - detailed methods for monitoring attributes
- whether national bottom lines are required at all, or if instead councils should determine where limits are set based on community input.

Nationally defined thresholds are sometimes inappropriate in a specific catchment (eg, due to naturally high levels of suspended sediment), and we are consulting on enabling councils to deviate from those thresholds in certain circumstances. Similarly, developments in science and evidence, or monitoring methods, may mean the thresholds need to be revised.

¹⁶ Nutrients and sediment can degrade ecosystems and the cultural and recreational value of water, while pathogens can make people ill when they drink or swim in polluted water.

There are also trade-offs involved in providing this flexibility. That is why any additional flexibility (described in proposal (1) above) would be subject to it being used for specific purposes and having regard to appropriate matters. For example, councils could deviate from nationally defined thresholds or detailed methods for monitoring attributes because:

- the science underpinning a threshold or method for monitoring an attribute has changed
- local conditions make a threshold or method for monitoring an attribute inappropriate
- more effective or efficient methods are developed
- achieving national bottom lines has a high social, cultural or economic cost.

Councils would need to follow the default thresholds and monitoring methods prescribed for individual attributes in Appendices 2A and 2B of the NPS-FM, except for the above purposes.

Figure 2¹⁷ illustrates an example of which elements of an attribute could be deviated from (shown below in orange) and which elements would still need to adhere to national default settings (shown below in green).

Figure 2: Example of how flexibility could apply to an attribute

Table 5 – Ammonia (toxicity)		
Value (and component)	Ecosystem health (Water quality)	
Freshwater body type	Rivers and lakes	
Attribute unit	mg NH ₄ -N/L (milligrams ammoniacal-nitrogen per litre)	
Attribute band and description	Numeric attribute state	
	Annual median	Annual 95th percentile
A 99% species protection level: No observed effect on any species tested.	≤0.03	≤0.05
B 95% species protection level: Starts impacting occasionally on the 5% most sensitive species.	>0.03 and ≤0.24	>0.05 and ≤0.40
National bottom line	0.24	0.40
C 80% species protection level: Starts impacting regularly on the 20% most sensitive species (reduced survival of most sensitive species).	>0.24 and ≤1.30	>0.40 and ≤2.20
D Starts approaching acute impact level (that is, risk of death) for sensitive species.	>1.30	>2.20
Numeric attribute state is based on pH 8 and temperature of 20°C. Compliance with the numeric attribute states should be undertaken after pH adjustment.		

Key

National default settings

Could be deviated from

¹⁷ Table 5 from Appendix 2A of the [NPS-FM](#) is used here as an example to illustrate where deviation would be possible.

This would mean amending various clauses throughout Part 3, Subpart 2 of the NPS-FM to create a new process for deviating from nationally defined thresholds or detailed methods for monitoring attributes. It would also require consequential changes to be made to processes that use attributes to set targets, and to monitor and respond to degradation.

For further information, refer to the impact analysis document entitled [*Interim Regulatory Impact Statement: Replacing the National Policy Statement for Freshwater Management*](#).

Questions	
8.	Which values, if any, should be compulsory? Why?
9.	What would be the practical effect of removing compulsory national values? Do you think this will make regional processes easier or harder?
10.	Which attributes, if any, should be compulsory to manage? Which should be optional to manage?
11.	Which attributes, if any, should have national bottom lines? Why?
12.	To what extent should action plans be relied upon, including to achieve targets for attributes?
13.	Should councils have flexibility to deviate from the default national thresholds (including bottom lines) and methods? Are there any other purposes which should be included?

Part 2.4: Enabling commercial vegetable growing

The Government has committed to:

- removing the need for growers to obtain a resource consent to grow food or rotate crops within a catchment.

New Zealand is particularly dependent on domestic production of fresh vegetables, given our geographic isolation and the short shelf life of certain produce (eg, leafy green vegetables).

Although nationally important, commercial vegetable growing is an intensive land use that risks discharges of sediment and nutrients to the environment. Accounting for only a small part of the country, commercial vegetable growing is typically concentrated in areas with conditions that support year-round growth. This can disproportionately contribute to nutrient loads in those catchments.

Growers have said that current rules and planning processes pose a risk to their ability to provide fresh vegetables for New Zealanders. These issues are particularly felt in areas where commercial vegetable growing is concentrated (such as Pukekohe and Horowhenua), which are significant contributors to domestic vegetable supply.

The Government wants to enable growers to grow food and rotate crops without the need to get a resource consent; it also wants New Zealanders to be able to access fresh vegetables at a reasonable price.

We are consulting on **two options to enable commercial vegetable growing**. These options have links to Special Agriculture Areas being consulted on under proposed amendments to the National Policy Statement for Highly Productive Land (see the [Package 2: Primary sector discussion document](#)).

Option 1: Recognising the importance of fresh vegetables in planning

We are consulting on **a new objective in the NPS-FM** to enable the continued domestic supply of fresh vegetables, and in doing so, to provide for crop rotation.

This would clearly signal that enabling domestic supply of fresh vegetables is a priority and that crop rotation needs to be addressed in planning, while allowing councils and communities to determine how they do that locally. More specific direction on how to provide for crop rotation could also be included, to drive consistency.

Option 2: Develop new national standards that permit commercial vegetable growing

We are also consulting on **developing new national standards that permit commercial vegetable growing**. We are seeking feedback on how these should be progressed.

These new standards could be based on growers having certified freshwater farm plans, or they could include specific conditions to manage the environmental effects associated with commercial vegetable-growing activities. For example, these conditions could relate to cultivation, fertiliser application and discharge, and waste management.

However, it is challenging to permit commercial vegetable growing without wider reform of the resource management system. This is because doing so would:

- pre-empt the allocation of scarce resources (ie, the ability to discharge nutrients), which would impact on competing resource users and occur in the absence of an allocation framework¹⁸
- be likely to have the greatest impact in areas that are already, or are close to being, over-allocated in terms of nutrient or other discharges.

The Government is replacing the RMA with new legislation. This will provide for greater standardisation (reducing reliance on consenting) and an allocation framework that carefully manages the interests of existing users. The new resource management system may provide a better opportunity to permit commercial vegetable growing.

For further information on this topic, refer to the impact analysis document entitled [Interim Regulatory Impact Statement: Commercial vegetable growing](#).

Questions	
14.	What are the pros and cons of making commercial vegetable production a permitted activity?
15.	How do you think policies and/or rules should be designed to provide for crop rotation? Do you think these should be considered within sub-catchments only?
16.	For the proposal to develop nationally set standards, what conditions should be included?

¹⁸ Under the RMA, natural resources are primarily allocated on a 'first-in, first-served' basis. This means councils decide consent applications in the order they receive them. When replacing consents, existing users are prioritised over new users.

Part 2.5: Addressing water security and water storage

The Government has committed to:

- amending the RMA to make it easier to consent new infrastructure, allow farmers to farm, and enable other primary industries
- cutting red tape and regulatory blocks on water storage and managed aquifer recharge (and other matters)
- removing the need for farmers to get a resource consent to build larger-scale water storage schemes on land.

Water security is becoming increasingly important

Freshwater is scarce at critical times in many parts of New Zealand, and water security is becoming increasingly important as the climate changes and the natural availability of water becomes more unpredictable.

A long-term approach to water security, which includes water storage, is needed to support the primary sector and build climate change resilience.

We are consulting on **providing direction to councils through a new objective or policy in the NPS-FM to address the issue of water security as part of climate change resilience.**

Building water storage on land could be made easier

Government commitments on water storage have been partly addressed by the introduction of the Fast-track Approvals Act 2024 and Building (Dam Safety) Amendment Regulations 2024. These developments have made it easier to build water infrastructure of regional and national significance, as well as reducing some regulatory requirements for smaller-scale, on-farm water storage.

We are consulting on **whether to develop new national standards that permit the construction of off-stream water storage.** These could be progressed under the RMA or the new resource management system.

Off-stream water storage (such as storage ponds on farms) is likely to have a minor environmental impact, compared with damming waterways for in-stream water storage. The new standards would manage effects and permit off-stream water storage.

[Appendix 2](#) provides draft standards that identify the range of matters that might be subject to standards for off-stream water storage. These standards have been prepared in discussion with regional council staff and primary sector industry experts. They are based on regional rules and focus on environmental effects to avoid duplication of Building Act 2004 requirements. They are not intended to propose specific wording for the standards. Rather, the draft standards are a starting point for discussion and feedback on the matters (both qualitative and quantitative) that these standards could address.

Freshwater allocation is outside the scope of this discussion document. Although water take and use, and the duration of associated consents, are relevant to building water storage and security of supply, these issues will be addressed as part of upcoming replacement legislation for the RMA.

For further information on this topic, refer to the impact analysis document entitled [Interim Regulatory Impact Statement: Water security and water storage](#).

Questions	
17.	Should rules for water security and water storage be set nationally or regionally?
18.	Are there any other options we should consider? What are they, and why should we consider them?
19.	What are your views on the draft standards for off-stream water storage set out in Appendix 2: Draft standards for off-stream water storage ? Should other standards be included? Should some standards be excluded?
20.	Should both small-scale and large-scale water storage be enabled through new standards?

Part 2.6: Simplifying the wetlands provisions

The Government has committed to:

- reviewing the definition of ‘natural inland wetland’ in the NPS-FM to exclude, among other things, artificial wetlands created by burst pipes
- amending the NES-F to make the creation and maintenance of wetlands a permitted activity.

The NPS-FM and NES-F provide national direction and rules about how wetlands should be managed (together referred to as the ‘wetland regulations’). The NPS-FM aims to embed long-term change through regional plans, including policies to protect and restore wetlands. The NES-F restricts certain activities in and around wetlands and, in combination with the NPS-FM, provides consenting pathways so these activities can still occur for specific purposes.

There is strong support for protecting wetlands, and support for clearer and simpler wetland regulations, including:

- a clearer and more workable definition of wetlands
- clearer and more appropriate provision for farming activities
- clearer and more appropriate provision for wetland construction
- less-onerous requirements to map natural inland wetlands.

The Government is also consulting on changes to address inconsistencies in quarrying and mining provisions across several national direction instruments (eg, in wetlands and significant natural areas). This is set out in full detail in the [Package 2: Primary sector discussion document](#).

Clearer and more workable definition of wetlands

Feedback has indicated the wetland regulations are restricting activities in and around low-value induced wetlands, and that this is making the maintenance, use and upgrade of infrastructure difficult.

There is also concern that the definition of ‘natural inland wetland’ in the wetland regulations is too complex, and that its exclusion of wetlands dominated by pasture has led to complex ecological assessments being necessary to determine whether the regulations apply.

We are consulting on:

- **defining induced wetlands** as wetlands that have developed unintentionally as an outcome of human activity for purposes other than creating a wetland or water body, and excluding these from wetland provisions in the NPS-FM and NES-F, except where a council identifies them as regionally significant
- **removing the pasture exclusion from the definition of a ‘natural inland wetland’** and instead permitting farming activities that can occur in and around wetlands (see next proposal).

Clearer and more appropriate provision for farming activities

Feedback has indicated that the current provision for farming activities (ie, the pasture exclusion) is not working as intended, and that both farmers and councils want clarity about the status of farming activities such as irrigation, on-farm water storage and fencing.

We are consulting on **creating a new permitted activity standard (and potentially a consenting pathway if needed) for farming activities** that are unlikely to have an adverse effect on a wetland – for example, fencing and irrigation.

We are seeking your feedback on what activities should be permitted in this way, and what conditions, if any, would be added to a consent pathway (and whether this should be a controlled activity or other activity status).

Clearer and more appropriate provision for wetland construction

The Government wants to promote activities that will have good environmental outcomes. Feedback has indicated it is too hard to construct wetlands that can attenuate nutrient losses and provide valuable habitat.

We are consulting on:

- **defining ‘wetland construction’** as ‘an area that is artificially engineered to mimic the functions of a wetland where one did not previously exist’
- **creating a new permitted activity standard for activities related to wetland construction**, as well as a consenting pathway
- **further encouraging wetland construction and edge-of-field mitigations through a new objective and/or policy** in the NPS-FM.

We are seeking feedback on what conditions would be suitable for a permitted activity standard, and what activity class is appropriate for wetland construction.

Removing mapping requirements

Some councils may struggle to meet the requirements to map all natural inland wetlands by 2030, due to a lack of adequate resourcing and available mapping technology. There is no consistent mapping methodology being used by councils across the country, and any change to definitions (as described above) would also change what needs to be mapped.

We are consulting on **removing the requirement for councils to map natural inland wetlands within 10 years** (currently in clause 3.23 of the NPS-FM).

For further information on this topic, refer to the impact analysis document entitled [Interim Regulatory Impact Statement: Simplifying the wetland provisions in the NPS Freshwater Management and NES Freshwater](#).

Questions	
21.	What else is needed to support farmers and others to do things that benefit the environment or improve water quality?
22.	What should a farming activities pathway include? Is a farming activities pathway likely to be more efficient and/or effective at enabling activities in and around wetlands?
23.	What will be the impact of removing the requirement to map wetlands by 2030?
24.	Could the current permitted activity conditions in the NES-F be made clearer or more workable?

Part 2.7: Simplifying the fish passage regulations

The Government has committed to:

- amending the NES-F to simplify culvert rules.

The NPS-FM requires councils to provide for fish passage, and to identify and remediate existing barriers. It is supported by the NES-F, which provides for the construction of in-stream structures as a permitted activity subject to conditions, and requires a resource consent if these conditions cannot be met.

Fish passage rules may require too much information

Councils and land users have said that the amount of information required by the NES-F on the design of in-stream structures is too onerous. There are also concerns it can be difficult to satisfy the permitted activity conditions for constructing and using a culvert.

We are consulting on **whether to simplify fish passage regulations in the NES-F** or retain the current regulations. To simplify the regulations, we would:

- move information requirements¹⁹ for each structure type into a single regulation that applies to all structure types²⁰
- remove requirements that do not directly inform how likely a structure is to impede fish passage (eg, the material used in construction²¹)
- amend the permitted activity conditions for culverts to reflect updated practice and provide for boxed culverts²²
- remove some permitted activity conditions for culverts (eg, water velocity)²³
- consider whether temporary structures (eg, used in temporary works like gravel extraction) need to be treated differently to permanent structures, and whether this would be best achieved via a new permitted activity standard in the NES-F or by allowing councils to be less stringent than the NES-F for this purpose.

For further information on this topic, refer to the impact analysis document entitled [Interim Regulatory Impact Statement: Amending the fish passage regulations in the NES Freshwater](#).

¹⁹ Information requirements are within regulations 63(3), 64(3), 65(3), 66(3) and 67(3) of the [NES-F](#).

²⁰ Regulation 62(3) of the [NES-F](#).

²¹ For example, requirements in the [NES-F](#) for material of structure for culverts (regulation 63(3)(i)), weirs (regulation 64(3)(g)), flap gates (regulation 65(3)(f)) and dams (regulation 66(3)(f)).

²² Reword regulation 70(2)(e) of the [NES-F](#) to replace the 25% diameter requirement with 1/3 for circular or 300 mm for boxed culverts.

²³ Remove regulation 70(2)(b), (c) and (g) of the [NES-F](#); remove requirement at 70(2)(f) that the substrate is stable (retain requirement that substrate is present).

Questions	
25.	What information requirements are necessary for fish passage? What would the difference in cost be, relative to current information requirements?
26.	How can regulations for temporary and permanent culverts in the NES-F be made simpler?
27.	Temporary culverts are currently treated the same as permanent ones. If temporary culverts were to be treated differently (eg, had fewer conditions), would it be better to do so through a permitted activity pathway in the NES-F (culverts only), or by allowing councils to be less stringent than the permitted activity conditions for culverts and weirs?
28.	Have you encountered similar issues with any other policy or regulation within the NPS-FM or NES-F (eg, rules or gateway tests about river reclamation)?

Part 2.8: Addressing remaining issues with farmer-facing regulations

The Government has committed to:

- removing the regulatory burden for farmers, replace the one-size-fits-all rules with local decision-making, and replace the NES-F (as committed to in the Coalition Agreements and pre-election manifesto policies).²⁴

In 2024, the Government cut red tape for farmers by repealing the map of low-slope land in the Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations) and simplifying intensive winter grazing rules.²⁵ These changes were part of the Government's move to a more risk-based, catchment-focused approach. There is more that can be done.

The Government wants to remove further regulations where the benefits of the rules do not outweigh the costs for the primary sector.

Note that proposed changes to the Stock Exclusion Regulations are set out in the [Package 2: Primary sector discussion document](#).

NES-F rules for synthetic nitrogen fertiliser

Applying synthetic nitrogen fertiliser to farmland increases nitrate levels in the soil. Run-off from this soil can degrade our waterways.

Subpart 4 of Part 2 of the NES-F sets out rules for applying synthetic nitrogen fertiliser. Farmers can apply up to 190 kilograms of nitrogen per hectare per year without a resource consent. If they use more, they must apply for a resource consent. Dairy farmers are also required to provide receipts and information on fertiliser use once per year.

The initial year for reporting on the nitrogen cap (2021–22) had low compliance with reporting requirements and unreliable reported data. In response, several administrative changes were made, and compliance and reliability improved. However, implementing the nitrogen cap has been a work in progress, and concerns about the reliability of reported data remain.

²⁴ The Coalition Agreement between the New Zealand National Party and New Zealand First; National Party manifesto documents, [Getting back to farming](#) and [Primary sector growth plan](#).

²⁵ Through the [Resource Management \(Freshwater and Other Matters\) Amendment Act 2024](#).

Farmers and growers have improved their use of nitrogen fertiliser and continue to lift their uptake of good management practice. Publicly available data indicates a reduction in the use of synthetic nitrogen fertiliser in New Zealand in 2020–23.²⁶

We are consulting on **three options to improve the NES-F rules for synthetic nitrogen fertiliser**, as set out below.

Repealing the requirement for dairy farms to provide receipts

We are consulting on **whether to repeal the requirement for dairy farms to provide receipts for purchases of synthetic nitrogen fertiliser**.

This change would address concerns that the requirement to produce receipts is unnecessary because councils do not use the information provided. The receipts do not give an accurate measure of fertiliser applied, and the requirement is particularly onerous for farmers who are not affiliated with large fertiliser companies.

Aligning the reporting date for dairy farms with the farming calendar

We are also consulting on **whether to align the reporting date in the NES-F with the farming calendar**.

This change would address concerns that it is inefficient to require dairy farmers to report on their fertiliser use at a different time of the year from when they report on other matters.

Repealing the 190 kilogram per hectare nitrogen limit

We are consulting on **whether to repeal the requirement for farmers to use less than 190 kilograms of nitrogen per hectare per year on the grazed area of their farms**.

The introduction of the nitrogen cap in the current NES-F helped to increase awareness of nitrogen use, and it improved practice. We are seeking feedback on whether the cap is still necessary, given farmers and growers have improved their use of nitrogen fertiliser and continue to lift their uptake of good management practice. The rule is also an input control that may not actually control or reflect environmental risk/damage. Well-managed fertiliser, applied at higher rates than the regulations specify, can have limited environmental impact, while poorly managed fertiliser can have a negative impact, even if applied at lower rates.

For further information on this topic, refer to the impact analysis document entitled [*Interim Regulatory Impact Statement: Options to amend regulations for farming activities*](#).

²⁶ Fertiliser data includes: [New Zealand Emissions Trading Scheme reporting](#) on nitrogen imported or manufactured in synthetic fertilisers (which shows a decrease of about 80,000 tonnes between 2020 and 2021); [sales data reported by the Fertiliser Association](#) (which shows a 12 per cent drop in fertiliser sales between 2020 and 2022); [data collected by Stats NZ as part of the Agricultural Production Survey](#) and Census (which shows a decrease in fertiliser application of approximately 10 per cent between 2020 and 2022).

Questions	
29.	To what extent will it be more efficient to require dairy farmers to report on fertiliser use at the same time of year they report on other matters?
30.	Has the requirement for dairy farms to report their use of fertiliser already served its purpose, in terms of having signalled a level of unacceptable use that should be avoided – no more than 190 kilograms per hectare per year – and if so, is this requirement still necessary?

Part 2.9: Including mapping requirements for drinking water sources

The 2017 Havelock North Drinking Water Inquiry²⁷ recommended changes to improve the protection for drinking water sources, including mapping source protection zones to:²⁸

... remove the need for individual, and costly, analysis by consent applicants and consent authorities as to whether the [NES-DW regulations] apply to a particular activity. Instead, their application would be objective and direct.

The spatial mapping of land areas posing a risk to drinking water supplies would be a one-off, low-cost improvement in the management of drinking water. It would provide certainty to resource users and consenting authorities about which land areas had the potential to contribute contaminants to a drinking water supply, and help regional councils meet their obligations to protect drinking water sources.

We are consulting on **whether to introduce a new requirement in the NPS-FM for source water risk management areas (SWRMAs) to be mapped.**

This would require regional councils to:

- map SWRMAs for relevant drinking water sources in their regions according to the following criteria:
 - SWRMA 1 – the zone directly surrounding the source water intake, where there is an immediate risk of contamination
 - SWRMA 2 – a microbial risk area, to limit the concentrations of microbial pathogens before abstraction
 - SWRMA 3 – the entire surface water catchment, or groundwater capture zone, to protect against persistent contaminants
- have regard to, or use methods similar to, those described in [Delineating source water risk management areas](#) when undertaking SWRMA mapping
- complete mapping within five years of the start date of the requirement, and prioritise the order of mapping by risk (ie, mapping the largest and most under-pressure sources first)
- publish SWRMAs in a public inventory alongside other associated information.

We are also seeking feedback on whether the mapping requirements should be incorporated into regional plans, and whether it is appropriate to set a lower population threshold for them, (ie, from a previously proposed 500-person threshold to a 100-person threshold – noting this would not amend the scope of applicable sources under the NES-DW).

²⁷ Department of Internal Affairs | Te Tari Taiwhenua. [Government Inquiry into Havelock North Drinking Water](#). Retrieved 5 May 2025.

²⁸ Department of Internal Affairs | Te Tari Taiwhenua. 2017. [Report of the Havelock North Drinking Water Inquiry: Stage 2](#). Auckland: Department of Internal Affairs. para [646].

This requirement is proposed for inclusion in the NPS-FM rather than the NES-DW, because section 45A of the RMA allows a national policy statement to state methods or requirements that local authorities must apply, including the use of models and formulas.

For further information on this topic, refer to the impact analysis document entitled [Interim Regulatory Impact Statement: Amending human drinking water source protection policies](#).

Questions	
31.	Do you think that requiring regional councils to map SWRMAs for applicable drinking water supplies in their regions will improve drinking water safety? Should councils be required to publish SWRMAs?
32.	Do you think that three zones should be required for each SWRMA, or is one zone sufficient?
33.	What do you think the population threshold should be to require regional councils to map SWRMAs (eg, 100-person, 500-person, or some other threshold)?

Section 3: Implementation of freshwater proposals

The proposals in this document will, among other things, lead to amendments to the NPS-FM. Although regional councils will need to give effect to the amended NPS-FM, this will not require immediate changes to plans. The Government has already paused regional councils' ability to notify freshwater planning instruments²⁹ while it is working through changes to national direction and a significant reform programme to replace the RMA. The current requirement is that regional councils are required to publicly notify plan changes to give effect to the NPS-FM by the end of December 2027.³⁰

Consent authorities will need to have regard to any changes to the NPS-FM that influence consenting when they consider an application for a resource consent under section 104 of the RMA.³¹

Any changes to the NES-F will have immediate effect.

Freshwater farm plans are a key part of the freshwater management framework

Freshwater farm plans (FW-FPs) provide a practical way for farmers and growers to identify, manage and reduce the impact of farming on the environment. Part 9A of the RMA established the use of FW-FPs as a regulatory tool that supports farmers and growers to identify, manage and reduce on-farm risks to freshwater in a way that is tailored to their individual conditions, operating system and catchment needs.

FW-FPs are intended to work in combination with the wider freshwater management system. Over time they will likely become the key tool for farmers and growers to manage their freshwater requirements.

Officials from the Ministry for the Environment and the Ministry for Primary Industries are currently reviewing the FW-FP system and developing options to make it simpler and more cost effective. They will aim to integrate decisions made on FW-FPs with decisions made for the wider freshwater management system, as well as the work underway to replace the RMA.

It is intended that improvements to the FW-FP system will be finalised by the end of 2025.

²⁹ Through amendments to [section 80A of the RMA by the Resource Management \(Freshwater and Other Matters\) Amendment Act 2024](#).

³⁰ [Section 80A\(4\)\(b\) of the RMA](#).

³¹ Through insertion of [section 104\(2F\) of the RMA by the Resource Management \(Freshwater and Other Matters\) Amendment Act 2024](#).

Treaty considerations

Freshwater management is an issue of significance to tangata whenua, and all of the options in this document intersect with Māori freshwater rights and interests in some way. Initial analysis of the potential impacts of these options on Māori rights and interests and Treaty settlements is set out in the [Treaty Impact Analysis](#). Note this is an interim pre-public consultation analysis of the options (informed by early engagement with Treaty partners), which will continue to be developed post-consultation to inform final decisions.

We are seeking feedback on the potential impacts on Māori rights and interests and Treaty settlements, and on other arrangements identified in the Treaty Impact Analysis. We also seek feedback on any additional perceived impacts of the proposals on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups.

Section 4: Have your say

This consultation opens on 29 May 2025 and closes at 11.59 pm 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 include your:

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

If you have any questions, please email freshwaterND@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: Appendices

Appendix 1: Summary of freshwater proposals and implementation

Table 4: Summary of freshwater proposals and implementation

Freshwater proposal	Takes effect through
Rebalancing Te Mana o te Wai, and providing greater clarity about its meaning and how it operates	Given effect by developing regional plan content and implementing the NOF process steps with communities. The Resource Management (Freshwater and Other Matters) Amendment Act 2024 prevents decision-makers from considering the Te Mana o te Wai hierarchy on individual consents. Te Mana o te Wai would not be considered in consenting decisions until the plan rules, which reflect Te Mana o te Wai, are notified.
Improving flexibility in the National Objectives Framework (NOF) process in the National Policy Statement for Freshwater Management (NPS-FM)	Given effect by developing regional plan content with communities. Once plans are notified, the NOF is given effect through a mixture of rules that drive land-use and consenting decisions, and action plans setting out non-regulatory catchment approach. Achieving targets (environmental limits) happens over time.
Enabling commercial vegetable growing	If progressing NPS-FM objectives and policies, given effect by developing regional plan content with communities. If permitting commercial vegetable growing, takes immediate effect and does not require consent.
Enabling water storage	If progressing NPS-FM objectives and policies, given effect by developing regional plan content with communities. If permitting water storage, takes immediate effect and does not require consent.
Simplifying wetland and fish passage policies and regulations	All wetland provisions take immediate effect on gazettal of the NPS-FM and/or National Environmental Standards for Freshwater. This is because the relevant policies in the NPS-FM are inserted directly into regional plans without going through a Schedule 1 planning process (under section 55 of the RMA).
Amending farmer-facing regulations	Takes immediate effect on gazettal and does not require consent.
Introduce drinking water mapping requirements in the NPS-FM	Takes effect on gazettal of the NPS-FM. Note there will be a five-year window to complete mapping, which will influence consenting decisions under the existing National Environmental Standards for Sources of Human Drinking Water.

Appendix 2: Draft standards for off-stream water storage

Background of these draft standards

Making it quicker and easier to build off-stream water storage through national standards is one proposed change within the wider proposals for national direction freshwater changes. Clear and effective standards could simplify the resource management process, provide national consistency and reduce duplication.

These draft standards identify the range of matters that might be subject to standards for off-stream water storage. They are not intended to propose specific wording for the standards. Rather, the draft standards are a starting point for discussion and feedback on the matters (both qualitative and quantitative) that these standards could address.

Scope of the draft standards

What is off-stream water storage?

- Off-stream water storage covers any water storage that is built on land with no part of it located in, on, under or over the bed of a lake or river, or within a wetland. The water is supplied into the storage through an artificial pump or is gravity-fed. Off-stream storage may encompass paddock ponds, on-farm dams and others.

Why off-stream water storage?

- Off-stream water storage is better suited to permitted activity standards than in-stream water storage, because it has fewer environmental risks/effects.

In scope (the focus of the draft standards)	Out of scope (what the standards won't cover)
Activities related to off-stream water storage, namely: - earthworks - vegetation clearance - damming and diversion - construction, use/operation, maintenance of dam/storage structure - taking of water (from the water storage structure only) (Note that these activities relate to both regional council and district council functions.)	Activities and matters related to in-stream water storage Activities and matters outside the physical boundaries of the off-stream water storage (eg, the water supply pipelines) Activities and matters related to discharge consents (these are only applicable to in-stream water storage) Water takes (including the taking of water to fill the water storage structure) Water allocation Matters covered by other legislation (eg, Building Act 2004, Building (Dam Safety) Regulations 2022)

Draft standards for off-stream water storage

Note: some of the draft standards have [X m] written into the wording. This indicates that a quantitative value (eg, 5 m) is suggested for inclusion as part of the standard. We welcome any feedback on what this quantitative value should be.

Site selection

Standard 1:	The water storage structure is not located in a critical source area ³² , swale or wetland.
Standard 2:	The water storage structure (and associated activities) is not located on land that is contaminated or potentially contaminated.
Standard 3:	The water storage structure (and associated activities) must not destroy, damage, modify or be located within [X m] of an archaeological site that is protected (including through a statutory acknowledgement ³³) because of the site's historic heritage (including, to avoid doubt, because of its significance to Māori).

Site interactions with wider setting

Standard 4:	The base of the water storage structure and maximum depth of excavation has a vertical separation distance at least [X m] above the highest expected water table.
Standard 5:	The water storage structure has an impermeable layer that prevents transfer of water.
Standard 6:	The water storage structure is located at least [X m] from property boundaries and any structure or dwelling that is owned by someone other than the off-stream water storage owner, and that exists at the time the off-stream water storage was commissioned.

Onsite activities during and after construction

Standard 7:	The water to be taken and used from the water storage structure is authorised by: • a permitted activity rule in a relevant regional plan, or • a resource consent. Where the water user is not the owner of the water storage, the water user has written permission from the owner to take the water.
Standard 8:	Earthworks for the establishment of off-stream water storage structures must not be undertaken within [X m] of a natural water body (including coastal water and the coastal marine area), and control measures must be in place to prevent sediment entering waterways.
Standard 9:	Clearance of vegetation that was established for flood and erosion control measures or that is ecologically significant vegetation (as specified in a relevant plan) is not permitted.
Standard 10:	Vegetation clearance must not be undertaken within [X m] of any natural water body (including coastal water and the coastal marine area).

³² Under the [Resource Management \(National Environmental Standards for Freshwater\) Regulations 2020](#), critical source area means a landscape feature such as a gully, swale, or depression that:

- (a) accumulates runoff from adjacent land; and
- (b) delivers, or has the potential to deliver, 1 or more contaminants to 1 or more rivers, lakes, wetlands, or drains, or their beds (regardless of whether there is any water in them at the time).

³³ A statutory acknowledgement is an acknowledgement by the Crown that recognises the mana of a tangata whenua group in relation to specified areas. See The Quality Planning Resource. [Statutory Acknowledgements](#). Retrieved 5 May 2025.

Notification

Standard 11:	No less than two weeks prior to the construction of the water storage structure, the owner of the storage structure must notify the regional council with: • their contact details • the location of the water storage structure • confirmation that they have checked and meet the permitted activity conditions in this standard.

Rationale for the draft standards for off-stream water storage

Site selection – addressing potential surface water hydrological effects (Standard 1)

- Reduce or eliminate the potential for water storage structures to impede the proper functioning of critical source areas, swales and concentrated or overland flow pathways (eg, flood water).
- Reduce or eliminate potential consequent ecological effects through affecting water levels in wetlands.

Land contamination – addressing potential groundwater quality effects (Standard 2)

- Reduce or eliminate the potential for the transfer of contaminants into groundwater. This could potentially result in reduced groundwater quality (eg, heavy metals entering groundwater).

Archaeological sites and historic heritage – addressing potential effects on historic heritage and mana whenua values associated with the land (Standard 3)

- This standard could include a requirement that if any activities disturb an archaeological site, an accidental discovery protocol should be applied. This would include protocols and procedures to avoid damage to such sites.
- This standard takes into account:
 - effects upon any wāhi tapu or other taonga in the area
 - the relationship of tangata whenua and their culture and traditions with the area and any wāhi tapu or other taonga affected by the activity
 - the ability of tangata whenua to exercise their kaitiaki role in respect of any wāhi tapu or other taonga affected by the activity.

Vertical separation distance and impermeable layer – addressing potential groundwater quantity and quality effects (Standards 4 and 5)

- Reduce the potential of:
 - unintended recharge of groundwater via leakage from storage. Such recharge could raise the water table closer to the surface, resulting in wet patches in the vicinity and downstream of the storage. This could exacerbate flood risk to other properties and increase land instability

- groundwater ingress into a water storage structure, or the seepage of water from the surrounding ground into the structure
- unintentional transfer and mixing of water between storage and the groundwater system. As a result, this reduces unintended water quality outcomes where groundwater and stored water are of significantly differing qualities
- structural failures of the storage resulting from leakages/seepages.
- The risk of adverse effects on groundwater quantity and quality is greater if the water storage is established above an aquifer and if the water storage does not have an impermeable layer.

Take and use of water from the water storage structure – administrative standard (Standard 7)

- This is an administrative standard to assist the council with its compliance, monitoring and enforcement responsibilities regarding the take and use of water.
- This standard authorises the 're-take' of water from the storage structure, especially as not all regional council plans may have a permitted activity rule allowing this.
- Some regional plans permit the take and use of water from off-stream storage with limited conditions, mainly to ensure that the take of water is not for non-owners of the water storage (ie, where a land-holding owner or occupier is different to the owner or manager of the water storage, the land-holding owner or occupier must have a written agreement with the owner or manager to take water from the water storage structure).

Earthworks – addressing potential surface water quality effects (Standard 8)

- This relates to the sediment associated with earthworks entering natural water bodies if earthworks are located too close to riparian margins (eg, sediment entering water bodies via overland flow during high rainfall events). This standard would reduce the likelihood of sediment entering natural water bodies and coastal waters, therefore reducing the potential ecological effects caused by sedimentation.

Vegetation clearance addressing potential surface water quality effects and potential ecological/biodiversity effects (Standards 9 and 10)

- This relates to the sediment associated with vegetation clearance entering natural water bodies if vegetation clearance is located too close to riparian margins or where vegetation clearance impedes existing flood and erosion control measures (eg, increased erosion, sediment entering water bodies via overland flow during high rainfall events). These standards would reduce the likelihood of sediment entering natural water bodies, coastal waters, therefore reducing the potential ecological effects caused by sedimentation.
- This relates to the loss of ecologically significant vegetation through vegetation clearance. **Standard 10** would prevent the loss of ecologically significant vegetation.

Notification of the activity – administrative standard (Standard 11)

- This is an administrative and notification requirement for owners of water storage structures to assist the council with its compliance, monitoring and enforcement responsibilities.

- By specifying a time limit for the water storage owner to notify the council, this provides an opportunity for councils to assess any risks with the proposed water storage structure.



Date: 22 July 2025

Subject: Mayoral Forum Hydrogen Submission

Author: J Harvey, Climate Change Coordinator

Approved by: F Kiddle, Acting Director - Resource Management

Document: TRCID-2092926638-2233

Purpose

1. To inform Taranaki Regional Council of a Mayoral Forum submission on the Government's discussion document on natural and orange hydrogen.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum titled Mayoral Forum hydrogen submission
- b) notes the submission contained in Attachment One
- c) notes that when more detailed proposals emerge, including proposed legislative changes, these will be brought to the Policy and Planning Committee for detailed consideration.

Background

2. The Ministry of Business, Innovation and Employment (MBIE) released a discussion document in May 2025 outlining regulatory proposals for the development of natural and orange hydrogen in New Zealand. The discussion document is contained in Attachment Two. These emerging hydrogen sources offer potential for energy security and resilience, decarbonisation of hard-to-electrify sectors, and economic growth and innovation.
3. Natural hydrogen is formed through geological processes in the earth's crust, while orange hydrogen is produced by injecting water and carbon dioxide into specific mineral formations to stimulate hydrogen generation. The discussion document indicates Taranaki as a potential area where the geological conditions may be right for both natural and orange hydrogen.
4. The document presents two primary regulatory options:
 - Option 1: Include hydrogen in the definition of a mineral under the Crown Minerals Act 1991 (CMA), regulating it similarly to other minerals.
 - Option 2: Exclude hydrogen from the CMA and regulate it as a non-mineral natural resource, potentially under the Resource Management Act 1991 (RMA) or a new framework.
5. MBIE sought feedback on which approach would best support responsible development while enabling innovation and investment.

6. New Plymouth District Council prepared the response with support from the other three councils. Upon completion, the submission was sent to the Mayoral Forum for approval and on 3 July 2025 was submitted to MBIE. Submissions closed on 4 July 2025.

Discussion

7. The Taranaki Mayoral Forum supported the development of natural and orange hydrogen and the positioning of Taranaki as a strategic location due to its geological features and existing energy infrastructure. However, it also raised areas for caution. This included the need to pursue climate change mitigation action on a range of fronts, and that more research is needed into the potential scope of natural and orange hydrogen resources and how they should be regulated.
8. Key points in the submission included:
 - a. The need for precautionary regulation that acknowledges the uncertainties around renewability and long-term environmental impacts
 - b. Supported regulating hydrogen under the CMA, while emphasizing the need for cost-benefit analysis to ensure an appropriately sized regulatory response
 - c. Supported a potential shift to regulation under the RMA or a bespoke regime if orange or natural hydrogen is confirmed as a renewable resource
 - d. Advocated for ongoing Government-funded research into hydrogen's renewability and environmental risks and for exploring a levy-based funding model – but being careful this does not deter early investors
 - e. Requesting Government assistance in reviewing and updating RMA planning provisions to accommodate hydrogen extraction
 - f. Calling for early and meaningful engagement with mana whenua, respecting Treaty settlement provisions and ensuring iwi and hapū rights are considered
 - g. Recommending proactive Government collaboration with local councils, Venture Taranaki Trust, Ara Ake, and industry to develop the hydrogen sector
 - h. Stressing the importance of fostering job creation, innovation, and regional value-add through hydrogen development.
9. Both the discussion document and the Mayoral Forum submission are very high level. No substantive detail is yet available to inform a robust consideration of the costs and benefits of a potential natural or orange hydrogen regime. When more detailed proposals emerge, including proposed legislative changes, these will be brought to the Policy and Planning Committee for detailed consideration.

Appendices/Attachments

TRCID-1492626864-873: [Taranaki Mayoral Forum submission on natural and orange hydrogen](#)

TRCID-1492626864-871: [Discussion document regulatory proposals for natural and orange hydrogen](#)



Taranaki Mayoral Forum

Our Reference
F22/55/007-D25/23361

2 July 2025

Resources Policy
Ministry of Business, Innovation and Employment
Via email: resourcepolicy@mbie.govt.nz

Kia ora koutou

Taranaki Mayoral Forum submission on Regulatory Proposals for Natural and Orange Hydrogen Development discussion document

The Taranaki Mayoral Forum welcomes the opportunity to submit on the Regulatory Proposals for Natural and Orange Hydrogen Development discussion document.

Taranaki is Aotearoa New Zealand's energy province. Our energy transition is being led by Tapuae Roa,¹ our regional economic development strategy, with its Energy Future pillar. Taranaki has been developing a hydrogen ecosystem over time, led by our H2 Taranaki Roadmap.² We strongly welcome the Government exploring the opportunities for natural and orange hydrogen. As the discussion document indicates Taranaki is underlain by the Brook Street Terrane and the Dun Mountain - Maitai Terrane. Taranaki is therefore the logical place to locate both onshore and offshore exploration, development and production industries for natural and orange hydrogen. We seek Government to firmly commit to Taranaki's future through this process by working collaboratively with us, Venture Taranaki Trust, Ara Ake and our local industries.

We note that orange and natural hydrogen could be important for mitigating the effects of climate change through replacing existing gas use and for carbon storage. However, successful climate change mitigation requires action across a wide range of fronts. This includes both technological innovations, scaling up existing mitigation options and behaviour change.

Regulation should fit resource characteristics

The discussion document notes that it is unclear whether natural and orange hydrogen are renewable or non-renewable resources. That distinction is critical in determining an appropriate regulatory regime. A non-renewable resource requires a regulatory environment to address long-term scarcity and to find the balance between production and utilisation over different time horizons. A renewable resource, however, requires a regulatory environment that ensures that extraction levels are at a sustainable rate to ensure long-term viability. Either way any regulatory regime needs to be assessed on a cost benefit basis to ensure compliance costs do not become a barrier to the emergence of a nascent technology.

It is also unclear whether there are potential long-term negative impacts that may arise from orange and natural hydrogen. For instance, are there risks associated with the carbon capture aspect of orange hydrogen resulting in emissions leakage in the future? Will well sites have significant risks if abandoned without appropriate remediation? These long-term risks need to be considered upfront as we invest in orange and natural hydrogen. Given the uncertainty, we submit that there are two courses of action.

First, a precautionary approach should be undertaken to ensure that the long-term viability of natural and orange hydrogen, and the associated industry and risk, are more clearly understood before we rush to regulate.

¹ Available at <https://www.venture.org.nz/tapuae-roa/>

² Available at <https://www.venture.org.nz/assets/H2-Taranaki-Roadmap.pdf>

Second, we recommend that the Government commission ongoing research to determine the renewability, or not, of natural and orange hydrogen, long-term environmental risks (such as emissions leakage and site remediation) as well as other key information gaps. This research could enable decision-makers to assess and review regulatory settings over time as more information is known, without putting an undue constraint on immediate exploration, development and production.

As part of this, we recommend the Government consider the various options for funding this research. There is the potential for a small levy for natural and orange hydrogen from those extracting hydrogen for cost recovering research (rather than being a tax or royalty payment). However, we also note that there is the potential for any levy to become a barrier to early investors and impact on the relative price point between natural and orange hydrogen and other fuel sources (such as coal). Direct Government funding may therefore be required alongside, or instead of, such a levy. This means that the Taranaki Mayoral Forum is supportive of *Option 1 Include hydrogen in the definition of a mineral to regulate it as a mineral under the CMA* at this stage. Determination of what Crown Minerals Act requirements are appropriate should focus on balancing short-term incentives and long-term management. There needs to be careful assessment of the costs and benefits of the regulatory regime to maximise the ability to use these hydrogen sources to decarbonise heavy transport and industrial processes through being a low-cost option. Overall, we believe that a relatively light touch regulatory regime is required to stimulate initial investment at this stage. Of course, there will be areas (such as around health and safety, and the rule of capture) where more stringent regulations are required. If there is greater clarity that orange and natural hydrogen are renewable resources, then a shift to *Option 2 Exclude hydrogen in the definition of a mineral under the CMA and regulate it as a non-mineral natural resource* may be appropriate in the future, or to a more bespoke regulatory regime as appropriate.

If Government did determine to proceed with *Option 2 Exclude hydrogen in the definition of a mineral under the CMA and regulate it as a non-mineral natural resource*, either now or in the future, then Government would need to support affected councils to co-develop appropriate RMA planning provisions.

Resource Management system

Taranaki councils all have oil and gas site planning provisions under their various RMA planning documents. Under either option, we would welcome Government support in reviewing these provisions to assess whether the existing provisions are suitable for natural and orange hydrogen or whether new provisions may need to be put in place. For instance, this would need to assess whether safety zones are required around hydrogen extraction sites as they are for oil and gas well sites. Undertaking this work collaboratively could enable a consistent regulatory regime across all potential regions for the RMA consenting part of regulatory regimes. This support would need to be significantly increased under Option 2.

Mana whenua involvement

The Mayoral Forum supports a regulatory regime that provides mana whenua with early and meaningful engagement. We do note that Treaty settlements in Taranaki have clear provisions around oil and gas developments, and recommend that the Government consider how best to honour those commitments in regulating hydrogen, even if hydrogen may not strictly fall within definitions in Treaty settlements. We note that whichever regulatory pathway the Crown adopts regarding the RMA or CMA, discussions will be required with iwi and hapū to define rights to the resource.

Government support for exploration

The Taranaki Mayoral Forum recommends that the Government take proactive action to develop a natural and orange hydrogen industry through partnering with potential industry players, Venture Taranaki Trust, Ara Ake and Taranaki councils. Natural and orange hydrogen are new technologies that will require substantial investigation and investment to properly explore. Government support may be required to help kick-start an industry in New Zealand and make sure risks are appropriately managed. We would welcome Taranaki being considered as a homebase for this industry.

Conclusion

While the focus at this stage is considering the exploration/regulatory regime for the natural and orange hydrogen, the Taranaki Mayoral Forum urge the Government to consider any potential development of the resource in the future be done so in a manner that fosters job opportunities, innovation and value-add for our region, communities and nation. We reiterate that Taranaki is at the edge of New Zealand's energy transition, and natural and orange hydrogen provides strong opportunities for building a new future for our local economy. We also note that any regulatory regime should be subject to a cost benefit analysis and due caution should be exercised not to create barriers to investment and or innovation through compliance requirements.

Yours faithfully



Mayor Neil Volzke (Forum Chair)
Stratford District Council



Mayor Phil Nixon
South Taranaki District Council



Mayor Neil Holdom
New Plymouth District Council



Craig Williamson
Taranaki Regional Council Chairperson



Regulatory proposals for natural and orange hydrogen development

Discussion document

May 2025



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

Te Kāwanatanga o Aotearoa
New Zealand Government

Ministry of Business, Innovation and Employment (MBIE)

Hīkina Whakatutuki – Lifting to make successful

MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders. MBIE combines the former Ministries of Economic Development, Science and Innovation, and the Departments of Labour, and Building and Housing.

More information

Information, examples and answers to your questions about the topics covered here can be found on our website: www.mbie.govt.nz or by calling us free on: 0800 20 90 20.

Disclaimer

This document is a guide only. It should not be used as a substitute for legislation or legal advice. MBIE is not responsible for the results of any actions taken on the basis of information in this document, or for any errors or omissions.

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May 2025

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Minister's foreword

Unlocking the potential of natural and orange hydrogen development in New Zealand offers opportunities for energy resilience, innovation and economic growth

Globally, interest in the potential of natural and orange hydrogen as a new energy source is growing. It offers the potential for lower production costs and carbon emissions than other types of hydrogen and could be a solution for hard-to-electrify industries in New Zealand. Developing this resource could be a high-value economic activity, create employment, and support energy security, reliability and resilience.

However, there are still many questions around how natural and orange hydrogen industries will develop. The Government, like other regulators around the world, is keen to understand what is needed to support this emerging industry while also ensuring it operates responsibly.

This discussion document is seeking feedback on key questions and regulatory approaches to unlock the economic opportunities from enabling natural and orange hydrogen development. We are also open to considering alternative ideas and approaches and I encourage you to share your thoughts with us.

The Government is committed to enabling natural and orange hydrogen development in New Zealand. I look forward to a constructive discussion and feedback on this topic.

Hon Shane Jones

Minister for Resources

Executive summary

Hydrogen has a wide range of applications in sectors ranging from electricity generation to industrial processes and fuel for heavy transport.

Hydrogen can be categorised by how it is sourced. This discussion document focuses specifically on *natural* and *orange* hydrogen. Natural hydrogen (sometimes called white, gold, geological or native hydrogen) is produced naturally below the surface of the earth. Orange hydrogen is produced by stimulating a chemical reaction that allows hydrogen to develop (e.g. by injecting water and carbon dioxide onto target source minerals and then collecting the hydrogen produced).

Natural and orange hydrogen could unlock opportunities for energy resilience and economic growth. However, the hydrogen industry is still developing the processes and technology needed for commercial scale production. The Crown Minerals Act 1991 (CMA) sets out the broad legislative framework for the issuing of permits to prospect, explore and mine Crown-owned minerals within New Zealand. However, the CMA was not designed with natural and orange hydrogen in mind and there are questions around whether it is fit for this purpose. We have heard from industry that having a clear and certain regulatory pathway and clarity around if and how the CMA applies to hydrogen is key to encourage investment.

As both the exploration and development of natural and orange hydrogen is an emerging industry, we are seeking views on the regulatory approach to support this emerging industry while also ensuring it operates responsibly. However, we want to be clear that the Crown is not considering the nationalisation or asserting ownership of all hydrogen in its natural state.

This document seeks feedback on two high-level options:

- **Option one: Include hydrogen in the definition of a mineral to regulate it as a mineral under the CMA.** This would mean that where mineral rights are privately owned (or owned by iwi under a customary marine title), the owner would have control over its development. Where mineral rights are held by the Crown, the right to access the minerals would be allocated under the CMA. Other regulatory requirements (e.g. environmental resource consents) would apply in both circumstances.
- **Option two: Exclude hydrogen in the definition of a mineral under the CMA and regulate it as a non-mineral natural resource.** This could mean that (by default) hydrogen is allocated and its effects managed primarily through the Resource Management Act 1991 (RMA).ⁱ An alternative is that a new allocation regime could be developed outside the RMA. Excluding hydrogen in the definition of a mineral under the CMA would allow hydrogen to be developed with a wider focus than the purpose of the CMA (e.g. reducing New Zealand's emissions and improving energy security and resilience).

Option one would allocate rights to the hydrogen that the Crown owns in a way that maximises the benefit to New Zealand. This aligns with how most minerals are treated across New Zealand and ensures the Crown receives a fair financial return for its minerals for the benefit of New Zealand. It would mean that the Crown's existing relationship agreements with iwi and hapū regarding Crown-owned minerals would automatically apply, and that the Marine and Coastal Area (Takutai Moana) Act 2011 would provide ownership rights for iwi, hapū and whānau within customary marine title areas.

Option two would, by default, regulate hydrogen primarily through the RMA and potentially allow for a regime with a wider focus than an economic return to the Crown, including greater focus on other

ⁱ Note that the Government's resource management reform will replace the RMA with two pieces of legislation.

government priorities. This option could range from a light touch approach (e.g. a first-in, first-served approach based on when consents are lodged with the relevant council) to a more considered allocation approach similar to how geothermal resources are regulated, through to the alternative of a new hydrogen-focused legislative regime (e.g. similar to the approach taken in the Offshore Renewable Energy Bill). Under the RMA, existing engagement requirements with iwi and hapū would apply. If new legislation is developed outside the RMA, a role for iwi and hapū (given their strong interests in natural resources) could apply, but it would need to be developed outside of the Crown minerals framework.

We want to hear a range of perspectives to ensure any regulatory approach we progress is appropriate for New Zealand.

Introduction

Enabling natural and orange hydrogen development offers opportunities for New Zealand

Adding low cost, low emission hydrogen to the energy system could support our energy resilience, help us transition to a low-emissions economy and unlock opportunities for economic growth.

The Government has committed to ensure energy settings allow for the exploration of natural geological hydrogen in New Zealand, to maximise future energy resilience. This commitment is reflected in the Government's [Hydrogen Action Plan](#) that was published in December 2024. The [Minerals Strategy for New Zealand to 2040](#) that was published in January 2025 also outlined our commitment to review regulatory settings for new resources such as natural hydrogen.

Hydrogen has the potential to help reduce emissions in hard-to-electrify industries. Hydrogen is the lightest and most abundant element in the universe. When in the molecular form, hydrogen can carry and store energy like a battery. This energy can then be used to produce electricity through a fuel cell to power machines or combusted for heat and energy. It has a wide range of applications in sectors ranging from electricity generation to industrial processes and fuel for heavy transport. Additionally, hydrogen does not produce carbon emissions when it is used in a fuel cell or combusted.ⁱⁱ

Hydrogen can be produced through a range of methods and is described using colours to distinguish different types of production methods (see figure on the following page). Currently, New Zealand has a hydrogen demand of around 0.25 Mtⁱⁱⁱ which is mostly supplied by grey hydrogen that is produced using fossil fuels and used for fertiliser and chemical production. Modelling indicates that demand for low emissions hydrogen in New Zealand could be between 0.64 Mt and 1.2 Mt per annum by 2050.^{iv} provided low carbon hydrogen can be produced at commercially viable prices. The Government's Hydrogen Action Plan sets out work underway to enable private investment into green hydrogen as a low-carbon fuel and resource to help reduce carbon emissions.^v Green hydrogen is produced using renewable energy and is currently being trialled and deployed in New Zealand at a small scale.

ⁱⁱ Like any combustion process, hydrogen combustion can lead to nitrogen oxide emissions, but technologies and methods exist to help mitigate this.

ⁱⁱⁱ Vatankhah Ghadim, H., Peer, R. A. M., Read, E. G., & Haas, J. (2024). How much hydrogen could we need in New Zealand? Understanding the diverse hydrogen applications and their regional mapping. *Journal of the Royal Society of New Zealand*, 1–20. <https://doi.org/10.1080/03036758.2024.2365306>

^{iv} Ernst and Young. (2023). *Hydrogen Economic Modelling Results: Final Report*. <https://www.mbie.govt.nz/dmsdocument/27220-hydrogen-economic-modelling-results-pdf>

^v [Hydrogen Action Plan](#).

Colours of hydrogen

Hydrogen is often described using a 'colour' system to describe its production method and environmental characteristics. The diagram below shows the types of hydrogen that are being used or explored in New Zealand.



What is the potential for natural and orange hydrogen in New Zealand?

In New Zealand, natural hydrogen is believed to be generated primarily through a process known as serpentinisation - a chemical reaction between water and certain minerals rich in magnesium and iron. These minerals are found along much of the length of New Zealand (see map on the following page). The minerals that are likely to produce natural hydrogen are the same ones that are likely to produce orange hydrogen. The serpentinisation process that generates natural and orange hydrogen can also generate other gases like methane.

Due to limited global and national research on the topic, we have a limited understanding of natural hydrogen systems in New Zealand and the conditions under which an economic natural hydrogen resource may exist. For example, we do not know yet whether natural hydrogen is likely to be considered a renewable or finite resource.

Exploration of natural hydrogen is likely to employ similar techniques and technologies to those currently used in petroleum exploration (e.g. drilling wells), with some elements taken from mineral and geothermal resource exploration. Globally, hydrogen exploration and commercialisation techniques and methods are still evolving.

Orange hydrogen is expected to be generated by pumping water and carbon dioxide into reactive minerals to stimulate hydrogen production by causing a chemical reaction in a similar way to how natural hydrogen is expected to form. The reaction can sequester carbon dioxide at the same time. The reaction to generate hydrogen can occur underground or in a production facility.

In this document, we refer to and are only considering orange hydrogen as hydrogen being stimulated below ground with human intervention, with or without carbon sequestration. This is

because there is already a clear regulatory pathway to mine magnesium and iron-rich minerals if an above ground orange hydrogen production facility is planned.

What are the likely impacts on water use and the environment?

Compared to other types of hydrogen, production of natural and orange hydrogen is expected to have low direct water consumption in the production process. Seawater or even wastewater may work well with orange hydrogen production.^{vi}

Natural and orange hydrogen have the potential for a significantly lower environmental impact compared to traditional hydrogen production methods using fossil fuels, but their full environmental impact is still being researched and depends heavily on extraction and processing techniques, including potential hydrogen leakage challenges during extraction and transportation.

Early engagement

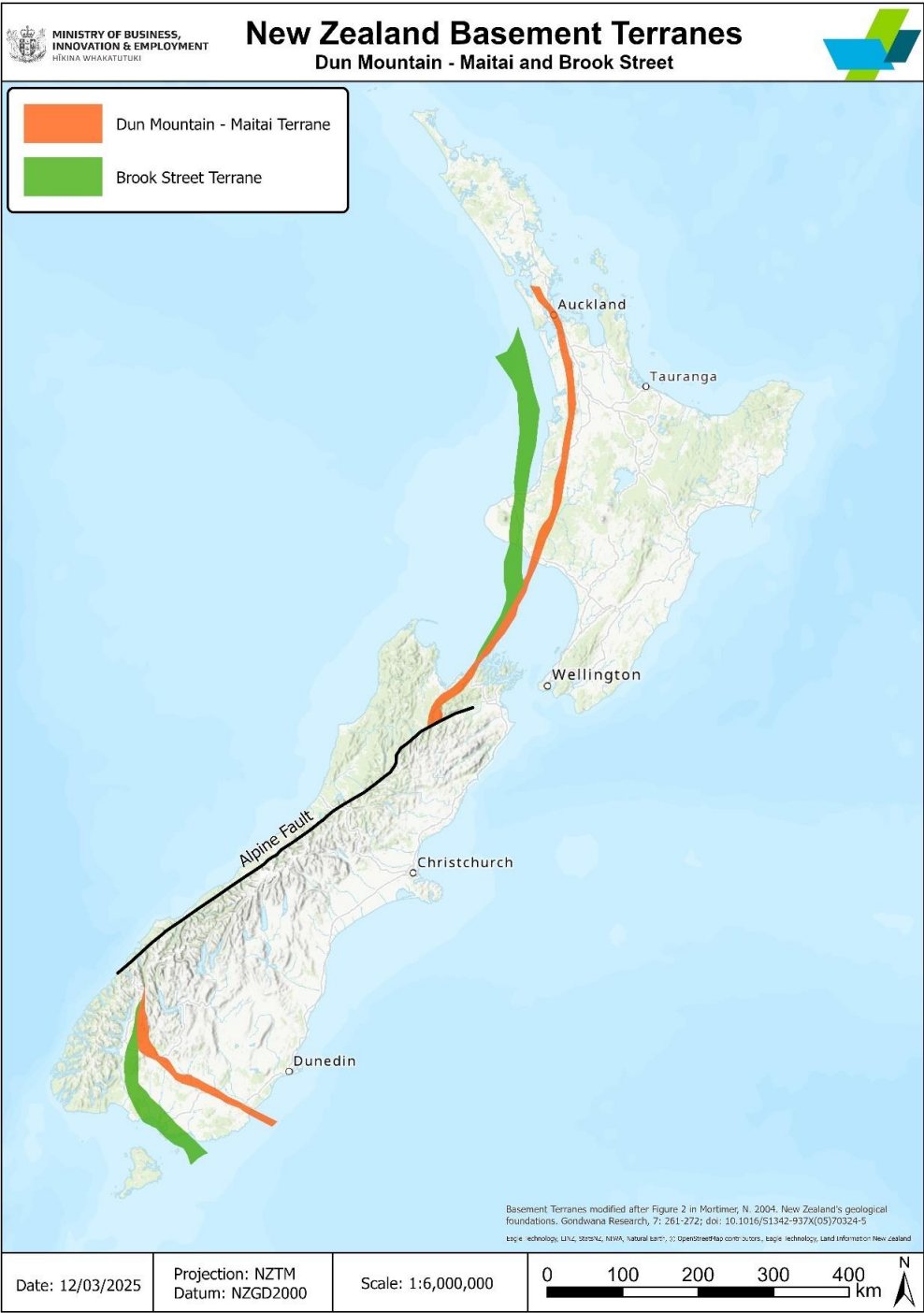
In line with Treaty settlement commitments, MBIE undertook early iwi engagement from March to April 2025 on the regulatory approach for hydrogen with interested iwi. Common themes from the engagement included the need to understand the impact of hydrogen development on water use and the environment and ensuring impacts can be appropriately managed. Iwi were also interested in potential economic development opportunities from hydrogen but outlined that the Treaty, customary rights and interests, and Treaty settlement commitments need to be upheld in the design of a regulatory approach. Iwi were interested in ensuring policy settings are fit for purpose for New Zealand's unique context, particularly as the science of natural and orange hydrogen is still emerging.

MBIE also undertook early engagement with some groups to better understand the science of natural and orange hydrogen in New Zealand and the challenges for development. MBIE intends to engage further with interested iwi and groups during this public consultation phase.

^{vi} [Orange hydrogen is the new green.](#)

Map of natural and orange hydrogen potential in New Zealand

The areas highlighted in orange and green (Dun Mountain - Maitai Terrane and Brook Street Terrane) on the map below indicate the known location of minerals with potential to generate natural or orange hydrogen.



vii GNS Science 2012, adapted from Mortimer (2006). For more information follow this [link](#).

Enabling natural and orange hydrogen development could unlock opportunities for economic growth and energy security and resilience

Why is natural and orange hydrogen gaining interest?

Hydrogen produced using low-emission methods presents a potential clean energy opportunity which has been gaining increasing global interest over the last decade. Natural and orange hydrogen specifically is gaining interest due to its low-carbon nature and potential for diverse applications – particularly in hard-to-electrify industries. Natural and orange hydrogen also has potentially lower production costs^{viii} and carbon emissions to produce than other types of hydrogen (including green hydrogen). Exploration is active and growing in international regions such as Africa, United States, Brazil, Colombia, Australia, France, Spain and Oman.

Opportunities for New Zealand

A secure and affordable supply of energy is critical for our economy, our regions and our people. It is important that the Government continues to add to the energy mix to maximise future energy resilience. As a potential new resource and energy source, natural and orange hydrogen could unlock opportunities across New Zealand. Specifically, it could:

- reduce emissions in hard-to-electrify industries (e.g. steel, cement, chemical production and heavy air, sea and some land transport activities)
- maintain and build high-value economic activity and employment by creating a new industry with export potential
- support energy security and reliability by reducing the demand for imported fossil fuels, help to smooth energy demand and supply mismatches across time, and improve resilience to energy supply interruptions.

Broader regulatory framework

The scope of our current legislative framework for minerals development in New Zealand

The Crown Minerals Act 1991 (CMA) regulates the management and development of Crown-owned minerals. Under the CMA, petroleum, gold, silver and uranium in their natural state are always Crown-owned (often referred to as statute minerals). The Crown also generally owns all minerals in the territorial sea (out to 12 nautical miles) and has vested rights in minerals in the exclusive economic zone (from 12 miles to 200 nautical miles offshore) and the continental shelf beyond (out to a maximum of 350 nautical miles offshore). The Marine and Coastal Area (Takutai Moana) Act 2011 provides the right for iwi, hapū and whānau to the ownership of minerals (excluding petroleum, gold, silver and uranium) within areas where customary marine title has been awarded.

Other kinds of minerals in their natural state are owned by the Crown if they exist on or under Crown land, or if they are on or under privately owned land that is subject to a mineral reservation in favour of the Crown.

^{viii} The production costs have been estimated at USD 0.5-1/kg for natural hydrogen, versus USD 0.9-3.2/kg for grey hydrogen, and USD 3-7.5 /kg for green hydrogen, [Natural hydrogen: the new frontier - GEOSCIENTIST](#). The production cost of orange hydrogen is also likely to be less than green hydrogen.

The purpose of the CMA emphasises development of Crown-owned minerals and the role of the Crown in allocating and managing rights to prospect, explore and mine these resources for New Zealand's benefit, including receiving a fair financial return through royalties.

The CMA operates alongside other legislation that regulates the health, safety and environmental aspects of mining for both Crown-owned and privately owned minerals (e.g. the Health and Safety at Work Act 2015, the Resource Management Act 1991 (RMA), and the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012).

A clear and certain regulatory pathway for natural and orange hydrogen development is important for encouraging investment

Globally, natural hydrogen has been overlooked in the past due to the misconception that it rarely occurs naturally and because there has been a historical abundance of alternative resources, such as natural gas. As a result, regulatory frameworks for extractive/mineral activities have not been designed with natural or orange hydrogen in mind, including the CMA.

We are aware of industry interest in natural and orange hydrogen development in New Zealand. We have heard that having a clear and certain regulatory pathway, and clarity around if and how the CMA applies, is key to encourage investment. Without this certainty, investment is likely to be taken overseas.

Natural hydrogen meets the definition of mineral under the CMA.^{ix} However, the CMA does not have a mechanism in place to determine Crown ownership of minerals that are gases or liquids that may flow across Crown-owned and privately owned land. Permitting natural hydrogen based on the status quo under the CMA could lead to ownership challenges, which is unlikely to be conducive for investment. Additionally, under the status quo regulatory measures that apply to other volatile minerals (e.g. petroleum) under the CMA would not apply to natural hydrogen.

In comparison, orange hydrogen development would not be captured under the definition of mineral under the CMA because it is not naturally occurring. However, there is an argument that orange hydrogen should be treated the same way as natural hydrogen. In practice, development is likely to require similar exploration and production techniques, and it is likely to be difficult to distinguish how much natural versus orange hydrogen is being produced during extraction.

Since the CMA has not been designed with natural and orange hydrogen in mind there are questions around whether they should be treated as a mineral and be regulated under the CMA.

This consultation document focuses on which regulatory regime(s) should apply, including what (if any) changes are necessary to provide regulatory certainty and clarity to enable responsible development.

Policy objectives

While we do not have a natural and orange hydrogen industry yet, there are advantages of being a fast mover in enabling an industry to emerge for the positive economic and energy outcomes it could have for New Zealand. We see the following objectives as being important:

- Providing investment certainty – by ensuring developers have clarity and good understanding of the rules that need to be complied with (e.g. easily understanding how

^{ix} Under the CMA, mineral means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.

natural and orange hydrogen is treated, especially as this is related to the CMA and RMA and knowing where they fit within the current system of rules);

- Efficient market outcomes – ensuring hydrogen can be developed efficiently and effectively in a responsible manner (i.e. any potential adverse economic, health and safety and environmental outcomes from development are managed appropriately).

Question for consultation

1. Do you agree that these objectives are the most important objectives for a hydrogen regulatory regime? Are there other objectives that we should explore?

International trends in regulating natural and orange hydrogen

The emerging international trend is to regulate natural hydrogen like petroleum

Other countries are integrating the regulation of natural hydrogen development into existing extractive legislative frameworks, rather than formulating bespoke legislation (e.g. France, Spain, Philippines and Australia). Most countries that have incorporated natural hydrogen into their existing legislative frameworks have also asserted complete state ownership of the resource (e.g. nationalised natural hydrogen).

Australian states are some of the most advanced in regulating natural hydrogen. Four out of the eight Australian states/territories^{*} that have regulated or are about to regulate natural hydrogen have either integrated it into their definition of petroleum (Northern Territory) or included it as a regulated substance under existing petroleum legislation and regulation (South Australia, Western Australia and Tasmania). This approach acknowledges that hydrogen development uses similar exploration and production techniques to petroleum, requiring similar controls. New South Wales is the only Australian state that has prescribed natural hydrogen as a mineral separate from petroleum. We understand this was because there was an opportunity to include it in an existing review of their minerals regulations and prescribe detail at a later point. As we progress a national discussion on hydrogen, there is an opportunity to learn from these international regimes as they are developed and implemented.

In New Zealand, petroleum is a nationalised resource, allocated under the CMA. As the Government is not intending to nationalise natural hydrogen, treating it exactly the same as petroleum may not be appropriate. In addition, given the emerging nature of the hydrogen industry, all existing petroleum settings under the CMA may not be well suited to regulate natural hydrogen. Further discussion about this is outlined under the section *which CMA requirements should apply* if hydrogen is treated as a mineral under the CMA.

Regulatory frameworks for orange hydrogen are developing internationally and carbon capture, utilisation and storage (CCUS) frameworks are an important aspect

Internationally, including in the Australian states/territories outlined above, changes that have been made to extractive frameworks have focused on natural hydrogen rather than orange hydrogen. This is likely to be because the concept of orange hydrogen is newer. For New Zealand, there is an opportunity to consider both types of hydrogen at the same time.

^{*} From what we understand, Victoria, Queensland and the Australian Capital Territory currently do not have a regulatory framework in place for natural hydrogen development.

Along with hydrogen extraction, carbon capture and storage^{xi} can be a component of orange hydrogen production. Many countries are at different stages of developing a CCUS regulatory framework and are taking various approaches to consenting/permitting, monitoring and liability regimes and the treatment of CCUS within carbon markets. Certainty around these factors will likely influence investment decisions in orange hydrogen.

To provide an enabling environment for orange hydrogen in New Zealand we need clear regulatory settings for both hydrogen development and CCUS. We are already progressing work on the CCUS regulatory framework for New Zealand and are cognisant of the importance that it meets the needs of orange hydrogen development.^{xii}

What are the high-level options?

The regulatory options presented for feedback in this discussion document are based on the existing regulatory frameworks for minerals/resource development in New Zealand. The Government does not have a preferred option at this stage and is open to alternative approaches that can achieve the objectives outlined on page 12-13.

This document seeks feedback on two high-level options:

- **Option one: Include hydrogen in the definition of a mineral to regulate it as a mineral under the CMA.** This would mean that where mineral rights are privately owned (or owned by iwi under a customary marine title), the owner would have control over its development. Where mineral rights are held by the Crown, the right to access the minerals would be allocated under the CMA. Other regulatory requirements (e.g. environmental resource consents) would apply in both circumstances.
- **Option two: Exclude hydrogen in the definition of a mineral under the CMA and regulate it as a non-mineral natural resource.** This could mean that (by default) hydrogen is allocated, and its effects managed primarily through the RMA^{xiii}. An alternative is that a new allocation regime could be developed outside the RMA. Excluding hydrogen in the definition of a mineral under the CMA would allow hydrogen to be developed with a wider focus than the purpose of the CMA (e.g. reducing New Zealand's emissions and improving energy security and resilience).

Option one: Include hydrogen in the definition of a mineral to regulate it as a mineral under the CMA.

What is the likely impact of regulating natural and orange hydrogen as a mineral?

Regulating hydrogen as a mineral would mean ownership of it would be the same as any other non-statute minerals in the land, in that it could be Crown or privately owned. Any hydrogen found in the territorial sea and in the exclusive economic zone would be Crown-owned.

Regulating hydrogen as a mineral would require some amendments to the CMA and the associated regulations such as explicitly including natural and orange hydrogen in the definition of mineral

^{xi} Carbon capture and storage is the process of trapping carbon dioxide produced by burning fossil fuels or other chemical or biological processes and storing it to prevent it from entering the atmosphere, with the aim of mitigating the effects of global warming.

^{xii} [Proposed regulatory regime for Carbon Capture, Utilisation, and Storage \(CCUS\) | Ministry of Business, Innovation & Employment.](#)

^{xiii} Noting that the Government's resource management reform will replace the RMA with two pieces of legislation.

under the CMA. This would provide certainty and clarity that the CMA applies to any Crown-owned hydrogen. Some of the key considerations and changes that would be needed are outlined below. The intention would be to allocate rights to the hydrogen that the Crown owns in a way that maximises the benefit to New Zealand.

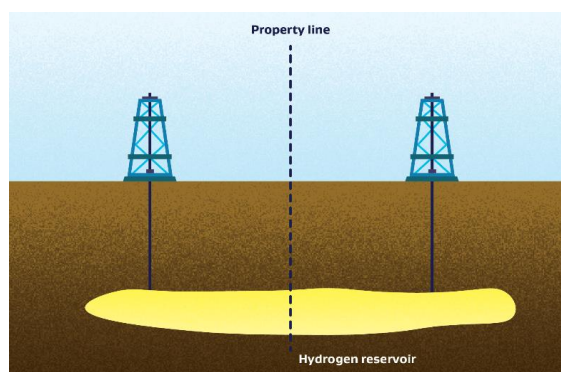
Health, safety and environmental requirements under relevant legislation would continue to apply to the development of hydrogen regardless of whether or not hydrogen is treated as a mineral under the CMA.

Issues with hydrogen occurring across multiple land parcels

An underground reservoir containing natural hydrogen could cross land boundaries with different owners and therefore mineral rights. It could flow between Crown-owned and privately-owned land. In this case, tapping into one side of the reservoir means potentially extracting hydrogen from another property. This could lead to disputes around where the hydrogen is coming from and who owns it, making it difficult to develop. This is not an issue for petroleum (oil and gas) in New Zealand because it is nationalised and always Crown-owned.

In some overseas jurisdictions where petroleum is not nationalised, these issues are addressed using a mechanism called the “rule of capture”, which could be introduced within the CMA for natural hydrogen. Under this rule, a landowner has the right to extract and claim ownership of a resource that flows from a common reservoir beneath their land, even if that resource migrates from a neighbour’s property (as seen by the image below). All owners of a common hydrogen reservoir would have equal rights to develop the resource and therefore no one would have exclusive development rights.

A potential problem with the “rule of capture” is that it can encourage overproduction because ownership is shared over a common source. This could lead to damaging common hydrogen reservoirs. To prevent this, the rule of capture could have some limitations such as a duty on mineral rights owners to exercise the right to capture in a non-negligent and non-wasteful way (e.g. limiting the number of wells that could be drilled). The rule of capture could also be limited in other ways to ensure extraction is done fairly and equitably with the understanding that the resource is shared (e.g. production caps, well spacing and drilling requirements, unitisation^{xiv}). Lessons can be taken from both international examples and domestic examples for similar resources, for example geothermal resources.



Which CMA requirements should apply?

There is a question as to which CMA requirements should apply to hydrogen if it is treated as mineral and whether new requirements are needed. Under the CMA, the requirements that apply to Crown-

^{xiv} This is a process that pools the interest of multiple landowners so that gas extraction is managed as a single unit, ensuring that each party receives a proportionate share of the production.

owned non-petroleum minerals are comparatively lighter touch with lower royalty requirements compared to the petroleum requirements (which cover volatile gases, higher royalty requirements, storage facilities, well drilling requirements, decommissioning and post-decommissioning obligations and financial security requirements).

Using petroleum requirements to regulate hydrogen is consistent with the emerging international approach, but all existing requirements in New Zealand may not be the most appropriate for an emerging industry with existing commercial uncertainty. For example, existing petroleum royalty rates, petroleum application fees and reporting requirements (which are designed for a mature industry) may not be conducive to incentivising development. Additionally, as petroleum is a nationalised resource in New Zealand, and petroleum requirements have been designed with this in mind, not all requirements may be fully transferable or appropriate for hydrogen. It may be more appropriate to assess and understand which petroleum requirements should be adapted and used for regulating hydrogen under the CMA (e.g. well drilling requirements) or if something new is required.

There are also some choices around how we can phase this work – we could try to address all requirements for the full life cycle for development now with the limited information we have about hydrogen development, or we could design detailed requirements once we learn more about the resource.

For example, we could focus our efforts on the requirements that should apply to prospecting and/or exploration permits for hydrogen to enable the industry to start, while taking further time to design what the later stages of development would look like (e.g. mining and decommissioning requirements).

How would this impact Māori rights or interests in hydrogen?

Regulating orange and natural hydrogen as a mineral would mean that the Crown would need to consult relevant iwi and hapū in allocating any rights to prospect, explore or mine Crown-owned hydrogen. Any of the Crown's existing relationship agreements with iwi and hapū regarding Crown-owned minerals would automatically apply to hydrogen. In addition, the Marine and Coastal Area (Takutai Moana) Act 2011 would provide the right for iwi, hapū and whānau ownership of hydrogen alongside other minerals within customary marine title areas.

What are the advantages and disadvantages of this option?

An advantage of this option is that it aligns with how most minerals are treated across New Zealand and enables the Crown to receive a fair financial return for its minerals for the benefit of New Zealand. It also means that the Crown would have a vested interest in hydrogen development, and would enable the Crown to collect valuable information about the resource which could enable its strategic development. Utilising relevant aspects of the existing regulatory framework may also have regulatory efficiencies as the requirements are well understood. The main disadvantage of this option is that ownership is mixed, based largely on property rights. This means that in some locations multiple permissions may be required, and for Crown-owned hydrogen, a CMA permit would be required on top of other consents and approvals (e.g. resource consents). This may incentivise the industry to avoid the CMA, and to extract privately-owned hydrogen where possible.

Option two: Exclude hydrogen in the definition of a mineral under the CMA and regulate it as a non-mineral natural resource

What is the likely impact of regulating natural and orange hydrogen as a non-mineral natural resource?

Under this option the government would be clear that hydrogen was not a mineral under the CMA.

Regulating natural and orange hydrogen as a non-mineral natural resource would potentially allow for an allocation approach with a wider focus than the CMA. One reason to do this is to allow the regime to be less focused on royalties and more focused on a range of government priorities (like reducing New Zealand's emissions and improving our energy resilience). It could allow for a regime where the Crown does not assert ownership of hydrogen but ensures it can be developed where appropriate.

Under this option, hydrogen would be regulated by default under existing environmental and health and safety regimes. Specifically, the RMA would be the central mechanism. Developers would need landowner consent to operate. This would include consent from Crown landowners such as the Department of Conservation if developing under Crown land. The developer would then need RMA consent to drill and develop the resource (including, for example, water take and discharge). The RMA consent could cover issues such as decommissioning of mining infrastructure or bonds if that was deemed necessary. With the requisite regulatory approvals and landowner agreement the developer could proceed to develop the resource.

Depending on the level of interest in developing natural and orange hydrogen in New Zealand, the regime could initially be a light touch approach where relevant consent authorities (e.g. regional councils) effectively allocate hydrogen through a first-in, first-served approach under the RMA. Like other resources, resource consent authorities would be responsible for managing allocation issues (e.g. hydrogen reservoir crossing land boundaries) through regional policy statements and plans. This could be similar to the approach taken with geothermal resources.

Amendments to the RMA may be required to enable this approach. The Government is currently progressing its resource management reforms and we would need to align with the reform process as it develops.

An alternative approach would be to develop a bespoke allocation and management regime for hydrogen outside the RMA, such as the Government is developing for offshore renewable energy, if the RMA is not considered suitable. We would need to consider the interaction of any bespoke legislation with the resource management regime. This is something that could be considered following the resource management reforms.

How would this impact Māori rights or interests in hydrogen?

Because hydrogen would sit outside of the CMA, the consultation and other Treaty-related provisions in the CMA would not apply. Treaty-related provision for resource consents under the RMA would still apply.

If a new legislative allocation regime is progressed outside of the resource management reforms, iwi involvement in the regime would need to be considered outside of the Crown minerals framework.

The Government is interested to understand iwi and hapū views on natural and orange hydrogen, including any rights or interests which may be relevant to its development.

What are the advantages and disadvantages of this option?

Compared with option one, regulating hydrogen under the RMA would reduce the number of regulatory regimes a nascent industry would have to navigate. It would also enable consent authorities to develop regional plans to resolve issues around allocation as appropriate. A disadvantage of this option is that a first-in, first-served allocation approach is limited and may not be adequate for competing developers (but enabling different allocation methods is being considered as part of resource management reforms^{xv}). Another disadvantage is that regional

^{xv} [Factsheet -- Resource management reform.pdf](#)

councils may not have all the tools, funding, capacity, or specialist knowledge to manage hydrogen allocation under the RMA.

The alternative of developing bespoke legislation outside the RMA would ensure settings achieve the desired objectives but is likely to be costly, complex and resource and time intensive to implement compared to regulating under the CMA or RMA. The costs may outweigh benefits if hydrogen development is not commercially viable in New Zealand.

Questions for consultation

Hydrogen as a mineral under the CMA

- 2. Do you support regulating natural and orange hydrogen as a mineral?**
- 3. What do you consider to be the advantages and disadvantages of this approach?**
- 4. Do you see any unintended consequence or risks with the “rule of capture” and how it may work in practice? Please explain your answer and how these risks could be mitigated.**
- 5. What CMA requirements should apply (e.g. non-petroleum mineral requirements, petroleum requirements, or something bespoke)?**
- 6. What are your views on phasing the regulatory requirements for hydrogen under the CMA (e.g. focusing on prospecting/exploration permitting first)?**

Hydrogen as a non-mineral natural resource

- 7. Do you support regulating natural and orange hydrogen as a non-mineral natural resource outside of the CMA?**
- 8. What do you consider to be the advantages and disadvantages of this approach?**
- 9. Do you consider the RMA is an appropriate tool to allocate and manage natural and orange hydrogen resources? If not, why not?**
- 10. Do you prefer a bespoke regime over the RMA to allocate and manage natural and orange hydrogen resources? Please explain.**

Other questions

- 11. Do you consider either approach a barrier to natural or orange hydrogen development in New Zealand?**
- 12. Are there any other alternative regulatory approaches to develop natural or orange hydrogen in New Zealand?**
- 13. Do you have views on how Māori rights and interests should be reflected in the regime?**

Next steps

This discussion document reflects regulatory proposals based on early international thinking, New Zealand’s unique context and information about natural and orange hydrogen development. We want to hear from you on the questions we have posed in this document to ensure the regulatory approach is appropriate for natural and orange hydrogen development for New Zealand’s unique context.

We will consider your feedback in developing final proposals for natural and orange development which will be considered by Cabinet in the second half of 2025.

Having your say

We are seeking your feedback on the regulatory approach to natural and orange hydrogen development. We welcome all submissions but are particularly interested in the questions proposed in this document:

Objectives

1. Do you agree that objectives outlined in the discussion document are the most important objectives for a hydrogen regulatory regime? Are there other objectives that we should explore?

Hydrogen as a mineral under the CMA

2. Do you support regulating natural and orange hydrogen as a mineral?
3. What do you consider to be the advantages and disadvantages of this approach?
4. Do you see any unintended consequence or risks with the “rule of capture” and how it may work in practice? Please explain your answer and how these risks could be mitigated.
5. What CMA requirements should apply (e.g. non-petroleum mineral requirements, petroleum requirements, or something bespoke)?
6. What are your views on phasing the regulatory requirements for hydrogen under the CMA (e.g. focusing on prospecting/exploration permitting first)?

Hydrogen as a non-mineral natural resource

7. Do you support regulating natural and orange hydrogen as a non-mineral natural resource outside of the CMA?
8. What do you consider to be the advantages and disadvantages of this approach?
9. Do you consider the RMA is an appropriate tool to allocate and manage natural and orange hydrogen resources? If not, why not?
10. Do you prefer a bespoke regime over the RMA to allocate and manage natural and orange hydrogen resources? Please explain.

Other questions

11. Do you consider either approach a barrier to natural or orange hydrogen development in New Zealand?
12. Are there any other alternative regulatory approaches to develop natural or orange hydrogen in New Zealand?
13. Do you have views on how Māori rights and interests should be reflected in the regime?

How to submit

Send your submission using the submission form to resourcepolicy@mbie.govt.nz by 5pm on Friday, 4 July 2025.

For any questions or help needed with making a submission, please contact resourcepolicy@mbie.govt.nz



Date: 22 July 2025

Subject: Submission on South Taranaki District Council Plan Change 4

Author: L Hawkins, Policy Manager

Approved by: F Kiddle, Acting Director - Resource Management

Document: TRCID-1492626864-915

Purpose

1. To seek endorsement for a submission on Plan Change 4 proposed by South Taranaki District Council (STDC).

Executive summary

2. STDC have identified key issues with their District Plan, such as inadequate regulation of selected Structure Plan Areas, minimal direction on anticipated development outcomes in structure plan areas, inconsistency with the RMA 1991 and outdated financial contribution rules. They propose Plan Change 4 to correct them. The plan change has been notified and material was released on 10 June 2025. The submission period closes 22 July 2025.
3. The submission supports the plan change in general but also provides feedback and suggested amendments on areas of concern. This includes the management of stormwater and water supply, provision of access to active and public transport services, proactive water storage and stronger encouragement of applicants to contact Taranaki Regional Council if working near a waterbody.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum titled *Submission on South Taranaki District Council Plan Change 4*
- b) endorses the submission contained in Attachment One
- c) determines that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002
- d) determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

4. South Taranaki District Council (STDC) have identified their district plan only refers to their structure plans in the subdivision chapter. Minimal direction is provided for the anticipated development outcomes for structure plan areas beyond this chapter. Further, some zoning is inconsistent with actual land uses. This has resulted in alterations to the character of neighbourhoods and surrounding areas, and the undermining of the structure plans.
5. The Section 32 Report provided with the consultation material outlines the following issues with the Operative District Plan:
 - a. Does not adequately address integrated urban growth within the Hāwera North and Hāwera West Structure Plan Areas
 - b. Provides minimal direction and guidance for resource users, consenting staff processing applications for development and landowners on anticipated development outcomes in the structure plan areas
 - c. Is considered inconsistent with Sections 5, 6 and 7 of the Resource Management Act 1991 (RMA) as it does not provide a comprehensive approach to sustainable management of urban growth and management of natural and physical resources in these areas
 - d. Includes financial contribution rules that are outdated or redundant, meaning the costs of the additional demand on infrastructure is being met from rates revenue, which puts the costs onto the community.

Proposed solutions

6. STDC propose the following solutions:
 - a. Redrawing structure plan maps to include more information on zoning, infrastructure, indicative roading and walkways, and natural features
 - b. Stronger policy direction to guide development in structure plan areas and updating rules to ensure it occurs in accordance with the structure plans
 - c. Introduction of a new Future Development Overlay and associated provisions to limit development where infrastructure cannot cope and no future upgrades are proposed at present. An applicant will need to apply for a Restricted Discretionary consent and provide infrastructure to develop in these areas.

Issues

7. Urban development impacts on regional council functions, particularly regarding freshwater management and transport.

Discussion

8. The submission in Attachment 1 sets out key issues with Plan Change 4 and suggested amendments. In general, Plan Change 4 is supported and the intent to promote sustainable urban development and alignment with the RMA is a positive.
9. Urban development requires consenting input from both district and regional councils, especially regarding development in proximity and discharge to waterbodies and wetlands. Infrastructure has been proposed by developers and approved at the district level around the region only to be a consenting challenge for Taranaki Regional Council (Council) under the National Environmental Standards for Freshwater. We recommend in the submission more directive language in the subdivision chapter advice note to consult with regional council prior to development.
10. There are known challenges in South Taranaki with regards to water takes and supply, with future water availability expected to decrease in response to climate change in the future. Plan Change 4 will

also lead to more impermeable surfaces through the provision of urban development, which can increase stormwater and flooding risk, but can also provide the opportunity for proactive water storage. It is suggested that the plan change be updated to encourage new developments to install holding tanks for water storage and water meters for the monitoring and charging of water use. This will promote efficient water use and reuse.

11. The plan change includes provisions to better encourage the integration of development with transport networks. This is supported, but the submission suggests some additional language to ensure consideration of public and active transport.

Options

12. The following options are available to the Committee:
 - a. endorse the submission as included in Attachment 1
 - b. endorse the submission subject to amendments directed by the Committee
 - c. not endorse the submission and not submit on the plan change.
13. It is recommended that the Council endorse the submission to ensure Council's voice is heard in the plan change process.

Significance

14. This decision is assessed as not significant with regards to the Significance and Engagement Policy. It will have no impact on levels of service, incur more than \$10,000,000 budgeted or \$5,000,000 of unbudgeted expenditure, or involve the transfer of ownership or control of a strategic asset. More broadly, final decision-making authority rests with South Taranaki District Council.

Financial considerations—LTP/Annual Plan

15. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

16. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Climate change considerations

17. There are climate change impacts to consider in relation to this item. The points contained within the submission consider the impact of climate change on the region with regard to water availability, and transport improvements. The submission is consistent with the technical advice provided by Council on these matters in relation to climate change.

Iwi considerations

18. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted Long-Term Plan and/or Annual Plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this

memorandum. Feedback that has been received by iwi through the development of the land and freshwater plan, indicates a desire for water efficiency to be improved across the region. Components of this submission are therefore consistent with this approach.

Community considerations

19. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

20. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

TRCID- 1553446938-100: [Taranaki Regional Council Submission on South Taranaki District Council Plan Change 4](#)

TRCID-1553446934-98: [STDC Fact Sheet – Urban Growth](#)

22 July 2025

Document: TRCID-1553446934-100



Chief Executive
South Taranaki District Council
Private Bag 902
Hawera 4640

Taranaki Regional Council submission on Plan Change 4

1. Taranaki Regional Council (Council) welcomes the opportunity to provide comment on Plan Change 4. We generally support the intent of the plan change and proposed changes to the South Taranaki District Plan to provide clarity for resource users and guide urban development. However, Council has a number of points it wishes to comment on.
2. Council continues to encounter issues with subdivision applicants being unaware of their consenting requirements under the National Environmental Standards for Freshwater. We appreciate the proposed advice note in the subdivision chapter, but request stronger language be used. Our proposed amendments are set out below.

Resource users and applicants should consult Taranaki Regional Council if #subdivision or development will is to be undertaken in proximity to a wetland or waterbody (including discharges of stormwater or other material to areas adjacent to wetlands or waterbodies) to check if resource consent from that council is required. (identified or non-identified) additional consultation with Taranaki Regional Council may be required.
3. We also seek an amendment to Section 9.2.2 to encourage the use of stormwater holding tanks for new properties. We are concerned that an increase in impermeable surface areas due to urban development may place increased pressure on the stormwater network. This increases the risk of excessive surface flooding, stream bank damage and damage or failure of roads and culverts.
4. We similarly recommend that all new properties are encouraged to be fitted with water meters. This would give South Taranaki District Council (STDC) more options if greater efficiencies in water use are required in the future. Water availability is likely to decline due to climate change, making water efficiency increasingly critical. As Council develops a new Land and Freshwater Plan, the water allocation framework is expected to change, which could have impacts on STDC.
5. To give effect to the above two points, we propose the following be added to Section 9.2.2:

3. All new allotments and developments within an Existing Services Area or Structure Plan Area are strongly encouraged to install a stormwater holding tank to reduce pressure on the stormwater network and a water meter to promote water efficiency.
6. We partially support the proposed changes to Objective 2.14.6(a), Policy 2.14.11(d) and (e) and Rule 9.1.3(g) to promote integrated and appropriate infrastructure and transport networks. However, we consider greater policy support for the promotion of active and public transport would be beneficial. We request the following amendment to Objective 2.14.6(a): "The creation of safe and integrated transport and infrastructure networks, and the promotion of public and active transport." This would make clear that Policy 2.14.11(d) and (e) and Rule 9.1.3.(g) should be read with that broader objective in mind.
7. We will determine if we wish to speak to our submission at a hearing after the further submissions phase.

Yours faithfully,

S J Ruru
Chief Executive

Hāwera Structure Plans and Urban Development FACT SHEET

Background

The Hawera North and Hawera West Structure Plans were introduced through the 2008 District Plan Change to the Operative District Plan. They were introduced to support the objectives of the Urban Growth Strategy, by managing and enabling the expansion of existing urban areas in appropriate locations and creating a connected road network. Formerly, Hawera was seeing substantial growth and development 'out of zone', resulting in ad-hoc growth of the town and disconnected subdivision and development.

Over the last few years as subdivision and development has occurred, it has become apparent that there is a need to provide an updated Structure Plan to cohesively guide the urban development within Hawera to enable residential, commercial and industrial growth in a co-ordinated and sustainable manner.

What changes are being proposed?

As part of Plan Change 4, we are proposing to update the provisions for Structure Plans and Urban Development in the Operative District Plan. The key changes include:

- Amendments to Hawera North Structure Plan and Hawera West Structure Plan to provide a more cohesive approach to development within the identified areas.
- New and reworded Objectives and Policies within Section 2.14 Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions.
- A new Future Development Overlay to limit development in areas where there is no supporting infrastructure or existing infrastructure capacity is limited.
- Amendments to the Residential Zone, Commercial Zone and Industrial Zone Chapters to include a new rule framework for development within the Structure Plan Area and Future Development Overlay.
- Amendments to the Subdivision and Development Chapter and the Structure Plan Maps to include a new rule framework for development within the Structure Plan Area and Future Development Overlay.
- Amendments to the Planning Maps to reflect the zone changes associated with the Structure Plan, urban areas on the fringe of Hawera, the Future Development Area Overlay; and
- Consequential amendments to standards and definitions.

Why are these changes necessary?

Council is required under the National Policy Statement for Urban Development (NPS-UD) to provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term (in the next 3 years), medium term (3-10 years) and long term (10-30 years).

It is considered that the District Plan, with PC4 changes, provides sufficient development capacity to meet housing demand and is expected to provide sufficient development capacity for business demand, consistent with Policy 2 of the NPS-UD.

Currently, in the Operative District Plan, Section 9 is the only chapter of the District Plan that refers to the current Hāwera North and Hāwera West Structure Plans, which requires subdivisions to be designed in accordance with the Structure Plan. In summary, the operative framework:

- Does not adequately address integrated urban growth within the Hāwera North and Hāwera West Structure Plan Areas;
- Provides minimal direction and guidance for subdividers and developers, Council consenting staff processing applications for development and landowners on anticipated development outcomes in the structure plan areas;
- Is considered inconsistent with Sections 5, 6 and 7 of the RMA as it does not provide a comprehensive approach to sustainable management of urban growth and management of natural and physical resources in these areas.

There is a clear need to provide updated Structure Plans and associated amendments to the provisions to guide the urban development within Hāwera to ensure residential, commercial and industrial growth occurs in a co-ordinated and sustainable manner. The Plan Change will improve urban growth outcomes by providing a strengthened approach to the identification and provision of adequate land for growth in the right locations. This will be supported by a robust policy framework that will ensure comprehensive, high-quality development can occur in these greenfield areas.

How much growth will be accommodated in the Structure Plan Areas?

The Hāwera North Structure Plan incorporates 17 ha of residential zoned land, 56 ha of commercial zoned land, and 16 ha of industrial zoned land (excluding the land east of State Highway 3 and the Future Development Overlay) available for short– long term development. Additionally, the proposed Hāwera West Structure Plan incorporates 82 ha of residential zoned land (excluding the Future Development Overlay) that is available for short- long term development.

What are the specific changes to the Structure Plan Areas?

The boundaries of the structure plan areas are not proposed to be amended on the planning maps. A comparison between the two Structure Plans is provided in **Attachment 1** to this Fact Sheet.

A summary of the key changes to the Structure Plans is provided below:

Hawera North Structure Plan

- Rezoning land located immediately west of State Highway 3 and within the bounds of Kerry Lane and Fitzgerald Lane (South Taranaki Business Park) from Residential to Industrial.
- Rezoning land and Commercial – Large Format Trade & Service.

- Rezoning land immediately north of Glover Road from “deferred residential” to Residential Zone, and Commercial zone for the land west and southwest of Kerry Lane, Fitzgerald Lane and Little Waihi Road.

Hawera West Structure Plan

- More detail including spatially indicating the future development pattern of the area in relation to zoning, infrastructure, indicative roading, future public access, and indicative walkways, and protection of sites and areas with significant natural values. The road alignment generally follows the contour of the land so to ensure development is sympathetic to the natural topography of the land (as much as possible).
- A new Future Development Overlay: created in response to updated infrastructure planning information. This overlay will apply to areas of land that are suitable for development in the medium to long-term, as these areas will require developers to fund their own infrastructure and/or upgrades and extensions to existing Council sewer and water infrastructure prior to development proceeding.
- Rezone a small pocket of land adjoining Larlin Drive from Deferred Residential to Residential Zone.

Council has not prepared a detailed map for the area east of State Highway 3 within the Hāwera North Structure Plan, given the separation from the rest of the Hāwera North Structure Plan, the lack of development that has occurred within this area and the lack of Council reticulated services available to this area. This piece of land also has the Future Development Overlay applied to it on planning maps.

What are the other zoning changes proposed as part of Plan Change 4?

Beyond the Structure Plan Areas, it is also proposed to rezone the land south of Turuturu Road and east of the railway (known as the Longview subdivision land (a recently consented residential subdivision)) from Industrial to Residential Zone. All zone changes are shown in [Appendix 14 to the Section 32 Report](#).

How will the growth in these areas be serviced by the necessary three waters and transport infrastructure?

An infrastructure assessment ([available here](#)) has been prepared to understand current infrastructure capacity and to support the development of proposed Structure Plans, provisions and maps for PC4.

The key conclusions of this report underpinning our proposed changes include:

- Infrastructure servicing is currently at capacity across parts of the development area.
- Development is only supported in some parts of the development areas, due to limited infrastructure upgrades planned or capacity constraints
- Development can be supported in some parts of the Western Structure Plan if developers include infrastructure servicing as part of their proposal
- There are a number of wider infrastructure challenges facing the district.

As a result of the findings, a Future Development Overlay is proposed as part of PC4, to limit development where infrastructure is currently constrained, and no future upgrades are currently

proposed. The PC4 provisions provides for development in the Future Development Area Overlay only if infrastructure servicing is proposed by the developer.

As a result of the findings, a Future Development Overlay is proposed as part of PC4, to limit development where infrastructure is currently constrained, and no future upgrades are currently proposed. The PC4 provisions provides for development in the Future Development Area Overlay only if infrastructure servicing is proposed by the developer.

The report identifies the estimated costs of installing infrastructure in the areas and the costs support the proposed provisions to ensure infrastructure is being paid for by the developers and/or contributions are being imposed to ensure these costs are being paid for appropriately.

Attachment 1: Comparison of Structure Plan Maps

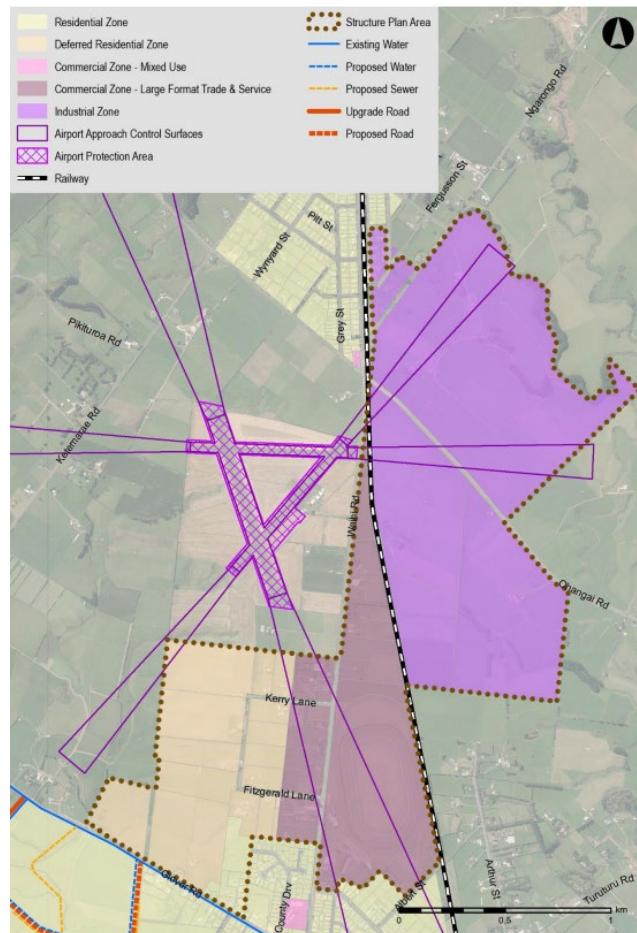


Figure 1 Existing Hawera North / Normanby Structure Plan
(Section 9.3 of the Operative District Plan)

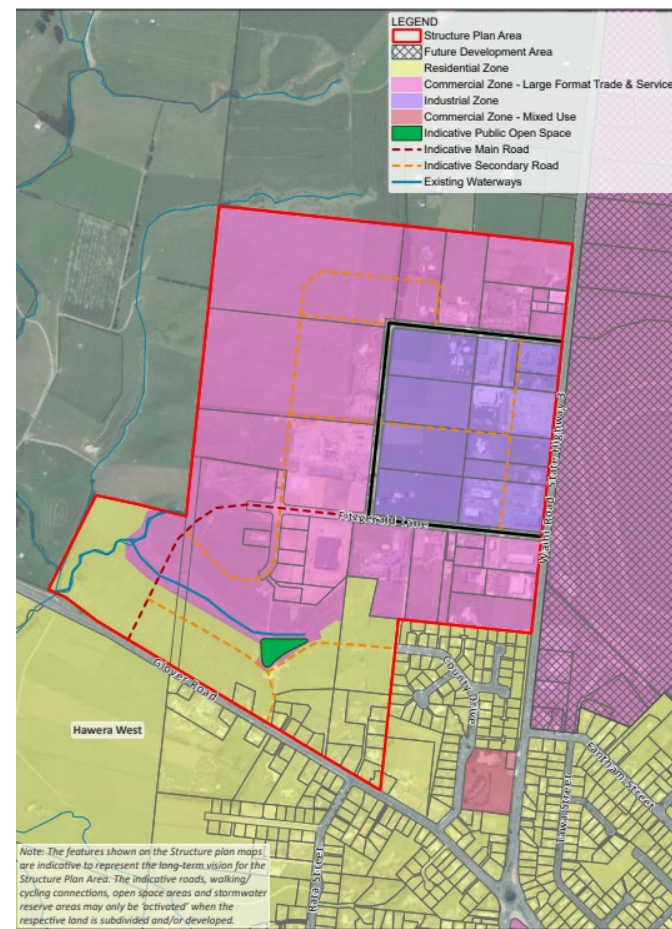


Figure 2 Proposed Hawera North Structure Plan
(Plan Change 4, as notified)

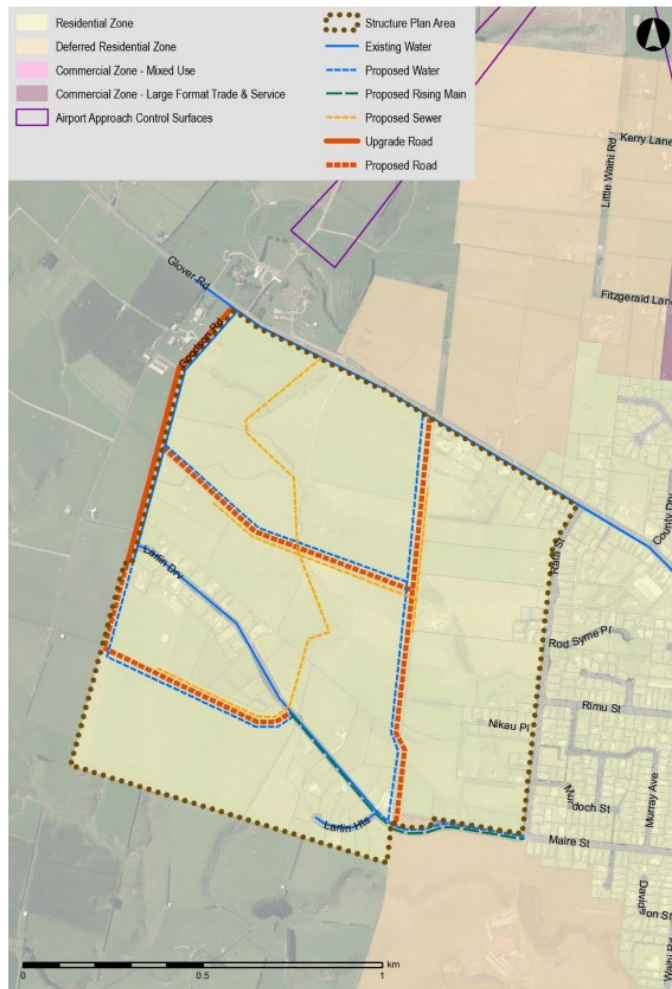


Figure 3 Existing Hawera West Structure Plan
(Section 9.3 of the Operative District Plan)

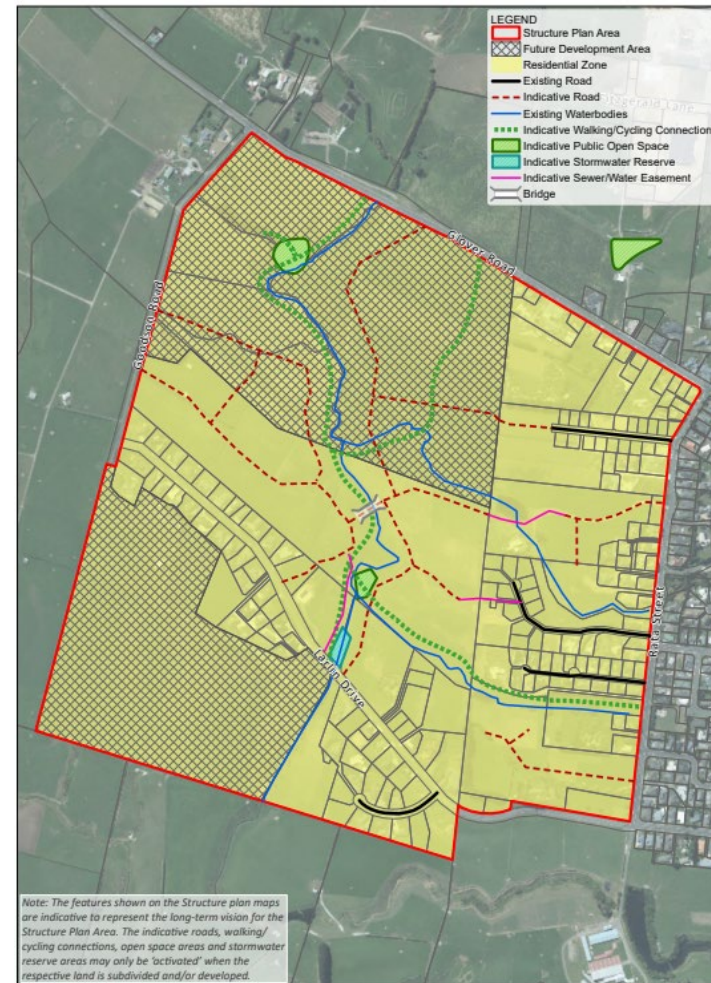


Figure 4 Proposed Hawera West Structure Plan
(Plan Change 4, as notified)



Date: 22 July 2025

Subject: Suspension of Standing Orders - Land and Freshwater Plan Development items

Author: N Chadwick, Executive Assistant to the Chief Executive and Chairperson

Approved by: S J Ruru, Chief Executive

Document: TRCID-1492626864-890

Purpose

1. The purpose of this memorandum is to suspend Standing Orders for the duration of the following items:
 - a. Freshwater Implementation Update
 - b. Earthworks – proposed direction for the draft land and freshwater plan
 - c. The Management of Damming and Diversion within the Draft Land and Freshwater Plan.

Recommendations

That the Taranaki Regional Council:

- a) receives the Suspension of Standing Orders - Freshwater Workshop items memorandum
- b) approves the suspension of Standing Orders 20.2, 20.5, 20.6, 20.8, 20.10, 20.11, 20.12, 20.13, 20.14, 20.15, 21, 24 and 25
- c) determines in accordance with Standing Order 3.5, that these standing orders should be suspended to facilitate more in-depth discussion between Committee members and officers in relation to the different policy options that might exist for a particular issue
- d) notes that the suspension of Standing Orders will end at the completion of the Animal Effluent phase out report back item
- e) determines that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002
- f) determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Discussion

2. At the 29 April 2025 Policy and Planning Committee meeting, officers indicated the benefit of undertaking workshops with councillors and committee members on matters relating to the Land and Freshwater Plan Development items.
3. Standing Orders provide procedural structure to Council and committee meetings.

4. There are some instances where they unintentionally hinder constructive discussion between members and officers.
5. After conducting a review of Standing Orders, the recommendation from officers is to suspend the Standing Orders that hinder discussion, while still leaving some Standing Orders in place to allow the Chair to effectively manage the meeting.

Issues

6. The issue to be resolved is the suspension of Standing Orders as outlined in the recommendations.

Options

7. Option one is to suspend the following Standing Orders:
 - a. 20.2 Time Limits on Speakers
 - b. 20.5 Members may speak only once
 - c. 20.6 Limits on the number of speakers
 - d. 20.8 Speaking only to relevant matters
 - e. 20.10 Criticism of resolutions
 - f. 20.11 Objecting to words
 - g. 20.12 Right of reply
 - h. 20.13 No other member may speak
 - i. 20.14 Adjournment motions
 - j. 20.15 Chairperson's acceptance of closure motions
 - k. 21 General procedures for speaking and moving motions
 - l. 24 Procedural motions
 - m. 25 Points of order.
8. This is the recommended option as it will allow robust discussion to be held on the relevant items to which the suspension will apply.
9. Option two is to not suspend the Standing Orders.
10. This is not the recommended option as it will hinder 'free and frank' discussion that is important for developing a clear understanding of how issues to be addressed by the Land and Freshwater Plan might best be progressed to the next stage of development.

Significance

11. This item has been assessed as being non-significant as the decision to suspend Standing Orders is a procedural matter relating to how the Committee might best consider complex policy issues.

Financial considerations—LTP/Annual Plan

12. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

13. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to,

the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Climate change considerations

14. There are no climate change impacts to consider in relation to this item.

Iwi considerations

15. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted Long-Term Plan and/or Annual Plan.

Community considerations

16. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

17. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

TRCID-149-33393437-7: [Model Standing Orders 2022- Adopted April 2025](#)



Taranaki Regional Council Model

Standing Orders

2022-2025

Taranaki Regional Council



Standing Orders

Date of adoption: 1 April 2025

TRCID-1633393437-7 v6.0

Preface/ Kupu whakapuaki

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies. They fulfil the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Please note standing orders do not apply to advisory bodies or workshops unless incorporated in their specific terms of reference.

It is mandatory that councils adopt standing order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

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1 Introduction / Kupu Whakataki

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters
- Part 2 deals with pre-meeting procedures
- Part 3 deals with meeting procedures.

The Appendices, which follows Part 3, provides templates and additional guidance for implementing provisions within the standing orders. Please note, the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. In addition the 'Guide to Standing Orders' provides additional advice on the application of the standing orders and are also not part of the standing orders.

1.2 Principles / Ngā Mātāpono

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- Conduct its business in an open, transparent and democratically accountable manner;
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- Ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

These principles are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).

1.3 Statutory references / Ngā tohutoro ā-ture

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the standing orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.4 Acronyms / Ngā kupu rāpoto

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information Act 1987
LAMIA	Local Authority Members' Interests Act 1968

1.5 Application/ Te hāngaitanga

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups unless specifically included in their terms of reference.

2 Definitions/ Ngā whakamārama

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time.

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to

workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change of proposed change to the original or substantive motion.

Appointed member means a member of a committee, or subsidiary organisation of a council, who is not elected.

Audio link means facilities that enable audio communication between participants at a meeting where one or more of the participants is not physically present at the place of the meeting.

Audiovisual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Chairperson means the person in a position of authority in a meeting or other gathering, also known as the presiding member.

Chief executive means the chief executive of a regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the chief executive.

Clear working days means the number of working days (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under clause 30A of Schedule 7 of the LGA 2002; and

- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

Conflict of Interest means any pecuniary interest and any interest arising because of that person's position as a trustee, director, officer, employee or member of another body or because of any personal non-pecuniary interest, such as pre-determination or bias.

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these standing orders, the governing body of a local authority.

Debate means discussion by members that occurs once a motion has been moved/seconded

Deputation means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Division means a formal vote at a Council, committee or subcommittee meeting whereby the names of those members present, including the mayor/chair, are formally recorded as voting either for or against. This includes a vote where the names and votes are recorded electronically.

Electronic link means both an audio and audiovisual link.

Emergency meeting has the same meaning as defined in cl. 22A of Schedule 7 of the LGA 2002.

Extraordinary meeting has the same meaning as defined in cl. 22 of Schedule 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

Internet site means, in relation to a local authority or other person or entity, an Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

Item means a substantive matter for discussion at a meeting.

Leave of the meeting means agreement without a single member present dissenting.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Leave of absence means a pre-approved absence for a specified period of time consistent with the council policy should one be in place.

Local authority means in the context of these standing orders a regional council, as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

Meeting means any first, inaugural, ordinary, extraordinary, or emergency meeting of a local authority, subordinate decision-making bodies of the local authority convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

Member of the Police means a Constable of the New Zealand Police within the definition of s.4 of the Policing Act 2008.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

Officer means any person employed by the council either full or part time, on a permanent or casual or contract basis.

Pecuniary Interest includes any interest described in sections 3 and 6 of the Local Authorities (Members Interests) Act 1968.

Open voting means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Petition means a request to a local authority which contains at least 20 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

Present at the meeting to constitute quorum means the member is to be physically present in the room.

Presiding member means the chairperson.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority; and

- Any other information which has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

Public notice means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's website. And in addition, is published in at least one daily newspaper circulating in the region or district of the local authority, or one or more other newspapers that have a combined circulation in that region or district which is at least equivalent to that of a daily newspaper circulating in that region or district.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by s. 52 and s. 53 of LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Regional Council Chairperson means the member of the governing body of a regional council elected as chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

Second means the member who seconds a motion or amendment.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority, but not joint committees.

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Subcommittee means a subordinate decision-making body established by a council, or a committee of a council. See definition of "Committee".

Working day means a day of the week other than:

- a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, Matariki, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Should a local authority wish to meet between the 20th of December and the 10th of January of the following year any meeting must be notified as an extraordinary meeting, unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

Workshop means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders will not apply,

unless required by the local authority. Workshops may include non-elected members. Workshops may also be described as briefings.

General matters / Ngā take whānui

3 Standing orders / Ngā tikanga whakahaere hui

3.1 Obligation to adopt standing orders / Te kawenga ki te whakatū tikanga whakahaere hui

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Standing orders must not contravene any Act.

cl. 27(1) & (2), Schedule 7, LGA 2002.

3.2 Process for adoption and alteration of standing orders / Te tukanga mō te whakatū me te whakahou i ngā tikanga whakahaere hui

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75 % of the members present.

cl. 27(3) Schedule 7, LGA 2002.

3.3 Members must obey standing orders / Me whai ngā mema i ngā tikanga whakahaere hui

All members of the local authority, including members of committees and subcommittees, must obey these standing orders.

cl. 16(1) Schedule 7, LGA 2002.

3.4 Application of standing orders / Te whakahāngai i ngā tikanga whakahaere hui

These standing orders apply to all meetings of the regional council, its committees, subcommittees and subordinate decision-making bodies. This includes meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders / Te tārewa taupua i ngā tikanga whakahaere hui

Any member of a council, committee, subcommittee and subordinate body may move a motion to suspend standing orders at a meeting of which they are a member.

Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

cl. 27(4), Schedule 7, LGA 2002.

A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings / Ngā whakawā a te kaunihera

In the case of quasi-judicial proceedings the local authority may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members / Ngā wāhi noho o ngā mema

Every member of the regional council must give to the chief executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results. Public access to those addresses is subject to the Privacy Act.

4 Meetings / Ngā hui

4.1 Legal requirement to hold meetings / Te tikanga ā-ture ki te whakahaere hui

The regional council must hold meetings for the good government of its region. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration / Te roa o ngā hui

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than three hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language / Te reo

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 5 working days before the meeting. Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 5 working days before the meeting.

4.4 Webcasting meetings / Te pāho mataora i ngā hui

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

4.5 First meeting (inaugural) / Te hui tuatahi

The first meeting of a local authority following a local authority triennial general election must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

cl. 21(1) - (4), Schedule 7, LGA 2002.

4.6 Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see cl. 21(4), Schedule 7 (LGA 2002)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of any declarations required of members under cl.14, Schedule7, (LGA 2002), and
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002), and
- (c) A general explanation, given or arranged by the chief executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013;
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) the election of the deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

cl. 21(5), Schedule 7, LGA 2002.

It is common for councils to adopt standing orders at the first meeting; however this is not always required as, if not amended, standing orders will remain in force after each triennial election.

5 Appointments and elections / Ngā kopounga me ngā pōtitanga

5.1 Elections of a Chairperson and deputy Chairperson / Nga pōtitanga mō te ūpoko me nga koromatua tuarua

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.5) when electing people to the following positions:

- the Chairperson and deputy Chairperson;

- the Chairperson and deputy Chairperson of a committee; and
- a representative of the regional council,

cl. 25 Schedule 7, LGA 2002.

5.2 Voting system for Chairperson, deputies and committee chairs / Te pūnaha pōti mō ngā ūpoko, ngā Koromatua tuarua me ngā ūpoko komiti

When electing a regional council chair, a deputy chair or a committee chair, the local authority must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) there is a first round of voting for all candidates;
- (b) if no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) if no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) there is only one round of voting; and
- (b) if two or more candidates tie for the most votes, the tie is resolved by lot.

cl. 25 Schedule 7, LGA 2002.

6 Delegations / Te tuku mana

6.1 Limits on delegations / Te haepapa ki te whakaaroaro ki te tukunga mana ki ngā poari hapori

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) the power to make a rate;
- (b) the power to make a bylaw;
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) the power to adopt a long-term plan, annual plan, or annual report;
- (e) the power to appoint a chief executive;
- (f) the power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) *Repealed*; and
- (h) the power to adopt a remuneration and employment policy.

cl. 32 (1) Schedule 7, LGA 2002.

6.2 Committees may delegate / Ngā tepenga o te tuku mana

A committee, subcommittee, subordinate decision-making body, member or officer of the local authority, may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

cl. (2) & (3), Schedule 7, LGA 2002.

6.3 Use of delegated powers / Ka taea e ngā komiti te tuku mana

The committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

cl. 32(2) & (3)(4) Schedule 7, LGA 2002.

6.4 Decisions made under delegated authority cannot be rescinded or amended / Te whakamahi i ngā mana tuku

Nothing in these standing orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision.

cl. 30 (6), Schedule 7, LGA 2002.

6.5 Committees and sub committees subject to the direction of the council / E kore e taea te whakakore, te whakahou rānei i ngā whakatau i raro i te mana tuku

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the council and must carry out all general and special directions given to them by the council.

cl. 30 (3) & (4), Schedule 7, LGA 2002.

7 Committees / Ngā komiti

7.1 Appointment of committees and subcommittees / Te kopounga o ngā komiti me ngā komiti āpiti

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council.

cl. 30(1) & (2), Schedule 7, LGA 2002.

7.2 Discharge or reconstitution of committees and subcommittees / Te whakakore, te whakahou rānei i ngā komiti me ngā komiti āpiti

Unless expressly provided otherwise in legislation or regulation:

- (a) the council may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) A committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

cl. 30 (5) & (7), Schedule 7, LGA 2002.

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election.

7.3 Appointment or discharge of committee members and subcommittee members / Te kōupounga, te whakakore rānei i ngā mema komiti me ngā mema komiti āpiti

The council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

cl. 31 (1) & (2), Schedule 7, LGA 2002

7.4 Elected members on committees and subcommittees / Te tū a ngā mema pōti ki ngā komiti me ngā komiti āpiti

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

cl. 31(4) Schedule 7, LGA 2002.

7.5 Local authority may replace members if committee not discharged / Ka āhei te mana ā-rohe ki te whakakapi i ngā mema mēnā kāore i whakakorehia te komiti

If the council resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002,

the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

cl. 31(5) Schedule 7, LGA 2002.

7.6 Decision not invalid despite irregularity in membership / Te memātanga a te Koromatua

For the purpose of these standing orders a decision of a local authority, committee, or subcommittee is not invalidated if:

1. there is a vacancy in the membership of the local authority, committee or subcommittee at the time of the decision; or
2. following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

cl. 29, Schedule 7, LGA 2002.

7.7 Appointment of joint committees / Kāore e noho manakore tētahi whakatau ahakoa i rangirua te memātanga

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) the number of members each party may appoint; and
- (b) how the Chairperson and deputy Chairperson are to be appointed; and
- (c) the terms of reference of the committee; and
- (d) what responsibilities, if any, are to be delegated to the committee by each party; and
- (e) how the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

cl. 30A (1) & (2), Schedule 7, LGA 2002.

7.8 Status of joint committees / Te kopounga o ngā komiti hono

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

cl. 30A (5), Schedule 7, LGA 2002.

7.9 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

cl. 30A (6)(a), Schedule 7, LGA 2002.

Pre-meeting / I mua i te hui

8 Giving notice / Te tuku pānui

8.1 Public notice – ordinary meetings / Te pānui tūmatanui – ngā hui noa

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification must be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held.

s. 46, LGOIMA.

8.2 Notice to members - ordinary meetings / Te pānui ki ngā mema – ngā hui noa

The chief executive must give notice in writing to each member of the local authority of the time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

cl. 19 (5), Schedule 7, LGA 2002.

8.3 Extraordinary meeting may be called / Ka āhei ki te karanga hui motuhake

An extraordinary council meeting may be called by:

- (a) resolution of the council, or
- (b) a requisition in writing delivered to the chief executive which is signed by:
 - i. the Chairperson, or
 - ii. no less than one third of the total membership of the council (including vacancies).

cl. 22 (1) Schedule 7, LGA 2002.

8.4 Notice to members - extraordinary meetings / Te pānui ki ngā mema – ngā hui motuhake

Notice in writing of the time and place of an extraordinary meeting called under standing order 8.3 and of the general nature of business to be considered must be given by the chief executive to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

cl. 22 (3), Schedule 7, LGA 2002.

8.5 Emergency meetings may be called / Ka āhei ki te karanga hui ohotata

If the business a council needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

- (a) The Chairperson; or
- (b) If the Chairperson is unavailable, the chief executive.

cl. 22A(1), Schedule 7 LGA 2002.

8.6 Process for calling an emergency meeting / Te pūnaha mō te karanga hui ohotata

The notice of the time and place of an emergency meeting, and of the matters in respect of which the emergency meeting is being called, must be given by the person calling the meeting or by another person on that person's behalf.

The notice must be given, by whatever means is reasonable in the circumstances, to each member of the local authority, and to the chief executive, at least 24 hours before the time appointed for the meeting.

cl. 22 (2) Schedule 7, LGA 2002.

8.7 Public notice – emergency and extraordinary meetings/ Te pānui tūmatanui – ngā hui ohotata me te motuhake

Where an emergency or extraordinary meeting of a local authority is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the local authority must cause that meeting and the general nature of business to be transacted at that meeting:

To be publicly notified as soon as practicable before the meeting is to be held; or

If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the local authority's website and in any other manner that is reasonable in the circumstances.

s. 46 (3) LGOIMA.

8.8 Chief executive may make other arrangements / Ka taea e te tumu whakahaere te whakarite etahi atu whakaritenga

The chief executive is to make any other arrangement for the notification of meetings, including emergency and extraordinary meetings, as the local authority may, from time to time, determine.

s. 46(5) LGOIMA.

8.9 Meetings not invalid / Kāore e manakore ngā hui

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- that the meeting occurred without proper notification;
- the general nature of the business transacted; and
- the reasons why the meeting was not properly notified.

s. 46 (6), LGOIMA.

8.10 Resolutions passed at an extraordinary meeting / Kāore e manakore ngā hui

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless -

- (a) the resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) the extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

s. 51A, LGOIMA.

8.11 Meeting schedules / Ngā hōtaka hui

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

cl. 19 (6) Schedule 7, LGA 2002.

8.12 Non-receipt of notice to members / Te kore e whiwhi pānui a ngā mema

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority or board unless:

- (a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) the member concerned did not attend the meeting.

A member of a local authority may waive the need to be given notice of a meeting.

cl. 20 (1) & (2) Schedule 7, LGA 2002.

8.13 Meeting cancellations / Te whakakore hui

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9 Meeting agenda / Te rārangi take o ngā hui

9.1 Preparation of the agenda / Te rārangi take o ngā hui

It is the chief executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive should consult the Chairperson.

9.2 Process for raising matters for a decision / Te pūnaha mō te whakatakoto take hei whakatau

Requests for reports may be made by a resolution of the council, committee, subcommittee or subordinate decision-making body and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 10.

9.3 Chief executive may delay or refuse request / Ka āhei te tumu whakarae ki te whakaroa, whakakore rānei i tētahi tono

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

9.4 Order of business / Te raupapatanga o ngā mahi

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 9.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation / Te marohi a te ūpoko

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained. A recommendation that differs significantly from the officer's recommendation must comply with the decision-making requirements of Part 6, LGA 2002.

9.6 Chairperson's report / Te pūrongo a te ūpoko

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting.

For clarity, any recommendation must comply with the decision-making requirements of Part 6, LGA 2002.

9.7 Public availability of the agenda / Te wātea o te rārangi take ki te marea

All information provided to members at a local authority meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

s. 5 & 46A, LGOIMA.

9.8 Public inspection of agenda / Te tirotiro a te marea i te rārangi take

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority and local and community boards relating to that meeting. The agenda:

- (a) must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website, and;
- (b) must be accompanied by either:

- i. The associated reports; or
- ii. A notice specifying the places at which the associated reports may be inspected.

s. 46A (1), LGOIMA.

9.9 Withdrawal of agenda items / Te tango take i te rārangi take

If justified by circumstances an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the Chairperson.

9.10 Distribution of the agenda / Te tuari i te rārangi take

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing Order 8.4 and 8.10).

The chief executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

9.11 Status of agenda / Te tūnga o te rārangi take

No matter on a meeting agenda, including recommendations, may be considered final until determined by formal resolution of that meeting.

9.12 Items of business not on the agenda which cannot be delayed / Ngā take kāore i runga i te rārangi take e kore e taea te whakaroa

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) the reason the item is not on the agenda; and
- (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda / Ngā take kāore i runga i te rārangi take e kore e taea te whakaroa

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

s. 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda / Ngā take o te rārangi take kāore e whārikihia ki te marea

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

s. 46A (9), LGOIMA.

9.15 Qualified privilege relating to agenda and minutes / Te maru whāiti e pā ana ki te rārangi take me ngā meneti

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

s. 52, LGOIMA.

Meeting Procedures / Ngā Tikanga Hui

Opening and closing

Local authorities may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who

have gone before or a formal welcome, such as a mihi whakatau. Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

10 Quorum / Kōrama

10.1 Council meetings / Ngā hui kaunihera

The quorum for a meeting of the council is:

- (a) half of the members present, either physically or via audio-visual link, where the number of members (including vacancies) is even; and
- (b) a majority of the members present, either physically or via audio-visual link, where the number of members (including vacancies) is odd.

cl. 23 (3)(a) Schedule 7, LGA 2002.

10.2 Committees and subcommittees meetings / Ngā hui komiti me te komiti āpiti

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members. (See also 7.4).

In the case of subcommittees the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council.

cl. 23 (3)(b) Schedule 7, LGA 2002.

10.3 Joint Committees / Ngā komiti hono

The quorum at a meeting of a joint committee must be consistent with Standing Order 10.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

cl. 30A (6)(c) Schedule 7, LGA 2002.

10.4 Requirement for a quorum / Te herenga mō te kōrama

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

cl. 23(1) & (2) Schedule 7, LGA 2002.

10.5 Meeting lapses where no quorum / Ka tārewa te hui mēnā karekau he kōrama

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

Should a quorum be lost the meeting will lapse if the quorum is not present within 15 minutes.

10.6 Business from lapsed meetings / Ngā take mai i ngā hui tārewa

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting and this is notified by the chief executive.

11 Public access and recording / Te urunga a te marea me te hopunga

11.1 Meetings open to the public / Te urunga a te marea me te hopunga

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority and its committees and subcommittees must be open to the public.

s.47 & 49(a), LGOIMA.

11.2 Grounds for removing the public / Te urunga a te marea me te hopunga

The chairperson may require any member of the public to be removed from the meeting if they believe that person's behaviour is likely to prejudice the orderly conduct of the meeting.

s.50(1), *LGOIMA*

11.3 Local authority may record meetings / Ka āhei te mana ā-rohe ki te hopu i ngā hui

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the Chairperson.

11.4 Public may record meetings / Ka āhei te mana ā-rohe ki te hopu i ngā hui

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

12 Attendance / Te taenga

12.1 Members right to attend meetings / Te mōtika a ngā mema ki te tae ki ngā hui

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

cl. 19(2), Schedule 7, LGA 2002.

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting

resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

12.2 Attendance when a committee is performing judicial or quasi-judicial functions / Te tae ki ngā hui ina whakahaere whakawā te komiti

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

12.3 Leave of absence / Te tuku tamōtanga

The council grant a member leave of absence following an application from that member.

In addition the council may delegate the power to grant a leave of absence to the Chairperson, in order to protect a member's privacy and the Council may approve an application from the Chairperson. The Chairperson will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

12.4 Apologies/ whakapāha

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson (or acting chair) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that meeting.

12.5 Recording apologies / Ngā whakapāha

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

12.6 Absent without leave / Te hopu whakapāha

Where a member is absent from the council for four consecutive meetings without leave of absence (not including extraordinary meetings or emergency meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

cl. 5 (d) Schedule 7, LGA 2002.

12.7 Right to attend by audio or audio visual link / Te tamōtanga kāore i whakaaetia

Provided the conditions in these standing orders are met members of the local authority or its committees (and members of the public for the purpose of a deputation approved by the chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

12.8 Member's status: quorum / Te mōtika kia tae atu mā te hononga ā-oro, ataata-rongo rānei

Members who attend meetings by electronic link will be counted as present for the purposes of a quorum.

cl. 25A (4), Schedule 7, LGA 2002.

12.9 Chairperson's duties / Te tūnga a te mema: te pōti

Where the technology is available and a member is attending a meeting by audio or audio visual link, the Chairperson must ensure that:

- (a) the technology for the link is available and of suitable quality; and
- (b) procedures for using the technology in the meeting will ensure that:
 - i. everyone participating in the meeting can hear each other;
 - ii. the member's attendance by audio or audio visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
 - iii. the requirements of Part 7 of LGOIMA are met; and
 - iv. the requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

cl. 25A (3) schedule 7, LGA 2002.

12.10 Conditions for attending by audio or audio visual link / Ngā mahi a te ūpoko

The Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- a) where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- b) where a member is unwell; and
- c) where a member is unable to attend due to an emergency.

12.11 Request to attend by audio or audio visual link / Ngā mahi a te ūpoko

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audio visual link. Should, due to illness or emergency, this not be possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

12.12 Chairperson may terminate link / Ngā mahi a te ūpoko

The Chairperson may direct that an electronic link should be terminated where:

- (a) use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) the behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;

- (c) it is distracting to the members who are physically present at the meeting;
and
- (d) the quality of the link is no longer suitable.
- (e) Information classified as confidential may be compromised (see also SO 13.16).

12.13 Giving or showing a document / Ka āhei te ūpoko ki te whakakore i te hononga

A person attending a meeting by audio or audio visual link may give or show a document by:

- (a) transmitting it electronically;
- (b) using the audio visual link; or
- (c) any other manner that the Chairperson thinks fit.

cl. 25(A) (6) schedule 7, LGA 2002.

12.14 Link failure / Te tuku, te whakaatu rānei i tētahi tuhinga

Where an audio or audio visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

12.15 Confidentiality / Ina mūhore te hononga

A member who is attending a meeting by audio or audio visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

13 Chairperson's role in meetings / Te mahi a te ūpoko i roto i ngā hui

13.1 Council meetings / Ngā hui kaunihera

The Chairperson of the council must preside at meetings of the council unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson must act as Chairperson. If the

deputy Chairperson is also absent the local authority members who are present must elect a member to be Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Chairperson for that meeting. This provision also applies to committees and subcommittees.

cl. 26(1), (5) & (6) Schedule 7, LGA 2002.

13.2 Other meetings/ Ētahi atu hui

The appointed Chairperson of a committee, subcommittee and subordinate decision-making bodies must preside at each meeting, unless they vacate the chair for a particular meeting or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson at that meeting who may exercise the meeting responsibilities, duties and powers of the Chairperson.

This standing order also applies to subcommittees and subordinate decision-making bodies.

cl. 26(2), (5) & (6), schedule 7 LGA 2002.

13.3 Addressing the Chairperson / Me pēhea te whakaingoa i te ūpoko

Members will address the Chairperson in a manner that the Chairperson has determined.

13.4 Chairperson's rulings / Ngā whakataunga a te ūpoko

The Chairperson will decide all procedural questions, including points of order, where insufficient provision is made by these standing orders (except in cases where appoint of order questions the chairperson's ruling). Any refusal to obey a Chairperson's ruling or direction constitutes contempt. (See SO 20.5)

13.5 Chairperson standing / Ina tū te ūpoko

Whenever the Chairperson stands during a debate members are required to sit down and be silent so that they can hear the Chairperson without interruption.

13.6 Member's right to speak / Te mōtika a te mema ki te kōrero

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

13.7 Chairperson may prioritise speakers / Ka āhei te ūpoko ki te whakaraupapa i ngā kaikōrero

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) move a motion to terminate or adjourn the debate; and/or
- (c) make a point of explanation; and/or
- (d) request the chair to permit the member a special request.

14 Public Forums / Ngā Matapakinga a te Marea

Public forums are not held as a matter of course. Public forums may be held by the Council or any of its Committees or Joint Committees provided a request for a public forum is received in writing by the Chief Executive at least two working days prior to the meeting and subsequently approved by the chairperson of the meeting. The chairperson of the meeting retains the right to refuse a request for a public forum. Should a public forum be agreed to be held, it will be conducted at a time determined by the chairperson of the meeting.

In the case of a committee and subcommittee, any issue, idea, or matter raised in a public forum, must fall within the terms of reference of that body.

14.1 Time limits / Ngā tepenga wā

A period of up to 30 minutes, or such time as the chairperson of the meeting may determine, may be available for a public forum.

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

14.2 Restrictions / Ngā herenga

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- a speaker is repeating views presented by an earlier speaker at the same public forum;
- the speaker is criticising elected members and/or staff;
- the speaker is being repetitious, disrespectful or offensive;
- the speaker has previously spoken on the same issue;
- the matter is subject to legal proceedings;
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

14.3 Questions at public forums / Ngā pātai i ngā matapakinga a te marea

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

14.4 No resolutions / Kāore he tatūnga

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

15 Deputations / Ngā Teputeihana

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations may be received by the Council or any of its Committees or Joint Committees provided a request for a deputation is received in writing by the Chief Executive at least two working days prior to the meeting and subsequently

approved by the chairperson of the meeting. The chairperson of the meeting retains the right to refuse a request for a deputation. Should a deputation be agreed to be received, it will be conducted at a time determined by the chairperson of the meeting.

15.1 Time limits / Ngā tepenga wā

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation's deputation.

15.2 Restrictions / Ngā herenga

The Chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- a speaker is repeating views presented by an earlier speaker at the meeting;
- the speaker is criticising elected members and/or staff;
- the speaker is being repetitious, disrespectful or offensive;
- the speaker has previously spoken on the same issue;
- the matter is subject to legal proceedings;
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

15.3 Questions of a deputation / Te pātai i ngā teputeihana

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

15.4 Resolutions / Ngā tatūnga

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda, and once a motion has been moved and seconded.

16 Petitions / Ngā tatūnga

16.1 Form of petitions / Ngā tatūnga

Petitions may be presented to the local authority or any of its committees. Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious, inaccurate, or misleading statements (see standing order 20.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to make a petition in te reo Māori or sign language should advise the relevant Chairperson at least five working days before the meeting to enable the petition be translated and reprinted, if necessary.

16.2 Petition presented by petitioner / Te petihana ka whakatakotohia e te kaipetihana

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

16.3 Petition presented by member / Te petihana ka whakatakotohia e tētahi mema

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) the petition;
- (b) the petitioners' statement; and
- (c) the number of signatures.

17 Exclusion of public / Te aukati i te marea

17.1 Motions and resolutions to exclude the public / Ngā mōtini me ngā tatūnga ki te aukati i te marea

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) the general subject of each matter to be excluded;
- (b) the reason for passing the resolution in relation to that matter; and
- (c) the grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

17.2 Specified people may remain / Ngā mōtini me ngā tatūnga ki te aukati i te marea

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

s.48 (6) LGOIMA.

17.3 Public excluded items / Ngā mōtini me ngā tatūnga ki te aukati i te marea

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

17.4 Non-disclosure of information / Ngā mōtini me ngā tatūnga ki te aukati i te marea

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- (a) there are no grounds under LGOIMA for withholding the information;
- (b) the information is no longer confidential.

17.5 Release of information from public excluded session / Te tuku i ngā mōhiohio nō te nohoanga aukati ki te marea

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.

18 Voting / Te pōti

18.1 Decisions by majority vote / Mā te nuinga e whakatau

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority must be decided at a meeting through a vote exercised by the majority of the members of that are present and voting.

cl. 24 (1), Schedule 7, LGA 2002.

18.2 Open voting / Te pōti tuwhera

An act or question coming before the local authority must be done or decided by open voting.

cl. 24 (3) Schedule 7, LGA 2002.

18.3 Chairperson has a casting vote / Kei te ūpoko te pōti whakatau

The Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

cl. 24 (2) Schedule 7, LGA 2002.

18.4 Method of voting / Te tikanga pōti

The method of voting must be as follows:

- (a) the Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) the Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices or division, and the result displayed notified to the Chairperson who must declare the result.

18.5 Calling for a division / Te tono i te wehenga

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

18.6 Request to have votes recorded / Te tono kia tuhi i ngā pōti

If requested by a member immediately after a vote the minutes must record the member's vote or abstention.

18.7 Members may abstain / Ka āhei ngā mema ki te noho puku

Any member may abstain from voting.

19 Conduct / Ngā whanonga

19.1 Calling to order / Te tono kia tau ngā mema

When the Chairperson calls members to order, they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

19.1 Behaviour consistent with Code of Conduct / Ngā whanonga e hāngai ana ki te Tikanga Whakahaere

No member may speak or act in a manner which is disrespectful of other members or inconsistent with the local authority's Code of Conduct at any meeting.

19.2 Retractions and apologies / Te tango kōrero me te whakapāha

In the event of a member or speaker who has been disrespectful of another member or contravened the council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

19.3 Disorderly conduct / Ngā whanonga kino

Where the conduct of a member is disorderly or is creating a disturbance the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

19.4 Contempt / Te whakahāwea

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

A member who has been found to be in contempt, and continues to be cautioned by the Chairperson for disorderly conduct, may be subject to standing order 20.6.

19.5 Removal from meeting / Te pana i te tangata i te hui

A member of the police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

19.6 Financial conflicts of interests / Ngā take taharua ahumoni

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

s. 6 & 7 LAMIA.

19.7 Non-financial conflicts of interests / Ngā take taharua ahumoni-kore

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered, but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

19.8 Qualified privilege for meeting proceedings / Te maru whāiti mō ngā whakaritenga hui

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

s. 53, LGOIMA.

19.9 Qualified privilege additional to any other provisions / He āpitihanga te maru whāiti ki ētahi atu whakaritenga

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

s. 53, LGOIMA.

19.10 Electronic devices at meetings / Ngā pūrere hiko i ngā hui

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

20 General rules of debate / Ngā tikanga whānui mō te tautohetohe

20.1 Chairperson may exercise discretion / Kei te ūpoko te tikanga

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak or when a chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the Chairperson.

20.2 Time limits on speakers / Te tepenga wā mā ngā kaikōrero

The following time limits apply to members speaking at meetings:

- (a) movers of motions when speaking to the motion – not more than 10 minutes;
- (b) movers of motions when exercising their right of reply – not more than 5 minutes;
- (c) other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

20.3 Questions to staff / Ngā pātai ki ngā kaimahi

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

20.4 Questions of clarification / Ngā pātai whakamārama

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

20.5 Members may speak only once / Kotahi noa iho te wā e āhei ai te mema ki te kōrero

A member may not speak more than once to a motion at a meeting of a local authority except with permission of the Chairperson.

20.6 Limits on number of speakers / Ngā tepenga mō te maha o ngā kaikōrero

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of or opposition to a motion.

20.7 Seconder may reserve speech / Ka āhei te kaitautoko ki te whakatārewa i tana kōrero

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

20.8 Speaking only to relevant matters / Me hāngai ngā kōrero ki ngā take whai pānga

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

20.9 Restating motions / Te whakahua anō i te mōtini

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

20.10 Criticism of resolutions / Te whakahē i ngā tatūnga

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

20.11 Objecting to words / Te whakahē kupu

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

Note: This provision does not preclude a member from making a complaint at any time during, or after, a meeting about the use of inappropriate or offensive language.

20.12 Right of reply / Te mōtika ki te whakautu

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote. The mover of the original motion may choose to indicate that they wish to reserve their right of reply until the closure motion.

20.13 No other member may speak / E kore e āhei tētahi atu mema ki te kōrero

In exercising a right of reply, no other member may speak:

- (a) after the mover has started their reply;
- (b) after the mover has indicated that they want to forego this right;
- (c) where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

20.14 Adjournment motions / Ngā mōtini hei hiki i te hui

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee or subcommittee, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

20.15 Chairperson's acceptance of closure motions / Te whakaae a te ūpoko ki ngā mōtini whakakapi

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

21 General procedures for speaking and moving motions / Ngā tikanga whānui mō te kōrero me te mōtini

21.1 Options for speaking and moving / Ngā kōwhiringa mō te kōrero me te mōtini

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees.

Option A applies by default unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

21.2 Option A / Kōwhiringa A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).

- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

Option B / Kōwhiringa B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

Option C / Kōwhiringa C

- The mover and seconder of a motion can move or second an amendment
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22 Motions and amendments / Ngā mōtini me ngā whakahoutanga

22.1 Proposing and seconding motions / Te whakatakoto me te tautoko mōtini

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not in order and are not entered in the minutes.

22.2 Motions in writing / Te tuhi i ngā mōtini

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

22.3 Motions expressed in parts / Ngā mōtini i whakawehea

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

22.4 Substituted motion / Ngā mōtini i whakawehea

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

22.5 Amendments to be relevant and not direct negatives / Me hāngai ngā whakahoutanga me kaua e whakahē i te mōtini

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion. Reasons for not accepting an amendment can include:

- Not directly relevant
- In conflict with a carried amendment
- Similar to a lost amendment

- Would negate a committee decision if made under delegated authority
- In conflict with a motion referred to the governing body by that meeting
- Direct negative.

Please note that amendments that are significantly different must comply with the decision-making provisions of the Part 6, LGA 2002.

22.6 Foreshadowed amendments / Ngā whakahoutanga kua kōrerotia kētia

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments and the nature of their content.

22.7 Lost amendments / Ngā whakahoutanga i whakahēngia

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment.

22.8 Carried amendments / Ngā whakahoutanga i whakaaetia

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

22.9 Where a motion is lost / Ina whakahēngia tētahi mōtini

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

22.10 Withdrawal of motions and amendments / Te tango i ngā mōtini me ngā whakahoutanga

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the

amendment has either been lost or withdrawn by agreement, as above.

22.11 No speakers after reply or motion has been put / Kāore e āhei he kaikōrero i muri i te whakautu a te kaimōtini, i te tono rānei i te pōti

A member may not speak to any motion once:

- (a) the mover has started their right of reply in relation to the motion; and
- (b) the Chairperson has started putting the motion.

23 Revocation or alteration of resolutions / Te whakakore, te whakahou rānei i ngā tatunga

23.1 Member may move revocation of a decision / Ka āhei tētahi mema ki te mōtini ki te whakakore i tētahi whakataunga

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council, committee or subcommittee. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

23.2 Revocation must be made by the body responsible for the decision / Mā te rōpū nāna te whakatau e whakakore

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a committee, subcommittee or subordinate body.

cl. 32 (2)4 Schedule 7, LGA 2002.

23.3 Requirement to give notice / Te herenga ki te tuku pānui

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

23.4 Restrictions on actions under the affected resolution / Ngā herenga mō ngā mahi i raro i te tatūnga whai pānga

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with. Exceptions apply where, in the opinion of the Chairperson:

- (a) the practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked;
- (b) by reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

23.5 Revocation or alteration by resolution at same meeting / Te whakakore, te whakahou rānei mā te tatūnga i taua hui tonu

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

23.6 Revocation or alteration by recommendation in report / Te whakakore, te whakahou rānei mā te marohi ki rō pūrongo

The local authority, on a recommendation in a report by the Chairperson, chief executive, or any committee or subcommittee, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

cl. 30 (6) Schedule 7, LGA 2002.

24 Procedural motions / Ngā mōtini whakahaere

24.1 Procedural motions must be taken immediately / Me pōti ngā mōtini whakahaere i taua wā tonu

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate.

24.2 Procedural motions to close or adjourn a debate / Ngā mōtini whakahaere ki te whakakapi, whakatārewa rānei i tētahi tautohetohe

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) that the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) that the motion under debate should now be put (a closure motion);
- (c) that the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) that the item of business being discussed should lie on the table and not be further discussed at this meeting ; (items lying on the table at the end of the triennium will be deemed to have expired); and
- (e) that the item being discussed should be referred (or referred back) to the relevant committee.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

24.3 Voting on procedural motions / Te pōti mō ngā mōtini whakahaere

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

24.4 Debate on adjourned items / Te tautohetohe i ngā take i whakatārewatia

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

24.5 Remaining business at adjourned meetings / Ngā take e toe ana i ngā hui i whakatārewatia

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

24.6 Business referred to the relevant committee / Ngā take e tukuna ana ki te kaunihera, komiti, poari hapori rānei

Where an item of business is referred (or referred back) to a committee the committee will consider the item at its next meeting unless the meeting resolves otherwise.

24.7 Other types of procedural motions / Etahi atu momo mōtini whakahaere

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

25 Points of order / Te tono ki te whakatika hapa

25.1 Members may raise points of order / Ka āhei ngā mema ki te tono ki te whakatika hapa

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

25.2 Subjects for points of order / Ngā kaupapa mō te whakatika hapa

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) disorder – bringing disorder to the attention of the Chairperson;
- (b) language – use of disrespectful, offensive or malicious language;
- (c) irrelevance – the topic being discussed is not the matter currently before the meeting;
- (d) misrepresentation – misrepresentation of any statement made by a member or by an officer or council employee;
- (e) breach of standing order – the breach of any standing order while also specifying which standing order is subject to the breach;
- (f) request the recording of words, such as a request that the minutes record words that have been the subject of an objection.

25.3 Contradictions / Ngā whakahē

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

25.4 Point of order during division / Te tono whakatika hapa i te wā o te wehenga

A member may not raise a point of order during a division, except with the permission of the Chairperson.

25.5 Chairperson's decision on points of order / Te whakatau a te ūpoko mō ngā tono whakatika

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

Should a point of order concern the performance of the chair, then the chair will refer the point of order to the deputy chair or, if there is no deputy, another member to hear arguments and make a ruling.

26 Notices of motion / Te pānui i ngā mōtini

26.1 Notice of intended motion to be in writing / Me tuhi te pānui mō te mōtini e takune ana

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover.]

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

26.2 Refusal of notice of motion / Te whakahē i te pānui mōtini

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) is disrespectful or which contains offensive language or statements made with malice; or
- (b) is not related to the role or functions of the local authority or meeting concerned; or
- (c) contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; . If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report; or
- (f) concerns a matter where decision-making authority has been delegated to a committee, subcommittee or subordinate body.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate

committee or board.

26.3 Mover of notice of motion / Te kaimōtini o te pānui mōtini

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

26.4 Alteration of notice of motion / Te whakarerekē i te pānui mōtini

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

26.5 When notices of motion lapse / Ka tārewa te pānui mōtini

Notices of motion that are not put when called by the Chairperson must lapse.

26.6 Referral of notices of motion / Te tuku i ngā pānui mōtini

Any notice of motion received that refers to a matter ordinarily dealt with by a committee or subcommittee of the local authority must be referred to that committee or board by the chief executive.

Where notices are referred the proposer of the intended motion must, if not a member of that committee, have the right to move that motion, and have the right of reply, as if a committee member.

26.7 Repeat notices of motion / Ngā pānui mōtini tārua

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

27 Minutes / Ngā meneti

27.1 Minutes to be evidence of proceedings / Ka noho ngā meneti hei taunakitanga mō te hui

The local authority, committees, subcommittees and subordinate decision-making bodies must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the *prima facie* evidence of the proceedings they relate to.

cl. 28, Schedule 7, LGA 2002.

27.2 Matters recorded in minutes / Ngā take ka tuhi ki ngā meneti

The chief executive must keep the minutes of meetings. The minutes must record:

- (a) the date, time and venue of the meeting;
- (b) the names of the members present;
- (c) the Chairperson;
- (d) any apologies or leaves of absences;
- (e) the arrival and departure times of members;
- (f) any failure of a quorum;
- (g) a list of any external speakers and the topics they addressed;
- (h) a list of the items considered;
- (i) the resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) the names of all movers, and seconders;
- (k) any objections made to words used;
- (l) all divisions taken and, if taken, a record of each members' vote;
- (m) the names of any members requesting that votes or abstentions be recorded;
- (n) any declarations of financial or non-financial conflicts of interest;
- (o) the contempt, censure and removal of any members;
- (p) any resolutions to exclude members of the public;

- (q) the time at which the meeting concludes or adjourns;
- (r) the names of people permitted to stay in public excluded.

Please Note: hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

27.3 No discussion on minutes / Kāore e āhei te whakawhiti kōrero mō ngā meneti

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

27.4 Minutes of last meeting before election / Ngā meneti o te hui whakamutunga i mua i te pōtītanga

The chief executive and the relevant chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority before the next election of members.

28 Keeping a record/ Te whakarite mauhanga

28.1 Maintaining accurate records/ Te whakarite i ngā mauhanga tika

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

s. 17 Public Records Act 2005

28.2 Method for maintaining records/ Te tikanga mō te tiaki i ngā mauhanga

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

- The provision of a reliable means of assuring the integrity of the information is maintained; and

- The information is readily accessible so as to be usable for subsequent reference.

s. 229(1) of the Contract and Commercial Law Act 2017.

28.3 Inspection/ Te tiro tiro

Whether held in hard copy or in electronic form minutes must be available for inspection by the public.

s. 51 LGOIMA.

28.4 Inspection of public excluded matters/ Te tiro tiro i ngā take aukati marea

The chief executive must consider any request for the minutes of a meeting or part of a meeting from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

29 Referenced documents / Ngā tohutoro tuhinga

- Commissions of Inquiry Act 1908
- Sale of Alcohol Act 2012
- Crimes Act 1961
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Resource Management Act 1991 (RMA)
- Secret Commissions Act 1910
- Securities Act 1978

Appendix 1: Grounds to exclude the public / Āpitihanga 1: Ngā take e aukatihia ai te marea

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) to endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. disclose a trade secret; or
 - ii. be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
 - (c) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
 - (d) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. be likely otherwise to damage the public interest; or
 - (e) Avoid prejudice to measures protecting the health or safety of members of the public; or

- (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- (g) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
- (h) Maintain legal professional privilege; or
- (i) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (j) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

Provided that where A2 of this Appendix applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.

A3 That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:

- (a) Be contrary to the provisions of a specified enactment; or
- (b) Constitute contempt of Court or of the House of Representatives.

A4 That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).

A5 That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:

- (a) Any proceedings before a Council where
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or

- ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
- (b) Any proceedings of a Council in relation to any application or objection under the Marine Farming Act 1971.

Appendix 2: Sample resolution to exclude the public / Āpitianga 2: He tauira mō te tatūnga ki te aukati i te marea

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act (or sections 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is moved:

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

- *Name of report(s)*

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— • be contrary to the provisions of a specified enactment; or • constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: • a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or

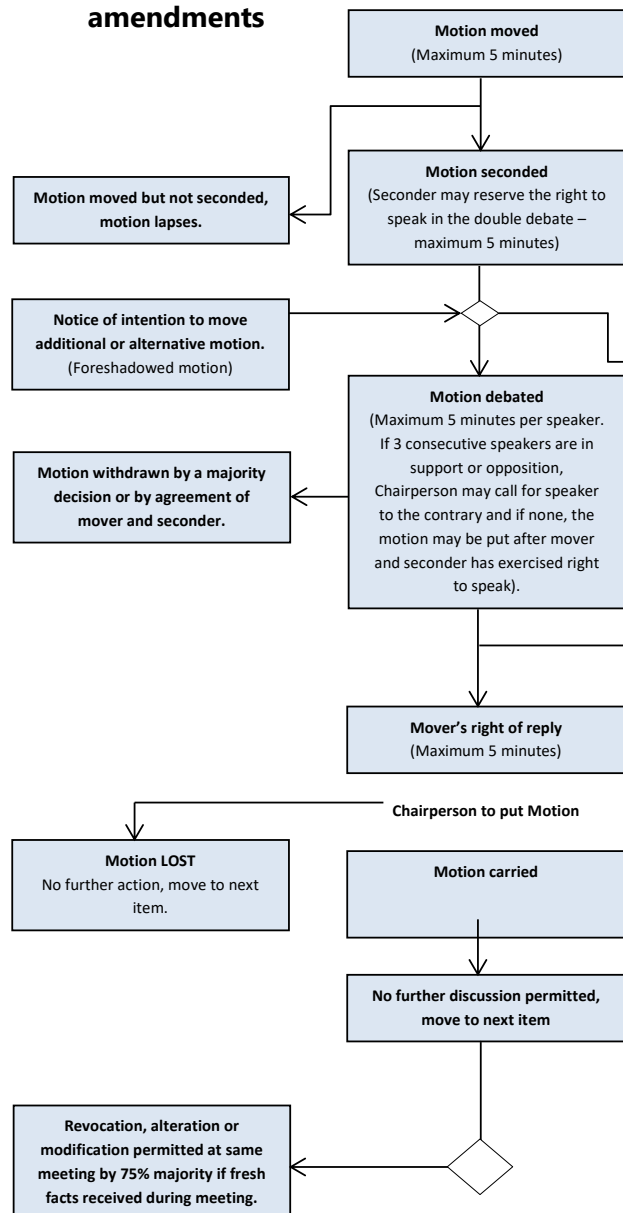
		the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would; - disclose a trade secret; or - unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; - a resource consent, or - a water conservation order, or

		• a requirement for a designation or • an heritage order, (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: • prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or • would be likely otherwise to damage the public interest (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

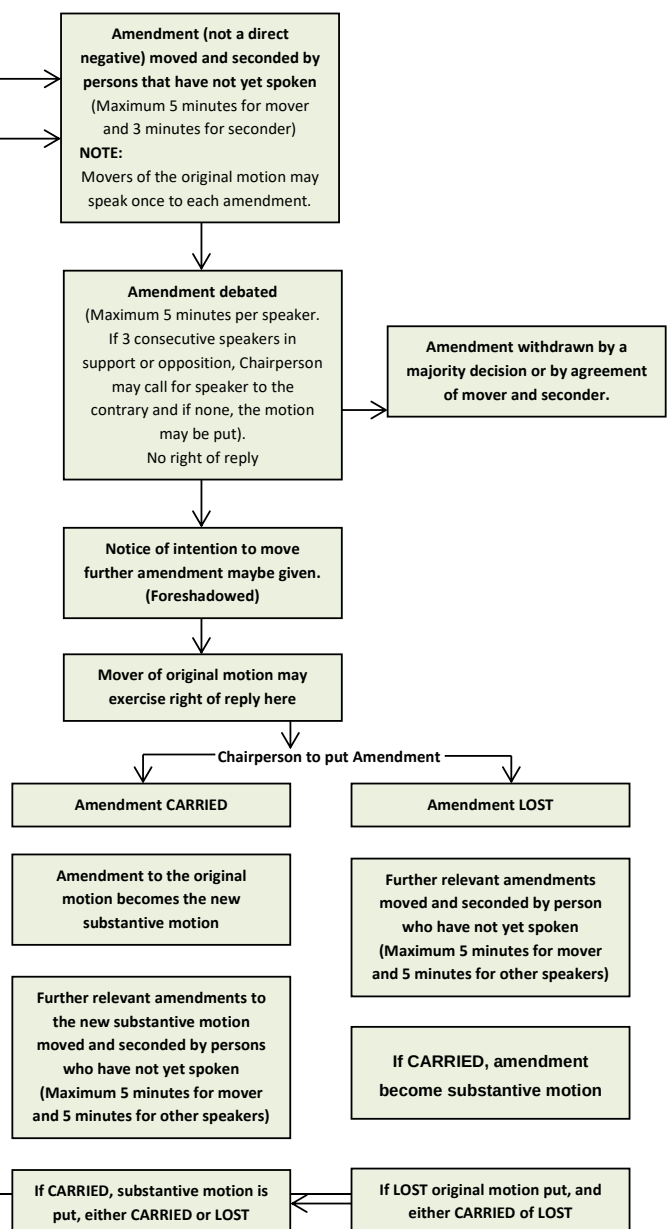
THAT XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.

Appendix 3: Motions and amendments (Option A)/ Āpitihanga 3: Ngā mōtini me ngā whakahoutanga (Kōwhiringa A)

Motions without amendments



Motions with





Appendix 4: Table of procedural motions / Āpitianga 4: Tūtohi mō ngā mōtini whakahaere

Motion	Has the Chair discretion to refuse this Motion?	Is second required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled	Are previous participants in debate entitled to move this	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	





Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled	Are previous participants in debate entitled to move this	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14



Appendix 5: Webcasting protocols / Āpitihanga 5: Ngā tikanga mō te pāhotanga mataora

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

Appendix 6: Powers of a Chairperson / Āpitihanga 6: Ngā Mana Whakahaere a te Ūpoko

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order (SO. 26.5)

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the agenda (SO.9.12)

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report (SO.9.6)

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation (SO.9.5)

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting (SO.19.3)

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing (SO.23.2)

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts (SO.23.3)

The Chairperson may require any motion expressed in parts to be decided part by part.

Notice of motion (SO.27.2)

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion (SO.27.7)

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting;
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition (SO.21.8)

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words (SO.21.11)

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising (SO.14.5)

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places (SO.14.6)

The Chairperson may permit members to leave their place while speaking.

Priority of speakers (SO.14.7)

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes (SO.28.1)

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

Questions of speakers (SO.16.3)

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions (SO.20.3)

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

Chairperson's rulings (SO.14.4)

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour (SO.20.4)

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting (SO. 20.6)

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.

Audio or audio visual attendance (SO.13.10)

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) the technology for the link is available and of suitable quality
- (b) procedures for using the technology in the meeting will ensure that:
 - i. everyone participating in the meeting can hear each other
 - ii. the member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting

- iii. the requirements of Part 7 of LGOIMA are met
- iv. the requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will undertaken by the deputy chair or a member who is physically present

**Appendix 7: Process for removing a Chairperson and deputy
Chairperson from office / Āpitihangā 7: Te pūnaha mō te
whakakore i te tūranga a te ūpoko, te Koromatua tuarua rānei**

1. At a meeting that is in accordance with this clause a regional council may remove its Chairperson or deputy Chairperson from office.
2. If a Chairperson or deputy Chairperson is removed from office at that meeting the council may elect a new Chairperson or deputy Chairperson at that meeting.
3. A meeting to remove a Chairperson or deputy Chairperson may be called by:
 - (a) a resolution of the council; or
 - (b) a requisition in writing signed by the majority of the total membership of the regional council (excluding vacancies).
4. A resolution or requisition must:
 - (a) specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) indicate whether or not, if the Chairperson or deputy Chairperson is removed from office, a new Chairperson or deputy Chairperson is to be elected at the meeting should a majority of the total membership of the council (excluding vacancies) so resolve.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Chairperson or deputy Chairperson carries if a majority of the total membership of the council (excluding vacancies) votes in favour of the resolution.

cl. 18 Schedule 7, LGA 2002.

Appendix 8: Workshops / Āpitianga 8: Awheawhe

Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) a resolution of the local authority or its committees
- (b) the Chairperson,
- (c) a committee Chairperson or
- (d) the chief executive.

Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) state that the meeting is a workshop
- (b) advise the date, time and place
- (c) confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required and workshops can be either open to the public or public excluded.

Appendix 9: Sample order of business / Āpitiḡanga 9: He tauira mō te whakaraupapatanga o ngā take

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Extraordinary business
- (i) Notices of motion
- (j) Reports of committees
- (k) Reports of the chief executive and staff
- (l) Chairperson, deputy Chairperson and elected members' reports (information)

Public excluded section

- (m) Reports of committees
- (n) Reports of the chief executive and staff
- (o) Chairperson, deputy Chairperson and elected members' reports (information)

Appendix 10: Process for raising matters for a decision / Āpitihanga 10: Te pūnaha mō te whakatakoto take hei whakatau

Matters requiring a decision may be placed on an agenda of a meeting by a:

- report of chief executive
- report of a Chairperson
- report of a committee
- notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- report of chief executive
- report of Chairperson

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.



Date: 22 July 2025

Subject: Freshwater Implementation June Update

Author: L Hawkins, Policy Manager

Approved by: A D McLay, Director - Resource Management

Document: TRCID-1492626864-697

Purpose

1. The purpose of this memorandum is to provide a Freshwater Implementation project update.

Executive summary

2. Set out in the memorandum is an update on the progress of implementing updated freshwater policy. The memorandum focusses on the key tasks undertaken since the previous Committee meeting, and identifies risk associated with the project. The report also provides an overview of key topics currently under preparation.
3. The attached report focusses on the key streams of work associated with the freshwater package. This being policy development, implementation of Freshwater Farm Plans, and the communications and engagement timeline.

Recommendation

That the Taranaki Regional Council:

- a) receives the July 2025 update of Freshwater Implementation Programme.

Background

4. This memorandum updates on progress in implementing the freshwater work programme. An updated programme of works was presented to and approved by the Committee in March 2025. This report provides an overview of the progress of the work programme, specifically focusing on the previous 6 weeks and those ahead. It provides an opportunity for discussions relating to progress and identified risks.

Discussion

5. The attached report (attachment 1) provides a high-level overview of the progress made since the last Committee meeting in June 2025 and identifies those tasks to be undertaken in the coming 6 weeks. It also identifies risk associated with the programme, and a copy of the high-level engagement strategy.
6. Key discussion points are included in the covering memorandum to draw attention to key areas of work.

Government Direction

7. As reported at the June meeting, the Government released a suite of national direction documents for consultation. The Council's submission to this process is subject to another agenda item at this meeting. Whilst the detail relating to freshwater in this package is high level, staff have considered it to ensure there is broad alignment at this stage.

Ongoing policy drafting and engagement

8. As per the updated programme endorsed by the Committee at the March 2025 meeting, topics will be brought through to the Committee to seek discussion and input as staff progress to develop a draft of the Land and Freshwater Plan, aiming for Schedule 1 Clause 3 of the Resource Management Act (RMA) consultation in March 2026.
9. Separate papers are provided to the Committee as part of this meeting on the following topics – Earthworks and Damming and Diversions. Although not subject separate items on this agenda, this paper also provides an update on two other topics – Outstanding Water Bodies and Beds of lakes and rivers.

Outstanding Water Bodies

10. The identification and protection of outstanding water bodies has long been required in National Policy Statements for Freshwater Management (NPSFM). The NPSFM 2014 first introduced the requirement, which was carried forward in the NPS-FM 2017 and again with the NPSFM 2020. The objective is to identify those water bodies in the region that have outstanding values (such as ecological, natural, recreation, and cultural or spiritual) and ensure that they receive a high level of protection. It should also be noted that under the Draft Land and Freshwater Plan (Draft LFP) all water bodies in the region will be managed in an appropriate manner that protects their freshwater values, the outstanding values of an outstanding water body will likely be afforded higher protection.
11. The Council wrote a Draft Freshwater and Land Management Plan for Taranaki 2015 (Draft Report) that was released for consultation on 1 May 2015 but never progressed to notification. That Draft Plan provided the basis for a report commissioned by the Council in late 2015 to begin to meet its obligations under the NPSFM entitled Freshwater Bodies of Outstanding or Significant Value in the Taranaki Region 2015 (Review Report). Due to the notable absence of national guidance on how to assess and identify outstanding water bodies, the Review Report created criteria for doing so. The Review Report included the significant values and assessments of four water bodies that met the outstanding water body criteria:
 - a. Hangatahua (Stony) River
 - b. Lake Rotokare
 - c. Maketawa and Ngatoro Streams (excluding Ngatoro Stream upstream of the Ngatoro-iti-confluence)
 - d. Upper Manganui River.
12. The Review Report was based on the guidance in the NPSFM 2014, which required more than one outstanding value, but the most recent NPSFM 2020 changed that to one or more outstanding values. Thus, the assessments were made based upon criteria that are inconsistent with the current national direction. This includes improving engagement with tangata whenua about cultural or spiritual values in the assessments of the water bodies, and whether it is appropriate for cultural values to be identified in this framework. These conversations are planned to be held over the coming months in the process to refine the policy direction.
13. Since the previous work was undertaken by Council, not only has there been a change in national direction, but there has also been updated case law and work undertaken by other councils in identifying outstanding water bodies. This has led the Council to review the work undertaken in 2015 and to update the criteria and thresholds for a water body to qualify as outstanding in Taranaki for

consideration to be implemented in the draft land and freshwater plan. The new criteria and thresholds are attached in Appendix 2.

14. The next step will be for Council to engage a consultant to assess the four water bodies identified as outstanding in the Review Report with the new criteria to ensure they remain outstanding in preparation of the Draft LFP. The significant values of those water bodies will also be identified. The criteria will be inserted into the Draft LFP to guide future assessments of other water bodies within the region that could be incorporated in future plan changes and updates to the plan.
15. Council will also embark on an engagement process with iwi regarding the inclusion of cultural or spiritual values into the criteria for the identification of outstanding water bodies. Should this be supported by iwi, work will also need to be undertaken to determine an appropriate process for the assessment and identification of such values and how they'll be protected.
16. Additionally, options are now being explored as to how identified significant and outstanding values of outstanding water bodies will be protected in the Draft LFP. Following the principle that these identified outstanding water bodies exhibit outstanding values for our region, they are "the best of the best in the region", and as such they will have high levels of protection in place to ensure that their significant and outstanding values are protected. The current Freshwater Plan for Taranaki has high protections in place for the Hangatahua River, which has long been recognised for its outstanding values. The Draft LFP represents an opportunity to bring that same high level of protection to other Taranaki water bodies proven to have outstanding values.
17. The most recent proposals for new national direction for freshwater, released at the end of May, do not address the outstanding water body framework. Staff are expecting more updates to come out before the end of the year and are watching closely for any impacts on the existing work programme.

Beds of Lakes and Rivers

18. The BEDS chapter manages activities in river and lake beds, grouped into three categories: placement of new instream structures, use, maintenance, alteration, and removal of existing structures, and bed disturbances such as gravel extraction, recontouring, and vegetation management.
19. It addresses key environmental issues and sediment, fish passage barriers, climate-related flooding and erosion, and aquatic habitat loss. Management concerns include livestock access, poorly maintained structures, bed disturbances, and conflicting land uses resulting in reclamation or realignment of streams.
20. The chapter is guided by Section 13 of the RMA, the NPS-FM (requiring fish passage and effects management), NES-F (regulating instream structures), and Stock Exclusion Regulations 2020 (limiting livestock access to lakes and wide rivers).
21. As outlined in iwi environment management plans, tangata whenua expect protection of mahinga kai, cultural values, and fish passage, oppose pest species and excavation, support cultural structures, and require notification for flood works.
22. The Regional Fresh Water Plan for Taranaki 2001 (the Current Plan) faces issues such as overly complex terminology, inconsistencies with NES-F regulations and technically flawed rule conditions.
23. The Draft Plan aims to enhance freshwater habitats, prioritise fish-friendly infrastructure, minimise disturbances, align with national standards, and ensure clear, accessible rules – while also addressing legacy structures and species management.

24. The proposed rule framework for the BEDS chapter is as follows:

Activity Description	Entry Rule	Fall out Rule/s
Use of an existing structure on the bed of a river or lake	Permitted	Restricted Discretionary
Placement of a Temporary Structure (excluding a dam or weir ¹)	Permitted	Restricted Discretionary
Placement of a culvert	Permitted	Discretionary
Placement of a bridge	Permitted	Restricted Discretionary
Placement of a flood protection structure	Controlled	Discretionary
Placement of a network utility structure	Controlled	Discretionary
Placement of other structures ²	Permitted	Discretionary
Maintenance, alteration and extension of existing structures	Permitted	Controlled, Discretionary
Removal of an existing structure	Permitted	Restricted Discretionary
Remediation of a fish passage barrier (that does not meet the permitted conditions of the maintenance rule)	Controlled	
Disturbance of the bed for gravel extraction	Controlled	Discretionary
Disturbance of the bed for natural hazard prevention or response	Permitted	Discretionary
Other instream disturbances	Discretionary	
Introduction and planting of vegetation	Permitted	Discretionary
Removal of vegetation	Permitted	Discretionary

25. When an activity is managed under a permitted activity rule, it must comply with several conditions. These include restrictions on location, such as avoiding outstanding water bodies, habitats of threatened species, wāhi tapu sites, and archaeological sites, as well as structural limitations related to size of a structure, flood-carrying capacity, and fish passage provision. Additional requirements address the condition of the riverbed following the activity, and the use and cleaning of machinery and equipment within the bed.
26. If any of these conditions are not met, the fall out rule applies, and the activity becomes subject to a resource consent process. In most cases, the fall out rule is a restricted discretionary or discretionary rule, allowing the Council to either approve or decline the application. Should the activity be approved, the Council may enforce consent conditions that best respond to the context and effects of the activity. Where the fall out rule classifies the activity as controlled, the Council must grant the consent application, however, the activity remains subject to specific conditions that govern how it must be carried out.
27. Where consent is required, the policies in the BEDS chapter guide decision-makers in managing activities to avoid, minimise, or mitigate adverse environmental effects. These policies often reflect the same or similar restrictions found in the permitted activity rules, but with greater flexibility to consider the specific circumstances, merits, and effects of each activity. The policies aim to prevent the loss of indigenous freshwater habitat, including the impairment of fish passage, and to avoid flooding, erosion, and sedimentation effects. They also acknowledge the benefits of certain activities, such as

¹ Placement of a temporary dam or weir will be addressed under the damming and diversions chapter of the Draft Plan.

² This includes maimai, fence, pipe, line or cable, monitoring or sampling structure, navigational aid structure, submersible pump, recording device, water intake structure (excluding a dam, weir, culvert or ford), eel trap, customary mahinga kai gathering structure. Structures other than these are managed under the discretionary fall out rule.

flood control or fish passage remediation, and encourage the use of nature-based solutions and other low-impact methods for undertaking instream works.

Working with iwi

28. As part of the plan development process staff continue to work closely with, and seek the input and guidance from, the Nga iwi o Taranaki Freshwater Pou Taiao position on the drafting and general approach on several topics, including those previously mentioned. In past 6 weeks hui was held with iwi pou taiao on earthworks, contaminated land chapters, and desirable and undesirable fish species as relating to fish passage provision. In the coming weeks there are hui planned for water allocation and stormwater.

Freshwater Farm Plans

29. Since the last meeting of the Committee no further updates to direction on Freshwater Farm Plans have been received from the government. However, we do understand an announcement on the regulations will be made soon by the government. Understanding the role of the Freshwater Farm Planning system will be critical to framing key components of the draft Land and Freshwater Plan.

Appendices/Attachments

TRCID 1492626864-910: [Freshwater Implementation Progress Report July 2025](#)

TRCID 1492626864-909: [Criteria for identifying Outstanding water bodies](#)

Freshwater Implementation Project Report to Policy & Planning Committee July 2025			
	Progress in the last six weeks	Key tasks in the coming six weeks	Risks
National Policy Statement for Freshwater Management	- Developing draft policy and objectives ready for refinement against expected new NPS-FM direction - Responding to the national direction released by the government - Meetings with Nga iwi o Taranaki Pou Taiao re key policy directions – topics including – water allocation, structures and beds, damming and diversion, wetlands and outstanding waterbodies. - Meetings with iwi Pou Taiao re key policy directions – topics including earthworks, contaminated land, wetlands and outstanding waterbodies, beds and structures chapter. - Ongoing discussion Meetings with key stakeholder groups to refine policy direction. - Progress Science programme:	- Developing draft policy and objectives ready for refinement against expected new NPS-FM direction - Meetings with Nga iwi o Taranaki Freshwater Pou Taiao re key policy directions – topics including – water allocation, structures and beds, damming and diversion, land and freshwater, integrated management. - Meetings with iwi Pou Taiao re key policy directions – topics water allocation, wetlands and outstanding waterbodies. Circulation of drafting for beds and structures chapter and damming and diversions. - Ongoing discussion Meetings with key stakeholder groups to refine policy direction. - Progress Science programme: - Continue existing attribute work – particular focus on nutrient framework	Medium risk – Partnership with iwi. Risk that the timeframes, complexity of issues and the need to be working in an agile manner to develop the policy framework will impact on the partnership approach being fostered. Amendments to the Pou Taiao Agreement including the setting up of a steering committee to mitigate this risk. Opportunity to consider amendment to programme to providing more time and opportunity to work through policy drafting. Continue to present progress to the Wai Steering Committee. <i>Also note that the next 6 weeks will likely be focused on central govt direction will also be relevant for iwi.</i> Medium risk – participation in the community engagement is low. Mitigated through continued promotion of process, community meetings switched to being held at various locations, targeted engagement with industry groups to lessen the load on individuals.

	○ Continue existing attribute work		• Medium risk –change to direction of the NPSFM with the new government. Work underway is considered to be broadly inline with the recent high level announcements from the government. We can mitigate against this risk by maintaining momentum on policy development, keeping abreast of policy announcements from the government, and taking pause when necessary to confirm approach as policy guidance from the government develops.
Freshwater Farm Plans	• Status quo – as we await further direction from the Government on likely changes to the Regulations etc.	• Status quo – as we await further direction from the Government on likely changes to the Regulations etc.	• Low risk – potential change to direction of FWFP regulations with the new government. The government has signalled the continuation of the FWFP process and Councils should expect an order in council, as such this is a low risk. The continuation of the programme will mitigate against any pressure to respond to an OIC when released.

Appendix 1: Criteria for Identifying Outstanding Water Bodies

Water bodies must have outstanding values that are assessed as being conspicuous, eminent or remarkable in the Taranaki Region as at the time of the assessment to meet the definition of 'outstanding' set out in this plan, unless the water body, or part thereof is identified as having outstanding values in a water conservation order.

A water body must meet the screening criteria for at least one of the values to be identified as outstanding. All values and sub-values are equally weighted.

The values that are assessed are:

- Ecology habitat for native fish
- Ecology habitat for native aquatic birds
- Ecology habitat for indigenous plant communities
- Cultural or spiritual (tāngata whenua)
- Cultural or spiritual (historical associations)
- Recreation angling amenity
- Recreation water sports
- Landscape wild and scenic
- Natural form and character

Assessment of the values of each water body is carried out using screening criteria that include the thresholds the water body value(s) must meet to be accorded outstanding status.

The screening criteria are set at a high threshold for all values and, unless otherwise expressed, are to be considered in the context of the Taranaki Region. The screening criteria contain a List A, of which the value must meet at least one criterion, and a List B, of which all the criteria must be met.

Assessment against the screening criteria relies on evidence and information obtained from a range of sources, some of which are listed for each value. Sources may include published reports and information held by Taranaki Regional Council or any other relevant information.

Value Sub value	Threshold	Evidential sources (can come from but not limited to these)
Ecology Habitat for native fish	List A a. Contains a native fish assemblage that is among the highest in terms of diversity, abundance, or distinctiveness. b. Supports 15% or more of the regional population and 2% or more of the national population of a particular native fish species listed as Nationally Critical, Nationally Endangered, or Nationally Vulnerable on the New Zealand Threat Classification List. c. Is an outstanding customary fishery. List B a. Is supported by evidence.	New Zealand Threat Classification System. Expert evidence.
Ecology	List A	New Zealand Threat Classification System.

Habitat for native aquatic birds	List B a. Contains a native aquatic bird assemblage that is among the highest in terms of diversity, abundance, and distinctiveness. b. Supports 15% or more of the regional population and 2% or more of the national population of a particular native aquatic bird species listed as Nationally Critical, Nationally Endangered, or Nationally Vulnerable on the New Zealand Threat Classification List. a. Is reliant on the water body's flows or levels, other aquatic characteristics, or is an integral part of the water body. b. Is supported by evidence.	Expert evidence.
Ecology Native plants	List A a. Contains special features rarely found. b. Supports among the highest numbers of a national population of a particular indigenous plant species listed as Nationally Critical, Nationally Endangered, or Nationally Vulnerable on the New Zealand Threat Classification List. List B a. Is reliant on river flows, other aquatic characteristics, or is an integral part of the water body. b. Is supported by evidence.	New Zealand Threat Classification System. Expert evidence.
Cultural or Spiritual Tangata whenua	List A a. Is among the highest in accordance with te ao Maori values, matauranga Maori and tikanga or a descendant group closely associated with the water body. List B a. Is supported by evidence.	Statutory acknowledgements. Iwi or hapu members. Deeds of settlement. Court cases. Expert evidence.
Cultural or Spiritual Historical Associations	List A a. Is recognised as a location of exceptional historical significance in Taranaki/New Zealand/world history. b. Is listed on New Zealand Heritage List as a Historic Place category 1. List B a. Is largely unmodified by other subsequent activities. b. Is related to the waterbody. c. Is supported by evidence.	New Zealand Historic Register List. Expert evidence.
Recreation Angling amenity	List A a. Supports among the highest numbers of trophy-sized trout (over 4 kg).	User surveys. Testimonies from anglers. Expert evidence.

	b. Supports among the highest numbers of large trout. List B a. Has a variety of high-quality angling experiences OR a specialised high quality angling experience. b. Supports a wild trout population that is self-sustaining through natural replacement, i.e. fish population is not periodically restocked. c. Is accessible to anglers and is suitable to fish (in high water quality and at suitable flows). d. Has a regional, national, or international reputation as an exceptional trout fishery or high non-local usage (high numbers of anglers from outside area). e. Is supported by evidence.	Fish and Game reports/surveys.
Recreation Water sports	List A a. Provides a recreational experience (such as whitebaiting, boating, kayaking, canoeing or swimming) that is present in few other water bodies. List B a. Is directly related to the water. b. Has regional, national, or international reputation as a water-based recreation experience OR high non-local usage (high numbers of non-local usage). c. Is supported by evidence.	User surveys. Expert evidence.
Landscape Wild and scenic	List A a. Is an essential component of the landscape. b. Has distinctive wild or scenic qualities which stand out and are present in few other water bodies in the region. List B a. Is supported by evidence.	New Zealand Recreational River Survey. Expert evidence.
Natural form and character	List A a. Is highly natural with little or no human modification, including the flow, bed and riparian margins, water quality, flora and fauna, within a largely indigenous landscape, except for braided rivers which can still hold outstanding natural forms and character values where riparian margins and the surrounding landscape are modified, provided the water body is highly natural with no human modification in all other respects. b. Exhibits a combination of natural processes, natural patterns and natural	New Zealand Geopreservation Inventory. Expert evidence.

	elements that is exceptional in the context of the region. c. Formative processes for the waterbody or associated landscape are demonstrably present and obvious across much of the landscape. d. Is classified as Class A or B in the New Zealand Geopreservation Inventory. List B a. Has values that are dependent on the water body's condition and functioning. b. Contains distinctive qualities that stand out among such water bodies. c. Is supported by evidence.	



Date: 22 July 2025

Subject: Earthworks - Proposed Direction for the Draft Land and Freshwater Plan

Author: L Hawkins, Policy Manager, H Goslin, Consultant

Approved by: F Kiddle, Acting Director - Resource Management

Document: TRCID-1492626864-907

Purpose

1. The purpose of this memorandum is to seek the Committee's support for the recommended direction for managing earthworks in the draft Land and Freshwater Plan.

Executive summary

2. The current Regional Freshwater Plan for Taranaki manages the discharge of stormwater and sediment from earthworks but does not manage the use of land for earthworks activities, which are the cause of any discharge. District councils currently manage earthworks and land disturbance undertaken within the region but are not responsible for managing land for the purpose of water quality (a regional council function).
3. The absence of a regional framework for managing earthworks in Taranaki creates a regulatory gap where the potential effects on the environment may not be adequately addressed, as territorial authorities' functions are limited to managing land use effects such as amenity, land stability and infrastructure protection. To address this gap, staff recommend including a land use and discharge permit framework in the draft Land and Freshwater Plan to manage the effect of earthworks.
4. This paper outlines the options considered and recommends Option 2 which sets out a policy framework for a risk-based approach to managing the land use and discharge aspects of earthworks.

Recommendation

That the Taranaki Regional Council:

- a) receives the memorandum titled Earthworks – proposed direction for the draft land and freshwater plan
- b) supports the recommended direction for managing earthworks set out in Option 2 of this paper
- c) notes that staff will continue to engage with iwi Pou Taiao, including discussions with the Wai Steering Group, territorial authorities and the advisory group
- d) determines that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002 determines it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

5. Earthworks and land disturbance includes activities such as excavation, drilling, contouring, blading, filling and earth movement and are generally required to prepare land for urban and rural development. The National Planning Standards include definitions that define 'earthworks' and 'land disturbance' which must be used in the draft Land and Freshwater Plan. These terms are defined as follows:

Term	National Planning Standards definition
Earthworks	the alteration or disturbance of land, including by moving, replacing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation and disturbance of land for the installation of fence posts.
Land disturbance	The alteration or disturbance of land (or any matter constituting the land, including soil, clay, sand and rock) that does not permanently alter the profile contour or height of the land.

Statutory requirements

Resource Management Act 1991 (RMA)

6. Under the RMA, section 30 assigns responsibility to regional councils for the control of discharges of contaminants into or onto land and water. In the context of managing land use, section 30 tasks regional councils with controlling the use of land for the purpose of soil conservation and the maintenance and enhancement of water in water bodies. These 'land use' functions differ from those assigned to territorial authorities, which are to control any actual or potential effects of the use, development, or protection of land, including avoiding or mitigating natural hazards.
7. In practice, territorial authorities generally manage earthworks in respect of amenity values, land stability and heritage features, including impacts of Māori sites of significance. For territorial authorities, the effects managed include slope stability, visual impacts and the potential effects on neighbouring properties. Resource consent may be required from both regional councils and territorial authorities for the same earthworks activity, but the matters considered by each council are different. Careful drafting of plan provisions is required to ensure any overlap is minimised.
8. Section 9 of the RMA places restrictions on the use of land while section 15 of the RMA manages the discharge of contaminants to land, air and water. Sections 9 and 15 reflect fundamentally different regulatory approaches. The wording of section 9 is permissive, enabling a person to use land as they wish unless it contravenes a rule in a district or regional plan. In other words, land use is generally allowed unless expressly restricted. This contrasts with section 15 which adopts a restrictive framework where discharges are not allowed, unless specifically allowed by a rule in a regional plan or a resource consent. This means that discharges are unlawful by default, unless expressly authorised.
9. In modern planning practice where a land use (section 9) results in a discharge (section 15), regional councils will manage both parts under the same provisions to ensure that the most appropriate controls can be placed on the activity (i.e. proactive controls on the use of land that reduce the potential for a discharge to occur).

Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA)

10. The purpose of the HNZPTA is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand. The HNZPTA is administered by Heritage New Zealand Pouhere Taonga (Heritage NZ) and prohibits the modification or destruction of an archaeological site, unless an archaeological authority is obtained from Heritage NZ. There is currently some overlap between the HNZPTA and the RMA which seeks that historic heritage is protected from inappropriate subdivision, use and development as a matter of national importance. It is understood that this overlap will likely be resolved as part of the reform of the RMA with the protection of all historic heritage and archaeological sites being dealt with under the HNZPTA.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FW)

11. The NES-FW is implemented by regional councils and includes rules that manage the use of land for earthworks in close proximity to natural inland wetlands. The management of wetlands and activities within or near wetlands will be discussed in a future paper.

Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NES-CF)

12. The NES-CF is implemented by regional councils and territorial authorities. The NES-CF includes territorial authority rules and regional council rules for managing earthworks. The implementation of these rules is limited to the use of land for earthworks where they are for the purpose of commercial forestry or ancillary activities.

Current approach in Taranaki

13. The Regional Freshwater Plan for Taranaki 2001 (RFP) manages the discharge of contaminants to land and water for a range of specific activities. Adverse effects on surface water quality from point source discharges of contaminants to land and water is identified as an issue requiring a policy response in the RFP (6.2). The cumulative effects of point source discharges are also acknowledged as an issue that requires a policy response. The explanation to this issue notes that there is a large range of discharges consented by the Council, including industrial discharges, oil wells, sewerage, leachate, quarries, dairy processing, power stations, community water supply, stormwater, agricultural (dairy and piggery) and other minor discharges.
14. Rule 25 provides a permitted activity pathway for the discharge of stormwater and sediment from soil disturbance activities of 1 hectare or less into surface water and onto or into land in circumstances where sediment from soil disturbance may enter water. Similarly, Rule 26 provides a permitted activity pathway for the discharge of soil or sediment from soil disturbance activities of between 1 and 8 hectares into surface water or onto or into land where sediment may enter water. Where the conditions of Rules 25 and 26 are unable to be met, the discharge requires resource consent as a discretionary activity under Rule 43. The rules in the RFP only manage the discharge of stormwater and sediment aspect of earthworks, not the use of land for earthworks itself. Controls on the use of land are often the most effective way to manage the quality and quantity of any resulting discharge.
15. Objective 6.2.1 is to maintain and enhance the quality of surface water resources in the region by avoiding, remedying or mitigating the adverse effects of contaminants discharges to land and water. Achievement of this outcome is supported by a suite of general policies and one activity specific policy that applies to the discharge of farm dairy effluent. There are no activity-specific policies that would apply to the use of land for earthworks and its associated discharge, proposed to be captured by the draft framework.
16. In the absence of activity specific direction, general policy direction for discharges is relevant for consideration of resource consent applications. Policy 6.2.2 sets standards for discharges of contaminants to water or to land. There are no specific receiving water standards referred to, just that discharges should be of a quality that enables continued community use of the water and that maintains or enhances aquatic ecosystems. Policy 6.2.3 sets out what must be considered when assessing applications to discharge contaminants to land or to water. Policy 6.2.4 enables the Council to require the adoption of the best practicable options to prevent or minimise adverse effects on the environment from the discharge of contaminants to land and water.
17. During the policy development process, we have undertaken discussions with the Compliance Team on earthworks. The information from these discussions will be used to further refine the policy approach. The following key pieces of feedback were provided:
 - a. Earthworks of a medium to small scale can present greater risk to the environment than larger scale earthwork operations, particularly when undertaken in close proximity to surface water without necessary erosion and sediment controls

- b. Earthworks undertaken in urban areas (such as for land development) can, in some cases, present more of a risk than rural based earthworks
 - c. A risk-based approach to managing earthworks is preferred, including reference to:
 - i. slope and soil type
 - ii. proximity to surface water bodies and other aspects of the receiving environment (such as flood plains etc.)
 - iii. adherence to erosion and sediment control plans that accord with industry best practice (Auckland Regional Council Erosion and Sediment Control Guidance).
18. Staff will continue to engage with the Compliance Team as we continue our policy development.

Iwi consideration

19. Ngā Iwi o Taranaki have previously provided position statements on a range of matters relating to freshwater management, including water quality and land use activities. Position statement one identifies resource management issues of significance to iwi authorities¹. The following issues contained in the position statements are considered relevant to the use of land for earthworks and any associated discharge:
- a. The loss and degradation of water resources through drainage, abstraction, pollution, modification, and damming has resulted in material and cultural deprivation for ngā iwi o Taranaki (RMIA-WAI-I1)
 - b. The effects of land and water use activities on freshwater habitats have resulted in adverse effects on the diversity and abundance or mahinga kai resources and harvesting activity (RMIA-WAI-I3)
 - c. The following are cited as specific concerns relevant to RMIA-WAI-I1 and RMIA-WAI-I3:
 - i. The cultural and water quality impacts of point and non-point source discharges of human waste and other contaminants to water. Whānau cannot gather kai from places where human waste (whether treated or not) has been discharged, or where herbicides and pesticides have been used. Reliance on dilution rates to mitigate the effects of discharges is culturally inappropriate
 - ii. The water quality impacts of discharges from intensive farming, extractive industries (oil and gas, mining and quarrying), urban and coastal development, and industrial activities.
 - d. The values of wāhi tupuna are poorly recognised in resource management in Taranaki (RMIA-WTU-I1)
 - e. The following are identified as specific concerns for RMIA-WTU-I1 in relation to earthworks:
 - i. Modification of landforms by earthworks, particularly on ridgelines and upper slopes and near waterways
 - ii. Impacts on wāhi tapu and archaeological sites from earthworks
 - iii. Sedimentation of water bodies within wāhi tupuna from earthworks.
 - f. Land use activities have resulted in disturbance and degradation of wāhi tapu and wāhi taonga sites and the values associated with these areas (RMIA-WTA-I1)
 - g. The following are identified as specific concerns for RMIA-WTA-I1 in relation to earthworks:
 - i. Disturbance, modification or destruction of wāhi tapu or wāhi taonga by earthworks
 - ii. Degradation of the cultural value and integrity of wāhi tapu or wāhi taonga through contamination by discharges, inappropriate development, and culturally inappropriate activities

¹ These each have unique identifiers set out in the brackets next to each issue.

- iii. The resurfacing of kōiwi tangata (human remains) through natural and human induced processes and ensuring that these are kept safe and returned to ngā iti o Taranaki so that they can be reinterred in accordance with tikanga
 - iv. Ineffective management of effects due to inappropriate and inaccurate recording of wāhi tapu and wāhi taonga, and misinterpretation of the status and importance of sites.
 - h. The diversity and abundance of terrestrial and aquatic indigenous species has been reduced due to adverse effects of resource use and development (RMIA-MKB-I1), including degradation of mahinga kai due to the impacts of contaminants from both point and non-point source discharges, including human waste disposal to mahinga kai areas.
20. The following position statements have been provided specifically in relation to land use, disturbance and earthworks. The intent of this statement was to provide specific feedback on a framework specific basis:
- a. Setbacks are required for earthworks, land disturbance and other activities from surface water bodies
 - b. Specific areas and volumes of earthworks/land disturbance are required and should be conservative due to silent or permissive District Plan rules regarding earthworks
 - c. Limit erosion through land use practices/activities and risk (eg: more stringent controls where disturbance occurs on steeper land)
 - d. Manage land disturbance through vegetation clearance and removal (such as from plantation forestry, clearance of hill country and aerial spraying)
 - e. Due to the potential impacts of climate change on sedimentation, there is a need to evolve and update practices in response.
21. The intent of the policy approach recommended in this memo is to provide a specific framework for managing earthworks and the associated discharge of sediment to water bodies. The policy approach recommended includes a specific framework to manage earthworks and it is considered that this framework will go some way to resolve the issues raised by Ngā Iwi o Taranaki.
22. A key issue identified by Ngā Iwi o Taranaki is the identification of wāhi tapu and wāhi taonga and how this may affect a range of activities in the draft Land and Freshwater Plan. Informal discussions with the Freshwater Pou Taiao from Ngā Iwi o Taranaki are ongoing and further discussions will occur as the policy framework develops, including discussions with the Wai Steering Group.
23. A hui was held on the 4 June 2025 with iwi Pou Taiao to discuss the recommended policy approach to earthworks. Key aspects of the feedback received included:
- a. Earthworks for subdivision, recontouring of land, drain clearance and earthworks in close proximity to surface water bodies were highlighted as the earthwork activities of most concern
 - b. Pou Taiao expressed some comfort with the leavers contained within the recommended policy approach, but noted a preference for larger setbacks to surface water bodies with lower area thresholds as part of the permitted activity framework (this generally being more stringent)
 - c. Access to information for resource users to identify if their earthworks will impact on wāhi tapu and wāhi taonga is variable. There may not be mitigations available to mitigate adverse cultural effects.
24. We will continue to engage with iwi Pou Taiao to discuss the policy options further.

Community consultation

25. Understanding Earthworks and Land Disturbance was one of the management approaches consulted on during the *Help shape the rules* consultation run last year. The management approach included a suite of four actions:
- a. Allowing small-scale earthworks, land disturbance and sediment run-off to occur as a permitted activity (no resource consent required)

- b. Requiring consents for larger-scale earthworks, land disturbance and sediment runoff
 - c. Incorporating additional management controls into a rule framework, such as undertaking earthworks on contaminated land and setbacks to sensitive receptors
 - d. Use of erosion and sediment control plans.
26. The Council asked questions about each of the actions and the combination of management options to manage earthwork activities. It is intended that the management options will become conditions of the permitted activity rule regime.
 27. Community members and interest groups generally supported introducing a management approach for earthworks; however, concerns were expressed regarding the detail of the proposed approach. The majority of responses, particularly from rural community members, raised concerns about what activities would be considered 'earthworks' and subject to the proposed management approach. A large number of responses also considered the threshold of 2,500m² per site in any consecutive 12 month period to be too stringent and not workable.
 28. Feedback from Ngā Hapū o Te Atiawa requested that all resource consent applications for earthworks are notified. Similarly, where earthworks are proposed adjacent to or directly impacting on a statutory acknowledgement area, or within 200 metres of any significant Ngāruahine site, Te Korowai indicated that they will consider themselves an affected party in accordance with Section 95E of the RMA.
 29. Community members generally supported actions to protect sensitive receptors through the proposed management framework. Similarly, actions requiring adherence to an erosion and sediment control plan were also supported. Some responses noted they were unsupportive of erosion and sediment control plans and would rather the management approach be more prescriptive. Feedback from Te Korowai was supportive of the implementation of erosion and sediment control plans and requested they be invited to provide feedback during their development.
 30. Duplication of district plan provisions was also identified by some participants as a concern. New Plymouth District Council and South Taranaki District Council were supportive of the proposed management approach and consider a cohesive approach to earthworks between councils can provide clarity to resource users, reduce duplication and ensure a more holistic approach to earthworks. To ensure inefficiencies associated with duplication are minimised as far as possible and processes are streamlined, community members suggested that templates could be used with one report for Taranaki Regional Council and district councils.
 31. At the time of writing this memorandum, a hui is being planned with district councils to discuss the policy options further.
 32. Following the *Help shape the rules* consultation, a session was held with Advisory Group members in December 2024. The group included members from Federated Farmers, Dairy NZ, a local farmer, and an earthworks contractor.
 33. The Advisory Group reviewed key issues raised during consultation feedback concerning the type of activities that will be captured by the definition of 'earthworks' and alternative management options. A significant point of discussion was whether smaller-scale rural based activities, such as the construction and maintenance of farm tracks, the establishment of fence lines and maintenance of riparian planting near water bodies (among others), should be captured within the regulatory framework. There were concerns about the potential for these activities to be overly burdened by regulation. The consensus was to develop a management framework that addresses the need for sediment control from larger earthwork activities near water bodies while allowing reasonable exemptions for smaller activities, such as those listed above.
 34. A range of management actions for earthworks were discussed. The group explored the use of thresholds to manage earthworks but concluded that thresholds based on property size and activity scale would be difficult to apply effectively across diverse farming operations. Instead, a risk-based approach was discussed, considering factors such as slope and soil type, to better manage sediment

loss. Steeper slopes and certain soil types pose a higher risk, requiring more stringent management practices in these areas.

35. There was broad support for using Good Management Practices (GMPs) through Freshwater Farm Plans (FWFPs), which allow for a tailored approach to address site-specific conditions. It was noted that in the future, catchment-specific action plans could further refine these practices, providing targeted interventions where necessary while reducing the administrative burden for farmers. Concerns were raised about the cumulative effects of sedimentation across a catchment and how this would be managed through FWFPs. Forestry practices, including carbon farming, were identified as contributing factors to sedimentation in some areas.
36. In addition to slope and soil type, setbacks were identified as a potential management tool. However, it was agreed that their application should be nuanced and tailored to each farm's specific context, with FWFPs serving as a potential means to determine appropriate setback distances. The discussion also covered managing groundwater interception during earthworks, particularly in areas with high water tables. Clear guidelines were seen as necessary to ensure effective control in areas where groundwater may be affected.
37. Other activities were discussed, including stormwater, flood mitigation works, and drainage activities such as culvert and bridge maintenance. The group noted the dual role of TRC in managing both environmental impacts and undertaking drainage/flood protection works under separate legislative frameworks. Additionally, there were concerns about definitions related to modified watercourses and the potential for these definitions to alter practical requirements on the ground, particularly for drainage maintenance activities. All group members also discussed and agreed that duplication with territorial authority rules managing earthworks should be avoided.
38. As policy development continues, we will re-engage with the Advisory Group.

Proposed Changes to national direction

39. On 29 May 2025, the Government commenced public consultation of proposed amendments to existing national direction and new national direction. High level details of the new national direction packages are currently available to assist resource users with providing feedback. Based on the information available, the National Policy Statement for Freshwater Management will be subject to amendments and will have some impact on the management of all discharges to freshwater.

Issues

40. The poor management of earthworks and land disturbance can significantly impact freshwater quality and aquatic habitats due to the loss of sediment to freshwater. The council has within its functions the ability to manage the land use associated with discharge of sediment, but in doing so needs to respond to the risk of earthwork activities in Taranaki, the desire from iwi to see a more managed framework, and the practicality of undertaking such works by the community.

Discussion

41. In addition to the loss of habitats due to the loss of sediment to freshwater, other environmental impacts of inappropriately managed earthworks can include increased flooding (as a result of the flood-carrying capacity of rivers and streams being reduced by sediment buildup), land instability, impact on sources of drinking water and groundwater contamination.
42. Based on current science information, nearly 60% of the monitoring sites are already in band A for suspended fine sediment. A range of reductions in sediment load are required in Taranaki to achieve the national bottom line in approximately one-third of monitoring sites. Even where monitoring sites show sediment loads at acceptable levels, additional actions may be required to maintain those levels. The effects of climate change are expected to make these reductions even more challenging due to

more frequent and intense rain events which are expected to cause an increase in erosion and result in a greater volume of contaminants washing into river lakes and streams. Earthworks can have acute environmental impacts, which can impact sediment loads and contribute to degradation.

43. The eastern hill country experiences far more soil loss and sediment entering waterways than the plains surrounding Taranaki Maunga. Here, steep slopes, geology and soil are vulnerable to erosion which is exacerbated by high rainfall. However, despite general trends in sediment erosion being much greater in the hill country catchments, three out of the five monitoring sites which are below the national bottom line for visual clarity are located in the ring plain catchments, highlighting the need to still reduce sediment loads in this part of the region. Some types of soil erosion are due to natural processes and are expected to occur to some extent throughout the region.
44. Based on the policy analysis, available science and consultation with community members, Ngāi Iwi o Taranaki and internal Council teams undertaken to date the development of policy options must respond to following elements:
 - a. The RFWP only manages the discharge of sediment and stormwater aspect of earthworks. It is considered that there is a regulatory gap where the potential effects on the environment may not be adequately addressed, as territorial authorities' functions are limited to managing land use effects such as amenity and land stability
 - b. Our science work shows reductions in sediment load are required, and climate change could make these reductions even more challenging in future due to more frequent and intense rain events increasing erosion.
 - c. Ngā Iwi o Taranaki see the identification of wāhi tapu and wāhi taonga in how earthwork activities (amongst others in the draft Land and Freshwater Plan) are managed are critical to provide protection and appropriate management for culturally significant sites
 - d. the Compliance team have highlighted that earthworks of a small to medium scale can present greater risk to the environment than larger scale earthwork operations
 - e. Concern raised during consultation and engagement with the Advisory Group is the potential for small scale rural based earthworks to be overly burdened by an updated policy framework.

Options

Option 1: Status quo

45. Under Option 1, the draft Land and Freshwater Plan would adopt the approach that exists within the RFWP. This would mean that the discharge of sediment laden water instead of the earthworks themselves are managed.
46. Staff do not recommend this option as it does not respond to the issues identified above. In particular, a regulatory gap would still exist under this option.

Option 2: Revised approach to managing earthworks in the draft Land and Freshwater Plan

47. Under Option 2 the policy framework within the draft Land and Freshwater Plan would adopt a risk based approach to managing earthworks. At a high level the intent of this option is to only require resource consent for earthwork activities where the risk of erosion and sediment run off is higher. The level of risk would be determined by using a range of levers. Option 2 largely responds to the issues set out above and aligns with statutory requirements.
48. When discussing the potential levers for a risk-based approach with iwi, internal teams and the advisory group, there was some consistency and agreement on what levers the risk-based approach should include. These levers included slope, scale, soil, proximity to surface water bodies and wetlands. An area of ongoing discussion and further refinement are the metric components of these levers, such as the scale and slope thresholds and setbacks to surface water bodies. In general, the Advisory Group seek these are more lenient while iwi seek they are more restrictive. These metrics will be the focus of

continual refinement during the policy development process, however the metrics set out below are considered by staff to respond to a number of concerns raised during the process to date.

49. Option 2 includes the following components

Permitted framework

50. Permitting some earthworks that are considered lower risk with the following conditions:

- a. Earthworks are either:
 - i. On land with a slope of less than 20 degrees, or
 - ii. On land with a slope of between 20 and 35 degrees, not greater than 500m³ in volume in any 12-month period,
- b. Earthworks are set back 10 metres from the bed of a river or lake
- c. Earthworks are managed so that:
 - i. they do not cause or exacerbate flooding, erosion or land instability of another person's property
 - ii. soil or debris are not placed where they may enter a river or lake
 - iii. erosion and sediment control measures to minimise sediment discharges to water are implemented prior to works commencing and maintained for the duration of the works
 - iv. exposed earth is stabilised within one month of the earthwork activity.
- b. Any discharge as a result of the earthworks does not occur within a source water protection zone, is not from contaminated land, is not within close proximity to a wāhi tapu site² or an outstanding water body
- c. Any discharge to water meets receiving water standards for visual clarity after reasonable mixing.

Consented framework

51. Where the permitted activity conditions are unable to be complied with, the activity would require consent as a restricted discretionary activity. Restricted discretionary activities can be granted consent or not, but the Council's decision-making is limited to specific, listed matters.
52. Resource consents required to authorise an earthworks activity and associated discharge of sediment laden water would include consideration of the following actual and potential effects:
 - a. Effects on surface quality and aquatic ecosystems
 - b. Effects arising from reduced flood carrying capacity of surface water bodies due to sediment inputs from the activity
 - c. Effects on sources of human drinking water
 - d. Effects on tangata whenua values.
53. The assessment of the actual and potential effects would be dependent on the scale and significance of the earthworks activity proposed and the sensitivity of the receiving environment to such effects. Mitigation measures proposed to address the effects set out above may include:
 - a. The implementation of an erosion and sediment control plan with site specific measures (such as the staging of works, limiting works during wet periods and utilising diversion channels and sediment fences) to prevent soil erosion and minimise the entrainment of sediment in runoff
 - b. Monitoring sediment laden runoff where it enters surface water to ensure receiving water standards are being met
 - c. Adoption of an accidental discovery protocol in accordance with the HNZPTA³ in the event suspected archaeological materials are unearthed

² The detail of this aspect of the framework is still subject to discussions with iwi Pou Taiao.

³ Note that this is a requirement of the HNZPTA.

In cases where the actual and potential effects cannot be managed or mitigated to a threshold that is less than minor, potentially affected parties may be notified of the activity.⁴

Farming practice

54. To respond to issues raised by the Advisory Group, as part of Option 2 we are also investigating whether small scale rural earthwork activities undertaken on farm can be managed under the Freshwater Farm Plan regime. This part of Option 2 will continue to be refined as part of the Primary Production framework development.
55. Staff recommend the direction put forward under Option 2 is supported as it:
 - a. Responds to the key issues identified above
 - b. Requires earthworks be undertaken in a way that minimises the loss of sediment to water
 - c. Protects drinking water supplies, and wāhi tapu sites by requiring earthworks in proximity to seek resource consent
 - d. Requires adherence to quantitative water quality standards for discharges to surface water after reasonable mixing. This will assist with determining compliance and implementation when compared to the status quo
 - e. Minimises the potential for other contaminants (aside from sediment) to be mobilised and lost to surface water by requiring resource consent for earthworks undertaken on contaminated sites
 - f. For consented activities, will require adherence to an erosion and sediment control plan that accords with industry good practice.
56. Under this option, staff will continue to engage with iwi, the Advisory Group and internal teams to further refine any metrics used in the framework.

Table 1: Earthworks options summary		
Option 1: Status Quo	Option 2: Revised approach to managing earthworks in the draft Land and Freshwater Plan	Preferred option and reasons
Continue to manage the discharge of sediment laden water from earthworks.	Adopt a risk-based approach to managing earthworks and the discharge of sediment laden water. Permitting some earthworks that are considered lower risk. Restricted Discretionary approach to consented earthworks unable to meet the permitted framework.	Option 2 is the preferred approach as: • It responds to the key issues identified; • Requires earthworks be undertaken in a way that minimises the loss of sediment to water; • Protects sensitive receptors, such as source water protection zones and outstanding water bodies; • For consented activities requires adherence to an Erosion and Sediment Control Plan in accordance with industry good practice guidance.

⁴ As per the prescribed tests in Section 95 of the RMA.

Significance

57. The proposal in this paper will likely result in additional activities requiring resource consent to undertake earthworks. As noted above, the preferred option is to take a risk-based approach and that scale thresholds are targeted and practicable, and a potential pathway for small scale earthworks activities undertaken on farm to be managed under the Freshwater Farm Plan regime (this aspect of the policy framework will require additional consideration as part of the primary production framework development). At this stage the proposals do not have any legal weight and will not until they are formally incorporated into a new regional plan which is publicly notified. The process for developing a new plan requires multiple rounds of public consultation as well as targeted consultation with statutory bodies and iwi authorities. The Significance and Engagement Policy will be implemented when the proposals are formally incorporated into a regulatory framework in the future.

Financial considerations—LTP/Annual Plan

58. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

59. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Climate change considerations

60. There are climate change impacts to consider in relation to this item. Technical advice from the Science team indicates that climate change will likely bring rising temperatures and increased variability in weather patterns to the Taranaki region, contributing to varying effects on water quality. There will likely be more frequent and intense rain events which are expected to cause an increase in erosion and result in a greater volume of contaminants washing into river lakes and streams. The effects of climate change will likely make achieving target attribute states and environmental outcomes more difficult.

Iwi considerations

61. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted Long-Term Plan and/or Annual Plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.
62. As mentioned above, a hui has been held with Ngā Iwi o Taranaki to discuss the proposed framework. Informal discussions with the Freshwater Pou Taiao from Ngā Iwi o Taranaki are ongoing and further discussions with Freshwater Pou Taiao and Ngā Iwi o Taranaki will occur as the policy framework develops, including discussions with the Wai Steering Group. We will continue to discuss the policy options further with iwi Pou Taiao.

Community considerations

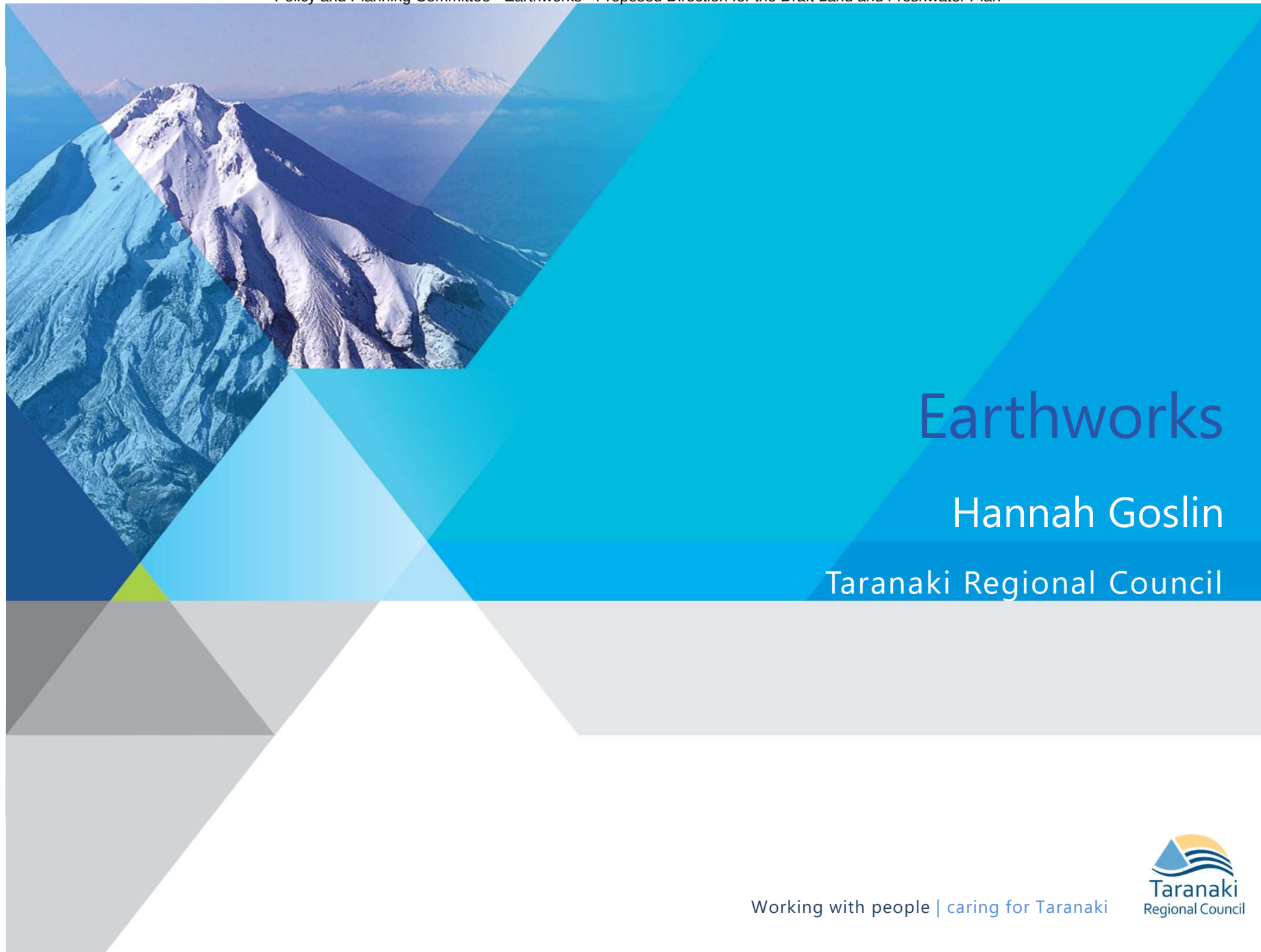
63. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum. As outlined previously, public consultation will occur in the future once a new regional plan is notified.

Legal considerations

64. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Attachment

TRCID-1492629894-908: [Earthworks Presentation](#)



Earthworks

Hannah Goslin

Taranaki Regional Council

Working with people | caring for Taranaki



Why is change needed?

1. There is a regulatory gap where the potential effects on the environment may not be adequately addressed.
2. Science work shows that reductions in sediment load are required, climate change could make these reductions even more challenging in future.
3. Identification of wāhi tapu and wāhi taonga and how earthwork activities can be managed to provide protection and appropriate management for culturally significant sites.
4. Ensuring a risk based approach to managing earthworks is adopted and scale thresholds are targeted and practical. Resource consent is required where risk of sediment runoff is highest.

Options

Option 1: Status Quo	Option 2: Revised approach to earthworks	Reasons Option 2 is preferred
Continue to manage the discharge of sediment laden water from earthworks as per the RFWP	Adopt a risk based approach to managing earthworks and the discharge of sediment laden water Permit some earthworks that are considered lower risk Require resource consent as a restricted discretionary activity where risk is greater	• Responds to the issues raised • Requires earthworks be undertaken in a way that minimises loss of sediment to water • Protects sensitive receptors • For consented activities, requires adherence to an Erosion and Sediment Control Plan

Questions for discussion

- Is taking a risk-based approach appropriate?
- What should be considered when determining a low-risk earthworks activity?
- What should be considered when consent is required?

Permitted activity framework

- Earthworks are either:
 - On land with a slope of less than 20 degrees
 - On land with a slope of between 20 and 35 degrees, not greater than 500m³ in volume in any 12-month period
- Earthworks set back 10 metres from the bed of a river or lake
- Earthworks are managed so that:
 - They do not exacerbate the loss of sediment to water
 - Erosion and sediment control measures are in place
- Discharges must comply with receiving water standards
- Discharges are not within source water protection zones, from contaminated land or in close proximity to a wāhi tapu site or an outstanding water body.

Matters of restricted discretion

- Effects on surface quality and aquatic ecosystems;
- Effects arising from reduced flood carrying capacity of surface water bodies due to sediment inputs from the activity;
- Effects on sources of human drinking water; and
- Effects on tangata whenua values.



Date: 22 July 2025

Subject: The Management of Damming and Diversion within the Draft Land and Freshwater Plan

Author: B Hutterd, Senior Policy Analyst

Approved by: A D McLay, Director - Resource Management

Document: TRCID-2092926638-2218

Purpose

1. The purpose of this memorandum is to seek the policy and planning committee's support for the direction set out in this memorandum for the management of damming and diversions within the draft Land and Freshwater Plan.

Executive summary

2. Damming and diversion can cause significant adverse effects, including loss of fish passage, habitat destruction, altered downstream flows, increased water temperatures, and eutrophication, especially when activities are permanent or poorly managed.
3. This paper investigates the appropriate management of damming and diversion activities in the Draft Plan in light of the possible adverse effects caused by such activities.
4. Option 2 is recommended, consolidating damming and diversion rules into a standalone chapter to improve clarity, consistency, and oversight. Activities are classified as permitted, controlled, restricted discretionary, or discretionary, depending on their type, location, and potential impact.
5. The framework accounts for climate change impacts and reflects community and iwi input, aligning with statutory obligations and Council policy.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum titled The Management of Damming and Diversion within the Draft Land and Freshwater Plan
- b) receives the proposed rule table found in paragraph 39 of this report
- c) supports the direction set out in Option 2 to refine the Draft Plan's management approach to damming and diversion activities
- d) notes further engagement is required with internal and external experts to ensure the details of the proposed framework are functional and appropriate
- e) determines that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002 determines it does not require further information, further assessment of

options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

6. Damming is the intentional impounding of water and is often created through the placement of an impoundment structure such as a dam or weir or via the construction of an off-stream dam. Diversion is the change of flow path of water. Both activities often result from the placement of an impoundment or diversion structure designed to dam or divert water. Both damming and diversion may be a permanent or temporary activity.
7. Damming activities within the region have historically involved the construction or maintenance of impoundment structures for various purposes including hydroelectric power generation, municipal water supply, irrigation, flood control and stormwater retention, environmental protection and sediment control and agricultural use.
8. Diversion activities in the region have been for the purpose of stream realignment for infrastructure development, culvert installation, flood protection, hydroelectric schemes, stormwater and wastewater management, access for wellsite and gas pipeline installations and subdivision and urban development.
9. Consents for damming and diversion activities are held by a variety of entities including local and regional council, energy companies, private developers and landowners and government agencies.

Legislative background

10. Section 14 of the Resource Management Act (the Act) places restrictions on the take, use, damming and diversion of water. Section 13 of the Act places restrictions on the use of river and lake beds, including the placement, removal, maintenance, extension and alteration of instream structures (such as dams or weirs). All activities addressed under s 14 and s 13 are only allowed if they are provided for by a rule in a regional plan, a national environmental standard (NES) or a resource consent.
11. Under the Act the Council has the option to manage activities under various activity classifications which are:
 - a. Permitted: No consent needed if conditions are met. Effects must be minor, consistent, and predictable.
 - b. Controlled: Consent is required but must be granted if conditions are met. Council can impose conditions only on specified matters.
 - c. Restricted Discretionary: Consent required; Council may decline but can only assess and impose conditions on specified matters.
 - d. Discretionary: Full discretion to grant or decline consent and impose conditions. Used where effects are uncertain or complex.
 - e. Non-Complying: Consent may be granted only if adverse effects are minor or not contrary to plan objectives. Full discretion applies if the threshold test is met.
 - f. Prohibited: Activity is not allowed and no consent can be applied for or granted.
12. Under the National Policy Statement for Freshwater Management, any damming or diversion activity must meet the environmental outcomes set for a given river, any connected water body or receiving environments set under the regional plan¹. Furthermore, any rule in a regional plan or resource consent issued by the Council must identify the flows and levels at which a damming or diversion activity is

¹ National Policy Statement for Freshwater Management, clause 3.16 (3)

restricted to². The NPS-FM also provides specific direction for the management of rivers stating that the loss of river extent and values must be avoided unless a functional need for the activity to occur in that location can be proven and the effects of the activity are managed under the effects management hierarchy.³ This is implemented in part, by restrictions on certain activities in the National Environmental Standards for Freshwater (NES-F) such as the placement of a culvert or weir or the reclamation of a river bed. The NPSFM also requires that instream structures must provide for fish passage. This is also partly implemented by the NES-F which requires that any culvert or weir put in place without a consent must provide for the same fish passage up-stream as there is down-stream.

13. The NES-F regulates the placement of weirs and contains information requirements about dams, fords and weirs. Under the NES-F a weir that fails to provide for fish passage, has a fall height above 0.5 meters or has a slope steeper than 1:30 must obtain a resource consent.
14. Building (Dam Safety) Regulations 2022 are designed to protect people property and environment from the risks associated with dam failure. They apply to a classifiable dam meaning a dam that has a height of 4 or more metres and stores 20,000 or more cubic metres of water or other fluid. Dams must be classified based on the potential impact of failure as either low, medium or high impact considering the downstream risks to human life, property and environment. Owners of medium and high impact dams must implement a Dam Safety Assurance Programme. Additional provisions are also required for dangerous dams, earthquake prone dams and flood prone dams.
15. In June 2025 the government unveiled proposed changes to national direction within the resource management space. One component of these changes is the proposal to improve New Zealand's water security by encouraging and enabling the use of water storage. The policy options outlined by the government recommend the amendment of the National Policy Statement for Freshwater Management and the development of a new National Environmental Standard for water storage that permits and enables the construction and use of off-stream damming for water storage. Alternatively, the government is also exploring a non-regulatory option through the development of voluntary guidance and a national strategy aimed at promoting the use of off-stream water storage. A preferred option has not been chosen, however it is worth noting that both options are consistent with the Council's desire to enable water storage for the purpose of water security, particularly as the impacts of climate change become more evident.
16. The Regional Fresh Water for Taranaki 2001 (the Current Plan) addresses damming and diversion activities and the placement of dams, weirs and other impoundment structures. Rules 18, 19 and 20 address damming and diversion activities. Under rule 18 damming is a permitted activity if it meets the listed conditions, including the avoidance of erosion, flooding, harm to aquatic ecosystems or water quality, interference with lawful uses or structures, discharging contaminants, or blocking of fish passage. Rule 19 also permits damming or diversion for the purpose of flood control by or on behalf of the Council. If an activity fails to comply with rules 18 or 19, it falls to the discretionary activity rule 20. These rules are held within the 'Taking, use, damming and diversion of surface water' chapter.
17. The placement of barrier structures, including dams, weirs, bed level controls and silt retention structures are addressed under rule 59 of the 'Uses of river and lake beds' chapter. Should the placement of a barrier structure fail to achieve the permitted rule, placement of the structure falls to the catch all discretionary rule (rule 64) also found in the same chapter.
18. Policies within the current plan encourage water storage and water harvesting during times of high flow provided adverse effects are avoided, remedied or mitigated. Other policies ensure that damming

² National Policy Statement for Freshwater Management, clause 3.17(3)

³ National Policy Statement for Freshwater Management, clause 3.24 (1)

or diversion activities do not breach the flow and environmental limits in the plan and that the adverse effects on environmental or cultural values are avoided, remedied or mitigated.

Tangata Whenua expectations

19. Ngā Iwi o Taranaki Environment Management Plans commonly outline the following expectations in relation to dams, damming and diversions:
 - a. Dams, weirs and fords that prevent the passage of fish are strongly discouraged
 - b. Hydroelectric power schemes have had and continue to have a detrimental effect on Tangata Whenua. This includes (but is not limited to) leaving dry stretches of awa, mixing of wai, large-scale landscape changes, involuntary alienation of sites and areas of significance to Māori, destruction of mahinga kai, negative impacts on species (fish passage barriers, death due to infrastructure, habitat destruction), exclusion from access to waterbodies and degradation of mauri. New hydroelectric power schemes that further degrade cultural values are not supported.
 - c. Water storage needs to be further investigated. Water storage for commercial gain is not supported
 - d. Every damming or diversion activity should be consented and assessed unless the structure is for mahinga kai purposes
 - e. Support for temporary damming and diversion is context specific
 - f. Damming and dams for restoration purposes may be appropriate if tight conditions are applied and iwi notified
 - g. Oppose long-term or permanent piping, straightening or alterations/diversions to waterbodies. Support daylighting and restoration of flows including piped, dammed and diverted waterbodies.
20. These expectations were reflected in a November 2023 advice paper prepared by Pou Taiao from Ngā Iwi o Taranaki.
21. These expectations are largely aligned with the approach set out in the NPS-FM for managing rivers, as they consider damming and diversion activities in terms of their impact on the loss of river extent and values and encourage consenting processes that avoid adverse effects and are responsive to the context of each activity.

Issues

22. Environmental impacts of damming/diversion include loss of river extent and values, degraded fish passage and habitat, altered flow regimes, increased water temperatures, nutrient levels, and proliferation of pest species.
23. The Current Plan gives rise to a number of planning issues including:
 - a. Failure to align with national direction, specifically clause 3.24 of the NPS-FM by providing a permitted activity for instream damming or diversion activities for any purpose
 - b. Failure to reflect and align with tangata whenua expectations and cultural values
 - c. Lack of clarity, including clearly defining the act of damming and diversion.

Discussion

24. Damming and diversion activities can have significant environmental impacts including decreased flood carrying capacity, terrestrial habitat destruction and loss of riverbed and river bank vegetation. Pest species can become trapped in dammed areas and overtake indigenous species. Other impacts can include a loss of fish passage, fish habitat, modified channel form and altered down stream flows including flows with a higher velocity that result in reduced water clarity, increased scour and challenging migration for fish. Where flows are decreased, increased nutrient levels can be expected.

The damming of water can result in increased water temperatures, which can result in greater eutrophication.

25. The environmental impact of damming or diversion activities is influenced by both the scale and permanence of the project. Temporary impoundment activities generally have a lower impact than permanent, or permanent intermittent impoundment activities. Ongoing intermittent damming (associated with stormwater infrastructure) can have particularly adverse environmental impacts as the riverbed fluctuates between dry and wet conditions, preventing both terrestrial and aquatic species from thriving.
26. Damming activities can have positive purposes such as renewable energy generation or temporary isolation of a dry river bed during the placement of a structure, however the associated environmental risks of altered instream habitats and flows require appropriate management under the Draft Plan.
27. The Current Plan provides permissive activity pathways for damming or diversion activities undertaken by or on behalf of the Council for the purpose of flood protection, acknowledging the importance of these activities occurring with minimal consenting barriers or hold ups given the importance of this work in protecting against loss of life and property.
28. As briefly explored in the issues section of this memorandum, the Current Plan is noted to give rise to a number of planning related issues that will need addressing in the Draft Plan, including:
 - a. The permitted activity status for in-stream damming or diversion does not give effect to clause 3.24 of the NPS-FM. As outlined in paragraph 22, these activities often result in a loss of river extent or values. Without requiring such activities to go through a consenting process, the Council has no opportunity to assess the functional need for the activity or to apply the effects management hierarchy
 - b. The Current Plan does not address or differentiate between temporary and permanent damming or diversion activities which can be problematic noting differences of effects
 - c. The Current Plan provides no definition of what the action of damming or diversion actually is, which can give rise to interpretative discrepancies
 - d. The layout of the Current Plan may not be logical from a user's perspective. For example, the rule for putting a dam in a river is found in 'Uses of River and Lake Beds' chapter of the Current Plan, while the action of damming (which is often synonymous with the placement of a dam) is addressed under another rule found in the 'Taking, use, damming and diversion of surface water' chapter of the Current Plan.
29. Furthermore, it is considered that the Current Plan is somewhat inconsistent with iwi expectations outlined in Environmental Management Plans. Under the Current Plan, many damming and diversion activities are managed under the current permitted activity rule which removes the ability of iwi and hapū to comment on the cultural impacts of an activity. The current permissive framework removes the ability of iwi and hapū to consider the unique context, location, purpose and merits of each activity.
30. Despite this, the simplicity of the approach in the Current Plan and the fact that it is well understood by both Council staff and the public is acknowledged.
31. To assist the development of the Dams and Diversions chapter of the Draft Plan began, the following guiding principles were developed by staff:
 - a. Ease of use and readability
 - b. Recognition of the value brought by various projects such as hydroelectric schemes and infrastructure of regional significance so long as adverse effects are avoided, minimised or mitigated
 - c. Provision of fish passage and environmental flows and limits
 - d. Preference for off-stream damming over in-stream damming
 - e. Manage temporary and permanent damming and diversion differently
 - f. Protection of sensitive sites such as outstanding freshwater bodies or wāhi tapu sites

- g. Implementation of national direction.

Options

- 32. The following sections of this memorandum explore and assess the options explored in relation to the management of damming and diversions with the Draft Plan.

Option 1: Status quo

- 33. Under this option, the Draft Plan would adopt the approach that exists within the Current Plan that is further outlined in paragraphs 19-21 of this memorandum.
- 34. The benefits of this approach include:
 - a. It is a simple three-rule framework
 - b. Flood protection works, specifically those completed by the Council are provided an enabling permitted activity pathway
 - c. It is well understood by Council staff and the public.
- 35. The risks of continuing to adopt this approach include:
 - a. A permitted pathway for instream activities is not preferable noting the risk presented by poorly constructed dams and weirs. Furthermore a permitted pathway for the placement of a permanent instream dam or weir would not implement clause 3.24 of the NPS-FM
 - b. The approach does not address the difference in purpose and effect of temporary vs permanent damming or diversions
 - c. The approach contains no definition of damming or diversion which can give rise to interpretive discrepancies and can make it particularly difficult to differentiate between a diversion and a take of water
 - d. The rule for damming and diversions is located in a different chapter from the rule for the placement of a dam or weir which can be confusing for plan users particularly noting that the two activity rules are often completed in association with each other.

Option 2: Development of a Damming and Diversions Chapter (preferred approach)

- 36. Under this option, we propose that the damming and diversion rules, including rules pertaining to the placement of a dam or weir, be housed in a stand-alone chapter to better address the unique nature and effects of damming and diversion activities. By addressing the placement of a dam/weir structure within the same chapter as the action of damming or diverting water, the plan can better indicate to plan users the interconnectedness of these topics. This approach will better enable a planning approach that responds to the issues earlier outlined in paragraphs 22-23.
- 37. Set out in the following table are the two options, responding to sub-themes of a policy framework. These sub-themes have been driven by the development of option 2 in responding to the issues raised in this memorandum. The table sets out the reasoning for preferring option 2 in the policy response.

Table 1:			
Sub-Theme	Option 1: Status Quo	Option 2: Updated Option	Preferred Option and Why
Defining Damming and Diversions	'Damming' and 'Diversion' remain undefined leaving the scope of each activity open to interpretation.	Damming: <i>a. Means the activity of impounding water (and any substances dissolved in, suspended in or otherwise combined with the water); and</i> <i>b. Does not include floodwater controlled by a stop bank.</i> Diversion <i>Means the redirecting of water flow from its natural or existing direction of flow within the bed of a river or lake.</i> <i>For the purposes of this Plan, taking water from the bed of any water is considered a take or a take and discharge.</i>	The preferred option is the <u>updated option</u> because it reduces the potential for confusion and clearly identifies the scope of each activity. The definition of diversion is particularly important when defining the difference between a 'take of water' and a 'diversion'. It is worth noting that this approach may differ in how diversions have been addressed in practice under the Current Plan. For example, the action of diverting water out of the bed of a river, even if that water will return to the same waterbody a few meters downstream, will now be considered a non-consumptive take. This does not result in any particular change for users, but helps TRC's water accounting by clarifying what is a take and what is not. It is also worth noting that where water has accumulated outside the bed of a river and requires redirection, such as the re-routing of floodwaters, that activity will be classed as a diversion as no water is being 'taken' from the bed of a river'.
Off-stream dams	Off-stream damming is not directly addressed through a specific rule framework. Water harvesting during times of high river flow and the collection of rainwater are encouraged through the policies of the plan.	A permitted activity is provided for the damming of water by an off-stream dam so long as the damming does not occur within (or within close proximity to) sensitive environments including wāhi tapu sites, the Council is notified of details of the activity, and the activity must not cause erosion, flooding or property damage. Should the activity fail the permitted activity standard, then it falls to a discretionary activity.	The preferred option is the <u>updated approach</u>, as it clearly enables resource users to comply with section 14 of the Resource Management Act (RMA), which prevents the damming of water unless expressly allowed by a national environmental standard, a rule in a regional plan, or a resource consent. By introducing a permitted activity rule, we can ensure that resource users are not inadvertently breaching section 14, while also maintaining greater oversight of the environmental effects of damming. This includes managing the location of such activities to avoid adverse impacts on sensitive receiving environments such as source water protection zones, wāhi tapu, sites of significance to Māori, and significant wetlands. Under the approach, the take of water to fill the off-stream dam would remain subject to the take and use rules of the plan. Furthermore, this approach is consistent with the governments recent proposal to implement a National Environmental Standard for water storage for which permitted activity standard for off-stream water storage are being investigated.

Temporary damming or diversion	Temporary damming and diversions are addressed under the same rule framework as permanent damming or diversions. Even if temporary dams are only in placed for a short time while instream works occur, they often fail to provide for fish passage, therefore failing the permitted activity rule, and consequently, require resource consent.	A permitted activity rule is provided for both the placement of a temporary dam or weir and the act of temporarily damming or diverting water. The conditions placed on the activity aim to protect sensitive receiving environments, provide for fish passage (or fish salvage where appropriate), prevent erosion or flooding, and ensure the bed is returned to a natural and disturbance free state post works. Should the activity fail the permitted activity conditions for placement of a temporary dam or weir, it falls to a discretionary activity type.	The preferred option is the <u>updated option</u> because it recognises that some temporary damming or diversion activities are necessary for both rural and urban use and development and they are generally less harmful than permanent damming or diversions.
Instream damming of water	The permanent instream damming of water is a permitted activity under the Current Plan. However, it is subject to strict conditions: the upstream catchment area must not exceed 25 hectares, and the dam must not restrict fish passage. These conditions are often difficult to meet in practice, resulting in most damming or diversion activities triggering the discretionary fall out rule, which requires resource consent.	A discretionary activity for the permanent instream damming of water. Policies will ensure that damming is avoided in sensitive receiving waterbodies and environments and avoid significant adverse effects including the blocking of fish passage, the spread or proliferation of pest species and the loss of threatened species habitat. Any damming activity will also need to meet the relevant take limits and environmental flows that will be set across the plan. Should a discretionary activity status be considered too stringent, the Council could consider use of a restricted discretionary activity status to provide resource users more certainty while maintaining Council oversight over the effects of the activity.	The preferred option is the <u>updated option</u> because it recognises that instream damming is an activity which can impact on instream values and extent and for which the adverse effects cannot always be predicted or addressed through a permitted activity standard. By requiring consent be obtained, this approach gives effect to clause 3.24 of the NPS-FM and will ensure that no loss of river extent or values occurs without first complying with the functional needs test and the effects management hierarchy. By requiring a resource consent be obtained, the Council are able to maintain a level of oversight to ensure the effects of the activity are as minimized and effects on values and extent avoided.
Flood control works	Damming or diversion by or on behalf of the Regional Council for the purpose of flood control is a permitted activity.	Firstly, diversion of floodwaters outside the bed of a river or lake is a permitted activity, for which there are very few conditions or limitations. For diversions or damming within the bed of a river or lake, we are investigating an appropriate framework. We consider that a controlled activity with very few conditions, a small set consenting application fee and minimal policy considerations could be an appropriate framework. Policies would encourage the use of nature based solutions and would ensure that works are as non-disruptive and as minimal as possible to achieve the necessary flood protection. Works for flood control purposes, will receive consent so long as they are consistent with clause 3.24 of the NPS-FM by having a functional need and being	The preferred option is the <u>updated option</u> because it recognises the necessity of diverting floodwater outside of the bed of a river or lake and redirecting it to a drain or waterbody. The preferred option for the management of damming or diversion works for flood control purpose within the bed is the provision of a controlled activity. This recognises that damming or diversion in relation to flood control structures requires a more certain pathway that what is provided through the discretionary pathway for general in-stream damming It is important for flood protection works of this kind to have certainty so that those responding to the threat of flooding can avoid unnecessary hold ups to completing the works resulting from a lengthy consenting processes. Flood control works play an important role in

		managed through the effects management hierarchy. The process for receiving that consent will be simple and affordable.	protecting life and property and may become increasingly important as the effects of climate change become more evident.
Management of dam and weir structure	Activities that pertain to the ongoing management and maintenance of dams and weirs is found within the 'uses of river and lake beds' chapter of the current plan. These activities, such as maintenance, upgrade and removal have a permitted activity status before falling to a controlled activity status should the permitted conditions not be complied with.	We propose that rules relevant to the ongoing management of dams and weirs be housed in the damming and diversions chapter to ensure continuity of the topics addressed in this chapter. Rules proposed for inclusion include: - Use of a dam or weir (permitted) - Maintenance or alteration of a dam or weir (permitted) - Removal of a dam or weir (permitted) These rule would be designed to give effect to clause 3.24 of the NPS-FM and would avoid any loss of river extent or values.	There are merits to both options, however to be consistent with the approach for all other relevant provisions, the preferred option is the <u>updated option</u>. It is worth noting that if the status quo option was adopted, there may be little opportunity to tailor the conditions of these rules based on the type of structure. For example, the maintenance of a dam or weir may look slightly different to the maintenance of a culvert or bridge. This is still under investigation with internal experts.

38. The preferred sub-options outlined in Table 1 collectively form Option 2, the preferred approach. The rules table below provides an overview of the proposed framework in the Damming and Diversions chapter. The proposed approach in this rules table is largely aligned with iwi expectations expressed within Environment Management Plan and we consider that a need to obtain resource consent for most permanent instream damming or diversion activities will support greater engagement with iwi and hapū at the individual activity level and will ensure cultural values are provided for.
39. In this table, the entry rule represents the initial rule status for each activity type, while the fallout rule(s) indicate the rule status that applies if the activity does not meet the conditions of the entry rule.

Table 2		
Activity description	Entry Rule	Fallout rule
Damming of water by an off-stream dam	Permitted	Discretionary
Placement, use and removal of a temporary in-stream dam or weir, including any associated damming or diversion of water.	Permitted	Discretionary, falling to Non-complying
Placement of an in-stream dam or weir	Discretionary	Non-complying
Use of an instream dam or weir	Permitted	discretionary
Maintenance and alteration of an instream dam or weir	Permitted	Discretionary
Removal of an in-stream dam or weir	Permitted	Restricted Discretionary
Diversion of floodwater within a property to alleviate surface flooding	Permitted	Restricted Discretionary or Discretionary
Diversion or damming of water within the bed of a river or lake for the purpose of flood control	Controlled	Restricted Discretionary
Diversion of water within the bed	Permitted	Discretionary
Damming of water	Discretionary	

40. Policies within the draft chapter will address and manage the following matters:
- The avoidance of new in-stream dams or weirs within sensitive waterbodies or environments including within an Outstanding Freshwater Body or near a wāhi tapu site
 - The recognition of works that provide a social or environmental value including renewable electricity generation, biodiversity restoration, flood and erosion control, remediation of fish passage or where the works are temporary and are necessary to complete other permitted or consented in-stream works (such as the placement of a culvert)
 - The management of damming and diversion activities, including the placement of instream and off stream dams so that their adverse effects are avoided with a particular focus on risks to people and property. As per clause 3.24 of the NPS-FM, where adverse effects cannot be avoided, the activity will need to prove a functional need to occur in that location and the effects management hierarchy will be applied
 - The encouragement for the removal of dams and weir where they are not performing as required.

Significance

41. The proposals outlined in this memorandum may result in a small increase in consent applications particularly where instream damming is being completed. The proposals may also impact on the process followed by the Council when completing flood control works. The significance and scale of these impacts will be further investigated.
42. However, at this stage the proposals do not have any legal weight and will not until they are formally incorporated into a new regional plan which is publicly notified. The process for developing a new plan requires multiple rounds of public consultation as well as targeted consultation with statutory bodies

and iwi authorities. The Significance and Engagement Policy will be implemented when the proposals are formally incorporated into a regulatory framework in the future.

Financial considerations—LTP/Annual Plan

43. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

44. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Climate change considerations

45. In light of climate change including more extreme flood flows, drier summers and increasing temperatures, the effects of damming and diversion activities, particularly when undertaken within a river or lake will be more pronounced and have a greater impact on already vulnerable ecosystems therefore providing a consenting framework to ensure effects are managed appropriately is considered to respond to climate change impacts.
46. The need for water storage and off-stream damming may become greater in the future as the effects of climate change are expected to reduce the availability of surface water in most catchments, making accessing water directly from rivers more difficult. However it is noted that the taking of water is to be covered by the take and use section of the plan and would need to satisfy limits set out in that chapter.

Iwi considerations

47. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted Long-Term Plan and/or Annual Plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.
48. We consider that the preferred approach proposed in this memorandum is largely consistent with iwi expectations outlined in relevant environment management plans as most instream damming or diversion activities will require a consent which will better enable iwi and hapū engagement at the individual activity level. Further discussions will be held with iwi pou taiao as the policy drafting of this chapter is refined.

Community considerations

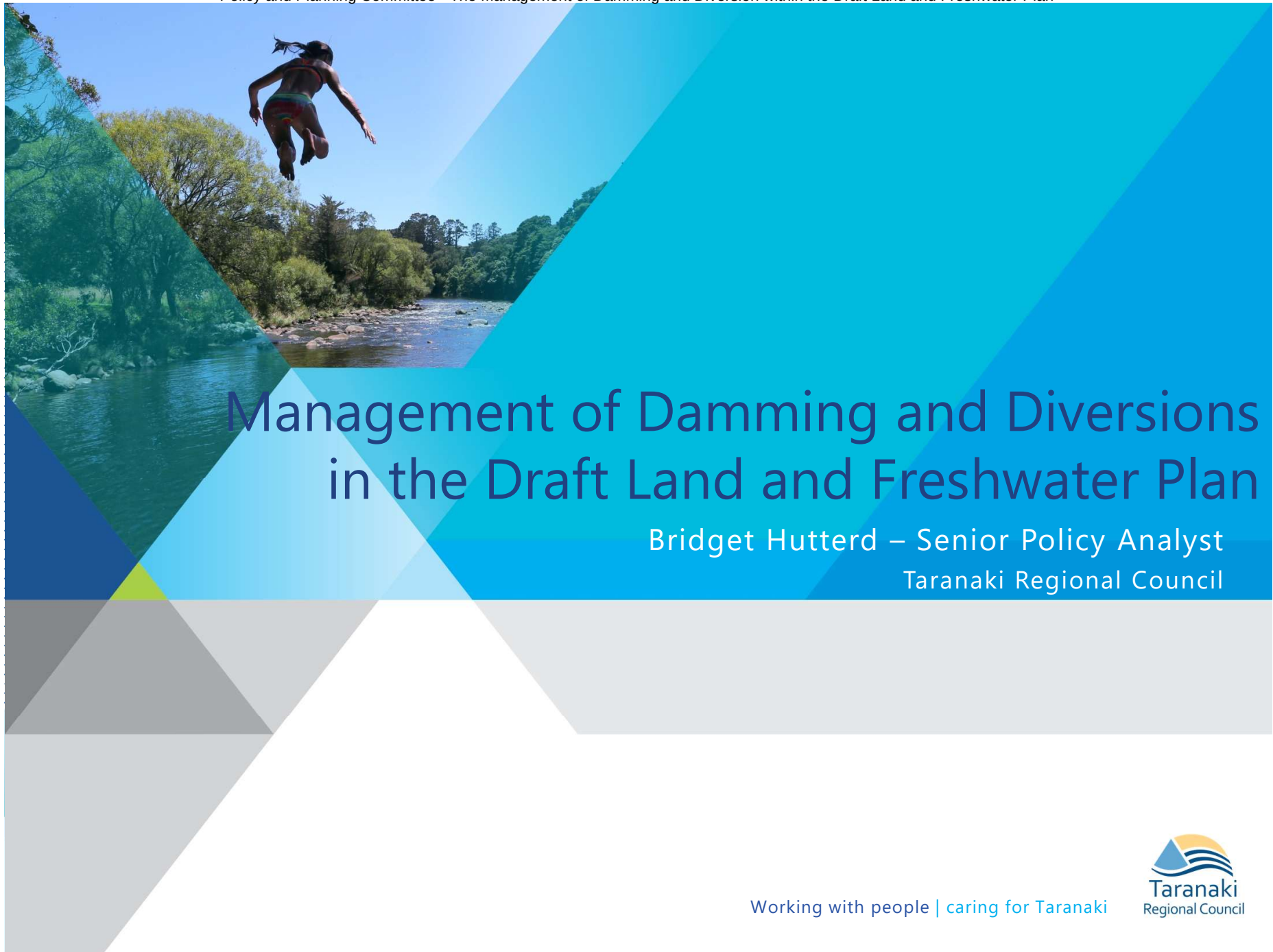
49. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

50. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Attachment

TRCID-2092926638-2246: [Damming and Diversions presentation](#)



Management of Damming and Diversions in the Draft Land and Freshwater Plan

Bridget Hutterd – Senior Policy Analyst
Taranaki Regional Council

Working with people | caring for Taranaki



Issues

Environmental Impacts

- Loss of river extent and ecological values
- Degraded fish passage and habitat
- Altered flow regimes
- Increased water temperatures and nutrient levels
- Proliferation of pest species

Planning Issues (Current Plan)

- Misalignment with Clause 3.24 of NPS-FM: permits instream damming/diversion
- Does not reflect Tangata Whenua values and expectations
- Lacks clarity in defining damming and diversion activities

Key Proposals

- Define diversion as “the redirecting of water flow from its natural direction of flow within the bed of a river or lake” to differentiate between a take and a diversion
- Require consent for in-stream damming and diversions unless temporary
- Permitted activity for *off-stream* dams
- Flood control works provided a simple controlled activity pathway

Proposed Rules Table

Activity description	Entry Rule	Fallout rule
Damming of water by an off-stream dam	Permitted	Discretionary
Placement, use and removal of a temporary in-stream dam or weir, including any associated damming or diversion of water.	Permitted	Discretionary, falling to Non-complying
Placement of an in-stream dam or weir	Discretionary	Non-complying
Use of an instream dam or weir	Permitted	discretionary
Maintenance and alteration of an instream dam or weir	Permitted	Discretionary
Removal of an in-stream dam or weir	Permitted	Restricted Discretionary
Diversion of floodwater within a property to alleviate surface flooding	Permitted	Restricted Discretionary or Discretionary
Diversion or damming of water within the bed of a river or lake for the purpose of flood control	Controlled	Restricted Discretionary
Diversion of water within the bed	Permitted	Discretionary
Damming of water	Discretionary	

Public Excluded Recommendations – Policy and Planning Committee 22 July 2025

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987, resolves that the public is excluded from the following part of the proceedings of the Policy and Planning Committee Meeting on 22 July 2025 for the following reason/s:

The matters to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution	When can the item be released into the public
Item 14: Nomination of panel member for the Taranaki VTM Project application	To enable any local authority holding the information to protect the privacy of natural persons.	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7 (2) (a) of the <i>Local Government Official Information and Meetings Act 1987</i> .	Upon public announcement from the EPA of the panel members, even then some aspects of the agenda memo may need withholding