

Primary sector factsheet – national direction programme

The Government is consulting on a national direction programme which proposes to amend 12 existing national direction instruments and introduce four new national direction instruments. These changes support local decision-making under the Resource Management Act 1991 (RMA).

The Primary Sector is the second package in this work programme.

About national direction

There are over 20 existing national direction instruments under the RMA 1991. These include national policy statements, environmental standards, planning standards and section 360 regulations.

The primary sector package

The primary sector is a key part of our economy, society, and our heritage.

A key part of the Government's plan to promote economic development is changing national direction settings it sees as restricting the primary sector.

The proposals include new and amended rules to enable activities, and clarify where consent is required in district, unitary or regional plans.

They include targeted national policy direction to support resource consent and plan-making processes, with a focus on enabling the primary sector.

Primary sector package notification

This package for national direction change is focussed on improving regulations that manage primary sector activities

The Government is inviting submission on its proposals under s.46A of the RMA to amend and develop the:

- Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 (amending)
- Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (amending)
- New Zealand Coastal Policy Statement 2010 (amending)
- National Policy Statement for Highly Productive Land 2022 (amending)

- Resource Management (Stock Exclusion) Regulations 2020 (amending)
- Amendments to quarrying and mining provisions in:
 - National Policy Statement for Indigenous Biodiversity 2023
 - National Policy Statement for Highly Productive Land 2022
 - National Policy Statement for Freshwater Management 2020
 - National Environmental Standards for Freshwater 2020.

Submissions on the Primary sector package can be made until 11.59pm on 27 July, via the MFE website: [LINK](#)

Primary Sector national direction package changes

National Environmental Standards for Marine Aquaculture (NES-MA) 2020

The proposed amendments to the National Environmental Standards for Marine Aquaculture 2020 (NES-MA) will make it easier for marine farmers to innovate, and better enable research and trials related to aquaculture.

Key proposals to change this instrument include:

- streamlining changes to consent conditions for aquaculture activities
- making it easier to get consents for research and trials in space consented for aquaculture and new space
- making the placement of small-scale structures in the coastal marine area a permitted activity, which do not require a consent
- making other minor amendments.

National Environmental Standards for Commercial Forestry (NES-CF) 2017

The Government has committed to growing and future-proofing the forestry sector. To achieve this, it is proposing to amend the existing National Environmental Standards for Commercial Forestry 2017 (NES-CF). The changes are aimed at reducing inefficiencies and restoring confidence in commercial forestry, including improving the regulations managing forestry slash.

Key proposals to change this instrument include:

- amending regulation 6(1)(a) to be more specific about the criteria for how councils can impose stricter rules than the NES-CF
- repealing regulation 6(4A) which enables councils' broad discretion to have more stringent rules to control aspects of afforestation

- amending regulation 69 to require a Slash Mobilisation Risk Assessment (SMRA) for all forest harvests as part of the existing harvest management plan, and/or amending regulation 69(5) to require all slash above an identified size be removed from the forest cutover
- repealing regulations 10A and 77A which require afforestation and replanting plans respectively, and Schedule 3 which sets out the requirements for these plans
- removing from Schedules 3(4)(2), 4(4)(2), 5(4)(2) and 6(4)(2) the undefined term “woody debris” from all forest planning requirements
- amending 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
- amending regulation 71A(b) to say that low-intensity harvesting is permitted if “any relevant forest planning requirement is complied with”.

New Zealand Coastal Policy Statement (NZCPS) 2010

This amendment to the New Zealand Coastal Policy Statement (NZCPS) is aimed at making it easier to consent priority activities in the coastal environment, including in areas with important coastal value.

Key proposals to change this instrument include:

- amending Policy 6 (Activities in the coastal environment) to better enable development of priority activities
- adding new clauses to Policy 6 (Activities in the coastal environment) to recognise that priority activities may have a “functional need” “or operational need” to locate in the coastal marine area
- amending Policy 8 (Aquaculture) to direct decision makers to provide for aquaculture activities within aquaculture settlement areas gazetted under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004
- amending Policy 8 (Aquaculture) to also refer to the “cultural and environmental benefits of aquaculture”.

National Policy Statement for Highly Productive Land (NPS-HPL) 2022

The Government has committed to unlocking development capacity for housing and business growth, and to boost mineral exports. To support this, locally sourced aggregate and minerals are needed.

This is an amendment to the existing National Policy Statement for Highly Productive Land 2022 (NPS-HPL), with the proposal to remove Land Use Capability 3 (LUC 3) land and test ‘special agricultural areas’ (SAAs), allowing more flexible land use.

Key proposals to change this instrument include:

- removal of LUC 3 land from restrictions in the NPS-HPL
- testing inclusion of Special Agricultural Areas

- either extending timeframes for mapping of HPL to be completed within two or three years (2027 or 2028) or suspending requirements for mapping HPL until further direction is provided in the replacement resource management system.

s.360 Stock Exclusion Regulations 2020

The Government has already made changes to the regulations to remove the map of low slope land and associated requirements (ie, to exclude beef cattle and deer on low slope land and exclude all stock from certain natural wetlands on low slope land).

This is an amendment to regulation 17 of the s.360 Stock Exclusion Regulations which currently requires all stock to be excluded from any natural wetland that supports a population of threatened species.

Key proposal to change this instrument is:

- removing the requirement to exclude grazed beef cattle and deer in low intensity farm systems from wetlands which support a population of threatened species.

Quarrying and Mining amendments to National Policy Statements and National Environmental Standards

The Government has committed to unlocking development capacity for housing and business growth, and to boost mineral exports. To support this, locally sourced aggregate and minerals are needed.

This targeted amendment for quarrying and mining, aims to make the consent pathways and gateway tests for quarrying and mining affecting wetlands, significant natural areas (SNAs) and highly productive land (HPL) more enabling, and to ensure the policies are more consistent across the:

- National Policy Statement for Indigenous Biodiversity (NPSIB) 2023
- National Policy Statement for Highly Productive Land (NPS-HPL) 2022
- National Environmental Standard for Freshwater (NES-F) 2020
- National Policy Statement for Freshwater Management (NPS-FM) 2020.

Key proposals to change these instruments are:

- to amend wetland quarrying and mining provisions across NPS-FM, NES-F, NPSIB and NPS-HPL to make them more enabling, and more consistent which involves:
 - adding ‘operational need’ to the gateway tests for mining and quarrying activities that may adversely affect wetlands under the NES-F and NPS-FM
 - changing a few words in the NPSIB and NPS-HPL SNA and HPL mining and quarrying exceptions for SNAs and HPL to:
 - clarify that essential related (ancillary) activities for mining and quarrying have a consent pathway and use consistent terminology

- remove “that could not otherwise be achieved using resources within New Zealand” and the requirement for benefits to be ‘public’ and allow regional benefits of mining to be considered.

Primary Sector Package Implementation

These targeted changes are being progressed for their immediate impact on the resource management system, without directing the requirement for direct insertion in plans or plan changes. The policy intent of all the National Direction proposals is intended to flow through into the new resource management system.

