



Interim Regulatory Impact Statement: Providing a consistent consenting pathway for quarrying and mining affecting significant natural areas, highly productive land and wetlands

Decision sought	Analysis produced for amendments to provide a consistent consenting pathway for quarrying and mining to inform Cabinet, with formal notification and submissions through the formal statutory process to follow.
Agency responsible	The Ministry of Business, Innovation and Employment (MBIE)
Proposing Ministers	Hon Chris Bishop, Minister Responsible for RMA Reform and Hon Shane Jones, Minister for Resources
Date finalised	24 March 2025

The proposal is to provide consistent and more enabling consenting pathways for quarrying and mining in the National Policy Statement for Indigenous Biodiversity (NPSIB), National Policy Statement for Highly Productive Land (NPS-HPL) and National Policy Statement for Freshwater Management (NPS-FM) (collectively referred to as the instruments) by:

- Using consistent terminology across the instruments (“quarrying activities” and “the extraction of minerals and ancillary activities”)
- Making the consent pathways more enabling by:
 - i. including ‘operational need’ in the NPS-FM gateway test;
 - ii. removing ‘could not otherwise be achieved using resources in New Zealand’ from NPSIB and NPS-HPL;
 - iii. removing the requirement for the benefit to be public in the NPSIB and the NPS-HPL (i.e. allowing any benefits to be considered); and
 - iv. adding consideration of regional benefits to the mining consent pathway in the NPSIB and NPS-HPL.

Summary: Problem definition and options

What is the policy problem?

There is currently inconsistent terminology and gateway tests for a quarry or mine application which affects highly productive land, significant natural areas (SNAs) or wetlands. The requirements of some gateway tests are harder to meet than others. This may be limiting projects from progressing to the consent application stage, where their effects can be considered and mitigated using the effects management hierarchy for SNAs and wetlands, or the avoid, remedy or mitigate effects for highly productive land.

We have heard from industry organisations (the Aggregate and Quarry Association (AQA) and Straterra) that the terminology and consent pathways for quarrying and mining in the

instruments are inconsistent and overly restrictive for quarrying and mining activities that adversely affect SNAs, highly productive land and wetlands. Industry has indicated that companies are holding off applying for consents because of the lack of clarity and certainty.

What is the policy objective?

The primary policy objective is to better enable resource extraction and use, including quarrying and mining, while providing for any associated adverse effects to be considered and mitigated.

This is consistent with the Government's commitment to amend the Resource Management Act 1991 (RMA) to make it easier to consent new infrastructure, including for renewable energy, building houses, and enhancing the primary sector, and the objective in Minerals Strategy for New Zealand to 2040 to improve regulatory pathways to make obtaining permits and consents more efficient.

What policy options have been considered, including any alternatives to regulation?

Amend the terminology for quarrying and mining in the NPSIB and NPS-HPL to improve consistency across national direction and the national planning standards

- Option 1 – retain the existing terminology of “aggregate extraction” and “mineral extraction” in the NPSIB and NPS-HPL (status quo); or
- Option 2 – use “quarrying activities” and “the extraction of minerals and ancillary activities” as consistent terminology across the instruments.

Include “operational need” in the quarrying and mining gateway tests in the NPS-FM to provide consistency with the NPSIB and NPS-HPL

- Option 1 – retain the existing gateway test of “functional need” only in the NPS-FM (status quo); or
- Option 2 - amend the gateway test to “functional or operational need” for quarrying and mining in the NPS-FM.

Amend the gateway tests for quarrying and mining in the NPSIB and NPS-HPL to provide consistency with the NPS-FM

- Option 1 – retain the existing gateway tests for quarrying and mining in the NPSIB and NPS-HPL (status quo); or
- Option 2 – provide consistent gateway tests for quarrying and mining in the NPSIB and NPS-HPL with the NPS-FM; or
- Option 3 – make targeted amendments to the gateway tests for quarrying and mining in the NPSIB and NPS-HPL.

What consultation has been undertaken?

These proposals will be included in a discussion document for public consultation, alongside other proposals included in the national direction work programme in 2025.

There has been limited stakeholder consultation with industry representatives AQA and Straterra to develop our understanding of the problem definition prior to public consultation.

Engagement on policy proposals with Māori groups

Due to the limited time available, it has not been possible to engage with Māori groups on these proposals. A treaty impact analysis has been completed but it was not possible to fully assess the Treaty impacts, including on the Crown's Treaty settlement commitments.

As well as broad obligations under the Treaty of Waitangi/te Tiriti o Waitangi to engage with Māori on matters that affect them, the Crown has specific commitments through

Treaty settlements to engage with post-settlement governance entities on relevant policy matters under relationship agreements and accords, including when preparing national direction.

There was an opportunity for some post settlement governance entities (PSGEs) to engage through the Ministry for the Environment (MfE) engagement process Te Putunga Kōrero, however no PSGEs reached out to engage. This was likely due to limited time and capacity, the number of proposals or a greater interest in other proposals.

Is the preferred option in the Cabinet paper the same as preferred option in the RIS?

Yes.

Summary: Minister's preferred option in the Cabinet paper

Costs (Core information)

More proposed projects are expected to pass the relevant gateway tests to progress to the consent application stage. This could increase costs for:

- Local authorities – would need to update their regional or district plans to reflect these changes and may receive increased quarry and mine applications to consider.
- Māori groups (including Māori as applicants) – may increase the number of proposals that Māori groups may want to participate in and further stretch resources available to participate in the resource management system.
- Communities, NGOs and wider government – may lead to additional losses of nationally significant environments (SNAs, highly productive land and wetlands) and impact the objectives of the instruments.

Benefits (Core information)

More proposed projects are expected to pass the relevant gateway tests to progress to the consent application stage. This could increase benefits for:

- Regulated groups – consistent and more enabling gateway tests for quarrying and mining across national direction and greater certainty.
- Local authorities – clarify the decision-making approach.
- Māori groups (including Māori as applicants) – more Māori groups, as quarrying and mining applicants, may access the consenting pathway.
- Communities and wider government – may increase access and decrease costs for quarried and mined resources needed for housing and critical infrastructure projects.

Balance of benefits and costs (Core information)

Amending the gateway tests in the instruments to be consistent potentially enables more quarrying and mining projects to progress to the consent application stage for consideration of how the effects of their activity are considered and managed at the local level.

However, it is not possible to quantify the number projects affected by the proposed changes and consents that may be granted. It is likely that following the change, consent applications may be made but the outcome of those processes cannot be pre-determined.

Implementation

This RIS informs Cabinet decisions on options that will be included in a national direction discussion document for statutory public consultation in 2025.

Amendments to the instruments must be taken into consideration for consent applications received after they have been Gazetted. Local authorities will also be responsible for

implementing the policy changes contained in the instruments. These will be achieved through changes to district and regional plans. The date of Gazettal will be decided following public consultation.

The proposed amendments will be administered by the Ministry for the Environment (MfE). MfE will also be responsible for monitoring and supporting implementation and reviewing the effectiveness of the changes, and national direction generally, under the RMA.

Limitations and Constraints on Analysis

The cumulative impact of these proposals alongside other proposals included in the national direction work programme has not been considered

The analysis on how the terminology and gateway tests for quarrying and mining can be made consistent across relevant national direction has not considered or how it will fit alongside broader changes to the instruments.

Limited consultation was undertaken

These proposals will be included in a discussion document for public consultation, alongside other proposals included in the national direction work programme in 2025.

As discussed above, there has been limited consultation with stakeholders or Māori groups ahead of this public consultation process.

Limited evidence available to assess policy problem and its impact

We developed our understanding of the problem definition through engagement with industry, noting that there is only one resource consent decision across both issues that could be used as evidence of the direct impact of the problem.

It is not possible to quantify the impacts of the problem and proposal when it is unknown how many projects are affected by options discussed in this RIS and consents that may be granted. It is likely that following the change, consent applications may be made, but the outcome of those processes cannot be pre-determined.

There is not widespread implementation of the consent pathways for the instruments in regional and district plans and it is unclear if they are sufficiently enabling. However, given the inconsistent terminology and gateway tests, it is likely this leads to inconsistent interpretation and decision making.

A critical assumption throughout this analysis is that if the instrument gateway tests are more enabling, more projects may be able to access the consenting pathways. This will not change the requirements to manage the effects of projects. Only projects which can meet the relevant gateway tests and appropriately consider and mitigate their effects through the 'effects management hierarchy' in the NPSIB and NPS-FM, or the avoid, remedy or mitigate tests in the RMA in the NPS-HPL may be granted a consent.

I have read the RIS and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Responsible Manager(s) signature:

Hannah Keat

Manager Resource Policy

24 March 2025



Quality Assurance Statement

Reviewing Agency: Ministry for the Environment and
Ministry for Business, Innovation and Employment

QA rating: Partially meets

Panel Comment:

A quality assurance panel with members from the Ministry for the Environment and the Ministry for Business, Innovation and Employment has reviewed the interim Regulatory Impact Statement. The panel considers that the proposal 'partially meets' the Quality Assurance criteria.

While the panel deems the RIS to be complete and acknowledges the limitations with consultation at this stage, it finds that the document lacks clarity and conciseness, which makes it difficult for readers to follow the analysis.

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

Drivers for change

1. The Government has agreed to reform the resource management system to make it easier to consent new infrastructure, including for renewable energy, building houses, and enhancing the primary sector including fish and aquaculture, forestry, pastoral, horticulture and mining.¹ One of the objectives of the work programme is to make it easier to consent new quarrying and mining projects.
2. In March 2024, Cabinet agreed to develop or amend national direction instruments to unlock development and investment in infrastructure and primary industries including mining while achieving good environmental outcomes (the national direction programme).
3. In July 2024, Cabinet authorised the Minister Responsible for RMA Reform and the Minister for Resources to make policy decisions for matters related to quarrying and mining in the national direction programme. This included amendments to provide a more consistent enabling approach for quarrying and mining in national direction.
4. In January 2025, the Government released a Minerals Strategy for New Zealand to 2040 which sets out the vision for a minerals sector that is productive, valued and resilient, underpinned by responsible practices and which honours our commitments under Te Tiriti o Waitangi. One objective of the strategy is to improve regulatory pathways to make obtaining permits and consents more efficient.

Current approach to consenting quarrying and mining in the instruments

5. The RMA and the Crown Minerals Act 1991 (CMA) regulate different aspects of the quarrying and mining sector to ensure independence, transparency and accountability, and to minimise the conflict between the Crown's roles as resource owner and environmental regulator. The RMA manages the environmental effects of quarrying and mining, whereas the CMA allocates mining rights for the economic benefit of Crown-owned minerals.
6. The instruments are made under the RMA and provide direction to local authorities to avoid effects on SNAs, highly productive land and wetlands.

¹ Speech from the Throne, 2023: [Speech From the Throne](#)

7. The national policy statements provide 'consent pathways' for specific purposes (e.g. quarrying and mining) and regulate certain activities² where they could adversely effect SNAs, highly productive land and wetlands.
8. These consent pathways are designed to provide a consent application process for quarrying and mining that allows decision-makers to recognise government goals, the public need, and the economic value of resources, while recognising the high value we place on SNAs, highly productive land and wetlands.³
9. To be able to use the consent pathways, a consent application for quarrying and mining must first meet relevant '**gateway tests**' under the instruments (refer table below).
10. The consent application may then be considered, and the consent authority is required to apply the 'effects management hierarchy' to manage any adverse effects (NPSIB and NPS-FM) to determine whether to grant a consent:
 - This firstly requires, where practicable, **adverse effects to be avoided, minimised or remedied**.
 - Where more than minor residual adverse effects cannot be avoided, minimised or remedied, **then offsetting where possible and compensation where appropriate** is applied.
 - Where effects cannot be avoided, minimised, or remedied, and/or offsetting or compensation cannot be achieved or are not appropriate, **then a consent application may be declined**.
11. The effects management hierarchy applies to consents under the NPSIB and NPS-FM. It does not apply to consents being considered under the NPS-HPL because adverse effects cannot be managed in the same way. Adverse effects on highly productive land are permanent and cannot be offset or compensated.
12. Instead, consent authorities must apply the avoid, remedy or mitigate test for NPS-HPL and applications are declined if this is not met. 'Avoid', 'remedy' and 'mitigate' are considered when a project may generate adverse effects irrespective of the benefits. How a project could address these impacts can depend on a range of factors such as the type of activity, the location, etc.⁴

The gateway tests for mining and quarrying are inconsistent across national policy statements

13. The gateway tests differ across the national policy statements for mining and quarrying. The table below sets out the gateway tests and highlights the differences between them.

² For example, the wetland regulations control the following activities: vegetation clearance, earthworks and water take, use, discharges - for mining/quarrying.

³ 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. Highly productive land is listed under section 7 of the RMA and requires consenting authorities to have "particular regard" for them in decision making.

⁴ For example, a quarry has an adverse visual effect. You could 'avoid' the effect if the quarry was located where it could not be seen, you could 'remedy' the effect if you filled the hole in afterwards and you would 'mitigate' the effect if you planted trees around the hole. All three actions may address the adverse effects, but in the long term only one or two are likely to be acceptable to the community.

National Policy Statement	NPSIB	NPS-HPL	NPS-FM
Quarrying gateway tests	For <u>aggregate extraction</u> that effects SNAs the gateway tests are that the new subdivision, use or development provides <u>significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand</u> , there is a <u>functional need or operational need</u> , and there are <u>no practicable alternative locations</u> , and the effects of the activity will be managed through applying the effects management hierarchy.	For <u>aggregate extraction</u> that effects highly productive land the gateway tests are that the use or development has a <u>functional or operational need</u> and provides <u>significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand</u> .	For <u>quarrying activities</u> that effects wetlands the gateway tests are that the extraction will provide <u>significant national or regional benefits</u> , there is a <u>functional need</u> for the activity to be done in that location, and the effects of the activity will be managed through applying the effects management hierarchy.
Mining gateway tests	For <u>mineral extraction</u> that effects SNAs the gateway tests are that the new subdivision, use or development <u>provides significant national public benefit that could not otherwise be achieved using resources within New Zealand</u> , there is a <u>functional need or operational need</u> , and there are <u>no practicable alternative locations</u> , and the effects of the activity will be managed through applying the effects management hierarchy.	For <u>mineral extraction</u> that effects highly productive land the gateway tests are that the use or development has a <u>functional or operational need</u> and <u>provides significant national public benefit that could not otherwise be achieved using resources within New Zealand</u> .	For the <u>extraction of minerals and ancillary activities</u> that effects wetlands the gateway tests are that the extraction will provide <u>significant national or regional benefits</u> , there is a <u>functional need</u> for the activity to be done in that location, and the effects of the activity will be managed through applying the effects management hierarchy.

Environmental impacts of mining and quarrying

14. Mining and quarrying can cause a range of direct and indirect impacts on the environment:
 - Direct impacts include the clearance of vegetation, loss of wildlife, removal of soil, diversion or modification of waterways, and dumping of soil and overburden.⁵ These can result in impacts to, or displacement of, plants and animals in the area.
 - Indirect impacts include the deterioration of water quality by sediment, acid mine drainage, or leaching of chemicals used in extraction or contained in mine tailings, deterioration of air (including dust), water and land quality, vibrations, visual effects and impacts on cultural and historic heritage values.
15. Quarrying and mining projects also require remediation at the end of life, and often involve wider environmental offsetting (e.g. pest control across a wider area to compensate for the impacts at the mine site). When considering the overall impact of

⁵ Overburden is the overlying material, whether consolidated or not, which must be removed before a mineral can be extracted.

quarrying and mining activities, it is possible to consider the net impacts once effects are avoided, remedied, mitigated and offset.

16. The degree and nature of the environmental impact of quarrying and mining will depend on the project, the scale of the operation, the method of extraction, the vulnerability and geology of the area effected and the timescale over which impacts occur. For any quarry and mine project to be approved they would need to manage their effects to obtain a resource consent, this could include environmental offsets and/or compensation where appropriate.

How the status quo is expected to develop

17. We have heard from industry organisations AQA and Straterra that the terminology and consent pathways for quarrying and mining in the instruments are inconsistent and overly restrictive for quarrying and mining activities that adversely effects SNAs, highly productive land and wetlands. Industry has indicated that companies are holding off applying for consents because of the lack of clarity and certainty. These comments are reflected in their submissions on the Resource Management (Freshwater and Other Matters) Amendment Bill.⁶
18. The potential impact of this lack of consistency and certainty is that it may limit access and increase costs for quarried and mined resources. To achieve several of the Government's objectives (for example in infrastructure, housing and renewable energy) greater access to quarried or mined aggregates or minerals is required.

Under the status quo there will be a chance for further testing of the terminology and gateway tests through consent applications and decisions

19. There is not widespread implementation of the consent pathways for the instruments in regional and district plans. Once these consent pathways have been interpreted and implemented it will become apparent if they are sufficiently enabling for projects to progress to the consent application stage. However, given the inconsistent terminology and gateway tests it is likely this leads to inconsistent interpretation and decision making.

What is the policy problem or opportunity?

20. There is currently inconsistent terminology and gateway tests for a quarry or mine application which effects highly productive land, SNAs or wetlands. The requirements of some gateway tests are harder to meet than others. This is potentially limiting projects from progressing to the consent application stage, where their effects can be considered and mitigated using the effects management hierarchy for SNAs and wetlands, or the avoid, remedy or mitigate effects for highly productive land.

Terminology for quarrying and mining across NPSIB and NPS-HPL does not capture essential ancillary activities

21. The NPSIB and NPS-HPL uses the terms "aggregate extraction" for quarrying and "mineral extraction" for mining, which is inconsistent with the terminology used in the

⁶ Straterra's submission to the Primary Production Committee on the Resource Management (Freshwater and Other Matters) Amendment Bill: [Submission-RM-Bill-1.pdf](#); AQA's submission to the Primary Production Committee on the Resource Management (Freshwater and Other Matters) Amendment Bill: [Submission-to-the-Primary-Production-Committee-on-the-Resource-Management-Freshwater-and-Other-Matters-Amendment-Bil.pdf](#)

NPS-FM of “quarrying activities” and “mineral extraction and ancillary activities” (refer to table on page 6 and 7).

22. “Aggregate extraction” and “mineral extraction” are undefined and may be interpreted to exclude ancillary activities (e.g., removal of overburden). Whereas the “quarrying activities” (defined in the National Planning Standards) and “mineral extraction and ancillary activities” are either defined or broad enough to capture ancillary activities.

Gateway tests for quarrying and mining in the instruments are inconsistent

Gateway tests for quarrying and mining in the NPS-FM does not consider “operational need”

23. The NPS-FM gateway tests for quarrying and mining contains “functional need”, which is inconsistent with the NPSIB and NPS-HPL gateway tests for quarrying and mining which contain “functional need” or “operational need” (refer to table on page 6 and 7). Both “functional need” and “operational need” are defined in the National Planning Standards.
24. Quarrying and mining are locally constrained in terms of where they can be located and may need to be located on wetlands in certain circumstances (e.g., where a road needs to be extended through wetlands, or the mineral resource is located in or around wetlands).

Gateway tests for quarrying and mining in the NPSIB and NPS-HPL contain additional tests compared to the NPS-FM

25. The NPSIB and NPS-HPL gateway tests for quarrying contains “provide significant national and regional public benefit that could not otherwise be achieved using resources within New Zealand”, and the gateway test for mining contains “provide significant national public benefit that could not otherwise be achieved using resources within New Zealand”. These gateway tests are different to that in the NPS-FM where it is “provide significant national or regional benefits” (refer to table on page 6 and 7).

There is limited case law evidence to support this problem definition

26. There has been one resource consent decision which suggests “aggregate extraction” in the NPS-HPL excludes essential ancillary activities. On 29 June 2023, the Tasman District Council declined CJ Industries’ Peach Island quarry proposal as it included a deposition of clean fill and because this is a separate activity, it was found to be outside the scope of aggregate extraction in the NPS-HPL.⁷ This decision is currently being appealed.
27. We are aware of no further resource consent decisions to suggest that the current terminology for mining or the gateway tests for quarrying and mining in the instruments are being interpreted inconsistently and are limiting projects from progressing to the consent application stage.

Who is affected by these problems, how and how much?

There is some uncertainty when attempting to quantify the impact of the problem

28. It is not possible to quantify how many quarries and mines are affected by the status quo.

⁷ CJ Industries Limited Peach Island resource consent decision: [Tasman District Council](#)

29. There is uncertainty about the extent of the costs and benefits of the status quo and where they might fall. In practice, it will depend on the facts of the individual consent application, including any mitigation and/or compensation agreed by parties. Overall, these factors are weighed up by the district council, regional council or the Environment Court in applying the RMA process to achieve the purpose of that Act.
30. Inconsistent terminology and gateway tests and certain gateway tests being harder to meet than others can prevent a quarrying or mining application from progressing to the consent application stage. This does not support the Government's objectives to better enable resource use and improve regulatory pathways.

Who is impacted?

31. Stakeholders potentially impacted by the consent pathways for quarrying and mining are set out in the table below:

Stakeholder	Impact	Nature of impact
Current and prospective quarrying and mining project applicants	Direct	The consenting process is complicated and may limit a project's ability to meet the gateway tests and have their effects considered by local authorities, and if they could appropriately manage their effects, obtain a resource consent.
Local authorities	Direct	<p>The inconsistent terminology and gateway tests complicate the consenting process for local authorities and strict gateway tests may mean less projects are approved.</p> <p>As the providers of infrastructure, if less quarries and mines can progress to the consent application stage it may reduce local access to resources.</p>
Māori groups	Direct	<p>Māori groups exercising tikanga, mātauranga Māori and kaitiakitanga will be directly impacted alongside the impacts on the natural resources. However, the specific impact on the Māori group(s) will depend on the individual consent applications including any mitigations and/or compensation agreed by parties.</p> <p>Māori groups may also have economic interests in quarrying and mining. If so, the impact for this group would be the same as for current and prospective quarrying and mining project applicants.</p>
Community organisations, environmental NGOs and relevant government agencies in their advocacy for the protection of SNAs, highly productive land and wetlands	Indirect	Community organisations, environmental NGOs and relevant government agencies (e.g. the Department of Conservation) may benefit from the limited number of quarrying or mining projects that can progress to the consent application stage, as there is a higher level of protection and fewer activities occurring on nationally significant environments.
General public	Indirect	<p>The specific impact on the general public will depend on the individual consent applications including any mitigations and/or compensation.</p> <p>If less quarries and mines can progress to the consent application stage it may reduce local access to resources and the cost-effective provision of infrastructure and public goods.</p> <p>If less quarries and mines can progress to the consent application stage it may benefit communities who benefit from ecosystem services, remedial services and amenities associated with SNAs, highly productive land and wetlands.</p>

32. The proposals in this RIS will not disproportionately impact distinct population groups. However, any projects enabled by these changes to have their effects considered and mitigated may disproportionately impact regions where quarrying or mining may occur.

What objectives are sought in relation to the policy problem?

33. The primary policy objective is to better enable resource use, including quarrying and mining, while providing for adverse effects on nationally significant environments to be considered and mitigated using the effects management hierarchy, or the avoid, remedy or mitigate tests in the RMA.

34. The Government has also committed to amend the RMA to make it easier to consent new infrastructure, including for renewable energy, building houses, and enhancing the primary sector.
35. An objective in the Government's Minerals Strategy for New Zealand to 2040 is to improve regulatory pathways to make obtaining permits and consents more efficient.

Section 2: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

36. The following criteria, equally weighted, will be used to compare options to the status quo:
 - **Effectiveness** – does the option achieve the objectives and does it provide a solution to the identified problem?
 - **Efficiency** – does the option provide enough flexibility to allow local circumstances to be addressed at the local level and is it cost effective?
 - **Alignment** – does the option integrate well with other proposals and the wider statutory framework?
 - **Implementation** – is the option clear about what is required for implementation by local government/others and easily implemented?
 - **Treaty of Waitangi** – reference to the Treaty Impact Analysis.

What scope will options be considered within?

37. The Government intends to amend the RMA to make it easier to consent new infrastructure, including for renewable energy, building houses, and enhancing the primary sector– including fish and aquaculture, forestry, pastoral, horticulture and mining.⁸
38. The Government is taking a three-phased approach to reform the resource management system. This includes a wider review which will consider, among other objectives, ways to make it easier to consent new quarrying and mining projects.
39. In March 2024, Cabinet agreed that the second phase of the resource management reform would include developing or amending national direction instruments to unlock development and investment in infrastructure and primary industries while achieving good environmental outcomes.
40. In July 2024, Cabinet authorised the Minister Responsible for RMA Reform and the Minister for Resources to make policy decisions for matters related to quarrying and mining in any of the in-scope national direction instruments. This includes amendments to provide a more consistent approach for quarrying and mining in national direction.
41. Therefore, the scope of options considered is constrained to options that seek to provide consistency across the terminology and gateway tests in the instruments. This RIS looks to:

⁸ Speech from the Throne, 2023: [Speech From the Throne](#)

- amend the terminology for quarrying and mining in the NPSIB and NPS-HPL to be consistent with the NPS-FM and the national planning standards
- include “operational need” into the quarrying and mining gateway tests in the NPS-FM to be consistent with the NPSIB and NPS-HPL
- amend the gateway tests for quarrying and mining in the NPSIB and NPS-HPL to be consistent with the NPS-FM.

This RIS informs Cabinet decisions on options that will be included in a discussion document for statutory public consultation

42. All proposals within the national direction programme will be considered by the Minister Responsible for RMA Reform and the Minister for Resources and then Cabinet in 2025, with formal notification and submissions through the formal statutory process to begin in 2025. The analysis in this RIS will inform these Cabinet decisions.
43. The proposals agreed to by Cabinet will be included in a discussion document for statutory public consultation with other proposals included in the national direction work programme.

This RIS does not propose changes to the ‘effects management hierarchy’ or the avoid, remedy or mitigate tests in the RMA

44. The focus of this RIS is to consider options which provide consistent terminology and gateway tests in the instruments. The intent is to provide terminology and gateway tests in the instruments to enable more quarrying and mining projects to progress to the consent application stage. This will not change the requirements to manage the effects of projects on those environmental values. Only projects which can meet the relevant gateway tests and appropriately manage their effects and comply with any other plan requirements will be granted a consent.

What options are being considered to provide a consistent consenting pathway for quarrying and mining effecting SNAs, highly productive land and wetlands under the instruments?

Amend the terminology for quarrying and mining in the NPSIB and NPS-HPL to improve consistency across national direction and the national planning standards

What options are being considered?

45. There are two options to amend the terminology for quarrying and mining in the NPSIB and NPS-HPL to improve consistency across national direction and the national planning standards:
 - Option 1 – retain the existing terminology of “aggregate extraction” and “mineral extraction” in the NPSIB and NPS-HPL (status quo); or
 - Option 2 – use “quarrying activities” and “the extraction of minerals and ancillary activities” as consistent terminology across the instruments.

Option 1 – retain the existing terminology of “aggregate extraction” and “mineral extraction” in the NPSIB and NPS-HPL (status quo)

46. Option 1 retains the existing terminology of “aggregate extraction” for quarrying and “mineral extraction” for mining in the NPSIB and NPS-HPL which is inconsistent with the NPS-FM (refer to table on page 6 and 7).

Option 2 – use “quarrying activities” and “the extraction of minerals and ancillary activities” as consistent terminology across the instruments

47. Option 2 amends the terminology used in the NPSIB and NPS-HPL to “quarrying activities” for quarrying and “the extraction of minerals and ancillary activities”. It improves consistency across terminology with the NPS-FM and the national planning standards.
48. “Quarrying activities” is defined in the National Planning Standards⁹ whereas “the extraction of minerals and ancillary activities” is not. Both terms should provide enough breadth to capture the essential ancillary activities to quarry or mine (e.g., removal of overburden). Whether “the extraction of minerals and ancillary activities” should be defined or addressed through guidance will be considered during Phase 3 of the RM Reform, in the meantime it should provide enough clarity to applicants or decision makers.
49. Option 2 clarifies and standardises the terminology to capture essential ancillary activities. This would not change the tests required for gaining consents, it only enables ancillary activities to be included in these consent pathways.

Include “operational need” in the quarrying and mining gateway tests in the NPS-FM to provide consistency with the NPSIB and NPS-HPL

What options are being considered?

50. There are two options to insert “operational need” into the gateway tests for quarrying and mining in the NPS-FM:
 - Option 1 – retain the existing gateway test of “functional need” only in the NPS-FM (status quo); or
 - Option 2 - amend the gateway test to “functional or operational need” for quarrying and mining in the NPS-FM.

Option 1 – retain the existing gateway test of “functional need” only in the NPS-FM (status quo)

51. Option 1 retains the different gateway tests for quarrying and mining for “functional need” and “operational need” across national direction instruments (refer to table on page 6 and 7). The gateway test for mining in the NPSIB and NPS-HPL provides for “functional need or operational need”, whereas the NPS-FM only considers “functional need”.
52. Both “functional need”¹⁰ and “operational need”¹¹ are defined in the National Planning Standards.

⁹ Quarrying activities means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and clean filling 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 (Planning Standards).

¹⁰ “Functional need” means the need for a proposed activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

¹¹ “Operational need” means 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.

Option 2 - amend the gateway test to “functional or operational need” for quarrying and mining in the NPS-FM

53. Option 2 inserts “operational need” into the gateway tests for quarrying and mining in the NPS-FM to provide a consistent gateway test across national direction.
54. This may enable more quarrying and mining projects that may be locally constrained to be able to operate on wetlands in certain circumstances, if they have a “functional need” or an “operational need”, provided they can meet the other gateway tests.

Amend the gateway tests for quarrying and mining in the NPSIB and NPS-HPL to provide consistency with the NPS-FM

What options are being considered?

55. There are three options to make the gateway tests for quarrying and mining more consistent and enabling in the NPSIB, NPS-HPL and NPS-FM:
 - Option 1 – retain the existing gateway tests for quarrying and mining in the NPSIB and NPS-HPL (status quo);
 - Option 2 – provide consistent gateway tests for quarrying and mining in the NPSIB and NPS-HPL with the NPS-FM; or
 - Option 3 – make targeted amendments to the gateway tests for quarrying and mining in the NPSIB and NPS-HPL.

Option 1 – retain the existing gateway tests for quarrying and mining in the NPSIB and NPS-HPL (status quo)

56. Option 1 retains the inconsistent gateway tests for quarrying and mining in the NPSIB and NPS-HPL compared to the NPS-FM (refer to table on page 6 and 7) and may limit projects from progressing to the consent application stage.

Option 2 – provide consistent gateway tests for quarrying and mining in the NPSIB and NPS-HPL with the NPS-FM

57. This option amends the gateway tests in the NPSIB and NPS-HPL to be consistent with the NPS-FM (noting the options above to retain or amend the NPS-FM gateway test from paragraph 50 to 54) by:
 - removing ‘could not otherwise be achieved using resources in New Zealand’ from NPSIB and NPS-HPL;
 - removing the requirement for the benefit to be public in the NPSIB and the NPS-HPL (i.e. allowing any benefits to be considered); or
 - including consideration of regional benefits to the mining consent pathway.
58. This may enable more quarrying and mining projects to be able to progress to the consent application stage.

Option 3 – make targeted amendments to the gateway tests for quarrying and mining in the NPSIB and NPS-HPL

59. This option makes targeted amendments to the gateway tests in the NPSIB and NPS-HPL (noting the options above to retain or amend the NPS-FM gateway test from paragraph 50 to 54) by:

- removing 'could not otherwise be achieved using resources in New Zealand' from the NPSIB and NPS-HPL; and
 - defining 'significant national public benefit' in the NPSIB.
60. This may enable more quarrying and mining projects to be able to progress to the consent application stage. However, gateway tests for quarrying and mining in the NPSIB, NPS-HPL and NPS-FM would remain inconsistent.

Amend the terminology for quarrying and mining in the NPSIB and NPS-HPL to improve consistency across national direction and the national planning standards

How do the options compare to the status quo/counterfactual?

	<i>Option 1 – retain the existing terminology of “aggregate extraction” and “mineral extraction” in the NPSIB and NPS-HPL (status quo)</i>	<i>Option 2 – use “quarrying activities” and “the extraction of minerals and ancillary activities” as consistent terminology across the instruments</i>
Effectiveness	Remains inconsistent and is uncertain whether terms would capture essential ancillary activities for quarrying and mining (e.g., removal of overburden). This option does not achieve the objectives or provide a solution to the problem. 0	Ensures all essential activities for quarrying and mining (e.g., removal of overburden) are included. This option would achieve the objectives and provide a solution to the problem. ++
Efficiency	May limit quarrying and mining projects passing the relevant gateway tests to progress to the consent application stage. 0	More quarrying and mining projects can pass the relevant gateway tests to progress to the consent application stage. Whether “the extraction of minerals and ancillary activities” term should be defined or addressed through guidance will be considered during Phase 3 of the RM Reform, in the meantime it should provide enough clarity to applicants or decision makers. If the term remains undefined it would require interpretation by local authorities and/or testing in courts and would not be cost effective. 0
Alignment	The term for quarrying and mining in NPSIB and NPS-HPL are consistent but are inconsistent with term in the NPS-FM and the National Planning Standards. 0	Creates consistency with quarrying and mining terminology in the NPS-FM and the National Planning Standards. ++
Implementation	Integration of the terminology in the NPSIB and NPS-HPL is not widespread. Some local authorities still need to implement recent changes to the NPSIB and NPS-HPL to their plans. 0	Local authorities who have the current terminology for quarrying and mining in the NPSIB and NPS-HPL in their plans will need to update them. Local authorities who have not yet updated their plans with the current terminology will instead update them with the new terminology. 0

Treaty of Waitangi	<p>Under the RMA significance is given to:</p> <ul style="list-style-type: none"> • section 6(e) - relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; • section 7(a) – kaitiakitanga; and • section 8 - requires decision-makers take into account the principles of the Treaty of Waitangi. <p>Māori groups have limited ability to influence decisions on resource consents when they are not notified.</p> <p>Where Māori groups are included in resource consenting process and express an interest, a cultural impact assessment is sometimes commissioned, which can stretch time and resources for both the applicant and Māori groups.</p> <p>0</p>	<p>Amending the terminology may increase the number of proposals which can pass the relevant gateway tests to progress to the consent application stage, and therefore the number of proposals that Māori groups may want to participate in. This may further stretch Māori groups resources to participate in the resource management system.</p> <p>0</p>
Overall assessment	<p>0</p>	<p>+4</p>

Example key for qualitative judgements:

++	much better than doing nothing/the status quo/counterfactual
+	better than doing nothing/the status quo/counterfactual
0	about the same as doing nothing/the status quo/counterfactual
-	worse than doing nothing/the status quo/counterfactual
--	much worse than doing nothing/the status quo/counterfactual

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

61. Option 2 best addresses the problem, meets the policy objectives, and delivers the highest net benefits. Option 2 provides consistent terminology across the instruments which includes essential ancillary activities to quarry or mine in the gateway tests. It enables quarrying and mining projects to pass the relevant gateway tests to progress to the consent application stage. This allows for greater consideration of how the effects of an activity are managed at the local level.
62. If “the extraction of minerals and ancillary activities” is undefined it will require interpretation by local authorities and/or testing in courts. This may lead to an inconsistent interpretation or one that excludes essential ancillary activities for mining. Whether “the extraction of minerals and ancillary activities” should be defined or addressed through guidance will be considered during Phase 3 of the RM Reform, in the meantime it should provide enough clarity to applicants or decision makers.
63. Option 2 may increase the number of projects which can pass the relevant gateway tests (this includes Māori as applicants) to progress to the consent application stage, and therefore the number of proposals that Māori groups may want to participate in. This may further stretch Māori groups resources to participate in the resource management system. Subject to the location of a project, it is difficult to assess the impacts or potential impacts of a quarrying or mining project, including how it may impact Māori groups as an affected party. If this option is chosen, some additional consent applications may have their effects considered, but the outcome of those processes cannot be pre-determined.
64. Option 1 (status quo) does not address the problem, meet the policy objectives, and deliver the highest net benefits. Inconsistent terms for quarrying and mining would remain across the instruments. This creates uncertainty whether the essential ancillary activities necessary to quarry and mine (e.g., the removal of overburden) are provided for in the quarrying and mining consent pathways.
65. Implementation for Option 1 or Option 2 has neutral benefits as some local authorities still need to implement recent changes to the NPSIB and NPS-HPL to their plans. Both options require local authorities to amend their plans to either implement the current or new terminology.

Include “operational need” in the quarrying and mining gateway tests in the NPS-FM to provide consistency with the NPSIB and NPS-HPL

How do the options compare to the status quo?

	<i>Option 1 – retain the existing gateway test of “functional need” only in the NPS-FM (status quo)</i>	<i>Option 2 – amend the gateway test to “functional or operational need” for quarrying and mining in the NPS-FM</i>
Effectiveness	<p>Quarrying and mining projects can have a “functional need” and/or “operational need”. This option does not achieve the objectives or provide a solution to the problem.</p> <p>0</p>	<p>“Functional need or operational need” is used across the NPSIB, NPS-HPL and NPS-FM. This option would achieve the objectives and provide a solution to the problem.</p> <p>++</p>
Efficiency	<p>May prevent quarrying and mining projects passing the relevant gateway tests to progress to the consent application stage.</p> <p>0</p>	<p>More quarrying and mining projects can pass the relevant gateway tests to progress to the consent application stage.</p> <p>+</p>
Alignment	<p>Quarrying and mining gateway tests for “functional need” and “operational need” are inconsistent across the NPSIB, NPS-HPL and NPS-FM.</p> <p>0</p>	<p>Quarrying and mining gateway tests for “functional need” and “operational need” are consistent across the NPSIB, NPS-HPL and NPS-FM.</p> <p>++</p>
Implementation	<p>The integration of the gateway tests in the NPS-FM are not widespread. Some local authorities still need to implement recent changes to the NPS-FM to their plans.</p> <p>0</p>	<p>Local authorities who have the current gateway tests for quarrying and mining in the NPSIB and NPS-HPL in their plans will need to update them. Local authorities who have not yet updated their plans with the current gateway tests will instead update them with the new gateway tests.</p> <p>0</p>
Treaty of Waitangi	<p>Under the RMA significance is given to:</p> <ul style="list-style-type: none"> section 6(e) - relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; section 7(a) kaitiakitanga; and 	<p>Amending the terminology may increase the number of proposals which can pass the relevant gateway tests to progress to the consent application stage, and therefore the number of proposals that Māori groups may want to participate in. This may further stretch Māori groups resources to participate in the resource management system.</p> <p>0</p>

	<ul style="list-style-type: none"> section 8 - requires decision-makers take into account the principles of the Treaty of Waitangi. <p>Māori groups have limited ability to influence decisions on resource consents when they are not notified.</p> <p>Where Māori groups are included in resource consenting and express an interest, a cultural impact assessment is sometimes commissioned, which can stretch time and resources for both the applicant and Māori groups.</p> <p>0</p>	
Overall assessment	0	+5

Example key for qualitative judgements:

++	much better than doing nothing/the status quo/counterfactual
+	better than doing nothing/the status quo/counterfactual
0	about the same as doing nothing/the status quo/counterfactual
-	worse than doing nothing/the status quo/counterfactual
--	much worse than doing nothing/the status quo/counterfactual

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

66. Option 2 best addresses the problem, meets the policy objectives, and delivers the highest net benefits. It amends the gateway tests in the NPS-FM to include both functional or operational need for quarrying and mining to be consistent with the relevant gateway tests for quarrying and mining in the NPSIB and NPS-HPL. It also enables quarrying and mining projects to pass the relevant gateway tests to progress to the consent application stage. This allows for greater consideration of how the effects of an activity, in this case quarrying and mining, are managed at the local level.
67. Option 2 may increase the number of projects which can pass the relevant gateway tests (this may include Māori as applicants) to progress to the consent application stage, and therefore the number of proposals that Māori groups may want to participate in. This may further stretch Māori groups resources to participate in the resource management system. Subject to the location of a project, it is difficult to assess the impacts or potential impacts of a quarrying or mining project, including how it may impact Māori groups as an affected party. If this option is chosen, some additional consent applications may have their effects considered, but the outcome of those processes cannot be pre-determined.
68. Under Option 1 (status quo) quarrying and mining projects under the NPS-FM must display a “functional need”, however, they can provide a “functional need” and/or a “operational need”. This may prevent a quarrying or mining application from progressing to the consent application stage.
69. As some local authorities still need to implement recent changes to the NPS-FM to their plans. Either Option 1 or 2 will require local authorities to amend their plans to either implement the current or new gateway test.

Amend the gateway tests for quarrying and mining in the NPSIB and NPS-HPL to provide consistency with the NPS-FM

How do the options compare to the status quo?

	<i>Option 1 – retain the existing gateway tests for quarrying and mining in the NPSIB and NPS-HPL (status quo)</i>	<i>Option 2 – provide consistent gateway tests for quarrying and mining in the NPSIB and NPS-HPL with the NPS-FM</i>	<i>Option 3 – make targeted amendments to the gateway tests for quarrying and mining in the NPSIB and NPS-HPL</i>
Effectiveness	<p>The gateway tests for quarrying and mining are inconsistent, this option does not achieve the objectives and provide a solution to the problem.</p> <p>0</p>	<p>Gateway tests for quarrying and mining are consistent and enable more projects to be able to pass the relevant gateway tests to progress to the consent application stage. This option would achieve the objectives and provide a solution to the problem.</p> <p>++</p>	<p>Certain tests are removed or defined but the gateway tests for quarrying and mining remain inconsistent. This option would not achieve the objectives and provide a solution to the problem.</p> <p>+</p>
Efficiency	<p>May prevent quarrying and mining projects passing the relevant gateway tests to progress to the consent application stage.</p> <p>0</p>	<p>More quarrying and mining projects can pass the relevant gateway tests to progress to the consent application stage.</p> <p>+</p>	<p>More quarrying and mining projects can pass the relevant gateway tests to progress to the consent application stage.</p> <p>+</p>
Alignment	<p>Quarrying and mining gateway tests are inconsistent across NPSIB, NPS-HPL and NPS-FM.</p> <p>0</p>	<p>Creates consistency for quarrying and mining gateway tests across the NPSIB, NPS-HPL and NPS-FM.</p> <p>++</p>	<p>Inconsistency remains for quarrying and mining gateway tests across the NPSIB, NPS-HPL and NPS-FM.</p> <p>+</p>
Implementation	<p>The integration of the gateway tests in the NPS-FM are not widespread. Some local authorities still need to implement recent changes to the NPS-FM to their plans.</p> <p>0</p>	<p>Local authorities who have the current gateway tests for quarrying and mining in the NPSIB and NPS-HPL in their plans will need to update them. Local authorities who have not yet updated their plans with the current gateway</p>	<p>Local authorities who have the current gateway tests for quarrying and mining in the NPSIB and NPS-HPL in their plans will need to update them. Local authorities who have not updated their plans with the current gateway tests will</p>

		tests will instead update them with the new gateway tests. 0	instead update them with the new gateway tests. 0
Treaty of Waitangi	<p>Under the RMA significance is given to:</p> <ul style="list-style-type: none"> section 6(e) - relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; section 7(a) - kaitiakitanga; and section 8 - requires decision-makers take into account the principles of the Treaty of Waitangi. <p>Māori groups have very limited ability to influence decisions on resource consents when a consent application is non-notified or limited notified. Where Māori groups are included in resource consenting and express an interest, a cultural impact assessment is sometimes commissioned, which can stretch time and resources for both the applicant and Māori groups.</p> <p>0</p>	<p>Amending the terminology may increase the number of proposals which can pass the relevant gateway tests to progress to the consent application stage, and therefore the number of proposals that Māori groups may want to participate in. This may further stretch Māori groups resources to participate in the resource management system.</p> <p>0</p>	<p>Amending the terminology may increase the number of proposals which can pass the relevant gateway tests to progress to the consent application stage, and therefore the number of proposals that Māori groups may want to participate in. This may further stretch Māori groups resources to participate in the resource management system.</p> <p>0</p>
Overall assessment	0	+5	+3

Example key for qualitative judgements:

++	much better than doing nothing/the status quo/counterfactual
+	better than doing nothing/the status quo/counterfactual
0	about the same as doing nothing/the status quo/counterfactual
-	worse than doing nothing/the status quo/counterfactual
--	much worse than doing nothing/the status quo/counterfactual

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

70. Option 2 best addresses the problem, meets the policy objectives, and delivers the highest net benefits. Option 2 amends the gateway tests for quarrying and mining in the NPSIB and NPS-HPL to be consistent with the NPS-FM and enables projects to pass the relevant gateway tests to progress to the consent application stage. This allows for greater consideration of how the effects of an activity, in this case quarrying and mining, are managed at the local level.
71. Quarrying and mining can provide national benefit by supplying resources to critical domestic sectors or international goods manufacturers which New Zealand may be an end consumer, and by generating export earnings, taxes and jobs. They can also provide regional benefit by supplying resources to regional economies, boost regional GDP and provide direct and indirect jobs to regions.
72. A quarry or mine will only be proposed in a specific location if a resource is technically and commercially viable. Other deposits may exist elsewhere in New Zealand, but they may not be viable (e.g. difficult to access, uneconomic, expensive to transport).
73. Under Option 1 (status quo) does not address the problem, meet the policy objectives, or deliver the highest net benefits. The gateway test for quarrying and mining projects under the instruments contain different gateway tests, this may prevent a quarrying or mining application from progressing to the consent application stage.
74. Option 3 does not address the problem and the policy objectives, or deliver the highest net benefits. This option does remove and define tests in the quarrying and mining gateway tests in the NPSIB and NPS-HPL, but the gateway tests remain inconsistent with the NPS-FM. This may still prevent a quarrying or mining application from progressing to the consent application stage.
75. Option 2 and 3 may increase the number of projects which can pass the relevant gateway tests (this includes Māori as applicants) to progress to the consent application stage, and therefore the number of proposals that Māori groups may want to participate in. This may further stretch Māori groups resources to participate in the resource management system. Subject to the location of a project, it is difficult to assess the impacts or potential impacts of a quarrying or mining project, including how it may impact Māori groups as an affected party. If this option is chosen, some additional consent applications may have their effects considered, but the outcome of those processes cannot be pre-determined.
76. Implementation costs for all options are neutral as some local authorities still need to implement recent changes to the NPSIB and NPS-HPL to their plans. Both options require local authorities to amend their plans to implement the current or new gateway tests.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

77. The options going to Cabinet for inclusion in the discussion document for statutory public consultation for the national direction work programme is the same as MBIE's preferred option. The package of options to create a consistent and more enabling approach for quarrying and mining across the instruments are:

- using “quarrying activities” and “the extraction of minerals and ancillary activities” as the terminology to provide consistency across the instruments and to ensure ancillary activities are included:
- making the consent pathways more enabling by:
 - i. Including operational need in the NPS-FM
 - ii. removing the requirement for the benefit to be public in the NPSIB and the NPS-HPL – i.e. allowing any benefits to be considered
 - iii. adding consideration of regional benefits to the mining consent pathway in the NPSIB and NPS-HPL

What are the marginal costs and benefits of the preferred options?

It is not possible to quantify the number of projects affected by the proposed options

78. Amending the gateway tests in the instruments to be consistent may enable more quarrying and mining projects to progress to the consent application stage. However, it is not possible to quantify the number of projects affected by the proposed changes and how many consents that may subsequently be granted. It is likely that following the change, consent applications may be made, but the outcome of those processes cannot be pre-determined.
79. The impact on affect groups is set out in the table below:

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred options compared to taking no action			
Regulated groups (quarrying and mining project applicants)	There are no known costs for quarrying and mining projects applicants	Low	Low
Regulators (local authorities)	Local authorities would need to update their plans to reflect these changes. More projects may pass the relevant gateway tests to progress to the consent application stage.	Medium	Low
Others (e.g., communities, Māori groups, NGOs and, wider government, etc)	If more projects pass the relevant gateway tests (this may include Māori applicants) to progress to the consent application stage, the number of proposals that Māori groups may choose to participate in may increase. This may further stretch resources available to Māori groups to participate in the resource management system. If more projects pass the relevant gateway tests to progress to the consent application stage, on nationally significant environments (SNAs, highly productive land and wetlands) it may lead to additional impacts on those protected environments and have implications for the objectives of the instruments.	Medium	Low
Total monetised costs	Without accurate quantifiable evidence, it is not possible to provide an estimate.	Unknown	Unknown

Non-monetised costs	More projects may pass the relevant gateway tests and may increase costs for the regulator and other groups. This includes administrative and environmental costs.	Medium	Low
Additional benefits of the preferred options compared to taking no action			
Regulated groups (quarrying and mining project applicants)	Regulated groups will benefit from consistent and more enabling gateway tests for quarrying and mining across national direction and greater certainty. More projects may pass the relevant gateway tests to progress to the consent application stage.	Medium	Low
Regulators (local authorities)	Consistent gateway tests across national direction will clarify the approach for consenting authorities.	Medium	Low
Others (e.g., communities, Māori groups, NGOs and, wider government, etc)	More Māori groups, as quarrying and mining applicants, can access the consenting pathway. More projects may pass the relevant gateway tests to progress to the consent application stage. Communities and wider government may have increased access and decreased costs for quarried and mined resources need for housing and critical infrastructure projects.	Medium	Low
Total monetised benefits	Without accurate quantifiable evidence, it is not possible to provide an estimate.	Unknown	Unknown
Non-monetised benefits	More consistent gateway tests across national direction. More projects may pass the relevant gateway tests and may increase benefits for the regulator and other groups.	Medium	Low

The proposed changes may effect receiving environments and objectives of the relevant national policy statement

80. If the proposed changes enable more quarry and mine projects which effects SNAs, highly productive land and/or wetlands to access the consenting pathway it may lead to additional impacts on those protected environments and have implications for the objectives of the instruments.
81. The effects on the receiving environments and the objectives of the relevant national policy statement will depend on the facts of the individual consent application and will be managed through the consenting process. These factors are weighed up by the district council, regional council or the Environment Court in applying the RMA process to achieve the purpose of that Act.
82. To get a resource consent, a quarry or mine would need to effectively manage their effects through the 'effects management hierarchy' in the NPSIB and NPS-FM, or the avoid, remedy or mitigate tests in the RMA in the NPS-HPL. This may include environmental offsets and/or compensation where appropriate.

Climate Implications

83. The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this policy proposal, as the threshold for significance is not met. Amending the existing terminology and gateway tests in national direction does not result in any direct emissions.

What are the other changes proposed to the instruments

Proposed changes to the NPSIB

84. Aside from the amendments to the NPSIB covered in this RIS, no additional amendments to the NPSIB are not being progressed as part of Phase 2 of RM Reform. Further amendments to the NPSIB will be considered as part of the development of the new system as part of Phase 3 of RM Reform.

Proposed changes to the NPS-HPL

85. The objective of the NPS-HPL is to protect highly productive land for use in land-based primary production¹². The NPS-HPL places restrictions on rezoning, subdivision and land-use on land that meets the transitional definition of highly productive land (Land Use Capability Classification System (LUC) classes 1–3, with some exceptions)¹³.
86. As part of the national direction package, there are two key policy issues that have been raised about the NPS-HPL, that require further testing and public consultation:
- The inclusion of LUC 3 in the NPS-HPL may overly restrict the supply of greenfield land that may be suited for housing in some parts of New Zealand; and
 - The consistency of quarrying and mining provisions across national direction (addressed in this RIS).
87. Further amendments to the NPS-HPL will be considered as part of the development of the new system as part of Phase 3 of RM Reform.

Proposed changes to replace the NPS-FM, and amend the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and the Resource Management (Stock Exclusion) Regulations 2020

88. The Government has committed to replacing the NPS-FM, which falls in scope of phase two of the reform of the resource management system (targeted changes to the existing resource management system to address the most pressing issues).
89. Some decisions in respect of the NPS-FM have already been taken by Cabinet and enacted through the Resource Management (Freshwater and Other Matters) Amendment Act 2024:
- The NPS-FM was amended to remove additional controls on the extraction of coal from the extraction of minerals consent pathway in the wetland provisions of the NPS-FM and NES-F.
 - The hierarchy of obligations in the NPS-FM was excluded from resource consenting to address concerns raised about the way it is being applied while a review and replacement of the NPS-FM is undertaken.

¹² 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* (clause 1.3(1) of NPS-HPL).

¹³ In the NPS-HPL, land is ranked against one of eight categories or classes based on its long-term potential for sustained agricultural production. This is known as the Land Use Capability Classification System (LUC). LUC Class 1 land is the most versatile and suitable for growing the largest range of crops. At the other end of the scale, class 8 land is the least versatile for primary production and is typically used for conservation purposes. Classes 1, 2 and 3 land are generally regarded as the most highly productive land in New Zealand.

90. MfE is currently developing options for public consultation for freshwater national direction in mid-2025 and seek feedback on whether to make changes under the current resource management system or through phase 3 of RM reform in relation to:
- rebalancing Te Mana o Te Wai;
 - providing more flexibility in the National Objectives Framework;
 - enabling commercial vegetable growing;
 - enabling water storage;
 - simplifying wetland and fish passage regulations;
 - amending farmer-facing regulations; and
 - new drinking water.
91. The consent pathways for quarrying and mining are not in scope of amendments to the wetland provisions in the NPS-FM and are instead covered by this RIS.

Integration with broader changes across the instruments

92. Any changes to the quarrying and mining provisions in the NPSIB, NPS-HPL and NPS-FM will need to ensure consistency across national direction while providing for adverse effects to national important protected environments to be managed using the effects management hierarchy, or the avoid, remedy or mitigate tests in the RMA.
93. With wider changes proposed to the instruments as part of the national direction package or the wider RM reform it places further pressure on these environments. Therefore, any changes to quarrying and mining may add to this pressure on these environments.
94. Public consultation is an opportunity to work through the nuances of this policy matter to ensure that where appropriate and required SNAs, highly productive land and wetlands are protected whilst providing a consistent and enabling consent pathway.

How does the proposal contribute to other National Direction programme's objectives

95. The Government has agreed to reform the resource management system to make it easier to consent new infrastructure, including for renewable energy, building houses, and enhancing the primary sector including fish and aquaculture, forestry, pastoral, horticulture and mining.¹⁴ One of the objectives of the work is to make it easier to consent new quarrying and mining projects.
96. To achieve several of the Government's objectives (e.g., in infrastructure, housing and renewable energy) greater access to quarried or mined aggregates or minerals is required. By providing consistent and more enabling gateway tests for quarrying and mining projects effecting SNAs, highly productive land and wetlands it may enable more quarrying and mining projects to pass the relevant gateway tests to progress to the consent application stage.

¹⁴ Speech from the Throne, 2023: [Speech From the Throne](#)

Section 3: Delivering an option

How will the proposal be implemented?

This RIS informs Cabinet decisions on options that will be included in a discussion document for statutory public consultation

97. All proposals within the national direction programme will be considered by the Minister Responsible for RMA Reform and the Minister for Resources and then Cabinet in 2025, with formal notification and submissions through the formal statutory process to begin in 2025. The analysis in this RIS will inform these Cabinet decisions.
98. The proposals agreed to by Cabinet will be included in a discussion document for statutory public consultation with other proposals included in the national direction work programme.
99. Upon receiving public feedback the proposals, this RIS will be refined for policy decisions by Ministers. Implementation will then follow.

Amendments to relevant national direction, regional and district plans, and regulations will be required to enable implementation

100. Generally, when a National Policy Statement changes local authorities must give effect to the change as soon as reasonably practicable or as listed otherwise.
101. Changes to the instruments will be required to implement the preferred option.
102. Amendments to the instruments must be taken into consideration for consent applications received after the amendments have been Gazetted. Local authorities will also be responsible for implementing the policy changes contained in the instruments. These will be achieved through changes to district and regional plans.
103. We are aware of one resource consent decision that is currently being appealed (paragraph 26). Following consultation, consideration will be given to make sure any active processes are accounted for.

Existing policy statements

104. To the extent that regional policy statements and regional and district plans already give effect to a National Policy Statement, local authorities are not obliged to make changes to wording or terminology merely for consistency with it.
105. In case of dispute, the onus is on the local authority to show that, despite the different wording or terminology used, their local policy statement or plan does implement the National Policy Statement concerned.

How will the new arrangements be monitored, evaluated, and reviewed?

106. The preferred options involve amendments to the instruments. As a resource management tool, the proposed amendments will be administered by MfE. MfE is responsible for monitoring and supporting the implementation and reviewing the effectiveness of the changes, and national direction generally, under the RMA.
107. In terms of compliance and enforcement, data on implementation and operational issues, including enforcement, is already collected at a local level by council compliance teams and to some degree at a national level by the Department of Conservation and MfE.

108. Where consents are issued because of these changes, the RMA requires monitoring of those consents by local authorities. For example, under the NPS-FM there is a mandatory condition for consents for activities in or around wetlands that requires monitoring (cl 3.22(3)(b)(ii)).