

National Environmental Standards for Papakāinga (NES-P) – Frequently Asked Questions

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Overview

This Frequently Asked Questions (FAQ) document supports the implementation of the National Environmental Standards for Papakāinga (NES-P). It provides answers to common questions from Māori landowners, whānau, trustees, planners, designers, and councils about how the NES-P works and how it may support papakāinga development while continuing to manage adverse environmental effects and health and safety requirements.

The full text of the NES-P is on the Legislation website [Resource Management \(National Environmental Standards for Papakāinga\) Regulations 2026 | New Zealand Legislation](#)

What does the NES-P do?

The NES-P introduces national rules under the Resource Management Act 1991 that consistently enable papakāinga development in every district. It allows certain papakāinga developments to proceed as permitted activities if specified standards are met. This means Māori land owners don't have to gain district council consent in those cases. It also provides a more limited consenting pathway for developments that do not meet those standards or are larger in scale.

The NES-P is intended to create nationally consistent district planning rules and standards that make it easier to develop papakāinga on certain types of Māori ancestral land. Parameters around this are described below and are in the Clause 2 interpretation section of the NES-P regulations. The NES-P addresses one part of the development process by simplifying resource consent requirements for papakāinga developments. Other statutory requirements, including building consents, regional plan provisions, and specified district plan rules, will still apply.

Why has the NES-P been introduced?

There is a desire for new papakāinga developments to be built, to make it easier for owners of Māori land to use their ancestral lands for housing and community purposes. This supports the development of warm, dry, affordable homes connected to whānau, whenua and culture, and enables communal and intergenerational living.

The NES-P has been introduced because district plans provisions often make papakāinga difficult to develop. Many of them are based on the assumption that only one home is needed on a site, or do not support development of other activities associated with communal housing on communally owned Māori land. This makes new papakāinga development difficult. Actively providing for papakāinga supports recognition of Māori relationships with ancestral land.

Key requirements

What does a papakāinga include?

In this context, a papakāinga development includes both a group of houses and associated non-residential activities. Associated activities can include:

- small-scale commercial activities
- visitor accommodation (limited scale)
- education and health services
- Māori cultural activities, such as marae, urupā and māra kai

What land does the NES-P apply to?

The NES-P is intended to reduce the need for resource consents on land communally owned by Māori where they have an ancestral connection to the land.

For papakāinga developments that may be permitted without district council resource consent this includes:

- Māori customary land or Māori freehold land (as defined in section 4 of Te Ture Whenua Māori Act 1993)
- Land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993
- Land vested in the Māori Trustee that is constituted as a Māori reserve.

- General land owned by Māori –
 - that was previously Māori freehold land, but ceased to have that status by an order of the Māori Land Court made on or after 1 July 1993 and is still owned by the persons who owned the land immediately before the land ceased to be Māori land, or their successors
 - that was previously Māori freehold land, but ceased to have that status under Part 1 of the Māori Affairs Amendment Act 1967 and is still owned by the persons who owned the land immediately before the land ceased to be Māori land, or their successors
 - that was previously Māori land, and has at any time been acquired by the Crown or any local or public body for a public work or other public purpose, and has been subsequently returned and is still owned by the persons it was returned to, or their successors

The NES-P also provides a pathway for PSGEs to apply for resource consent for papakāinga in accordance with the standard, on any land they hold, in their area of interest. The PSGE area of interest is defined as the statutory area identified in relevant Treaty settlement legislation.

Where does the NES-P apply?

The NES-P applies in all district plan zones. The rules permitting papakāinga development apply on residential, rural, and Māori purpose zones set out in the relevant district plan.

In all other zones papakāinga of up to 30 homes will need to obtain consent as a restricted discretionary activity.

Papakāinga developments next to intensive indoor primary production (for example keeping poultry or livestock), mining activities, quarrying activities, or rural industry relating to primary production will also require consent to enable consideration of effects of papakāinga development in these locations.

What else do owners and developers need to think about, that is not covered by the NES-P or district plans?

Other issues can still affect whether a project can go ahead, such as getting finance, land that has no legal access, or ownership arrangements. This means owners of Māori land and developers will need to plan carefully and may need to arrange funding and work through ownership or governance matters, before considering the NES-P.

Permitted activities and standards

What papakāinga development can happen without resource consent under the NES-P?

Papakāinga of up to 10 homes will be permitted (meaning they can go ahead without district council resource consent) on eligible land in residential, rural and Māori purpose zones if the relevant standards are met. These standards set the maximum area of the land block that can be covered with buildings, and minimum distances buildings must be setback from boundaries with neighbouring properties and from the road frontage. There may be other existing plan provisions relating to stormwater,

roading or other matters outlined in Clause 15(2) of the NES-P that will need to be met to ensure resource consent is not required for those other matters.

Do the rules apply to already existing papakāinga?

The rules may be used for development of additional homes on sites where there is an existing home or on existing papakāinga.

Do the rules apply to vacant sites?

If the vacant site is eligible land as defined in the standard it could be used for papakāinga housing.

How many homes can be built as a permitted activity?

Up to 10 homes are enabled as a permitted activity on eligible land in residential, rural and Māori purpose zones, subject to the NES-P standards and specified underlying rules being met. Papakāinga proposing more than 10 homes will require resource consent.

What can be included as part of a papakāinga development?

The NES-P permits certain non-residential activities that are associated with the residential activities of the papakāinga. Examples include small-scale commercial or industrial activities, conservation activities, markets, visitor accommodation, educational facilities, health activities, shared kitchen and bathroom facilities, and Māori cultural activities. However, the total floor area of the non-residential activities cannot be more than 50 percent of the building coverage of the site overall.

What standards must still be met for papakāinga to be a permitted activity?

The NES-P standards that must be met for papakāinga to be permitted without consent in a residential or rural zone are:

- Maximum site coverage – The papakāinga buildings cannot cover more than 50 percent of the site (a site being a piece of land under a single title).
- Minimum setbacks from boundaries –
 - In residential zones all buildings must be at least 2 metres from all boundaries including the road front boundary.
 - In rural zones all buildings must be at least 5 metres from boundaries with neighbouring properties and 3 metres from the front boundary of the site.

In Māori purpose zones the maximum site coverage and setback requirements from the district plan apply.

Any standards in regional plans and certain types of district plan rules specified in Clause 15(2) of the NES-P, must also be met where they are relevant to the papakāinga development.

Consent pathways

What happens if a papakāinga does not meet the permitted activity standards?

The NES-P provides a 'restricted discretionary' consent pathway for developments that do not meet the permitted activity standards.

This means the papakāinga developers will need to apply for district council consent but the NES-P limits matters that councils may consider in the consent decision. The intent is to minimise consent requirements while still allowing councils to assess the matters that remain important.

What other papakāinga developments require limited discretionary resource consent?

The NES-P provides a restricted discretionary consent pathway for papakāinga developments:

- that do not meet the permitted activity standards or specified underlying plan rules
- proposing between 11 and 30 homes
- on land owned by a PSGE in their area of interest
- not in residential, rural or Māori purpose zones
- adjacent to intensive indoor primary production, mining activities, quarrying activities, or rural industry

What will councils consider in applications for consent for papakāinga that are a restricted discretionary activity?

For consents for papakāinga of up to 30 homes that are a restricted discretionary activity the NES-P describes the matters councils can consider. This includes but is not limited to:

- adverse environmental effects on –
 - land and water catchments; and
 - outstanding natural landscapes and features; and
 - public access to the coast lakes and rivers; and
 - historic heritage; and
 - privacy, shading, and visual dominance on adjoining properties; and
 - the safe and efficient operation and functioning of the transport network
- mitigations of these effects including mitigations from mātauranga Māori
- whether there is adequate infrastructure to service the papakāinga
- the building height, bulk, building coverage, and scale of the papakāinga development
- whether stormwater drainage infrastructure or on-site stormwater drainage will be adequate
- the social, economic, cultural and well-being benefits to the papakāinga landowners and residents
- whether the papakāinga development provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of landowners, their whānau, their hapū, and future generations

Certain matters councils can consider only apply to papakāinga that meet or breach certain NES-P rule requirements. For example:

- Papakāinga on PSGE land – councils may consider measures to ensure that the land will remain in use as a papakāinga in the long term.
- Papakāinga that do not meet the activity standards – councils may only consider matters related to the ways in which the activity standards are breached.
- Papakāinga next to intensive indoor primary production, mining activities, quarrying activities, or rural industry – councils may consider the nature of the adjacent land use, and risk that this could affect the ongoing operation of the existing activity, due to the effects resulting from the potential noise and odour effects from the existing activity.

What if a papakāinga proposes more than 30 homes?

Larger developments are more likely to raise broader planning, infrastructure, servicing, and environmental considerations that need case-by-case assessment. Papakāinga developments of more than 30 homes require 'discretionary' resource consent. For 'discretionary activity' papakāinga proposals, councils may consider anything in the related district plan and any statutory directions they deem relevant to the application, and may set conditions to mitigate adverse effects.

Can units developed under the NES-P be subdivided from the site?

The NES-P rules are intended to encourage the use and retention of ancestral Māori land. They are not intended to be used for developments likely to be subdivided. The NES-P effectively limits the permitted activity to land where the owners have a documented ancestral connection to the land and the land is still held in a trust. This minimises the risk that Māori land will be alienated from ancestral owners. The consenting pathway for developments on PSGE land is also intended to enable councils to check that the papakāinga is intended to be held in the long term.

Will consent applications under the NES-P be notified?

'Restricted discretionary' consent applications under the NES-P may be subject to limited notification. The NES-P limits notification to immediate neighbours, local authorities, iwi authorities, joint management entities and the New Zealand Transport Agency (if the development will access a state highway).

Public notification may be required for 'discretionary' papakāinga (more than 30 residential units) applications.

In addition, where district plan overlays or other relevant rules apply, councils may still use public or limited notification when considering those matters.

District and regional plan rules

Do regional plan rules still apply?

The NES-P does not replace every other planning requirement. All regional plan rules continue to apply.

Do district plan rules still apply?

The NES-P specifies that certain types of district plan requirements continue to apply where they manage important effects on the environment, safety and longevity of the development. This includes rules, standards and overlays for:

- natural hazards
- setbacks from infrastructure (such as electricity networks,), waterways, wetlands and rail corridors
- earthworks
- relocatable buildings,
- noise from airports and ports
- accessways and traffic generation
- wastewater and water supply
- stormwater
- historic heritage, outstanding natural features and landscapes, and wāhi tapu

(For the complete list of rules that still apply, check Clause 15(2) of the NES-P.)

These requirements could include permitted activity standards from the district plan or require a resource consent.

Any district plan rules, standards and overlays, that the NES-P does not identify as being applicable, do not apply to papakāinga.

Can a council apply more lenient rules than the NES-P?

Yes. The NES-P is mainly aimed at removing restrictive or inconsistent district plan barriers, not preventing councils from being more enabling of papakāinga.

Regulation 17 allows district plan rules to be more lenient than the NES-P. Where this occurs, councils can use the more lenient district plan rules. For example:

- If a district plan includes a rule that enables papakāinga of up to 10 homes to be built in all zones, then a papakāinga of up to 10 homes can be built in any zone in the district. It must still meet any of the other applicable NES-P standards, regional plan rules and district plan rules if they are more enabling than the comparable district plan rule.
- If a district plan includes a rule that permits papakāinga to have greater than 50 percent site coverage, the district plan site coverage rule is less restrictive and will replace the NES-P site coverage rule. The papakāinga will still need to meet the other NES-P requirements (i.e. have no more than 10 homes, be in a rural, residential or Māori purpose zone on land that meets the NES-P definition of 'ancestral Māori land' and meet the NES-P minimum setback requirements).

The NES-P replaces the equivalent standards in district plans if those district plan standards are less enabling than the NES-P. For example, the NES-P permitted activity standard of 50 percent maximum building coverage in residential zones replaces any equivalent maximum building coverage standard of less than 50 percent.

The matters noted in Clause 15(2) of the NES-P will still apply to the papakāinga application.

Could a papakāinga still need a resource consent?

Yes. A resource consent may still be needed if the papakāinga:

- does not meet the NES-P standards
- does not meet specified underlying district plan rules that continue to apply
- has more than 10 homes
- is not on land that meets the definition of ancestral Māori land
- is not in a rural, residential or Māori purpose zone

Regional council consents may also still be required, depending on the site and proposal. For example, if council provided stormwater and wastewater infrastructure is not available in the location, consent is likely to be needed for onsite stormwater and wastewater systems.

How will someone determine whether they need a resource consent for a papakāinga development?

We recommend checking any proposed building work with your local council to confirm any resource consent and/or building consent requirements before proceeding with developing a papakāinga. It is highly probable you will need your own independent legal advice to support your engagement with your local council.

We recommend checking the NES-P, the relevant district plan provisions and any relevant regional plan provisions to:

- confirm what is needed to meet the permitted activity standards, the permitted activity rule and other requirements in the NES-P
- confirm what is needed to meet relevant district plan rules where those rules are more enabling of papakāinga developments than the rules and standards than the NES-P
- identify relevant rules and standards in the district plan that the NES-P specifies will still apply and confirm what is needed to meet them
- identify relevant regional plan rules that apply and what is needed to meet them

The council may ask landowners wanting to build papakāinga, to provide information to show that rules and standards are being met.

If there are not more enabling standards in the underlying district plan and the papakāinga you want to build will not meet the standards in the NES-P, then we recommend contacting your local council about next steps and to confirm whether a resource consent is required.

How are natural hazards and environmental effects managed?

The NES-P is intended to work alongside existing environmental safeguards rather than remove them. Regional plan rules continue to apply, and specified district plan rules and overlays are intended to continue where they manage significant effects. This includes rules relating to natural hazards, earthworks, stormwater, wastewater, drinking water, and culturally significant areas where relevant (see Clause 15(2)) .

Implementation and practical questions

When does the NES-P take effect?

The NES-P took effect on 2 July 2026. From that date, the NES-P rules apply nationally, and councils will need to use them when considering relevant developments and consent applications.

Does the NES-P remove the need for building consent or other statutory approvals?

No. The NES-P addresses district planning barriers under the Resource Management Act 1991. Papakāinga developments will still need to comply with the Building Act 2004 and obtain building consents where required. They may also need regional consents and must continue to meet relevant standards for wastewater, stormwater, water supply, access, and other infrastructure.

Councils still may require additional information to determine if district and regional plan requirements, that still apply under the NES-P are being met i.e. the council may need information relevant to matters listed under Clause 15(2) such as geotechnical reports to provide information on risks from natural hazards such as landslips, liquefaction and coastal erosion.

This is to protect the natural environment, the safety of the residents and longevity of the development.

Do I need my neighbour's approval to build a papakāinga?

The NES-P makes building a papakāinga a permitted activity under the Resource Management Act 1991 meaning that if all requirements in the NES-P and certain existing plan provisions are met, a resource consent is not needed. In those circumstances neighbours do not need to be notified.

Where restricted discretionary resource consent is required, the Council will make a decision if notification is required but can only notify parties specified in the NES-P (immediate neighbours, local authorities, iwi authorities, joint management entities and the New Zealand Transport Agency if the development will access a state highway).

Where discretionary resource consent is required, the Council will decide if limited or public notification is required. If limited notification is required, the Council will determine based on where and what adverse environmental effects are experienced, who needs to be notified.

Do councils need to update their district plans to give effect to NES-P?

Section 44A of the Resource Management Act 1991 enables plans to be updated without going through a Schedule 1 Plan Change process. If existing plan provisions are conflicting or more restrictive than the NES-P, the provisions will need to be changed or removed without using a Schedule 1 Plan Change process.

The threshold for what is 'conflicting' is a matter for councils to determine, given the specific provisions and their use in the district plan.

In practice, this means a papakāinga proposal only needs to comply with existing district or combined plan rules and their associated standards where those provisions relate to a matter specified in section 15(2) of the NES-P, such as traffic generation, green infrastructure, wastewater, water supply or stormwater. Rules and standards about other matters do not apply, unless they are more enabling than the NES-P provisions.

What the NES-P does not do

Other considerations for papakāinga development

The NES-P clarifies the consenting process of the relevant district council, but other council approvals may still be required arising from the specific proposal. These may involve infrastructure provision or charges, natural hazard management needs, or other regional council consent requirements. See for example, the note following on ‘financial contributions and development contributions’.

There may also be other issues impacting on the proposed development that don’t involve the council, such as access to finance, difficulties getting agreement among multiple owners, and access and easements to the site, particularly if its landlocked.

Financial contributions and development contributions

The NES-P does not change how infrastructure will be funded.

Financial contribution rules may apply where the contribution relates to one of the matters in district plans that still apply under Clause 15(2). For example, if a council charges a contribution for each new unit to help fund infrastructure or services for traffic, green infrastructure, wastewater, water supply, or stormwater, that contribution may apply to new units in a papakāinga development. The financial contribution is intended to address the potential effects of the activity.

How this applies will be different in each district depending on the wording of the relevant district plan rule or standard.

Landowners planning to build papakāinga will need to confirm any financial and/or development contributions requirements with their local council.