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Submission on the Illustrative National Policy Direction

Kāpiti Coast District Council (the Council) welcomes the opportunity to make a submission on the Illustrative National Policy Direction, to test the Government's proposed approach to national policy direction under the new planning system.

Council supports a coordinated and integrated national policy direction framework across both Acts¹, which aims to improve certainty, reduce duplication and provide a coherent direction to the new planning system. However, the illustrative NPD does not yet clearly resolve several material conflicts between goals and directives.

Important criteria, thresholds and implementation methods are deferred to National Standards that are not yet available. Clearer direction is also needed on the relationship between development capacity, infrastructure delivery, environmental limits and long-term natural hazard risk.

Overall, Council would like to see three priority changes to national direction:

- (a) national resolution of recurring conflicts between goals and directives, including applicable priorities, tests and safeguards, and clarity about matters remaining for Regional Spatial Plans (RSPs) and plans;
- (b) coordinated development and consultation on the NPD and the National Standards needed for RSP and plan preparation, together with a staged and funded implementation programme; and
- (c) a consistent, climate-adjusted natural hazard framework for land use and infrastructure, including adaptation pathways and responsibilities for implementation and cost.

These matters are particularly relevant in Kāpiti, where growth must be planned alongside infrastructure capacity and funding, coastal erosion and inundation, productive land,

¹ Since the Illustrative National Policy Direction (NPD) was released, the Planning Bill and Natural Environment Bill received Royal assent on 30 September 2026 and are now the Planning Act 2026 and Natural Environment Act 2026.

freshwater, indigenous biodiversity and mana whenua interests. National direction should identify matters settled nationally and those to be determined through RSPs and plans using regional and local evidence.

National direction should also recognise and protect existing Te Tiriti-based partnership arrangements that exceed national minimum requirements, including the participation of Ngāti Toa Rangatira, Te Ātiawa ki Whakarongotai, and Ngā Hapū o Ōtaki through Te Whakaminenga o Kāpiti and He Whakaaetanga Hononga. National consistency should operate as a statutory floor rather than a ceiling, for local partnership arrangements.

There are two parts to this submission:

- I. Part I below, includes responses to the specific questions posed by MCERT
- II. Part II, in Appendix 1, sets out detailed feedback on the cross-cutting, thematic and system-wide directives, presented in a table

Part I – Responses to the Government's specific questions

The Ministry has asked for feedback on four questions. Council's short answers to these questions are below. The detailed reasons and changes sought are set out in Part II in Appendix 1.

1. Whether the thematic structure is clear and easy to understand

Broadly, yes. The five-theme structure is clear and navigable. Council seeks an additional provision explaining how cross-cutting, system-wide and theme-specific directives are to be read and applied together, and how conflicts between them are to be resolved.

Council generally supports coordinated national policy direction under both Acts.

Council seeks an additional clause in the statutory NPD explaining how these directives are read and applied together, and which directive takes priority where an express conflict rule applies, and how unresolved conflicts are to be decided.

This is particularly important for the interaction between SW-Directives 2.1 to 2.6 and the different hazard approaches in HD-Directive 4.1, INFR-Directive 3.1, PP-Directive 5.1 and RW-Directive 4.1.

2. Whether the Illustrative NPD provides a clear picture of how national policy direction could work in practice

Overall, no. The Illustrative NPD shows how national direction could flow through RSPs and plans, but material criteria, thresholds and methods are deferred to National Standards that are not yet available. Council cannot yet fully assess how the framework would operate in Kāpiti, particularly for natural hazards, indigenous biodiversity, high value growing areas, and consent and permit decisions.

Council supports a coordinated national direction framework but cannot assess how it will operate until essential National Standards are available.

Council seeks coordinated development and testing of the NPD and National Standards (exposure drafts), supported by a realistic, staged and funded implementation programme wherever practicable. Council requests that the Ministry also publish worked examples showing how an RSP and land use plan would apply competing directives, and guidance on how clauses 12 and 12A of the Planning Act affect consideration of plans, National Standards and NPD in consent decisions.

3. **Whether there are important priorities, gaps or trade-offs that are not adequately reflected**

Yes. The Illustrative NPD does not yet resolve different approaches to natural hazard risk across housing, infrastructure and primary production, or explain when development may proceed despite protected values. Council considers that the statutory NPD needs to resolve several trade-offs more expressly:

- **Growth and infrastructure:** HD-Directive 1.5 prohibits urban growth boundaries and connection requirements, while HD-Directive 1.4 and CC-Directives 5 to 7 rely on infrastructure capacity and sequencing. The NPD should explain how councils can stage growth where servicing is demonstrably constrained.
- **Growth and protected values:** HD-Directive 1.6 may allow urban development in high value growing areas or areas of high natural character, subject to National Standards. The NPD should state the priority, alternatives test and safeguards that apply alongside PP-Directive 2.2 and PV-Directive 4.2.
- **Natural hazards:** HD-Directive 4.1 directs housing away from very high-risk areas, while INFR-Directive 3.1 and PP-Directive 5.1 take different approaches to risk affecting those activities. Council seeks one consistent assessment method and clear direction on risk to other people, asset life and residual risk.
- **Freshwater, wetlands and the coast:** The document does not explain how the functions of the NPS-FM and NZCPS will be carried forward, including a specific protection and effects-management framework for natural wetlands.

Other gaps include:

- the detailed effects-management framework, limits and safeguards for biodiversity offsetting and compensation, which are deferred to National Standards;
- no explicit natural wetland protection and effects-management framework and no standalone freshwater theme;
- insufficient direction on the location, type and infrastructure requirements of business land, including industrial land; and
- the adequacy, resourcing and enforceability of the proposed iwi participation agreements and plan-making participation requirements, including ensuring that participation encompasses issue identification, option development, decision-making, implementation, monitoring and review, and occurs before growth areas, infrastructure corridors or preferred development options are identified. Existing partnership arrangements should be recognised and preserved. More detail on this is provided in Part II.

Council supports the proposed direction where it provides clearer national outcomes but has concerns that material gaps and trade-offs remain unresolved.

For Kāpiti, these are decisions that will directly affect growth locations, infrastructure investment and long-term coastal resilience. Council seeks the policy choices in the NPD, with National Standards providing the methods for applying them.

4. How NPD could be made more useful and effective

NPD could be made more useful and effective by:

- (a) specifying the priority, test and safeguards for recurring conflicts, including development versus biodiversity and natural character, and development capacity versus infrastructure delivery;
- (b) releasing an indicative work programme, and where possible exposure drafts, for the referenced National Standards, so that the NPD and the standards can be tested together;
- (c) aligning the natural hazard directives across sectors while recognising genuine functional and operational needs; and
- (d) engaging directly with councils (including Kāpiti) that have already completed substantial hazard, growth and heritage work, so that this evidence informs the National Standards rather than being duplicated.

Council supports further development of the NPD and would like to see the following matters more fully addressed before the NPD is finalised:

- inclusion of an express decision sequence for recurring conflicts. It should identify the relevant priorities, when alternatives must be assessed, the circumstances in which an exception is available, and the safeguards required.
- an amended HD-Directive 1.5 to allow transparent, evidence-based growth sequencing and proportionate servicing requirements where infrastructure, funding, hazard or environmental constraints are demonstrated, while maintaining sufficient feasible development capacity.
- sector hazard directives aligned with SW-Directives 2.1 to 2.6. The framework should address climate-adjusted risk over the life of development and infrastructure, residual risk, effects beyond the site and adaptation options.
- a publish a programme and exposure drafts for the essential National Standards, supported by guidance and a crossover analysis identifying which existing national direction and outcomes for freshwater and coastal management will be retained, amended or omitted.
- a transition decision table provided showing which instruments apply to RMA consents and notices of requirement, and to decisions under the new system, at each stage.
- an agreed implementation and funding programme with councils and mana whenua before intensive preparation of the first RSPs. It should make use of existing regional and local evidence.
- requiring early, meaningful and adequately resourced Mana Whenua participation, preserving existing Treaty settlement and partnership arrangements, and establishing accountability measures that monitor both

planning outcomes and the quality of Te Tiriti partnerships.

Council supports further development of the NPD and seeks clearer decision-making rules for resolving conflicts, evidence-based growth sequencing, and a consistent climate-adjusted natural-hazard framework. It also requests coordinated National Standards and transition guidance, supported by an agreed implementation and funding programme that involves councils and mana whenua and uses existing evidence.

Council recognises the challenges involved in testing a new approach to national direction, and values MCERT's engagement with local government, iwi authorities and other key stakeholders throughout this process.

Council is committed to achieving a balance between growth and environmental sustainability, while honouring our Treaty partners. We believe that careful consideration of the concerns raised in this submission will help ensure that the Illustrative NPD, and the statutory National Policy Direction that follows it, support both our environmental and development goals.

Thank you for considering our submission. We appreciate the opportunity to contribute and look forward to our continued engagement as the new planning system is developed.

If you have any questions regarding our submission, please feel free to contact Kris Pervan, Group Manager Strategy and Growth at: kris.pervan@kapiticoast.govt.nz

Ngā mihi,

A handwritten signature in dark ink, appearing to be 'Darren Edwards', with a stylized, flowing script.

Darren Edwards
Chief Executive
Kāpiti Coast District Council

Appendix 1 Part II – Detailed feedback on the Illustrative NPD directives

NPD Directives / Reference	Our position	Issue	Comment / Change sought
General / Cross-cutting directives			
Overall NPD design	Concern	The Illustrative NPD does not yet explain how several material conflicts between national goals and directives are to be resolved, including urban growth and significant biodiversity, and development capacity and infrastructure delivery.	Council seeks an express decision sequence in the statutory NPD that identifies the applicable directives and values, requires consideration of feasible alternatives, states when an outcome has priority or an exception is available, and specifies the evidence and safeguards required. National Standards should implement those policy choices. The decision sequence should also explain how conflicts involving Mana Whenua rights and interests, Māori land, ancestral whenua and wai, sites and areas of significance to Māori, cultural values and Treaty settlement arrangements are to be resolved, including how affected Mana Whenua are to be involved in that process. Development objectives should not prevail by default where such conflicts arise.
General – role of National Standards	Concern	The criteria and methods needed to test the directives are deferred to National Standards that are not yet available.	Council seeks a published programme and exposure drafts for the standards needed to prepare RSPs and plans, particularly for natural hazards, biodiversity and high value growing areas. The NPD and standards should be tested together before statutory direction is finalised, with sufficient lead time for the first RSPs.
Clauses 12 and 12A – consent and permit decision pathways	Concern	Clauses 12 and 12A of each Act need to be read together, but the consent and permit pathways differ. Planning Act clause 12A requires the decision-maker first to consider the land use plan, any proposed land use plan and directly relevant National Standards. Natural Environment Act clause 12A concerns the natural environment plan, any proposed natural environment plan and directly relevant National Standards. In each case the applicable clause 12 goal gateways still require explanation.	Council seeks national guidance on the order and legal weight of plans, National Standards, NPD and statutory goals under clauses 12 and 12A of each Act. The guidance should use separate planning-consent and natural-environment-permit examples, explain when NPD may be considered directly, and identify the relevant goal gateways and treatment of gaps or inconsistencies. Council seeks resolution of strategic policy conflicts in national instruments and plans wherever practicable.
Cross-cutting vs system-wide directives	Concern	The introduction explains that system-wide directions apply across themes, but the practical status of the two categories is unclear where directives point to different outcomes.	Council seeks an express statement of the status of each category and a method for applying them alongside theme-specific directives where outcomes conflict. If the categories have the same effect, Council seeks a single category or a clear explanation of why two are needed.
CC-Directive 1	Support in part	CC-Directive 1 permits restrictions where necessary to prevent unreasonable effects on others or to provide for important public values. Its application to risk-based controls on exposed private land should be explicit.	Council supports CC-Directive 1 in part but seeks express recognition that land use plans may impose proportionate controls to avoid or reduce significant risk to people and property, including long-term coastal and flood risk. The NPD should explain how climate-adjusted future risk is assessed when determining whether a restriction is necessary, consistently with SW-Directives 2.1 to 2.6.
CC-Directives 3 & 4	Concern	CC-Directive 3(b) requires local authorities to manage complaints in accordance with future National Standards; CC-Directive 4(c) requires plans to recognise private agreements. Their	Council supports managing reverse sensitivity through appropriate location, design and private agreements. Council seeks a National Standard that sets out how complaints are investigated, which authority is responsible (including the requiring authority where effects arise from designated infrastructure), and what evidential weight is given to no-complaint covenants. It should confirm that a

NPD Directives / Reference	Our position	Issue	Comment / Change sought
		respective legal and operational effects remain unclear.	private agreement does not displace statutory responsibilities to address unlawful or unreasonable effects on health, safety or the environment.
CC-Directives 5, 6 & 7	Support in part	CC-Directive 5(d) does not define when natural hazard risk can be managed; 5(e) does not explain what providing for significant environmental and cultural values requires. CC-Directive 6 requires sequencing, but the relationship between sequenced and unsequenced land supply and deliverable infrastructure investment is unclear. CC-Directive 7 does not resolve conflicts between growth, hazards and protected values.	<p>Council supports directing growth towards areas that can be serviced and where hazards and significant values can be managed. For Kāpiti's linear settlements, Council seeks an RSP method that compares feasible locations using climate-adjusted hazard risk, infrastructure capacity and timing, whole-of-life servicing and adaptation costs, and environmental and cultural values.</p> <p>The NPD should require meaningful Mana Whenua participation in decisions on growth location, sequencing and infrastructure investment, where cultural values, wāhi tūpuna, freshwater interests, customary interests or sites and areas of significance to Māori may be affected.</p> <p>The NPD should define the tests in CC-Directive 5(d) and (e), explain how CC-Directive 6 sequences investment and assesses privately funded infrastructure, and require reasons for the location, staging and residual conflicts under CC-Directive 7.</p>
Theme 1: Housing and Development			
HD-Directive 1.1-1.2 (urban land market statutory officer)	Support in part	No detail is provided on the applicable evidential threshold, the opportunity for the relevant council to respond, or how infrastructure capacity and natural hazard constraints are to be weighed against land-efficiency indicators.	Council supports oversight of urban land market competitiveness in principle, but seeks a defined evidence and procedural threshold. The statutory officer should assess development feasibility, infrastructure capacity and funding, hazard exposure and business land requirements. Council seeks provision of the evidence to affected councils, a reasonable opportunity to respond and written reasons before any finding that an urban land market is not competitive.
HD-Directives 1.1 and 2.1	Concern	HD-Directives 1.1 and 2.1 recognise business capacity and a range of sites for industry. They do not specify how industrial capacity, infrastructure requirements and reverse sensitivity constraints are tested together.	Council seeks direction for RSPs and land use plans to assess feasible and serviceable business capacity by type, including industrial sites of suitable size and location, and to coordinate freight, transport and water services infrastructure investment. The method should distinguish industrial land from general commercial floorspace, account for staged servicing, and safeguard industrial capacity from incompatible non-industrial uses where the evidence shows that this is necessary. It should also manage reverse sensitivity under CC-Directives 3 and 4.
HD-Directive 1.5	Concern	Prohibition on urban growth boundaries and connection requirements sits uneasily with a linear, infrastructure-constrained district.	Council has concerns that HD-Directive 1.5 could prevent justified sequencing of growth in a district with linear settlements and substantial three-waters and transport servicing costs. Council seeks an amendment allowing evidence-based growth boundaries and proportionate connection requirements where infrastructure, funding, hazard or environmental constraints are demonstrated, provided sufficient feasible capacity is maintained. The NPD should distinguish land identified for future development under HD-Directive 1.4 from land that can be serviced and released now, and specify the evidence and review triggers for any restriction.
HD-Directive 1.6 / PP-Directive 2.2	Support in part	The exceptions for development in high value growing areas and areas of high natural character depend on National Standard criteria that have not been released.	Council supports development capacity being assessed against high value growing land and natural character, but cannot assess the proposed exceptions without the relevant National Standards. This is material for Ōtaki's horticultural land and Kāpiti's dune and escarpment areas. Council seeks exposure drafts that specify the alternatives test, capacity measure, effects thresholds, cumulative-effects assessment and safeguards before the statutory NPD is finalised.
HD-Directive 2.3	Support in part	"Sufficient intensification" outside specified high-density areas lacks a measurable method. Demand, accessible jobs and services, infrastructure capacity and feasibility may lead to different outcomes.	Council supports intensification where demand and accessibility justify it and infrastructure can service it. Council seeks a National Standard method for assessing sufficient feasible capacity under HD-Directive 2.3 by housing type and location, access to jobs and services, public and active transport, infrastructure headroom and funded upgrades, and hazard and environmental constraints. The method should require RSP and land use plan assumptions to be reconciled and monitored.

NPD Directives / Reference	Our position	Issue	Comment / Change sought
HD-Directive 4.1	Support in principle	HD-Directive 4.1 avoids new housing and development in areas of very high natural hazard risk, but the assessment method has not been specified.	Council supports directing new housing away from areas of very high natural hazard risk. Council seeks a National Standard that defines the risk matrix, climate-adjusted assessment periods, treatment of uncertainty, cumulative and residual risk, and approach to alterations to existing buildings. It should state whether risk is assessed before or after proposed mitigation, the evidence needed to demonstrate durable risk reduction, and how safe access and neighbouring land are assessed. Existing Kāpiti coastal hazard and adaptation evidence, (for example, Takutai Kāpiti work), should be capable of being used and updated. (Also, refer back to comments on HD-Directive 4.1)
Theme 2: Infrastructure			
INFR-Directive 1.7	Support in part	INFR-Directive 1.7 requires RSPs to identify existing and planned infrastructure at a broad level and land use plans to protect it from incompatible activities. It does not specify the evidence needed to identify future corridors or how long protection should apply where delivery remains uncertain.	Council seeks a proportionate method for identifying existing infrastructure and future transport, water services and other network corridors in RSPs. It should distinguish funded or committed projects from strategic options, identify the evidence and agencies responsible, and provide for review as delivery plans change. Land use plan controls should manage incompatible activities and reverse sensitivity without unnecessarily constraining other feasible uses of land.
INFR-Directive 3.1	Concern	INFR-Directive 3.1 prevents a land use plan from restricting infrastructure solely for risk to the asset itself. Its broad infrastructure scope can include facilities occupied by people. The division between asset-owner risk and land-use controls for risks to life, other land and essential service continuity needs to be explicit.	Council supports flexibility for lifeline infrastructure that must traverse hazard-prone land, but has concerns about applying the same asset-risk approach to occupied facilities such as schools, health facilities and emergency-service premises. Council seeks amendments to INFR-Directive 3.1 and the standards requiring feasible location and design options, climate-adjusted asset-life risk, service continuity, residual risk, adaptation options and whole-of-life cost at RSP and investment stages. The NPD should confirm that land use plans may manage significant risk to people and other property under SW-Directive 2.2 and identify who is responsible for asset risk and its cost.
INFR-Directives 2.3 and 2.4	Concern	INFR-Directive 2.3 calls for broad renewable energy mapping without specifying its evidence threshold, scale or effect on subsequent decisions.	Council supports identifying strategic renewable energy opportunities but seeks a proportionate mapping method under INFR-Directive 2.3. The standard should state the evidence threshold and spatial scale, which opportunities must be mapped and how RSPs can be updated as technology changes. Council seeks confirmation that indicative mapping neither grants an entitlement to develop nor predetermines assessment of effects, and that INFR-Directive 2.4(b) continues to provide for opportunities not mapped in an RSP.
CC-Directives 5 to 7 and INFR-Directive 1.1	Concern	Growth direction without a deliverable investment programme could create servicing expectations that councils cannot meet.	RSPs will have direct statutory links to infrastructure and investment decisions. A regional land transport plan must be consistent with the relevant RSP, subject to the statutory qualifications. A long-term plan must set out steps to implement or progress RSP actions for which the local authority has lead responsibility, to the extent it is reasonably able. Alongside possible implementation of rates capping legislation, growth direction without a deliverable investment programme could create servicing expectations that councils cannot meet.
Theme 3: Primary production and the rural economy			
PP-Directive 5.1	Support in part	PP-Directive 5.1 limits land use plan restrictions arising from natural hazard risk to primary production activities themselves. Its relationship with risk to people, neighbouring land and essential services needs clarification.	Council seeks alignment between PP-Directive 5.1 and SW-Directives 2.1 to 2.6 so that land use plans may impose proportionate controls where necessary to manage significant natural hazard risk to people or other property. The NPD should require assessment of climate-adjusted hazard exposure, safe access and residual risk, while recognising the locational and operational needs of primary production activities. It should clarify how PP-Directive 5.1 applies to mining and quarrying, which are included in the definition of primary production, alongside RW-Directive 4.1.

NPD Directives / Reference	Our position	Issue	Comment / Change sought
PP-Directive 2.2 and HD-Directive 1.6	Concern	The Illustrative NPD proposes protecting “high value growing areas”, but does not yet define those areas or explain how they will be identified and mapped. It is also unclear how the proposed approach relates to land currently protected under the NPS-HPL, or what tests will apply when urban development, infrastructure or subdivision is proposed in a high value growing area.	Council seeks clear national criteria for identifying and mapping high value growing areas. The criteria should consider long-term growing potential, soil characteristics, water availability, climate, existing production and supporting infrastructure. The NPD should also explain how existing NPS-HPL protections will apply during the transition and specify the tests and safeguards for development that could result in the loss or fragmentation of high value growing areas
Theme 4: Resources – quarrying, mining and waste			
RW-Directives 1.2 to 1.4	Concern	RW-Directive 1.2 requires RSPs to identify both existing regionally significant quarries and mines and potential mineral resources, but provides no evidential threshold for identifying a potential resource. Protection of those areas may conflict with planned urban or industrial development and with agreed post-extraction land uses.	Council seeks a national method based on existing, reasonably available evidence that distinguishes known mineral resources from areas requiring further investigation. The extent of protection should reflect the certainty and significance of the resource. The NPD should require consideration of the long-term benefits and costs of extraction and alternative development locations, and clarify how progressive rehabilitation and agreed post-extraction outcomes under RW-Directive 1.3 are provided for.
RW-Directives 1.1 and PV-Directives 2.1 to 2.4	Concern	The Illustrative NPD does not resolve conflicts between access to minerals and identified significant indigenous biodiversity.	Council seeks an NPD test for conflicts between mineral access under RW-Directive 1.1 and significant indigenous biodiversity under PV-Directives 2.1 to 2.4. It should require consideration of alternative locations or extraction methods, state how tier 1 and tier 2 values are treated, when offsetting is unavailable and which safeguards apply. The NPD should settle the policy priority and effects-management sequence before a National Standard supplies technical methods.
RW-Directive 2.5	Support in part	RW-Directive 2.5 requires land use plans to map future waste management and resource recovery infrastructure needs and avoid urban development that would prevent identified future infrastructure. The directive does not explain how strategic needs and locations are first identified or how their certainty is assessed.	Council seeks direction for RSPs to identify strategic waste and resource recovery infrastructure needs and broad locations, using evidence of demand, transport access, environmental constraints and natural hazard risk. Land use plans should then apply proportionate controls to protect identified sites, distinguishing committed projects from longer-term options and providing for review as needs and delivery plans change.
RW-Directive 3.2	Support in part	Prioritising contaminated sites, including closed landfills exposed to hazards, requires a risk and delivery method beyond a plan rule.	Council supports identifying and managing contaminated land, particularly closed landfills exposed to natural hazards, but seeks a method that extends beyond plan rules. The National Standard should specify how contamination, climate-adjusted exposure and pathways to human or environmental harm are assessed and how sites are prioritised. Council seeks clear roles for regional and district councils, landowners, site operators, and regulators in investigation, remediation, monitoring, data-sharing and funding, using existing records before requiring new surveys.
Theme 5: Public values			
PV-Directives 1.1, 1.2 and 4.1 to 4.2	Concern	The Illustrative NPD does not specify a protection outcome or effects-management framework for natural wetlands.	Council seeks an express protection outcome and effects-management sequence for natural wetlands, with limited exceptions stated in the NPD and definitions and mapping methods in a National Standard. The transition provisions should explain how existing NPS-FM wetland requirements continue or are replaced for plan-making and consenting, including for wetlands in Kāpiti’s river catchments.

NPD Directives / Reference	Our position	Issue	Comment / Change sought
PV-Directives 1.1 and 1.4 and freshwater gap	Concern	The Illustrative NPD has no standalone freshwater theme. Its public values provisions address ecosystem limits but do not explain how the existing NPS-FM framework, including Te Mana o te Wai, will be carried into the new instruments.	<p>Council seeks clarity around what freshwater outcomes and provisions under the NPS-FM, including Te Mana o te Wai, will be retained, changed or omitted, and the interim requirements for regional plans and permits.</p> <p>Consistent with rangatiratanga, Mana Whenua should be able to define outcomes, identify values and lead or jointly design responses where freshwater, wetlands, coastal environments, taonga or customary interests within their rohe are affected.</p> <p>The NPD should clarify how PV-Directive 1.4 protects source water for registered supplies serving more than 100 people and how smaller supplies and upstream catchments are addressed. These matters are relevant to Kāpiti's Waikanae and Ōtaki water supply catchments.</p>
Indigenous biodiversity tiers	Concern	The NPD enables offsetting and compensation for some tier 2 biodiversity values, but the effects-management sequence, limits and safeguards are deferred to an unpublished National Standard.	Council supports a consistent method for assessing residual effects on indigenous biodiversity, but has concerns that the circumstances and safeguards for offsetting and compensation remain in an unpublished National Standard. Council seeks an NPD effects-management sequence that states when offsetting or compensation for IB is available or excluded. The exposure draft standard should address ecological equivalence, location, cumulative effects, monitoring and enforcement. These are relevant to Kāpiti's dune and wetland habitats. Council also seeks clarity on responsibility for, and funding of, non-regulatory restoration and enhancement identified through regional biodiversity strategies under PV-Directives 2.4 and 2.6.
High natural character / outstanding landscapes	Concern	HD-Directive 1.6 may enable urban development in areas protected for high natural character or outstanding landscapes under PV-Directive 4.2.	Council has concerns about the unresolved relationship between development capacity under HD-Directive 1.6 and protection of high natural character and outstanding landscapes under PV-Directive 4.2. This is relevant to Kāpiti's coastline and escarpment. Council seeks a clear test for considering alternative locations, identified values and cumulative effects, and for applying the relevant National Standard thresholds before development is enabled in these areas.
PV-Directives 3.1 to 3.4	Support	Maintaining coastal access requires a method for addressing hazard exposure, private property and sites of significance to Māori.	Council supports maintaining and enhancing public access to and along the coast, subject to public safety, lawful access rights and protection of sites of significance to Māori. Council seeks clarification of how PV-Directives 3.1 to 3.4 operate through plans and subdivision, including esplanade reserve and strip requirements, and how these differ from decisions about public works and asset management. Where coastal hazards affect an access route, plans should provide for evidence-based relocation or managed closure and, where practicable, an alternative route. Mapping alone should not create a public right of access over private land; arrangements affecting Māori sites should be developed with mana whenua.
PV-Directives 5.1 to 5.3	Support in part	The identification criteria for significant historic heritage are deferred to National Standards. The NPD should make clear how land use plan controls respond to the particular values of each place while enabling appropriate use, maintenance and adaptation. Some places may also be sites of significance to Māori.	Council seeks national criteria for identifying significant historic heritage and its specific values and characteristics, supported by proportionate plan provisions. The NPD should enable maintenance, seismic strengthening and compatible use or adaptation where identified values can be protected. Guidance on places identified both as historic heritage and as sites of significance to Māori should be developed with mana whenua, consistently with PV-Directive 5.3.
INFR-Directive 1.6, PV-Directive 6.2 and SW-Directive 2.4	Support	Nature-based restoration and wetland or dune buffers can support resilience, but PV-Directive 6.1 also removes controls imposed solely because public-value activities are exposed to	Council supports enabling dune restoration, wetland buffers and other nature-based solutions under INFR-Directive 1.6, PV-Directive 6.2 and SW-Directive 2.4. Council seeks a clear consenting pathway and requirements for performance, maintenance and responsibility where these measures form part of hazard or stormwater infrastructure. PV-Directive 6.1 should distinguish risk to the activity or asset

NPD Directives / Reference	Our position	Issue	Comment / Change sought
		hazards. Its breadth could cover activities that bring people into very high-risk locations.	itself from risk to visitors, staff and neighbouring land, for which proportionate land use controls should remain available under SW-Directive 2.2.
System-wide: Māori interests			
Continuity through transition	Concern	Existing Treaty settlement commitments, partnership arrangements, iwi and hapū planning documents, data agreements and agreed priorities may be disrupted during transition to the new planning system.	Council seeks transition arrangements that maintain existing protections, relationships, work programmes, settlement commitments, data agreements and partnership decisions until equivalent or stronger provisions are operative. Regional spatial planning should begin with an agreed record of Mana Whenua priorities, iwi and hapū planning documents, and Treaty settlement and existing partnership commitments. Legislative changes (including plan changes) should not require Mana Whenua to re-establish matters already agreed.
SW-Directive 1.1	Support	SW-Directive 1.1 provides for Treaty settlement arrangements to continue with the same or equivalent effect under the new system.	Council supports SW-Directive 1.1 and seeks to ensure that Treaty settlement arrangements continue to have the same or equivalent effect under the new system. Its implementation should be developed with the relevant iwi authorities.
SW-Directive 1.2	Concern	SW-Directive 1.2 defers plan-making engagement to legislation and National Standards. The Act provides for iwi participation agreements, but sections 198A to 198E leave significant discretion over when local authorities respond and what agreements contain.	Council has concerns that SW-Directive 1.2 leaves important engagement requirements to later instruments. Council seeks minimum requirements, developed with mana whenua, for early iwi and hapū participation in RSP and plan preparation, culturally appropriate identification of sites and Māori land, sufficient time and resources, and the operation of SW-Directive 1.6 alongside development-enabling directives. The NPD should explain how iwi participation agreements, Treaty settlement obligations and local partnership arrangements operate together without predetermining mana whenua positions. Participation should occur before strategic choices, growth areas, infrastructure corridors or preferred development options are identified and continue through implementation, monitoring and review. The NPD should recognise and preserve existing governance, co-design and shared decision-making arrangements that exceed national minimum requirements and ensure participation is supported by equitable, enduring funding and technical support.
SW-Directive 1.3	Support in part	Mandatory identification of sites of significance to Māori may require disclosure of sensitive locations or culturally restricted information in public maps and evidence.	Council supports protecting sites of significance to Māori but has concerns that public mapping could disclose sensitive or culturally restricted information. Council seeks a National Standard developed with mana whenua that enables agreed, secure identification where disclosure would harm a site or breach cultural protocols. It should provide for enforceable plan provisions and procedural fairness for affected landowners and applicants while protecting confidential evidence, and drawing on early engagement under SW-Directive 1.2. The relevant Mana Whenua should determine significance, appropriate protection measures, and how sensitive information is recorded, held, accessed and shared. Protection should not depend on public disclosure of mātauranga Māori, oral histories or precise site locations.
System-wide: Natural Hazards			
SW-Directives 2.1 to 2.6 and sector hazard directives	Concern	SW-Directives 2.1 to 2.6 set the general risk framework, while HD-Directive 4.1, INFR-Directive 3.1, PP-Directive 5.1 and RW-Directive 4.1 apply different activity-specific approaches. The interface and responsibility for adaptation costs need further direction.	Council's Takutai Kāpiti programme has involved substantial technical work and community engagement. Council has concerns about the different hazard-risk approaches in SW-Directives 2.1 to 2.6 and the housing, infrastructure, primary production and resources directives. Council seeks a consistent national method for climate-adjusted assessment periods, uncertainty, residual and off-site risk, informed by existing evidence such as Takutai Kāpiti work. The NPD should explain how sector directives operate with SW-Directive 2.2; require RSPs to identify adaptation priorities and indicative responsibilities; and provide guidance on delivery and funding.

NPD Directives / Reference	Our position	Issue	Comment / Change sought
Absence of an NZCPS equivalent	Concern	The Illustrative NPD does not set out a coastal-specific framework equivalent in scope to the current NZCPS. The implications of replacing existing direction are unclear.	Council has concerns that the Illustrative NPD does not show how the functions of the NZCPS will continue. Council seeks a published crosswalk identifying coastal natural character, public access, hazard, adaptation and coastal marine area outcomes that will be retained, changed or omitted in the statutory NPD or standards. It should specify the transitional treatment of operative plans, plan changes and consent decisions and be consulted on with coastal councils and mana whenua.
Transition and implementation			
Transitional status of NPD and other instruments	Concern	The transitional pathway differs by decision type and date. Proposed RMA section 104(1C) limits consideration of instruments under the new legislation in RMA consent and notice-of-requirement decisions, subject to Schedule 1 exceptions; initial national rules and a decided RSP or preceding future development strategy may have specified effects. New-system consents and permits follow the relevant Act's clauses 12 and 12A.	Council has concerns that the transitional weight of national instruments, RSPs and preceding future development strategies varies by decision type and commencement date. Council seeks published transitional guidance, including a decision-making matrix, identifying the legislation and planning instruments that apply to RMA resource consents and notices of requirement, and to planning consents and natural resource permits under the new system, at each stage of transition. It should identify the relevant legislation, plans, initial national rules, other National Standards, NPD and RSPs at each stage, their legal effect, and how conflicting instruments are addressed.
Overall timeline	Concern	Schedule 1 of the Planning Act requires reasonable steps to notify draft RSPs by the later of 21 months after Royal assent or nine months after both NPD instruments have been issued. This does not ensure that all substantive National Standards will be available for RSP preparation.	Council seeks further clarity for the staged national implementation programme that aligns the release of the NPD and the National Standards needed for RSP preparation with the statutory RSP timetable. Clarity as to which standards will be available before the first RSPs are prepared, when they will be issued, and what interim approach applies if they are delayed. It should also identify the technical and funding support available to regional secretariats and mana whenua.
Changes to the national implementation programme	Concern	The first RSPs and plans will require significant preparatory expenditure. If national instruments or implementation dates change, councils need a reliable mechanism to reset dependent work.	Council seeks a published and regularly updated implementation programme, reasonable notice of changes to NPD and standards, and a process to reset affected RSP, plan and evidence work. The programme should identify central support for reusing commissioned evidence and for work required by material changes to national direction, including engagement with mana whenua. Any cost-sharing arrangement should be stated expressly.
Council resourcing and implementation funding	Concern	RSP governance, preparation and implementation will require additional staff capacity, regional secretariat support, evidence, engagement, monitoring, and technical, legal and policy advice. The Council report identifies no dedicated funding mechanism and a material risk of additional unfunded responsibilities for local authorities.	Council has concerns that RSP preparation and implementation will require additional governance, technical, engagement and monitoring capacity without an identified funding mechanism. Council seeks an agreed funding and capability package before intensive preparation begins. It should allocate responsibility for evidence, advice, digital systems, regional functions and mana whenua participation, and identify central and local contributions. Funding arrangements should specifically include adequate and enduring support for Mana Whenua participation, technical advice and partnership governance functions.

Appendix 1 Part II – Detailed feedback on the Illustrative NPD directives

Mana Whenua, Te Tiriti Partnership and Māori Interests

Council position

The Planning Act 2026 and Natural Environment Act 2026 have now passed. The Illustrative NPD is therefore not legislation; it is an early policy proposal that will shape the statutory National Policy Direction and future regional spatial plans. Council considers that the final NPD and associated national standards must set clear minimum requirements for Te Tiriti partnership, Mana Whenua participation, rangatiratanga and protection of Māori rights and interests. These requirements must be a statutory floor, not a ceiling, and must preserve stronger local arrangements. In Kāpiti, this means recognising Council's enduring partnership with Ngāti Toa Rangatira, Te Ātiawa ki Whakarongotai and Ngā Hapū o Ōtaki through Te Whakaminenga o Kāpiti and He Whakaaetanga Hononga – Councils commitment and partnership with Mana Whenua since 1994, the longest partnership in local government history.

What participation means under Te Tiriti o Waitangi

From a Te Tiriti o Waitangi perspective, participation is the enduring exercise of partnership and rangatiratanga in decisions that affect Mana Whenua, their rohe, whenua, wai, taonga, tikanga, mātauranga and future generations. It is not attendance, information sharing, consultation after options have been formed, or an invitation to comment on a preferred outcome. It requires the Crown and its agents to recognise Mana Whenua as partners with their own authority, mandates, knowledge and responsibilities, and to share influence over the definition of the issue, the process, the evidence, the options, the decision, implementation, monitoring and review.

Genuine participation is relational, mutual, respectful and enduring. It is built before a decision is needed and maintained after a decision is made. Both partners must engage openly, keep commitments, share relevant information early, respect each other's mandates and remain accountable for the health of the relationship. Council must create the conditions for Mana Whenua to participate on their own terms, through their own representatives and tikanga, with the time, information, technical support and resourcing needed to exercise meaningful influence. The burden must not fall on Mana Whenua to repeatedly explain their status, re-establish agreed matters or respond within processes and timeframes set unilaterally by others.

Participation is effective only when Mana Whenua can demonstrably influence outcomes and exercise leadership in matters within their authority and responsibility. Where views differ, decision-makers must stay in relationship, identify the source of disagreement, seek resolution in good faith and clearly account for how Mana Whenua advice, rights, interests and aspirations affected the final decision. A process is not Te Tiriti-consistent merely because engagement occurred. The measure is whether rangatiratanga was upheld, influence was real, the relationship was strengthened, commitments endured through implementation, and the resulting outcomes were fair, durable and protective of the mana of both partners.

Recommendations

1. Mana Whenua participation and existing partnership arrangements

Require early, meaningful and adequately resourced participation by the relevant Mana Whenua before strategic choices, growth areas, infrastructure corridors or preferred development options are identified. Consistent with Kotahitanga and Whanaungatanga, the NPD must require ongoing partnership through scoping, option development, decision-making, implementation, monitoring and review—not one-off consultation. It must recognise and preserve existing arrangements such as Te Whakaminenga o Kāpiti and He Whakaaetanga Hononga, including local governance, co-design and shared decision-making processes that exceed the national minimum.

2. Sites and areas of significance to Māori

Require effective identification, protection and management of sites and areas of significance to Māori. The relevant Mana Whenua must determine significance, appropriate protection and how sensitive information is recorded, held, accessed and shared. Protection must not depend on public disclosure of mātauranga Māori, oral histories or precise locations. National standards should provide secure information protocols, enable local methods agreed with Mana Whenua and recognise that ancestral relationships extend beyond land formally recorded as Māori land.

3. Te Mana o te Wai, freshwater, wetlands and coastal interests

Require national direction to protect the health and mauri of freshwater, wetlands and the coastal environment and to recognise Mana Whenua relationships, responsibilities and mātauranga relating to whenua, wai and taonga. The NPD should carry forward effective protections, including the substance of Te Mana o te Wai, and state how they apply across the Planning Act and Natural Environment Act. Consistent with Rangatiratanga, Mana Whenua must be able to define outcomes, identify values and lead or jointly design responses where their rohe, taonga or customary interests are affected.

4. Resolution of competing national priorities

Set a clear decision-making hierarchy for conflicts between growth, infrastructure or development priorities and Mana Whenua rights and interests, cultural values, Māori land, ancestral whenua and wai, sites and areas of significance, or Treaty settlement redress and arrangements. Decision-makers must identify the conflict, explain how Te Tiriti obligations and Mana Whenua aspirations were considered, involve the affected Mana Whenua in resolving it and record why the final choice is justified. National direction must not allow development objectives to prevail by default.

5. Non-regression, resourcing and accountability

Include an express non-regression safeguard so transition to the new system does not weaken Treaty settlement redress or arrangements, Te Tiriti partnerships, Mana Whenua rights and interests, existing environmental protections or locally agreed decision-making mechanisms. Implementation must be supported by adequate, equitable and enduring funding for Mana Whenua participation and technical advice. Consistent with Manaakitanga, monitoring must assess both outcomes and the quality of the partnership, with Mana Whenua involved in setting indicators, reviewing performance and requiring corrective action.

6. Continuity through transition

Require transition arrangements that maintain existing protections, relationships, work programmes, data agreements and commitments until equivalent or stronger provisions are operative under the new system. Regional spatial planning must begin with an agreed record of Mana Whenua priorities, iwi and hapū planning documents, settlement commitments and existing partnership decisions. Changes in legislation, institutions, plans or personnel must not reset engagement or require Mana Whenua to re-establish matters already agreed.

Supporting rationale

The Illustrative NPD will influence regional spatial planning and the national standards that follow. If partnership requirements are left broad or optional, major choices may be made before Mana Whenua can influence them. Clear national minimums are needed, but they must allow stronger local

practice. In Kāpiti, He Whakaaetanga Hononga provides that practice through Kotahitanga, Rangatiratanga, Whanaungatanga and Manaakitanga: shared leadership, Mana Whenua authority, enduring relationships and conduct that upholds mana.

Specific safeguards are needed for Māori land, ancestral landscapes, sites and areas of significance, and culturally sensitive information. Standardisation must not force public disclosure or replace tikanga-based local approaches. National direction should recognise mātauranga Māori and enable the relevant Mana Whenua to decide how their knowledge is used and protected.

Continuity is critical because the new system will reorganise plans, institutions and decision pathways while long-term relationships, Treaty settlement commitments and environmental responsibilities remain. Without explicit carry-over provisions, knowledge may be lost, agreed priorities revisited and Mana Whenua required to repeat earlier work. A clear hierarchy, documented transition record and continuing role for Mana Whenua will reduce uncertainty, protect institutional memory and support faster, better decisions.

Conclusion

Council supports greater national consistency, but consistency must not come at the cost of Te Tiriti partnership, rangatiratanga, Treaty settlement commitments or effective local arrangements. The statutory NPD should use He Whakaaetanga Hononga and comparable agreements as evidence of what workable partnership looks like in practice.

Council seeks a statutory NPD that: requires early and resourced Mana Whenua involvement; protects locally agreed partnership and decision-making arrangements; safeguards whenua, wai, taonga and sensitive knowledge; provides a transparent method for resolving competing priorities; and maintains continuity through transition. These requirements should be enforceable, monitored with Mana Whenua and supported by clear accountability.