

27 July 2025

Ministry for the Environment
8 Willis St
Wellington

Reform packages One and Two: Infrastructure, development and primary sector national direction

Thank you for the opportunity to provide comment on Packages One and Two of the proposed National Direction for infrastructure, development, and the primary sector.

As Ministers are aware, the Kāpiti Coast is “going for sustainable growth”, with plans for more than \$2 billion in investment in new housing, commercial and industrial builds, and refresh of business and town centres planned through to 2033.

We are an identified Tier-1 high-growth local authority under the National Policy Statement on Urban Development 2020, and embrace the need for more housing, good infrastructure, and opportunities to support uplift in productivity for businesses and our community more broadly. In doing so, we are:

- Acutely aware of the need to get the balance right between easing restrictions to enable faster uplift in housing and necessary infrastructure, and in ensuring that we manage any unintended environmental and social impacts so that we balance the needs of current and future generations.
- This aligns to, and supports, New Zealand’s commitment alongside all other United Nations member states to the 2030 Agenda for Sustainable Development to *“improve life for current and future generations by addressing social, environmental, and economic sustainable development”*.

Our Council acknowledges feedback from business and the Coalition Government that the current national direction “drives up costs, slows projects down, and has become a complicated nightmare for developers, councils and applicants alike.” We therefore support the refresh of the Resource Management Act, and package of reforms that are progressively being released to ensure we have the right balance in place to support sustainable

development. While clearer, and simpler, direction is welcomed for decision makers around weighing these responsibilities, Council:

- Is concerned that the direction provided in the new and/or amended national direction, prior to the new Phase 3 resource management framework, will set local government up for failure. This is because there is conflict between responsibilities set by section 12 of the Local Government Act 2002, which run contrary to the RMA's own purpose and Part 2 matters.
- This conflict will also create unintended grounds for confusion, inconsistency, and we believe will contribute to increased legal challenge, delays and increased cost, contrary to what the reforms are wishing to achieve.
- Requests that Ministers consider the timing and sequencing of steps in the series of reforms to provide for a more comprehensive and enduring solution.

A summary of our substantial points or concerns are noted below, and detailed responses to the survey questions for each of the Discussion Documents provided online are included as **Appendix 1 and 2**.

Substantive points or concerns

Package one: Infrastructure and development national direction

Section 2: Infrastructure specific

1. Overall, we are supportive of, or supportive in principle of, the majority of proposed changes. However, we are concerned that conflict will emerge through the transition period, before amendment to the existing RMA system (specifically Part 2, including Sections 5 and 6 of the Act), which will drive inconsistency, confusion, delays and increased costs due to litigation of decisions. We request that this conflict be resolved by amendment to the packages, as suggested in our more detailed submission in Appendices 1 and 2. We also ask the Government to carefully consider the intent, timing and alignment of the package of reforms before proceeding with issuing changes, and or new, national direction which is not aligned to existing legislative requirements.
2. We are pleased to see that the proposal broadens the focus of infrastructure to include more than water services and roading, and to extend to other centrally provided services such as hospitals and prisons which provide for essential services in communities. The formal reinforcement for joint and coordinated planning to occur locally will be beneficial.
3. We acknowledge the point that "no national-level policy direction exists for transport, ports, water, wastewater and stormwater, health, education, defence or corrections infrastructure". However, we propose that the issue is actually that central government is not currently required to coordinate its long-term planning to take into account the planned growth and needs of local communities or to work with local councils. For the system to work better, the national policy direction and reforms need to address this gap and clarify expectations around central and local government working together.

4. The Kāpiti Coast has invested effectively in local infrastructure, with high quality water services, and roading set throughout the district. This means that we are in a position to focus on the more comprehensive infrastructure needs of our community. We are happy to provide a case study on how we are managing our infrastructure responsibilities, and lifting the focus of urban and spatial planning to enable a broader focus on sustainable development.
5. We have provided specific feedback to the questions posed, but wish to raise concern that there is a lack of clarity around “appropriate circumstances” in determining the involvement of tangata whenua in processes and decisions.

Section 3: Development specific

In regards to the proposed National Environmental Standards for Granny Flats (Minor Residential Units):

6. Overall, we are supportive of the general intention of the proposed changes. However, we are concerned about the level of conflict this NES has and will create with other requirements, legislation, and the District Plan. Of particular note:
 - 6.1. For councils that have adopted the Medium Density Residential Standards within their District Plans, the provisions of this NES create conflict and uncertainty as an additional set of standards to be considered by those building a minor residential unit, and by those implementing the District Plan. To resolve this, we recommend that all residential zones that have incorporated the MDRS are excluded from NES coverage.
 - 6.2. Additionally, while the NES aims to provide the planning provisions to complement the recent proposed amendments to the Building Act (BA), thereby excluding MRUs from requiring a Building Consent, these two initiatives do not currently align as drafted, and can create conflict with the District Plan. For example, an MRU can be exempt from requiring a building consent under the BA amendments, and consequently be non-compliant with District Plan requirements around siting, setbacks, and response to natural hazards at the site. Under the BA exemption, the MRU can still be built.
 - 6.3. This places a council in the position of potentially having to allow the MRU under one piece of legislation and yet say no under another. This inconsistency is even more pronounced with respect to natural hazards – further discussed in the Appendices attached.

In regards to the proposed National Environmental Standards for Papakāinga:

7. Council is strongly supportive of a Papakāinga NES that can provide consistent, implementable provisions across the whole country. However, we are concerned that the proposed provisions may not be technically or practically workable. Of note:

- 7.1. If implemented as proposed, updated proposed provisions would result in significant gaps in the management of environmental effects. Further detail on our concerns is provided in our response to the survey questions.
- 7.2. We note that while the NES sets expectation that papakāinga can be more readily developed, other regional and infrastructure settings continue to be challenging for these developments. This sets community expectation that may then not be achievable in reality.
- 7.3. We would recommend these proposed provisions be reviewed and redrafted with the starting point being some of the rigorous and well tested district plan provisions in use across the country, such as those recently incorporated into the Kāpiti Coast District Plan and Upper Hutt City District Plan as part of their respective Intensification Planning Instruments.

In regards to the proposed Natural Hazards policy statement:

8. We are supportive of the concept of a natural hazards policy statement, and agree that consistency nationally is needed. However, we note that not all natural hazards are equal; and generic guidance will not be helpful or effective.
9. We are not supportive of a 'one-size fits all' matrix assessment approach for natural hazards. This is a blunt tool with limited flexibility to take into account the range of real-world implications, and the accuracy of natural hazard data including climate change. A less linear and hazard specific set of matrices is needed, that could be embedded in legislation or national direction to reduce the incidence, delay and cost of litigation.
10. We do not agree that the NZ Coastal Policy Statement should take precedence over a new NZ natural hazards policy statement. Please see our detailed feedback within the appendices for our reasoning for this position.
11. Despite our general support for the intention of this policy statement, we are concerned that this policy statement is potentially inconsistent with the new exemption provisions to the Building Act for MRU. Under those amendments, while a territorial local authority is required to identify natural hazards on land where the MRU is to be built, it has no ability to stop the construction for that reason. This seems entirely inconsistent with the NPS's risk-based approach and what it is wanting to achieve.

Package Two: Primary sector national direction

In regards to the proposed changes to the New Zealand Coastal Policy Statement (CPS):

12. It is disappointing that no changes have been proposed to Policy 24 of the NZ CPS to address practical implication issues related to assessing the impacts of climate change. The requirements of the NZCPS as they relate to climate adaptation resulting from sea-level rise have been problematic for us, and many other local authorities. We submit that the coastal hazards requirements as they pertain to climate adaptation should be reviewed in light of the proposed NPS-Natural Hazards and the Ministry for the Environment's ongoing work on climate adaptation.

The intentions of the proposed amendments introduce uncertainty through a more rigorous test on the one hand (with the wording change in Policy 6(1)(a)), while placing some of the significant and highly valued coastal values at risk on the other, through introducing 'operational need' without qualification, and including extractive industries.

In regards to the proposed changes to the Highly Productive Land Policy Statement (HPL):

13. Overall, Council does not support the proposed amendments to HPL as no consideration appears to be placed on determining the need for the proposed changes (e.g. demonstrating that Land Use Capability Class 3 (LUC 3) land is not highly productive). While providing land for urban growth is important, so is the ability to produce food for a growing population. Given the changes proposed to enable medium density, and 'growing upwards' rather than 'outwards', greater flexibility for best use of land should be provided for.

In regards to the proposed changes to multiple instruments to enable quarrying and mining provisions:

14. As proposed, the amendments are contrary to Part 2 of the RMA which requires assessment of effect and consideration of impact to matters of national importance. Council does not therefore support the proposed amendments to these NPSs and NES for: National Policy Statement for Indigenous Biodiversity, National Policy Statement for Freshwater Management, National Environmental Standards for Freshwater, National Policy Statement for Highly Productive Land. Our primary concern is that the conflict between instruments and legislation will result in inconsistent decisions, confusion, and delays and increased costs due to litigation.
15. We also consider the imbalance between short term economic benefit over longer-term wellbeing and prosperity is unacceptable and fails to adequately consider the consequences of such activities.

Yours sincerely



Janet Holborow
Mayor
Kāpiti Coast District Council



Darren Edwards
Chief Executive
Kāpiti Coast District Council

Appendix 1

Responses to Survey Questions: Proposed National Direction Changes: Package 1 – Infrastructure and Development

Section 2: Infrastructure

Part 2.1: National Policy Statement for Infrastructure

Question	Response
Scope and Definitions	
1. <i>Is the scope of the proposed NPS-I adequate?</i>	Broadly, yes, we are supportive of the definition broadening to include social infrastructure. This is long overdue and a positive step forward.
2. <i>Do you agree with the definition of 'infrastructure', 'infrastructure activities' and 'infrastructure supporting activities' in the NPS-I?</i>	<p>Definition for Infrastructure: agree in part = we agree with the additions proposed but would add several further additions: public transport (e.g. bus stops / shelters) and community facilities (e.g. libraries, community halls) which are also legislatively set out as requirements for physical infrastructure in communities.</p> <p>Definition for Infrastructure activity, yes.</p> <p>Definition for Infrastructure supporting activity: we agree in part. We have concerns that the inclusion of quarry and mining activities in the policy statement will be in conflict with the existing requirements of Part 2 of the Resource Management Act. We acknowledge that the RMA is proposed for replacement in due course, however, until the changes to legislation occur, as outlined the proposed inclusion of the supporting activities are problematic for “functional and operational” needs. The lack of an effective ‘effects management’ hierarchy to manage effects on section 6 matters exacerbates this conflict.</p>

Question	Response
Objective	
3. <i>Does the proposed objective reflect the outcomes sought for infrastructure?</i>	<p>Broadly yes for infrastructure.</p> <p>However, as noted above in the transition period there will be conflict between the current requirement set by Part 2 related to ‘managing effects’ on the environment and matters of national importance. We expect this will result in delay, inconsistency in decision, and increased litigation of decisions (which will increase costs).</p>
Benefits of Infrastructure	
4. <i>Does the proposed policy adequately reflect the benefits that infrastructure provides?</i>	Yes.
Operational and Functional Needs	
5. <i>Does the proposed policy sufficiently provide for the operational and functional needs for infrastructure to be located in particular environments?</i>	<p>No.</p> <p>As noted, there will be conflict between the definition set by the policy statement and current legislation set through Part 2, including Section 6 (as noted earlier). The tension caused by this conflict will likely cause inconsistency in decisions, delay and frustration in implementation. For example, it is likely that more contention of decisions will occur through litigation.</p>
Considering spatial planning and other strategic plans	
6. <i>Do you support the proposed requirement for decision-makers to have regard to spatial plans and strategic plans for infrastructure?</i>	<p>In part. In practice, spatial planning requires coordination at all levels; it can’t be carried out in isolation.</p> <p>Specifically, there is a difference between requirements for consenting authorities and infrastructure providers, more generally. If infrastructure providers are required</p>

Question	Response
	<p>to follow a similar consultative process that local authorities are required to follow in developing their plans and strategies, or at minimum are required to consult with local authorities and key stakeholders then we would be supportive of this proposal.</p> <p>Further to this, we also clarify that regional council do not have the same consultation requirements as local authorities do; and the development of 'future development plans' are driven from 'bottom up' (i.e. local led).</p>
Efficient and timely delivery of infrastructure	
<p>7. <i>Would the proposed policy help improve the efficient and timely delivery of infrastructure?</i></p>	<p>In the main, yes if efficiency and timeliness are the priority.</p> <p>However, if sustainable development outcomes and requirements set via existing legislation are also a priority, then Council's support for proposed policy P4 is subject to addressing concerns raised regarding the lack of balance when considering adverse effects on matters of national importance as specified within Section 6 of the RMA. Notwithstanding these reservations, it is likely the policy will assist in more streamlined consenting of infrastructure projects, particularly for renewal and upgrades to existing infrastructure.</p>
Providing for Māori interests	
<p>8. <i>Does the proposed policy adequately provide for the consideration of Māori interests in infrastructure?</i></p>	<p>Not as currently worded in P5. We are unclear about what "<i>in appropriate circumstances for tangata whenua involvement</i>" means; and suggest that "appropriate circumstances" be defined in the list of definitions including who has the right/mandate to make this determination. This should be a matter for further consultation.</p>
Assessing and managing adverse effects of infrastructure	

Question	Response
<p>9. <i>Do the proposed policies sufficiently provide nationally consistent direction on assessing and managing the adverse effects of infrastructure?</i></p>	<p>No.</p> <p>As mentioned earlier, there is clear conflict with existing legislation re the RMA. We are concerned that this will result in increased litigation of decisions and more time delays and cost. Of note:</p> <ul style="list-style-type: none"> Proposed policy P6 is supported as it clearly sets out the matters that decision makers must have regard to and consider. These matters provide an appropriate balance between having regard to adverse effects on the environment and considering the technical and operational requirements and constraints of infrastructure activities. Council does not support the proposed wording of proposed policies P7 and P8 as they lack an effective effects management hierarchy, and do not include environmental offsetting and compensation as methods where avoidance, remediation or mitigation is not practicable. It is requested that avoidance where practicable is the first test, with the lesser tests of remediation, mitigation, offsetting and compensation to follow in a similar way to the effects management hierarchy set out within other national direction such as the NPS-IB. Council also notes the use of the term 'or' within the list of effects management methods. This implies a list which can be chosen from depending upon the circumstances. This will encourage mitigation as the first option rather than working through a hierarchy which begins with avoidance where practicable. Council supports policy P8 as far as it includes an exclusion for effects on environmental values that are specified within section 6 of the RMA. Council requests this be retained, and that the Objective and other policies are amended to provide similar clarification regarding matters of national importance specified within section 6 of the Act.

Question	Response
	<p>Clarification and strengthening are also required as the Policies as drafted may not stand up against the NPS-FM and case law which has determined that existing activities are to be assessed as new activities (unless fanciful or unrealistic to distinguish). Provisions effectively establish effects from existing activities as part of the existing environment for renewals. Needs to be clear that this is relevant for notification decisions also.</p>
Interface and compatibility of infrastructure and other activities	
<p>10. <i>Do the proposed policies sufficiently provide for the interface between infrastructure and other activities including sensitive activities?</i></p>	<p>No. There are some technical challenges as follows:</p> <p>How would local authorities identify appropriate buffers and other methods to protect <i>consented</i> infrastructure from the adverse effects of sensitive and incompatible activities including reverse sensitivity effects and health and safety as required by clause (2)(a) (ii)? Council notes that:</p> <p>Not all consented infrastructure is built; and</p> <p>Most existing infrastructure is consented or authorised via a designation, where reverse sensitivity effects and health and safety effects should already have been addressed.</p> <p>Consented infrastructure may result in adverse effects on existing sensitive activities. How would such effects be addressed retrospectively? i.e. it is not lawfully possible to put in place reverse sensitivity provisions such as internal noise mitigation requirements on existing lawfully established sensitive activities.</p> <p>Is it the intention that the requirement to protect consented infrastructure from <i>new</i> sensitive and incompatible activities? If this is the case, Council considers that additional provisions within an NES would be required to achieve this. Council also</p>

Question	Response
	<p>notes that this requirement (i.e. reverse sensitivity buffers and mitigation measures) would require a change to its district plan.</p> <p>Council considers that appropriate reverse sensitivity and health and safety buffers would need to be considered as part of the consideration of the consent application for the relevant infrastructure, but that actual mitigation requirements could not extend beyond the application site in the absence of a plan change. With respect to the plan-making process, Council agrees that it would be appropriate to identify appropriate buffers around existing and planned infrastructure to address reverse sensitivity and health and safety effects, as this would assist in achieving the NPS-I objective.</p> <p>Regarding clauses (2)(b), (c) and (d), council opposes these points being within the NPS, and requests their being included within a relevant national environmental standard. This would ensure these matters are addressed in a consistent matter across the country, avoiding the potential for different approaches being adopted within different communities. Council notes the challenges that have occurred across NZ in giving effect to the requirements of the NPS-ET, and the costs incurred for some councils as a result of appeals. Council notes all of these challenges and costs could have been avoided if central government had put in place an electricity transmission national environmental standard rather than only a national policy statement for electricity transmission.</p>
Definitions	<p>D13 Planned Infrastructure: Council supports this definition and requests it remain unchanged.</p> <p>D15 Provisions: Council notes that maps that are part of a plan are also 'provisions', as they contain spatial site-specific information referred to within other provisions. For the avoidance of doubt, Council requests that maps contained within a district or regional plan be added to the definition.</p>

Question	Response
	D19 Sensitive activities: For the avoidance of doubt, it is requested that papakāinga be added to the definition as papakāinga may include a variety of activities associated with residential activities and may not always be associated with a marae on the same site. Council also notes that there are other sensitive activities that are not included in the definition, such as health facilities that provide ultrasound services that are sensitive to vibration. Such services are not a hospital and would not fall under any other activity listed in the definition. Other noise-sensitive activities are also absent such as boarding houses, hotels, motels, campgrounds, and premises licensed under the Education (Early Childhood Services) Regulations 2008.

Part 2.2: National Policy Statement for Renewable Electricity Generation

Question	Response
Scope and Definitions	
Requested amendments to NPS-REG definitions	With the exception of D8, yes. D8, no, as currently worded. Council considers that designations should be added to this definition. If this is addressed, then Council would support D8.
Objective	
11. <i>Do you support the proposed amendments to the objective of the NPS-REG?</i>	Yes, we support the intention of the NPS-REG to better recognise the critical role of REG, better enable REG and protect existing REG assets to increase energy resilience and help meet New Zealand's emission reduction targets. Of note:

Question	Response
	<ul style="list-style-type: none"> • The stronger direction set in the objective proposed by NPS-REG will support growth, as currently set out in the Kāpiti District's Growth Strategy - Te Tupu Pai 2022, to create environments that support community well-being, by enabling sustainable infrastructure. As a Council, we have committed to reducing emissions and transitioning our community towards to low carbon living through our district's Growth Strategy. This includes establishing an aspirational target of achieving net-zero greenhouse gas emissions for our district by 2040. We support the Government's objectives to double REG by 2050 and install 10,000 electric vehicle (EV) chargers by 2030 [see KCDC submission on the second Emissions Reduction Plan, 21 August 2024]. • Additionally, the policy intent of these amendments aligns with Council's Carbon and Energy Management Plan, 2015, which seeks that the district becomes more energy resilient by producing sustainable sources of energy locally, thereby reducing exposure to the effects of international price volatility in the energy sector.
National significance and benefits	
<p>12. <i>Are the additional benefits of renewable electricity generation helpful considerations for decision makers? Why or why not?</i></p>	<p>No, the inclusion of “not limited to” is unhelpful as it is open to interpretation and debate. We request that further clarity is given to matters that fall outside the stated list.</p> <p>For example: Policy A(a)(vi), assumes that the environmental effects of REG activities will be temporary or reversible, and that these effects are a benefit of REG activities. If the effects are permanent and significant, it is not clear how this would be considered.</p>
Cumulative gains and losses of REG	

Question	Response
<p><i>Policy B</i></p> <p><i>Considering cumulative gains and losses of renewable electricity generation capacity</i></p>	<p>This policy will be useful as it elevates the importance of REG. However further consideration of responsibilities for losses and gains within a district need further consideration (ie ability to influence), as discussed below:</p> <ul style="list-style-type: none"> • The Council acknowledges that the current weight afforded to the NPS-REG in resource management decision-making may be insufficient, resulting in REG activities being given less consideration relative to other environmental values under Part 2 of the RMA. This reflects the fact that the benefits to be derived from renewable energy is not specified within section 6 of the RMA as a matter of national importance that must be recognised and provided for, but rather is an 'other matter' under section 7 to which particular regard must be had. Considering the need to manage climate impacts, the Council supports stronger policy direction to better enable REG activities and to support more effective implementation of the NPS-REG's objectives, as long as this direction does not inappropriately override section 6 matters. • Further, the Council supports the intent of Policy B(1)(a) to enable community and small-scale Renewable Electricity Generation (REG) activities, provided it remains a high-level direction. Additionally, the Council wishes to make the Ministry aware that a more prescriptive approach is unlikely to be effective. For example, in one area of the district, the District Plan currently requires developers to install solar panels. Despite this mandate, the policy has not delivered the intended outcomes. Many developers have sought resource consents to bypass the requirement, citing reasons such as the high cost of installing and maintaining rooftop solar panels, amenity concerns, and limited buyer willingness to pay a premium for such features. • Regarding clause (1)(b), it is unclear how decision makers could avoid any loss of REG output from a region, district or existing REG asset, because councils have no powers to direct REG asset owners and operators to continue to operate from a specific site unless specific conditions apply on a resource consent. It is requested

Question	Response
	<p>that this clause be clarified regarding circumstances under which avoidance would be practicable for decision makers, or alternatively that this clause be deleted.</p> <ul style="list-style-type: none"> • Clause (2) is supported on the condition that amendments are made that require renewable energy generation operators to participate and provide information to councils as part of the development of a growth strategy or Future Development Strategy.
Operational and functional need for REG	
<p>13. <i>Does the proposed policy sufficiently provide for the operational and functional need of renewable electricity generation to be located in particular environments?</i></p>	<p>Yes.</p>
Existing REG	
<p>14. <i>Do the proposed new and amended policies adequately provide for existing renewable electricity generation to continue to operate?</i></p>	<p>With the exception of Policy D, yes.</p> <p>No, regarding Policy D as currently worded. Council requests that the term '<i>avoiding reverse sensitivity effects to the extent reasonably possible</i>' be amended by confirming the extent of the methods that would be considered reasonably necessary to avoid reverse sensitivity effects e.g. internal noise, vibration and ventilation requirements for noise sensitive activities. Council wishes to avoid situations where reverse sensitivity effects arise from the use of outdoor areas on adjacent sites, because the 'avoidance' of complaints from the use of outdoor areas will be subjective depending upon the sensitivity and expectations of the site occupier. Avoiding all potential reverse sensitivity effects scenarios will be difficult to achieve despite the proposed 'where practicable' wording of the policy.</p>

Question	Response
Providing for Māori interests	
15. <i>Do the proposed policy changes sufficiently provide for Māori interests in renewable electricity generation?</i>	<p>Yes, with the exception of Policy P1(1)(c). The Council fully supports all provisions within the NPS-REG that aim to recognise and provide for Māori interests in renewable electricity generation, particularly through partnership with local iwi and enabling their active participation in decision-making processes.</p> <p>No, regarding Policy P1(1)(c) in its current form. We believe that tangata whenua must be provided opportunities to be involved in all circumstances where sites of significance or matters of cultural importance to Māori are concerned.</p>
Managing adverse effects	
16. <i>Do you support the proposed policy to enable renewable electricity generation development in areas not protected by section 6 of the RMA, or covered by other national direction?</i>	<p>Yes, the proposed policy to enable REG activities in non S6 areas is generally supported, however the use of the term 'or' within the list of effects management options is problematic as it results in a list with no hierarchy. The result of this is that mitigation will likely be the starting point for the consideration of effects under the policy. Council requests that a clear hierarchy is provided for the management of effects, rather than the current list of options.</p>

Part 2.3: National Policy Statement on Electricity Transmission (Networks)

Question	Response
Scope and Definitions	
17. <i>Do you support the inclusion of electricity distribution within the scope of the NPS-EN?</i>	<p>In principle, Council supports the intention of the NPS-EN amendments to better recognise the significance and benefits of the electricity network to help meet New</p>

Question	Response
	Zealand's emission reduction target. Our support, however, is on the basis that Council's concerns set out in the responses below are addressed.
18. <i>Are there risks that have not been identified?</i>	No comment.
19. <i>Do you support the proposed definitions in the NPS-EN?</i>	<p>Yes, with the exception of D19.</p> <p>In relation to D19 (Sensitive activities) we request a more comprehensive list of sensitive activities and to avoid unanticipated adverse effects, it is requested that the following activities are added to the list:</p> <ul style="list-style-type: none"> • boarding houses; • hotels and motels; • camping grounds; • papakāinga; and • premises licensed under the Education (Early Childhood Services) Regulations 2008.
20. <i>Are there any changes you recommend to the NPS-EN?</i>	Yes – please see Council's responses above and below this question.
Amended Objective	
Amendments to objective OB1	No comment.
New Objective	

Question	Response
21. <i>Do you support the proposed objective? Why or why not?</i>	Yes, subject to the specific concerns regarding other proposed NPS-ET provisions being addressed as set out in Council's responses.
National significance and benefits of electricity networks	
22. <i>Will the proposed policy improve the consideration of the benefits of electricity networks in decision making?</i>	No comment.
Recognising operational and functional need of electricity networks	
23. <i>Does the proposed policy sufficiently provide for the operational and functional needs for electricity networks to be located in particular environments?</i>	<p>No, as currently worded. The conflict between this policy statement and current legislation will likely cause inconsistency, confusion, delays and costs due to litigation of decisions.</p> <p>Policy P2 should be amended to include an effects management hierarchy for proposed EN activities within areas with section 6 RMA matters of national significant values, such as SNAs, wetlands and wahi tapu areas.</p> <p>Council considers that unavoidable adverse effects on section 6 values should not be set as the starting position of P2, as this is contrary to the purpose of the RMA as set out in Part 2. For these section 6 RMA sites and values, Council considers that operational need should not override the requirement to genuinely demonstrate through assessment that the avoidance, remediation or mitigation of significant adverse effects can't be carried out via an effects management hierarchy.</p> <p>If this matter is addressed, Council would support the proposal.</p>
Route and site selection	

Question	Response
<p>24. <i>Do you support Transpower and electricity distribution businesses selecting the preferred route or sites for development of electricity networks?</i></p>	<p>No, as currently worded.</p> <p>Amendments are needed to require an effects management hierarchy to be followed where section 6 RMA sites and values are to be adversely affected by the preferred route or site for development of electricity networks.</p> <p>If this matter is addressed, Council would support the proposal.</p>
<p>25. <i>Are there any other route or site selection considerations that have not been identified?</i></p>	<p>Yes. Current wording will result in conflict between this policy statement and current legislation will likely cause inconsistency, confusion, delays and costs due to litigation of decisions.</p> <p>Policy P4 (1)(d) suggests that decision of route or site selection overrides grounds re adverse effects from section 6 RMA sites and that values should be accepted in the absence of an effects management hierarchy being applied. This needs to be amended,</p>
<p>Providing for Māori interests</p>	
<p>26. <i>Does the proposed policy adequately provide for the consideration of Māori interests in electricity networks?</i></p>	<p>Yes, the requirement to consult and take into account the outcomes of engagement with tangata whenua is supported in principle.</p>
<p>Managing adverse effects</p>	
<p>27. <i>Do you support the proposed policy to enable development of electricity networks in areas not protected by section 6 of the RMA, or covered by other national direction?</i></p>	<p>Yes, relative to Policy <i>P7 EN development and non-routine activities</i>, Council supports the inclusion of “<i>areas of high recreation value and amenity</i>”.</p>

Question	Response
<p>28. <i>Do the proposals cover all the matters that decision-makers should evaluate when considering and managing the effects of electricity network activities?</i></p>	<p>No, as currently worded. The matters specified within P5 are appropriate only if Council's requests to make amendments to address section 6 RMA matters, as specified within Council's responses to other questions on the NPS-ET (Networks), are incorporated.</p> <p>If this matter is addressed, Council would support the proposal.</p>
<p>29. <i>Do you support the proposed policy to enable routine works on existing electricity network infrastructure in any location or environment?</i></p>	<p>No, as currently worded. Council opposes the wording of P6 as it lacks a clear effects management hierarchy. As currently worded, mitigation will likely be the starting point. The use of 'or' within the list means there is a choice between avoiding, remedying and mitigating. This should be a hierarchy, with the inclusion of offsetting and compensation for significant adverse effects on section 6 RMA sites and values environment should be included.</p> <p>If this matter is addressed, Council would support the proposal.</p>
<p>30. <i>What other practical refinements to Policy 8 of the NPS-EN could help avoid adverse effects on outstanding natural landscapes, areas of high natural character, and areas of high recreation value and amenity in rural environments?</i></p>	<p>The current wording of Policy 8 of the NPS-ET, and proposed policy <i>P7 development and non-routine activities</i> provide sufficiently clear direction for rural environments that have a rural zone specified.</p> <p>Practical refinements should include:</p> <ul style="list-style-type: none"> Defining, <i>rural environments</i> in alignment with any national planning standards definitions. It is recommended that this be amended to clarify the intent of the types of environments that include "rural environments". Council considers that it would be logical to include natural open space zones within these policies, as it is currently open to interpretation as to whether they are included or excluded.
<p>Protection and strategic planning of the electricity network</p>	

Question	Response
31. <i>Do you support the proposed policy to enable sufficient on-site space for distribution assets?</i>	No, this is not a matter for decision-makers at Council to make. Council considers that the question of whether sufficient on-site space has been provided for EDN to meet demand should be matter for network operators to determine and include within any relevant application/notice of requirement. Council's role is to assess the actual and potential effects on the environment that may arise from the activities and development that would occur within the on-site space proposed by the applicant, whilst having regard to the relevant provisions of national direction.
32. <i>Should developers be required to consult with electricity distribution providers before a resource consent for land development is granted? If not, what type or scale of works would merit such consultation?</i>	Yes, this should be a requirement for subdivision consent applications to reflect best practice.
P10 Managing the effects of third parties on electricity network	<p>Council supports P10 with the exception of the following:</p> <ul style="list-style-type: none"> Regarding clause (2)(c) of Policy P10, Council notes that NZECP34 identifies safe separation distances and setbacks from the national grid conductors and support structures respectively, but it does not appear to specify buffers for setbacks from conductors. Safe separation distances from conductors are determined on a case-by-case basis because ground levels/heights beneath conductors will determine whether compliance with the requirements of NZECP34 will be achieved. It is therefore unclear how local authorities could reasonably give effect to clause (2)(c). Council requests this clause be deleted, and that it be clarified that compliance with NZECP34 is a regulatory function of Transpower, not local authorities. Regarding clause (2)(f) of Policy P10, Council notes that separation distances of trees and vegetation are regulated by the Electricity (Hazards from Trees) Regulations 2003, and that enforcement of these regulations does not sit with local

Question	Response
	<p>authorities. Council opposes the proposed requirement that would require local authorities to enforce regulations that do not fall under its statutory powers. Council requests clause (f) be deleted.</p>
P11 Long-term strategic planning for the EN	<p>Council does not support P11 as currently worded.</p> <p>Clause (1)(a) of policy P11 is supported, however clause (1)(b) does not appear to require local authorities to do anything other than to ‘recognise’ that the designation process can facilitate long-term planning for construction, operation, maintenance, and upgrade and development of the EN. This is the function of designations, so it is unclear what decision makers would need to do to ‘recognise’ this. It is recommended that clause (b) be deleted or clarified further.</p> <p>If this matter is addressed, Council would support the proposal.</p>
P12 Electric and magnetic fields	<p>Council does not support P12. This is not a matter for Councils and should be left to the expert / relevant regulators.</p> <p>Council opposes the changes this policy would require that have not been clearly disclosed within the ‘reasons’ column of the MfE publication for consultation. Although Council agrees that updating the 2010 ICNIRP Guideline is appropriate, the other proposed changes that would require local authorities to include provisions in their district plans to manage electric and magnetic fields are strongly opposed.</p> <p>Local authorities do not have the technical expertise to determine compliance with any of the guidelines specified. Council considers that compliance with electric and magnetic field health guidelines must sit with a regulatory body that has the technical capability and resourcing to determine whether compliance will be achieved – and applied nationally.</p>

Part 2.4: National Environmental Standards for Electricity Transmission (Network) Activities

Question	Response
Scope and Definitions	
<p>33. <i>What activity status is appropriate for electricity transmission network activities when these: do not comply with permitted activity standards? are located within a natural area or a historic heritage place or area?</i></p>	<p>Discretionary or restricted discretionary activity status is appropriate for these scenarios. Council should retain the ability to make decisions on electricity transmission activities based on the matters of discretion identified in the District Plan and informed by the local context. If these activities were reclassified as controlled, the Council would no longer have the ability to decline consents, even in cases where the proposal may result in significant adverse effects.</p>
<p>34. <i>Do you support the proposed scope of activities and changes to the permitted activity conditions for electricity transmission network activities?</i></p>	<p>No. Council has had insufficient time to fully consider the potential implications to the proposed changes to the permitted activity conditions. In addition, it is unclear whether sufficient scenario testing of including all electricity distribution assets within the NES has been carried out.</p>
<p>35. <i>Do you support the proposed matters of control and discretion for all relevant matters to be considered and managed through consent conditions?</i></p>	<p>No. Council has had insufficient time to fully consider the potential implications to the proposed activity status from restricted discretionary to controlled. Due to the technical nature of proposals that do not comply with permitted standards, and the need to consider the actual and potential adverse effects (such as exceeding permitted noise standards), Council does not support controlled activity status as this requires such applications to be granted.</p>
Rules for the National Grid Yard and Subdivision Corridor	
<p>36. <i>Would the proposed National Grid Yard and Subdivision Corridor rules be effective in</i></p>	<p>No comment. Insufficient time to consider the implications of this proposal.</p>

Question	Response
<i>restricting inappropriate development and subdivision underneath electricity lines?</i>	
Potential new regional regulations and management plan requirements	
37. <i>Do you support adding any or all of the five categories of regional activities to the NES-ENA as permitted activities?</i>	No comment.
38. <i>Do you support the proposed permitted activity conditions and the activity classes if these conditions are not met?</i>	No comment.
39. <i>Do you support management plans being used to manage environmental impacts from blasting, vegetation management and earthworks?</i>	No comment.
New provisions for the electricity distribution network	
40. <i>What is an appropriate activity status for electricity distribution activities when the permitted activity conditions are not met, and should this be different for existing versus new assets?</i>	Council considers that restricted discretionary status is appropriate when permitted activity conditions are not met.
41. <i>What is your feedback on the scope and scale of the electricity distribution activities to be covered by the proposed NES-ENA?</i>	It is unclear what the resource management issue is that would justify the inclusion of electricity distribution activities. Insufficient time was available to consider the implications and potential consequences of the proposed approach.

Question	Response
42. <i>Do you support the proposed inclusion of safe distance requirements and compliance with some or all of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001?</i>	No. Council opposes the transfer of regulation of NZECP34:2001 from Transpower to councils. Council's do not have the technical capability or the necessary powers under the electricity regulations to determine compliance with, or enforce non-compliance with the Code.
43. <i>Is the proposed NES-ENA the best vehicle to drive compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distance 34:2001? If not, what other mechanisms would be better?</i>	No, for the reasons described above. The best mechanism would be for Transpower to put greater effort into education of affected property owners and to enforce the Code. Council's District Plan provisions include non-regulatory notes with relevant permitted activity rules to raise awareness of NZECP:34, and to point property owners to Transpower to confirm whether compliance with the Code will be achieved. Rather than transferring to councils the regulatory burden of assessing and confirming whether a proposal complies with NZECP:34, the best mechanism would be to build on the existing electricity transmission corridor/yard provisions already contained in district plans by including a controlled activity rule requiring written approval of Transpower confirming compliance with NZECP:34 is achieved. If this is not provided the application would become a restricted discretionary activity with limited notification of Transpower as an affected person.
Allowing plan rules to be more stringent or lenient	
44. <i>Should the NES-ENA allow plan rules to be more lenient for electricity distribution activities proposed to be regulated?</i>	Yes, although it is difficult to identify situations where a more lenient approach would be appropriate, this flexibility would enable ET activities to be appropriately located and managed with regard to the specific environmental sensitivities of each area.
45. <i>Should the NES-ENA allow plan rules to be more stringent in relation to electricity distribution activities in specific environments? (eg, when located in a 'natural area').</i>	Yes. Council considers that there may be scenarios where a more stringent approach may be appropriate, this flexibility would enable ET activities to be appropriately located and managed with regard to the specific environmental sensitivities of each area.

Question	Response
Public EV charging infrastructure	
Private charging at home or at work	
46. <i>Do you support the proposed provisions to make private electric vehicle charging and associated infrastructure a permitted activity at home or at work?</i>	Yes, as long as it does not result in non-compliance with other permitted standards for the zone or district-wide matters.
47. <i>Have private or at work electric vehicle users been required to obtain a resource consent for the installation, maintenance and use of electric vehicle charging infrastructure?</i>	No.
Public charging in land transport corridors	
48. <i>Should the construction, operation and maintenance of electric vehicle charging infrastructure be a permitted activity, if it is located in a land transport corridor?</i>	No. The consideration of the location of electric vehicle charging infrastructure within a land transport corridor requires the case-by-case consideration of transportation safety and efficiency considerations, and the authorisation of the road controlling authority. Controlled activity status could be effective if accompanied by a requirement to include the written approval of the road controlling authority.
49. <i>Should the construction, operation and maintenance of electric vehicle charging infrastructure become a permitted activity, if it is ancillary to the primary activity or outside residential areas?</i>	Yes, in principle. Although Council supports the construction, operation and maintenance of electric vehicle charging infrastructure that is ancillary to the primary activity, and outside residential areas, this would be subject to compliance with a number of potential adverse effects including but not limited to adverse transportation safety and efficiency effects. The proposed permitted activity status describes a general sweeping scenario, but it is likely there are other scenarios that have not been anticipated where permitted status would not be appropriate. Council recommends

Question	Response
	that if permitted status is to be pursued, the permitted rule and standards are more specific regarding the location of electric vehicle charging infrastructure e.g. within existing or proposed on-site parking areas.
Standalone EV charging infrastructure facilities	
50. <i>Do you support the proposed provisions for electric vehicle charging for all types of EVs, or are additional requirements needed for heavy vehicles such as large trucks, ferries or aircraft?</i>	Council has had insufficient time to consider the implications of additional charging requirements for heavy vehicles and large trucks, but it is likely that permitted activity status would be inappropriate within more sensitive areas e.g. residential zones. As a minimum, Council seeks that such charging facilities only be enabled within appropriate zones, and that more stringent provisions be applied in cases where a standalone EV facility may conflict with matters of national importance under Section 6 of the RMA.

Part 2.5: National Environmental Standards for Telecommunication Facilities

Question	Response
The status quo is resulting in uncertainty and high costs for telecommunication providers	
51. <i>Do the proposed provisions sufficiently enable the roll-out or upgrade of telecommunication facilities to meet the connectivity needs of New Zealanders?</i>	Yes.
Scope and Definitions	
No specific questions here?	The Council supports enabling temporary telecommunication facilities.

Question	Response
Allowing plan rules to be more lenient	
<i>52. Which option for proposed amendments to permitted activity standards for telecommunication facilities do you support?</i>	The Council is neutral, as long as the environmental, visual and cultural effects can be managed.
<i>53. Do the proposed provisions appropriately manage any adverse effects (such as environmental, visual or cultural effects)?</i>	The provisions lack clarity on how the activity will be managed to avoid or mitigate adverse effects. Council would be comfortable with the proposal, provided it does not conflict with the Section 6 matters of the RMA.
<i>54. Do the proposed provisions place adequate limits on the size of telecommunication facilities in different zones?</i>	Neutral.
<i>55. Should a more permissive approach be taken to enabling telecommunication facilities to be inside rather than outside the road reserve?</i>	Neutral.
<i>56. Do you support the installation and operation of fewer larger telecommunication facilities to support co-location of multiple facility operators?</i>	Neutral.

Section 3: Development

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

Question	Response
What is the Proposal?	
<i>57. Are the proposed provisions in the NES-GF the best way to make it easier to build granny flats (minor residential units) in the resource management system?</i>	<p>No, not for all councils as currently worded. The Council's operative district plan gives effect to the NPS-UD and incorporates the mandatory Medium Density Residential Standards (MDRS) across all residential zones. This means that the development of three residential units on a residential allotment is a permitted activity. Such permitted residential units would include a Granny Flat as defined by the NES-GF. To this end, the proposed NES-GF will not make building minor residential units easier within residential areas where territorial authorities have implemented the MDRS.</p> <p>Instead, Council considers it will introduce conflict when implementing the MDRS and the NES-GF. It is therefore requested that the NES-GF be amended to remove this conflict by excluding the applicability of the NES-GF within residential zones where the district plan has incorporated the MDRS.</p> <p>Council has removed the previously operative minor residential unit provisions from the residential zone provisions of our District Plan to remove this conflict as part of its Intensification Planning Instrument.</p>
Specified permitted activities will enable granny flats in particular areas	
<i>58. Do you support the proposed permitted activity standards for minor residential units?</i>	<p>Yes, on the proviso that amendments are made as described below.</p> <p>It is requested that the proposed permitted activity standards be amended as follows:</p>

Question	Response
	<p>PAS 1 Maximum internal floor area: Clarification needs to be provided to address the common scenario where partially enclosed decks and patios are proposed as part of a MRU, and whether these will count towards the maximum floor area. Clarifying this will avoid differing implementation interpretations on whether partially enclosed areas are included or excluded from the maximum internal floor area standard.</p> <p>The NES is clarified that MRUs must also comply with all relevant district-wide provisions such as those that manage natural hazards, SNAs, landscapes, historic heritage (including wahi tapu sites and areas), earthworks etc. This is typically achieved via rules in district plans, therefore the NES should include this clarity to avoid implementation uncertainty.</p> <p>Standards are included that address site coverage, permeability, stormwater management, natural hazards, and height in relation to boundary.</p> <p>For both (b) and (c) the impact of this clarification on the proposed PIM requirements and Building Consent exclusions under the proposed Building Act need to be aligned).</p>
Leniency of rules	
<p>59. <i>Do you support district plans being able to have more lenient standards for minor residential units?</i></p>	<p>Yes, the ability to allow for increased flexibility within the District Plan to allow minor residential units via proposed rule R1 is supported, particularly considering the future needs of an ageing population and housing affordability. However, council's support is conditional on amendments being made to the NES to allow councils to add additional permitted standards to those specified within the NES to manage actual and potential adverse effects on the environment that may arise from a more lenient approach. Council notes that more lenient rules would be subject to a formal plan</p>

Question	Response
	change process and therefore would be subject to the scrutiny of the plan-making processes.
60. <i>Should the proposed NES-GF align, where appropriate, with the complementary building consent exemption proposal?</i>	Yes. Changes to the Building Act to include larger buildings as exempt from requiring a building consent can result in an increase in non-compliance with district plan requirements for the siting of buildings, including provisions that manage boundary setbacks and section 6 RMA matters such as rules that manage natural hazards. This increases the regulatory compliance burden on councils. It is therefore highly desirable that alignment between the NES-GF and any Building Act exemptions are achieved to ensure people are aware of the requirements of the NES-GF and the relevant district plan provisions when planning to build an MRU as an exempt building under the Building Act.
Limiting matters district plan rules can address when considering granny flats	
61. <i>Do you support the proposed list of matters that local authorities may not regulate in relation to minor residential units? Should any additional matters be included?</i>	Yes, in part. Matters such as parking, access and outdoor space are not factors which Council deem necessary to regulate as these will already be established through the primary residence on a given site. However, while there is not a description in the legislation about what MRUs should be used for – we can assume that most will likely be used as rental accommodation to persons not related to or associated with the persons occupying the primary residence, or occupied by vulnerable persons such as elderly family members. For this reason, matters such as sunlight access into residential units should be regulated by Council to ensure adequate standards of liveability for the health and safety of occupants are met.
62. <i>Do you support existing district plan rules applying when one or more of the proposed permitted activity standards are not met?</i>	Yes.

Question	Response
Defined and limited scope of application for the NES-GF	
<p>63. <i>Do you support the list of matters that are out of scope of the proposed NES-GF? Should any additional matters be included?</i></p>	<p>No. Council notes there is a gap within the list of “<i>All other provisions in district and regional plans</i>”, and that this gap is likely to result in poor outcomes for the health and safety of persons occupying MRUs at specific locations. Resource management issues such as internal noise insulation and ventilation requirements for noise sensitive activities located near transport networks and other noise-generating activities specifically identified in a district plan (such as airports, quarrying activities, and other noise-generating activities) needs to be included. It is requested that the final bullet point within the “All other provisions in district and regional plans” section be amended to add “noise”.</p> <p>It is also requested that ‘financial contributions’ be added to the list of matters under the heading “<i>All other provisions in district and regional plans</i>”, and that reference be made to development contribution requirements under the Local Government Act (to be captured by the PIM process under the proposed Building Act amendments). Minor residential units generate additional demand and funding pressures on community and physical infrastructure such as roading, libraries, and water infrastructure. This must be reflected within the NES to ensure communities are not left having to fund additional demand on facilities and services arising from permitted activity MRUs. With MRUs being added to the Building Act Schedule 1 exemption list, it is unclear what effective mechanisms councils will have to ensure the relevant financial contributions/ development contributions are paid, as these are required to be paid before Council issues a building consent. It is requested that this be clarified and clearly provided for within the NES-GF.</p>

Part 3.2: National Environmental Standards for Papakāinga

Question	Response
Permitted papakāinga development	
64. <i>Do you support the proposal to permit papakāinga (subject to various conditions) on the types of land described above?</i>	Yes, on the condition that the proposed permitted provisions are amended as requested in the Council's responses below.
65. <i>What additional non-residential activities to support papakāinga should be enabled through the NES-P?</i>	Broadly, this should include culturally integrated activities that are either social, cultural, educational, recreational, or small-scale commercial activities that are part of Papakainga.
Proposed permitted activity standards	
66. <i>What additional permitted activity standards for papakāinga should be included?</i>	<p>PAS2: From an effects perspective, it is unclear why the NES should specify boundary setbacks that differ from those specified for buildings containing other activities, as set out within the relevant zone standards.</p> <p>PAS3: Amendments are requested to amend/include:</p> <ul style="list-style-type: none"> • Inclusion of other setbacks specified in plans, for example setbacks from roads (e.g. state highways) and other development types that have specified setbacks (buffers) and reverse sensitivity requirements in a district plan (e.g. identified quarrying activities, the national grid etc), or regional plan or other regulations. • Add 'height in relation to boundary'. It is unclear why buildings used for papakāinga activities should not be subject to height in relation to boundary requirements for the underlying zone.

Question	Response
	<ul style="list-style-type: none"> • Amend reference to ‘waterways’ to ‘waterbody’ to align with the RMA defined term. Council notes that ‘waterways’ are not defined by the RMA or the National Planning Standards. • Add ‘infrastructure’ to ensure papakāinga developments are developed in accordance with requirements for on-site stormwater, and any other relevant engineering requirements. • There are other potentially relevant permitted standards that may apply to specific papakāinga development scenarios that may have external effects on the wider environment or other sites, including signage, and lighting (beyond the site boundaries). • Council has concerns regarding the lack of consideration of transportation safety considerations. It is requested that ‘transportation’ be added to the list. <p>It is requested that it be clarified that ‘district-wide’ provisions apply to papakāinga, such as provisions for the modification of SNAs.</p>
<p>67. Which, if any, rules from the underlying zone should apply to papakāinga developments?</p>	<p>All other conditions in the District Plan should apply to Papakainga. Of note:</p> <ul style="list-style-type: none"> • Council notes that the list contained within <i>PAS3 Applicable rules from the underlying zone</i>, does not align with national planning standards format. For example, the requirements for earthworks, setbacks for noise management purposes, waste and water supply, and natural hazards are located within District-Wide Matters chapter rather than the underlying zone chapter. Council recommends that this be clarified, and that all district-wide matters provisions apply. • The underlying zone subdivision provisions should also apply to address papakāinga on general title land.

Question	Response
Proposed restricted discretionary activities	
<p><i>68. Should local authorities have restricted discretion over papakāinga on Treaty settlement land (ie, should local authorities only be able to make decisions based on the matters specified in the proposed rule)?</i></p>	<p>We do not see a reason to differentiate the assessment of effects on the basis of land tenure.</p>
<p><i>69. What alternative approaches might help ensure that rules to enable papakāinga on general land are not misused (for private/commercial use or sale)?</i></p>	<p>The iwi authority should have a role in confirming an ancestral link to general title land. For example, our Council already requires whakapapa verification and monitoring.</p> <p>Additional safeguards can include:</p> <ul style="list-style-type: none"> • Whānau trust governance to prevent sale to non-Māori. • Council-iwi audits to ensure compliance.
<p><i>70. Should the NES-P specify that the land containing papakāinga on general land cannot be subdivided in future?</i></p>	<p>No. A blanket prohibition of subdivision is not recommended, rather subdivision for whānau needs should be provided for. Council considers that the emphasis should be on intergenerational sustainability and flexible land use which support a sustainable approach in the long term. Also, the preference is on flexibility and case-by-case assessment with iwi input.</p>
<p>RDM2 Proposed matters of discretion</p>	<p>The proposed matters of discretion are insufficient to enable councils to address all relevant actual and potential effects. In particular:</p> <ul style="list-style-type: none"> • The first bullet point is limited to the mitigation of issues that the underlying zoning intends to protect. Council notes that many provisions within the

Question	Response
	<p>underlying zone chapter seek specific outcomes, and that this often does not require the protection.</p> <ul style="list-style-type: none"> • The second bullet point appears to limit the consideration of the effects on health and safety to persons or residents of the site. Council requests that this be clarified that health and safety effects may extend beyond the site and affect other persons. • Matters of discretion need to be expanded upon to address the actual and potential adverse effects that may arise from breaching any of the listed permitted activity standards under PAS3. The current list within RDM2 does not achieve this. This could be addressed via an amendment to the effect of '<i>the actual and potential effects on the environment arising from the breach of the permitted standard not complied with</i>', or similar wording commonly contained within district plan rules. • As a restricted discretionary activity, Council notes that section 104C of the RMA prevents positive effects from being considered unless specifically listed in the rule. Accordingly, Council requests that positive effects be added as a matter of discretion.
RDM6 Proposed matters of discretion	<p>Council is concerned that matters related to “historical barriers to occupying, using and developing ancestral land” is not relevant for local decision makers. Such matters should remain a matter for the Land Maori Court and Waitangi Tribunal, and the Crown to determine.</p> <p>Council is concerned that the matters of discretion set out under the fourth bullet point in particular do not align with the matters specified as relevant provisions within the permitted rules. Council considers that the matters of discretion listed in RDM6 are more comprehensive than the list of relevant zone-based and district-wide</p>

Question	Response
	<p>matters specified in the permitted standards. Council requests that the permitted standards be amended as requested in Council's other responses above, and that the matters of discretion within RDM6 be amended to capture all the relevant actual and potential effects.</p>
RDM7 Proposed matters of discretion	<p>Council considers that in order to effectively address potential reverse sensitivity effects on primary production activities, quarrying, and rural industries, it would be necessary to include internal noise, vibration and ventilation design requirements for the papakāinga buildings that include noise sensitive activities.</p>
Notification requirements	
N1 Limited notification for papakainga developments of up to 30 residential units	<p>Council opposes restricting the list of potentially affected persons for limited notification on the basis that there may be other persons, agencies or stakeholders that would be affected, depending upon the site and effects, for example requiring authorities. It is also unclear how 'immediate neighbours' would be interpreted. Council requests that this be amended to 'adjacent neighbours' to enable a comprehensive assessment of effects on the surrounding environment.</p>

Part 3.3: National Policy Statement for Natural Hazards

Question	Response
Scope of the proposed NPS-NH and definitions	
<i>71. Should the proposed NPS-NH apply to the seven hazards identified and allow local authorities to manage other natural hazard risks?</i>	<p>No, as currently worded – this is far too generic.</p> <p>Further, it is not clear how one would plan around or for some of the hazards listed. In NZ, you would practically build no-where if you considered tsunami as a risk.</p> <p>We agree that the seven hazards, exist, but wonder whether more nuanced consideration needs to be applied around whether mitigation of the hazard is possible. Further to this, a more practical lens may be needed to differentiate between existing built areas, versus potential new urban areas or for subdivisions. Consideration in existing built areas should be on limiting the increase in consequence.</p> <p>Not all hazards are equal, and minimum requirements may create a step that is not needed if the hazard itself is manageable (ie coastal erosion versus an earthquake).</p> <p>It is impractical to separate the impacts of some hazards and to predict with certainty implications over the longer-term. More practical consideration is needed on managing the effects rather than identifying the hazard itself.</p> <p>The following amendments are therefore requested:</p> <ul style="list-style-type: none">• As national direction, the event probability for all hazards needs to be more clearly outlined and enable practical application. For example, flooding could be specified a 1%AEP; and coastal erosion could be at minimum of 50-years impact (rather than 100 years, which is like looking into a crystal ball of wool), and recurrence interval for active faults to provide clarity for decision makers and the community.

Question	Response
	<ul style="list-style-type: none"> • Greater clarity on the evidence base requirements, including whether current mitigation strategies (such as use of seawalls to address coastal erosion) should be part of consideration of hazard assessments to avoid overly cautious and unnecessary litigation. • Liquefaction hazards should be limited to the consideration of subdivision and uses only. This is because liquefaction risk for buildings and structures are specifically managed via the Building Code Acceptable Solutions B1/AS1 for buildings on land prone to liquefaction. These amendments to the Building Code came into effect on 29 November 2021. • New buildings on sites that already contain buildings must be included to ensure natural hazard management is effective. Council considers that the presence of an existing building on a site (e.g. a garage), should not void the applicability of the NPS-NH for new buildings (e.g. a residential unit) on sites that are subject to natural hazard risk. This is a significant gap in the current wording which, unless addressed, will result in unanticipated outcomes that would be contrary to the NES-NH objective.
<p><i>72. Should the NPS-NH apply to all new subdivision, land use and development, and not to infrastructure and primary production?</i></p>	<p>As currently worded, we would not support the NZCPS or the NPS-NH applying to existing infrastructure (such as roads and water services) due to financial and affordability constraints to communities.</p> <ul style="list-style-type: none"> • If the NPS-NH direction is practical and appropriately focused, it should apply to everything. However, as currently worded that is not the case. • We are concerned that you have noted that the NZ Coastal Policy Statement (NZ CPS) will take precedence over this Policy Statement which is why we assume you are asking this question – if the NZ CPS is not practical and appropriately focused it should be reviewed and updated.

Question	Response
	<ul style="list-style-type: none"> The NZ CPS should not prevail over the NPS-NH because all natural hazards should be managed consistently.
Objective	
<p><i>73. Would the proposed NPS-NH improve natural hazard risk management in New Zealand?</i></p>	<p>No, not as currently worded.</p> <p>As noted above, the NPS-NH should be the primary authority on natural hazards and no other policy statement should prevail over it (ie NZ CPS).</p> <p>Further, as currently worded there are limitations, gaps, and some duplication of the management of matters that are addressed via the Building Act/Code, as outlined in the responses to questions 71 and 72 above.</p>
Risk-based approach	
<p><i>74. Do you support the proposed policy to direct minimum components that a risk assessment must consider but allow local authorities to take a more comprehensive risk assessment process if they so wish?</i></p>	<p>No, not as currently proposed.</p> <p>Not all hazards are equal, and minimum requirements may create a step that is not needed if the hazard itself is manageable (ie coastal erosion versus an earthquake).</p> <p>We would support a bespoke approach on a natural hazard by hazard basis, type and across site-specific factors (including for example whether mitigation factors were in place).</p> <p>More direction on the flexibility of evidence base to support such assessment is necessary. For example, current direction by the NZ Coastal Policy Statement 2010 is impractical and has resulted in increased litigation for local authorities with communities due to the restrictive nature of proposed requirements set out. This needs to be addressed.</p>

Question	Response
<p>75. <i>How would the proposed provisions impact decision-making?</i></p>	<p>They would place local authorities at higher risk of litigation, delays, and increased costs.</p> <p>Generally, a risk-based approach to assessment would be valuable if can be practically applied. We don't believe that is possible with the currently worded proposal.</p> <p>More formal guidance (that is embedded in legislation, and that is not subject to litigation) is required regarding climate change and related scenarios. Current 'guidance' is not defensible in court, and has subjected local authorities to unnecessary delays and costs, and repeated litigation.</p> <p>Officials need to unpack the difference between modelling, standards and methods; and determining practical means for identifying hazards, risks, and effects in a community setting.</p>
<p>76. <i>Do you support the placement of very high, high, medium and low on the matrix?</i></p>	<p>No, not as currently proposed. Of note:</p> <ul style="list-style-type: none"> • The consequence level, damage to property, and potential for injury or fatalities is too linear and not reflective of actual/real world events. For example, large recent earthquakes in Kaikoura damaged property but did not result in any injury to person and fatality due to the time of day and direction of thrust/g-force. A one-size fits all matrix is both impractical and not useful for decision-making. • The approach assumes that reliable and consistent data and information relevant to inform an assessment is available. Further, that this info will be accepted and not subjected to litigation if it is available. • It is unclear how a local authority would assess the consequence level and potential for injury on the degree of accepted loss or risk (it surely can't be zero?). Clarity is needed on who and how this would be determined (ie who would

Question	Response
	<p>produce the evidence on which planning decisions would be based given no two natural events produce the same impact?) .</p> <p>We propose that instead of very high, high, medium, or low that the matrix would be more useful to provide direction on the hazard that should be avoided, mitigated or managed (for example).</p>
<p>77. Do you support the definition of significant risk from natural hazards being defined as very high, high, medium risk, as depicted in the matrix?</p>	<p>No. For the reasons set out above.</p>
<p>Proportionate management</p>	
<p>78. Should the risks of natural hazards to new subdivision, land use and development be managed proportionately to the level of natural hazard risk?</p>	<p>No, as currently worded the proposal treats all hazards equally. Where it is possible to mitigate a hazard (such as coastal erosion) the level of risk should be assessed in relation to the residual risk only; versus where it is not possible to mitigate a hazard at all (such as a fault rupture) where the natural hazard risk itself should be avoided.</p> <p>A more nuanced approach and more practical consideration of effect or impact needs to be applied. This should not be an academic exercise, but had become so, because we are overly focused on determination of hazard itself.</p>
<p>79. How will the proposed proportionate management approach make a difference in terms of existing practice?</p>	<p>It will not make any improvement. We have provided feedback directly to MfE and DOC on the issues that need to be addressed, and they don't seem to have been considered in the proposal which is disappointing.</p> <p>If the proportionate management approach was refined to be more nuanced and less generic, and addressed the issues we have already share with you, the ability to more flexibly apply 'rules' relevant to risk and consequence would be useful.</p>

Question	Response
	<p>Currently, we have not been able to update our Coastal planning provisions since 1999 because the current NZCPS provisions are too blunt and we have been open to litigation for almost 15 years. Technically we have not been able to meet legislative requirements, and have not completed the required review of our provisions. We are not confident that the currently proposed changes address the issues we face.</p>
Use the best available information	
<p><i>80. Should the proposed NPS-NH direct local authorities to use the best available information in planning and resource consent decision-making?</i></p>	<p>Yes – and this should mean that the NZCPS doesn't prevail over this policy statement. This approach will strengthen current practice where hazard information that is not contained on district plan maps is used to inform decisions.</p> <p>It would be useful if P4 was amended to add that perfect information on natural hazard risk does not generally exist, but that the best information available at the time must be used to inform planning decisions. Further to this, if plans are required to be updated in 5-or-10-year intervals that a pragmatic approach to assessing impact in the longer-term should appropriately be taken.</p> <p>Provision of improved guidance on assumptions and methodologies would be helpful.</p>
<p><i>81. What challenges, if any, would this approach generate?</i></p>	<p>A definition of 'best available information' needs to be set. This should include that the information must be robust – peer reviewed, and final. Drafts and information not peer-reviewed should not be considered relevant at all.</p> <p>Legal or technical challenges associated with best available information creates confusion as there will be no final line in sand drawn to legally accept that information as it would not have gone through a consultative and challengeable process.</p>
Implementation	

Question	Response
82. <i>What additional support or guidance is needed to implement the proposed NPS-NH?</i>	<p>To address current issues, 'guidance' should be embedded in legislation and a requirement to follow. If guidance is not defensible in court, it is irrelevant.</p> <p>More detailed nationally consistent guidance is needed on natural hazard modelling, including methodology, the climate change scenarios to be applied, and the format of modelling outputs. This is required to eliminate on-going litigation of scientific methodology and outputs by interest groups and stakeholders. The lack of national direction/guidance results in uncertainty and considerable delays in progressing important plan changes needed to address significant natural hazards, e.g. giving effect to the NZCPS with respect to coastal erosion and inundation out to at least the next 100 years. This is exacerbated when agencies such as MfE and DOC have different views and won't commit to clarifying which advice is to be used in decision-making or plan making.</p>
83. <i>Should the NZCPS prevail over the proposed NPS-NH?</i>	No. For the reasons set out above.

Section 4: Implementation of infrastructure and development instruments

Question	Response
Implementation questions	
84. <i>Does 'as soon as practicable' provide enough flexibility for implementing this suite of new national policy statements and amendments?</i>	No, timeframes should be set out. "as soon as is practicable" is not defensible in Court.

Question	Response
<p>85. <i>Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient?</i></p> <p><i>If not, what would be better, and why?</i></p> <p><i>b. If yes, what time period would be reasonable (eg, five years), and why?</i></p>	<p>No, a plan change should progress in phases and where issues emerge it should be possible to enter stage 'gateways' to ensure that appropriate decisions can progress. At minimum, there should be an exceptions process.</p> <p>A timeframe is useful for forward work programme planning and financial resourcing via Council's long-term plan. Longer time periods (at least 5-7 years) are preferable to enable sufficient time for forward planning and financing evidence base studies, consultation, and formal plan change processes.</p> <p>We are not suggesting unlimited timeframes – we acknowledge that if no time periods are specified for giving effect to national direction, this can lead to an inconsistent coverage of district plan provisions across the country. However, time periods must be practical and achievable.</p>
<p>86. <i>Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review?</i></p>	<p>Yes, a full plan review enables a holistic review of all provisions across a plan. This is generally considered to be a more practical and cost-effective approach than specific plan changes that address significant resource management issues such as natural hazards.</p>
<p>87. <i>Are there other statutory or non-statutory implementation provisions that should be considered?</i></p>	<p>Clear direction regarding the best available natural hazard information being included on Land Information Memorandums is needed, noting that all-natural hazard information has limitations and that no perfect natural hazard information exists. The new LIM requirements from the recent LGOIMA amendments will feature here and any guidance should align with these.</p> <p>A definition of 'best available information' needs to be set. This should include that the information must be robust – peer reviewed, and final. Drafts and information not peer-reviewed should not be considered relevant at all. Current requirements proposed are impractical and overly cautious – these need to be reviewed.</p>

Appendix 2

Responses to Survey Questions: Proposed National Direction Changes: Package 2 – Primary Sector

Question	Response
<i>Part 2.1: National Environmental Standards for Marine Aquaculture</i>	
What problems does the proposal aim to address?	
1. <i>Have the key problems been identified?</i>	No comment.
What is the proposal?	
2. <i>Do the proposed provisions adequately address the three issues identified?</i> 3. <i>What are the benefits, costs or risks of the proposed changes?</i> 4. <i>Do you support the proposed amendments to streamline specific applications to change consent conditions by making them controlled activities?</i> 5. <i>Should there be any further changes to the matters of control specified in attachments 2.1 and 2.1.1?</i> 6. <i>Should any other types of changes to consent conditions be included?</i> 7. <i>Do you support the proposed changes to better enable research and trial activities on existing</i>	No comment.

Question	Response
<p><i>farms and in new spaces, including making some activities permitted?</i></p> <p>8. <i>Are there benefits in making small-scale structures permitted activities, instead of controlled activities?</i></p> <p>9. <i>Should there be any changes to the entry requirements, matters of control and matters of discretion specified in attachment 2.1.1?</i></p>	
Part 2.2: National Environmental Standards for Commercial Forestry	
Addressing council ability to introduce more stringent rules than in the NES-CF	
<p>10. <i>Does the proposed amendment to 6(1)(a) enable management of significant risks in your region?</i></p> <p>11. <i>Does the proposal provide clarity and certainty for local authorities and forestry planning?</i></p> <p>12. <i>How would the removal of 6(4A) impact you, your local authority or business?</i></p>	No comment.
Introducing a slash management risk assessment approach	
<p>13. <i>Do you support amendments to regulations 69(5-7) to improve their workability?</i></p> <p>14. <i>Do you support a site-specific risk-based assessment approach or a standard that sets</i></p>	No comment.

Question	Response
<p><i>size and/or volume dimensions for slash removal?</i></p> <p>15. <i>Is the draft slash mobilisation risk assessment template (provided in attachment 2.2.1 to this document) suitable for identifying and managing risks on a site-specific basis?</i></p> <p>16. <i>Should a slash mobilisation risk assessment be required for green-zoned and yellow-zoned land? If so, please explain the risks you see of slash mobilisation from the forest cutover that need to be managed in those zones?</i></p> <p>17. <i>If a risk-based approach is adopted which of the two proposed options for managing high-risk sites, do you prefer (ie, requiring resource consent or allowing the removal of slash to a certain size threshold as a condition of a permitted activity)?</i></p> <p>18. <i>For the alternative option of setting prescriptive regulations for slash management, is the suggested size and/or volume threshold appropriate?</i></p> <p>19. <i>Do you support the proposed definition of cutover to read “cutover means the area of land that has been harvested”?</i></p>	
<p>Remove the requirement for afforestation and replanting plans</p>	

Question	Response
20. <i>Do you support the proposed removal of the requirement to prepare afforestation and replanting plans?</i>	No comment.
Other minor text changes	
21. <i>Do you support the proposed minor text amendments?</i>	No comment.
<i>Part 2.3: New Zealand Coastal Policy Statement</i>	
Implementation	
22. <i>Would the proposed changes achieve the objective of enabling more priority activities and be simple enough to implement before wider resource management reform takes place?</i>	Yes, although some of the proposed wording changes to policies may not result in the intended clearer and more efficient decision-making processes for consenting activities in the coastal environment. For example, the proposed changes to Policy 6(1)(a) to replace 'important to' with 'which may be required for' would, in the Council's view, place a higher evidential basis for applicants and decision makers because they would be required to demonstrate that the proposed activity may be 'required for' the social, economic and cultural wellbeing of people and communities, rather than simply being 'important to' them.
23. <i>Would the proposed changes ensure that wider coastal and marine values and uses are still appropriately considered in decision-making?</i>	No. Council notes that areas of identified outstanding and high natural character in the coastal environment are valued highly by communities. Council also notes that the coastal environment contains a high number of sites and areas of significance to Māori. Council considers that the focus on introducing 'operational need' into the policy direction and extending this to include resource

Question	Response
	extraction activities would likely lead to environmental outcomes that would undermine Objectives 2 and 3 of the NZCPS.
24. <i>Are there any further changes to the proposed provisions that should be considered?</i>	No comment.
<i>Part 2.4: National Policy Statement for Highly Productive Land</i>	
Removing LUC3	
25. <i>Should LUC 3 land be exempt from NPS-HPL restrictions on urban development (leaving LUC 3 land still protected from rural lifestyle development) or, should the restrictions be removed for both urban development and rural lifestyle development?</i>	Council would support the removal of LUC 3 land from the NPS-HPL restriction on urban development if an evidence base exists that demonstrates that LUC 3 land is not highly productive for growing food for present and future generations. Council notes that as population grows, the need for productive land will grow also. On this basis, Council does not believe such evidence exists, and the proposed removal of LUC 3 land from the NPS-HPL appears to be intended to enable more urban development on highly productive land, rather than removing LUC 3 land because it is not highly productive or is not capable of being highly productive in the future. If Central Government decides it to remove LUC 3 land from restrictions on urban development, it seems conflicting to enable urban development but to restrict rural lifestyle development, because both types of zoning would result in the loss of LUC 3 land for present and future food production purposes.
26. <i>If the proposal was to exempt LUC 3 land from NPS-HPL restrictions for urban development only, would it be better for this to be for local authority led urban rezoning only, or should restrictions also be removed for private plan</i>	If LUC 3 land is to be removed from the NPS-HPL restriction on urban rezoning, Council notes the inaccuracy of the current (historic) Land Use Capability mapping on a property-specific basis. Should LUC 3 land be removed from the NPS-HPL, the Council would not oppose LUC 3 rezoning for urban development via private plan changes on the proviso that the land is not in fact

Question	Response
<p><i>changes to rezone LUC 3 land for urban development?</i></p>	<p>highly productive for food production purposes (i.e. it has not been inaccurately mapped on the historical Land Use Capability maps). A site-specific plan change should be supported by a site-specific soil resources survey carried out by a suitably qualified and experienced person confirming the land is not in fact a more productive soil type (such as LUC 1 or 2). Such a site-specific soil survey would then be subject to a technical review by the Council's own soils expert to confirm the LUC status of the soil within the relevant site. Council considers it premature to speculate that LUC 3 land as identified on the Land Use Capability mapping would not be found to be highly productive by regional councils when identifying highly productive land to be included in a regional policy statement i.e. soils where highly productive fruit growing occurs generally does not fall within LUC 1, 2 or 3.</p>
<p>27. <i>If LUC 3 land were to be removed from the criteria for mapping HPL, what, other consequential amendments will be needed? For example, would it be necessary to:</i></p> <ul style="list-style-type: none"> <i>amend 'large and geographically cohesive' in clause 3.4(5)(b)</i> <i>amend whether small and discrete areas of LUC 3 land should be included in HPL mapping clauses 3.4(5)(c) and (d)</i> <i>amend requirements for mapping scale and use of site-specific assessments in clause 3.4(5)(a), and amend definition of LUC 1, 2 or 3 land</i> 	<p>Additional changes would be required to overcome the 'avoidance' direction of NPS-UD Clause 3.6, and the timing and transitional provisions of clauses 4.1(1) and 3.5(7). Currently, it is not possible to change the LUC status of a higher-class soil, such as LUC 2 to a lower-class soil such as LUC 3 via a site-specific survey as part of a plan change process. This is because only regional councils have the authority to determine highly productive status of land via a mapping exercise and an associated <u>operative</u> regional policy statement change. Consequential amendments to address this could include amending the definition for <i>highly productive land</i>, and clause 3.6 to set out the site-specific survey and evidence base requirements for plan changes.</p> <p>Council supports the existing intent of the NPS-HPL to retain highly productive land for food production for current and future generations. Therefore, suggestions such as removing the discretion for councils to map additional land under clause 3.4(3) are not supported, as this could undermine the objective of the NPS-HPL. As noted above, the LUC status of land is not the only</p>

Question	Response
<ul style="list-style-type: none"> <i>remove discretion for councils to map additional land under clause 3.4(3).</i> <i>use more detailed information about LUC data to better define HPL through more detailed mapping, including farm scale and/or more detailed analysis of LUC units and sub-classes.</i> 	<p>determinant on whether land is highly productive for food production i.e. fruit production can be successful on LUC 3 and 4 soils, while viticulture can be successful on LUC 5, 6 and 7 land.</p>
New special agricultural areas	
<p>28. <i>Given some areas important for foods and fibre production such as Pukekohe and Horowhenua may be compromised by the removal of LUC land, should additional criteria for mapping HPL be considered as part of these amendments?</i></p>	<p>Yes, please see above comments regarding the requirement for site-specific mapping to determine whether inaccurately mapped (historic) LUC 3 land is not in fact LUC 1 or 2.</p>
<p>29. <i>If so, what additional criteria could be used to ensure areas important for food and fibre production are still protected by NPS-HPL?</i></p>	<p>Council considers that the most effective method to ensure areas important for food and fibre production to remain protected by the NPS-HPL would be to leave LUC 3 land protected, but to enable the site-specific survey process to occur for plan changes to determine if the historical LUC mapping includes errors at a property-specific level.</p>
<p>30. <i>What is the appropriate process for identifying special agricultural areas? Should this process be led by local government or central government?</i></p>	<p>If 'special agricultural areas' are to be included in the amendments to the NPS-HPL, this should be carried out by technical experts within or appointed by councils, as they have technical expertise and experience in managing rural environments, including the natural environment, subdivision, use and development.</p>
<p>31. <i>What are the key considerations for the interaction of special agriculture areas with other</i></p>	<p>No comment.</p>

Question	Response
<i>national direction – for example, national direction for freshwater?</i>	
32. <i>Should timeframes for local authorities to map highly productive land in regional policy statements be extended based on revised criteria? Alternatively, should the mapping of HPL under the RMA be suspended to provide time for a longer-term solution to managing highly productive land to be developed in the replacement resource management system?</i>	Currently, the mapping exercise timeframes (and operative status) of the regional policy statement change that must identify highly productive land prevents the consideration of the rezoning of LUC 3 land that has been inaccurately mapped historically and is in actual fact LUC4 or a less productive soil class. Site-specific evidence cannot overcome the current avoidance direction of rezoning for urban development, nor the requirement that the LUC category of soil can only be changed once the regional policy statement change has been made operative. Council considers that the timeframes should remain, but that amendments be made to enable site-specific evidence to underpin proposed rezoning for urban development (as discussed above).
<i>Part 2.5: Multiple instruments for quarrying and mining provisions (National Policy Statement for Indigenous Biodiversity, National Policy Statement for Freshwater Management, National Environmental Standards for Freshwater, National Policy Statement for Highly Productive Land)</i>	
What is the proposal?	
33. <i>Do you support the proposed amendments to align the terminology and improve the consistency of the consent pathways for quarrying and mining activities affecting protected natural environments in the NPS-FM, NES-F, NPSIB and NPS-HPL?</i>	No. Specifically: NPS-IB Council does not support the proposed removal of the gateway test requiring assessment of all other resources in New Zealand by removing the wording “that could not otherwise be achieved using resources within New Zealand” from 3.11(1)(a)(ii) and (iii). This is because as national direction, the NPS-IB should give effect to section 6(c) of the RMA in the first instance. The proposed changes to the gateway test will have the effect of enabling the continued and

Question	Response
	<p>ongoing long-term loss of significant indigenous flora and fauna in exchange for short-term economic benefits. Council considers that the proposed exceptions to the gateway test to provide a more enabling consent path for quarrying and mining activities within significant natural areas would be contrary to the overall purpose of the RMA due to the significant adverse environmental harm to significant natural areas that mining and quarrying generally require. Council supports retention of the existing wording of the gateway test within clauses 3.11(1)(a)(ii) and (iii).</p> <p>Council opposes the proposed amendments to remove the word ‘public’ from subclauses 3.11(1)(a)(ii) and (iii) of the NPS-IB. Council considers that there should be a demonstrable significant national public benefit to mining and quarrying activities proposed within significant natural areas. Private economic benefit or regional benefit should not have precedence over significant national public benefits when considering proposals to destroy or modify significant natural areas via mining and quarrying activities. Council considers that the proposed changes are contrary to the purpose of the RMA on the basis they would fail to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations and safeguard the life-supporting capacity of water, soil and ecosystems.</p> <p>NPS-FM</p> <p>Council opposes the proposed amendments to include ‘operational need’ for mining and quarrying activities within wetlands. The definition for ‘operational need’ set out within the National Planning Standards is as follows:</p> <p><i>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.</i></p>

Question	Response
	<p>The effect of this proposed amendment would be that the small number of natural inland wetlands remaining within New Zealand would be considerably easier to mine or quarry for short-term economic gain, leading to the permanent loss of indigenous biodiversity contained within those wetlands. Council opposes the proposed amendments that would enable a consenting path for mining and quarrying within the last remaining wetlands within New Zealand in exchange for short-term economic benefits. Council considers that the proposed changes are contrary to the purpose of the RMA on the basis they would fail to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations and safeguard the life-supporting capacity of water, soil and ecosystems.</p>
<p><i>34. Are any other changes needed to align the approach for quarrying and mining across national direction and with the consent pathways provided for other activities?</i></p>	<p>All proposed changes that would have the effect of making the consent path for mining and quarrying consent path easier within significant natural areas and natural inland wetlands need to be assessed against the effects management hierarchy. Under current legislation, operational need does not override its application in decision making processes.</p>
<p><i>34. Should “operational need” be added as a gateway test for other activities controlled by the NPS-FM and NES-F?</i></p>	<p>Yes, but only if the effects management hierarchy is retained for all activities. Council requests the addition of community wastewater and stormwater systems be included as specifically listed activities.</p>
<p><i>Part 2.6: Stock Exclusion Regulations</i></p>	
<p>What is the proposal?</p>	
<p><i>35. Do you agree that the cost of excluding stock from all natural wetlands in extensive farming</i></p>	<p>As a general principle, Council considers that allowing stock to access natural wetlands is detrimental to the health and sustainability of wetland ecology.</p>

Question	Response
<i>systems can be disproportionate to environmental benefits?</i>	Therefore, determining the acceptability of this proposed amendment would require a clear definition of what constitutes ‘non-intensively grazed’.
<i>Section 3: Implementation of primary sector instruments</i>	
Implementation questions	
36. <i>Does “as soon as practicable” provide enough flexibility for implementing this suite of new national policy statements and amendments?</i>	No, timeframes should be set out. “as soon as is practicable” is not defensible in Court.
37. <i>Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient? a. If not, what would be better, and why? b. If yes, what time period would be reasonable (eg, five years), and why?</i>	<p>No, a plan change should progress in phases and where issues emerge it should be possible to enter stage ‘gateways’ to ensure that appropriate decisions can progress. At minimum, there should be an exceptions process.</p> <p>A timeframe is useful for forward work programme planning and financial resourcing via Council’s long-term plan. Longer time periods (at least 5-7 years) are preferable to enable sufficient time for forward planning and financing evidence base studies, consultation, and formal plan change processes.</p> <p>We are not suggesting unlimited timeframes – we acknowledge that if no time periods are specified for giving effect to national direction, this can lead to an inconsistent coverage of district plan provisions across the country. However, time periods must be practical and achievable.</p>
38. <i>Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review?</i>	Yes, a full plan review enables a holistic review of all provisions across a plan. This is generally considered to be a more practical and cost-effective approach than specific plan changes that address significant resource management issues such as natural hazards.

Question	Response
39. <i>Are there other statutory or non-statutory implementation provisions that should be considered?</i>	No comment.