

**QLDC Council**

**4 April 2024**

**Report for Agenda Item | Rīpoata moto e Rāraki take [4]**

**Department: Strategy & Policy**

**Title | Taitara: Retrospective approval of Queenstown Lakes District Council submission to the Ministry for the Environment**

**Purpose | Te Take mō te Pūroko**

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The purpose of this report is to present recent feedback made by Queenstown Lakes District Council (**QLDC or Council**) to the Ministry for the Environment (**MfE**) on the proposed Transitional National Planning Framework (**NPF**).

This report seeks Council's retrospective approval of this feedback.

**Recommendation | Kā Tūtohuka**

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That the Council

1. **Note** the contents of this report, and
2. **Approves** retrospectively the contents of the feedback to the Ministry for the Environment on the draft transitional National Planning Framework.

**Prepared by:**



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**Title:** Principal Policy Advisor  
**6 March 2024**

**Reviewed and Authorised by:**



**Name:** Michelle Morss  
**Title:** General Manager – Strategy and Policy  
**11 March 2024**

## Context | Horopaki

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1. The draft transitional NPF was a requirement under the previous government's Resource Management Act (1991) (RMA) reform legislation. In particular, the Natural and Built Environment Act 2023 (NBA) required a NPF that would bring all national direction on land use management into a single integrated document. The NPF was intended to provide direction on matters of national significance, environmental limits and targets, and help resolve conflict among land use management outcomes.
2. MfE undertook targeted engagement with key partners and stakeholders (including local government) on the draft transitional NPF ahead of public notification. QLDC was invited to provide feedback as part of this targeted engagement.
3. QLDCs feedback is included as **Attachment A**.
4. The new government campaigned on repealing the RMA reform legislation, including the NBA. In the process of Council preparing its feedback the government was preparing legislation to repeal the NBA. The NBA was repealed on 23 December 2023 10 days after Council had lodged its submission. Its repeal makes the draft transitional NPF null and void.
5. Despite this, officers understand from MfE that feedback on the topic remains relevant and will help inform any future national direction work programme. It is not yet clear what the government's RMA reform programme will look like or if it will involve the development of a single consolidated piece of national direction on land use management policy. The feedback brings together a range of expert technical opinion from across the organisation, and will be useful to help inform any further engagement activities on this topic.
6. A summary of QLDCs feedback on the draft transitional NPF is outlined below. Councillors had opportunity to view and comment on the attached feedback in draft form prior to it being lodged.

## Analysis and Advice | Tatāritaka me kā Tohutohu<sup>ii</sup>

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### The proposal

7. The draft transitional NPF had intended to address issues identified by the Resource Management Review Panel relating to the ad hoc, instrument-by-instrument creation of national direction under the RMA which had resulted in misalignment and a lack of strategic direction. The draft transitional NPF would have addressed this issue by consolidating the RMAs national policy statements, national environmental standards, and regulations into one coherent framework.
8. The draft transitional NPF included:
  - a. existing RMA national direction to the extent it was compatible with the requirements of the NBA, and

- b. new policy content to meet the requirements of the NBA and provide direction for proposed regional spatial strategies (also now null and void).

### **QLDCs response**

9. QLDCs feedback expressed support for a single integrated piece of land use management national direction. QLDC considered that the draft transitional NPF would build on the resource management reform program goals to improve the efficiency and effectiveness of Aotearoa New Zealand's environmental management framework.

10. Key messages in the feedback are set out below:

- a. Strong direction is needed to manage the tension between the protection of Outstanding Natural Features and Outstanding Natural Landscapes, and meeting urban growth demands.
- b. The transitional NPF needs to move at pace and relinquish its transitional status as soon as reasonably practicable.
- c. A single integrated piece of national direction should be easy to access and user friendly.
- d. Approaches to resolving conflicts should be clarified to promote effective and efficient decision-making.
- e. The transitional NPF should seek to ensure consistency and continuity with existing national direction and provide clarity on new or updated provisions.
- f. Urban tree provisions need more clarity.
- g. Consistent use of terminology regarding indigenous biodiversity is needed.
- h. A regional approach to greenhouse gas emissions is needed.
- i. A more robust approach to the identification of cultural heritage is needed.
- j. A strong, cohesive and joined up approach to the management of natural hazards and the effects of climate change is needed.
- k. The NPF requires stronger direction regarding the integration of urban development and infrastructure planning.

### **Resolution Options**

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11. Councillors had the opportunity to view and comment on the attached feedback in draft form prior to it being lodged. As the feedback deadline did not align with a Council meeting, the purpose of bringing this paper retrospectively is to ensure that the feedback is formally sanctioned by Council and to give transparency to the community.

12. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
13. The options for Elected Members to address this retrospective approval are set out below:
14. Option 1: retrospectively approve the contents of the attached feedback to MfE.

*Advantages:*

- The feedback will remain in MfE's process (whatever form that might take) and QLDC will have participated effectively.

*Disadvantages:*

- There are no clear disadvantages to this option.

15. Option 2: to request corrections, clarifications, or the withdrawal of the feedback from MfE's process.

*Advantages:*

- The feedback will be corrected, clarified, or withdrawn and any inaccurate representation of QLDC's position will not be considered.

*Disadvantages:*

- Given the implications of the repealed NBA making the draft transitional NPF null and void, there are no clear disadvantages to this option.

16. This report recommends **Option 1** (if representative of the Council's position) to ensure that QLDC's views can help inform any future national direction work programme that MfE might be directed to address by the new government.

### Consultation Process | Hātepe Matapaki

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### Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

17. The subject matter of this engagement process is considered 'low significance', as determined by reference to the Council's Significance and Engagement Policy. This advice deals with matters of interest to a range of individuals, organisations, groups, and sectors in the community.
18. The persons who are affected by or interested in these matters are all residents and ratepayers of the district. The draft transitional NPF is now null and void as a result of the repeal of the NBA.
19. No external consultation was undertaken in preparing the feedback as this was a targeted form of engagement run by MfE that did not include the wider public.

### **Māori Consultation | Iwi Rūnaka**

20. The Council did not engage with iwi or rūnaka in preparing the feedback. It is understood that iwi authorities, groups that represent hapū, and groups that represent Māori were also asked to provide feedback as part of MfEs targeted engagement.

### **Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka**

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21. This matter relates to the Strategic/Political/Reputation risk category. It is associated with RISK10056 Ineffective provision for the future planning and development needs of the district within the QLDC Risk Register. This risk has been assessed as having a low residual risk rating.

22. The recommended option will support Council by allowing it to implement additional controls for this risk. This will be achieved by monitoring future changes in legislation and other government regulations, in particular, addressing those issues that directly affect QLDC and the district's community.

### **Financial Implications | Kā Riteka ā-Pūtea**

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23. There are no financial implications for Council as an outcome of this submission.

### **Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera**

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24. The following Council policies, plans and strategies were considered:

- Vision Beyond 2050
- Spatial Plan
- District Plan
- Climate and Biodiversity Plan
- Long Term / Ten Year Plan

25. The recommended option is consistent with the principles set out in the named policies, plans and strategies.

### **Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka**

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26. Section 10 of the Local Government Act 2002. Section 10 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities

in the present and for the future. The recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

27. The recommended option:

- can be implemented through current funding under the Long Term Plan and Annual Plan;
- is consistent with the Council's relevant policies, plans and strategies; and
- would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

**Attachments | Kā Tāpirihaka<sup>iii</sup>**

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A	QLDC Feedback to the Ministry for The Environment on the Transitional National Planning Framework
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