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Via [nationalplanningframework@mfe.govt.nz](mailto:nationalplanningframework@mfe.govt.nz)

## FEEDBACK TO THE MINISTRY FOR THE ENVIRONMENT ON THE TRANSITIONAL NATIONAL PLANNING FRAMEWORK

Thank you for the opportunity to present Queenstown Lakes District Council's (**QLDC**) feedback to the Ministry for the Environment (**MfE**) on the transitional National Planning Framework (**NPF**). QLDC appreciates the approach MfE have taken in engaging with critical partners and stakeholders (including local government) ahead of public notification.

QLDC supports the development of a single integrated piece of land use management national direction. It is noted that this is a requirement under the Natural and Built Environment Act 2023 (**NBA**). QLDC considers that the establishment of a single source of national direction has many advantages that could build on the resource management reform program goals to improve the efficiency and effectiveness of Aotearoa New Zealand's environmental management framework.

Local government has significant institutional knowledge that could positively contribute to the development of the transitional NPF, and QLDC has made a number of substantial submissions on the resource management reform program. As such, QLDC is highly engaged in the development of legislation intended to replace the Resource Management Act 1991 (**RMA**).

However, with the establishment of a new government, QLDC notes that the future of the RMA reform program enters a period of uncertainty, along with the transitional NPF. The existing set of national direction instruments have not provided sufficiently consistent or comprehensive guidance to the local government sector, who face considerable challenges in balancing many competing land use priorities. These challenges create litigation risk and lengthy delays in decision-making processes. It is not clear what the new government intends to replace the RMA reform legislation with, nor is it clear if a transitional NPF will play a role in any replacement legislation. QLDC requests clarity on the future of the transitional NPF development process as soon as possible, and considers that the process of improving and consolidating national direction instruments continue, whether under the NBA or RMA.

QLDC's feedback builds on the following key messages:

- Strong direction is needed to manage the tension between the protection of Outstanding Natural Features (**ONF**) and Outstanding Natural Landscapes (**ONL**), and meeting urban growth demands,
- The transitional NPF needs to move at pace and relinquish its transitional status as **soon** as reasonably practicable,
- A single integrated piece of national direction should be easy to access and user friendly,
- Approaches to resolving conflicts should be clarified to promote effective and efficient decision-making,
- The transitional NPF should seek to ensure consistency and continuity with existing national direction and provide clarity on new or updated provisions,
- Urban tree provisions need more clarity,
- Consistent use of terminology regarding indigenous biodiversity,
- A regional approach to greenhouse gas emissions,
- A more robust approach to the identification of cultural heritage,

- A strong, cohesive and joined up approach to the management of natural hazards and the effects of climate change, and
- Strong direction that requires integration between urban development and infrastructure planning is critical.

QLDC would like to be heard at any hearings that result from this consultation process. It should be noted that due to the timeline of the feedback process, this submission will be ratified by full Council retrospectively at the next Council meeting.

Thank you again for the opportunity to comment.

Yours sincerely,



Glyn Lewers  
**Mayor**



Mike Theelen  
**Chief Executive**

## 1.0 Queenstown Lakes District Context

- 1.1. The Queenstown Lakes District (**QLD/the district**) QLDC has an average daily population of 71,920 (visitors and residents) and a peak daily population of 114,790<sup>1</sup>. The district is experiencing unprecedented growth with its population projected to nearly double over the next 30 years.
- 1.2. The district is one of Aotearoa New Zealand's premier visitor destinations, drawing people from all over the world to enjoy spectacular wilderness experiences, world renowned environments and alpine adventure opportunities.
- 1.3. QLDC faces significant pressure in its efforts to accommodate population and visitor growth, particularly given its unique alpine landscape. The majority of land within the district is classified as ONL or ONF, or has a range of other development constraints such as geographic barriers or natural hazard risks. This context challenges efforts to balance the tension between fast paced urban growth and maintaining those environmental qualities which contribute so substantially to the district's wellbeing.
- 1.4. To assist in addressing this tension, QLDC has been working collaboratively with the community, Kai Tahu (as mana whenua of this Rohe), regional council and central government partners. This relationship has resulted in the Whaiora Grow Well Partnership and a first-generation Spatial Plan. The Spatial Plan directs growth in a way that will make positive changes to the environment, housing, access to jobs, the wellbeing of the community and the experience of visitors. The QLD Spatial Plan is currently being worked into a Future Development Strategy that gives effect to the National Policy Statement on Urban Development.
- 1.5. The QLD has a small ratepayer base but its land use planning context is more aligned with a metropolitan centre. The large volume of resource management caselaw is testament to the high level of engagement in land use planning issues in the district. This positions QLDC well to provide valuable feedback for the development of the transitional NPF.
- 1.6. QLDC has been reviewing its operative district plan in stages since 2015. The Proposed District Plan (**PDP**) represents a considerable step forward in managing the complex land use management challenges in the district and aligns well to the RMA's existing suite of national direction instruments. QLDC, along with community and iwi, have invested heavily in the development of the PDP.

## 2.0 Strong direction is needed to manage the tension between the protection of ONF and ONL environments, and meeting urban growth demands

- 2.1. Section 7.1.1 includes the following outcome for ONL and ONF environments '*that outstanding natural features and outstanding natural landscapes are protected and their contribution to New Zealand's character, identity, and values is recognised*'. QLDC supports this outcome in principle.
- 2.2. Further guidance is sought on the inclusion of 'geoheritage' values (scientific, educational, cultural, or aesthetic values and characteristics related to the geological, geomorphic, or palaeontological aspects of a site)<sup>2</sup>. It is not clear how such values will be included in existing landscape planning frameworks.
- 2.3. QLDC supports the inclusion of specific content relating to ONL and ONF environment. Such direction may assist in navigating the complex land use planning environment in the QLD where 97% of the district is categorised as either an ONF or ONL. These landscapes support the overall wellbeing of the QLD. However,

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<sup>1</sup> <https://www.qldc.govt.nz/media/ygilrton/demand-projections-summary-march-2022-2023-to-2053.pdf>

<sup>2</sup> Section 7.1.2(b)

their social, economic, cultural and environmental values transcend the district's boundaries, supporting the wider national economy via their strong attraction to visitors. It is also noted that mana whenua have deep connections to these landscapes which require careful consideration and incorporation into national direction.

- 2.4. The QLD landscape context combined within ongoing growth pressures creates a unique type of land use management tension:
- a necessity to develop the remaining 3% of non ONL/ONF land as efficiently as possible to cater for urban growth demands, and
  - a need to carefully manage development pressure within and at the boundaries of the 97% of land classified ONL and ONF.
- 2.5. QLDC seeks that any new national direction provides clear guidance on these competing priorities to ensure the district is not continually embroiled in development-related litigation which consumes significant resources. QLDC has finite capacity and capability to engage in ongoing litigious action.
- 2.6. The PDP provides a comprehensive landscape management framework<sup>3</sup> that has been developed over many years and has involved significant investment from the QLDC and the wider community. This includes the identification of landscape classifications across the district.
- 2.7. The transitional NPF states that *'a planning committee must consider the ways available to support the protection, maintenance, and, where appropriate, the restoration of identified outstanding natural features and identified outstanding natural landscapes'*<sup>4</sup> without providing further direction about what 'ways' should be employed. The words protection, maintenance and restoration do not represent a significant step forward in terms of the approach currently being applied via case law. QLDC prefers that the transitional NPF more specifically set out the ways to ensure the system outcome is achieved, including methodologies such as that contained within the values identification framework for priority ONF and ONL landscapes contained at 3.3.36 – 3.3.48 of the PDP.

## 2.8. Recommendation

2.9.1 – That any new national direction for ONL and ONF environments provides clear guidance on how to balance the tension between providing for urban growth and protecting landscape values.

## 3.0 The transitional NPF needs to move at pace and relinquish its transitional status as soon as reasonably practicable

- 3.1. QLDC understands that the NPF is being developed in stages with the first stage being a transitional NPF proposal, intended to come into effect in 2025. Following this, the NPF will develop over a period of 7 to 10 years as the new resource management system is embedded. Further, it is understood that during the time Regional Spatial Strategies (**RSSs**) are being developed, MfE plans to develop a 'second NPF' proposal likely to provide more detailed direction.
- 3.2. QLDC supports a staged approach and acknowledges the significant complexity associated with the development of the new legislative regime. However, it is preferable that the NPF move away from its 'transitional' status as soon as reasonably practicable to provide local authorities and plan users with greater certainty. The main strength of the resource management reform program and single piece of

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<sup>3</sup> Chapter 3 (Strategic Direction) and Chapter 6 (Landscapes and Visual Character)  
<https://qldc.govt.nz/your-council/district-plan/proposed-district-plan>

<sup>4</sup> Section 7.2.1(1)

national direction is improved certainty and clarity. Nonetheless, QLDC strongly supports any feedback opportunities that are provided to local authorities throughout this multistage approach.

### 3.3. Recommendation

3.3.1 – That the NPF development process occur at a rate and, in a way which ensures it moves away from a ‘transitional’ status as soon as reasonably practicable to provide local authorities and plan users with greater certainty on the nature and scale of national direction.

## 4.0 A single integrated piece of national direction should be easy to access and user friendly

4.1. The NPF will bring together over 23 pieces of central government planning direction into a single integrated document, providing direction on matters of national significance, environmental limits and targets, and help resolve conflict among competing outcomes.

4.2. QLDC supports the integration of all pieces of national direction into a single document. However, the document is very large, at more than 500 pages long. It is critical that the document be made as accessible as possible to all plan users, not just local authorities, planning professionals and resource management lawyers.

4.3. A critical foundation of the resource management reform is to increase the accessibility of resource management documents to the communities they are intended to serve. An e-plan type application would be more user friendly and match the e-plan requirements for local authorities under the National Planning Standards.

4.4. Further, summary statements or position statements are requested for each domain or topic area that enable all plan users to more easily comprehend key matters they may (or may not) need to consider.

### 4.5. Recommendation

4.5.1 – That an e-plan type application accompanied with summary or position statements on each domain area contained within the NPF be developed as soon as practicable to make the document more accessible.

## 5.0 Approaches to resolving conflicts should be clarified to promote effective and efficient decision-making

5.1. QLDC supports the intent of the transitional NPF to include requirements to direct how Regional Planning Committees (RPCs) manage tensions between different pieces of national direction (outcomes). Sections 1.2.5 and 1.2.6 of the transitional NPF provide the foundations for this process.

5.2. However, Sections 1.2.5 and 1.2.6 mention the identification of ‘actions’ or ‘approaches’ to resolve the tensions, and what is to be ‘preferred’ or ‘prioritised’ without providing more specific guidance on what those ‘actions’ or ‘approaches’ to achieve resolution would be. It is not clear if these relate to mediation or conferencing or some other sort of arrangement. It is preferable that the transitional NPF specify what methods are required as part of the ‘actions’ or ‘approaches’ to resolve tensions.

### 5.3. Recommendations

5.3.1 – That the transitional NPF more specifically set out which ‘actions’ or ‘approaches’ will be applied to effectively and efficiently resolve competing pieces of national direction.

5.3.2 – That a hierarchy of directions be included in the transitional NPF framework.

## **6.0 Urban tree provisions need more clarity**

6.1. It appears that the text of the existing NPS-UD has been transferred into the transitional NPF with minimal changes. A number of urban tree provisions have been included in 11.4.1. The purpose and scope of these policies is unclear, and it would be useful to understand the intent of this new policy, for example, is it seeking to address amenity, environmental protection, biodiversity restoration and/or climate mitigation activity.

### 6.2. Recommendation

6.2.1 – That further clarity be provided in regard to the purpose and scope of urban tree provisions.

## **7.0 Consistent use of terminology regarding Indigenous biodiversity**

7.1. The NBA introduces ‘Significant Biodiversity Areas’ as a new term. This contrasts with the existing term of ‘Significant Natural Areas’. QLDCs preference is to maintain the current terminology which is used in the National Policy Statement on Indigenous Biodiversity rather than introducing new terms that may create ambiguity.

### 7.2. Recommendation

7.2.1 – That the current terminology of ‘Significant Natural Areas’ is applied over ‘Significant Biodiversity Areas’.

## **8.0 A regional approach to greenhouse gas emissions**

8.1. QLDC supports the reference to consideration of cumulative effects from discharge of greenhouse gases from heat devices on a site<sup>5</sup>. However, QLDC considers that the regional context (i.e. cumulative effects from greenhouse gas emissions from a region) also needs to be considered.

### 8.2. Recommendation

8.2.1 - That the effects from greenhouse gas emissions from each region be considered for inclusion in the transitional NPF.

## **9.0 A more robust approach to the identification of cultural heritage**

9.1. Section 8.1.1 provides the following outcome for the protection of cultural heritage, *‘that cultural heritage is protected and, where appropriate, restored in a way that reflects its long-term contribution to cultural identity, social and economic well-being, a sense of place, and the relationship between people and place’*. QLDC supports this outcome in principle.

9.2. In particular, QLDC supports the reference to *cultural identity, social and economic well-being, a sense of place, and the relationship between people and place*. This extends the traditional recognition of cultural heritage that has been somewhat limited to specific built form (or similar features), and their relationship with the past. For example, this aspect of cultural heritage should include consideration of the cultural heritage aspects of light pollution, dark skies and star lore.

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<sup>5</sup> Section 10.3.8

9.3. The transitional NPF states that *'a planning committee must consider the ways available to support the protection conservation and, where appropriate, the restoration or enhancement of cultural heritage'*<sup>6</sup> without providing further direction about what 'ways' should be employed. This direction does not represent a significant step forward in terms of the approach currently being applied.

9.4. QLDC considers that the transitional NPF does not contain sufficient direction on the identification of cultural heritage, instead focusing on things that an RPC knows about or becomes aware of in the course of plan making. This leaves considerable room for cultural heritage not being sufficiently addressed. QLDC would prefer the transitional NPF to include a more specific provision relating to the identification of relevant cultural heritage items.

9.5. Recommendation

9.5.1 – That the transitional NPF provide more direction on the identification of new cultural heritage.

## **10.0 A strong, cohesive and joined up approach to the management of natural hazards and the effects of climate change**

10.1. The NBA requires the NPF to provide an outcome direction on the risks arising from natural hazards and the effects of climate change. The proposed outcome is *'that the environment is adaptive and resilient to natural hazards and the effects of climate change'*<sup>7</sup>.

10.2. QLDC strongly supports national direction relating to natural hazards. QLDC considers that more action is needed to address development occurring in areas subject to natural hazard risk. A nationally consistent framework is needed that will enable the establishment of robust risk assessment methodologies and associated decision-making processes.

10.3. QLDC is concerned that the development of the transitional NPF natural hazard provisions, the proposed National Policy Statement for Natural Hazard Decision-Making (**NPS NHD**) and Select Committee inquiry into climate adaptation are being undertaken on three separate pathways. QLDC recommends that these decision-making processes be made concurrently, and preferably, in a single and cohesive manner. It is recommended that the transitional NPF should include all provisions contained within the NPS NHD.

10.4. In addition, QLDC considers this outcome is not sufficiently focused on natural hazard risks to people and property. It appears to focus on the 'environment', which is ambiguous. It does not set a standard for the type of outcomes that need to be achieved in regard to natural hazard management. For example, the NPF should reflect the directions contained within the proposed NPS NHD concerning the level of natural hazard risk that is to be sought – in particular, that it is managed to be tolerable or lower. It should also contain direction on how to undertake managed retreat.

10.5. Section 9.2.1(2)(a) sets out a requirement to adopt a *'risk management approach'*. This is inconsistent with the best practice method of a 'risk-based approach', and which is directed under the proposed NPS NHD.

10.6. Recommendations

10.6.1 – That the transitional NPF natural hazard provisions, proposed NPS NHD and Select Committee inquiry into climate adaptation be developed concurrently and in a coordinated manner so that the transitional NPF contains all proposed national direction on natural hazards.

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<sup>6</sup> Section 8.2.1(1)

<sup>7</sup> Section 9.1.1

10.6.2 – That direction relating to natural hazards and the effects of climate change be focused on natural hazard risks to people and property.

10.6.3 – That the transitional NPF provide direction on the level of natural hazard risk that is to be sought, in particular, that it is managed to be tolerable or lower for all new development.

10.6.4 – That the transitional NPF natural hazard provisions require the application of a ‘risk-based approach’.

## **11.0 Strong direction that requires integration between urban development and infrastructure planning is critical**

11.1. Section 12.1.1 provides the following outcome for infrastructure:

*That New Zealand’s infrastructure*

- a) supports the well-being of present and future generations; and*
- b) provides national, regional, and local benefits; and*
- c) is well-functioning and resilient; and*
- d) is delivered in a timely, efficient, and ongoing manner.*

11.2. QLDC supports this outcome in principle, noting that it establishes a broad role for infrastructure assets and sets the scene for how infrastructure can support good urban development outcomes.

11.3. QLDC notes that the transitional NPF identifies infrastructure considerations as key to the preparation of RSSs<sup>8</sup>. QLDC supports national direction relating to the provision of infrastructure, particularly as it is intended to support urban growth. The approach of providing for existing, planned, and potential infrastructure is supported as it takes a short, medium and long-term infrastructure perspective when preparing regional spatial strategies.

11.4. QLDC supports the recognition of natural hazard risk on infrastructure when preparing RSSs, noting that the resilience of infrastructure is critical to the wellbeing of communities in times of crisis.

11.5. QLDC supports additional specificity around the nature of engagement between of RPCs, infrastructure providers and government agencies in the processes of preparing RSSs. This may assist in smoothing the overall plan preparation process, and reduce the risk of ongoing litigation.

11.6. Direction on balancing the tension between infrastructure development and protecting ONL and ONF landscapes has not been sufficiently addressed. Further direction is needed to identify ‘actions’ or ‘approaches’ to resolve these tensions, and what is to be ‘preferred’ or ‘prioritised’. The absence of clear criteria may result in litigation and poor land use outcomes.

11.7. Recommendation

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<sup>8</sup> Section 12.2.1



11.7.1 – That the transitional NPF provide clear direction on how to balance tensions between the provision of existing, planned, and potential infrastructure and the need to protect the values of ONLs and ONFs.

## **12.0 The Transitional NPF should seek to ensure consistency and continuity with existing national direction and provide clarity on new or updated provisions**

- 12.1. It is understood that the transitional NPF carries across the *'policy intent of the substantial body of existing national direction (made under the Resource Management Act 1991 (RMA)) and integrating this into the new legislative framework'*<sup>9</sup>. QLDC requests that MfE specify which parts of the existing national direction have been altered to understand the full extent of possible impacts on established management approaches. This is significant to the QLD context which has a highly litigious resource management environment that has been molded over many years from existing pieces of national direction.
- 12.2. The MfE discussion document states that *'the BOI and the responsible Minister must have particular regard to maintaining consistency with the policy in RMA national direction, to the extent that policy is compatible with the requirements of the NBA'*<sup>10</sup>. This direction is supported in principle, however QLDCs preference is that a tracked changed (or equivalent) version, or a discussion report, for each piece of existing national direction be prepared to provide greater visibility of any new or amended content. It is not clear what has been considered compatible (or not) with the new requirements of the NBA.
- 12.3. The MfE discussion document states that *'The redrafting process has involved removing or amending RMA-specific language'*<sup>11</sup>. Table 3 of the MfE discussion document briefly describes changes to existing RMA national direction in the transitional NPF proposal.
- 12.4. QLDC does not have the capacity to undertake a comprehensive like for like assessment of transitional NPF wording against that of existing national direction. QLDC notes there may be a risk to precedent decisions in the absence of understanding any specific policy changes, particularly in regard to landscape, rural and urban development directions.
- 12.5. Table 2 of the MfE discussion document identifies national direction 'included' and 'to be included in future iterations of the NPF'. It is noted that the proposed NPS NHD, and proposed direction on managed (community led) retreat is not included in Table 2. QLDC requests further clarification to ensure these important pieces of national direction will also be included in any NPF.
- 12.6. Recommendations
- 12.6.1 – That a tracked changed (or summary) version of each piece of existing national direction be provided which clearly illustrates any changes which are proposed within the transitional NPF.
- 12.6.2 – That the transitional NPF incorporate all existing and proposed national direction, in particular the proposed NPS NHD.

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<sup>9</sup> Page 8, transitional NPF MfE discussion document

<sup>10</sup> Page 15, transitional NPF MfE discussion document

<sup>11</sup> Page 27, transitional NPF MfE discussion document

## **13.0 Administrative and other comments**

- 13.1. Sections 6.2.24(1) and the 'minor upgrade' definition at 12.1.2 introduce the word 'trivial' in relation to adverse effects. This word is not well understood or applied in the existing resource management context and requires further clarification or amending.
- 13.2. Section 12.7.6 relates to infrastructure activity that involves tree trimming. QLDC notes that this section could generate some unnecessary consents needing to be obtained as the permitted standards are reasonably prescriptive, and therefore requires further clarification or amending.
- 13.3. Section 12.9.8 relates to noise from the operation of new or altered roads. It sets out permitted activity standards and a need to obtain consent as a 'permitted activity notice'. This sounds similar to a certificate of compliance. Further clarification is sought on the rationale of this approval process and where it is anticipated to be obtained within the development process, i.e. with new subdivisions it is presume this could be covered as part of the wider approval process.
- 13.4. Recommendations
  - 13.4.1 – That further clarification is provided in relation to the application of 'trivial' adverse effects in regard to resource consent processing.
  - 13.4.2 – That the efficiency and effectiveness of the permitted activity standards relating to infrastructure activities that involve tree trimming be re-considered.
  - 13.4.3 – That further clarification be provided in regard to the approval process relating to 'permitted activity notices' relating to noise from the operation of new or altered roads.