



Agenda

**Notice is hereby given of
an Open Workshop**

Tuesday 8 July 2025

9:30am

**Council Chamber
Waimate District Council
125 Queen Street
Waimate**

www.waimatedc.govt.nz

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Open workshops are an informal forum for staff to bring information items or presentations to Council which, if undertaken at a Council meeting, could take a significant amount of time, and therefore restrict other business from being transacted.

No decisions or resolutions will be made.

Brief agendas will be prepared and will be available on Council's website:

<https://www.waimatedc.govt.nz/council/meetings/agendas-and-minutes> and brief notes will be taken.

There are no legal requirements relating to a quorum.

Standing Orders do not apply.

Members of the public are welcome to attend but do not have speaking rights.

REPORTS

1 GENERAL BUSINESS

1.1 DRAFT SUBMISSION ON RMA NATIONAL DIRECTION CONSULTATIONS

Author: Alex Macdonald, Senior Planner

Authoriser: Dylan Murray, Regulatory and Compliance Group Manager

Attachments:

1. Draft Submission - National Direction Package 1  
2. Draft Submission - National Direction Package 2  

PURPOSE

1. The purpose of this paper is to seek Council feedback on a potential submission to the Government's proposed changes to national direction¹ prior to consultation closing on 27 July.

BACKGROUND

2. The Government has released three discussion documents proposing amendments to 12 existing national direction instruments and the introduction of four new instruments. The entire consultation package is centred around three sections: infrastructure and development, the primary sector and freshwater.
3. Collectively, these changes will have a significant impact on Council's statutory responsibilities, and on the wider community.
4. Many of the proposed changes impact multiple Council functions and work areas. For example, the proposed National Policy Statement (NPS) for Infrastructure has significant implications for both Council's regulatory and asset management functions.
5. Some of the proposals are related to non-RMA changes. For example:
 - a. The proposed National Environmental Standard (NES) for Minor Household Units (Granny Flats) is intended to work alongside the changes to the Building Act to enable these structures to be built without council consent;
 - b. The proposed NPS for Infrastructure is intended to enable activities of infrastructure providers, including Three Waters entities; and
 - c. The changes to the NES for Commercial Forestry are related to the Government's Emissions Trading Scheme changes; and
 - d. The Government is consulting on 'Pillar One' of the Going for Housing Growth programme, which asks strategic questions about how a range of primarily urban issues will be addressed by the new system, but does not proposed any direct changes.
6. Council is engaging on these other processes as appropriate.
7. Finally, we note that these instruments are intended to be transitioned into the new Planning Act and Natural Environment Act.

¹ National direction is the term for Resource Management Act (RMA) regulations and policy that must be implemented by council.

THE CONSULTATION PACKAGE IS INTENDED TO DELIVER A RANGE OF GOVERNMENT PRIORITIES

8. The three sections each focus on delivering a key government priority:
- a. *Infrastructure and Development*: This section includes two new NPSs, two new NESs, and amendments for four existing instruments.² At a high level, the proposals attempt to:
 - i. Make development of all types of infrastructure easier, less costly, and more certain for providers, while requiring councils to better manage activities that can impact effective use and operation of infrastructure. Staff consider the approach to managing adverse effects of infrastructure on the environment as generally enabling, which will reduce costs for council as an infrastructure provider, but risk our communities experiencing greater adverse effects from the construction and operation of all types of infrastructure (particularly where the effect is inherent to the type of infrastructure, e.g. visual effects from solar farms).
 - ii. Provide strong direction on the management of natural hazards, including specifying risk categories and activity types that are to be managed.
 - iii. Enable Papakainga and Granny Flats (also known as Minor Household Units), subject to some technical restrictions.
 - b. *Primary Sector*: This section proposes amendments to five existing national direction instruments,³ alongside sector specific amendments across a range of national direction. These amendments are generally targeted at specific sectors or issues. At a high level the proposals will:
 - i. Greatly reduce the ability of councils to manage forestry, including exotic continuous cover forestry, while also making a range of technical amendments to forestry management processes.
 - ii. Remove LUC3 from the definition of Highly Productive Land.
 - iii. Make amendments to a range of instruments with less direct implications for Council (e.g. the stock exclusion regulations, and changes for marine aquaculture). Some of these changes may be significant for people in our community.

² The specific proposals in this package are:

- New National Policy Statement for Infrastructure
- Amendments to the National Policy Statement for Renewable Electricity Generation
- Amendments to the National Policy Statement on Electricity Transmission
- Amendments to the National Environmental Standards for Electricity Transmission Activities
- Amendments to the National Environmental Standards for Telecommunication Facilities
- New National Environmental Standards for Granny Flats
- New National Environmental Standards for Papakāinga
- New National Policy Statement for Natural Hazards

³ The specific proposals in this package are:

- Amendments to Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020
- Amendments to Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017
- Amendments to New Zealand Coastal Policy Statement 2010
- Amendments to National Policy Statement for Highly Productive Land 2022
- Amendments to Resource Management (Stock Exclusion) Regulations 2020

- c. *Freshwater*: This section will amend the NPS for Freshwater Management and the NES for Freshwater. These proposals will be significant for our rural community, but are less directly relevant for Council. There are some specific amendments which will affect Council, including changes to fish passage requirements (which affect Council-owned structures, e.g. culverts), and changes to requirements to map drinking water protection areas.
9. Staff recognise that a submission alone is unlikely to result in the Government reconsidering core priorities. For areas where Council has significant concerns, other strategies are likely to be more effective. Advocacy options include raising key issues appropriately with ministers, working with Taituara or other stakeholders on areas of shared concern, or drawing public attention to the implications of any proposals for our district.

CHANGES WILL HAVE SIGNIFICANT IMPLICATIONS FOR COUNCIL, AND STAFF RECOMMEND A PRAGMATIC POSITION ON KEY ISSUES

10. Staff have attempted to focus on the issues that would be most significant for Council and the community. Our view is these are:
- a. The proposed NPS for Infrastructure, given the implications for Council assets, and the significant changes for Council's regulatory role.
 - b. The proposed NPS for Natural Hazards, given this will require much more granular controls to be introduced to manage natural hazard risk, and proscribe various categories of risk.
 - c. The proposed NES for Granny Flats, given significant interest council is already receiving on this initiative, and the potential challenges around implementation, including for matters such as financial contributions and flooding.
 - d. The proposed changes to the NES for Commercial Forestry, given the significant reduction in Council's ability to manage the location of new forests and community concerns about forestry.
 - e. The National Policy Statement for Highly Productive Land, as Council will have to proactively manage this land for primary production purposes.
11. Staff recommend we are broadly supportive of the proposals, while noting significant concern about the reduction of Council's discretion and ability to make decisions to manage issues of importance to the community, and the potential costs of implementation.
12. This approach allows Council to maintain a positive tone, while still enabling the opposition of specific proposals, such as the changes to the NES-CF.

OUR SUBMISSION WILL NOT BE COMPREHENSIVE, AND WE WILL HAVE TO SUPPORT THE SUBMISSIONS OF OTHERS

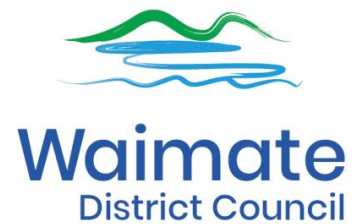
13. Given the scope of the changes proposed, staff cannot work through all the implications of the various proposals. There is a significant chance that the proposals will interact with each other (and other legislation) in unexpected ways. Staff do not have time or capacity to fully analyse all these interactions.
14. Staff's understanding is that there will not be a submission coordinated by the Canterbury Mayoral Forum and Canterbury Planning Managers, due to insufficient resource. Staff are collaborating with other territorial authorities on technical issues, and may add additional matters to the technical issues identified at the appendix of the submission.
15. Nevertheless, staff will indicate support of submissions of other organisations with relevant views, particularly Taituara.

WE SEEK YOUR FEEDBACK ON OUR DRAFT SUBMISSION(S), AND ON ANY OTHER NEXT STEPS

16. Staff will incorporate any feedback Council has in the submission and (if required) seek authorisation at the Council Meeting on 22 July, to enable the submission to be lodged prior to consultation closing on the 27 July.
17. Staff will also consider any direction or feedback as to the need to take any further action beyond a submission, for example engaging with other stakeholders, or accompanying our submission with any supporting actions (e.g. media release) to help explain the situation Council is in and the position it has taken.

OUTCOME

18. Staff are still working on the technical details of each submission, given limited capacity and time for input, and will ensure any technical comments are within the direction you provide at this workshop.



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SUBMISSION – PACKAGE 1 – INFRASTRUCTURE AND DEVELOPEMNT.

Introduction

Waimate District Council welcomes the opportunity to submit on the Package 1 of the governments National Direction proposals. We are supportive of the intent of many of the changes, and recognise the necessity of a better developed and more comprehensive national direction package.

We address our key issues below, which focus on the general policy intent of the instruments proposed for change, while Appendix 1 contains specific feedback on some clauses, and specific actionable changes that could better deliver government objectives.

We endorse the content of the Taituarā submission, noting that while there are some minor points of difference, there is a strong degree of consistency in our views.

Key issue 1: Scale and pace of change creates a risk of unintended outcomes or significant implementation challenges.

We are one of the smallest planning departments in the country. Our 1.6 FTE staff have to be across every issue – from community and neighbour concerns about local projects to managing legislative, national direction changes and maintaining our District Plan.

While many of the proposals are laudable, the immediate costs of implementing requirements they impose, in comparison to the potential benefits, are disproportionate for our district. We will not be the only district in this position.

We request that, as far as possible, requirements to consider or have regard to additional policy direction (in planning decisions) is deferred until the new system is in place for small, low risk councils such as us.

We request this change as the benefits of implementing greater policy direction on a case by case basis through consents will not outweigh the transitional and implementation costs, including uncertainty costs, for small councils such as us. We note that the case by case requirements to 'have regard to' NPS's have caused significant uncertainty¹ and expose councils to potential litigation risk.

Key Issue 2: There remain significant unresolved policy gaps and interactions across the package that need to be resolved

It is clear that large amounts of the proposal respond to specific government priorities. While we recognise the need for, and indeed support, greater government direction on a range of issues, we are concerned that insufficient regard has been had to balancing and prioritising issues.

Planning as a profession and in regulatory practice has a tendency to attempt to achieve 'everything, everywhere, all at once'. The current national direction system cuts through that, by giving decision makers clear things that they have to achieve (for example, the NPS-UD and strong requirements to enable development capacity where there is demand).

As proposed, this national direction package risks returning the profession to the 'everything, everywhere, all at once' mentality. For example, the proposed NPS's for Natural Hazards, and Infrastructure, alongside existing direction such as the NPS for Highly Productive Land create a situation where councils are expected to enable development, while also:

- Not enabling activities which may effect infrastructure development (e.g. by resulting in reverse sensitivity effects); and
- Ensuring we do not reduce the availability of Highly Productive Land; and
- Managing or preventing activities at significant risk from natural hazards; and
- Addressing a range of worthy technical matters, for example contaminated land.

Addressing each of these matters adds cost, complexity, and time to plan making, and ultimately restricts development.

The instruments (current and proposed) need to do more than simply 'talk to each other'. There needs to be a clear hierarchy of what *objectives* are more important than others and in what situations. Ideally, this results in clear prioritisation as to when one objective falls away and is not considered, and what costs are acceptable to impose through planning provisions.

If the instruments only 'talk to each other' and do not provide a hierarchy, there is an assumption that all the objectives can be 'balanced'. In a situation where relevant national direction instruments are to be 'balanced' we, as a regulator, will be in the position of introducing more and more provisions (and consequently, costs to our community and New Zealanders) to attempt to satisfy the requirements of each individual piece of national direction. We do not think that this situation would serve Waimate (and New Zealand).

¹ Noting that, for example, the government has explicitly prevented councils from considering higher level policies in some decisions because of uncertainty costs and unintended outcomes by amending s104 to prevent consideration of Te Mana o Te Wai.

Finally, we note that there is significant uncertainty as to how these requirements interact with the governments indications that it is to introduce template zones (based on the Japanese model).

Conclusion

We welcome the opportunity to be further involved in policy development on any matters raised in our submission.

If you have any questions regarding the content of this submission please contact Council's lead author, senior planner Alex Macdonald, by email at alex.macdonald@waimatedc.govt.nz.

We thank the committee for considering our submission.

Yours sincerely

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Appendix 1 – Specific comments on the proposal

Provision or proposal	WDC Position	Comment and suggested solution if applicable
Relevant to all proposed and amended national direction in this package.		
Definitions - Cross reference related definitions		<p>At various points proposed instruments use similar but not identical definitions, eg. 'local authority' 'decision maker' 'consenting authority' in the NPS Infrastructure, while 'decision makers' appears in the NPS-REG, and 'local authority' is used in the NPS-NH in a way that appears to mean decision maker.</p> <p>The NPS-NH refers to infrastructure, but is unclear if they are referring to the RMA definition of infrastructure or the NPS-I definition.</p> <p>Ultimately, there should be a single, consistent, group of definitions, and we recommend officials spend additional time to ensure these are appropriately cross referenced and aligned.</p>
Definitions – Planning decision	Support with amendments	<p>We support the use of this definition across the National Direction suite, and recognise that it is clearly intended to capture <i>substantive</i> decisions. While we understand that the definition is already in use, we note that the definition does not make it clear that only substantive decisions are captured. For example, a section 88 refusal is arguably a decision on a resource consent, and therefore under proposed provisions arguably the decision maker has to record how they have considered any relevant policies and objectives (if, for example, a resource consent application proposes infrastructure).</p>
Definitions - urban environment and related terms		<p>There is occasional confusion between 'urban environment', 'urban zone' and 'urban area' through the current National Direction corpus. There is a particular assumption that all urban areas are urban environments, which is not true as small councils such as us do not meet the population threshold and do not apply the NPS-UD.</p> <p>In the proposed documents these are used in an almost interchangeable way. For example, NPS-ET P9 uses 'urban environment' while the policy intent appears to anticipate effects in an 'urban area' or 'urban zone' – as there is no fundamental reason why a routine subdivision in Timaru's Residential Zone needs to consider space requirements for EDN assets, while an</p>

Provision or proposal	WDC Position	Comment and suggested solution if applicable
		<p>equivalent application in Waimate's Residential zone would not (as we do not meet the 10,000 person threshold for an urban environment despite having an urban area with urban zones).</p> <p>We recommend that all proposed uses of 'urban' are carefully cross checked (or alternatively the definition of 'urban environment' is amended, which is beyond the scope of the current proposal).</p>
Proposed National Policy Statement for Infrastructure		
General	Support	Waimate DC supports the introduction of national direction for infrastructure, and recognises the need for clear direction which enables infrastructure activities
Application	Support	We support the national application of the NPS-I, subject to amendments to the implementation section below.
Definitions D1, D7 'Infrastructure' and 'Additional Infrastructure'	Support with amendments	<p>While we support the inclusion of the matters listed in 'additional infrastructure', we have concerns with the NPS effectively redefining 'infrastructure' as broader than the definition in the enabling act. This will create confusion, as it effectively creates two different definitions of the same word, that will apply in different contexts under the same enabling legislation.</p> <p>We recommend either 'infrastructure' is redefined in the primary act at the next set of RMA amendments, or a single term is used to encompass both the RMA definition of 'infrastructure' and 'additional infrastructure', for example 'physical and social infrastructure' which would include both 'infrastructure' and 'additional infrastructure'.</p>
Definition D1 Infrastructure	Consider	<p>The draft NPS appears to be written on the assumption that infrastructure is of a particular scale or operator. However, as written, the definition includes almost all infrastructure of any scale (e.g. an onsite wastewater), and this interacts with some policies as drafted. See, for example, comments on P3, P7, P9 and P10.</p> <p>It may be more efficient to exclude small scale or onsite infrastructure from the definition of infrastructure, or provide for this type of infrastructure in a separate policy than redraft policies.</p>

Provision or proposal	WDC Position	Comment and suggested solution if applicable
Definition D2 'Buffer'	Support with amendments	Definition appears to be a very complex way of saying 'a rule or performance standard which applies to a specific area around or nearby to an (existing) infrastructure activity.' Would suggest clarifying, as the current definition of buffer only refers to the spatial mapping of a control and may not include the control itself.
D18 Reverse Sensitivity	Support with amendments	Reverse sensitivity should be defined for the entire suite of national direction, to ensure consistency.
Definition – Missing Definition		<p>'Infrastructure provider' would benefit from being defined, and limited, as the NPS is drafted on an assumption that people seeking planning decisions for infrastructure will be the ultimate owner and operator of the infrastructure, and therefore have an incentive to ensure it is scoped, designed and managed appropriately.</p> <p>This is unfortunately not the case. An applicant for a subdivision or plan change will receive the benefit of policies which enable infrastructure, without having to take on any costs for poorly performing infrastructure. For example, P4(1)(c) is appropriate for infrastructure where the provider has a long term interest or requirement in ensuring adequate performance, but is open to misuse in a situation where the infrastructure developer can transfer the risk to an unknown future entity (as, for example, an applicant can propose a 'innovative solution' to stormwater, without having to take on the costs of potential non-performance).</p>
O1	Amend	<p>The objective is written in present tense, and therefore assumes that all existing infrastructure is consistent with this policy. Rewrite to future tense, so the objective is an intended state in line with policy intent.</p> <p>The objective would benefit from splitting out 'while managing adverse effects' into its own clause as follows, to ensure that the effects are managed to the appropriate standard, and better link to policies below and clarify the expectation set by 'resilient and well-functioning' e.g.:</p> <ul style="list-style-type: none"> (fa) adverse effects of infrastructure on the environment are managed in accordance with best practice for the type of infrastructure proposed, and the infrastructure solution proposed is appropriate for the actual or intended use.

Provision or proposal	WDC Position	Comment and suggested solution if applicable
		<p>A clause such as the above is necessary to ensure that the NPS does not enable, indefinitely, infrastructure solutions which are clearly inappropriate, for example indefinite use of on-site waste water systems in areas which have (or are intended to have) public sewer service.</p> <p>It is also important to ensure that the objective refers to the intended use of infrastructure, to ensure that infrastructure is designed and scoped in an appropriate way, as there will be cases where the infrastructure provider/developer is not the ultimate owner or operator, and therefore has an incentive to pass costs to others. Refer to comments above on proposed definition for infrastructure provider.</p> <p>Ultimately, the NPS will need to either address situations where risk can be transferred between parties, or enable some level of objective assessment of the adequacy of the infrastructure and mitigation measures, and subsequent policies redrafted to address this.</p>
P1- Providing for the benefits of infrastructure	Support with amendments	<p>While WDC supports the stronger recognition of the benefits of infrastructure, this policy risks supporting the type of 'achieve everything everywhere' approach that concerns us with the package as a whole.</p> <p>Policy would be better framed by recognising the benefits that infrastructure provides; and</p> <ul style="list-style-type: none"> • Requiring planning decisions to enable infrastructure where the benefits, including wider public and network benefits, exceed the costs; and • Requiring that planning decisions assess whether any mitigation of adverse effects (and consequent additional costs on the infrastructure provider) is proportionate to any benefits from that mitigation, noting that any mitigation which results in greater costs than identifiable benefits is disproportionate; and • Requiring decision makers not to consider any 'costs' or adverse impacts of infrastructure unless it relates to a matter listed in part 2 of the act or is expressly provided for by the NPS.
P2 - Operational need or functional need of	N/A	Policy unlikely to be necessary if above approach is adopted. Otherwise, support.

Provision or proposal	WDC Position	Comment and suggested solution if applicable
infrastructure to be in particular environments		
P3 Consider Spatial Planning	Support	We recognise that spatial plans provide and master plans should be considered, however the broad definition of 'infrastructure' and encompassing wording of clause (b) risk planning decisions having to consider an extremely broad range of 'spatial' and 'master' plans of dubious quality, e.g. one prepared to support a discrete development. Refer to above commentary regarding providers.
P4 Enabling the efficient and timely operation and delivery of infrastructure activities		Broadly comfortable with the approach, in situations where the applicant / developer of infrastructure will be the ultimate owner or operator, and/or are regulated or respected entities. Needs to be reconsidered given the broad scope of the definition of infrastructure and potential for misuse given commentary above.
P5 Recognising and providing for Māori rights and interests		WDC supports the inclusion of a policy to this effect, recognising that ultimately Maori will need to be comfortable with how the NPS recognises any concerns they have.
P6 Assessing and managing the effects of proposed infrastructure activities on the environment		<p>We support the requirements for decision makers to have regard to particular matters, however we note that this policy does not have a clear outcome, and appears to conflict with itself – for example, in a case of an upgrade, does best practice prevail under clause (d), or does clause (c) set an baseline of expected effects.</p> <p>We recommend that the policy is drafted to clearly prioritise ensuring that infrastructure is constructed and maintained in accordance with best practice.</p>
P7 Operation, maintenance and minor upgrade of existing infrastructure	Support, with amendments	While we recognise the intent, this policy and associated definition of minor upgrade are too broadly scoped to be consistent with the purpose of the act, and the policy allows more significant adverse effects than anticipated (or enabled by P8). Removing para (d) of definition D10, and amending policy P7 to note that no significant adverse effect can occur as a result of the maintenance or minor upgrade would resolve most concerns.

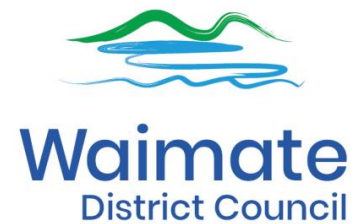
Provision or proposal	WDC Position	Comment and suggested solution if applicable
P8 Managing the effects of new infrastructure and major upgrades on environmental values		This policy needs to be re-drafted in a way that clarifies what effects infrastructure can have, and where in the hierarchy it sits, otherwise this simply sits in tension with other national direction (as, for example, it is unclear if this policy is intended to supersede urban development and highly productive land considerations).
P9 Infrastructure compatibility	Amend	<p>This policy is unduly broad, given the broad definition of infrastructure and infrastructure provider, and potential for misuse by allowing infrastructure providers to impose unknown and unplanned costs on neighbouring land uses. Policy needs to be redrafted to ensure that any mitigation measures for reverse sensitivity, or planning restrictions to protect infrastructure, are proportionate to the costs on landowners or community, recognising that restrictions to protect infrastructure impose costs on others.</p> <p>While we understand that this policy is intended to ensure major infrastructure (e.g. ports, airports) is protected, this policy as written would arguably require us to engage with providers of small scale or on site infrastructure (i.e. every septic tank owner). Practically, this will therefore give a large range of people the status of 'infrastructure provider' and enable them to use infrastructure consents to oppose neighbouring development.</p>
P10 Assessing and managing the interface between infrastructure and other activities	Support with amendments	<p>While we support the intent of a policy that recognises that infrastructure effects are inevitable and to be expected, we request the following changes:</p> <ul style="list-style-type: none"> • Policy clause (a) should explicitly provide for odour, e.g. from wastewater treatment plants • Clause (b) should be strengthened, to recognise that some infrastructure will have effects on amenity (or perceived amenity) • Clause (c) should be clarified to recognise the relative costs and benefits of the new activity – for example, a large and beneficial new activity (e.g. a subdivision or industrial site) should not have disproportionate mitigation on them to protect a small scale existing infrastructure activity. • Add a new clause to recognise that effects are associated with the intended use, and that infrastructure providers do have to mitigate effects of increased use beyond the

Provision or proposal	WDC Position	Comment and suggested solution if applicable
		scope of the intended, otherwise this policy may allow (in combination with the upgrade policies) an infrastructure activity to progressively expand in scope and effects and require others to mitigate based on an unknowable future state.
Implementation	Support with amendments	<p>While we support the proposal to delay requirements to give full effect to the NPS-I, we note that even the requirement to have regard to the NPS in consent decisions is potentially disproportionate for small local authorities such as ours.</p> <p>While we recognise the NPS as proposed requires us to do so, we request implementation for consent decisions for us (and other small councils) is delayed until the new system, unless special circumstances exist. The effect of this will be small (given we process less than 100 consents per year), while council will save the significant time and cost associated with implementing national direction on a case by case basis, and the NPS would still be considered for any significant new project.</p>
Proposed National Environmental Standards for Granny Flats (Minor Residential Units)		
General	Support with amendments	WDC supports housing supply goals. However, implementation needs clear integration with local infrastructure capacity to avoid overloading services in areas not designed for intensification. Also, robust procedures must be established to prevent critical issues from being missed.
Application - all other provisions in district and regional plans	Support with amendments	Retaining local control over matters like earthworks and natural hazards is appropriate. However, the NES should explicitly require applicants to demonstrate compliance with these provisions through a planning certification process. This ensures that critical risks are not missed and that development aligns with local constraints.
Permitted Activity Standards	Amend	The permitted activity standards should include a requirement for submission of plans to Council, before commencement, similar to the NES-CF. Applicants should not be permitted to 'self-certify' matters such as natural hazard risks or compliance with earthworks rules. In practice, applicants rarely identify these issues themselves and they are typically identified during planning review of building consent applications. We recommend a mandatory planning certification step, even for permitted activities, to ensure these risks are properly addressed.

Provision or proposal	WDC Position	Comment and suggested solution if applicable
		Without full site and building plans, councils cannot adequately assess compliance with planning rules, particularly in relation to earthworks, setbacks, and hazard overlays. This creates a risk of non-compliant development proceeding unchecked. We recommend requiring submission of full plans with sufficient detail to enable planning review, even for permitted activities.
Permitted Activity Standards	Amend	<p>Monitoring permitted activities (e.g. plan checks, site inspections, compliance follow-up) has the potential to impose significant costs on councils. Without a cost recovery mechanism, these costs fall on ratepayers. We recommend enabling councils to charge appropriate monitoring fees, similar to existing compliance inspection fees.</p> <p>We note that if appropriate monitoring fees and front loading of assessment is not enabled, there is a significantly greater risk that applicants proceed to construction and council is forced to deal with non-compliance with abatement notices. This will ultimately be more costly for both council and applicants.</p>
Permitted Activity Standards	Amend	<p>Some councils, including WDC, still collect financial contributions, which are essential to fund infrastructure upgrades triggered by new development. The permitted activity standards should be amended to include a mechanism to collect these. Without a mechanism to collect these, councils risk losing revenue needed to maintain service levels. To ensure that infrastructure costs associated with MRUs are not unfairly borne by ratepayers, the NES should include a provision that explicitly enables territorial authorities to impose financial contributions for MRUs through a parallel certification mechanism, even where resource consent is not required.</p> <p>Without a clear mechanism, some councils will lose a critical funding stream for infrastructure upgrades, leading to under-servicing or increased rates. This undermines the governments goals for long-term sustainability of housing intensification and contradicts the principle of growth paying for growth.</p>
Proposed National Policy Statement for Natural Hazards		

Provision or proposal	WDC Position	Comment and suggested solution if applicable
General	Support with amendments	WDC supports a proposed NPS for Natural Hazards, and recognises the importance of managing risk to our people and communities. We have concerns that the proposed NPS will make some planning processes more onerous than needed and will force WDC to be overly restrictive on activities affected by natural hazards that are low risk.
Application		To avoid confusion, potential interactions between the NPS and all other NPS's (including NZCPS) should be more clearly identified in the NPS and the NPS should include methods to resolve any interaction. Having one prevail over the other is a direction that will result in inconsistency and uncertainty without more direction. We support the NPS approach of not limiting consideration of hazards out of scope and allows Councils to consider/manage natural hazards beyond the application of the NPS.
Definitions D1		We request that the definition of 'significant risk' is amended to only capture a narrower subset of natural hazard risk e.g. applied to hazards with a consequence level of "Catastrophic" and "Major". "Significant risk" appears to be used too broadly. This risks diminishing what a "significant risk" is, an event that is "unlikely" to occur and will have "moderate" consequences is being grouped with events that are "likely" and have "major" consequences. "Significant" risk" should be reserved for activities that planning decisions are to prevent to ensure planning decisions are as close as possible to the plain language meaning of the term. Moreover, this will make planning decisions prohibitively restrictive. Also recommend adding a definition of "elevated risk" for natural hazards with consequence levels of "Moderate" and "minor". Amended definitions of significant risks and 'elevated risk' would then link to amended policies which specify different outcomes for different levels of risk. i.e. avoid activities that have a 'significant' risk after mitigation, while managing activities with a 'elevated risk'.
Objectives OB1		We support greater clarity, recognising that we already manage natural hazard risk. We are concerned that the objective is too process focussed and does not specify an outcome, e.g. avoid activities at significant risk from natural hazards, and manage activities at elevated risk.
Policies P1 - Risk Assessments		We support mandatory consideration of the matters in P1. P1 needs to more clearly link with the objective (as amended) and other policies, to ensure risk assessments are proportionate, and support appropriate risk management (i.e. risk assessment is used to 'avoid' significant risk' or 'manage risk'.

Provision or proposal	WDC Position	Comment and suggested solution if applicable
Policies P2 - Climate Change timeframes		We support the general expectation to consider impacts of climate change while recognising it is aspirational. The assessments required under this policy need to be clearly linked to P4, and proportionate to the activity or process proposed, recognising significant uncertainties and information gaps.
Policies P3 – Proportionate Management		In theory, this appears sound. We request that this policy is clearly linked to risks society accepts in non-RMA areas, to avoid disproportionate management of natural hazard risk (compared to other risks, e.g. Health and Safety, or road safety).
Policies P4 – Best available information		WDC recognises that there are massive challenges in gathering, modelling, and assessing natural hazard risk, and for a small community such as ours 'best available information' is aspirational. While we support having a strong basis for decisions under the NPS, we are concerned that this policy creates an undue expectation of quality information on natural hazards to support planning decisions when the costs of acquiring that information are grossly disproportionate to the benefits. Suggest that 'best available information' is caveated in a way that recognises that the level of detail required is proportionate to the risk of the hazard being managed. Agree that councils should be protected from legal challenges where decisions are made with the best information available.
Policies P5 – Significant risk from natural hazards not exacerbated on other sites.		The proposed definition of "significant risk" in this NPS has the potential to render future development problematic, as "unlikely" events with "moderate" consequences are deemed "significant risks." See proposed amendments to definition above. WDC agrees that development should not result in significant risk in other areas. We note that the exclusion of infrastructure and primary production from the NPS is problematic for this policy as these activities can increase risk
Policies P6 - Continue with risk assessment processes where information is limited or unclear		Agree with councils not having to wait to make a decision should there be no, or incomplete information. However, given the breadth of the proposed definition of "significant risk" is there a chance councils will default to an unduly restrictive approach, and this policy should be more clearly linked with P4.



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SUBMISSION – PACKAGE 2 – PRIMARY SECTOR

Introduction

Waimate District Council welcomes the opportunity to submit on the Package 2 of the governments National Direction proposals. We are supportive of the intent of many of the changes, and recognise the necessity of a better developed and more comprehensive national direction system.

We have mixed views on the specific amendments, in particular:

- We do not support government changes which will remove the ability for local authority management of exotic continuous cover (carbon) forestry.
- We support various pragmatic amendments which align definitions and processes, and various relatively technical or minor changes.

We address our key issues below, which focus on the general policy intent of the instruments proposed for change, while Appendix 1 contains specific feedback on some clauses, and specific actionable changes that could better deliver government objectives.

We endorse the content of the Taituarā submission, noting that while there are some minor points of difference, there is a strong degree of consistency in our views.

Key issue 1: The Governments proposals will enable large scale, unmanaged forestry, to the long term detriment of our district

As stated above, we do not support the proposal to remove the ability of local council to control afforestation.

While the government is recognizing the potential impact of forestry on rural communities through amendments to the ETS, an element of local control, to manage local issues, is necessary for effective management of any environmental issue, including forestry.

We emphasise that it is extremely unusual for an entire industry to be carved out of local RMA decision making in this way. Even for key government priorities such as housing and development there is an expectation that local government manages and addresses community challenges, such as infrastructure or environmental values, within a framework that achieves a national target.

Specifically, we note that removing 6(4A) and limiting 6(1) will greatly reduce the ability to manage effects of forestry, and result in inconsistencies with other national direction. For example there will be a mismatch between the NES-CF and the proposed NPS-NH, which will prevent council from managing the fire risk of a new forest near an existing township. While we recognise that forestry not usually responsible for starting or exacerbating fires, the significant fire events in Lake Ohau and the Port Hills demonstrate the risk of these events and the need to (proportionality) manage factors which increase risks to people and property. Similar problems will result from an inconsistency with the NPS-I, where forestry will be permitted as of right within buffers we will be required to set from infrastructure, enabling forestry adjacent to nationally critical transmission infrastructure.

Key issue 2: Scale and pace of change creates a risk of unintended outcomes or significant implementation challenges.

We are one of the smallest planning departments in the country. Our 1.6 FTE staff have to be across every issue – from community and neighbour concerns about local projects to managing legislative, national direction changes and maintaining our District Plan.

We request that, as far as possible, requirements to consider or have regard to additional policy direction (in planning decisions) is deferred until the new system is in place for small, low risk councils such as us.

Key Issue 3: There remain significant unresolved policy gaps and interactions across the package that need to be resolved

It is clear that large amounts of the proposal respond to specific government priorities. While we recognise the need for, and indeed support, greater government direction on a range of issues, we're concerned that insufficient regard has been had to balancing and prioritising issues.

Planning as a profession and in regulatory practice has a tendency to attempt to achieve 'everything, everywhere, all at once'. The current national direction system cuts through that, by giving decision makers clear things that they have to achieve (for example, the NPS-UD and strong requirements to enable development capacity where there is demand).

As proposed, this national direction package risks returning the profession to the 'everything, everywhere, all at once' mentality. The example in issue 1 above is a clear demonstration of the increased inconsistency that is occurring across the proposed national direction package.

The instruments (current and proposed) need to do more than simply 'talk to each other'. There needs to be a clear hierarchy of what *objectives* are more important than others and in what situations. Ideally, this results in clear prioritisation as to when one objective falls away and is not considered, and what costs are acceptable to impose through planning provisions.

In a situation where relevant national direction instruments have unclear, or potentially unintended interactions, we, as a regulator, will be in the position of introducing provisions (and consequently, costs to our community and New Zealanders) to attempt to satisfy the requirements of each individual piece of national direction. We do not think that this situation would serve Waimate (and New Zealand).

Finally, we note that there is significant uncertainty as to how these requirements interact with the governments indications that it is to introduce template zones (based on the Japanese model).

Conclusion

We welcome the opportunity to be further involved in policy development on any matters raised in our submission.

If you have any questions regarding the content of this submission please contact Council's lead author, senior planner Alex Macdonald, by email at alex.macdonald@waimatedc.govt.nz.

We thank you for considering our submission.

Yours sincerely

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Appendix 1 – Specific comments on the proposal

Provision or proposal	WDC Position	Comment and suggested solution if applicable
Relevant to all proposed and amended national direction in this package.		
Definitions - Cross reference related definitions		<p>At various points proposed instruments use similar but not identical definitions, eg. 'local authority', 'decision maker', 'consenting authority' in the NPS Infrastructure, while 'decision makers' appears in the NPS-REG, and 'local authority' is used in the NPS-NH in a way that appears to mean decision maker.</p> <p>The NPS-NH refers to infrastructure but is unclear if they are referring to the RMA definition of infrastructure or the NPS-I definition. A similar problem occurs with the use of infrastructure in the NES-CF amendments.</p> <p>Ultimately, there should be a single, consistent, group of definitions, and we recommend staff spend additional time to ensure these are appropriately cross referenced and aligned.</p>
Amendments to the National Environmental Standards for Commercial Forestry		
6(1)	Oppose	<p>This regulation is unduly restrictive, and means that council will be unable to give effect to other national direction.</p> <p>We note the requirement to prove forestry 'will have significant adverse effects' prior to introduction of a new rule (or to retain an existing rule) may be unlawful under s43B(2), as in some cases it requires an assessment of the effects of an activity to determine if the rule applies, while 43B(2)(a) only enables consideration of the activity status. As written, the stringency clause appears to require councils to determine effects, to determine if a rule applies, and therefore prior to determining activity status.</p>
6(4A)	Oppose	See discussion under Key Issue 1 above.
10A	Oppose	Removing this requirement removes the primary piece of documentation that explains the type of forestry being planted, and therefore documents the scope of any future existing use rights of a forest. Without this, the scope of any existing use right for forestry in the future will be less

Provision or proposal	WDC Position	Comment and suggested solution if applicable
		certain. While we recognise this is a cost, we consider that future certainty benefits likely outweigh the minimal cost of preparing a plan.
11	Support	While WDC has had notices providing sufficient wilding assessments, improved clarity will assist in cases where there is disagreement or uncertainty.
69	Neither support or oppose	See discussion on proposed slash risk assessment template.
71A(b)	Support	Clear typographical error
77A	Oppose	See discussion above for 10A.
79	Support	
Sch2		<p>We recognise that the slash risk assessment is an attempt to reduce the scope of the slash removal standard while still providing sufficient certainty for a permitted activity rule. In general, we support an approach which intends to achieve this.</p> <p>We are concerned that some matters in the template are beyond the capability or expertise of 'front line' forestry staff preparing these assessments. For example, assessing direct connection to a river (matter 5), and proximity to infrastructure (matter 6, 7) will have an element of discretion, and require the person undertaking the assessment to review multiple data sources accurately. Our experience is that harvest plans regularly miss obvious features that are directly included on council GIS, such as zone boundaries, and that plans over rely on GIS when there is clear evidence it is not appropriate (e.g. river centrelines that are misplaced relative to the elevation). Given the existing issues with notices and our view is this assessment will result in significant onus on council staff to review plans, to ensure compliance with the NES, and therefore to meet council requirements under s44A(7) of the RMA. Any adoption of this risk assessment as proposed will need to enable council to cost recover desktop reviews of the plans, or there will be a significant cost shift to communities.</p> <p>Additionally, we note some matters are uncertain. For example, off site and downstream infrastructure is not always clearly visible. The NPS-I definition of infrastructure includes a</p>

Provision or proposal	WDC Position	Comment and suggested solution if applicable
		<p>large range of underground, private, or on site infrastructure, for which there is no central database (e.g. irrigation infrastructure). It is unclear how these are to be captured.</p> <p>There is also a lack of clarity on what mitigation measures are intended to be required at each assessment step of the process.</p> <p>We recommend this proposal is further developed. There is potential in this risk management approach, but it is unlikely to be possible to implement well in the time available for this round of national direction changes.</p>
National Policy Statement for Highly Productive Land		
LUC 3	Support	We support the removal of LUC3, as it unduly restricts economically productive activities and development
3.5	Partial Support	<p>We support a delay of the mapping process to the replacement resource management system</p> <p>We are unclear what the proposal is in the paragraph 'subject to the outcomes of consultation'. These appear to read as if there will be future consultation on these matters, and they are not proposed at this stage. We recommend that this is clarified, and re-consulted on if necessary.</p>
General		<p>We note that the removal of LUC3 will not enable urban development in our district, as our primary town, Waimate, is surrounded by either LUC1 and 2, or constrained for other reasons (e.g. natural hazards).</p> <p>We recommend that the urban rezoning test is reviewed to make the requirements easier to satisfy, and an explicit pathway for urban development to occur via resource consent added if the proposed area is contiguous with an existing urban area, even if it is on HPL. This is necessary to ensure that the costs the NPS-HPL imposes on small councils such as ours are proportionate to the benefits of protecting HPL.</p>

1.2 LGNZ AGM ITEM DISCUSSION: RATES CAPPING

Author: Karalyn Reid, Committee Secretary and PA to the Mayor

Authoriser: Tina Stevenson, Corporate Services Group Manager

Attachments: 1. Rates Capping - LGNZ AGM Paper [↓](#) 

PURPOSE

1. For Council to consider and give guidance to its presiding delegate attending the Local Government New Zealand (LGNZ) AGM in Christchurch on 16 July.

BACKGROUND

2. The LGNZ paper on rates capping will be considered at the AGM on 16 July, and is attached for the consideration of member councils prior to distribution of the other AGM papers (distributed on 30 June).
3. National Council is putting this issue to members because of its significance. The paper sets out a direction of travel on rates capping – the next phase will be agreed at a Special General Meeting, following the 2025 elections.
4. LGNZ is clear that a mandate is needed from members to proceed with a strong public campaign.
5. To ensure presiding delegates are fully briefed ahead of the AGM, there was also a remote discussion offered specifically on this paper on Tuesday 24 June at 5pm.
6. The LGNZ Conference is being attended by the Mayor, with Councillors O'Connor and Begg.

OUTCOME

7. For Council's feedback to its presiding delegate.



Rates capping AGM paper

Purpose of this paper

- To update members on the Government's approach to rates capping and seek agreement on LGNZ's direction of travel.

Recommendations

- That the AGM **approves** the direction of travel set out in this paper.
- That the AGM **notes** members will agree the next phase at a Special General Meeting after the 2025 elections (in March 2026 or earlier if needed).

Background

What is rates capping and what is being proposed?

Rates capping sets a limit on how much councils can increase rates. Often the cap is indexed to economic measures such as consumer inflation, local government inflation or population.

All rates capping policies effectively transfer local fiscal decisions from local communities to central government politicians or bureaucracies.

In August 2024, the then Local Government Minister set out a Local Government Forward Work Programme. This programme included a proposal to investigate a rates cap on "non-core" expenditure by councils. This policy was to be modelled on similar policies in Australian states New South Wales and Victoria.

The Government plans to distinguish between core and non-core spending, applying the cap only to non-core expenditure. Core services may be identified in the soon-to-be-reinstated Section 11A of the Local Government Act 2002 and new purpose of local government. It's still unclear how the Government will enable the cap to apply only to non-core expenditure as this is not a feature of other rate caps overseas. The distinction is likely to be unworkable at a practical level and generate significant bureaucracy. It is unclear for instance how support activities which are used across all councils services, such as call centres and human resource functions would be defined in such a cap.

What rates capping looks like in other countries

Rates capping looks slightly different in each jurisdiction. In NSW, rates capping extends to charges like development contributions. An independent authority decides the rates cap level and considers exemptions to it. However, in Victoria, the essential services commission provides advice to the state's Minister of Local Government who then decides the level of the rate cap.



LGNZ has engaged with local government experts from New South Wales and Victoria to understand how rates capping has affected their councils. They told us rates capping has led to negative outcomes for councils and communities, including:

- Degraded infrastructure and service delivery;
- Financial instability among councils;
- Severe infrastructure backlogs;
- Bureaucratic and expensive processes to approval rates above the cap;
- Reduced local economic growth; and
- Diminished local voice in council investment and revenue decisions.

NSW and Victoria's experience also suggests that once rates caps are in place, removing them is very challenging politically. NSW and Victorian councils also say that impacts worsen over time. Initially councils in those states were able to sell assets, and reduce services and staffing, to offset impacts of the rates cap. After several years, this is no longer an option.

LGNZ's advocacy so far

LGNZ's top advocacy priority (as set by members) is better local government funding and financing. Rates capping directly constrains local government funding and financing. Rates capping also runs counter to localism. Locally elected representatives – who are directly accountable to communities – are better placed than Wellington to make local taxation and investment decisions. Rates capping is not primarily about rates increases: it's about who decides what rates increases should be.

So far, LGNZ has communicated our views on rates capping in conversations and meetings with politicians and officials, via submissions, and through media. Some elected members around the country have publicly spoken out against the policy of their own accord.

Our advocacy needs to step up a gear

If we don't strengthen our advocacy, the Government is likely to implement rates capping. The Government is likely to introduce legislation next year. However, it is still politically possible to prevent rates capping. LGNZ successfully opposed a similar proposal in 2009. More recently, South Australia has held off a rates cap through lobbying and a strong public campaign.

Others will campaign for rates capping

Pressure group the Taxpayers Union has launched a campaign in support of rates capping that features anti-council rhetoric ("ballooning staff numbers and vanity project spending see councils delivering fewer core services"). This campaign is targeting particular councils and Mayors ahead of the local government elections.

Without balance, supportive voices will capture the public narrative around rates capping.

How we could stop rates capping

Rates capping AGM paper // 2



We would develop a comprehensive advocacy plan

This plan would draw on the strategies from LGNZ's 2009 advocacy and South Australia's successful campaign. We anticipate that public intensity would need to build as key policy milestones are passed (for example, when the Bill is introduced).

Being louder publicly would be essential

To argue that councils are better placed than central government to make rates decisions, we must boost public trust and confidence in local government. This would be one prong of our campaign, including highlighting popular council services and infrastructure that would be threatened by rates capping. A campaign centred on what the public would lose to a rate cap – and who has the right to decide – is more likely to succeed than one focussed on technicalities.

LGNZ sets the tone for rate capping advocacy. We know other groups and organisations oppose this policy but given this sits squarely in our space, no one will stick their neck out more than we do. Visible advocacy from LGNZ would be required to activate a "coalition of the willing".

The consequences of being louder

We also need to consider what political consequences might result from strongly and vocally opposing rates capping. Misinformation about LGNZ's political neutrality already exists. While we do (and will continue to) work closely with the Government on many other policies and portfolios, opposing specific proposals gains more attention.

However, other membership bodies talk loudly and publicly to the Government when certain lines are crossed. For example, Federated Farmers' "SOS: Save Our Sheep" campaign is aggressively calling on the Government to stop carbon forestry and preserve the sheep industry. Playing out across billboards, social media and media. It's important to note that opposing a policy does not prevent us from working constructively with the Government on other policy areas.

We need a mandate from members

The paper and the AGM 2025 vote are about confirming our direction of travel rather than agreeing explicit actions.

If the AGM agrees to the direction of travel, we will continue our current approach while developing a plan for the next phase.

That next phase would go to a Special General Meeting for approval. This SGM would be held after the 2025 elections so that we have an explicit mandate from the next triennium's members. It would potentially be held in March 2026 (or earlier if necessary).

LGNZ is clear that a mandate is needed from members to proceed with a strong public campaign.

1.3 PRESENTATION ON ECONOMIC DEVELOPMENT AND PROMOTIONS - 10:30AM

Author: Michelle Jones, Executive Support Manager

Authoriser: Stuart Duncan, Chief Executive

Attachments: Nil

PURPOSE

1. For Council to receive a presentation from Kate O'Connell and Jo Sutherland on outsourcing Council's Economic Development and Promotions activity.

BACKGROUND

2. Kate O'Connell and Jo Sutherland made individual submissions to Council's Long Term Plan 2025-2034 and spoke to their submissions at the Long Term Plan hearings on 26 May 2025.
3. Kate O'Connell's submission: *"Outsource Economic Development and Promotion. It's more important in the current economic climate than ever before. Kate O'Connell and Jo Sutherland would like to present to Council about a more effective and cost-effective way to manage this."*
4. Jo Sutherland's submission: *"Outsource economic development and promotions. Kate O'Connell and I would like to present to the council some alternative options that could be considered for the future."*
5. At the Extraordinary Council Meeting on 27 May 2025 Council noted the request and invited the submitters to give a presentation at a Council Workshop.
6. Kate O'Connell and Jo Sutherland will be presenting their proposal to Council.

OUTCOME

7. That Council receives the presentation.