

25/07/2025

Ministry for the Environment

By email

Tēnā koe,

**Matamata-Piako District Councils' submission to the RMA Reform processes related to Package 1: Infrastructure and development and Package 2: Primary sector.**

Thank you for the opportunity to provide feedback on the RMA Reform processes related to Package 1: Infrastructure and development and Package 2: Primary sector. Please find attached, at Appendix 1, the Matamata-Piako District Council's (MPDC) feedback.

Package 1-Infrastructure - comments

MPDC has commented on the relationship between the NPSs and S6 of the RMA. Whilst this matter will be considered further under the new legislation a consistent approach should be provided for in the intervening period. Whilst MPDC is supportive of the new policy on Maori interests it has requested amendments to the policy, and for the policy direction to be applied consistently within this Package.

MPDC is supportive of the new **National Policy Statement for Infrastructure**. MPDC agrees infrastructure provision is a critical issue and national direction is important. The proposals include new definitions for additional infrastructure and infrastructure supporting activities such as quarrying. MPDC has made comments about these definitions and what they will mean.

The amended **National Policy Statement for Electricity Networks** now includes distribution networks as well as the national grid. MPDC is generally supportive of the direction but has raised concerns about the proposed buffer given it will also apply to distribution networks. MPDC has also raised concerns about how the proposals will affect S6 environments.

The amended **National Environmental Standard for Electricity Transmission Activities** now includes distribution networks as well as the national grid. The NES is also amended to include provisions for electric vehicle charging facilities. MPDC is generally supportive of this direction but has raised concerns about the proposed height of new electricity poles. MPDC prefers an approach that recognises the scale of towns in the district. MPDC has also queried the proposal for councils to implement NZECP and an alternative suggestion is made.

The amended proposals in the **National Policy Statement for Renewable Energy Generation** contain more detail and direction than the current NPS. MPDC is generally supportive of the direction and has raised some queries on how the policies for reverse sensitivities will be implemented.

The amended **National Environmental Standard for Telecommunication facilities**. While supporting the need for improved coverage MPDC is concerned about the proposed height of poles and towers. MPDC considers the rationale provided for the increased height / likelihood of obstruction because of increased density does not apply to districts like MPDC who are Tier 3 authorities. MPDC requests a more nuanced approach be considered.

The proposals for **National Environmental Standard for Granny Flats** are generally supported but MPDC have expressed concerns related to some of the proposed permitted activity standards for minor residential units.

The new **National Policy Statement for Natural Hazards** is generally supported but MPDC considers that further guidance is required on the proposed risk matrix to ensure that natural hazard risk assessments are undertaken effectively.

MPDC is generally supportive of the new **National Environmental Standard for Papakāinga**, particularly developing papakāinga on various types of ancestral land. MPDC has raised recommendations related to permitted activities and activity standards, the retention of underlying zone rules, the activity status of Treaty Settlement land, preventing misuse of ancestral lands and subdividing ancestral land. MPDC requests clarification on the application of PA1 and how the NES-GF applies to papakāinga.

#### Package 2-Primary Sector-comments

MPDC has expressed concerns at the proposal removal of LUC 3 from the provisions of the **National Policy Statement-Highly Productive Land** and seeks that it is retained together with the current exclusion for lifestyle lots or similar. This approach would maximise the use of the land should it turn over to urban uses in the future.

MPDC is supportive of the proposed changes to the **National Environmental Standard for Commercial Forestry**, in particular the proposed inclusion for a Slash Mobilisation Risk Assessment for all forestry proposal to assist in the management of downstream effects.

The proposals for quarrying and mining provisions across the **National Policy Statements for Indigenous Biodiversity, Freshwater Management, and Highly Productive Land** are a cause for concern as MPDC is aware that important mapping process related to establishing sensitive sites/locations, for example Significant Natural Area and the like has yet to occur. MPDC seeks that these mapping processes are undertaken as soon as possible to minimise adverse effects on identified significant /sensitive sites at the time of quarrying and mining activities.

The same concerns that MPDC has around the **Stock Exclusion Regulations** would also be met through the above mentioned mapping exercises taking place.

MPDC is supportive of the proposed changes related to aquaculture in the **New Zealand Coastal Policy statement** insofar as it enables Tangata Whenua, and for this reason has chosen to make no direct comments on the **National Environmental Standard-Marine Aquaculture**.



te kaunihera ā-rohe o  
**matamata-piako**  
district council

Thank you for the opportunity to submit on the National Direction Package 1: Infrastructure and Development and Package 2: Primary Sector discussion documents. Should you have any queries regarding the content of this document please contact Fiona Hill, Team Leader, RMA Policy in the first instance, on [fhill@mpdc.govt.nz](mailto:fhill@mpdc.govt.nz).

Ngā mihi

Manaia Te Waita  
Chief Executive Officer  
Matamata-Piako District Council

**Appendix 1- Matamata-Piako District Council Feedback to RMA Reform Package 1-Infrastructure and Development and Package 2-Primary Sector**

**National Policy Statement for Infrastructure (NPS-I)**

Proposal Questions	Description, comment and recommendation
<b>Scope and Definitions</b>	
<p>1) Is the scope of the proposed NPS-I adequate?</p>	<p><u>Description</u>                      The proposed NPS-I applies to activities defined as ‘infrastructure’ in the Resource Management Act (‘RMA’). This includes amongst other things, pipelines that distribute natural or manufactured gas and drainage, water and sewerage systems. The NPS also proposes new definitions of ‘additional infrastructure’ and ‘infrastructure supporting activities’. Additional infrastructure includes activities such as schools, hospitals and corrections facilities. Infrastructure supporting activities are defined to include a range of activities needed to support the infrastructure activity including quarrying.</p> <p>It is noted the NPS-I does not apply to renewable electricity generation and to electricity networks.</p> <p><u>Comment</u>                      MPDC generally supports the scope of NPS-I and the activities included in the new definition of additional infrastructure. MPDC particularly supports fire and emergency service facilities being included in the definition of additional infrastructure. MPDC considers its important fire and emergency service facilities are included because of the role they play in civil defence and emergency management. MPDC does have concerns about the definition of infrastructure supporting activities. These concerns are outlined further below.</p> <p>MPDC considers, for stormwater, the NPS-I needs to take a catchment based approach. MPDC considers this is important as it recognises the need to manage stormwater in an integrated manner. On this point the definition of stormwater network is limited to an urban area.</p> <p>MPDC also questions whether the NPS-I covers parks. Parks are identified on page 13 of the discussion document as being an important component of social infrastructure, but are not included in the definitions in the NPS-I consultation document.</p> <p><u>Recommendation</u></p>

	<ul style="list-style-type: none"> <li>• Retain fire and emergency service facilities within the definition of additional infrastructure.</li> <li>• The NPS-I be reviewed to recognise the importance of taking a catchment approach to managing stormwater.</li> <li>• The NPS-I be amended to include parks.</li> </ul>
<p>2) Do you agree with the definition of 'infrastructure', 'infrastructure activities' and 'infrastructure supporting activities' in the NPS-I?</p>	<p><u>Description</u> Infrastructure is defined as per the RMA.</p> <p>The proposed definition of infrastructure activities includes a wide range of activities associated with the lifecycle of an asset including construction, operation, upgrade and removal of infrastructure.</p> <p>The proposed definition of infrastructure supporting activities is as follows: <i>in relation to infrastructure, means activities needed to support infrastructure activities that are not undertaken by the infrastructure provider or ancillary activities, and may include quarrying activities.</i></p> <p><u>Comment</u> MPDC acknowledges the importance of providing for a range of activities that support the construction and development of infrastructure activities including quarrying. Whilst MPDC supports the intent of the definition there are concerns, particularly as they apply to quarrying. MPDC considers it should be clear that the quarry is for supporting an infrastructure project and not for other activities.</p> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• The definition of quarrying activities is amended to clarify it applies for the purpose of infrastructure support activities only. The new definition would then read as follows: <u>Quarrying activities</u> <i>For the purpose of infrastructure supporting activities the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.</i></li> </ul>
<p><b>2a) Comments on additional definitions</b></p>	<p><u>Description</u> There are other definitions that MPDC wishes to comment on. These are:</p> <ul style="list-style-type: none"> <li>• Maintenance and minor upgrade.</li> <li>• Stormwater network.</li> </ul>

	<p><u>Comment</u>  MPDC notes the definition of maintenance and minor upgrade includes in <i>(b) the replacing of existing infrastructure with the modern equivalent equipment or asset which may not be like for like</i>. MPDC agrees that there needs to be flexibility to enable minor upgrades to update infrastructure equipment, but has some concerns about the scale that is envisaged. MPDC considers it would be helpful if further clarification was provided within the definition.</p> <p>MPDC considers the definition of stormwater network should not be restricted to urban areas. MPDC is of the opinion that the NPS-I should take a catchment based approach to the effective management of stormwater services.</p> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Definition of “Maintenance and minor upgrade” includes replacing existing infrastructure with the modern equivalent equipment or asset, which may not be “like for like”. It is not clear what “not like for like means”. MPDC suggests that replacing the words with of “a similar character and scale” or comparable wording would assist in providing clarity.</li> <li>• Delete the words “in urban area” from the definition of “Stormwater network”.</li> <li>• The NPS-I adopts a catchment approach to the management to the management of stormwater.</li> </ul>
<p><b>Objective</b></p> <p>3) Does the proposed objective reflect the outcomes sought for infrastructure?</p>	<p><u>Description</u>  The proposed objective covers a wide range of outcomes including recognising the national, regional and local benefits infrastructure provides and that infrastructure supports the development and change of rural environments to urban environments. The objective also seeks to ensure infrastructure provides value for money for people and communities and that it is delivered in a timely and efficient manner.</p> <p><u>Comment</u></p> <p>MPDC supports in part the objective. MPDC comments are as follows:</p> <ul style="list-style-type: none"> <li>• Agrees it is important to recognise the significant benefits infrastructure has in supporting the development and change to urban environments.</li> <li>• Queries how d) well-functioning and resilient will be achieved when infrastructure is excluded from the NPS-NH.</li> <li>• Questions how under the RMA “e) <i>provides values for money to people and communities</i>” will be assessed”.</li> </ul>

	<ul style="list-style-type: none"> <li>Whilst MPDC acknowledges the importance under (g) of protecting infrastructure from the adverse effects of other activities, it is concerned about how it is proposed to implement this objective. This is particularly the case under the NPS-I as infrastructure is defined to include ‘<i>additional infrastructure</i>’ which includes a wide range of activities including schools and health facilities.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>Reconsider the application of (g) in the NPS-I. An option could be to apply the objective and associated policies to the definition of infrastructure in the RMA.</li> <li>Provide guidance on how Councils assess (e) in a designation / consent process</li> <li>Refer to the MPDC submission on NPS-NH.</li> </ul>
<b>Benefits of Infrastructure</b>	
<p>4) Does the proposed policy adequately reflect the benefits that infrastructure provides?</p>	<p><u>Description</u> Subject to the comments below, MPDC generally considers the policy recognises the benefits infrastructure has. MPDC considers the policy explicitly recognises the network benefits of infrastructure which is important.</p> <p><u>Comment</u> MPDC considers:</p> <ul style="list-style-type: none"> <li>1a) of the policy should be amended to reference the benefits infrastructure has to existing as well as future generations.</li> <li>1d) of the policy directs decision makers to enable “<i>infrastructure activities that provides value for money</i>”. MPDC queries how this policy direction can be assessed or considered by a local authority when they are processing a consent / notice of requirement. MPDC considers that this matter be reconsidered or further guidance be provided to ensure it is implemented consistently.</li> <li>Recognise within the policy that ‘upgraded infrastructure’ can and often has environmental benefits.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>NPS-I be amended to reflect the points raised by MPDC.</li> <li>If 1d) of the policy is retained, then it would be helpful if MfE provides guidance on how this aspect of the policy is to be implemented by councils.</li> </ul>
<b>Operational and functional needs</b>	
<p>5) Does the proposed policy sufficiently provide for the operational and functional needs for</p>	<p><u>Description</u> MPDC supports the need to recognise operational and functional needs of infrastructure.</p>

infrastructure to be located in particular environments?	
<b>Considering spatial planning and other strategic plans</b>	
6) Do you support the proposed requirement for decision-makers to have regard to spatial plans and strategic plans for infrastructure?	<p><u>Description</u> MPDC supports the infrastructure requirements of spatial planning documents and strategic planning documents being considered as part of planning decisions (P3).</p> <p><u>Comment</u> MPDC queries in reference to its request to include parks within the definition of infrastructure whether:</p> <ul style="list-style-type: none"> <li>• Plans prepared under the Reserves Act would form part of clause a) of the policy.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Provide clarification how this policy relates to reserve management plans prepared under the Reserves Act.</li> </ul>
<b>Efficient and timely delivery of infrastructure</b>	
7) Would the proposed policy help improve the efficient and timely delivery of infrastructure?	<p><u>Description</u> Yes, MPDC considers the policy will be helpful in identifying the factors that need to be taken into account to support the timely and efficient delivery of infrastructure. MPDC does have concerns about how the policy relates to the definition of infrastructure supporting activities, particularly as they relate to quarrying.</p> <p><u>Comment</u> As currently worded, MPDC is concerned about how the policy will apply in circumstances where infrastructure supporting activities, and in particular quarries may extend beyond an infrastructure project. For this reason MPDC has sought to amend the definition of quarrying.</p> <p>It is noted this concern is somewhat addressed in c) of this policy with the use of the words “<i>particularly when these directly relate to the infrastructure activity</i>”. MPDC’s preference is to make this clear within the definition of quarrying activities.</p> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Refer to the recommendation in Qn 2.</li> </ul>
<b>Providing for Maori interests</b>	
8) Does the proposed policy adequately provide for the consideration of Māori interests in infrastructure?	<p><u>Description</u> Subject to the comments below, MPDC supports P5 Recognising and providing for Māori interests.</p>

	<p><u>Comment:</u> MPDC considers:</p> <ul style="list-style-type: none"> <li>• 1a) of the policy should be amended by replacing the words “take into account” with “allowing for”. MPDC considers the words “take into account” do not recognise and provide for Māori interests.</li> <li>• 1b) of the policy should be amended to include “and providing for” as well as recognise. It is acknowledged that recognise and provide for is in the introductory part of the policy, but it is considered this direction is not clear in part b) where only the term “recognising” is used.</li> <li>• 1c) of the policy should be rewritten to ensure tangata whenua are engaged and involved in any infrastructure activity or infrastructure supporting activities that affects sites and areas of significance to Māori and issues of cultural significance.</li> </ul> <p><u>Recommendation:</u> The following amendment is recommended or words to comparable effect: a) <del>take into account</del> <u>allowing for</u> the outcome of any engagement with tangata whenua <del>on</del> <u>within</u> a resource consent, notice of requirement, or request for a private plan change. b) <u>recognising and providing for</u> the opportunities tangata whenua may have in developing their own infrastructure at any scale or in partnership. c) <del>providing opportunities in appropriate circumstances for tangata whenua</del> <u>engage and involve</u> tangata whenua in relation <u>to</u> sites and <u>areas</u> of significance to Maori and issues of cultural significance.</p>
<b>Assessing and managing adverse effects of infrastructure</b>	
<p>9) Do the proposed policies sufficiently provide nationally consistent direction on assessing and managing the adverse effects of infrastructure?</p>	<p><u>Description</u> MPDC notes this question relates to P6 to P8 of the proposed NPS-I. This suite of policies seek to recognise how effects are to be managed including recognising how the infrastructure provider has managed effects through the route and site design process. The policies also provide direction In what effects are to be considered at the time or renewal or upgrade. They also seek to provide for operation, maintenance and minor upgrade of infrastructure in all environments. This would include environments that have been identified under Section 6 Matters of National Importance. Policy 8 Managing the effects on new infrastructure upgrades provides for the effects on matters of national importance be considered.</p> <p><u>Comment</u> MPDC queries:</p> <ul style="list-style-type: none"> <li>• P6 1c) as it does not appear to provide for the reconsideration of any new effect that may not have been apparent when the consent was approved.</li> </ul>

	<ul style="list-style-type: none"> <li>• P6 1e) in relation to the financial and timing implications of mitigation measures. MPDC notes the policy requires the measures to be proportionate and cost effective. MPDC assumes the policy is referencing effects when it refers to proportionate, but considers this should be clarified within the policy itself.</li> <li>• <i>Policy 7 Operation, maintenance and minor upgrade of infrastructure and Policy 8 Managing the effects of new infrastructure and major upgrades on environmental values</i> have a different approach to the consideration of Section 6 Matters of National Importance. MPDC considers in Policy 7 that whilst in most circumstances maintenance and minor upgrade will not cause any adverse effects, there may be times in some specific environments where it will. This is particularly the case when the definition of minor upgrade is also considered. In particular, MPDC is concerned about how a minor upgrade when an activity is not 'like for like' will be considered on a site or area of significance to Māori.</li> <li>• in both Policy 7 and Policy 8 that avoid, remedy and mitigate is qualified with the words 'where practicable' including in Policy 7 in reference to Section 6 Matters of National Importance. MPDC considers some guidance is required as to how far Section 6 Matters are able to be affected under Policy 7 when the words used in Section 6 are "shall recognise and provide for"</li> </ul> <p><u>MPDC also considers:</u></p> <ul style="list-style-type: none"> <li>• further direction should be provided within the NPS on how to reconcile the tension between infrastructure activities and Section 6 environments and values.</li> <li>• the policies should address the need to reduce exposure to natural hazard risk over time. A resilient infrastructure network is important for emergency response and community recovery.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• The policies be reviewed to address the need for reduced exposure to risk over time.</li> <li>• Policy 6 1c) be amended to provide for the assessment of any new effect that was not identified when the activity was first consented.</li> <li>• That Policy 6 1e) is amended to clarify what the term proportionate is in relation too.</li> <li>• Consideration be given in Policy 7 as to the effects on Māori sites and area of significance and how these effects relate to the anticipated direction in P5.</li> <li>• In Policy 7, further clarification be provided as to the words "where practicable" particularly in relation to Section 6 Matters.</li> </ul>
--	--

	<ul style="list-style-type: none"> <li>In Policy 8 or in a new Policy, provide direction on how to reconcile the matters listed in Section 6 with the new policy direction in the NPS-I.</li> </ul>
<b>Interface and compatibility of infrastructure and other activities</b>	
<p>10) Do the proposed policies sufficiently provide for the interface between infrastructure and other activities including sensitive activities?</p>	<p><u>Description</u> MPDC note this question relates to P9 and P10 of the NPS-I. The policies require councils to manage the interface between existing consented and planned infrastructure with other activities. The policies require councils to engage with infrastructure providers to identify appropriate buffers and other methods to protect existing, consented and planned infrastructure. The range of methods include, buffers, design standards, special purpose zoning and other spatial layers.</p> <p>MPDC generally agrees with P10. In particular, the recognition that effects such as noise and vibration and dust can be managed, but not completely avoided due to the practicality of doing so. It also requires the application of the general principles that the responsibility of managing effects is on the new activity (including infrastructure). MPDC generally agrees with this principle.</p> <p><u>Comment:</u> MPDC has the following comments:</p> <ul style="list-style-type: none"> <li>MPDC is concerned about the potential implications of Policy 9 and what this will mean for district plans. Whilst councils are used to managing effects within buffers as it applies to activities within the National Grid, the direction within this policy is seeking for similar mechanisms to be applied widely to all infrastructure activities as they are defined under the NPS-I. MPDC considers there is the potential for unintended consequences. In some cases buffers are already provided through a designation or on the case of schools and health facilities are arguably not required. Furthermore in others cases, the effects are managed through other tools such as the NZECP<sup>1</sup>. Whilst the policy uses the terms 'appropriate buffers and other methods, MPDC considers it would be more helpful if direction was provided within the policy to the circumstances where buffers are required. To do otherwise means there is potentially an inconsistent national approach.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>In Policy 9 consider the issues raised in this submission, particularly as they relate to providing direction as to when buffers are an appropriate method to use.</li> </ul>

<sup>1</sup> MPDC has made comments on this matter in its submission on the NPS-EN and associated NES

National Policy Statement for Renewable Electricity Generation	
Proposal Questions	Description, comment and recommendation
<b>Objective</b>	
1) Do you support the proposed amendments to the objective of the NPS-REG?	<p><u>Description</u> In general the new objective is more focused. It provides more direction on emission reduction and meeting energy targets. It also recognises the importance of providing greater resilience in the electricity system.</p> <p><u>Comment</u> MPDC supports the direction of the new objective and agrees there are benefits in a more focused objective. MPDC also supports the direction to provide greater resilience in the electricity sector. A more resilient electricity supply system has widespread social and economic benefits at national, regional and local levels.</p> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Retain the directions in the objective and in particular those outcomes mentioned in MPDC submission.</li> </ul>
<b>National significance and benefits</b>	
2) Are the additional benefits of renewable electricity generation helpful considerations for decision makers? Why or why not?	<p><u>Description</u> Policy A requires the national significance and benefits of renewable electricity generation to be recognised and provided for. In respect of additional benefits, it recognises the benefits of locating close to demand and offsetting transmission losses, and the benefits from co-location with other infrastructure assets. It also recognises the additional benefits from renewable energy generation activities where they are located in places where adverse effects on other activities are minimised.</p> <p>Policy B focuses on the cumulative gains and losses of renewable electricity generation. The existing policy focuses on recognising that minor reductions in output from existing renewable energy generation assets can affect energy supply. The amended policy focuses on enabling cumulative increases in energy output at any scale and at any location including small scale and community scale. It also requires decision makers to have regard to a reduction in potential utilisation of renewable energy from inappropriate subdivision, use or development</p> <p><u>Comment</u> MPDC:</p>

	<ul style="list-style-type: none"> <li>• Supports the additional benefits in Policy A</li> <li>• Supports in part Policy B. MPDC has concerns over how 1a) “enabling cumulative increases of REG output at any scale and any location, including small-scale and community scale REG activities” will be implemented in circumstances where REG activities are located in sensitive environment or close to sensitive activities where the scale and location of REG activities has been carefully considered through a consent process.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Reconsider the direction in Policy B to address the matter that has been raised.</li> </ul>
<b>Operational and functional need</b>	
<p>3) Does the proposed policy sufficiently provide for the operational and functional need of renewable electricity generation to be located in particular environments?</p>	<p><u>Description</u> The amended policy recognises REG must operate in particular environments. It also recognises that there must be sufficient land and accessible land available to support all activities.</p> <p><u>Comment:</u> MPDC is supportive of the amended policy and notes whilst it is acknowledged that REG activities must operate within particular environment, not all locations within those environments will be appropriate.</p>
<b>Existing REG</b>	
<p>4) Do the proposed new and amended policies adequately provide for existing renewable electricity generation to continue to operate?</p>	<p><u>Description</u> Policy D requires decision makers to protect existing REG assets from the adverse effects of new activities near those assets. The amended policy is different in that it includes the word must. The policy retains the words “to the extent reasonably possible”</p> <p><u>Comment</u> MPDC considers the policy is more directional than the existing policy. For this reason MPDC considers guidance should be provided on how decision makers protect REG assets from the adverse effects of new activities. It is noted some adverse effects from REG are not able to be avoided and for that reason MPDC supports the words “to the extent reasonably possible” or comparable wording. MPDC has made the same comments against Qn 10 in relation to the NPS-I</p> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Provide further clarification as to how REG assets are to be protected. Refer also to recommendations made by MPDC in respect of the NPS-I.</li> </ul>
<b>Providing for Māori interests</b>	

<p>5) Do the proposed policy changes sufficiently provide for Māori interests in renewable electricity generation?</p>	<p><u>Description</u> Subject to the comments below, MPDC supports P5 Recognising and providing for Māori interests.</p> <p><u>Comment:</u> MPDC considers:</p> <ul style="list-style-type: none"> <li>• 1a) of the policy should be amended by replacing the words “take into account” with “allowing for”. MPDC considers the words take into account do not recognise and provide for Māori interests.</li> <li>• 1b) of the policy should be amended to include “and providing for” as well as recognise. It is acknowledged that recognise and provide for is in the introductory part of the policy, but it is considered this direction is not clear in part b) where only the term “recognising” is used.</li> <li>• 1c) of the policy should be rewritten to ensure tangata whenua are engaged and involved in any infrastructure activity or infrastructure supporting activities that affects sites and areas of significance to Māori and issues of cultural significance.</li> </ul> <p><u>Recommendation:</u> The following amendment is recommended or words to comparable effect: a) <del>take into account</del> <u>allowing for</u> the outcome of any engagement with tangata whenua <del>on</del> <u>within a resource consent, notice of requirement, or request for a private plan change.</u> b) <u>recognising and providing for</u> the opportunities tangata whenua may have in developing their own infrastructure at any scale or in partnership. c) <del>providing opportunities in appropriate circumstances for tangata whenua engage and involving tangata whenua in relation to sites and areas of significance to Maori and issues of cultural significance.</del></p>
<p><b>Managing adverse effects</b></p>	
<p>6) Do you support the proposed policy to enable renewable electricity generation development in areas not protected by section 6 of the RMA, or covered by other national direction?</p>	<p><u>Description</u> It is proposed to introduce a new policy that focuses on enabling REG assets. Where REG assets are proposed to be located outside of S6 environments, it is proposed for adverse effects to be avoided remedied or mitigated where this is practicable.</p> <p><u>Comment</u> MPDC considers the new policy is helpful for decision makers. However, MPDC considers further direction should be given as to how to manage the policy direction in NPS-REG with matters listed in Section 6.</p> <p><u>Recommendation</u></p>

	<ul style="list-style-type: none"> <li>Consider providing direction on how to reconcile the tension between REG assets and Section 6 environments and values.</li> </ul>
<b>New Policies enabling and protecting existing REG assets (Additional to questions in discussion document)</b>	
<p>7) Two new policies are proposed  <i>'Providing for the operation and maintenance of existing REG assets'</i>  and <i>'Reconsenting, upgrading and repowering existing REG assets'</i></p>	<p><u>Description</u>  The policies are enabling and seek to provide for the operation and maintenance of existing REG assets and are seeking flexibility in how upgrading may occur through providing for flexibility in consent conditions to provide for upgrading including increasing output and improving resilience.</p> <p><u>Comment</u>  MPDC is generally supportive of this direction as it enables the scale of potential effects to be considered as part of the consent process.</p>

National Policy Statement for Electricity Transmission	
Proposal Questions	Description, comment and recommendation
<b>Scope and definitions</b>	
8) Do you support the inclusion of electricity distribution within the scope of the NPS-EN?	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>The current NPS applies to the national electricity transmission system. The proposal is to also include electricity distribution networks otherwise known as lines companies.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>Overall, MPDC is supportive of electricity distribution networks being included in the NPS. Distribution networks are essential to the delivery of electricity to the consumer and are integral to the electricity supply network. MPDC does have concerns as to how this direction has been reflected in the NES which is expanded on further within its submission on the NES for Electricity Transmission.</li> </ul>
9) Are there risks that have not been identified?	No comment
10) Do you support the proposed definitions in the NPS-EN?	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>Twenty one definitions are proposed in the NPS. These cover a range of activities, amongst others, new definitions are proposed for routine and non-routine electricity network activities. A definition is also proposed for ancillary network activities. These definitions are the matters that MPDC proposes to comment on.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>MPDC agrees that in most instances the activities included within the definition of routine electricity network activities and ancillary network activities are appropriate. MPDC considers that given the definition of routine electricity network activities does cover ancillary activities such as vegetation removal and access tracks, and the definition of ancillary electricity network activities also covers earthworks, there is the potential for such activities to create adverse effects when they are located in sensitive environments such as sites or areas of significance to Māori (SASM). MPDC queries how these effects are being appropriately considered.</li> <li>MPDC acknowledges the importance of providing for a wide range of routine and non-routine electricity network activities. MPDC is concerned about how people affected by such activities will receive notice about the works that are undertaken. In some cases, it will be important for affected landowners to be consulted. MPDC considers it would be helpful for there to be a nationally consistent code of practise or some other tool to ensure those people who are affected by such works receive adequate notice and are consulted with.</li> </ul>

	<p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Reconsider the definitions of routine electricity network activities and ancillary electricity network activities to ensure these definitions adequately manage activities located within sensitive environments such as SASMs.</li> <li>• Consider whether a code of practice that outlines how affected landowners are consulted would be an effective implementation tool associated with the NPS.</li> </ul>
11) Are there any changes you recommend to the NPS-EN?	<p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Refer to the recommendations associated with each question</li> </ul>
<b>Objective</b>	
12) Do you support the proposed objective? Why or why not?	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>• The amended objective recognises the national significance of both the electricity transmission networks and the distribution networks. It seeks to secure the resilience of the EN from natural hazards and the effects of climate change. It also recognises the role of EN in achieving climate change actions. It also seeks to manage effects in a proportionate and cost effective way and to protect the network from the adverse effects of other activities.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• 1b) <i>secures the resilience of the EN, including in relation to the effects of natural hazards and climate change.</i> MPDC queries how this is to occur when infrastructure sits outside the NPS-NH. MPDC considers this matter requires further clarification.</li> <li>• 1e) <i>manages adverse effects on the environment in a proportionate and cost-effective way.</i> MPDC questions what factors a local authority is to consider when evaluating what proportionate and cost effective means. MPDC considers further clarity needs to be provided, perhaps through implementation guidance, in order for the objective to be implemented in a consistent manner.</li> <li>• 1f) <i>protects the EN from the adverse effects of other activities.</i> As the NPS now covers the distribution network, the impact of this objective is a lot more wide ranging than it is currently. MPDC has made comments on how this objective is to be implemented. On this point, MPDC notes it does not have the resources or experience to assess whether any building consent application complies with NZECP.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Guidance to be provided on how b) of the objective is to be achieved when infrastructure activities are excluded from the NPS-NH.</li> <li>• Further guidance be provided on the meaning of proportionate and cost effective.</li> <li>• Refer to MPDC response to question 14.</li> </ul>

<b>National significance and benefits of electricity networks</b>	
<p>13) Will the proposed policy improve the consideration of the benefits of electricity networks in decision making?</p>	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>The proposed policy requires decision makers to recognise a range of benefits provided by the EN. These include providing services that are essential to human life and development and growth, providing a safe and secure electricity system that is responsive to demand, and the efficient storage and transfer of electricity.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>MPDC supports the policy and the benefits identified in it.</li> </ul>
<b>Recognising operational and functional need of electricity networks</b>	
<p>14) Does the proposed policy sufficiently provide for the operational and functional needs for electricity networks to be located in particular environments?</p>	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>P2 requires planning decisions to provide for the operational and functional needs of EN to be in particular environments, including in areas with S6 values, with unavoidable adverse effects on those environments. The policy describes the need for the EN to convey electricity over long distances across urban and rural environments and the in coastal marine area. It also identifies that the network is required to operate as an interconnected system and to be responsive to wherever the demand is located.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>MPDC acknowledges the critical nature of the transmission system, but queries the policy response in respect of S6 environments.</li> <li>MPDC is concerned that the policy provides for the unavoidable adverse effects on S6 values. S6 environments have been identified as a matter of national importance that must be recognised and provided for. The environments cover both natural and cultural values and are also identified at a variety of spatial scales.</li> <li>MPDC notes this policy direction seems to be different than that contained in the NPS-I and NPS-REG and considers there should be consistency between the policy documents.</li> <li>For new development, MPDC considers there is merit in referencing Policy 4 within Policy 2 so if there is no other option but to have unavoidable adverse effects on S6 environments, then this matter has been carefully considered through the route, site and method selection process.</li> <li>MPDC also questions the consistency within the NPS and notes for rural environments that Policy 7 states EN activities <b>should seek to avoid</b> adverse effects on outstanding natural landscapes.</li> <li>MPDC acknowledges that activities undertaken on reserves are also regulated under the Reserves Act. The Council considers thought should be given to the wide reaching nature of this policy and how it affects activities undertaken on reserves.</li> </ul> <p><u>Recommendation</u></p>

	<ul style="list-style-type: none"> <li>• The policy position in respect of S6 environments be reconsidered and a consistent approach be applied within the NPS and across other NPSs.</li> <li>• For new development, consider whether it is appropriate to link Policy 4 within Policy 2. In this way the effect on S6 environments would be carefully considered through the route, site and selection process.</li> <li>• As the policy applies to all locations, consider how the policy affects reserves under the Reserves Act.</li> </ul>
<b>Route and site selection</b>	
<p>15) Do you support Transpower and electricity distribution businesses selecting the preferred route or sites for development of electricity networks?</p>	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>• This question relates to P4. MPDC notes the route and site selection process is a well-recognised methodology that does assist in managing environmental effects.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC notes there is a link between Policy 4 and Policy 2. MPDC has made comment on Policy 2 and the approach taken in Policy 2 in respect of S6 environments.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Refer to comments on Policy 2 in respect of S6 environments.</li> </ul>
<b>Providing for Māori interests</b>	
<p>16) Does the proposed policy adequately provide for the consideration of Māori interests in electricity networks?</p>	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>• MPDC notes P3 is a new policy in the NPS. The policy seeks to take into account the outcomes of engagement with tangata whenua, recognise the opportunities tangata whenua may have in developing their own EN infrastructure, avoiding where practicable adverse effects on sites of significance to Māori and operating in a way that is consistent with iwi participation legislation.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC notes the policy direction in NPS-EN in relation to Māori interests is different than the other NPSs and recommends a consistent approach is taken. Refer to MPDC submission on NPS-I.</li> <li>• In the event this recommendation is not accepted, MPDC makes the comments on the proposed policy: <ul style="list-style-type: none"> <li>- 1a) of the policy should be amended by replacing the words “take into account” with “allowing for”. MPDC considers the words take into account do not recognise and provide for Maori interests.</li> <li>- 1b) of the policy should be amended to include and provide for as well as recognise. It is acknowledged that recognise and provide for is in the introductory part of the policy, but it is considered this direction is not clear in part b) where only the term recognising is used</li> </ul> </li> </ul>

	<p>- 1c) of this policy seeks “<i>avoiding, where practicable, or otherwise mitigating adverse effects of EN activities on sites of significance to Maori</i>”. MPDC notes the same clause is not included in NPS-REG. MPDC is concerned about the use of the words “where practicable” in this context and considers these words should be deleted. Furthermore, MPDC considers issues of cultural significance should also be added as not all sites or areas of significance to Māori will be identified in a district plan.</p> <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> <li>The following amendments are recommended or words to comparable effect: <ul style="list-style-type: none"> <li>a) <del>take into account allowing for the outcome of any engagement with tangata whenua</del> <u>on within a resource consent, notice of requirement, or request for a private plan change, including through the site, route and method selection process.</u></li> <li>b) <u>recognising and providing for the opportunities tangata whenua may have in developing their own infrastructure at any scale or in partnership.</u></li> <li>c) <del>avoiding, where practicable, or otherwise mitigating</del> <u>, the adverse effects of EN activities on sites and areas of significance to Maori and issues of cultural significance.</u></li> </ul> </li> </ul>
<b>Managing adverse effects</b>	
<p>17) Do you support the proposed policy to enable development of electricity networks in areas not protected by section 6 of the RMA, or covered by other national direction?</p>	<p><u>Description</u> This question relates to P4 to P9. These policies cover the following matters:</p> <ul style="list-style-type: none"> <li>P4 Identifying the location for EN activities and managing adverse effects through the route, site, and method selection process</li> <li>P5 General considerations when considering and managing the environmental effects of EN activities</li> <li>P6 Enabling routine EN activities</li> <li>P7 EN development and non-routine activities</li> <li>P8 Reducing existing adverse effects of EN assets when considering upgrades</li> <li>P9 Activities within urban environments and servicing new developments</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>MPDC considers it is important that routine EN activities are able to occur in a timely and efficient manner (P6), but also consider there is a need for affected landowners to be consulted. On this point, MPDC notes the definition of routine electricity network activities includes the replacement of equipment that may not be like for like, and also activities like improving access tracks and access ways. In some instances these activities may have effects on people in local communities including neighbours. For instance access to people’s properties may be affected</li> </ul>

	<p>by the work to be undertaken and the like. For these reasons, MPDC queries what industry standards / practices are in place to ensure consultation happens.</p> <ul style="list-style-type: none"> <li>• MPDC also considers where an item has been scheduled in a district plan because of its values (natural/historical/cultural) the NPS should provide for these values to be continued to be assessed in the development process.</li> <li>• In respect of changes in amenity referenced in Policy 5 1c) and P9 1b), MPDC considers the scale of what is enabled under the revised NES should not be a one size fits all approach. Refer to MPDC comments on the associated NES.</li> <li>• Policy 5e) also references consent conditions are to be “proportionate and cost effective”. MPDC has raised concerns about this wording elsewhere in the NPS and refers to those comments within this policy.</li> <li>• MPDC notes that Policy 7 applies to development and non routine activities in rural environments and states the EN network ‘should seek to’ avoid outstanding natural landscapes and areas of high natural character and areas of high recreation values and amenity. The policy does not include outstanding natural features. MPDC queries why this is the case and recommends that ONFs should also be included within this policy. Additionally, no direction is provided on historic heritage within this policy.</li> <li>• P9 applies to urban environments and requires sufficient onsite space to be available for EDN to meet demand. In doing so, consultation with the EDN is required. MPDC supports this direction, but considers the policy should be clear in the first instance that the onus should be on developers to consider this issue as part of developing their proposal.</li> <li>• P9 1 d) applies to urban environments and states decision makers must “<i>recognise that the effective and efficient development, operation, maintenance, and upgrade of the EN may be appropriate use and development when protecting historic heritage</i>”. MPDC supports the use of the word ‘may’ in the policy as it will depend on the circumstance. Furthermore MPDC notes the policy relies on the definition in the RMA which also includes sites and areas of significance to Māori. MPDC considers the same or similar policy direction for historic heritage should also apply in rural environments.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• The policies be amended to address the above comments</li> </ul>
<p>18) Do the proposals cover all the matters that decision-makers should evaluate when considering and managing the effects of electricity network activities?</p>	<p><i>Refer to comments and recommendations made in response to other comments</i></p>

<p>19) Do you support the proposed policy to enable routine works on existing electricity network infrastructure in any location or environment?</p>	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>• MPDC notes this question references P6. The policy provides for routine EN activities in all environments including where Councils have scheduled items in their district plans for their values including S6 environments.</li> <li>• <i>Decision-makers must enable routine EN activities to occur in all locations and environments, provided adverse effects on the environment are avoided where practicable, remedied where practicable, or mitigated where practicable, acknowledging the existing nature of the assets.</i></li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC considers in most circumstances 'Routine electricity network activities' are appropriate and will provide for the efficient and timely delivery of electricity.</li> <li>• MPDC is concerned about whether this is the most appropriate policy approach where items or locations have been identified and scheduled within district plans for their values including S6 environments, such as historic heritage areas or SASMs. This is particularly the case as the definition includes earthworks and creating, maintaining and improving access tracks.</li> <li>• As mentioned elsewhere in the submission, MPDC considers there should also be a mechanism whereby people affected by the works are notified and consulted with.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Reconsider whether this is the most appropriate policy response for routine electricity network activities in scheduled sites or areas within district plans including sensitive S6 environments such as SASMs.</li> <li>• Consider how people affected by the works will be notified and consulted with. MPDC considers an industry code of practice maybe a good way forward so there is a consistent national approach.</li> </ul>
<p>20) What other practical refinements to Policy 8 of the NPS-EN could help avoid adverse effects on outstanding natural landscapes, areas of high natural character, and areas of high recreation value and amenity in rural environments?</p>	<p><u>Description</u></p> <p>Policy 8 seeks for decision makers to consider practicable measures to reduce existing adverse effects of EN at the time of upgrade. The policy is not limited to the environments specified in the question so includes all environments.</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• The policy provides for a wide range of practicable measures to be considered and MPDC considers this is appropriate. Some examples could be provided like relocation of existing poles /</li> </ul>

	<p>infrastructure from areas identified as SASMs, considering if it is possible to remove lines from ridgelines and other types of measures.</p> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Consider adding examples into the policy along the lines that have been suggested</li> </ul>
<p><b>Protection and strategic planning of the electricity network</b></p>	
<p>21) Do you support the proposed policy to enable sufficient on-site space for distribution assets?</p>	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>• MPDC assumes the question relates to <i>P10 - Managing the effects of third parties on the electricity network</i>.</li> <li>• This policy requires local authorities to avoid adverse effects from third parties on the EN. In order to implement this policy local authorities are required to identify EN assets within their districts and engage with operator of the network to provide an appropriate buffer and amongst other things, ensure buildings, subdivision and earthworks within the buffer comply with NZECP. The buffer must also allow sufficient space for access, maintenance and construction, development, and upgrading of assets.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC is concerned the policy is not clear as to what the purpose of the buffer area is. Is the buffer area to be identified in district plans to alert people to the requirements of NZECP, or is the intent to provide policy direction for Councils to implement and enforce NZECP?</li> <li>• MPDC also queries whether the buffer area is to apply to both overhead and underground lines.</li> <li>• If it is to enforce and implement NZECP, MPDC does not have the specialist building consent services to assess compliance with NZECP. If MPDC was able to secure a resource that would be an additional cost that is ultimately funded by the ratepayer.</li> <li>• MPDC also notes a number of buildings no longer require a building consent, but would have to comply with NZECP. MPDC questions how this would work and considers that ultimately, the cost of compliance would likely become a cost on the ratepayer.</li> <li>• The same issue applies in f) of the policy relating to tree and vegetation planting. Is it anticipated that Councils will be monitoring the planting of trees and vegetation within the buffer area? If so, how do Councils recover the associated costs with this work? For these reasons, if the intent is for Councils to monitor and enforce NZECP, MPDC questions whether the cost impact of the new policies on the work undertaken by a Council's monitoring and compliance team has been considered as part of preparing the NPS-EN?</li> <li>• MPDC also questions the necessity for a buffer to provide access to maintenance and construction and development. MPDC notes that a number of EN activities have designations / easements for this purpose and that these activities should be undertaken within this space.</li> </ul>

	<ul style="list-style-type: none"> <li>MPDC also questions if the policy is to apply to all lines in all locations, then there will be significant areas of the urban environment that will be covered by this policy. Whilst compliance with NZECP is an important health and safety issue, the effect that widespread buffer areas will have on development within the urban areas needs to also be taken into account.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>Greater clarity be provided within the policy as to the intent of the buffer requirements and what infrastructure they apply to (eg above / below ground)</li> <li>If the intent is for local authorities to implement NZECP, consideration be given to the cost and resourcing requirements of this approach as outlined in the above comments.</li> </ul>
<p>22) Should developers be required to consult with electricity distribution providers before a resource consent for land development is granted? If not, what type or scale of works would merit such consultation?</p>	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>Yes. Consultation with EN providers would assist in addressing the issues raised in the previous question. An option could be for EN providers to provide a letter that confirms compliance with NZECP and then councils could record that information on the relevant property file and as part of any consent processing. Whilst MPDC agrees consultation would assist it must be recognised there are an increasingly number of circumstances where people do not need to apply for a resource consent and/or building consent. For this reason education on the importance of complying with NZECP is still important.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>Consider requiring consultation with the EN providers as part of the policy response in P10. Noting that there are also a number of circumstances where resource consent and/or building consent are not required.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>Incorporate requirements for consultation between developers and EN providers within either this NPS or associated NES.</li> </ul>

National Environmental Standards for Electricity Transmission Activities	
Proposal Questions	Description, comment and recommendation
<b>Enabling routine work on the electricity transmission network</b>	
<p>1. What activity status is appropriate for electricity transmission network activities when these:</p> <ol style="list-style-type: none"> <li>do not comply with permitted activity standards?</li> <li>are located within a natural area or a historic heritage place or area?</li> </ol>	<p><u>Description</u>  MPDC notes amendments are proposed to regulations that control earth wires and overhead communication cables. Where activities do not comply with the standards they become controlled activities rather than restricted discretionary. In some other instances, the matters of control / discretion have been amended. A principal reason for this is new regulations have been added for earthworks. The proposal for earthworks is to provide for earthworks as long as they are not located within a natural area or a heritage area. Within natural areas or heritage areas, a consent for a controlled activity is required. The Government is also seeking feedback on whether an alternative option would be to require a management plan to address adverse effects including within natural areas or historic heritage areas.</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>For the height standard MPDC opposes the change in activity status to a controlled activity. This is particularly the case as the permitted activity standard is also proposed to be increased from 15% to 25%. MPDC is of the opinion it would be appropriate to consider any further increase in height as a restricted discretionary activity.</li> <li>MPDC's preference is to retain a consent requirement for earthworks for natural and historic heritage areas, particularly within historic heritage areas and SASMs. A consent requirement would enable tangata whenua involvement with the application which is appropriate. A restricted discretionary activity consent is considered appropriate.</li> <li>MPDC considers it is appropriate for a restricted discretionary activity consent within natural areas and historic heritage areas.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>Provide for a consent for earthworks rather than a management plan.</li> <li>Provide for a restricted discretionary activity consent within natural areas and historic heritage areas.</li> </ul>
<p>2. Do you support the proposed scope of activities and changes to the permitted activity conditions for electricity transmission network activities?</p>	<p><u>Description</u>  MPDC notes that some of the proposed changes include enabling the increase in height of existing poles by 25% as compared to the current 15% and enabling the increase of the tower footprint. The changes also include increasing the distance that a pole can be relocated or replaced to 10m rather than the current 5m and enabling the replacement of a pole with a tower.</p>

	<p>MPDC also notes the change in respect of trimming, felling and removing trees and vegetation so that it only controls trees and vegetation within natural areas (including areas of SNA) and where notable trees have been identified in the District Plan.</p> <p><u>Comment</u> MPDC considers:</p> <ul style="list-style-type: none"> <li>• These works have the potential to have a significant effect on landowners and or neighbours.</li> <li>• Where it is proposed to trim or remove street trees it is assumed Transpower will consult with the landowner, being the road controlling authority and also the owners and occupiers of adjoining properties. Street trees are important amenity features and in some cases also provide important biodiversity functions.</li> <li>• Transpower needs to take an active role in consulting with landowners prior to the works taking place.</li> <li>• For this reason MPDC considers there should be a code of practice or some other tool which describes the consultation that is to occur with affected landowners</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• MPDC are supportive of the proposed changes for existing electricity lines but have concerns about the proposals for new lines refer to Qn 9.</li> <li>• MPDC also considers a code of practice or some other tool will be a useful way of documenting the expected communication between EN providers and landowners / occupiers affected by the works being undertaken.</li> </ul>
3) Do you support the proposed matters of control and discretion for all relevant matters to be considered and managed through consent conditions?	No comment
<b>Rules for the National Grid Yard and Subdivision Corridor</b>	
4) Would the proposed National Grid Yard and Subdivision Corridor rules be effective in restricting inappropriate development and subdivision underneath electricity lines?	<p><u>Description</u> The rules for the National Grid yard relate to both buildings and structures and earthworks. The national grid yard is defined and relates to the voltage and type of pole or support tower. These rules have been developed over a number of years between Transpower and Federated Farmers as well as a number of other stakeholders. They focus on not increasing the building footprint for sensitive activities and also proactively providing for a range of farming activities that can locate within the yard. There is a list of permitted activities with standards. There is also a list of non-complying activities.</p> <p>The definitions for National Grid Subdivision Corridor define a corridor based on the voltage and pole or tower type. The rule applies if a subdivision is within the corridor. It is a RDIS activity if a building</p>

	<p>platform is provided outside the National Grid Yard and vehicle access to the national grid is maintained. It is a non-complying activity if these conditions are not met.</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC agrees with the statement in the definition that the subdivision corridor does not apply where there is a designation</li> <li>• MPDC notes these rules have been developed over a number of years and have been incorporated into district plans throughout the country.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Retain the statement in the definition of National Grid Subdivision Corridor that the corridor does not apply where there is a designation in place.</li> </ul>
<b>Potential new regional regulations and management plan requirements</b>	
5) Do you support adding any or all of the five categories of regional activities to the NES-ENA as permitted activities?	MPDC has deferred to the Waikato Regional Council submission.
6) Do you support the proposed permitted activity conditions and the activity classes if these conditions are not met?	
7) Do you support management plans being used to manage environmental impacts from blasting, vegetation management and earthworks?	
<b>New provisions for the electricity distribution network</b>	
8) What is an appropriate activity status for electricity distribution activities when the permitted activity conditions are not met, and should this be different for existing versus new assets?	<p><u>Description</u></p> <p>There are new regulations for existing EDN assets that provide for the additions of earthwires and telecommunications cables within specified measurements. The addition of mid span poles of up to 30m are also provided as long as the new pole is no more than 30m in height. New poles may be required amongst other things to comply with NZECP. It is proposed that non-compliance with the standards would require a consent for a controlled activity with matters of control including factors such as visual and landscape effects associated with the additional infrastructure, and the technical needs and operational and functional needs of EDN activities, and the benefits of EDN.</p> <p>R10 provides for the construction of new lines where they are located within a land transport corridor, within a rural or industrial zone and within special purpose zones including Maori Purpose Zones as long as they are not located in a natural area or historic heritage area (except where in the road corridor). New poles are permitted to be up to 30m in height and new towers up to 15m in height. Activities that do not comply are required to be assessed as a restricted discretionary activity.</p>

	<p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC supports a controlled activity status for existing assets and restricted discretionary status for new assets.</li> <li>• MPDC is concerned about the permitted 30m height limit. Refer to Qn 9</li> <li>• MPDC supports the restricted discretionary activity status for new poles within the residential zone</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Maintain the suggested activity statuses. Refer to Qn 9 relating to the proposed 30m height limit.</li> </ul>
<p>9) What is your feedback on the scope and scale of the electricity distribution activities to be covered by the proposed NES-ENA?</p>	<p><u>Description</u></p> <p>It is understood the NES-ENA applies to both existing and new electricity and distribution lines,</p> <p>Some of the key rules are outlined below.</p> <ul style="list-style-type: none"> <li>• R8 provides for the installation of mid span poles up to 30m in height where the pole is required to ensure compliance with NZECP.</li> <li>• R9 relates to the alteration, relocation and replacement of existing EDN assets and requires the asset to not increase in height or width by more than 25%.</li> <li>• R10 provides for the construction of new lines where they are located within a land transport corridor, within a rural or industrial zone, within special purpose zones including Maori Purpose Zones as long as they are not located in a natural area or historic heritage area (except where in the road corridor). New poles are permitted to be up to 30m in height and new towers up to 15m in height.</li> </ul> <p><u>Comment</u></p> <p>MPDC considers:</p> <ul style="list-style-type: none"> <li>• It is appropriate to include distribution network within the NES.</li> <li>• Whilst it is understood the intention is to provide a nationally consistent framework for distribution networks, MPDC is concerned that the proposed height of new poles of up to 30m is not appropriate for the rural towns of MPDC.</li> <li>• MPDC queries whether a more scalable approach related to the size and functions of towns could be considered as opposed to a 'one size fits all' approach.</li> </ul>

	<ul style="list-style-type: none"> <li>• MPDC is also concerned about how MPDC will assess compliance with NZECP as required as part of R14 and R15. An alternative option is provided for consideration in Qn 11.</li> </ul> <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> <li>• Consider an alternative to the maximum 30m high pole standard that provides for a scalable rule based on the voltage output and height that is more appropriate for rural towns</li> <li>• Refer also to the recommendations in Qn 11.</li> </ul>
<p>10) Do you support the proposed inclusion of safe distance requirements and compliance with some or all of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001?</p>	<p><u>Description</u></p> <p>MPDC notes new rule R14 and R15 are proposed to be introduced in the NES.</p> <p>R14 requires a new controlled activity rule for the subdivision of a site containing an existing overhead line as long as any building or structure complies with NZECP, otherwise a consent for a discretionary activity is required.</p> <p>R15 requires new buildings or structures within 30m of the centreline of an overhead line to comply with the requirements in NZECP, otherwise a consent for a discretionary activity consent is required.</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• Whilst MPDC is not opposed to the idea of including distribution networks within the NES it is concerned that these rules will impose additional requirements to assess compliance with NZECP. The Council's Building Consent team does not have experience or expertise in this area.</li> <li>• Furthermore, MPDC notes with the expansion of the NES to include distribution lines compliance with the regulation is a matter the Council will need to assess more regularly than would otherwise be the case.</li> <li>• MPDC considers an alternative approach that could be considered is for developers to consult the relevant lines companies to obtain advice as to whether compliance with NZECP is achieved and for that advice to accompany building consent applications to Councils.</li> <li>• MPDC also questions whether a 30m distance is required for all line voltages and whether a varied approach is justified based on line voltage similar to transmission network. On this point MPDC notes the information contained on the Powerco website indicates significantly less distance are required between buildings and power lines to comply with NZECP. The relevant information can be found <a href="#">here</a>.</li> <li>• If a scalable approach was adopted, MPDC questions whether a 30m buffer distance would still be required in R15. If 30m is not necessary, that would have the benefit of reduced compliance costs.</li> <li>• MPDC also notes in some situations a distance of 30m may extend to rear sections. MPDC questions whether this is necessary in this circumstance.</li> </ul>

	<p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Consideration be given to the comments raised in respect of this question.</li> </ul>
<p>11) Is the proposed NES-ENA the best vehicle to drive compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distance 34:2001? If not, what other mechanisms would be better?</p>	<p><u>Description</u> R14 and R15 require compliance with NZECP within a certain buffer distance from existing lines. The regulations require compliance with NZECP to be assessed by the Council.</p> <p><u>Comment</u> MPDC does consider there are alternative options:</p> <ul style="list-style-type: none"> <li>• Retain the rules within the NES. As part of assessing compliance, require developers to consult with the relevant transmission or distribution network provider and for the relevant organisation to provide an assessment of compliance which can then accompany a proposed building consent application.</li> <li>• Education on the importance of meeting the requirements of NZECP. A key reason for this is a number of buildings now no longer need a building consent. Requiring Councils to assess compliance is therefore not a fail-safe measure. Central government agencies such as MBIE could assist in this regard</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Consideration be given to the alternative approached identified above.</li> </ul>
<p><b>Allowing plan rules to be more stringent or lenient</b></p>	
<p>12) Should the NES-ENA allow plan rules to be more lenient for electricity distribution activities proposed to be regulated?</p>	<p>Yes, as the matters have been considered through the First Schedule process and are therefore appropriate for those communities.</p>
<p>13) Should the NES-ENA allow plan rules to be more stringent in relation to electricity distribution activities in specific environments? (eg, when located in a 'natural area').</p>	<p>No, provided the regulations in the NES-ENA enable the effects on scheduled items in district plans to be assessed as part of the development process. This should include effects on natural areas and also effects on areas of historic heritage as defined in the RMA.</p>
<p><b>Private charging at home or at work</b></p>	
<p>14) Do you support the proposed provisions to make private electric vehicle charging and associated infrastructure a permitted activity at home or at work?</p>	<p><u>Description</u> It is proposed to make EV chargers for private use a permitted activity (residential or business). Noise and earthwork standards are required to be complied with and the EV chargers are to be no more than 3m in height where they are located within 1m of any front boundary or 1m of any boundary of an adjoining residential zone.</p>

	<p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC supports the regulation to provide an option for people to have an EV charger on site for private use at home or work.</li> <li>• MPDC considers further consideration should be given to the maximum height standard in situations where a residential zone adjoins an industrial zone or a commercial zone. If an EV charger exceeds 3m in height a larger setback than 1m may be appropriate. An option may be to revert to the DP separation standards for buildings.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• MPDC seeks further consideration should be given to the maximum height standard in situations where a residential zone adjoins an industrial zone or a commercial zone. If an EV charger exceeds 3m in height a larger setback than 1m may be appropriate. An option may be to revert to the DP separation standards for buildings.</li> </ul>
<p>15) Have private or at work electric vehicle users been required to obtain a resource consent for the installation, maintenance and use of electric vehicle charging infrastructure?</p>	<p><u>Description</u></p> <p>No, not for private use. A resource consent has been issued for a standalone EV charging station associated with a petrol station.</p>
<p><b>Public charging in land transport corridors</b></p>	
<p>16) Should the construction, operation and maintenance of electric vehicle charging infrastructure be a permitted activity, if it is located in a land transport corridor?</p>	<p><u>Description</u></p> <p>It is proposed to introduce a new regulation that would make EV chargers a permitted activity in the road corridor. MPDC is supportive of the new regulation.</p> <p><u>Comment</u></p> <p>MPDC:</p> <ul style="list-style-type: none"> <li>• Notes any vehicle charging stations in the road corridor would require the approval of the relevant road controlling authority.</li> <li>• Has some concerns about where EV charging stations could be located in proximity to driveways and intersections. Additionally, that there is space for accessible parking where the proposed EV charger is located.</li> <li>• Notes consideration should be given to adding new permitted activity standards related to signs and lighting.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Consideration be given to adding a note to the regulation to the effect that any EV charger proposed to be located in the road corridor requires approval from the relevant road controlling authority.</li> </ul>

	<ul style="list-style-type: none"> <li>Consider adding new permitted activity standards related to signs, lighting, and proximity to driveways and intersections. MPDC considers a standard related to the provision of accessible parking is also appropriate.</li> </ul>
<b>Ancillary EV charging</b>	
<p>17) Should the construction, operation and maintenance of electric vehicle charging infrastructure become a permitted activity, if it is ancillary to the primary activity or outside residential areas?</p>	<p><u>Description</u> Yes, MPDC considers that ancillary EV charging is appropriate and should be permitted.</p> <p><u>Comment</u> MPDC:</p> <ul style="list-style-type: none"> <li>Considers it is appropriate to provide for ancillary EV charging associated with the primary activity on the site.</li> <li>Queries whether the intent is to not provide for ancillary charging in residential zones. Activities such as medical centres and other similar activities can be located in residential zones and for this reason it would be appropriate to provide for ancillary EV charging within residential zones.</li> <li>Notes there is no definition for ancillary EV charging and it could be helpful if the term is defined and that it excludes residential use.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>Consider whether it would be helpful to define ancillary EV charging to exclude residential use</li> </ul>
<b>Standalone EV charging infrastructure facilities</b>	
<p>18) Do you support the proposed provisions for electric vehicle charging for all types of EVs, or are additional requirements needed for heavy vehicles such as large trucks, ferries or aircraft?</p>	<p><u>Description</u> MPDC notes that stand alone EV charging facilities is the primary activity on the site and is not permitted in a residential zone, natural area or historic heritage item or setting. MPDC also notes the NES includes noise and earthworks standards. In addition the maximum height of the EV charging unit is 3m where it is located within 1m of any front boundary or 1m of a boundary with a residential zone.</p> <p><u>Comment</u> MPDC:</p> <ul style="list-style-type: none"> <li>Supports the restrictions on EV chargers in the locations specified in 4a).</li> <li>Assumes that EV chargers for larger vehicles will likely exceed the maximum height standard of 3m.</li> <li>Considers a larger setback than 1m may be appropriate for larger EV charging structures. The standard setback requirements for buildings in the relevant zone may be appropriate.</li> <li>Considers additional standards relating to signage and lighting may also be appropriate.</li> </ul> <p><u>Recommendation</u></p>

	<ul style="list-style-type: none"><li>• MPDC considers further consideration should be given to the maximum height standard in situations where a residential zone adjoins an industrial zone or a commercial zone. If an EV charger exceeds 3m in height a larger setback than 1m may be appropriate. An option may be to revert to the DP separation standards for buildings.</li><li>• Consider adding new standards relating to signage and lighting.</li></ul>
--	---

National Environmental Standards for Telecommunication Facilities	
Proposal Questions	Description, comment and recommendation
<b>The status quo is resulting in uncertainty and high costs for telecommunication providers</b>	
1) Do the proposed provisions sufficiently enable the roll-out or upgrade of telecommunication facilities to meet the connectivity needs of New Zealanders?	<p><u>Comment</u> MPDC considers the proposed changes will enable more flexibility in how telecommunications are rolled out. Whilst this is a benefit, MPDC is concerned about the proposed change in height for poles and how this may affect its communities - refer Qn 2.</p>
<b>Allowing plan rules to be more lenient</b>	
2) Which option for proposed amendments to permitted activity standards for telecommunication facilities do you support?	<p><u>Description</u> It is proposed to amend Regulation 27(5) and 29(4) relating to the height of new or existing poles in the road reserve. It is also proposed to amend the regulation that requires replacement poles to be within 5m of existing poles. Replacement poles can be anywhere in the road reserve. Rules in district plans relating to areas with special natural or heritage significance and residential zones remain.</p> <p>Note, new provisions are proposed which provide for headframes on poles which are not currently provided for.</p> <p>Regulation 33(7) also proposes to amend the permitted height for poles outside the road reserve so they are more permissive.</p> <p><u>Road Reserves</u> The first option is provide for a 20m height limit in the road reserve where it adjoins residential, local centre and neighbourhood centre zones, increase the height in rural zones from 25m to 35m and to provide for 25m in all other zones.</p> <p>The second option is to permit the higher of Option 1 or the maximum height limit within the zone plus 5m with commercial zones capped at 25m and no cap for industrial zones</p> <p>For both options an additional 5m height is proposed where two or more operators share the same pole (excluding residential zones).</p> <p>Currently the permitted height limits relate to the height limit of existing poles in the road reserve.</p> <p><u>Within Zones (outside of road reserves and residential zones)</u></p>

	<p>The first option is to enable new poles with antennas outside of the road reserve in commercial and industrial zones up to 25m in height, local centres or neighbourhood centres up to 20m, mixed use zones 25m, and any other zone are permitted to increase 5m from the baseline pole height.</p> <p><u>The second option is to permit poles to the higher of those in Option 1, or building zone height plus 5m for buildings in Commercial Zones (capped at 30m) and Industrial zones (no cap).</u></p> <p>It is understood the increased height is required to meet operational requirements and to continue to provide coverage. It is also suggested that increased heights are required in order to maintain coverage in areas of housing intensification.</p> <p>Options are also provided to increase the size of satellite dishes and antennae and to provide for the addition of headframes. MPDC notes a new definition of sensitive activities is proposed. The current requirements are for new poles in rural zones to be at least 50m from buildings used for educational or residential purposes. This is to be amended to apply to neighbouring properties and not the property the pole or tower is located on.</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC is concerned about the proposed height increase within urban zones including road reserves.</li> <li>• The proposed change in pole height is a significant departure from the size and scale of existing and anticipated development in the towns in the Matamata-Piako district (MPD).</li> <li>• The towns in MPD (Morrisville / Matamata / Te Aroha) like many other rural towns do not contain buildings that are of a scale that would interfere with communication signals. In the Matamata Piako District Plan the maximum height of buildings in the Residential Zone is 9m and 12m in the Business Zone.</li> <li>• Because of this it is considered the reasons contained in the consultation document do not apply to the MPD and would not apply to many other rural towns.</li> <li>• MPDC also queries how the proposed regulations are to apply where district plans have not been updated to incorporate the National Planning Standards.</li> <li>• MPDC assumes a resource consent will be required within a residential zone.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Reconsider the approach taken for the height of poles for rural towns and base this on the height of electricity poles / street lights in the area with an additional 5m of clearance.</li> </ul>
--	--

<p>3) Do the proposed provisions appropriately manage any adverse effects (such as environmental, visual or cultural effects)?</p>	<p><u>Description</u> Refer to the description in Qn 2.</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC considers the proposed provisions do not adequately manage effects.</li> <li>• The proposed height of 20m in road reserves is out of scale with the existing and anticipated development within towns of the MPD.</li> <li>• The reasons provided for increased height do not apply to MPD and would not apply to many other towns of similar scale. Refer to comments on Qn 2.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Reconsider the approach taken for the height of poles for small to mid-sized rural based towns.</li> </ul>
<p>4) Do the proposed provisions place adequate limits on the size of telecommunication facilities in different zones?</p>	<p><u>Description</u> Refer to Qn 2.</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• No, MPDC is concerned about the proposed new heights in the NES (Refer QN2).</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Refer to the recommendation in Qn 2.</li> </ul>
<p>5) Should a more permissive approach be taken to enabling telecommunication facilities to be inside rather than outside the road reserve?</p>	<p>No comment</p>
<p>6) Do you support the installation and operation of fewer larger telecommunication facilities to support co-location of multiple facility operators?</p>	<p><u>Description/Comment</u> In general, MPDC does support the co-location of facilities on the same pole or tower. However, MPDC's concern remains about the overall proposed height of poles / towers. Refer to Qn 2.</p>

<b>National Environmental Standards for Granny Flats (Minor Residential Units)</b>	
<b>Proposal Questions</b>	<b>Description, comment and recommendation</b>
<b>What is the proposal?</b>	
<p>1) Are the proposed provisions in the NES-GF the best way to make it easier to build granny flats (minor residential units) in the resource management system?</p>	<p><u>Description</u> The discussion document states that a new NES-GF is proposed to support the development of granny flats (minor residential units) in identified areas. The proposed NES-GF is intended to enable one small, detached, self-contained, single-storey house (minor residential unit) per site for residential use as a permitted activity (i.e., no resource consent required). The proposed NES-GF uses the definition for 'minor residential unit' in the National Planning Standards. The proposal is for the NES-GF to apply in residential, rural, mixed-use and Māori-purpose zones, where specified permitted activity standards are met.</p> <p>The Council had been preparing a plan change (PC61) to implement the national planning standards and other matters including minor residential units. In general, the NES-GF is more enabling than what was proposed in PC61.</p> <p><u>Comment</u> MPDC:</p> <ul style="list-style-type: none"> <li>• Supports the proposed NES-GF to provide national direction on the development of granny flats.</li> <li>• Acknowledges there is demand for minor residential units across the district. The proposed NES-GF would enable this development to occur to improve housing choice and supply.</li> <li>• Considers there is inconsistency regarding the various names used for 'granny flats', whereby the NES-GF makes reference to both "granny flats" and "minor residential unit".</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• MPDC recommends references to "Granny Flats" be replaced with "Minor Residential Units" for consistency in the NES-GF and the NES should be renamed NES-MRU.</li> </ul>
<b>Specified permitted activities will enable granny flats in particular areas</b>	
<p>2) Do you support the proposed permitted activity standards for minor residential units?</p>	<p><u>Description</u> The discussion document states the NES-GF has proposed a set of permitted activity standards for minor residential units, which is as follows:</p> <ul style="list-style-type: none"> <li>• A maximum 70-square metre internal floor area</li> <li>• One minor residential unit per site in common ownership with the principal residential unit on the same site</li> <li>• 50 percent maximum building coverage in residential zones, mixed-use zones and Māori purpose zones (with no maximum coverage in rural zones)</li> </ul>

	<ul style="list-style-type: none"> <li>• Minimum front and side boundary setbacks of 2 metres in residential zones</li> <li>• Minimum front boundary setbacks of 10 metres, and side and rear boundaries of 5 metres, in rural zones</li> <li>• 2-metre setbacks from the principal residential unit.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• It is unclear whether the proposed “maximum 70-square metre internal floor area” is including or excluding an attached garage. We consider it would be helpful to clarify this to ensure applicants are clear and follow the correct permitted activity standards as part of their minor residential unit development.</li> <li>• There is concern with the proposed minimum 2 metre front and side boundary setbacks in residential zones, MPDC consider that this distance is not sufficient to address amenity and safety issues in busy urban environments.</li> <li>• Provisions relating to access are considered in question 3.</li> <li>• While the NES-GF seeks to reduce front yard setbacks for minor residential units in rural zones, MPDC are concerned this may disrupt the local character and amenity if there is high demand in certain areas of the rural zone. Furthermore, reverse sensitivity issues may arise if the minor residential unit is situated close to the road. In this location people will be exposed to an increased likelihood of sleep disturbance from exposure to increased levels of traffic noise.</li> <li>• MPDC are also concerned that a maximum distance from the principal residential unit has not been specified. MPDC is of the opinion that the further away the minor residential unit is from the principal residential unit the less likely it will function as being ancillary to the principal residential unit.</li> <li>• The NES-GF allows Council district plan provisions for setbacks from transmission lines, railway lines and National Grid Yard to prevail. MPDC is of the opinion the district plan provisions related to acoustic insulation requirements adjacent to State Highways should also prevail. MPDC also has rules that control setback of sensitive uses from intensive primary production. MPDC is of the opinion that these type of rules should also prevail over the rules in the NES-GF. To do otherwise would result in unintended consequences where residential units are required to be setback and/or acoustically insulated but minor residential units do not need to be.</li> </ul> <p><u>Recommendation</u></p> <p>MPDC supports the following proposed permitted activity standards:</p> <ul style="list-style-type: none"> <li>• 70m<sup>2</sup> maximum internal floor</li> <li>• Number of minor residential units per site</li> </ul> <p>MPDC seeks clarity on the following proposed permitted activity standard:</p>
--	---

	<ul style="list-style-type: none"> <li>• Whether the standard for “maximum 70-square metre internal floor area” includes or excludes any attached garage.</li> </ul> <p>MPDC recommends amendments to the following proposed permitted activity standards:</p> <ul style="list-style-type: none"> <li>• The proposed maximum building coverage standards are removed and to allow Council District Plan provisions to prevail.</li> <li>• The proposed NES-GF provisions for front, side and rear boundaries are removed and to allow Council District Plan provisions to prevail.</li> <li>• The proposed NES-GF be amended to include a maximum distance from the principal residential.</li> <li>• In rural zones, allow Council District Plan provisions to prevail in regards to setbacks standards from intensive primary production and other similar activities which might result in reverse sensitivity effects.</li> </ul>
<b>Leniency of rules</b>	
3) Do you support district plans being able to have more lenient standards for minor residential units?	No comment
4) Should the proposed NES-GF align, where appropriate, with the complementary building consent exemption proposal?	<p><u>Description</u></p> <p>Under the proposed amendments to the Building and Construction Amendment Bill, it is proposed that small standalone dwellings (granny flats) can be built without a building consent. The proposed NES-GF also does not require the applicant to attain a resource consent for a minor residential unit (granny flat), if they meet the permitted activity standards.</p> <p>The discussion document states that although district plans may have more lenient standards for minor residential units, a building consent may still be required if relevant conditions under the Building Act 2004 are not met.</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC supports the alignment between the proposed NES-GF and the final changes to the Building Act through the Building and Construction Amendment Bill which provides for minor residential units. This is to ensure consistency and clarity between both Acts for potential applicants and Councils.</li> <li>• However, MPDC has remaining concerns about the increase in compliance issues that may arise if there is a building consent exemption.</li> </ul>
<b>Limiting matters district plan rules can address when considering granny flats</b>	

<p>5) Do you support the proposed list of matters that local authorities may not regulate in relation to minor residential units? Should any additional matters be included?</p>	<p><u>Description</u> The discussion document states that the NES-GF has proposed a set of matters that Councils cannot regulate in relation to minor residential units, these are as follows:</p> <ul style="list-style-type: none"> <li>• Individual outdoor space</li> <li>• Privacy, sunlight, glazing</li> <li>• Parking and access</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC has significant concerns regarding the inability to control parking in relation to minor residential unit developments in various zones. For instance, if there is high demand for minor residential units and development start occurring in certain areas of the residential and rural zones, there is potential for inadequate planning for parking to meet the increased demand for parking spaces. MPDC consider local authorities are best suited to plan for parking in these situations.</li> <li>• MPDC are also concerned with the inability to control access in relation to minor residential unit development in various zones. For instance, if there is demand for minor residential unit development along a state highway, this could mean more access points on and off a state highway with high speed environments, potentially leading to safety issues. Notably, this is a concern and risk in rural zones where increased traffic is not anticipated.</li> <li>• Furthermore, MPDC are concerned about the ability for emergency services to access both residential units on site, especially since minor residential units are typically at the back of the site. Therefore, Council should retain control over access matters to ensure emergency services can access minor residential units.</li> </ul> <p><u>Recommendation</u> MPDC recommends the proposed list of matters be amended in part:</p> <ul style="list-style-type: none"> <li>• To allow Council to have control over parking matters.</li> <li>• To allow Council to have control over access and have provisions related to using the same vehicle access for minor residential unit and the principal residential unit.</li> </ul>
<p>6) Do you support existing district plan rules applying when one or more of the proposed permitted activity standards are not met?</p>	<p><u>Description</u> The NES-GF has proposed a set of permitted activity standards for minor residential units. Where these permitted standards are not met, Council's existing district plan rules would apply. This would allow Councils to apply their own assessment for any granny flat applications that breach the permitted activity standards to a minor or large extent.</p> <p><u>Comment</u></p>

	<ul style="list-style-type: none"> <li>• MPDC supports this proposal which would allow local authorities to assess any non-compliances from granny flat applications using their Council district plan provisions to determine if the proposal is suitable, and if any mitigation measures are required subject to approval.</li> </ul>
<b>Defined and limited scope of application for the NES-GF</b>	
<p>7) Do you support the list of matters that are out of scope of the proposed NES-GF? Should any additional matters be included?</p>	<p><u>Description</u> The discussion document states the proposed NES-GF will not set rules or standards or change any consent requirements for:</p> <ul style="list-style-type: none"> <li>• Subdivision</li> <li>• Earthworks</li> <li>• Matters of national importance under section 6 of the RMA (e.g., management of risks from natural hazards)</li> <li>• Specific use of the minor residential unit (other than for residential activities)</li> <li>• Regional plan rules</li> <li>• Papakāinga</li> <li>• Setbacks from transmission lines, railway lines and the National Grid Yard.</li> </ul> <p><u>Comment</u> MPDC:</p> <ul style="list-style-type: none"> <li>• Generally supports the proposed list of matters, especially the exclusion of matters of national importance under the RMA, papakāinga and subdivision.</li> <li>• Considers sensitive uses should be setback from intensive farming and other similar activities and that Council district plan provisions should prevail in these circumstances to address any reverse sensitivity issues.</li> <li>• Considers water, wastewater capacity and stormwater should be added to the proposed list of matters that are out of scope of the NES-GF. This is to ensure minor residential unit developments are assessed by local authorities where connection is not available to the municipal system and if there are any consequent onsite wastewater capacity constraints from the development.</li> </ul> <p><u>Recommendation</u> MPDC:</p> <ul style="list-style-type: none"> <li>• Recommends 3 waters servicing is added to the proposed list of matters that are out of scope of the proposed NES-GF.</li> </ul>

	<ul style="list-style-type: none"> <li>• Recommends setbacks from intensive farming and other similar activities, where there is a potential for reverse sensitivity, should be included in the list of matters that are out of scope of the proposed NES-GF.</li> </ul>
<b>Other matters</b>	
8) New Definitions sought	<p><u>Description</u> Clarification is required regarding the use of the term “site” and the undefined term “principal residential unit”, particularly in relation to the development of a minor residential unit in some rural locations.</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC is concerned in rural locations where large farms are in multiple titles (sites) and already contain a large number of houses which includes owner’s houses and workers houses how the definition of site would apply.</li> <li>• While pragmatically it could be viewed the farm owners house is the principal residential unit, therefore any minor residential unit can only be built in relation to that dwelling, the farmer also owns all the workers houses so would this open potential for a minor household unit to be developed in relation to any farm works cottage?</li> <li>• It is unlikely this is the intention of the provisions. Therefore, there would be benefit in providing clarity for those implementing the NES-GF in these context. This could be achieved by providing a definition of “principal residential unit”.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• MPDC recommends a new definition for “Principal residential unit” means the principal residential unit on site, and in the instance of a landholding that includes multiple “sites” and “residential units” owned by the same party, “<i>principal residential unit</i>” refers to the residential unit where the owner of the landholding typically resides.</li> </ul>
9) Clarification how to apply NES-GF within a papakāinga.	<p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• MPDC considers there is a cross over between the NES Papakāinga and NES-GF.</li> <li>• Clarification is required as to how to apply the NES-GF within a papakāinga development. In particular, how to identify the principal residential unit and how to apply the definition of site.</li> </ul>

National Environmental Standards for Papakāinga	
Proposal Questions	Description, comment and recommendation
<b>Permitted papakāinga development</b>	
<p>1) Do you support the proposal to permit papakāinga (subject to various conditions) on the types of land described above?</p>	<p><u>Description:</u> The NES-P proposes that papakāinga located on the following categories of ancestral land would have a permitted activity status:</p> <ul style="list-style-type: none"> <li>• Māori freehold land</li> <li>• Māori customary land</li> <li>• Māori reservations and reserves</li> <li>• Former land that was compulsorily converted under the Māori Affairs Amendment Act 1967</li> <li>• Returned land taken for public works.</li> </ul> <p>MPDC has recently undergone a Papakāinga Plan Change (PC54). This plan change implemented a unique framework under Te Ture Whenua Māori Act 1993. PC54 allows district-wide provisions to enable papakāinga development on Māori Freehold Land, General Land Owned by Māori and Treaty Settlement Land, where they are not part of the Māori Purpose Zone.</p> <p><u>Comments:</u> MPDC appreciates the proposal covers a broad range of categories that would have a permitted activity status and references a broader range of legislation. MPDC recognises the provisions are more lenient than what is in its district plan.</p> <p>Clarification is needed regarding the practical application of ‘ancestral lands’ mentioned in PA1. Presumably, this terminology applies to ‘landblocks’, however this could be interpreted incorrectly. Clarification is needed around bullet-point eight of D1. The definition is difficult to differentiate from Treaty Settlement Land. However, we know from reading RD3, that development of Treaty Settlement Land (up to 30 kāinga) has a RDIS status.</p> <p><u>Recommendation</u> <u>MPDC:</u></p> <ul style="list-style-type: none"> <li>• Supports the proposal to permit papakāinga (subject to various conditions) on the types of land identified.</li> <li>• Recommends clarifying the application of ‘ancestral land’ in PA1, and whether Treaty Settlement Land is included in point 8 of PA1.</li> </ul>

<p>2) What additional non-residential activities to support papakāinga should be enabled through the NES-P?</p>	<p><b>Description</b></p> <p>The following non-residential activities are proposed to be permitted in the NES-P, if they are directly associated with the residential activities of the papakāinga:</p> <ul style="list-style-type: none"> <li>• Commercial activities (of up to 100 m<sup>2</sup> );</li> <li>• Conservation activities;</li> <li>• Visitor accommodation for up to 8 guests (excluding manuhiri staying on a marae);</li> <li>• Educational facilities;</li> <li>• Health facilities; and</li> <li>• Sports and recreation activities</li> </ul> <p>Under the Maori Purpose Zone provisions in MPDC District Plan, the following activities are permitted:</p> <ul style="list-style-type: none"> <li>• Home business</li> <li>• Community facility</li> <li>• Education facility</li> <li>• Healthcare facilities</li> </ul> <p>Under these provisions, any non-residential activities not included as permitted activity will become non-complying.</p> <p><b>Comment</b></p> <ul style="list-style-type: none"> <li>• The NES-P should add home businesses to the list of permitted activities. Home businesses will operate from the primary residence, influencing the scale of the operation and costs associated with the business. The inclusion of home businesses into the NES-P could provide more opportunities for those living within the papakāinga.</li> <li>• The NES-P also does not provide for community facilities. Community facilities offer residents of the papakāinga a space for alternate activities such as social activities, hobby/ interest groups, welfare and worship. This is not been provided for in the proposal.</li> </ul> <p><b>Recommendation</b></p> <ul style="list-style-type: none"> <li>• MPDC seeks to retain its current permitted activities and supports the inclusion of the proposed non-residential activities mentioned in the proposal.</li> <li>• MPDC recommends expanding the activities to include home businesses and community facilities.</li> </ul>
<p><b>Proposed permitted activity standards</b></p>	

<p>3) What additional permitted activity standards for papakāinga should be included?</p>	<p><u>Description</u>  Through PC54, MPDC has incorporated a Māhere Ahu Papakāinga (Papakāinga Development Plan), which must be submitted to Council prior to (or with) any application for building consent for two or more kāinga. The Papakāinga Development Plan needs to show the entire papakāinga development, which includes a site plan, the location of existing and proposed buildings, information on waste storage and waste management, the location of important sites, servicing, transportation provisions and parking, landscaping and staging. This encourages the developer to plan a more integrated development and enables the Council to see the long-term vision for a site. This also provides an opportunity for issues arising from future development to be identified and managed early. Once submitted, the Papakāinga Development Plan is not necessarily fixed in perpetuity. It may be altered through successive developments if the need arises.</p> <p>PC54 has also incorporated a standard for service areas for each kāinga.</p> <p><b>There are several positive outcomes associated with designated service areas. For example, providing for better visual and amenity design outcomes, and they support the protection of the natural environment and human health.</b></p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• <b>A Development Plan and service area should be included in the permitted activity standards to ensure an integrated approach to development.</b></li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• MPDC recommends that a <b>Development Plan</b> be included in the permitted activity standards for papakāinga and that each kāinga has a designated service area <b>adjoining each kāinga or facility.</b></li> </ul>
<p>4) Which, if any, rules from the underlying zone should apply to papakāinga developments?</p>	<p><u>Description</u>  The proposal identifies maximum building coverage in residential and rural zones to be 50%, and proposes rural setbacks in the front and side yard to 3m. MPDC understands the setbacks are a lot larger where a papakāinga of 30 or more units is proposed.</p> <p>This is considerably different compared to MPDC's existing provisions:  Activity related performance standard 4.4.1.2 has a maximum building coverage of 10% in rural zone and 35% in residential zones, and front and side yard setbacks of 25m and 20m for rural zones and a 5m front yard in the residential zone and with side and rear yards of 1.5m, respectively. MPDC also has a setback of 250m from intensive farm operations.</p> <p><u>Comment</u></p>

	<p>It would be appropriate for underlying rules in district plans for building coverage and setback to continue to apply to ensure:</p> <ul style="list-style-type: none"> <li>• Consistency with existing plan provisions.</li> <li>• A reasonable level of consideration given to primary industry (or other locally significant industry) in the plan.</li> <li>• Manage papakāinga located near high traffic roads or vehicles travelling at high speeds.</li> <li>• Manage the potential for reverse sensitivity issues.</li> <li>• Greater setbacks are needed for safety, amenity and maintaining zoning character.</li> </ul> <p>MPDC is concerned about how the rules would apply in staged development which over time may develop more than 30 units, but would only be setback 3m from side boundaries.</p> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• MPDC recommends the underlying zone maximum building coverage and setbacks are maintained.</li> <li>• The NES-P should enable greater yard setbacks for special yard types such as intensive farming.</li> <li>• MPDC also recommends the underlying zone rules regarding natural hazards and services be maintained.</li> </ul>
<p><b>Proposed restricted discretionary activities</b></p>	
<p>5) Should local authorities have restricted discretion over papakāinga on Treaty settlement land (i.e., should local authorities only be able to make decisions based on the matters specified in the proposed rule)?</p>	<p><u>Description</u> Local authorities should have restricted discretionary activity status, as the proposal states.</p> <p>MPDC currently has a Discretionary status over Papakāinga on Treaty Settlement Land.</p> <p><u>Comment</u> Large areas of land within the Matamata-Piako District have converted to Treaty Settlement Land. In light of NES-P, there is potential for large papakāinga development, which raises concerns around traffic and road safety.</p> <p>MPDC considers a resource consent is required to provide appropriate assessment and input into the traffic management plans for these developments.</p> <p><u>Recommendation</u> MPDC recommends that Treaty Settlement Land remain as a restricted discretionary status.</p>

<p>6) What alternative approaches might help ensure that rules to enable papakāinga on general land are not misused (for private/commercial use or sale)?</p>	<p><u>Description</u> The proposal states that applicants on Treaty Settlement Land will need to demonstrate the land will remain in Māori ownership in the long term.</p> <p>MPDC has included a perpetuity clause in its plan (see 4.4.2 Performance Standard of Matamata Piako District Plan) to ensure that all land under the status of General land owned by Māori, Treaty Settlement Land, or land converted to Maori Freehold Land (after 21 December 2022) must comply with the following standards:</p> <ul style="list-style-type: none"> <li>(i) The land must be ancestral Māori land; and</li> <li>(ii) An appropriate legal mechanism(s) must be in place to ensure that the land remains in either Iwi, hapū or whānau ownership in perpetuity.</li> </ul> <p>Activities that fail to comply with Rule 4.4.2(1) will require resource consent for a non-complying activity.</p> <p>Requiring a letter of approval from the other landblock owners could provide another layer of protection for papakāinga on general land where there are multiple Māori owners.</p> <p><u>Comments</u> MPDC is of the opinion that Papakāinga on general land be maintained in Māori ownership in perpetuity.</p> <p><u>Recommendation</u> MPDC recommends exploring a perpetuity clause and letter of approval for the use of the land from other landowners.</p>
<p>7) Should the NES-P specify that the land containing papakāinga on general land cannot be subdivided in future?</p>	<p><u>Description</u> The NES-P states applicants developing on Treaty Settlement Land are required to demonstrate that the land will remain in Māori ownership in the long term. The proposal does not reference subdividing general land.</p> <p>MPDC lists subdivision of papakāinga on general rural and rural residential land as a discretionary activity. For residential landblocks, the zone's underlying rules apply. For subdivision in the Maori Purpose Zones, Policy 8 of Matamata-Piako District Plan identifies that subdivision of papakāinga shall occur where it can be demonstrated that the papakāinga will remain in iwi, hapū or whanau, ownership in perpetuity.</p> <p><u>Comment</u></p>

	<p>Preservation of Maori land is a key theme across papakāinga developments to ensure its availability to future generations. This is reflected perpetuity clause in the Matamata Piako Operative District Plan (4.4.2 Performance Standard) and Papakāinga policy – P2.</p> <p><u>Recommendation</u> MPDC recommends listing subdivision of papakāinga on general land as a discretionary activity.</p>
8) Other comments	<ul style="list-style-type: none"> <li>• MPDC considers there is a cross over between the NES Papakāinga and NES-GF.</li> <li>• Clarification is required as to how to apply the NES-GF within a papakāinga. In particular, how to identify the principal residential unit and how to apply the definition of site to a papakāinga development.</li> </ul>

National Policy Statement for Natural Hazards	
Proposal Questions	Description, comment and recommendation
<b>Scope of the proposed NPS-NH and definitions</b>	
1) Should the proposed NPS-NH apply to the seven hazards identified and allow local authorities to manage other natural hazard risks?	<p><u>Description</u> The discussion document states the proposed NPS-NH applies only to seven hazards: flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction and tsunamis. However, the proposal does not intend to limit the management of other natural hazards through land-use and other use planning. It does not prevent local authorities from having policy on other natural hazards, activities or the environment.</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>No, MPDC supports the seven hazards identified but considers an all-inclusive hazard approach would be more beneficial. An inclusive approach would help to ensure risk management for any natural hazard is consistent and effective across the country. This would mean that risk management under the NPS-NH and could include other hazards like wildfire, wind, volcanic risk and drought.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>MPDC recommends an inclusive approach is adopted so that all hazards apply to the NPS-NH.</li> </ul>
2) Should the NPS-NH apply to all new subdivision, land use and development, and not to infrastructure and primary production?	<p><u>Description</u> The discussion document states the proposed NPS-NH applies to new subdivision, new use and new development in all environments and zones, including coastal environments. 'New development' is proposed to include either development of new buildings or structures on land that does not already have buildings or structures on it, or the extension or replacement of existing buildings and structures. It is not proposed to apply to infrastructure or primary production.</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>No, MPDC considers the NPS-NH should also apply to infrastructure and primary production. MPDC supports the CDEM (Civil Defence Emergency Management) submission and agrees that infrastructure has a crucial role in servicing new development and enabling emergency response and recovery at a national level. Therefore, it is important that infrastructure is applied in the NPS-NH to ensure it is resilient from natural hazards and made safe for people and the community.</li> </ul>

	<ul style="list-style-type: none"> <li>• MPDC also considers the NPS-NH should apply to some buildings and land uses associated with primary production activities. This is to ensure the risk that these activities are exposed to is adequately assessed.</li> <li>• MPDC also note that the exclusion of infrastructure in the NPS-NH is inconsistent with the objective proposed in the NPS-I which states that infrastructure be well-functioning and resilient. Consequently, it is not clear how to achieve and implement this if infrastructure is excluded from the NPS-NH.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• MPDC recommends the NPS-NH should apply to infrastructure and some buildings and land uses associated with primary production.</li> </ul>
<b>Objective</b>	
<p>3) Would the proposed NPS-NH improve natural hazard risk management in New Zealand?</p>	<p><u>Description</u></p> <p>The discussion document states that the objective for the proposed NPS-NH focuses on the outcome anticipated for natural hazard risk management. To avoid, mitigate and reduce risks arising from natural hazards on subdivision, land use and development, local authorities should apply:</p> <ul style="list-style-type: none"> <li>• A risk-based approach to managing natural hazard risks</li> <li>• Land-use and other use controls that are proportionate to the level of natural hazard risk.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• Yes, MPDC considers that the proposed NPS-NH would help to drive a more consistent and risk based approach to natural hazards through the RMA.</li> <li>• Currently, MPDC assesses natural hazard risk when developing plans or assessing resource consents using an internally accepted approach. The NPS-NH would replace any internal processes and provide more comprehensive guidance through the new process which is consistent across New Zealand.</li> <li>• MPDC considers there is lack of clear direction, guidance and specification within the NPS-NH to implement this framework effectively. Therefore, MPDC consider it would be helpful if there was further guidance provided on what activities are considered appropriate within each level of the risk matrix (e.g. medium, high, or very high risk) to achieve proportionate management.</li> <li>• MPDC considers that the NPS-NH is also limited in scope and an all-hazards approach should be adopted.</li> </ul>

	<p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• MPDC considers that further guidance is provided on what activities are considered appropriate within each level of the risk matrix (e.g. medium, high, or very high risk) to achieve proportionate management.</li> </ul>
<p><b>Risk-based approach</b></p>	
<p>4) Do you support the proposed policy to direct minimum components that a risk assessment must consider but allow local authorities to take a more comprehensive risk assessment process if they so wish?</p>	<p><u>Description</u> The discussion document states the proposed NPS-NH seeks to improve the location and design of new development by directing local authorities to take a risk-based approach to assessing and managing natural hazard risk in the resource management system.</p> <p>The proposal introduces a requirement that when assessing natural hazard risk (for the purposes of land-use planning) local authorities must consider:</p> <ul style="list-style-type: none"> <li>• The likelihood of a natural hazard event occurring</li> <li>• The consequences of a natural hazard event for the activity being assessed</li> <li>• Existing and proposed mitigation measures</li> <li>• Residual risk</li> <li>• Potential impacts of climate change on natural hazards at least 100 years into the future.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• Yes, MPDC supports the components of the risk assessment that Council must consider as part of the consenting process, as this will ensure an extensive assessment for developing plan provisions and assessment resource consent proposals is undertaken in relation to natural hazard risk.</li> </ul> <p><u>Recommendation</u> MPDC seeks clarity from the proposal on the following matters:</p> <ul style="list-style-type: none"> <li>• Direction regarding different types of climate change scenarios and timeframes to ensure consistency, and how they are used in different contexts. <ul style="list-style-type: none"> <li>○ In particular for proposed Policy 2, MPDC considers the need for more specification regarding the climate change scenario in the policy would be helpful.</li> </ul> </li> </ul>
<p>5) How would the proposed provisions impact decision-making?</p>	<p><u>Description</u> Refer to Qn 4 description.</p> <p><u>Comment</u></p>

	<ul style="list-style-type: none"> <li>• MPDC considers that the proposed provisions would have a positive impact on decision making as Councils will use a consistent risk framework across the country to assess natural hazard risk.</li> <li>• The NPS-NH will help local authorities identify where development is not suitable in certain locations and have greater confidence in refusing these types of proposals.</li> <li>• Additionally, it is beneficial for Councils to consider the potential impacts of climate change on natural hazards for effective planning into the future.</li> <li>• MPDC considers the effect of this NPS would be improved if there was direction on what climate scenario to apply. If a climate scenario is not specified it will lead to inconsistent decision making and ultimately undermine the implementation of the NPS. It also is inefficient and costly as it will lead to Councils having arguments at hearings when they are preparing plan changes.</li> <li>• MPDC also considers guidance is required on how to implement the risk matrix. This will be important to manage different opinions as to how it has been applied. The guidance needs to include what specialist input is required.</li> <li>• Whilst it is understood the matrix will assist planning decisions prior to the new Acts being in force, consideration needs to be provided either within the NPS-NH or within the national direction for the new Planning Act on whether it is a regional council responsibility or a territorial authority responsibility to implement the matrix when plans are being developed.</li> </ul> <p><u>Recommendation</u> MPDC:</p> <ul style="list-style-type: none"> <li>• Recommends further direction on what climate change scenario to apply when undertaking a risk based assessment using the list of minimum components above.</li> <li>• Recommends further guidance on the implementation of the risk matrix and what specialist input is required.</li> <li>• Seeks clarity on whether it is the responsibility of regional councils or territorial authorities to implement the risk matrix when plans are being developed.</li> </ul>
6) Do you support the placement of very high, high, medium and low on the matrix?	<p><u>Description</u> The approach of the proposed NPS-NH is to respond proportionately to natural hazard risk. The NPS-NH identifies that stronger constraints on development are appropriate when risk is higher. In contrast, development should be managed where risk is lower. The proposed NPS-NH does not set out how to respond to specific classifications of risk, but a more detailed non-statutory guidance can be provided to support decision-makers.</p>

	<p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC consider implementing greater constraints on development where the risk is higher will make a difference by focusing on areas of higher risk and ensuring stronger constraints are in place or mitigation measures are introduced to manage the risk level.</li> <li>• The proportionate management approach will provide alternate land uses for significant risk areas to maximise the land use.</li> <li>• MPDC does have concerns about how this approach will be applied consistently across councils. For example, how can the categories be applied consistently when there is no direction on what climate change scenario to apply.</li> <li>• Furthermore there are likely to be some activities, like lifeline activities, that are only appropriate at very low or no levels of risk. The NPS-NH does not appear to provide any direction on this matter.</li> <li>• Therefore, MPDC consider whether there is benefit and opportunity to align the risk matrix with the existing risk matrix used by CDEM group, which supports proportionate and risk-based decision making. This could help to achieve consistency and clarity for users when implementing the proposed risk matrix.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• MPDC considers the NPS-NH should align with the CDEM risk matrix.</li> </ul>
<p>7) Do you support the definition of significant risk from natural hazards being defined as very high, high, medium risk, as depicted in the matrix?</p>	<p><u>Description</u></p> <p>The discussion document states that the proposal provides a definition of ‘significant risk from natural hazards’ for the purposes of the NPS-NH:</p> <ul style="list-style-type: none"> <li>• Significant risk from natural hazards is defined as ‘medium’, ‘high’ and ‘very high’ risk using the proposed risk matrix, when considering consequences to property and potential for injury or fatalities.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• No, there is concern that the proposed NPS-NH does not adequately address the implications of what “significant” means. Therefore, MPDC supports the view expressed by CDEM Group to refer directly to the risk category or categories (e.g. high risk) in policies rather than making a new category of risks defined as ‘significant’.</li> <li>• The current wording of ‘significant’ in the NPS-NH can be confusing and challenging to interpret where the word ‘significant’ is more likely to be associated with ‘high risk’ rather than ‘medium risk’. Therefore, it would be helpful to have clear guidelines and</li> </ul>

	<p>explanations of the different approaches that is needed at different risks (e.g. medium, high, or very high risk).</p> <ul style="list-style-type: none"> <li>• As outlined previously in question 5, MPDC considers further guidance is required on how to implement the risk matrix so that there is consistency related to how it has been applied between planning practitioners.</li> <li>• MPDC also seeks clarity on whether it is the responsibility of regional councils or territorial authorities to implement the risk matrix when plans are being developed. This information would be helpful if it is addressed within the NPS-NH or prior to the new Acts coming into effect.</li> </ul> <p><u>Recommendation</u> MPDC:</p> <ul style="list-style-type: none"> <li>• Recommends referring directly to the risk category or categories (e.g. medium, high or very high risk) in the risk matrix instead of using a category of risks defined as 'significant risk' to assess natural hazard risk.</li> <li>• Recommends further guidance be provided on how to implement the risk matrix.</li> </ul>
<b>Proportionate management</b>	
<p>8) Should the risks of natural hazards to new subdivision, land use and development be managed proportionately to the level of natural hazard risk?</p>	<p><u>Description</u> The discussion document states that the approach of the proposed NPS-NH is to respond proportionately to natural hazard risk. This means that stronger constraints on development are appropriate when risk is higher, and conversely, development should be enabled where risk is lower. A proportionate approach would ensure that any limitation placed on new development is justified and maximises use of land.</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC supports in principle the proposal to ensure new development is proportionate to the level of natural hazard risk.</li> <li>• MPDC is of the opinion whilst the consequence level table is helpful, it does not go far enough and needs to recommend how significant and non-significant risks are different and what management approaches are appropriate for each consequence level.</li> <li>• MPDC agrees with the CDEM submission that more direction is required within the NPS-NH when there is the potential for risk to life.</li> <li>• This will help to ensure there is sufficient consideration given to the specific type of activity being proposed and its relationship to natural hazard risk.</li> <li>• Developments that are considered low risk should be enabled where appropriate and developments that are considered as high risk should be assessed accordingly to</li> </ul>

	determine the extent of risk and whether mitigation measures can manage the level of risk to an acceptable level.
9) How will the proposed proportionate management approach make a difference in terms of existing practice?	<p><u>Description</u> The discussion document outlines the approach of the proposed NPS-NH is to respond proportionately to natural hazard risk. This means that stronger constraints on development are appropriate when risk is higher, and conversely, development should be enabled where risk is lower. A proportionate approach would ensure that any limitation placed on new development is justified and maximises use of land. The proposed NPS-NH does not set out how to respond to specific classifications of risk, but more detailed non-statutory guidance can be provided to support decision-makers.</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• Currently, MPDC assesses natural hazard risk through the consent process where a site suitability assessment is undertaken for a proposal.</li> <li>• With the present knowledge, MPDC is cautious that a proportionate management approach may result in increased development in areas prone to natural hazards, especially given natural hazard risk is likely to exacerbate with climate change in the future.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• MPDC recommends that further guidance could be provided on how to assess and undertake a proportionate management approach to development and natural hazard risk that is consistent across Councils.</li> </ul>
<b>Use the best available information</b>	
10) Should the proposed NPS-NH direct local authorities to use the best available information in planning and resource consent decision-making?	<p><u>Description</u> The discussion document states information about natural hazards is constantly improving. The proposed NPS-NH directs local government to make planning decisions using the best available information. This proposed policy encourages local authorities to take all practicable steps to improve information, and to consider the validity of data for intended planning decisions. Local authorities will also be directed to continue with risk assessments where information is unclear or uncertain.</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• Yes, MPDC supports this proposal to use the best available information held by Councils. Many Councils do flood modelling for urban areas and rely partly on regional councils to provide flood modelling for rural areas. Therefore, there is often crossovers in flood modelling data and the data is generally used to inform consent processes.</li> </ul>

	<ul style="list-style-type: none"> <li>Overall, MPDC agrees that the use of best available information held by the local authorities is a practical approach to make best use of existing Council data and resources for natural hazards.</li> </ul>
<p>11) What challenges, if any, would this approach generate?</p>	<p><u>Description</u> The discussion document states that information about hazards is constantly improving. The proposed NPS-NH directs local government to make planning decisions using the best available information. This proposed policy encourages local authorities to take all practicable steps to improve information, and to consider the validity of data for intended planning decisions. Local authorities will also be directed to continue with risk assessments where information is unclear or uncertain.</p> <p><u>Comment</u> MPDC considers that this approach may results in the following challenges:</p> <ul style="list-style-type: none"> <li>Councils would be required to develop information in relation to the natural hazards and ensure timely updates are made to verify it is current and reliable. This could serve as a potential resourcing constraint.</li> <li>There is potential for landowners and developers to dispute information provided for natural hazards against their proposals etc., especially given the implications and increased costs that the applicant may have to bear.</li> <li>It is possible for landowners and developers to have better information or more site specific information that informs the assessment of risk. Whilst this has a benefit for decision making it will be difficult to assess the information with the lack of guidance on the NPS on some matters, such as which climate scenario to apply.</li> </ul>
<b>Implementation</b>	
<p>12) What additional support or guidance is needed to implement the proposed NPS-NH?</p>	<p><u>Description</u> The discussion document states that the proposed NPS-NH is a foundational tool that will be built on in the future to align with amendments to the RMA. The instrument will have an immediate effect on resource consent decisions and will influence plan changes (including private plan changes). There will be no short-term requirement for comprehensive plan changes to give effect to the proposed NPS-NH in existing district or regional plans. Therefore, the proposal does not include a date by which local authorities must give effect to the NPS-NH. This approach is intended to minimise the implementation burden on councils. The proposed NPS-NH will be supported by non-statutory guidance to support implementation. The guidance will give further detail on implementing the proportionate response policies.</p> <p><u>Comment</u></p>

	<ul style="list-style-type: none"> <li>• Overall, MPDC supports the proposed NPS-NH.</li> </ul> <p><u>Recommendation</u> MPDC considers that additional guidance could be provided on:</p> <ul style="list-style-type: none"> <li>• In regards to the risk matrix, a guidance document regarding how to respond to specific classifications of risk would be helpful for planning practitioners when the NPS-NH comes into effect.</li> <li>• National guidance is required to provide consistency on the most appropriate method to implement the NPS-NH.</li> </ul>
13) Should the NZCPS prevail over the proposed NPS-NH?	No comment

National Environmental Standards for Commercial Forestry	
Proposal Questions	Description, comment and recommendation
<b>Addressing council ability to introduce more stringent rules than in the NES-CF</b>	
1) Does the proposed amendment to 6(1) (a) enable management of significant risks in your region?	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>The discussion document proposes to amend regulation 6(1) (a) to clarify the conditions under which a rule that is more stringent than the NES-CF can be included in a council plan. Specifically: <ul style="list-style-type: none"> <li>a) if it is required to manage the risk of severe erosion from commercial forestry from a defined area that will have significant adverse effects on receiving environments, including the coastal environment; downstream infrastructure; or property; and</li> <li>b) the effect cannot be managed through the rules in the NES-CF; and</li> <li>c) there is an underlying risk within the defined area that has been identified through mapping this area at a 1:10,000 scale or using a 1m<sup>2</sup> Digital Elevation Model</li> </ul> </li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>MPDC has a small number of commercial forestry sites within its jurisdiction. There are only intermittent applications/lodgement of management plans. The key concerns for MPDC are the avoidance of any downstream effects that maybe generated on to roads or waterways.</li> <li>MPDC is concerned that the outcomes required by the proposed amendments would require additional work by a council to establish the “defined areas” where erosion would have a significant adverse effect on receiving environments. The proposed changes also make reference to “significant risk” although this has not been defined in this context.</li> <li>Given the very low levels of commercial forestry activity within the MPDC area, it is unlikely that this work would be undertaken by council, and they would rely on other provisions to minimise risks to the receiving environment. It is considered however that there would be benefit generally in defining “significant risk” in this context.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>That “significant risk” is defined in the context of regulation 6(1) (a).</li> </ul>
2) Does the proposal provide clarity and certainty for local authorities and forestry planning?	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>The discussion document advises that Regulation 6(4A) of the NES-CF, Afforestation</li> </ul>

	<p>(“6 (4A) A rule in a plan may be more stringent or lenient than subpart 1 of Part 2 of these regulations”) is proposed to be repealed, which would give councils broad discretion to set more stringent rules to control aspects of afforestation.</p> <ul style="list-style-type: none"> <li>• Control of afforestation (planting of land that has not been previously planted) would be managed through the regulations, and councils would retain the ability to make more stringent rules for afforestation under the amended regulation 6(1)(a) and under other provisions of regulation 6 not proposed to change. This would include allowing more stringent rules where they: <ul style="list-style-type: none"> <li>• Give effect to any of policies 11, 13, 15 and 22 of the NZCPS (regulation 6(1)(b))</li> <li>• Recognise and provide for the protection of outstanding natural features, and landscapes, from inappropriate use and development, or significant natural areas (regulation 6(2))</li> <li>• Manage separation-point granite soils, geothermal areas or karst geology identified in a regional policy statement, regional plan or district plan (regulation 6(3)(a) and (b))</li> <li>• Manage activities conducted within 1 km of the abstraction point of a drinking water supply (regulation 6(3) (c)).</li> </ul> </li> <li>• Councils would also have discretion over afforestation on red-zoned land and could decline a consent.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• The proposal does provide improved clarity over the existing situation and MPDC supports that the proposal would enable a more stringent rule framework around the identified matters if this is required.</li> <li>• MPDC are supportive that more stringent rules could manage activities conducted within 1km of the abstraction point of a drinking water supply (regulation 6(3) (c)) as this will assist in the management of the district’s water resource</li> <li>• However, the proposal also reduces options should a significant issue arise through evidence over time. At present, councils must demonstrate, through a section 32 evaluation, why a more stringent rule is necessary to manage a particular risk in their specific region or district. Rule changes to plans that involve more stringent rules must follow the RMA Schedule 1 process, including notification, submissions, and hearings. This process provides certainty to industry, the council and communities that an appropriate balance is brought to these decisions and decisions are evidence-based. MPDC considers that there should be the ability to include other circumstances in which more stringent rules could be set for example a river changing its course.</li> </ul>
--	---

	<p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• That the proposed amendments include other options where a more stringent rule can be created for example where erosion has developed over time.</li> </ul>
3) How would the removal of 6(4A) impact you, your local authority or business?	<p><u>Description</u> Refer Qn1</p> <p><u>Comment</u> No comment</p>
<b>Introducing a slash management risk assessment approach</b>	
4) Do you support amendments to regulations 69(5-7) to improve their workability?	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>• The discussion document advises of the proposal to amend regulation s 69(5)–(7) to require an Slash Mobilisation Risk Assessment (SMRA) for all forest harvests, to assess and identify where slash needs more management. The SMRA enables slash mobilisation risk to be reduced to appropriate levels. The SMRA would be carried out in accordance with requirements set out in an SMRA template (refer to attachment 2.2.1 of the discussion), and will become part of an existing harvest management plan.</li> <li>• The intent of the proposed changes is that an SMRA will identify what further slash management actions will be required: <ul style="list-style-type: none"> <li>• Where the risk of slash mobilisation is assessed as low, no further action will be required to manage slash on the cutover</li> <li>• Where slash mobilisation risk is assessed as not low, but the risks can be readily managed through accepted forestry practices, those practices will be included in the harvest management plan and only those practices will be needed to manage slash on the cutover</li> <li>• Where slash mobilisation risk is assessed as high, careful attention to assessing and managing risk will be required, either by removing most slash from the cutover or by mitigations agreed through a resource consent.</li> </ul> </li> <li>• The SMRA template explains that the assessment criteria used to support regulations should be: <ul style="list-style-type: none"> <li>• Of a high level of certainty as a predictor of risk</li> <li>• Backed by peer-reviewed evidence</li> <li>• Measurable to a meaningful level of accuracy (i.e., measurement methods must provide consistent results, thus minimising the potential for bias or subjectivity)</li> <li>• Be available to all regulated parties.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Where a high level of slash mobilisation risk is identified, a resource consent would be required to manage slash on the cutover using the same consent status as would apply for any failure to meet the regulations.</li> <li>• The discussion document seeks feedback on whether, in circumstances where a high level of risk is identified, a permitted activity standard should be set for removal of slash on the cutover using different prescriptive standards. Foresters would still have the option to seek a resource consent where they had better options for managing slash mobilisation risk other than removing it from the cutover.</li> <li>• An alternative option to a risk-based approach is to change the size and volume thresholds in the current regulations. This option would amend Regulation 69(5–7) so that all slash that is sound wood greater than 3.1 metres with a 10-centimetre small-end diameter must be removed from the forest cutover. A residual amount of 15 cubic metres of material of this size might be left on the cutover. This option would allow a greater volume of forestry slash to remain on the cutover that might be at risk of mobilisation, while reducing the overly prescriptive regulation of low-risk sites. The definition of cutover would be amended in both options to “the area of land that has been harvested”.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC have a small number of commercial forestry sites within its jurisdiction. There are only intermittent applications/lodgement of management plans. The key concerns for MPDC are the avoidance of any downstream effects that may be generated on to roads or waterways.</li> <li>• MPDC supports the new requirement of a slash management plan as another tool to help manage the potential adverse effects onto roads or waterways. However, for any risk-based assessment provided in support of slash management, the responsibility for the accuracy of the risk assessment sits with the notifier/applicant. We recommend it is made clear in the regulations that receipt of this information by a council is not to be tacit approval by the council of the content of the risk assessment, rather an acknowledgement that a record of the commitment to risk slash has been provided to the council.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Retain the proposed amendments to regulations 69(5-7), and</li> </ul>
--	--

	<ul style="list-style-type: none"> <li>Amend the regulations to make it clear that receipt of a risk-based assessment of slash management by a council is not to be taken as approval by the council of the content of the assessment.</li> </ul>
<p>5) Do you support a site-specific risk-based assessment approach or a standard that sets size and/or volume dimensions for slash removal?</p> <p>6) Is the draft slash mobilisation risk assessment template (provided in attachment 2.2.1 to this document) suitable for identifying and managing risks on a site-specific basis?</p> <p>7) Should a slash mobilisation risk assessment be required for green-zoned and yellow-zoned land? If so, please explain the risks you see of slash mobilisation from the forest cutover that need to be managed in those zones?</p> <p>8) If a risk-based approach is adopted which of the two proposed options for managing high-risk sites, do you prefer (i.e., requiring resource consent or allowing the removal of slash to a certain size threshold as a condition of a permitted activity)?</p> <p>9) For the alternative option of setting prescriptive regulations for slash management, is the suggested size and/or volume threshold appropriate?</p> <p>10) Do you support the proposed definition of cutover to read “cutover means the area of land that has been harvested”?</p>	<p><u>Description</u> Refer Qn 4</p> <p><u>Comment</u> No comment</p> <p><u>Recommendation</u></p>
<b>Remove the requirement for afforestation and replanting plans</b>	
<p>11) Do you support the proposed removal of the requirement to prepare afforestation and replanting plans?</p>	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>The proposal is to repeal regulations 10A and 77A (respectively, requirements for an afforestation management plan for all afforestation activities as a permitted activity condition and replanting plans for permitted activities) and Schedule 3 of the NES-CF, which sets out the requirements for those plans. The NES-CF already requires management plans where forestry quarrying, earthworks and harvest are carried out as permitted activities. Councils have</li> </ul>

	<p>discretion over the preparation and content of management plans if they choose to require them for resource consents, which many councils do. It is not clear what regulatory purpose the afforestation and replanting plans serve, or what actions councils should take in their compliance and enforcement role.</p> <p><u>Comment:</u></p> <ul style="list-style-type: none"> <li>• While the rationale for removing replanting and afforestation plans under the NES-CF (Regulations 10A, 77A, and Schedule 3) is noted — namely that they may duplicate existing requirements or impose unclear costs — there is still value in considering whether these plans provide a useful framework for addressing site-specific risks, particularly erosion and slope stability.</li> <li>• In practice, afforestation and replanting activities can have significant implications for land stability, especially in erosion-prone areas or steep terrain. While earthworks, quarrying, and harvesting are already covered by management plans under permitted activity rules, the early stages of forest establishment — including site preparation, species selection, planting methods, and timing — can also have environmental effects that are not always fully addressed through general standards.</li> <li>• These plans, when required, can: <ul style="list-style-type: none"> <li>• Help ensure continuity of forest cover, which is critical for slope stabilisation.</li> <li>• Provide visibility on whether planting will occur within suitable timeframes to minimise erosion risk (especially post-harvest).</li> <li>• Identify whether appropriate species are being selected for site conditions (e.g. deep-rooting species on erodible soils).</li> <li>• Assist with council compliance and monitoring by offering a clear benchmark of what was intended versus what occurs on the ground.</li> </ul> </li> <li>• While it is acknowledged that councils can request management plans as part of resource consent processes, having a national baseline for permitted activity afforestation and replanting plans may offer greater consistency and certainty — particularly in regions experiencing increased forestry pressure or where resourcing for monitoring is limited.</li> </ul>
--	--

	<u>Recommendation</u> <ul style="list-style-type: none"> <li>That the proposal to repeal regulations 10A and 77A (respectively, requirements for afforestation and replanting plans) and Schedule 3 of the NES-CF, which sets out the requirements for those plans, is removed from the proposal.</li> </ul>
<b>Other minor text amendments</b>	
12) Do you support the proposed minor text amendments?	<u>Description</u>  <u>Comment</u> No comment  <u>Recommendation</u>

New Zealand Coastal Policy Statement	
Proposal Questions	Description, comment and recommendation
<b>Implementation</b>	
22) Would the proposed changes achieve the objective of enabling more priority activities and be simple enough to implement before wider resource management reform takes place?	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>• MPDC's interest in these proposed changes arises from its membership of the Hauraki Gulf Forum, a statutory body, which promotes and facilitates integrated management and the protection and enhancement of the Hauraki Gulf, under the Hauraki Gulf Marine Act 2000. MPDCs membership focuses on the Waihou River, which flows from the MPDC district through the Hauraki district out to the Hauraki Gulf at Thames.</li> <li>• The proposal is for targeted amendments to the NZCPS for Policy 6 - Activities in the Coastal Environment and Policy 8-Aquaculture. An overview of this proposal is described as follows:</li> <li>• The proposed amendments are intended to: <ul style="list-style-type: none"> <li>• Strengthen the language in policy 6 to better enable development of priority activities,</li> <li>• Recognise that priority activities (an undefined term) may have a functional or operational need to be located in the coastal marine area,</li> <li>• In Policy 8, direct decision-makers to provide for aquaculture activities within aquaculture settlement areas,</li> <li>• Give more recognition to the cultural and environmental benefits of aquaculture.</li> </ul> </li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• We consider that the proposed changes will be able to be implemented before the wider changes to the resource management system. Many of the relevant policies in the Proposed Waikato Regional Coastal Plan provide for both operational and functional needs for regionally significant infrastructure.</li> <li>• We note that a range of national direction, such as the NPS-I, NPS-REG and NPS-EN all provide for both operational and functional needs. Therefore, we consider that consistency is appropriate across the multiple instruments.</li> <li>• We support recognising aquaculture areas identified for Treaty Settlement purposes while enabling aquaculture activities in these areas. We note that the review of the Waikato Regional Coastal Plan has not been concluded, but at this stage there is consistency regarding these matters.</li> </ul> <p><u>Recommendation</u></p>

	<ul style="list-style-type: none"> <li>Retain recognition of aquaculture areas identified for Treaty Settlement purposes while enabling aquaculture activities in these areas.</li> </ul>
23) Would the proposed changes ensure that wider coastal and marine values and uses are still appropriately considered in decision-making?	<p><u>No comment</u></p>
24) Are there any further changes to the proposed provisions that should be considered?	<p><u>Comment</u></p> <ul style="list-style-type: none"> <li>MPDC would want to ensure that the changes to the NZCPS only encompass priority activities (see discussion from Q22 above), and do not allow non-priority activities to claim operational need. For example, there may be infrastructure that is not associated with a priority activity. There does not appear to be a definition of priority activities.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>That a definition of priority activities is provided to ensure only these type of activities can occur.</li> </ul>

National Policy Statement for Highly Productive Land	
Proposal Questions	Description, comment and recommendation
<b>Removing LUC 3</b>	
<p>1) Should LUC 3 land be exempt from NPS-HPL restrictions on urban development (leaving LUC 3 land still protected from rural lifestyle development) or, should the restrictions be removed for both urban development and rural lifestyle development?</p>	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>• The discussion document advises the proposal is to amend the NPS-HPL to provide more opportunities for urban development while retaining the most agriculturally productive land for primary production. It involves: <ul style="list-style-type: none"> <li>• Removing LUC 3 land from NPS-HPL restrictions with immediate effect,</li> <li>• Maintaining NPS-HPL restrictions on LUC 1 and 2 land,</li> <li>• Testing alternative ways to continue to protect additional areas of agricultural land that are important for food and fibre production, and consulting on establishing special agriculture areas (SAAs) around key horticulture hubs like Pukekohe and Horowhenua,</li> <li>• Extending timeframes for mapping of HPL to be completed within two to three years (2027 or 2028) or suspending requirements for mapping HPL until further direction is provided in the replacement resource management system.</li> </ul> </li> <li>• The intent of the proposal to remove LUC 3 land from NPS-HPL restrictions is to be more enabling of greenfield development that will provide additional housing capacity with immediate effect (i.e., before HPL is mapped). The intent is also to ensure this amendment is consistent with the main objective of the NPS-HPL (i.e., that HPL is protected for use in landbased primary production, now and for future generations).</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC supports the objective of protecting New Zealand most valuable land and is therefore concerned that the proposed wholesale removal of LUC class 3 land from primary production purposes is a blunt instrument which undermines effective planning of this important resource into the future.</li> <li>• We understand that LUC class 3 land represents around 64 % of highly productive land (HPL) in Aotearoa New Zealand and around 50 % of HPL in the Waikato region (as currently defined). The removal of LUC class 3 would result in a large quantity of land being removed from primary production, which does not seem consistent with other proposed measures such as those related to food security, and also sets up the potential for reverse sensitivity effects as in many instances LUC 3 land is located near LUC 1 and 2 land.</li> </ul>

	<ul style="list-style-type: none"> <li>• MPDC also recognises that rural subdivision is a key land fragmentation issue. We consider that enabling lifestyle block or rural residential development on LUC 3 land will create more issues in terms of further land fragmentation and the effective loss of HPL. There is a risk that removing protections from LUC 3 will expose HPL in rural areas (important to New Zealand’s primary productive capacity) to loss through rural subdivision. Fragmentation of HPL via rural residential subdivision represents a significant and growing threat to HPL in terms of area lost.</li> <li>• If the restrictions on the LUC class 3 land are to be removed MPDC considers that there has to be a greater context around the proposal to achieve useful outcomes should that be either an urban use or the ability to continue a primary production activity.</li> <li>• MPDC considers that any large scale urban uses on LUC class 3 should be through a plan change that aligns with the outcomes of a community endorsed spatial planning process (also see reply to the point below). The likely benefit of a large scale urban proposal should outweigh the loss of the LUC class 3 land. Given the fragmentation that could occur through lifestyle subdivision and similar, and the potential effects that could have on future primary production or large scale urban land uses, MPDC considers that lifestyle subdivision has to be precluded from LUC class 3.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Retain current restrictions on rural lifestyle development on LUC 3 land regardless of whether the restrictions for urban development are removed.</li> <li>• Allow for large scale urban development that aligns with the outcomes of a community endorsed spatial planning process.</li> </ul>
<p>2) If the proposal was to exempt LUC 3 land from NPS-HPL restrictions for urban development only, would it be better for this to be for local authority led urban rezoning only, or should restrictions also be removed for private plan changes to rezone LUC 3 land for urban development?</p>	<p><u>Description</u> As above</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC are not overly supportive of removing existing NPS-HPL restrictions for private plan changes to rezone LUC 3 land and have concerns related to matters such as development capacity, land fragmentation, and cumulative losses of productive land.</li> </ul>

	<ul style="list-style-type: none"> <li>• MPDC does consider that an exemption could be made for an area identified for urban development in a council-adopted spatial plan that has been through a special consultative process.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Allow for large scale urban development through Council led plan changes only or private plan changes that show a good level of consistency with community endorsed spatial planning process.</li> </ul>
<p>3) If LUC 3 land were to be removed from the criteria for mapping HPL, what, other consequential amendments will be needed? For example, would it be necessary to:</p> <ul style="list-style-type: none"> <li>a) amend 'large and geographically cohesive' in clause 3.4(5)(b)</li> <li>b) amend whether small and discrete areas of LUC 3 land should be included in HPL mapping clauses 3.4(5)(c) and (d)</li> <li>c) amend requirements for mapping scale and use of site-specific assessments in clause 3.4(5)(a), and amend definition of LUC 1, 2 or 3 land</li> <li>d) remove discretion for councils to map additional land under clause 3.4(3).</li> <li>e) use more detailed information about LUC data to better define HPL through more detailed mapping, including farm scale and/or more detailed analysis of LUC units and sub-classes</li> </ul>	<ul style="list-style-type: none"> <li>• MPDC has chosen to make no comment on this matter, given the mapping of the land use capability areas is the responsibility of Regional Councils.</li> </ul>
<b>New special agricultural areas</b>	
<p>4) Given some areas important for foods and fibre production such as Pukekohe and Horowhenua may be compromised by the removal of LUC land, should additional criteria for mapping HPL be considered as part of these amendments?</p>	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>• Special Agricultural Areas (SAA) are proposed to be a new category of HPL. This is intended to protect key food growing areas like Pukekohe and Horowhenua. It recognises that areas important for food and fibre production may be compromised by the removal of LUC 3, and that these areas should be subject to the NPS-HPL.</li> </ul>

	<p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• Much of the Matamata-Piako district is LUC 1 &amp; 2 soils and the district is home to a wide range of food production activities. As the discussion document recognises, there are also many food and fibre production areas in LUC class 3 soils.</li> <li>• While we don't consider that LUC 3 should be removed, MPDC considers that there could be benefit in being able to recognise special agricultural areas (SAA's) that are located on LUC 3 class 3 soils. The discussion document does not provide exact information as to the criteria for an SAA's, which may vary from area to area making the development of criteria difficult. It may be that there are a number of ways that this recognition could be achieved, so that these important areas are not compromised in the long term by the removal of LUC 3.</li> <li>• Regional councils and tangata whenua would be well placed to assist in the recognition and mapping of the SAA's important for food and fibre production. It would also be important to recognise the "cross boundary" nature of these production areas and how this cross boundary element would be managed.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• That a process is developed to recognise and map SAAs, with particular regard given to the role of regional councils and tangata whenua in this process.</li> </ul>
<p>5) If so, what additional criteria could be used to ensure areas important for food and fibre production are still protected by NPS-HPL?</p>	<p><u>Description</u> Refer Qn 4</p> <p><u>Comment / recommendation</u></p> <ul style="list-style-type: none"> <li>• The discussion above in Qn 4 raised the potential inefficiency of using criteria over a wide range of different uses. However if the criteria approach was adopted, consideration needs to be given to recognising when an area should not be recognised as an SAA. For example in a hazard prone location where topography has potential to have adverse effects on the management of water quality and similar.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Any criteria should include recognition of reasons why an area should not be an SAA.</li> </ul>

<p>6) What is the appropriate process for identifying special agricultural areas? Should this process be led by local government or central government?</p>	<p><u>Description</u></p> <p>Refer Qn 4</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC considers, as discussed in Qn 5, that there would be benefits in local government and tangata whenua being involved in the SAA recognition and mapping process.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Should the proposal to identify SAAs go ahead, central government should identify and map special agricultural areas nationally, in collaboration with regional councils and tangata whenua. This would improve national consistency in the mapping output and efficient use of resources while meeting Treaty settlement obligations and allowing local knowledge and context to inform decisions. We draw comparison to the Specified Vegetable Growing Areas (SVGAs) in the NPS-FM which were mapped by the Ministry for the Environment.</li> </ul>
<p>7) What are the key considerations for the interaction of special agriculture areas with other national direction – for example, national direction for freshwater?</p>	<p><u>Description</u></p> <p>Refer Qn 4</p> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• MPDC considers that clear guidance needs to be provided on how the values of SAAs are to be balanced against other national direction, particularly the National Policy Statement for Freshwater Management, to avoid policy conflicts.</li> </ul> <p><u>Recommendation</u></p> <ul style="list-style-type: none"> <li>• Provide clear guidance on how the values of SAAs are to be balanced against other national direction, particularly the National Policy Statement for Freshwater Management.</li> </ul>
<p><b>Implications for timeframes for mapping HPL</b></p>	
<p>8) Should timeframes for local authorities to map highly productive land in regional policy statements be extended based on revised criteria? Alternatively, should the mapping of HPL under the RMA be suspended to provide time for a longer-term solution to managing highly productive land to be developed in the replacement resource management system?</p>	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>• The discussion document states that the removal of LUC 3 land from the NPS-HPL, and potential inclusion of SAAs, means it is appropriate to extend or suspend NPS-HPL requirements for HPL maps to be notified in regional policy statements by October 2025.</li> </ul>

	<ul style="list-style-type: none"> <li>• Whether mapping timeframes are extended or mapping is suspended depends on whether the preference is either:</li> <li>• For councils to progress plan changes under the RMA ahead of the replacement resource management system (in which case an extension of timeframes via a separate legislative process would be more appropriate), or</li> <li>• To provide time to develop a longer-term solution for managing HPL in the replacement resource management system. This would involve directing councils to suspend mapping of HPL.</li> </ul> <p><u>Comment</u></p> <ul style="list-style-type: none"> <li>• Overall MPDC considers that mapping of highly productive land needs to occur prior to the spatial plan process required under the proposed Planning Act. The Highly Productive Land maps will be a critical base layer for spatial plans under the new resource management system.</li> <li>• MPDC considers a sound transition arrangement related to highly productive land must be developed. The proposed either /or options as cited above create significant risks for the loss of highly productive soils.</li> <li>• In recognition of the uncertainty with resource management system reform it may be that a suspension is the best option. A suspension would ensure that HPL maps are developed in alignment with any new standards and would fit seamlessly into the new system, while supporting a better allocation of our resources and better cost-effectiveness for ratepayers.</li> <li>• MPDC has concerns in relation to proposed amendments to the Resource Management (Consenting and Other System Changes) Amendment Bill that seeks to limit plan changes into the future. MPDC seeks that consideration is given to allowing plan changes for such matters as mapping highly productive land into regional and districts plans or upcoming equivalent documents for consideration at the time of activities..</li> </ul> <p><u>Recommendation</u></p>
--	--

	That the HPL mapping process is suspended until such time as criteria is developed.
--	---

Stock Exclusion Regulations	
Proposal Questions	Description, comment and recommendation
<b>What is the proposal?</b>	
<p>1) Do you agree that the cost of excluding stock from all natural wetlands in extensive farming systems can be disproportionate to environmental benefits?</p>	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>The discussion document advises that the Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations) prohibit access of cattle, pigs and deer to wetlands, lakes and rivers. Livestock entering waterways contaminates water, damages riverbanks and compromises recreation and mahinga kai. Livestock dung and urine can carry disease and promote weed growth, degrading the ecosystem and inhibiting fish spawning.</li> <li>In 2024, the Government repealed the map of low-slope land in the Stock Exclusion Regulations and simplifying rules for intensive winter grazing. These changes were part of the Government's move to a more risk-based, catchment-focused approach. The Government now proposes to remove further parts of the Stock Exclusion Regulations where the benefits of the rules do not outweigh the costs to the primary sector.</li> <li>The discussion document advises that Regulation 17 of the Stock Exclusion Regulations requires all stock to be excluded from wetlands that support threatened species, regardless of the size of the wetland or the intensity of the farming system. Regulation 17 is inflexible and unable to be adapted to individual circumstances. This means that, in some areas (e.g., along the West Coast and in the South Island High Country), there is the potential for the benefits of excluding stock from these wetlands to be disproportionate to the cost. The cost is identified as the cost that the farmer would pay to establish whether or not there was a threatened species in the wet land.</li> <li>The proposal to amend regulation 17 of the Stock Exclusion Regulations includes amending the requirement that all stock must be excluded from any natural wetlands that support a population of threatened species, so that it would not apply to non-intensively grazed beef cattle and deer.</li> </ul> <p><u>Comment and recommendations</u></p> <ul style="list-style-type: none"> <li>Under the current Regulations, only those natural wetlands identified in a regional or district plan or regional policy statement at the commencement date and those that support a population of threatened species are required to have stock excluded from them. Currently, there is less than desirable level of mapped wetlands. The proposal is to create an exception for non-intensively grazed beef cattle and deer in respect to natural wetlands that support a population of threatened species.</li> </ul>

	<ul style="list-style-type: none"> <li>• MPDC supports less regulation for farmers while minimising effects on the environment. MPDC notes there are some wider issues that could be addressed in the first instance that would alleviate the cost pressure on farmers and potentially not require the proposed change. It may be that the requirement for regional councils to identify the location of habitats of threatened species within each Freshwater Management Unit (NPS-FM Clause 3.8(c)) will reduce future need for landowners/managers to engage experts to undertake an assessment of their wetland and the presence/absence of threatened species, alleviating some of the cost burden for farmers.</li> <li>• It is also noted that retaining NPS-FM Clause 3.23(1) (b), while acknowledging the challenge this presents to regional councils, would also lessen the likelihood that farmers will need to seek expert assessment of their wetland, as this information could in future be held by regional councils.</li> <li>• MPDC <b>recommends that prior to final decision making on this proposal</b> that additional consideration is given to the work that can be undertaken by regional councils that would reduce the requirements on farmers under the Stock Exclusion Regulations to identify the locations of threatened species in wetland. MPDC has concerns in relation to proposed amendments to the Resource Management (Consenting and Other System Changes) Amendment Bill that seeks to limit plan changes into the future. MPDC seeks that consideration is given to allowing plan changes for such matters as including mapped wetlands into regional and districts plans or upcoming equivalent documents for consideration at the time of all activities..MPDC would also like to draw attention to the wetlands that may be part of Treaty Settlements or in Iwi Management plans, where it may be appropriate to exclude grazing.</li> <li>• If the proposal to accommodate stock in wetlands was to proceed, a preferable alternative would be to establish some thresholds that limit this to small wetlands or patches of wetland that are not a corridor or part of a wider system only.</li> <li>• If the approach detailed in the discussion document was to proceed, we <b>consider</b> that it would be clearer for the Regulations to specify the stock that are subject to Regulation 17 (i.e. dairy, dairy support cattle, pigs, and intensively grazed beef cattle and deer), rather those that are not, as is presently proposed.</li> </ul>
--	---

**Multiple instruments for quarrying and mining provisions - National Policy Statement for Indigenous Biodiversity, National Policy Statement for Freshwater Management, National Environmental Standards for Freshwater, National Policy Statement for Highly Productive Land**

Proposal Questions	Description, comment and recommendation
<b>What is the proposal?</b>	
<p>1) Do you support the proposed amendments to align the terminology and improve the consistency of the consent pathways for quarrying and mining activities affecting protected natural environments in the NPS-FM, NES-F, NPSIB and NPS-HPL?</p>	<p><u>Description</u></p> <ul style="list-style-type: none"> <li>• The discussion document is consulting on changes to align the terminology and gateway tests for quarrying and mining in the NPSIB, NPS-HPL, NPS-FM and NES-F.</li> <li>• The proposal to amend the NPSIB: Replaces “mineral extraction” with “the extraction of minerals and ancillary activities” and replaces “aggregate extraction” with “quarrying activities” (to be consistent with the National Planning Standards, NPS-FM and NES-F) Removes “could not otherwise be achieved using resources in New Zealand”, for consistency with the NPS-FM and NES-F. Removes the requirement for the benefit to be “public” (i.e., allowing any benefits to be considered). Adds consideration of “regional benefits” to the mining consent pathway.</li> <li>• The proposal to amend the NPS-FM and NES-F: Adds “operational need” as a gateway test (to the existing “functional need” test) in wetlands for mining and quarrying, to make it consistent with the other national direction instruments.</li> <li>• The proposal to amend the NPS-HPL: Replaces “mineral extraction” with “the extraction of minerals and ancillary activities” and replaces “aggregate extraction” with “quarrying activities” (to be consistent with the National Planning Standards, NPS-FM and NES-F) Removes “could not otherwise be achieved using resources in New Zealand”, for consistency with the NPS-FM and NES-F Removes the requirement for the benefit to be “public” (i.e., allowing any benefits to be considered) Adds consideration of “regional benefits” to the mining consent pathway. There are also some proposed provisions to amend the instruments.</li> </ul>

Comment and recommendations

MPDC acknowledges the intent behind the proposed amendments to align terminology and improve consistency across the NPS-FM, NES-F, NPS-IB, and NPS-HPL and consider that greater consistency between the instruments should make the processing of relevant consent applications less complex. However, MPDC is concerned that some aspects of the proposed amendments will impact on the ability to achieve the objectives of the instruments if certain activities are enabled in nationally significant environments. These environments are also often culturally significant.

NPS-IB and NPS-HPL

- While MPDC is supportive of the many proposed instances in this tranche of RMA reform, where an activity is broadened by including “ancillary activities” in the interests of gaining efficiencies, MPDC is concerned at the proposed replacement of “mineral extraction” with “the extraction of minerals and ancillary activities” for either instrument, particularly the NPS-IB which is provided below as an example.
- This approach would broaden the scope of permitted development. Ancillary activities (roading, buildings, overburden disposal, and waste storage etc.) can increase the footprint of mining operations, leading to greater adverse effects on ecosystems and biodiversity.
- However if this is to remain, MPDC would seek that such activities are clearly defined and appropriately managed to avoid unintended environmental impacts. Without clear limits or management requirements, this expanded terminology risks undermining the environmental protections intended by the NPS-IB and the NPS-HPL.
- MPDC also have concerns at the proposal to remove the gateway test requiring assessment by removing the wording “that could not otherwise be achieved using resources within New Zealand” from 3.11(1) (a)(ii) and (iii) (as shown above). The removal of this gateway test in the NPS-IB increases the potential for mining and quarrying activities to have adverse impacts on SNAs and that while adverse effects can be addressed using the effects management hierarchy, it is likely that adverse impacts will increase. MPDC recommends that the wording is retained.
- The proposal also seeks to remove the term “public benefit” from 3.11(1) (a) (iii) (above) and MPDC recommends this is retained in the NPS-IB to ensure that biodiversity impacts are justified by broad societal value. Removing “public” weakens the threshold for allowing mining and quarrying in areas of indigenous vegetation. This risks enabling developments that will economic interests while undermining biodiversity outcomes. The current terminology supports the NPS-IB’s objective of achieving no net loss and/or enhance where possible, indigenous biodiversity. Diluting this language would be inconsistent with that goal.

	<p>NPS-FM and NES-F</p> <ul style="list-style-type: none"> <li>We oppose the proposed addition of “operational need” to the gateway test for quarrying and mining in wetlands (NPS-FM Clause 3.22(1) (d) (iii) and NES-F Regulation 45A (6) (b)) and <b>recommend</b> that the existing gateway test of “functional need” only is retained. The policy purpose of specifying that a quarry must have a functional (but not operational) need to locate within a wetland, is consistent with providing an appropriately high level of protection to the remaining significant wetlands and should be retained. This also aligns with Waikato Regional Policy Statement policy direction on such matters.</li> <li>In the event that the NPS-FM and NES-F are to be amended, we <b>recommend</b> a more nuanced approach, which is to retain the “functional need” test for more significant wetlands (e.g. those identified in regional or district plans and those supporting threatened species) and limit the application of the “functional or operational need” test to less significant wetlands. This approach would better balance the need for resource development with the imperative to protect New Zealand’s most ecologically valuable environments. This approach would also require that a mapping process is undertaken to identify wetlands and their relative levels of significance. MPDC has concerns in relation to proposed amendments to the Resource Management (Consenting and Other System Changes) Amendment Bill that seeks to limit plan changes into the future. MPDC seeks that consideration is given to allowing plan changes for such matters as including mapped wetlands into regional and districts plans or upcoming equivalent documents for consideration at the time of all activities.</li> </ul> <p>Additionally, if the instruments are to be amended, we recommend that there is provision for:</p> <ul style="list-style-type: none"> <li>Engagement with tangata whenua – there should be provision for co-governance or partnership with iwi/hapū in decision-making. Waikato has strong iwi involvement in freshwater governance; decisions in relation to quarrying and mining should reflect this.</li> <li>Monitoring frameworks and adaptive management strategies– as quarrying and mining impacts can evolve over time, we see recommend there be dynamic oversight mechanisms.</li> </ul>
<p>2) Are any other changes needed to align the approach for quarrying and mining across national direction and with the consent pathways provided for other activities?</p>	<p><u>Description</u></p> <p>Refer to Qn1</p> <p><u>Comment / Recommendation</u></p> <p>No comment</p>
<p>3) Should “operational need” be added as a gateway test for other activities controlled by the NPS-FM and NES-F?</p>	<p><u>Description</u></p> <p>Refer to Qn1</p> <p><u>Comment and recommendation</u></p>

	<p>See comments above for question 1. MPDC recommends that “operational need” should not be added as a gateway test for other activities controlled by the NPS-FM or NES-F as part of Package 2. Any amendments to the NPS-FM and NES-F should be considered in an integrated manner as part of the National Direction Package 3 process.</p>
--	---