DUNEDIN CITY COUNCIL | kaunihera a-rohe o Ōtepoti

16 October 2026

Ministry for Cities, Environment, Regions and Transport (MCERT)
Wellington

Tēnā koutou

FEEDBACK ON THE ILLUSTRATIVE NATIONAL POLICY DIRECTION (NPD)

The Dunedin City Council (DCC) welcomes the opportunity to provide feedback on the illustrative National Policy Direction (NPD), which would form part of the country's new planning system.

The DCC acknowledges that the illustrative NPD does not necessarily represent final Government policy or direction. However, it appears likely to still provide a reasonable indication of the direction and approach that may be reflected in the proposed NPD when it is released for official consultation in 2027. On that basis, the DCC has provided feedback on both the overall structure and implementation of the illustrative NPD, as well as feedback on the individual directives it contains. The DCC recognises that these directives may change as the NPD continues to be developed, and it is hoped that this feedback will assist in refining both the overall framework of the NPD and the content of the directives themselves.

DCC's feedback on the illustrative NPD is structured as follows:

- Whether the thematic structure is clear and easy to understand
- Whether the illustrative NPD achieves its regulatory purpose
- Whether the illustrative NPD helps provide a clear picture of how National Policy Direction could work in practice
- How the NPD could be made more useful and effective. As part of this, DCC has chosen to focus on four priority themes relating to affordability, growth, the approach to natural hazard risk / management, and mana whenua and Māori.

In order to meet the timeframe for feedback, DCC notes that this submission has not yet been approved by Council. This feedback will be considered by the Council's Policy and Planning Committee at its next meeting on 22 October. If the Committee requests any changes or amendments, a revised version will be provided to MCERT following consideration by the Committee.

Whether the thematic structure is clear and easy to understand

The DCC supports bringing the full range of national policy direction together into a single document as has been done with the NPD. Organising the direction into themes, supported by cross-cutting and system-wide directives, provides a useful starting point for the new planning system and should make the national direction easier to navigate and understand as a whole.

However, further consideration is needed regarding the structure, particularly the role and function of cross-cutting and system wide directives.

DCC does not support the Natural Hazards and Māori interests as representing the only system-wide themes. There are many interfaces between the goals and the directives that are required below them and in a sense all of the themes are system-wide. DCC also does not support the cross-cutting themes as a section. Placing these matters as cross-cutting themes could be read as giving these goals and direction primacy over other parts of the document, and this is of particular concern with respect to some of the matters discussed below related to planning for growth and infrastructure delivery.

DCC would prefer that these matters are integrated into a comprehensive set of themes that includes more comprehensive coverage of anticipated policy outcomes (objectives) across each domain of the natural environment, and clarifies the roles and relationships between land use plans and natural environment plans in achieving those outcomes, as well as the relationship between those outcomes and activity-specific outcomes sought elsewhere in the national policy direction (e.g. direction to help resolve conflicts).

DCC also recommends that an index is provided that lists matters related to the content of each planning instrument and to matters that are outside of that.

Whether the illustrative NPD achieves its regulatory purpose

Clause 47 of the Planning Act outlines the purpose of national policy direction which is to:

(a) particularise all the goals; and
(b) direct how the goals are to be achieved, including by identifying and providing for the resolution of conflict as far as is practicable.

Firstly, in terms of whether the illustrative NPD has adequate scope and coverage to meet the requirement of particularising the goals of the Planning Act, DCC

acknowledges Table 1 of the illustrative NPD, which outlines how the various goals of the Planning Act are particularised through the different NPD themes.

However, in practice, the illustrative NPD appears to place emphasis on the current Government's priorities rather than present an enduring and comprehensive framework for resource management for Spatial Plans, Land Use Plans and Natural Environment Plans.

The NPD will sit at the apex of the planning framework and will guide the preparation of key planning instruments under the new system. Consequently, instability in the NPD would have far-reaching implications for councils, communities, infrastructure providers and resource users.

The current version of the iNPD reflects the current government's political priorities. This creates a risk that changes in political direction could lead to significant amendments to the NPD every electoral cycle. Such changes could occur while councils are still preparing the first generation of plans under the new legislation, requiring substantial rework and increasing costs for ratepayers and the wider planning system.

Durability is also important for market confidence, infrastructure planning, and public and private investment certainty. Councils, communities, infrastructure providers, landowners and developers need reasonable confidence that the planning framework will remain stable long enough to support implementation of first-generation planning instruments and associated investment decisions.

Consideration needs to be given to whether it is appropriate for national policy direction for resource management planning to be transformed into a politicised document. DCC repeats its concerns as expressed in its submission on the Planning Bill that the resource management system should be evidence-based to ensure stability and an enduring system. We also encourage cross-party collaboration on key matters designed with bipartisan support to help achieve stability and an enduring system.

Secondly, in terms of whether it identifies and provides for the resolution of conflict as far as practicable, DCC is of the view that the illustrative NPD lacks clear direction for resolving conflicts between competing outcomes.

An example of the NPD not adequately resolving conflicts is the directive on "Indigenous biodiversity and urban growth and infrastructure" (page 71). While the directive recognises that conflicts may arise between indigenous biodiversity protection, housing, and infrastructure, it then refers the management of these conflicts back to the housing and infrastructure themes. However, the housing theme

does not address how significant indigenous biodiversity should be balanced against directives requiring an "abundance of areas for urban development" and "abundant development opportunities" (HD-Directive 1.1).

A further example is CC-Directive 1, which seeks to provide for private property rights, with restrictions only imposed when necessary to ensure others are not unreasonably affected or to provide for important public values. However, it is not clear in the NPD how the trade-off between providing for private property rights is to be reconciled with providing for infrastructure that may directly impact private property (e.g. a cell phone or electricity tower that may prevent the use of land for other purposes).

Another example is INFR-Directive 1.5, which only signals future national standards to help resolve conflicts between infrastructure and significant natural environmental values and significant historic heritage, rather than provide guidance on that resolution as required by the legislation.

This lack of guidance around how trade-offs are to be managed gives little signal of what is to be expected in lower order national standards and, if not further clarified through national standards, could lead to litigation on matters where it is considered there is a gap in those national standards and the NPD is brought into litigation.

Recommendations

It is recommended that:

- Introduce clear NPD-wide principles for resolving conflicts and assessing trade-offs between competing directives, and ensure and that this guidance is designed to be enduring because it has looked beyond short term government priorities and issues (a perceived shortage of land supply to meet demand).
- in order to achieve the goal of protecting significant indigenous biodiversity, there needs to be a clear signal to avoid or stringently manage adverse effects in areas of significant indigenous biodiversity, and that when new urban or rural residential development is to be enabled adjacent to these areas, opportunities to enhance these values through buffer planting areas, pest control and fencing are encouraged.

Whether the illustrative NPD helps provide a clear picture of how National Policy Direction could work in practice

The need to understand how the NPD and national standards will work together

It is difficult to fully assess the clarity and workability of the thematic structure without the supporting national standards. A substantial amount of detail is to be provided

through these national standards, including how key terms, methodologies and requirements will be defined and applied. The national standards will therefore be critical to understanding how the NPD would operate and be implemented in practice, and how much discretion would remain for local decision-making.

Recommendations

It would be helpful for the formal submission stage if greater detail on indicative critical content for national standards could be provided at the same time to allow that flow-through to be understood and submitted on. This would help make submissions on the national direction as helpful as possible and provide helpful information for the further development of the national standards.

The lack of clarity in the policy intent section

The role and status of the policy intent sections is not clear. It is also uncertain what part they play in directing lower order instruments – do the lower order instruments need to implement these parts of the national direction directly or are they only explanatory statements that frame the directives? It should be clearer that this content is part of the national direction that must be implemented by lower order instruments so that, if there are gaps in the directives or interpretation challenges with the directives, this intent can be considered and implemented.

Recommendations

Rather than an unknown concept of "policy intent" which is not listed as a provision of key instruments in Section 29 of the Planning Act, consideration should be given to reframing these as objectives so that their relationship with the directives and national standards is better understood and the risk of costly litigation around a new and untested concept that is not reflected in the legislation is avoided.

It is noted that objectives are anticipated in national policy direction in Section 48 (2)(b) of the Planning Act. If this content is recast as outcome-based objectives and consistently written as clear desired high level (and connected) outcome statements, this content could then create a clearer framework for objectives and policies in lower level instruments to implement.

The need to ensure content is consistent in its style and language

The Illustrative National Direction includes style variability which most likely reflects its early developmental stage and the number of authors that have been involved in drafting it rather than purposeful variability. DCC wishes to provide some specific recommendations to help address this issue, as outlined below.

Recommendations

It is recommended that:

1. The directives are written as procedural or substantive policies to be implemented in specific lower-level instruments or in how those instruments are developed or implemented, and that these follow a consistent style guide to reduce the risk of interpretation disputes.
2. The wording that directs the content of lower instruments that is usually given as land use plans, regional spatial plans, and natural environment plans "must" consistently use that terminology and remove any variation.
3. That the national policy direction explicitly explains that much, if not most, of the direction that references planning instruments will in fact be implemented by the Government first through national planning standards and standardised plan content (they are the first implementers of that direction) so that councils don't face challenges that in exercising their role they have failed to do something that is actually a challenge to that national direction. One way that this has been done is in PP-Directive 2.1 which says "land use plans and natural environment plans [in accordance with national standards]". This approach could be used more broadly.
4. That the directives do not include outcome statements in their chapeaus that do not reflect the same content in the policy intent (which is recommended to be changed to be objectives) and that these chapeaus are consistently worded as "To (outcome statement).
5. The wording that directs other actions by local authorities consistently use the "Council must" or "Council may" as appropriate.
6. Clearly distinguish between requirements that are to be implemented through national planning standards and mandatory standardised plan content (i.e. something that central government must implement), and requirements that are intended to be developed and implemented by local authorities through bespoke plan provisions.
7. Review all directives to ensure they clearly identify whether they apply to land, the coastal marine area, or both, particularly where regional spatial plans are intended to cover areas both above and below mean high water springs (MHWS).

Matters which are supported

This submission has focused primarily on identifying issues, uncertainties and areas requiring clarification in the illustrative NPD. While reviewing the document, we also

identified several aspects that we support, although this was not the main focus of our assessment.

In particular, DCC supports the proposed use of nationally consistent standards, including those for managing reverse sensitivity, clarifying anticipated land uses within zones, providing a framework for regulatory relief, and identifying public values such as significant biodiversity, outstanding natural landscapes, and historic heritage. Nationally consistent standards should improve certainty for councils, communities, and plan users, reduce litigation, and support more consistent plan provisions and management approaches across the country.

How the NPD could be made more useful and effective

The DCC has identified four priority areas where it believes the NPD needs further work.

Theme 1: Infrastructure Affordability

The DCC considers that the concept of infrastructure affordability is a significant gap within the illustrative NPD as currently written. While the illustrative NPD contains other directives that reference the efficient provision of infrastructure, including with respect to having enabling rules for new infrastructure (INFR-Directive 1.2), sequencing growth, change and investment to support efficient public investment (CC-Directive 6), and prioritising growth in locations where infrastructure can efficiently support growth and change (CC-Directive 5), there is no explicit recognition of infrastructure affordability, including the long-term financial implications of growth and development decisions on service delivery costs to ratepayers.

The only potential catch-all that covers this matter is in CC-Directive 7 which requires spatial plans to seek to ‘avoid unnecessary long-term costs to communities and the public’. The wording of this directive is not clear; for example, what types of costs are intended to be considered, or how "unnecessary" costs should be assessed. If this directive is intended to cover financial affordability, this should be clarified.

The risk, if this is not done, is that councils will face substantial pressure to provide for growth in locations where infrastructure can technically be delivered by a developer, for example through site-level 3 waters servicing, but these small site level schemes would result in long-term infrastructure affordability issues due to higher ongoing maintenance costs, or preclusion of growth through expansion of reticulated networks in a planned way leading to inefficient financing or operation of future infrastructure networks. This also has implications for the timing of infrastructure delivery for planned growth and other strategic priorities that support economic development and change.

A related matter is the direction with respect to providing for growth which is discussed in more detail below which also does not give clear enough direction about the consideration of infrastructure affordability when considering options for growth either at the plan development stage or in response to submissions requesting rezoning.

Recommendations:

It is recommended that the NPD:

1. Amend CC-Directive 5 (a) to read Regional spatial plans must prioritise growth and change in areas (a) where there is infrastructure capacity or infrastructure can be efficiently provided ~~support growth and change~~ and (aa) where infrastructure can be delivered in a way that is operationally efficient and affordable to the community over the short and long term.
2. Develop clear direction around considering infrastructure operational efficiency and affordability as part of Land Use Plans and, if possible, in a way that specifically speaks to how these matters need to be considered when considering private plan changes and submissions that seek rezoning as part of land use plan development (where this is not planned growth identified in Spatial Plans). Or if this direction is to be included in national planning standards – make clear reference to this in the indicative implementation through national standards.

Theme 2: Growth

There appears to be an internal conflict in the NPD between directions that discuss loosely worded new concepts such as spatial plans must identify "an abundance of areas for urban development"(HD-Directive 1.1(a)), land use plans must "enable abundant development opportunities"(HD-Directive 1.1(b)), must enable non-contiguous urban expansion (HD-Directive 1.5) compared with other directions related to fixed goals around growth "development capacity and intensification requirements" (HD Directive 1.6) and "framework for determining whether an urban land market is competitive" (HD-Directive 1.2).

The DCC supports direction which ensures that spatial plans and land use plans have adequate land supply and/or enabling provisions that will provide for intensification and that this capacity must be enough to achieve a competitive land market. However, it does not support direction that promotes unplanned and unmanaged growth everywhere that will lead to significant increases to communities to service growth. The reality is growth will never fully pay for growth – as it is very difficult to account for the impact of growth on wider network infrastructure and the need for changes to

community or public transportation services and the timeframe for payback of upfront upgrade costs to infrastructure that must be delivered by councils may not be adequate to cover the costs of borrowing. The risk is that you encourage a situation where you have very low rates of growth across many dispersed outlying growth areas where land is cheap (that may in Dunedin sit across a range of outlying townships and settlements and the wider rural environment that is in commutable distance to the centre of Dunedin), with each area needing to address new or upgraded community and recreation facilities, upgrades to the transportation network, expectations for new or improved public transportation services, new 3 waters infrastructure, new transportation infrastructure (footpaths, intersection upgrades), new electricity and communications infrastructure. This is costly for ratepayers, increases costs to Government, and ultimately will not deliverable 'affordable' housing if you consider these additional costs.

In addition, DCC is concerned with some of the content of the policy intent for sub-theme 1: competitive urban land markets particularly where it says the intent is "new land supply isn't sequenced or drip-fed into the market and land use rules are as permissible as possible". Sequencing growth is an important way that infrastructure delivery can be planned and in fact it seems to be anticipated as the indicative implementation through national standards talks about direction on "how to provide for resequencing or rescaling of investment or priorities in response to significant changes in factors such as demographic change or demand". With respect to land supply being 'drip-fed', this is not something that councils do or have control over. Rather, this is something that is done by developers to maintain price points. If the Government wishes to prevent this practice, legislative changes that would empower councils to discourage this practice, for example through charging mechanisms, would be welcome. Finally, DCC considers that wording "land use rules are as permissible as possible" is too widely worded and goes far beyond the later direction which requires this permissibility to be consistent with the development outcomes sought for the location.

Recommendations:

It is recommended that:

1. The direction should clearly state the expectation of enough housing capacity and evidence of competitive land markets as what is required to give effect to 'abundant development opportunities" goal
2. Avoid the use of the word "abundance" in the policy directives as it is an untested concept that will likely lead to litigation

3. Clarify HD-Directive 1.4 so that it does not have the effect of requiring temporary or future provisions to all land that cannot be demonstrated to be 'unsuitable' which in effect could be the vast majority of a district.
4. Clarify HD-Directive 1.5 so that it does not read that as developments do not need to be connected via infrastructure (roads and 3 waters) to existing urban areas. It could be misunderstood or argued to mean it prevents requirements for roading connectivity or connections to reticulated services.
5. It would be useful to add clear directives under the subtheme of competitive land market that require ensuring growth supports efficient and affordable long term infrastructure investment and operation.
6. Remove or amend the statement in the first paragraph of the policy intent for subtheme 1: competitive urban land markets to:
    a. Remove reference to preventing sequencing of growth
    b. Remove the reference to land supply being drip fed as not something in the control of councils
    c. Remove or amend the statement about being as permissible as possible to align with the wording in HD-Directive 1.3

Theme 3: Approach to natural hazard risk / management

The DCC supports the direction in HD-Directive 4.1, which establishes a clear threshold that housing and development is to be avoided in areas where risks are assessed as "very high".

However, the DCC is concerned that currently the directive provides no guidance on how areas subject to "high" or other significant risk levels should be managed. This lack of guidance could be interpreted as housing and development in an area with "high" risk is acceptable, especially when read alongside other directives in the illustrative NPD that strongly support development capacity, urban expansion, and housing growth. There is a risk that development could be directed towards locations that are subject to unacceptable levels of natural hazard risk that present not just risks to people and assets, but also increased fiscal pressure on councils to reduce risks through natural hazard mitigation infrastructure or fund future adaptation for expanded or new urban or settlement areas in high risk areas where risk will increase over time due to climate change.

DCC considers the NPD should provide clear direction on how risks below the "very high" threshold should be assessed and managed, including where new development may need to provide mitigation to reduce risk to an acceptable level or how to protect

local authorities from future claims due to property loss or requests for hazard mitigation or adaptation infrastructure.

A second concern relates to the way several directives address natural hazard risk to an activity, rather than the risks that the activity itself may create, transfer, or exacerbate. For example, INFR-Directive 3.1 looks to recognise that infrastructure resilience is achieved through asset management, design, and investment planning, and therefore infrastructure should not be restricted because of the effects of natural hazard risk to the infrastructure. While this may address the risk to the infrastructure itself, it does not address situations where infrastructure may itself increase a natural hazard risk elsewhere (e.g. flood protection works can reduce flood risk in one location, but transfer the risk somewhere else, earthworks associated with infrastructure can exacerbate risk elsewhere), or increase the number of people exposed to a hazard risk (e.g. critical servicing infrastructure that is located in an area of higher risk).

A similar concern exists with PP-Directive 5.1, which relates to primary production. In some cases, activities might be enabled in hazard-prone areas without sufficient consideration of potential off-site effects (e.g. if hazardous substances associated with primary production were stored in a flood-prone area, then a flooding event could result in contamination of water or land that poses a human health risk).

Other directives, such as RW-Directive 4.1, which broadly enables quarrying, mining, and waste management activities in hazard-prone areas without an upper risk threshold, may be "over-enabling", and allow such activities to occur in locations where the risk is simply unable to be adequately mitigated (e.g. in areas of "very high" natural hazard risk). While some activities may have legitimate operational reasons for locating in hazard-prone areas, the directive could allow activities to occur in locations where risks are incapable of being reduced to an acceptable level. The directive should be amended to prevent this occurrence. DCC also notes that the approach taken through RW-Directive 4.1 differs from the approach taken in HD-Directive 4.1, which requires that housing and development are avoided in areas where risks are assessed as "very high".

While the DCC supports the recognition of climate-related natural hazards and long-term risk profiles in SW-Directives 2.1 and 2.5, DCC would like to see the relationship between natural hazard risk management and long-term climate adaptation made clearer. SW-Directive 2.1 directs regional spatial plans to identify housing growth, infrastructure, and investment towards areas where natural hazard risks can be avoided or mitigated. However, other directives such as INFR-Directive 3.1, could be interpreted as supporting infrastructure and investment in locations that may become

increasingly vulnerable over time, as this directive seeks to recognise that infrastructure resilience is achieved through asset management, design, and investment planning, rather than avoiding areas exposed to natural hazard risk. This approach may become problematic where climate change is expected to increase the severity or frequency of hazards over time, such as sea level rise, coastal erosion, flooding, or inundation. In these circumstances, it is unclear how future climate projections, adaptation planning, or the long-term viability of infrastructure should be taken into account when applying the directive. Long-term reliance on infrastructure assets located in hazard-prone areas (e.g. flood protection infrastructure) can result in ongoing and increased maintenance and/or replacement costs for these assets, and potentially reduce the range of future adaptation options available to communities. Without clearer direction, councils may face difficulties consistently incorporating climate modelling and adaptation planning into planning instruments and infrastructure investment decisions. It is also important that the policy direction and associated national standards ensure that infrastructure and development are located, designed, and managed in a way that enables them to continue functioning safely and effectively as climate-related hazards increase over time. It is noted that the NPD definition of infrastructure includes activities such as 'a relevant school or an institution' and 'an early childhood education and care centre' associated with a relevant school or institute, as defined in section 10 of the Education and Training Act 2020, emergency service facilities, and health facilities operated by Health NZ. DCC questions whether these types of activities should be enabled in hazard prone areas.

Finally, DCC notes that INFR-Directive 1.7 (specifically clause (b)(iv)) promotes the co-location of compatible infrastructure but does not appear to recognise situations where co-location may reduce resilience. While co-location can improve efficiency and reduce environmental effects, concentrating multiple infrastructure assets within a single location can increase vulnerability where a hazard event can affect multiple services simultaneously. DCC considers the directive should acknowledge that co-location may not always be the most resilient option and should allow exceptions where it would increase risk or reduce resilience.

Recommendations:

It is recommended that:

- HD-Directive 4.1 be amended to clarify how natural hazard risks associated with housing and development should be managed where risks are high or medium as well as very high (as assessed using the risk matrix). This would include outlining appropriate planning responses for each level that would clarify when

mitigation would be sufficient to enable development, and when development should be restricted or avoided.

- Clarify that INFR-Directive 3.1, PP-Directive 5.1 and RW-Directive 4.1only apply to risks from natural hazards to the infrastructure itself, and do not preclude managing the effects of the activities where the activity may create, transfer, increase, or exacerbate natural hazard risk to other people, property, infrastructure, or the environment.
- Amend RW-Directive 4.1 to require quarrying, mining, and waste management activities to avoid areas of very high natural hazard risk unless the risk can be reduced to an acceptable level (as opposed to as far as is reasonably practicable).
- Provide clearer direction on how natural hazard management and long-term climate adaptation planning are to be integrated, particularly in relation to infrastructure planning and investment decisions.
- National standards should require risk assessments to consider how climate-related hazard risks are expected to change over time (including over the anticipated life of proposed infrastructure assets). These risk assessments should account for uncertainty, residual risk, mitigation failure, and changing likelihood and consequences.
- Amend INFR-Directive 1.7 to recognise situations where co-location of infrastructure may increase risk or reduce resilience, and provide flexibility around this where appropriate.
- Reconsider whether sensitive activities such as early childhood education and health care facilities, should be enabled in hazard prone areas.

Theme 4: Issues relating to mana whenua and Māori

Within the illustrative NPD, issues relating to Māori have been considered within the system-wide Māori interests directive (i.e. having an impact across the whole document). However, aspects of each of the five themes also relate to mana whenua and Māori interests and values. Our feedback on issues relating to mana whenua and Māori is therefore provided in two parts:

- The five NPD themes, and
- The system-wide Māori interests directives.

Mana whenua content in the five themes:

DCC, in support of the needs and values of mana whenua and Māori, supports the following:

- HD-Directive 2.1, requiring provision for papakāika, as this recognises the need for different housing types within different communities and allows for Māori to live on Māori land, integrating tikaka and kawa within these papakāika.
- INFR-Directive 2.1, transitioning to a low carbon economy. This recognises that high carbon emissions negatively impact the environment, whereas a low-carbon economy encourages mokopuna and future-focused thinking.
- PP-Directive 2.4, allowing identified Māori Land to be used for papakāika development, and other development that is in line with the environmental, social, cultural, and economic needs of the owners, their whānau, and hapū.
- PP-Directive 4.4, plans must provide for aquaculture activities within Aquaculture Settlement Areas in a manner consistent with the Māori Commercial Aquaculture Claims Settlement Act 2004.
- RW-Directive 3.1 and 3.2, remediation of contaminated land.
- The overall intent of PV-Directive 1.1 in protecting environmental health.
- PV-Direction 3.2(d) – public access to sites of significance to Māori will only be provided for with the agreement of hapū and/or iwi authorities.
- The overall intent of PV-Directive 3.3.
- PV-Directive 5.1, in identifying significant historic heritage, which includes sites of significance to Māori.
- PV-Directive 5.3 – prioritising protection of a site's significance to Māori when there is conflict with the site's historic heritage value.

While the DCC supports INFR-Directive 1.5 in managing conflict between infrastructure and significant environment and heritage values, it is unclear why sites of significance to Māori have been explicitly excluded from the management of this conflict.

DCC holds concerns regarding the long-lasting impact of PP-Directive 1.2c, which prevents stricter controls being implemented on freshwater farming activities (and its impact on freshwater and freshwater ecosystems) than those set by national standards.

In relation to PP-Directive 2.2, protection of high value growing areas, there is no reference to protecting sites of significance to Māori where they overlap with those areas. Areas of significance to Māori may therefore be overridden for economic development without appropriate consultation or direction from takata whenua, unless this is provided for in the national standards under PP-Directive 2.2(b)(ii).

DCC is concerned about the requirement in RW-Directive 1.1 for land use and environment plans to enable new mining/quarrying 'subject to effects being appropriately managed'. Appropriate management of effects will depend heavily on the

environmental limits set within national standards, and there is uncertainty around how the long-term significant impacts of mining will be managed under these standards.

While DCC supports RW-Directive 2.4(a) regarding discharge or dumping of marine waste, DCC is concerned that the directive is not precautionary enough when science is uncertain. A lack of a precautionary approach risks significantly degrading environmental and human health.

The directive "Life supporting capacity and land use and development (primary production and infrastructure)" notes that environmental limits can be breached in specific circumstances (in accordance with standards). However, without confirmation of what the 'specified circumstances' are, there is uncertainty about the long-term impact on the life-supporting capacity of the environmental and human health, and whether this is acceptable.

Recommendations

- Amend INFR-Directive 1.5 so that adverse effects on sites of significance to Māori must also be managed.
- Amend PP-Directive 1.2c to allow for any existing stricter controls to remain in place if the national standard is more relaxed than those standards. This is to prevent further degradation of freshwater waterways and their ecosystems.
- Amend PP-Directive 2.2 to clarify how sites of significance to Māori are considered within high value growing areas. This should include consultation with takata whenua.
- Amend RW-Directive 1.1 such that identification of quarrying and mining areas in plans is optional rather than mandatory. Any land identified should be in consultation and active engagement with mana whenua, and sites of significance to Māori should be exempted.
- Amend RW-Directive 2.4(b) to be more conservative. i.e. requiring a precautionary, rather than proportionate, approach when the science is uncertain.
- Amend the directive 'Life supporting capacity and land use and development (primary production and infrastructure)' to include, or provide examples of, the specified circumstances where limits may be breached, and ensure that there are timeframes in place for limits to return within range.

The system-wide Māori interests directives:

DCC, in support of the needs and values of mana whenua and Māori, supports the following:

- SW-Directive 1.3 – ensuring sites of significance to Māori are not developed in a way that undermines the values Māori associate with those sites.

DCC supports engagement with Māori groups for developing the regional spatial, land use, and environmental plans under SW-Directive 1.2. However, in order for DCC to continue its partnership with mana whenua and Māori in Ōtepoti Dunedin, it is important that this engagement occurs with mana whenua at a local level, through direct engagement with marae, hapū, and/or rūnaka. There should also be sufficient flexibility to allow engagement to be undertaken in a way that is appropriate in the local context, for example being consistent with Council's strategic framework and local-level agreements.

For SW-Directives 1.3 to 1.5, and the goals for Māori interests under both Acts, there is concern at the limitation of what has been identified as of 'Māori interest'. Māori interests are much wider than Māori land and sites of significance to Māori.

Recommendations:
It is recommended that:

- National standards provide for local-level engagement with mana whenua and Māori.
- Amend SW-Directives 1.3 to 1.5 to ensure that the NPD will recognise and provide for the relationship of Māori and their culture and traditions (including kaitiakitaka) with their ancestral lands, waters, sites, wāhi tapu, and other taonga and protected customary rights.

Conclusion

The DCC thanks you for the opportunity to provide feedback on the illustrative NPD. We encourage you to consider this feedback alongside other feedback from territorial authorities, Taituarā and Local Government New Zealand who may have raised broader matters than we chose to focus on. Please do not hesitate to get in touch if you would like to clarify any of the issues or comments raised in this document.

Nāku noa, nā



Sophie Barker
MAYOR
DUNEDIN CITY COUNCIL