

**BEFORE A HEARINGS PANEL
OF THE FAR NORTH DISTRICT COUNCIL**

I MUA NGĀ KAIKŌMIHANA MOTUHAKE O TE HIKU O TE IKA

Under the Resource Management Act 1991 (**RMA**)

In the matter of the Proposed Far North District Plan, a proposed plan
under Part 1 of Schedule 1 to the RMA

**MEMORANDUM OF COUNSEL FOR THE FAR NORTH DISTRICT COUNCIL IN
RESPONSE TO MINUTE 40**

30 January 2026



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1. INTRODUCTION

1.1 This memorandum of counsel is filed on behalf of the Far North District Council (**Council**) in relation to the Proposed Far North District Plan (**PDP**) in response to Minute 40 – National Planning Instruments (**Minute**) of the Independent Hearing Panel (**Panel**).

1.2 The Minute arises from the Government's introduction of ten new or amended national direction instruments on 18 December 2025 which came into effect on 15 January 2026, namely:

- (a) Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025 (**NES-DMRU**);
- (b) Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025 (**NES-F**);
- (c) National Policy Statement for Natural Hazards 2025 (**NPS-NH**);
- (d) National Policy Statement for Highly Productive Land Amendment 2025 (**NPS-HPL**);
- (e) New Zealand Coastal Policy Statement Amendment 2025 (**NZCPS**);
- (f) National Policy Statement for Indigenous Biodiversity Amendment 2025 (**NPS-IB**);
- (g) National Policy Statement for Freshwater Management Amendment 2025 (**NPS-FM**);
- (h) National Policy Statement for Infrastructure 2025 (**NPS-I**);
- (i) National Policy Statement for Renewable Electricity Generation Amendment 2025 (**NPS-REG**); and
- (j) National Policy Statement for Electricity Networks Amendment 2025 (**NPS-EN**).

(together the **new or amended national direction instruments**)

1.3 In the Minute, the Panel requested planning and/or legal advice from the Council on the following matters:¹

- (a) Do the recently notified national instruments have legal effect?
- (b) If they do have legal effect, what are the obligations on the Panel to implement the amendments through their recommendations?
- (c) If the amendments are implemented through the Hearing Panel recommendations, how would that affect the evaluation of the submissions already presented in evidence at the hearings?
- (d) What is a fair and appropriate process to address the matters in (a) – (c) above?
- (e) In responding to the above, please provide comment on the implications of any responses to the Council’s ability to meet its statutory timeframe of 27 May 2026 approved by the Minister, and the duty to avoid unreasonable delay.

1.4 We address each of the Panel’s questions in turn. We note that the Panel is not the only one in the country grappling with this issue.²

2. DO THE RECENTLY NOTIFIED NATIONAL INSTRUMENTS HAVE LEGAL EFFECT?

2.1 The new or amended national direction instruments had legal effect from 15 January 2026.³

1 Proposed Far North District Plan, Minute 40 of the Independent Hearing Panel, National Planning Instruments at [3].

2 https://www.timaru.govt.nz/__data/assets/pdf_file/0011/1088912/Hearings-Panel-Minute-50.pdf; and https://www.timaru.govt.nz/__data/assets/pdf_file/0004/1095934/TDC-Memorandum-of-counsel-Response-to-Minute-50-20Jan26.pdf.

3 Resource Management Act 1991 (**RMA**), ss 43(5) and 53(3) – national instruments are secondary legislation made as regulations or by notification in the *New Zealand Gazette* and 15 January 2026 was the commencement date stated in them on which they came into force.

3. WHAT IS THE OBLIGATION ON THE PANEL TO IMPLEMENT THE AMENDMENTS THROUGH ITS RECOMMENDATIONS?

National Environmental Standards

- 3.1** Two of the new or amended national direction instruments are national environmental standards (**NES**), the NES-DRMU and the NES-F. There is no obligation for the Panel to implement these NES though its recommendations on the PDP.
- 3.2** How the Council must recognise and observe an NES is set out in section 44A of the RMA.⁴ Where a proposed plan, here the PDP, contains a rule that conflicts with or duplicates an NES, then the PDP must be amended to remove that duplication or conflict without using the process in Schedule 1 of the RMA, as soon as practicable after the date on which the NES came into force.⁵ The Council can therefore amend the PDP to include a reference to a NES without using the process in Schedule 1 of the RMA.
- 3.3** The application of section 44A of the RMA is a matter for the Council. The Council will carry out a review of the PDP in light of the NES-DRMU and NES-F, and if any changes are required by section 44A, make those changes without using a Schedule 1 process.
- 3.4** That task is not for the Panel in its role as hearing and determining submissions on the PDP⁶, nor is it required to occur before the Panel issues its recommendations.⁷
- 3.5** The Council does not consider that it is practicable for it to make any changes related to the new and amended NES until after the Panel's recommended

⁴ RMA, s 43B also sets out how a NES interacts with existing rules of the PDP.

⁵ RMA, s 44A(3)-(5).

⁶ See *Mangawhai Harbour Restoration Society v Northland Regional Council* [2022] NZEnvC 119 at [6] and [11]; The Panel's role is to hear all submissions and further submissions and prepare recommendation reports to the Council on the submissions and further submissions (see [Minute 1](#)).

⁷ While the Council must prepare and change its district plan in accordance with any regulations (RMA, s 74(1)(f) and *Colonial Vineyard Ltd v Marlborough District Council* [2014] NZEnvC 55 at [17]), the NES is not a matter that the PDP must give effect to (s 75(3)).

decisions are received. The Council intends to consider whether there is any duplication or conflict and to take appropriate steps to comply with the requirements of the RMA after the Panel's recommendation reports are received.

National Policy Statements

- 3.6** The remaining eight new or amended national direction instruments are national policy statements (**NPS**). A district plan must give effect to any national policy statement and the NZCPS.⁸
- 3.7** The Council submits that the Panel can implement the new or amended NPS in its recommendations on the PDP only where scope exists in a submission on the PDP, and that change would help the PDP to give effect to the new or amended NPS. None of the NPS contain any provisions that *require* the Council to amend the PDP through this PDP process. Any amendments to the PDP must still use the Schedule 1 process, including public notification and submissions. In making any changes to the PDP related to the new or amended NPS, the Panel should be cognisant of the natural justice implications.
- 3.8** This is for three key reasons:
- (a) the statutory requirements under the RMA;
 - (b) the scope of submissions on the PDP; and
 - (c) the duty on the Council to avoid unreasonable delay, particularly in light of the 'plan stop'.
- 3.9** Each of these reasons are expanded on in turn.

⁸ RMA, s 75(3)(a) and (ab); *Colonial Vineyard Ltd v Marlborough District Council* [2014] NZEnvC 55 at [17].

3.10 Substantively, Council officers have considered whether there should be any specific changes as a result of the new and amended NPS within the scope of submissions, and their views are set out in the memorandum in **Appendix 1**. This memorandum has been prepared by Sarah Trinder, Senior Policy Planner at the Council who was the reporting planner for a number of the hearings on the PDP⁹, with support and review by the reporting officers for other relevant topics (as set out in Table 1 of the memorandum) as follows:

- (a) Jerome Wyeth - Technical Director – Planning, SLR Consulting;
- (b) Melissa Pearson – Principal Consultant – Planning, SLR Consulting;
- (c) Kenton Baxter – Policy Planner FNDC; and
- (d) Lynette Morgan – Policy Planner FNDC.

3.11 The memorandum has been reviewed by James Witham, the Team Leader District Plan at the Council who is responsible for the delivery of the PDP workstream at the Council and has been involved in reviewing and approving all Section 42A reports and written replies for the vast majority of hearing streams. The other reporting officers listed above for the various hearing topics have reviewed the memorandum and confirmed to Ms Trinder that they support its content.

3.12 The table also summarises the implementation requirements that are included in the new and amended NPS.

9 Hearing 8 (Engineering Standards and Open Space), Hearing 14 (Urban Zones) and Hearing 15D (Rezoning Kerikeri-Waipapa) (except for the KFO submission where Jerome Wyeth was the reporting planner) and was also one of three reporting planners for Hearing 15C (Rezoning General - Urban and Rural).

The statutory requirements under the RMA

- 3.13** Pursuant to section 55(2B) and (2C), the Council must make amendments to a proposed plan or district plan that are “required to give effect to any provision in a national policy statement that affects” it, using a Schedule 1 process.¹⁰
- 3.14** If the NPS specifies a timeframe or event by which the amendments must be made, then local authorities must comply with those timeframes.¹¹ Of the new and amended national direction instruments, only the NPS-HPL and NPS-IB include a specific timeframe for change to the district plan as part of their implementation requirements, using a Schedule 1 process.¹² That is clearly a process separate from the determination of the PDP, on which submissions were heard prior to the NPS coming into force.
- 3.15** In relation to any other changes to the PDP that Council might consider are required to give effect to the other NPS (which don’t contain an implementation direction for a plan change, or any specific timeframes), section 55(2D) requires that those are to be made *as soon as practicable* using a Schedule 1 process.¹³
- 3.16** The PDP was prepared and notified in July 2022, prior to the new/amended NPS coming into force and thus it has not attempted to give effect to them. No comprehensive analysis of the PDP against those instruments has been undertaken via a section 32 assessment. There is no RMA provision that would *require* the NPS to be given effect to now as part of the Panel’s recommendations on the PDP and no specific timing requirements included in the new and amended NPS that would require this. As explained above,

10 RMA, s 55(2B) and (2C). Pursuant to sections 55(2) and 55(2A) the Council is also required to amend a plan without using a Schedule 1 process if an NPS directs it to do so. No such direction is given by any of the new or amended NPS. See Appendix 1 for a summary of implementation requirements in the new and amended NPS.

11 RMA, s 55(2D)

12 NPS-HPL, 4.1.3: ‘Every territorial authority must notify changes to objectives, policies, and rules in its district plan to give effect to this National Policy Statement (using a process in Schedule 1 of the Act) as soon as practicable, but no later than 2 years after maps of highly productive land in the relevant regional policy statement become operative.’; NPS-IB, 4.1.2: ‘Local authorities must publicly notify any changes to their policy statements and plans that are necessary to give effect to this National Policy Statement within eight years after the commencement date’.

13 RMA, s 55(2D).

comprehensive implementation of the new and amended NPS will require a separate Schedule 1 process under the RMA.

Scope of submissions on the PDP

- 3.17** Importantly, any changes to the PDP to give effect to the new or amended NPS must be within the scope of submissions.¹⁴
- 3.18** The scope of submissions will limit the ability for the Council to review the PDP in its entirety to give effect to the NPS. The submissions made on the PDP are often limited to certain provisions, chapters, map layers or areas. Partially implementing the national direction in response to some submissions could mean that amendments could be made to some chapters but not others, resulting in piecemeal implementation and a lack of integration across the PDP, and potentially undermining its integrity.
- 3.19** Care should be taken not to make changes to the notified plan if those changes could not reasonably have been contemplated when reading the original notified plan or the submissions, as that could deny people affected by the changes an effective opportunity to participate in the statutory process. Where there is scope, the Panel may consider it appropriate to make changes that better give effect to parts of the new or amended NPS. In doing this, the Panel should consider whether the proposed changes raise a risk of either prejudice or inconsistent implementation of the policy documents. It is up to the Panel to consider whether the amendments should be made in light of the specific circumstance where it considers scope exists in submissions to recommend amendment. The Council officer's views on these substantive matters are set out in Appendix 1.

14 *Albany North Landowners v Auckland Council* [2017] NZHC 138, at [115], referring to *Countdown Properties (Northlands) Ltd v Dunedin City Council* [1994] NZRMA 145; Refer also to Memorandum of Counsel for the Far North District Council attached to the Council's Right of Reply for Hearing 15D, 15 December 2025 at [2.3] – [2.7] which discuss the legal principles relating to scope.

The duty on the Council to avoid unreasonable delay

- 3.20** The Council has a duty to avoid any unreasonable delay in the preparation of and determination of the PDP.¹⁵
- 3.21** The Council notified the PDP in July 2022, has completed 18 months of hearings, and is required to make decisions on submissions on the PDP by 27 May 2026 (in accordance with the timeframe specified by the Minister in the Clause 10A exemption approval).
- 3.22** Where there is scope within a submission to give effect to new or amended NPS, the Panel may consider it appropriate to make changes that better give effect to parts of the NPS. However, the Council considers that delaying decisions on the PDP for an indeterminate amount of time, to allow for a potential variation to give effect to the new or amended NPS to be drafted, notified and submitted on, would be an unreasonable delay in the circumstances. These circumstances include the ‘plan stop’ recently announced by the Government where the intention was for councils to pause any new plan changes or variations because plans will soon be replaced by the new planning system, and the Governments’ guidance on NPS direction implying that the new or amended national direction will largely be implemented by resource consent processing and private plan changes in the interim period.¹⁶
- 3.23** The ‘plan stop’ prohibits local authorities from notifying a draft planning instrument until 31 December 2027, unless one of the automatic exemptions apply or the Minister grants an exemption.¹⁷ One of the exemptions is 80U(2)(c) of the RMA, which provides that a local authority may notify a draft

¹⁵ RMA, s 21.

¹⁶ National Policy Statement for Infrastructure, National Policy Statement for Renewable Electricity Generation and National Policy Statement on Electricity Transmission, Report on Recommendations and Decisions, page 100; and New Zealand Coastal Policy Statement, National Policy Statement for Highly Productive Land, National Policy Statement for Indigenous Biodiversity, National Policy Statement for Freshwater Management and National Environmental Standards for Freshwater, Report on Recommendations and Decisions, page 103.

¹⁷ RMA, s 80P(1).

planning instrument that implements the requirements of a NPS published after the section commences if the NPS requires that it be implemented:

- (a) before 31 December 2027; and
- (b) wholly or in part by a draft planning instrument.

3.24 There is also an automatic exemption for plan changes or variations that relate to the NPS-NH.¹⁸

3.25 As set out in Appendix 1, it appears that while the NPS-HPL and NPS-IB contain specific implementation requirements, these are not required to occur before 31 December 2027 in the Far North District. The Government's *Report on the Recommendations and Decisions* for Package 2 of the national direction reform specifically notes that the automatic exemption in section 80(2)(c) "is not relevant to proposed amendments to NZCPS, NPS-HPL, NPSIB or NPS-FM".¹⁹

3.26 Unless one of the automatic exemptions applies, the effect of the 'plan stop' is that Council is unable to notify a variation to the PDP that fully implements the new and amended NPS without an exemption from the Minister under section 80V.

3.27 In general, plan changes to give effect to the new and amended NPS will have to grapple with the 'plan stop' and the requirement to apply for an exemption if an automatic exemption does not apply. The Government's intention appears to be that there will not be full implementation of the new and amended NPS via plan changes, given the impending replacement of the RMA.²⁰ Until the RMA is replaced, the intention is that these amendments

¹⁸ RMA, s 80U.

¹⁹ [5.55]. <https://environment.govt.nz/publications/npsi-npsre-npset-report-on-recommendations-and-decisions/>.

²⁰ As stated in the NPS-I, NPS-REG, and NPS-EN, Explanatory note: "*In August 2025, the Government passed an amendment to the Act that introduced a requirement to stop most plan making under the Act, unless it was subject to an exemption. This 'plan stop' amendment suspends the requirement to review plans and policy statements and prevents notification of new plan or policy statement changes or variations until the end of 2027, when the new resource management system will be in effect. Due*

will primarily be given effect to via decisions on resource consent applications and private plan changes.

4. IF AMENDMENTS ARE IMPLEMENTED THROUGH THE HEARING PANEL RECOMMENDATIONS, HOW WOULD THIS AFFECT THE EVALUATIONS OF THE SUBMISSIONS PRESENTED AT THE HEARING?

4.1 All submissions that were made on the PDP were made in the context of the previous national direction, not the new and amended NPS. Submitters have not been given any opportunity to submit on the PDP in the context of the new or amended NPS. Subsequently, none of the submitters or the public could have reasonably anticipated what the national changes would entail at time of making a submission in 2022. Further, during the hearing, the Panel heard each submission within the context of the previous NPS.

4.2 Any amendments to the PDP to give effect to the new and amended NPS could create issues of procedural fairness and transparency which is not in accordance with the principles of natural justice, and will need to be carefully considered within the scope of the submissions as is discussed above.

5. WHAT IS A FAIR AND APPROPRIATE PROCESS?

5.1 It is for the Hearings Panel to decide a procedure that is appropriate and fair in the circumstances, taking into account matters such as scope, timeframes, complexity and potential outcomes.

5.2 The Council submits that it is fair and reasonable for the Panel to provide the opportunity for any submitters to provide comments via legal memoranda if they have a contrary view on the legal implications of the national direction changes within 10 working days of the Panel's minute being issued.

to the plan stop amendment, plans and policy statements will not be updated to give effect to this National Policy Statement (unless a relevant exemption applies). [emphasis added]"

5.3 In terms of the Panel’s recommendations on the PDP, these should recognise that the new and amended national direction can be separately addressed by the Council:

- (a) in relation to the NES, separately and without using the Schedule 1 process; and
- (b) via amendments using a separate Schedule 1 process where required and as soon as practicable (and where allowed via an exemption to the ‘plan stop’).

5.4 The Panel should then turn its mind to the new or amended NPS when making their recommendations and comment in their recommended decisions reports on the changes where they are within the scope of a submission. The Council’s summary of those potential areas of PDP submission overlap with the new or amended NPS is set out in Appendix 1.

6. ANY EFFECT ON THE ABILITY TO MEET THE 27 MAY 2026 STATUTORY TIMEFRAME?

6.1 It would be inefficient to delay the decision on the PDP because of the new or amended national direction instruments. Putting the PDP resolution on hold to wait for a potential Schedule 1 variation fully implementing the new and amended NPS to progress would unreasonably protract the PDP process, and as noted above would cause an unreasonable delay. This is particularly the case in light of the effect of the ‘plan stop’ and the Government’s intention not to require plan changes except in the case of the NPS-HPL and NPS-IB (and within the specific timeframes stated). As noted above pursuant to section 80V of the RMA an exemption would need to be obtained from the Minister for a variation that implements the full suite of national direction changes. The Council would also need to apply to the Minister for a further extension of time for making its decision under

Clause 10A of Schedule 1 as a variation could not be completed before 27 May 2026.



S J Mitchell / L P D Stevens
Counsel for Far North District Council

Attachment 1 – Council Reporting officers’ comments on National Direction instruments

To: Hearings Panel Chair -
Robert Scott

CC: Hearings Panel members

From:	Sarah Trinder - Senior Policy Planner (with support of other reporting officers)	Department:	Integrated Planning - District Plan team
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Date: 30th January 2026

Subject: Response to Hearing Panel Minute 40

Dear Robert,

1. Introduction and Purpose

Minute 40 seeks the Council’s planning and legal advice following the Government’s release of ten new or amended national direction instruments that were gazetted on 18 December 2025, and came into legal effect on 15 January 2026. These include two National Environmental Standards (NES), two new National Policy Statements (NPS), amendments to the New Zealand Coastal Policy Statement (NZCPS) and five other NPSs¹. The Panel has asked the Council to clarify:

- whether these instruments have legal effect;
- what obligations the Panel has to implement them in its recommendations;
- how implementation would affect evaluation of submissions;
- what process would be fair and appropriate; and
- any implications for the Council’s 27 May 2026 statutory decision-making deadline.

This memorandum provides commentary on the relevance of each of the new or amended national direction instruments drawing on Council officer analysis and advice from Simpson Grierson to assist the Hearings Panel for their recommended decisions on submissions (refer to Table 1 in Attachment 1 to this memorandum). It is intended to support the legal memorandum provided by Simpson Grierson (Council legal counsel) in response to Panel Minute 40.

1 New national policy statements and national environmental standards

- National Policy Statement for Infrastructure 2025
- National Policy Statement for Natural Hazards 2025
- Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025

Amended national direction instruments

- National Policy Statement for Electricity Networks Amendment 2025
- National Policy Statement for Freshwater Management Amendment 2025
- National Policy Statement for Highly Productive Land Amendment 2025
- National Policy Statement for Indigenous Biodiversity Amendment 2025
- National Policy Statement for Renewable Electricity Generation Amendment 2025
- New Zealand Coastal Policy Statement Amendment 2025
- Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025

Overall comments and conclusions

In general, the scope of submissions will limit the ability for the Council to review the PDP in its entirety to give effect to the NPS. The submissions made on the PDP are often limited to certain provisions, chapters, map layers or areas. Partially implementing the national direction in response to some submissions could mean amendments could be made to some chapters but not others resulting in piecemeal implementation and a lack of integration across the PDP, and potentially undermining its integrity.

The most efficient and legally robust approach is for the Panel to proceed with its PDP recommendations without attempting to comprehensively implement the new or amended national direction instruments that have come into force after the close of hearing. The Council will address NES requirements directly and will implement NPS requirements through future plan changes where appropriate, noting the clear intent of central government that the new and updated NPSs are intended to direct consenting and do not require plan changes (with some limited exemptions which do not apply to the PDP).

Prepared by: Sarah Trinder, Senior Policy Planner (with support from other reporting officers as set out in Table 1)

Reviewed and Approved by: James Witham, District Plan Team Lead

Dated: 29 January 2026

Attachment 1 – Council Reporting officers’ comments on National Direction instruments

Table 1 Council reporting officers comments on National Direction Instruments

National Direction instrument (and reporting topic author name)	Implementation requirements	Summary of changes to National Direction Instrument	Council officer’s comments
<p>NPS for Infrastructure 2025 (new)</p> <p>Reviewed by Infrastructure Topic Author Jerome Wyeth</p>	<p>Decision-makers must give effect to this NPS on and from the commencement date.²</p> <p>Explanatory note makes clear that no plan change is anticipated to give effect to the NPS-I given the plan stop.</p>	<p>High level direction to in objectives and policies recognise the benefits of infrastructure, enable infrastructure development and ensure it is well-functioning, resilient, compatible and delivered in a timely and efficient manner.</p> <p>Does not apply to renewable electricity generation or electricity network (distribution and transmission).</p>	<p>I have been closely involved in the development of the NPS for Infrastructure so have a good understanding of its policy intent and intended approach to implementation.</p> <p>Overall, I consider that the recommended provisions of the PDP Infrastructure Chapter are broadly consistent with outcomes sought by the NPS for Infrastructure in that the provisions seek to recognise and provide for the benefits of infrastructure and enable infrastructure while managing adverse effects.</p> <p>Of particular note, the NPS for Infrastructure directs that where infrastructure activities affect section 6 values “<i>the provisions of this policy must be read alongside other relevant national direction, regional policy statements and regional and district plans</i>”³. This is aligned with the approach in the Infrastructure Chapter PDP and other district-wide chapters (Coastal Environment etc.) whereby the provisions in those chapters apply to infrastructure activities where relevant.</p> <p>The explanatory note for the NPS for Infrastructure also makes it clear that it primarily intended to be implemented via consenting and designations⁴ in the context of plan stop and resource management reform. Accordingly, in my view, it is not practicable or necessary at this point of the PDP process to amend the Infrastructure Chapter to give effect to the NPS for infrastructure.</p>

² National Policy Statement for Infrastructure 2025, cl 3.1.

³ Policy 9(2) pf the NPS-I.

⁴ Noting that national policy statements must be had regard to under section 104(1)(b)(iii) and 171(1)(a)(i) of the RMA.

National Direction instrument (and reporting topic author name)	Implementation requirements	Summary of changes to National Direction Instrument	Council officer's comments
<p>NPS for Natural Hazards 2025 (new)</p> <p>Reviewed by Natural Hazards Topic Author Jerome Wyeth</p>	<p>Decision-makers must give effect to this NPS on and from the commencement date.⁵</p> <p>However, the NPS states that local authorities are not required to initiate changes to regional policy statements, regional plans or district plans within a specific timeframe for the sole purpose of giving effect to this NPS.⁶</p>	<p>Direction on managing natural hazard risk, requiring a risk-based proportionate approach. Applies a risk matrix to determine risk level and requires avoidance of subdivision, use or development with very high natural hazard risk.</p> <p>Does not apply to infrastructure or primary production. Only applies to flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction, and tsunamis.</p>	<p>Recommended provisions of the PDP in the Natural Hazards, the Coastal Environment and Subdivision chapters apply a targeted approach to manage natural hazards as directed by the RPS. This includes the identification of river flood hazard and coastal hazard overlays with targeted provisions to manage development based on a risk-based approach. This approach is generally aligned with the policy intent of the NPS-NH, although the NPS-NH includes 'risk matrix, likelihood and consequence' tables that must be used when considering subdivision, use and development with direction to avoid development with very high hazard risk.</p> <p>The submissions received on the PDP flood hazard mapping and associated provisions are specific to certain properties, areas or provisions and do not provide broad scope to amend Council's overall approach to managing natural hazard risk.</p> <p>Giving effect to the NPS-NH is therefore reliant on updated hazard mapping and assessment to identify very high, high or medium natural hazard risks associated with risk matrix, likelihood and consequence tables (Appendix 1 to the NPS-NH). This information is not all currently available and implementing the NPS-NH through the PDP at this point of the process would present significant natural justice issues.</p> <p>It is noted that the NPS-NH must be considered where relevant for resource consent applications under section 104(1)(b)(iii) of the RMA, in addition to the PDP, and the NPS-NH (clause 1.3(4)) is clear that decision-makers can manage risks beyond the NPS-NH and take a more conservative approach. Accordingly, it is not practicable or appropriate at this point of the PDP process to amend the Natural Hazards Chapter to give effect to the NPS-NH.</p>

5 National Policy Statement for Natural Hazards 2025, cl 4.1.

6 National Policy Statement for Natural Hazards 2025, cl 4.2.

National Direction instrument (and reporting topic author name)	Implementation requirements	Summary of changes to National Direction Instrument	Council officer's comments
			<p>The Written Reply for Hearing 15D in relation to light industrial land in northwest Waipapa undertook an updated 'risk assessment' and recommended a reduced area of Light industrial Zoning. This approach would also be generally consistent with the approach set out in the NPS-NH.</p>
<p>NPS for Highly Productive Land 2022 (amended December 2025)</p> <p>Reviewed by Rural Zones Topic Author Melissa Pearson and Kiwi Fresh Orange Company rezoning Topic Authors Jerome Wyeth</p>	<p>Every local authority must give effect to this NPS on and from the commencement date (noting that, until an operative regional policy statement contains the maps of highly productive land required by clause 3.5(1), highly productive land in the region must be taken to have the meaning in clause 3.5(7)).⁷</p> <p>However, regional councils are not required to undertake mapping of highly productive land in regional policy statements as required under clause 3.5 prior to 31 December 2027.⁸</p> <p>Every territorial authority must notify changes to objectives, policies, and rules in its district plan to give effect to this National Policy Statement (using a process in Schedule 1 of the Act) as soon as practicable, but no later than 2 years after maps of highly</p>	<p>A range of amendments to amend the timing for identification of highly productive land, remove the restrictions on urban rezoning of LUC3 land, refer to extraction of minerals and ancillary activities / quarrying activities, provide recognition of quarrying having regional benefits, and remove the requirement for quarrying activity to relate to resources elsewhere in NZ.</p>	<p>Urban rezoning – clause 3.6 of the NPS-HPL</p> <p>There are a small number of rezoning submissions where one of the many considerations related to suitability for rezoning is that the land is LUC3 (and thus protected from urban zoning under the former version of the NPS-HPL). In these cases, consideration of LUC3 land was one of a range of factors that were considered when evaluating rezoning submissions against the guiding principles set out in the urban Zoning Evaluation Framework¹⁰. The removal of LUC3 from the restrictions on urban rezoning does not change any of the council officers recommendations on rezoning submissions as there are other reasons that rezoning submissions were recommended to be rejected or accepted.</p> <p>This includes the recommendations of the reporting officer in relation to the rezoning Kiwi Fresh Orange Company land (recommended to be rejected for a range of reasons), and recommendations of the reporting officer on Audrey Campbell-Frear's submissions (resulting in the removal of Horticulture Special Purpose Zone, and introduction of Horticulture Precinct with reduced extent). None of the rezoning submissions were recommended to be rejected for the sole reason that they were located on LUC3 land. The potential amendments to the NPS-HPL were also signalled by the reporting officers to make it clear that this was not the overriding reason for their recommendations.</p>

⁷ National Policy Statement for Highly Productive Land 2022, cl 4.1(1).

⁸ National Policy Statement for Highly Productive Land 2022, cl 4.1(2).

¹⁰ Hearing 15A Section 42A Report, Appendix 2 Rezoning Guidance Criteria and Evaluation Frameworks.

National Direction instrument (and reporting topic author name)	Implementation requirements	Summary of changes to National Direction Instrument	Council officer's comments
	productive land in the relevant regional policy statement become operative. ⁹		<p>Horticulture Precinct (Hearing 9) The recommendation to introduce the Horticulture Precinct was made to ensure the horticultural industry around Kerikeri and Waipapa is protected from encroaching urban growth pressure and reverse sensitivity effects. The spatial extent of the Horticulture Precinct includes land with good quality soils and climate in the context of Northland and land with access to the irrigation network and established horticultural infrastructure. This is a much wider range of factors than can be considered under the NPS-HPL, which has a narrower focus on protecting specific LUC classes. The Horticulture Precinct is not inconsistent with the amended NPS-HPL because:</p> <ul style="list-style-type: none"> - the Horticulture Precinct was not introduced to give effect to the NPS-HPL; and - the process to determine the spatial extent of the Precinct did not rely on the definition of Highly Productive Land to determine which LUC classes should be included. <p>Mineral Extraction The PDP's approach to mineral extraction provisions, including applying a Mineral Extraction Zone to existing quarries is not inconsistent with the NPS-HPL. This was presented in Hearing 8 where a Mineral extraction chapter was recommended along with mineral extraction provisions within the Mineral Extraction zone chapter and Rural Production zone chapter.</p> <p>Rural zone provisions Ms Pearson had already recommended changes to the Rural provisions and definition of "Highly Productive land" to "future proof" the PDP in Hearing 9, to allow the provisions to align with the</p>

National Direction instrument (and reporting topic author name)	Implementation requirements	Summary of changes to National Direction Instrument	Council officer's comments
			<p>requirements of the NPS-HPL as far as possible, while not pre-empting the mapping process to be undertaken by the Regional Council. This included deleting the definition of versatile soils, and recommending amendments so that that the definition of Highly Productive Land in the PDP refers to "land that is treated as highly productive land under clause 3.5(7) of the NPS-HPL (if no highly productive land maps are included in the operation Regional Policy Statement). This recommendation does not change as a result of the amended NPS-HPL.</p>
<p>NZ Coastal Policy Statement 2010 (amended December 2025)</p> <p>Reviewed by Coastal Environment and Infrastructure Topic Author Jerome Wyeth</p>	<p>Local authorities must amend regional policy statements, proposed regional policy statements, plans, proposed plans, and variations to give effect to NZCPS provisions that affect these documents as soon as practicable, using the process set out in Schedule 1 of the Act, except where this NZCPS directs otherwise (which is not directed in the amendments made in 2025).¹¹</p>	<p>A range of amendments to policies 6 and 8 to "<i>streamline consenting for infrastructure, renewable electricity generation and transmission, aquaculture, and mineral extraction activities in coastal areas</i>"</p>	<p>The amendments to the NZCPS are targeted to two policies. Policy 8 relates to aquaculture activities which typically occurs within the coastal marine area beyond the jurisdiction of the PDP. Policy 6 seeks to recognise certain activities (infrastructure, renewable electricity generation and transmission, and mineral extraction in coastal areas) have an operational need or functional need in the coastal environment.</p> <p>The PDP defines 'operational need' and 'functional need' consistent with how these terms are defined in the National Planning Standards and referenced in these amended NZCPS policies. The PDP Infrastructure Chapter (with recommended amendments) includes specific direction to recognise and provide for the operational need or functional need for infrastructure to be in particular environments (I-O4, I-P2, (I-PX), which applies across the Far North District, including in the coastal environment. On this basis, the reporting officer for the Infrastructure and Coastal Environment topic considers that the PDP is broadly aligned with these NZCPS amendments.</p> <p>Due to limited scope of submissions, any specific changes to give effect to the amended NZCPS, including amendments to provide</p>

11 New Zealand Coastal Policy Statement, page 7.

National Direction instrument (and reporting topic author name)	Implementation requirements	Summary of changes to National Direction Instrument	Council officer's comments
			specific direction for renewable electricity generation or mineral extraction activities in coastal areas would be beyond the scope of submissions. In addition, changes to only parts of the PDP would limit the effectiveness with the potential to undermine the integrity of the PDP.
<p>NPS for Indigenous Biodiversity 2023 (amended December 2025)</p> <p>Reviewed by Ecosystems and Indigenous Biodiversity Topic Author Jerome Wyeth and Mineral Extraction topic author Lynette Morgan</p>	<p>Every local authority must give effect to this NPS as soon as reasonably practicable.¹²</p> <p>There are a number of specific requirements including:</p> <ul style="list-style-type: none"> Local authorities must publicly notify any changes to their policy statements and plans that are necessary to give effect to this NPS within eight years after the commencement date.¹³ Local authorities must publicly notify any policy statement or plan or changes to these necessary to give effect to clause 3.16 (indigenous biodiversity outside SNAs) and clause 3.24 (Information requirements) within five years after the commencement date.¹⁴ 	<p>Minor amendments to introduce definitions of ancillary activity and quarrying activities, with inclusion of these activities in clause 3.11 which provides exemptions for certain activities from the baseline management of adverse effects on SNAs and including provision for consideration of regional benefits. This approach is consistent with the 'consenting pathway' for quarrying activities in the NPS-FM.</p>	<p>The changes to NPS-IB are specific to quarrying and mining activities to provide a pathway for these activities when there are adverse effects on 'significant natural areas'. The reporting officer's recommendation on the Ecosystems and Indigenous Biodiversity Chapter through Hearing 4 was clear that the NPS-IB will need to be given effect to through a future plan process with a recommendation to remove any references to 'significant natural areas' from the PDP at this point of time (as these areas are yet to be mapped and this mapping requirement is suspended). Significant additional community, Māori and landowner engagement and research is required to give effect to the remaining requirements of the NPS-IB.</p> <p>As significant natural areas are not mapped or referenced in the PDP, there is no need to consider any amendments to the PDP to align with these amendments to the NPS-IB relating to quarrying activities and significant natural areas.</p> <p>The changes to the NPS-IB to provide a more enabling consenting pathway for quarrying activities were anticipated in the Section 42A report for Mineral Extraction (paragraphs 26 to 28). The recommendations of the Mineral Extraction topic do not change as a result of the NPS-IB amendments.</p>

12 National Policy Statement for Indigenous Biodiversity 2023, cl 4.1(1).

13 National Policy Statement for Indigenous Biodiversity 2023, cl 4.1(2).

14 National Policy Statement for Indigenous Biodiversity 2023, cl 4.2(1).

National Direction instrument (and reporting topic author name)	Implementation requirements	Summary of changes to National Direction Instrument	Council officer's comments
	<ul style="list-style-type: none"> Local authorities must publicly notify any policy statement or plan or changes to these necessary to give effect to subpart 2 of Part 3 (except clause 3.16) by 31 December 2030.¹⁵ 		
NPS for Freshwater Management 2020 (amended December 2025)	Every local authority must give effect to this NPS as soon as reasonably practicable, and publicly notify any changes that are necessary to give effect to this NPS as required under the Act. ¹⁶	Minor amendments to add 'operational need' in addition to recognition of 'functional need'.	There is generally good alignment between the NPS-FM and the PDP provisions and no specific changes are necessary to give effect to the amended NPS-FM.
<p>NPS for Renewable Electricity Generation 2011 (amended December 2025)</p> <p>Reviewed by Topic Author Kenton Baxter</p>	<p>Decision-makers must give effect to this NPS on and from the commencement date.¹⁷</p> <p>Explanatory note makes clear that no plan change is anticipated to give effect to the NPS-REG given the plan stop. It also states "For the avoidance of doubt, plan and policy statement content that implements the original National Policy Statement for Renewable Electricity Generation 2011 does not require amendment. "</p>	Substantive changes updating the NPS throughout, including changes to definitions, a new objective, and new policies. More modern language that is clearer and more directive. More explicit direction to enable renewable electricity generation activities, recognise REG benefits, and provide a less restrictive approach to managing adverse effects.	The renewable electricity generation chapter is generally aligned with the amended NPS, particularly the district wide chapters and overlays which enable renewable electricity generation activities, recognise REG benefits, and provide a less restrictive approach to managing adverse effects.

¹⁵ National Policy Statement for Indigenous Biodiversity, cl 4.2(2).

¹⁶ National Policy Statement for Freshwater Management 2020, cl 4.1(1).

¹⁷ National Policy Statement for Renewable Electricity Generation 2011, cl 3.1(1).

National Direction instrument (and reporting topic author name)	Implementation requirements	Summary of changes to National Direction Instrument	Council officer's comments
<p>NPS for Electricity Networks 2008 (Amended December 2025)</p> <p>Reviewed by Infrastructure Topic Author Jerome Wyeth</p>	<p>Decision-makers must give effect to this National Policy Statement on and from the commencement date.¹⁸</p> <p>Explanatory note makes clear that no plan change is anticipated to give effect to the NPS-EN given the plan stop. It also states "For the avoidance of doubt, plan and policy statement content that implements the original National Policy Statement on Electricity Transmission does not require amendment."</p>	<p>Substantive changes to the former NPS for Electricity Transmission to incorporate distribution networks as well as transmission networks, creating policy direction for all electricity in an integrated way. Provides explicitly for ancillary activities and assets as well as the networks themselves. Includes new definitions a new objective and new policies. More directive language around recognition of benefits, provision for development and operation of electricity networks, site / route / method selection processes, and management of adverse effects.</p>	<p>Refer to commentary on the NPS for Infrastructure which generally applies for the NPS for Electricity Networks. The reporting officer also notes that a number of amendments were recommended to both enable and protect the National Grid and Critical Electricity Lines which are broadly aligned with the policy intent of the NPS for Electricity Networks</p>

¹⁸ National Policy Statement for Electricity Networks 2008, cl 3.1(1).