

3 February 2026

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Fast Track Approvals Act 2024 – FTAA-2504-1054

Christchurch City Council Reference – RMA/2025/1208

104 RYANS ROAD, HAREWOOD

1. The purpose of this memorandum is to respond to the requests for further information from the Christchurch City Council (CCC) by the Expert Panel in Minute 8, dated 23 January 2026.
2. Two requests were made to the CCC relating to the relevance of new and amended national direction that came into force on 15th January 2026.
3. This memorandum comments on the planning implications of the new and amended national direction.
4. A legal opinion from [REDACTED] from Buddle Findlay is additionally attached as Appendix 4, considering the relevance of:
 - 4.1. Amendments to the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) in relation to the Buddle Findlay legal opinion, dated 15 September 2025, provided with CCC comments under section 53 of the Fast-track Approvals Act 2024 (FTAA).
 - 4.2. The National Policy Statement for Infrastructure 2025 (NPS-I) to the proposal.

National Policy Statement for Infrastructure 2025

5. The Panel has requested comment from the CCC on the extent to which the NPS-I raises additional matters for the assessment of approvals sought under the FTAA.
6. I refer to the opinion of [REDACTED] and highlight that the NPS-I applies to all infrastructure activities including on the operation of existing infrastructure, with the exception of those managed under the National Policy Statement for Renewable Energy Generation 2011 and the National Policy Statement for Electricity Transmission 2008.
7. The proposal includes the establishment of infrastructure required to service the development, for example roads and three waters systems, and will also impact the operation of existing infrastructure, including the wider road network, water supply and wastewater networks, and Christchurch International Airport.
8. A planning assessment of the relevance of the NPS-I objectives and policies to the proposal is attached as Appendix 2.
9. While the matters addressed by the NPS-I require consideration when making a decision on the proposal in accordance with FTAA schedule 5 clause 17(1)(b), I do not consider that the NPS-I raises additional matters for assessment over the matters raised during comments by parties including the CCC.

Other National Direction

10. The Panel has requested comment from the CCC on the extent to which other new and amended National Direction raise additional matters for assessment.

11. A table considering the relevance of new and amended national direction set out in Appendix 1. In brief, it is considered that of the new and amended national direction only the NPS-I, considered above, and National Policy Statement for Natural Hazards 2025 (NPS-NH) are relevant to the proposal, with the changes to the National Policy Statement for Electricity Networks Amendment 2025 (NPS-EN) having limited relevance.

National Policy Statement for Natural Hazards 2025

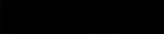
12. The National Policy Statement for Natural Hazards 2025 (NPS-NH) requires decisionmakers to undertake a risk-based assessment of natural hazard risk associated with subdivision, use or development, considering the likelihood of an event occurring and consequences on life and property.

13. Comment on the natural hazard risk associated with the proposal in accordance with the NPS-NH is attached as Appendix 3.

14. While the assessment framework introduced by the NPS-NH is new, the risks associated with the use and development, to the extent that information has been available, have been considered by CCC officers in providing comments, including under section 53 of the FTAA.

Conclusion

15. While the new and amended National Direction introduces additional frameworks for the assessment of the proposal, the matters requiring assessment under these frameworks have been identified by CCC and others while providing input, including comments under s53 FTAA. Accordingly, I do not consider that the new and amended National Direction raise additional matters for assessment.

Assessment officer:	Delegated authority:
  Senior Planner	  Manager Resource Consents

Appendix 1 – Relevance of new and amended national direction

Relevance of new national direction		
Name	Relevance	Comment
Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025	N/A	The proposal does not include, nor would it enable, a principal unit, a necessary prerequisite for establishing a Detached Minor Residential Unit.
National Policy Statement for Natural Hazards 2025 (NPS-NH)	<ul style="list-style-type: none"> - Where natural hazard risk is identified in relation to the subdivision, development or use, assessment against the risk matrix in Appendix 1 of the NPS-NH is required, using the best available information. - Natural hazards are required to be managed in accordance with the objectives and policies. 	Refer to Appendix 3.
National Policy Statement for Infrastructure 2025	Objectives and policies relevant to decision-makers when considering applications including or affecting infrastructure activities, excluding those subject to the National Policy Statement for Renewable Energy Generation 2011 and the National Policy Statement for Electricity Networks 2008.	Refer to Appendix 2.

Relevance of amended national direction		
Name of amendment	Relevance of amendments	Comment
National Policy Statement for Highly Productive Land Amendment 2025	N/A	Changes to the NPS-HPL do no change the conclusions reached in the Buddle Findlay legal opinion provided 15 September 2025. Refer to Appendix 4.
New Zealand Coastal Policy Statement Amendment 2025	N/A	The site is not within or adjacent to the Coastal Marine Area.
National Policy Statement for Indigenous Biodiversity Amendment 2025	N/A - Changes limited to quarrying/mineral extraction activities.	
National Policy Statement for Freshwater Management Amendment 2025	N/A - Changes limited to quarrying/mineral extraction activities.	
Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025	N/A - Changes limited to quarrying/mineral extraction activities.	
National Policy Statement for Renewable Electricity Generation Amendment 2025	N/A	Renewable Electricity Generation is not proposed.
National Policy Statement for Electricity	Changes to the NPS-EN relevant to the application are	The application site adjoins a 33kV Electricity Distribution Corridor

Relevance of amended national direction		
Name of amendment	Relevance of amendments	Comment
Networks Amendment 2025 (NPS-EN)	limited to the wording of Policy 10 (becoming Policy 11) relating to effects on the Electricity Network from third parties.	recognised by the District Plan, managed by Orion. Orion have commented on the proposal and have not identified effects on the electricity network associated with the proposal.

Appendix 2 – National Policy Statement for Infrastructure 2025 assessment

National Policy Statement for Infrastructure 2025 Policy Assessment	
Provision	Comment
Objective	
<p>(1) The objective of this National Policy Statement is to:</p> <ul style="list-style-type: none"> (a) ensure the national, regional and local benefits of infrastructure are provided for; (b) enable infrastructure to support the social, economic and cultural wellbeing of people and communities and their health and safety; (c) enable infrastructure to support the development and change of urban and rural environments to meet the diverse and changing needs of present and future generations; (d) ensure infrastructure is well-functioning, resilient and compatible, as far as practicable, with other activities; and (e) ensure infrastructure is delivered in a timely and efficient manner while managing adverse effects from or on infrastructure. 	<p>The proposal includes:</p> <ul style="list-style-type: none"> - Establishment of infrastructure to service the development: <ul style="list-style-type: none"> ○ Internal roads. ○ Internal water supply and wastewater networks connecting to external networks. ○ Internal stormwater assets to capture and redirect stormwater collected from assets to vest. - Connections to and potential effects on infrastructure: <ul style="list-style-type: none"> ○ The wider transport network, including roads managed by CCC and NZTA. ○ Water supply and wastewater networks. ○ Christchurch International Airport.
Policy 1: Providing for the benefits of Infrastructure	
<p>(1) Decision-makers must ensure that the national, regional or local benefits of infrastructure, relative to any localised adverse effects on the environment, are recognised and provided for.</p> <p>(2) Decision-makers must recognise that the benefits of infrastructure include:</p> <ul style="list-style-type: none"> (a) providing for the social, cultural and economic wellbeing of present and future generations; (b) creating, supporting and enhancing well-functioning urban and rural environments; (c) supporting sufficient development capacity to meet demand for housing and business land; (d) providing services that are essential to support human life and the development, growth and functioning of districts, regions, New Zealand and the economy; (e) helping to protect and restore the natural environment; (f) supporting New Zealand's emissions reduction targets and mitigating the effects of climate change; and (g) reducing the risks from, and improving resilience to, natural hazards and 	<p>While the infrastructure proposed to be created will have benefits in servicing the development, wider benefits of the infrastructure alone have not been identified.</p>

National Policy Statement for Infrastructure 2025 Policy Assessment	
Provision	Comment
<p>climate change.</p> <p>(3) Decision-makers must recognise:</p> <p>(a) the significant risks to, and impacts on, public safety, the wellbeing of people and communities, and the environment that may occur when infrastructure services are compromised; and</p> <p>(b) that infrastructure networks can be both independent and interconnected.</p>	
Policy 2: Operational need or functional need of infrastructure to be in particular locations and environments	
<p>(1) Decision-makers must recognise that infrastructure may have an operational need or functional need to operate in, be located in, or traverse particular locations and environments.</p> <p>(2) Decision-makers must recognise that the operational need or functional need of infrastructure includes, but is not limited to, the need to:</p> <p>(a) provide services to people and communities in a timely, effective and efficient manner;</p> <p>(b) operate effectively and efficiently as linear and/or interconnected infrastructure networks within and across district and regional boundaries;</p> <p>(c) access or connect to particular natural or physical resources, including other infrastructure;</p> <p>(d) be accessible so infrastructure activities can be undertaken effectively and efficiently;</p> <p>(e) locate where the services are required, including in areas at risk to natural hazards, whether the infrastructure has been spatially identified in advance; and</p> <p>(f) manage risks from natural hazards.</p>	<p>The location of infrastructure proposed has a functional need to be located as proposed to service the development. The overall appropriateness of the development as a whole to establish at the site proposed has previously been addressed in CCC comments under FTAA s53.</p>
Policy 3: Considering spatial planning	
<p>(1) Decision-makers must:</p> <p>(a) have regard to the extent to which the infrastructure has been identified within a strategic planning document, while recognising that not all infrastructure can be spatially identified in advance; and</p> <p>(b) consider relevant spatial plans and master plans prepared by the infrastructure provider and provided to the decision-maker.</p>	<p>Infrastructure proposed to service the development has not been identified within a spatial planning document.</p>
Policy 4: Enabling the efficient and timely operation and delivery of infrastructure activities	
<p>(1) Decision-makers must:</p>	<p>- The infrastructure proposed within the development is sought to be enabled</p>

National Policy Statement for Infrastructure 2025 Policy Assessment

Provision	Comment
<p>(a) enable the efficient and timely delivery of infrastructure activities;</p> <p>(b) enable cross-boundary infrastructure networks;</p> <p>(c) provide flexibility for infrastructure providers to use new or innovative technologies and methods to improve the delivery of infrastructure services and/or improve environmental outcomes;</p> <p>(d) enable opportunities to make more effective use of existing infrastructure;</p> <p>(e) consider opportunities for continuous improvement in service delivery and environmental outcomes when renewing or replacing resource consents; and</p> <p>(f) enable the upgrading of infrastructure where this will:</p> <p>(i) improve the resilience of infrastructure to the risks from natural hazards and effects of climate change;</p> <p>(ii) maintain or improve its level of infrastructure service, including to meet increasing demand; or</p> <p>(iii) improve environmental outcomes.</p> <p>(2) Decision-makers must:</p> <p>(a) recognise it is the role of the infrastructure provider to identify the preferred location for the infrastructure activity; and</p> <p>(b) have regard to existing information and assessments undertaken by the infrastructure provider, including, but not limited to, information prepared using the Better Business Cases methodology developed by The Treasury New Zealand, infrastructure strategies prepared under the Local Government Act 2002, or the Infrastructure Priorities Programme developed by New Zealand Infrastructure Commission Te Waihanga.</p>	<p>alongside the subdivision and industrial activity, and can accordingly be enabled in an efficient and timely manner.</p> <p>- The proposal does not seek to establish cross-boundary infrastructure networks, new or innovative technologies to improve the delivery of infrastructure services, enable more effective use of existing infrastructure, and upgrading of infrastructure is not proposed.</p>
<p>Policy 5: Recognising and providing for infrastructure supporting activities</p>	
<p>(1) Decision-makers must recognise and provide for the role of infrastructure supporting activities, including by:</p> <p>(a) recognising the importance of infrastructure supporting activities to enable the benefits of infrastructure activities to be realised;</p> <p>(b) recognising the operational need or functional need of some infrastructure supporting activities, including supporting quarrying activities to operate in, be located in, or traverse particular environments and locations; and</p> <p>(c) enabling the timely delivery of infrastructure supporting activities.</p>	<p>Infrastructure supporting activities are not proposed.</p>

National Policy Statement for Infrastructure 2025 Policy Assessment	
Provision	Comment
Policy 6: Recognising and providing for Māori interests	
<p>(1) Decision-makers must recognise and provide for Māori interests in relation to infrastructure activities and infrastructure supporting activities, including by:</p> <p>(a) taking into account the outcome of any engagement with tangata whenua on any relevant resource consent, notice of requirement, or request for a private plan change;</p> <p>(b) recognising the opportunities tangata whenua may have in developing and operating their own infrastructure at any scale or in partnership; and</p> <p>(c) local authorities:</p> <p>(i) providing opportunities for tangata whenua involvement where infrastructure and infrastructure supporting activities may affect a site of significance or issue of cultural significance to Māori; and</p> <p>(ii) operating in a way that is consistent with any relevant iwi participation legislation or Mana Whakahono ā Rohe.</p>	<ul style="list-style-type: none"> - Comment on the proposal under FTAA s53 on behalf of Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga has been provided to the expert panel. - No sites of significance have been identified on the subject site. - Issues of cultural significance have been raised by both Rūnanga in relation to the project as a whole, including infrastructure.
Policy 7: Assessing and managing the effects of proposed infrastructure activities	
<p>(1) When assessing and managing the effects of infrastructure activities, decision-makers must:</p> <p>(a) have regard to the extent to which adverse effects have been avoided, remedied or mitigated through the selection of the route, site or method of undertaking the work;</p> <p>(b) consider the technical and operational requirements and constraints of infrastructure activities;</p> <p>(c) take into account the extent to which the effects of the infrastructure activities are different in scale, intensity, duration and frequency from the effects of existing infrastructure;</p> <p>(d) take into account relevant international standards (that are recognised or used in New Zealand), national standards and recognised best practice standards and methodologies to assess and manage adverse effects; and</p> <p>(e) ensure that the mitigation measures and consent conditions are proportionate to the scale of adverse effects generated by the activity.</p>	<p>Adverse effects of infrastructure proposed has been considered in CCC comments under FTAA s53.</p>
Policy 8: Operation, maintenance and minor upgrade of existing infrastructure	
<p>Decision-makers must enable the efficient operation and maintenance and minor upgrade of existing infrastructure, provided that, where practicable, adverse effects</p>	<ul style="list-style-type: none"> - Effects of the proposed infrastructure on the operation of existing infrastructure managed by CCC has considered by CCC officers providing comment under FTAA

National Policy Statement for Infrastructure 2025 Policy Assessment	
Provision	Comment
are avoided, remedied or mitigated.	<p>s53, notably from:</p> <ul style="list-style-type: none"> ○ Andrew Milne in relation to the transport network. ○ Michelle McDonald in relation to water supply and wastewater infrastructure. <p>- Other parties have identified effects on infrastructure not managed by CCC, including Christchurch International Airport. Evaluation of effects on this infrastructure falls outside the expertise of CCC officers and has not been considered in this assessment.</p>
Policy 9: Managing the effects of new infrastructure and major upgrades	
<p>(1) Decision-makers must enable new infrastructure or major upgrades of existing infrastructure activities in all environments.</p> <p>(2) Where infrastructure activities are proposed to locate in or are likely to have adverse effects on environments and values provided for in section 6 of the Act, the provisions of this policy must be read alongside other relevant national direction, regional policy statements and regional and district plans.</p> <p>(3) Where (2) does not apply, the adverse effects of new infrastructure and major upgrades must be, where practicable, avoided, remedied or mitigated.</p>	The site is not located in an area identified as having values provided for under RMA section 6.
Policy 10: Planning for and managing the interface and compatibility of infrastructure with other activities	
<p>(1) Decision-makers on planning instruments must manage the interface between existing and planned infrastructure and other activities to ensure:</p> <ul style="list-style-type: none"> (a) infrastructure and other activities are as compatible as practicable; (b) the safe, efficient and effective operation, maintenance and minor upgrades, and major upgrades of existing or planned infrastructure are not compromised by the adverse effects of other activities; and (c) infrastructure activities that are compatible with each other are co-located, while recognising that some types of infrastructure are not compatible. <p>(2) Decision-makers on planning instruments must:</p> <ul style="list-style-type: none"> (a) engage with infrastructure providers to: <ul style="list-style-type: none"> (i) understand their existing and planned infrastructure activities and medium to long-term plans; (ii) identify appropriate buffers and other methods to protect existing and planned infrastructure from the adverse effects of new or intensified sensitive and incompatible activities, including direct effects, reverse sensitivity effects, and risks to health and safety; (iii) support the strategic integration of infrastructure with land use 	N/A – Policy 10 limited to decisions on planning instruments.

National Policy Statement for Infrastructure 2025 Policy Assessment	
Provision	Comment
<p>activities;</p> <p>(b) identify:</p> <p>(i) activities that are particularly sensitive to the effects of infrastructure;</p> <p>(ii) activities that are compatible with infrastructure, or potentially compatible with appropriate buffers, design standards or mitigation measures;</p> <p>(iii) infrastructure activities that are sensitive to the effects of other infrastructure;</p> <p>(c) apply a range of methods, including, where appropriate:</p> <p>(i) the use of buffers in plans to manage sensitive activities, including new or intensified sensitive activities, and incompatible activities near infrastructure;</p> <p>(ii) design standards to manage the effects of infrastructure on other activities;</p> <p>(iii) special purpose zoning and other spatial-planning layers; and</p> <p>(d) ensure that measures to avoid, remedy or mitigate the effects of other activities on infrastructure are consistent with relevant international standards (that are recognised or used in New Zealand), national standards and recognised best practice standards and methodologies.</p>	
Policy 11: Assessing and managing the interface between infrastructure and other activities	
<p>(1) When assessing and managing the interface between existing and planned infrastructure with other activities, including new or intensified sensitive activities, through planning instruments, decision-makers must:</p> <p>(a) recognise that noise, vibration, dust and visual effects are all typical effects associated with infrastructure activities that can be managed where practicable but not completely avoided;</p> <p>(b) recognise that:</p> <p>(i) amenity values change due to a range of factors;</p> <p>(ii) changes in amenity values from infrastructure activities can be necessary to achieve well-functioning urban and rural environments; and</p> <p>(c) apply the general principle that the primary responsibility for managing adverse effects is on the new activity (including infrastructure) while</p>	<p>N/A – Policy 11 is limited to decisions on planning instruments.</p>

National Policy Statement for Infrastructure 2025 Policy Assessment

Provision	Comment
allowing flexibility for site- and project-specific circumstances.	

Appendix 3 – National Policy Statement for Natural Hazards 2025 assessment

Best available information on natural hazards			
Natural hazard	Name	Source	Comment
Active faults	New Zealand National Seismic Hazard Model	https://nshm.gns.cri.nz/HazardMaps	<ul style="list-style-type: none"> - The New Zealand National Seismic Hazard Model identifies a range of shaking intensities that may be experienced in earthquake events over a range of recurrence intervals. - No active faults are identified within the Christchurch District. - Any buildings will be subject to building consent processes requiring no loss of amenity in a Serviceability Limit State (SLS, 25-year return period) event and ensuring life safety in an Ultimate Limit State (ULS, 500-year return period).
	Earthquake Fault Map	https://mapviewer.canterburymaps.govt.nz/?webmap=b5f859bd18ee4912828cb092bef6c449	
Coastal erosion and inundation	CCC Coastal Hazards online portal	https://gis.ccc.govt.nz/hazard-viewer/	The site is not identified as being subject to coastal erosion or coastal inundation.
	Past coastal hazard assessments	https://ccc.govt.nz/environment/coast/adapting-to-coastal-hazards/coastalhazards/how-we-assess-coastal-hazards/technical-reports	
Flooding	CCC Flood and Floor Level Viewer	https://gis.ccc.govt.nz/portal/apps/webappviewer/index.html?id=65b4e2bfc84c4f2e85606cc46bcb6d01	<ul style="list-style-type: none"> - The application has been reviewed by Brian Norton, Senior Stormwater Planning Engineer at Council, who has not identified that the site is subject to flood hazard. - Conditions to manage flood hazard and nuisance drainage effects have been volunteered by the applicant in the condition set updated 28 November 2025 (Conditions 70-72).
	NIWA NZ Flood hazard map	https://niwa.maps.arcgis.com/apps/dashboards/8c1db2b8e37841f29a57a38675388897	
	Site specific Flood hazard assessment (PDP)	Appendix 31 of Application documents	
Landslip	Christchurch District Plan Property Viewer (Natural Hazards)	https://districtplan.ccc.govt.nz/?t=map	The site is not within overlays identifying risk of landslip and is not heavily contoured.
Liquefaction	CCC Liquefaction Viewer	https://apps.canterburymaps.govt.nz/ChristchurchLiquefactionViewer/	The application documents have been reviewed by Yvonne McDonald, who considers the site is not at risk from geotechnical hazards, including liquefaction.
	Site specific Geotechnical assessment (Tetra Tech Coffey)	Appendix 5 of Application documents	

Appendix 4 – Buddle Findlay Legal Opinion (Cedric Carranceja)

30 January 2026

To

[REDACTED]
Christchurch City Council
Christchurch

Copy to

[REDACTED] Christchurch City Council
[REDACTED] Christchurch City Council

From

[REDACTED]

By Email

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

New National Direction Instruments – 104 Ryans Road Fast-Track Resource Consent Application (Lex27042)

1. Carter Group Limited (**Applicant**) has lodged a Fast-track substantive application for resource consent to subdivide and develop 55.5 hectares of land for industrial use at 104 Ryans Road, Christchurch (**Project**).
2. The Expert Panel has issued Minute 8 requesting the Council to provide a memorandum by Wednesday 4 February 2026 on 10 national direction instruments that were approved by the Governor General on 15 December 2025. To assist you in preparing the Council's memorandum, you have asked us to advise on the following:
 - (a) **Question 1:** Whether the 15 December 2025 amendments to the National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**) would alter the views expressed in the NPS-HPL legal opinion we provided on 15 September 2025 in relation to the Project?
 - (b) **Question 2:** Whether policies 10 and 11 of the new National Policy Statement for Infrastructure 2025 (**NPS-I**) apply to the Project?
 - (c) **Question 3:** Whether the NPS-I is relevant to the consideration of effects of the Project on existing infrastructure, including reverse sensitivity?
3. In summary, we consider that:
 - (a) The amendments to the NPS-HPL do not cause us to alter the views expressed in our 15 September 2025 legal opinion.
 - (b) Policies 10 and 11 of the NPS-I do not apply to decision-making on the Project.
 - (c) Other NPS-I provisions including objective 1 and policy 1 can be relevant to decision-making on the Project in terms of effects on existing infrastructure including reverse sensitivity.
4. We provide the reasons for our opinion to each of your queries in turn.

Question 1: Whether the 15 December 2025 amendments to the NPS-HPL would alter the views expressed in the NPS-HPL legal opinion we provided on 15 September 2025 in relation to the Project?

5. On 15 September 2025 we provided a legal opinion in which we considered that:
 - (a) The Rural Urban Fringe Zone of the Christchurch District Plan is nearer, in terms of equivalency under the NPS-HPL, to the General Rural Zone rather than the Rural Lifestyle Zone.
 - (b) Clauses 3.6 and 3.7 of the NPS-HPL do not apply to the Project as those clauses relate to a change of zones, not an application for resource consent.
 - (c) Although the unavailability of any of the NPS-HPL exemptions for a project would mean the proposal is inconsistent with or contrary to the "avoid" provisions in the NPS-HPL, that in and of itself cannot be deemed (without further assessment) to be an adverse impact that is sufficiently significant to be out of proportion to the project's regional or national benefits under section 85(3)(b) of the Fast-track Approvals Act 2024 (**FTAA**). A proposal that is inconsistent with or contrary to the NPS-HPL "avoid" provisions is still to be considered as an adverse impact, but that adverse impact, together with any other adverse impacts identified, must still be assessed as being sufficiently significant to be out of proportion to the project's regional or national benefits, before the panel has a discretion to decline an approval under section 85(3) of the FTAA.
6. The 15 December 2025 amendments to the NPS-HPL (**NPS-HPL Amendments**) are in regards to:
 - (a) Pausing the requirement for regional councils to map highly productive land;
 - (b) Exempting LUC 3 land from restrictions on urban rezoning;
 - (c) Exempting activities other than rural lifestyle on LUC 3 land and to provide for updated New Zealand Land Resource Inventory mapping to identify LUC 1, 2 or 3 land for the purposes of clause 3.5(7); and
 - (d) Providing for quarrying and mining.
7. The NPS-HPL Amendments do not cause us to alter the views expressed in our 15 September 2025 legal opinion because:
 - (a) The need to identify the "*nearest equivalent zone*" as mentioned in clause 1.3(4) of the NPS-HPL remains unchanged.
 - (b) Although a new clause 3.6(6) has been inserted to state that "*[c]auses 3.6(1), 3.6(2), 3.6(3) and 3.6(4) do not apply to urban rezoning of LUC 3 land*", the insertion does not cause clause 3.6 to apply to the Project because the clause continues to relate to a change of zones, not an application for resource consent.
 - (c) Clause 3.7 of the NPS-HPL remains unchanged.
 - (d) The NPS-HPL "avoid" provisions remain unchanged.

Question 2: Whether policies 10 and 11 of the new NPS-I apply to the Project?

8. The wording used in policies 10 and 11 of the NPS-I confirm that they only apply to decision-making for planning instruments. The relevant parts of policies 10 and 11 state:

Policy 10: Planning for and managing the interface and compatibility of infrastructure with other activities

(1) Decision-makers on planning instruments must manage the interface between existing and planned infrastructure and other activities to ensure:

(a) ...

(2) Decision-makers on planning instruments must:

(a) ...

Policy 11: Assessing and managing the interface between infrastructure and other activities

(1) When assessing and managing the interface between existing and planned infrastructure with other activities, including new or intensified sensitive activities, through planning instruments, decision-makers must:

(a) ...

9. We consider that a "planning instrument" does not include a resource consent for the following reasons:

(a) Although the NPS-I itself does not define a "planning instrument", clause 1.4(2) of the NPS-I mentions that terms defined in the RMA and used in the NPS-I have the meaning in the RMA unless otherwise specified.

(b) The term "planning instrument" is used and defined in multiple provisions of the RMA which collectively and consistently do not refer to, or otherwise include, resource consents. Rather, a "planning instrument" has been used and defined by reference to:

(i) freshwater planning instruments (in relation to regional policy statements and regional plans);¹

(ii) intensification planning instruments (in relation to a change to a district plan or a variation to a proposed district plan);²

(iii) a policy statement or plan, including a change or variation to a policy statement or plan;³

(iv) a draft or proposed policy statement or plan.⁴

(c) We have found nothing in the NPS-I or the RMA to specify some alternative meaning of "planning instrument" to include a resource consent or resource consent application.

10. Accordingly, policies 10 and 11 of the NPS-I do not apply to decision-making on a resource consent. As the Project is for a resource consent rather than a planning instrument, policies 10 and 11 of the NPS-I do not apply to decision-making on the Project.

¹ Sections 2, 80A(2) and (8).

² Sections 2 and 80E(1).

³ Section 80B(3).

⁴ Section 80O.

Question 3: Whether the NPS-I is relevant to the consideration of effects of the Project on existing infrastructure, including reverse sensitivity?

11. Although policies 10 and 11 of the NPS-I do not apply to decision-making on resource consents, we consider that other NPS-I provisions can be relevant to decision-making on resource consents including in terms of effects of the Project on existing infrastructure including reverse sensitivity.

Our reasons are:

- (a) Clause 1.3(1) of the NPS-I confirms that the NPS applies to "all infrastructure activities" with exceptions limited only to particular infrastructure activities managed under the National Policy Statements for Renewable Electricity Generation and Electricity Transmission. There is no exception clause for existing infrastructure activities.
- (b) The context provided in the definition of "infrastructure activities" in clause 1.4(1) of the NPS-I confirms that it includes existing infrastructure activities because it refers to the "*operation, maintenance, upgrade and removal*" of infrastructure. Infrastructure must already exist in order to be operated, maintained, upgraded or removed.
- (c) There are NPS-I provisions that are not restricted to decision-making for planning instruments (and thus able to apply to decision-making on resource consent applications) while also containing words that can be relevant to the consideration of effects of resource consent applications (including the Project) on existing infrastructure including reverse sensitivity. These provisions include the following:
 - (i) Objective 1 does not contain language limiting its relevance to planning instruments, with subclauses enabling consideration of adverse effects on infrastructure including:
 - (1) Clause (a) which is to ensure the benefits of infrastructure are provided for – there is potential for such benefits to be adversely affected by an activity seeking resource consent including via reverse sensitivity; and
 - (2) Clause (d) anticipates a consideration of effects of other activities on infrastructure as it specifically refers to managing adverse effects from and "*on infrastructure*".
 - (ii) Policy 1(1), is for decision-makers (not just on planning instruments) to ensure the benefits of infrastructure are recognised and provided for – there is potential for such benefits to be adversely affected by resource consent applications including via reverse sensitivity.

Yours faithfully
Buddle Findlay



Special Counsel
DDI • [Redacted]
M • [Redacted]

