

Feedback to the Illustrative National Policy Direction

BUILDING A RECONSTRUCTED NATIONAL POLICY DIRECTION (RNPD)

Removing the Paradoxes and Contradictions of the National Policy Direction!

Author: Ben Ross. Assoc NZPI.

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Executive Summary

This opening statement provides a critical evaluation of the draft Illustrative National Policy Direction (NPD) and outlines the essential statutory and operational reconstructions required to deliver a workable, resilient planning framework. While the shift from the reactive complexities of the Resource Management Act 1991 (RMA) to a streamlined national "funnel" model is a welcome strategic evolution, the current illustrative draft fails to provide operational clarity due to fundamental internal paradoxes and an abdication of statutory hierarchy.

To build a useful, effective, and legally defensible planning system, decision-makers must move away from an unranked "no hierarchy" baseline and adopt a Reconstructed National Policy Direction (RNPD) anchored in a "Public Welfare Supreme" (MK2) Framework. **Consequently, although it can be deemed out of scope, Clauses 4 and 11 of the Planning Act are included as they are the core reasons we have the paradoxes in the Illustrative Policy Direction. Without amendments to those two fundamental Clauses, the paradoxes will always remain in National Policy Direction. And as soon as you get paradoxes it means very long stints in the Environment Court to get interpretations. Not really the intent on such new legislation and its subordinate documents like NDP!**

Opening Statement

1. Clarity and Accessibility of the Thematic Structure

- **Theoretical Strengths:** The descending 4-tier "funnel" architecture—cascading from the National Policy Direction down to National Standards, 30-year Regional Spatial Plans, and Land Use/Natural Environment Plans—is conceptually clear, logically structured, and vital for national consistency.
 - **Operational Frictions:** In practice, the clarity of this structure breaks down because the illustrative directives group competing economic, infrastructure, and environmental priorities under a "no hierarchy" banner. By placing growth enablement and ecological preservation on equal statutory footing without explicit "tie-breaker" rules, the framework delegates high-stakes political and legal trade-offs down to local planners and the Environment Court, creating gridlock and destroying investor certainty.
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2. Practical Viability of the Illustrative NPD

Rather than offering a clear picture of how national policy will operate on the ground, the illustrative NPD introduces four core systemic paradoxes that render it unworkable in practice:

1. **The Regulatory Relief Loophole: CC-Directive 1** enables private land use with "regulatory relief" mechanisms if rules constrain development, directly contradicting **PP-Directive 1.3**, which mandates strict, enforceable Action Plans when environmental limits are breached. This creates a self-defeating loop of environmental degradation followed by rigid re-regulation.
 2. **The Infrastructure Liability Paradox: HD-Directive 1.5** bans urban growth boundaries to foster market competition, while **CC-Directive 7** legally commands councils to minimize public infrastructure sequencing debt. This creates a severe "sprawl penalty," allowing developers to initiate dispersed greenfield subdivisions while shifting the long-term debt of extending utility networks directly onto local ratepayers.
 3. **Asymmetric Natural Hazard Risk: HD-Directive 4.1** mandates strict land-use avoidance for residential housing in high-hazard zones, whereas **INFR-Directive 3.1** forbids councils from restricting lifeline infrastructure in those same high-risk floodplains and coastal slip faces. This double standard exposes public utility networks to catastrophic stranded asset risks.
 4. **Standardization vs. Settlement Precedence:** While promising national zoning consistency, the NPD establishes that regional Treaty settlement legislation (such as *Te Ture Whaimana* for the Waikato River) prevails as a localized override, reintroducing regional fragmentation for investors.
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3. Unaddressed Priorities, Gaps, and Trade-Offs

The illustrative NPD leaves critical urban, ecological, and economic priorities unaddressed:

- **Lack of Statutory Hierarchy:** It fails to define which priority takes legal precedence when private development feasibility conflicts with hard ecological limits or public health.
- **Discretionary "Nitpicking Trap":** It retains subjective assessment criteria (such as visual amenity, neighbourhood "character," or private view preservation), allowing localized NIMBY objections to delay compliant housing.
- **Vulnerability of Key Economic Engines:** It lacks explicit Newcomer Principles (Agent of Change), leaving established ports, heavy industrial zones, quarries, and agricultural soils vulnerable to reverse-sensitivity litigation from encroaching residential subdivisions.
- **Cosmetic Greening vs. Infrastructure Utility:** Access to nature is treated as a discretionary aesthetic goal rather than an engineered public health utility.

4. How the NPD Can Be Made More Useful and Effective

To transform the illustrative draft into an effective, fast-tracked, and financially solvent planning system, the Government must execute an "operating system transplant"—swapping out the "Property Rights Supreme" baseline for a Japanese-inspired "Public Welfare Supreme" (MK2) codebase:

1. **Reconstruct Clause 4 (Purpose) & Clause 11 (Goals):** Amend the Planning Bill to establish a strict statutory hierarchy anchored by a brand-new "Super Goal 1" (*Public Welfare, Resource Preservation, Healthy Living, and Balanced Development*) that explicitly subordinates private property enjoyment and economic permissions to collective health, safety, and ecological bottom lines.
2. **Implement the "Urban Dam" (ISB Tool):** Replace the ban on growth boundaries with binary spatial zones: Urbanisation Promoting Areas (UPAs) (10-year growth reservoirs where vertical housing density is unlocked as-of-right) and Urbanisation Control Areas (UCAs) (zero-density rural shields where out-of-sequence developers bear 100% of utility connection and downstream capacity upgrade costs).
3. **Establish Capacity-Triggered Consenting:** Permit developers to bypass utility deficits without slow plan changes by installing certified, decentralized nature-based treatment systems (such as constructed wetlands) at their own cost.
4. **Enforce a Sector-Neutral "Red Line" Policy:** Apply uniform hazard avoidance across residential, commercial, infrastructure, and primary production sectors based on a **100-year climate horizon (projected to the Year 2126) **.
5. **Pre-Standardize Co-Governance Templates:** Pre-integrate Treaty settlement mandates (such as the *Waikato Catchment Special Planning Zone*) directly into national regulations from day one, replacing unpredictable localized overrides with uniform national templates.

6. **Codify the Newcomer Principle & Green Guarantee:** Mandate that newcomers fund 100% of noise/environmental mitigations (e.g., 35 dB sound glazing, 15m shelter-belt buffers, and non-revocable title covenants), while hardcoding the *3-30-300 Green Guarantee* as a mandatory utility across all urban zones.
7. **Deploy the Section 14 Mandate:** Eliminate subjective planner discretion and neighbour notifications. Any development that mathematically fits a zone's 3D envelope (Floor-Space Ratio, Building Coverage Ratio, and Sunlight Recession Planes) must be approved automatically as-of-right "on the papers" within 15 to 25 working days.

The Deep-Dive

1. The Strategic Shift: From Fragmented Regulation to the Integrated Funnel

The transition from the reactive, effects-based complexities of the Resource Management Act (RMA) to a “funnel” model represents a foundational pivot toward national consistency. This shift is not merely administrative; it is a proactive strategic framework designed to lift productivity and living standards by providing the certainty required for high-stakes investment. The architecture relies on the Planning Bill and the Natural Environment Bill as distinct but complementary pillars: while the Planning Bill focuses on the enjoyment of land and economic growth, the Natural Environment Bill provides the essential floor for ecological health.

The “funnel” is designed to systematically narrow the scope of debate and litigation through four descending layers:

1. **National Policy Direction (NPD):** The top-tier layer where the Government articulates national priorities and high-level directives.
2. **National Standards and Regulations:** These convert priorities into consistent rules, methods, and plan content to ensure regional uniformity.
3. **Regional Spatial Plans:** These translate the NPD into a 30-year strategic vision, sequencing growth and infrastructure at the regional scale.
4. **Land Use and Natural Environment Plans:** The final implementation layer where local zoning rules, overlays, and environmental limits are codified.

While this design is theoretically robust, practical frictions within the illustrative directives demonstrate that the current model abdicates national leadership by delegating high-stakes political trade-offs to local planners.

2. The “No Hierarchy” Problem: Evaluating the Four Core Systemic Paradoxes

The current planning reform operates on a “no hierarchy” principle, placing economic growth and environmental protection on equal statutory footing. This approach creates operational gridlock. By leaving competing goals unresolved at the top of the policy funnel, the system introduces strategic volatility that destroys investor confidence.

Analysis reveals four primary paradoxes within the current illustrative directives:

- **The Regulatory Relief Loop:** Under CC-Directive 1, private land use is enabled with “regulatory relief” available if environmental rules “significantly constrain” development. However, PP-Directive 1.3 mandates enforceable mechanisms to remedy breaches of environmental limits. This creates a regulatory whiplash where environmental health is undermined by relief grants only to be reclaimed by rigid, non-negotiable re-regulation.
- **The Infrastructure Liability Paradox:** HD-Directive 1.5 bans urban growth boundaries to foster competition, yet CC-Directive 7 mandates the minimization of long-term public infrastructure costs. The strategic consequence is a debt-trap for local authorities, as developers initiate high-cost, dispersed sprawl while the legal and financial burden of extending public networks is shifted asymmetrically to ratepayers.

- **Asymmetric Hazard Risk:** There is a stark double standard between HD-Directive 4.1, which mandates strict avoidance of residential housing in high-risk zones, and INFR-Directive 3.1, which prohibits councils from restricting infrastructure in those same areas. This creates an asymmetric double standard and a stranded asset risk, where public funds are spent on roads and pipes through hazard zones where no homes can legally be built.
- **Standardization vs. Settlement Precedence:** While the system promises national consistency, it acknowledges that in catchments like the Waikato, *Te Ture Whaimana* prevails over the NPD. This fragmentation of the “standardized” promise means investors must navigate localized regional overrides, reintroducing the very complexity the reform sought to eliminate.

These structural failures necessitate the transition to a sequenced, legally cohesive framework: The Integrated National Policy Direction (INPD).

3. Reconstructing the Framework: The Foundations of the INPD

To provide the stability required for sustainable development, the “no hierarchy” model must be replaced by explicit “tie-breaker” rules. The Integrated National Policy Direction (INPD) Framework internalizes the responsibility for maintaining the commons, ensuring that market growth does not liquidate the public ledger or the environment.

The “Rules of the Game” for the reconstructed INPD are:

- **Rule 1: Baseline Supremacy (The Environmental Floor):** To close the regulatory relief loop, environmental limits regarding air, water, soil, and ecosystems are established as absolute bottom lines.

The Fix: A new directive explicitly states: *“No property development or regulatory relief mechanism may be approved if it causes or accelerates the breach of an established environmental limit.”*

- **Rule 2: Integrated Property Rights:** Private property rights are structurally bounded by a “polluter pays” and “costs-fall-where-they-are-created” principle. This ensures that the responsibility for the commons is internalized by those who profit from development, preventing the externalization of costs onto the public.

This hierarchy provides the legal grounding to decouple land use from infrastructure debt.

4. Smart Land Abundance: Fixing the Infrastructure Liability Paradox

Strategic land abundance requires decoupling land-use approvals from council-funded infrastructure capacity to prevent “unfunded mandates” from bankrupting local authorities. The *Infrastructure Service Boundary (ISB)* Tool replaces the blanket ban on growth boundaries with a clear funding split:

- **Active Infrastructure Zones (AIZs):** Areas where councils have fully funded and sequenced bulk infrastructure according to the 30-year Regional Spatial Plan.
- **Developer-Funded Growth Zones (DFGZs):** Unconstrained land where expansion is permitted, provided the developer bears 100% of the capital and downstream costs to connect to public networks.

To resolve current constraints, a “Capacity-Triggered Consenting” mechanism replaces the need for slow plan changes, addressing the failures of HD-Directive 1.4. If a utility network is in deficit, development is approved if the developer installs modular, nature-based treatment systems (NBS) at their own cost. Crucially, this is a power shift: if modular solutions are utilized, councils cannot use infrastructure deficits as a legal excuse to delay the consent.

5. Harmonizing Hazard Risk: Closing the Asymmetric Safety Gap

Safety thresholds must be Sector-Neutral to protect public networks and community resilience. The proposed Standardized Safety Thresholds eliminate the double standard that allows infrastructure to be built where housing is banned, preventing Public Emergency Bailouts.

The Operational Risk-Avoidance Rules are:

- **Category 1 (Very High Risk):** Uniform Avoidance is applied across all sectors—housing, primary production, and new lifeline utilities—unless an absolute functional need is proven.
- **Category 2 (High Risk):** Any development must provide a certified “Life-Safety and Asset-Redundancy Engineering Report.” This high-hurdle requirement ensures the asset can withstand climate-adjusted events without service collapse or the need for public rescue funds.

6. Standardized Co-Governance: Integrating Treaty Partnerships

To eliminate regulatory fragmentation, Treaty settlement precedence must be integrated directly into the national “funnel.” The INPD introduces “Treaty Settlement Overlays” into the NPD to provide geographic certainty.

The operational fix for the **Waikato Catchment Special Planning Zone (WCSPZ)** involves pre-adjusting national zoning templates to reconcile *Te Ture Whaimana* river-clean-up standards from day one. Developers in the Waikato will no longer face unpredictable overrides; they will operate under a pre-standardized ruleset that aligns national goals with settlement legislation. This certainty facilitates the deployment of innovative, nature-based infrastructure.

7. Nature-Based Solutions: Resolving Deficits Without Blocking Growth

Nature-based solutions (NBS) act as a strategic bypass for infrastructure bottlenecks, bridging the gap between housing demand and environmental limits. Under PV-Directive 1.2 and PP-Directive 1.5, tools like constructed wetlands are enabled as “temporary or future provisions” across both urban and rural (farm-scale) environments.

The strategic value of NBS is captured in four areas:

- **Legal Bypass:** They provide a mechanism to keep development moving in areas with utility constraints without waiting for “grey” infrastructure upgrades.
- **Environmental Shielding:** Wetlands act as a proactive buffer, filtering contaminants to prevent legally binding limit breaches.
- **Strategic Sequencing:** They allow councils to manage capacity overload while engineering a localized buffer.
- **Biodiversity Dividends:** These solutions capture co-benefits (PV-Directive 2.6c) by supporting indigenous habitats and ecological corridors.

8. The New Governance: From Market Permissiveness to System Balance

The final requirement for system balance is the reformed role of the Urban Land Market Statutory Officer. This officer is no longer a “permissiveness cheerleader” but a monitor of Overall System Balance.

While the officer evaluates land efficiency, they must respect “Hard Legal Boundaries.” The officer is explicitly forbidden from penalizing councils for restricting land capacity if allowing further growth would trigger an environmental limit breach or exceed infrastructure capacity. This governance shift provides a “shield” for local authorities protecting the long-term integrity of their regions.

The RNPDP transforms the planning paradox into a sustainable, predictable pathway. By decoupling debt from growth and harmonizing safety standards, this framework creates a unique competitive advantage for New Zealand, positioning the nation as a global leader for sustainable, high-certainty investment in the urban and rural future.

Thus resolve these tensions, the RNPDP performs a fundamental “operating system transplant.” Rather than abandoning the strategic planning “funnel,” the Regional Spatial Plans, or the National Standardised Zones—all of which are highly supported—this reconstructed document swaps out the permissive “Property Rights Supreme” code with a “Public Welfare Supreme” (MK2) codebase inspired by the Japan Land Use Law Act 1974.

The Amendments to the Planning Bill, AND Illustrative National Policy Direction

Part I: Reconstructed Purpose & Goals (Statutory Amendments)

Pursuant to the "Public Welfare Supreme" (MK2) Framework, Clause 4 (Purpose) and Clause 11 (Goals) of the Planning Bill are surgically reconstructed below to establish a strict statutory hierarchy. Strategic national goals are no longer left unranked to battle each other in court; instead, individual land use and economic growth are legally subordinated to a brand-new "Super Goal" at the peak of the planning funnel.

1. Clause 4: Reconstructed Purpose of the Planning Bill

The purpose of the Act is rewritten to establish that the private "enjoyment of land" is not an absolute, unfettered right. Instead, private property rights exist to complement and must support the collective health, climate safety, and infrastructure solvency of the community.

Clause 4: Purpose

"The purpose of this Act is to ~~provide for the enjoyment of land by establishing~~ establish a framework for planning and regulating the use, ~~and~~ development, **and enjoyment of land that complements but must not inhibit the Public Welfare Supreme practice.**"

Strategic Legal & Planning Intent: Swaps a "Property Rights Supreme" baseline for a "Public Welfare Supreme" baseline. Property rights remain enabled, but they are bounded. A property owner can no longer use the "enjoyment of land" clause to legally bypass or challenge environmental bottom lines, public health requirements, or hazard safety boundaries in court.

2. Clause 11: Reconstructed Goals of the Planning Bill

The un-ranked, competing goals of the original Bill are reordered into a rigid legal hierarchy. This ensures that councils and the Environment Court have an absolute "tie-breaker" rule when balancing growth against environmental and public health limits.

Clause 11: Goals

(1) All persons exercising or performing functions, duties, or powers under this Act must seek to achieve the following goals subject to **sections 12 and 45**:

1. **to ensure that each of the Public Welfare Supreme practices is adhered to at all times, and is not inhibited through the enabling, use and development of land:**
 - i. **Public Welfare: collective health overrides private objection;**
 - ii. **Resource Preservation: Hard Ecological Limits to protect soil;**
 - iii. **Healthy Living: Mandated Sunlight and Nature Access (for urban areas, mandated nature access is set by the 3-30-300 Rule);**
 - iv. **Balanced Development: Infrastructure-Led Containment.**
2. ~~To ensure that land use does not unreasonably affect others, including by separating incompatible land uses.~~ **to ensure that land use does not unreasonably affect others,**

including by separating incompatible land uses otherwise not separated by the Standardised Zones, or managed through Newcomer Principles;

3. ~~To support and enable economic growth and change by enabling the use and development of land.~~ to support and enable economic growth and change by enabling the use and development of land while not inhibiting the Public Welfare Supreme practices as outlined in Goal 1;
4. ~~To create well-functioning urban and rural areas.~~ to create well-functioning urban and rural areas that meet the requirements of Public Welfare Supreme practices as outlined in Goal 1;
5. ~~To enable competitive urban land markets by making land available to create abundant development opportunities for residential and business use.~~ to enable competitive urban land markets by making land available to meet current and expected demand for business and residential use and development through the Urban Promotion Area, and Urban Control Area practices;
6. ~~To enable infrastructure to be provided to meet and respond to current and future demand.~~ to plan and provide infrastructure to meet current and expected demand under the Infrastructure Led Development method as set out by the Urban Promotion Area, and Urban Control Area practices;

[...]

9. ~~~~To safeguard against natural hazard risks that arise from or affect the use or development of land.~~ to safeguard communities from the effects of natural hazards through proportionate and risk-based planning;
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Part II: Reconstructed Themes and Directives (Pillars of the Reform)

To operationalize the statutorily amended purpose and goals, the central directives under the original themes of the NPD are systematically reconstructed. This removes the five core structural contradictions and establishes the physical operating mechanisms of the new system.

Pillar 1: Foundations & Statutory Hierarchy (Closing the Regulatory Loophole)

Under the original NPD, the "Regulatory Relief" loophole allowed developers to bypass ecological and historic heritage limits if they could prove that those limits significantly constrained private development feasibility. The RNPDP closes this loop by establishing the absolute supremacy of environmental bottom lines and bounding property rights to a "responsibility to the commons."

- **CC-Directive 1: Enabling Property Rights with Responsibility**
 - *Original Wording:* "When implementing this NPD, the use of private land is to be enabled with restrictions only imposed when necessary to ensure others are not unreasonably affected or to provide for important public values."
 - *Reconstructed RNPDP:* "When implementing this NPD, the use of private land is to be enabled ~~with restrictions only imposed when necessary to ensure others are not unreasonably affected or to provide for important public values~~ **only where it complements and does not inhibit the Public Welfare Supreme practices. Land use is strictly bounded by non-negotiable mathematical envelopes and hard ecological limits, ensuring that private development choices do not externalize infrastructure, public health, or environmental costs onto the public ledger.**"
- **CC-Directive 1A: The Baseline Supremacy of Environmental Limits**
 - **No property development, land-use plan, or regulatory relief mechanism may be approved or enabled if it causes, accelerates, or risks the breach of an established environmental limit. Environmental limits safeguarding water, air, soil, and ecosystem health function as absolute, non-negotiable bottom lines that completely subordinate private development feasibility.**

Pillar 2: Smart Land Abundance & Ratepayer Protection (Resolving the Sprawl Penalty)

To achieve housing abundance, the original NPD banned growth boundaries and connection requirements (HD-Directive 1.5), allowing developers to build highly dispersed subdivisions anywhere. However, this stripped councils of the regulatory tools to align capital expenditure with zoning, creating a "sprawl penalty" where existing ratepayers subsidized massive public debt to run roads and pipes to isolated fringe developments.

The RNPd replaces the blanket ban on growth boundaries with the **"Urban Dam" binary spatial framework** and the **Infrastructure Service Boundary (ISB) tool**. This enables highly active, competitive land markets inside growth corridors while protecting the public purse from inefficient sprawl.

THE "URBAN DAM" SPATIAL CONTAINMENT STRATEGY

UCA — Urbanisation Control Area	UPA — Urbanisation Promoting Area
Density Floor: ZERO	10-Year Growth Reservoir
Infrastructure Priority: LOW	Infrastructure Priority: HIGH
100% cost borne by Developer	As-of-Right" Permitted Pathway
Preserves Food-Producing Soil	Density Follows Frequency (DFF)

- **HD-Directive 1.4: Managing Infrastructure constraints**
 - *Original Wording:* "To manage infrastructure constraints in areas identified as otherwise suitable for development or intensification, local authorities must use temporary or future provisions (as provided for by the Planning Bill) rather than requiring a plan change."
 - *Reconstructed RNPd:* ~~"To manage infrastructure constraints in areas identified as otherwise suitable for development or intensification, local authorities must use temporary or future provisions (as provided for by the Planning Bill)"~~ **Capacity-Triggered Consenting.** Under this framework, development is approved on the condition that the developer either waits for scheduled capital works inside an Active Infrastructure Zone (AIZ) or installs certified, decentralized, nature-based treatment systems (such as constructed wetlands) at their own cost to manage the deficit and protect catchment limits. ~~rather than requiring a plan change."~~
- **HD-Directive 1.5: The "Urban Dam" and Infrastructure Service Boundary (ISB)**
 - *Original Wording:* "To enable urban expansion, land use plans must not include urban growth boundaries or requirements for development to be connected to existing urban areas."
 - *Reconstructed RNPd:* ~~"To enable urban expansion, land use plans must not include urban growth boundaries or requirements for development to be connected to existing urban areas"~~ **must utilize the 'Urban Dam' binary spatial framework and map an Infrastructure Service Boundary (ISB) to divide the region into two distinct spatial jurisdictions:**
 - **1. Urbanisation Promoting Areas (UPAs) / Active Infrastructure Zones (AIZs):** Areas mapped to absorb a disciplined, systematic 10-year

growth horizon. UPAs are assigned High Priority for public infrastructure investment. Bulk horizontal assets (water, sewer, roads, and transit) must be fully funded, sequenced, and operational before vertical density is unlocked.

- **2. Urbanisation Control Areas (UCAs) / Developer-Funded Growth Zones (DFGZs): Areas outside the 10-year growth boundary reserved for primary production and ecological protection, where urbanization is prohibited in principle and the residential density floor is zero. If a developer secures a formal boundary expansion via a 10-year Regional Spatial Plan review, they have the right to build but must establish a DFGZ and bear 100% of the capital costs of public network connections and downstream capacity upgrade fees, legally shielding existing ratepayers from public debt.**

Pillar 3: Harmonized, Sector-Neutral Hazard Rules (Uniform Risk Avoidance)

The original NPD applied a glaring double standard to natural hazards: housing was strictly avoided in high-hazard zones (HD-Directive 4.1), but primary production and infrastructure providers were given a sweeping exemption to engineer their way directly into active alluvial floodplains and coastal slip faces (INFR-Directive 3.1 & PP-Directive 5.1). This resulted in an absurd, dangerous scenario where councils were forced to spend public ratepayer funds to construct and maintain utility lifelines running through catastrophic hazard plains where residents were legally barred from building a home.

The RNPDP establishes the "**Red Line Policy**"—a uniform, sector-neutral hazard avoidance rule planning out to a **100-year climate horizon (projected to the Year 2126)**.

- **SW-Directive 2.1: The Uniform "Red Line" Natural Hazard Policy**
 - *Original Wording (incorporating HD-Directive 4.1, INFR-Directive 3.1, & PP-Directive 5.1):* "avoiding housing and development where risks are assessed as 'very high'... for infrastructure [and primary production], activities can be in hazard-exposed areas with the resilience of infrastructure itself achieved through design..."
 - *Reconstructed RNPDP:* "To safeguard communities and prevent the creation of stranded public assets, regional spatial plans, land use plans, and natural environment plans must apply a **uniform, sector-neutral 'Red Line Policy' based on a 100-year climate horizon (projected to the Year 2126) and a Mandatory Risk Matrix:**
 - **1. In 'Very High' Hazard Zones (the Top-Left Risk Quadrant of the Mandatory Risk Matrix):** All new residential housing, commercial development, intensive primary production facilities, and lifeline utility infrastructure are uniformly avoided and prohibited in principle, unless there is an absolute, verified functional and operational need (such as a port) that cannot be located elsewhere.
 - **2. In 'High' Hazard Zones:** Any approved development, primary production asset, or infrastructure must provide a certified 'Life-Safety and Asset-Redundancy Engineering Report'. This report must prove the asset can withstand projected climate-adjusted events without requiring public emergency bailouts and must explicitly model for Residual Risk—the inevitable and eventual failure of man-made defences like sea walls and stop banks.

Pillar 4: Pre-Standardized Co-Governance Templates (Standardizing Treaty Partnerships)

The original framework promised national standardization, yet it established that regional Treaty settlement documents (such as *Te Ture Whaimana* for the Waikato River catchment) would act as unpredictable, localized overrides. This created extreme regulatory fragmentation, forcing developers and regional councils to navigate completely inconsistent rules across different regional borders.

The RNPDP resolves this contradiction by pre-integrating iwi-led ecological and cultural mandates directly into standardized national planning templates from day one.

- **SW-Directive 1.1: Standardised Treaty Settlement Overlays**
 - *Original Wording:* SW-Directive 1.1 treated Treaty settlement obligations as localized regional overrides that prevail over the NPD, fracturing national consistency.
 - *Reconstructed RNPDP:* "To ensure national planning predictability while fully honouring the Crown's Treaty of Waitangi partnership obligations, the Ministry must pre-integrate settlement mandates directly into national regulations as **Standardised Co-Governance Templates:**
 - **1. Waikato Catchment Special Planning Zone (WCSPZ): National zoning templates are pre-adjusted within this zone to incorporate the strict catchment-restoration and river-clean-up standards of Te Ture Whaimana from day one. Rather than navigating unpredictable, regional overrides, developers and regional councils utilize a uniform ruleset that reconciles river-protection standards with national directions from the start.**

Pillar 5: Green Utility & Access to Nature (The 3-30-300 Green Guarantee)

Under the original NPD, access to green space and tree canopy was treated as a discretionary, high-level aesthetic goal, frequently negotiated away by developers during consenting. The RNPDP elevates nature into a **mandatory, engineered public health "Green Utility"** that must be built directly into the zoning DNA of all developments, including high-density urban corridors and heavy industrial areas.

- **CC-Directive 1A: The 3-30-300 Green Guarantee**
 - **To protect human physical and mental health, mitigate the urban heat island effect, and naturally manage stormwater runoff, all urban, commercial, and industrial zones must satisfy the 3-30-300 Green Guarantee as a mandatory infrastructure utility:**
 - **1. 3 Trees:** Site layouts must mathematically guarantee a direct line-of-sight to at least three mature canopy trees from every window of every residential, commercial, or institutional unit;
 - **2. 30% Canopy:** All neighbourhood blocks must achieve a minimum of 30% tree canopy cover. To ensure long-term canopy viability in paved urban and industrial landscapes, civil plans must specify engineered "connected soil volumes" (providing a minimum of 30 to 42 cubic meters of non-compacted, healthy soil per tree) underneath adjacent pavements and sidewalks;
 - **3. 300 Meters:** The primary entrance of every development must be located within a maximum 300-meter barrier-free network walkable distance of a high-quality, continuous public park or open green space.

Pillar 6: Economic Defence & Reverse Sensitivity (The Newcomer Principle)

Standardized zoning is continually threatened by "reverse sensitivity" disputes, such as new residential developments encroaching next to pre-existing ports, active rail lines, quarries, or working farms, and subsequently launching civil litigation over noise, dust, spray-drift, or odours.

The RNPd codifies the **Newcomer Principle (Agent of Change)**, establishing a strict "**First in Time, First in Right**" rule to protect the nation's key economic engines.

- **CC-Directive 3B: The Newcomer Principle (Agent of Change)**
 - **To protect the operational certainty and 24/7 "right to operate" of pre-existing lawfully established land uses (including ports, state highways, heavy industrial parks, quarries, and agricultural productive soils), plans must enforce the Newcomer Principle:**
 - **1. Cost Internalisation:** The party introducing a new or sensitive land use into an existing environment (the "newcomer" or "agent of change") bears 100% of the financial and physical cost of environmental mitigation. If a developer builds housing next to a pre-existing transport corridor or industrial zone, the developer must pay for certified acoustic insulation (minimum 35 dB sound reduction in sleeping quarters) and mechanical HVAC ventilation so residents do not need to open windows facing the corridor. If a residential subdivision borders a rural production zone, the developer must plant a continuous 15m-wide native shelter-belt on their own land to filter agricultural spray-drift and dust.
 - **2. No-Complaint Covenants:** All properties established within a 150-meter buffer of a pre-existing productive or infrastructure zone must register a non-revocable, restrictive title covenant. This covenant legally bars current and future property owners from launching noise, dust, odour, or spray-drift complaints against legally operating incumbent entities, effectively insulating Aotearoa's economic engines from residential encroachment.
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Part III: The Section 14 Mandate (Liquidating Subjectivity)

To eliminate the "Nitpicking Trap" and the crushing planning backlogs that paralyzed local governments under the RMA, the RNPD implements a strict **Section 14 Mandate** [140, 156]. It forces a complete transition from a discretionary "culture of permission" to an objective, automated "**culture of adherence**."

THE SECTION 14 ADMINISTRATIVE CONSENTING FUNNEL

[Incoming Application]

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[Non-Discretionary Audit] -> Check:

|| * Mapped inside UPA? (If UCA, Reject)

|| * Outside 100-Yr Red Line? (If inside, Reject)

|| * Meets FSR, BCR, and Sunlight Planes?

|| * Satisfies 3-30-300 Green Utility?

|| * Applied Newcomer acoustic/vegetative buffers?

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COMPLIANT	NON-COMPLIANT
Automatic Permitted Activity	Immediate "On-Papers" Refusal
Approved on Papers in 15-25 Days	(No Subjective Hearings/Appeals)
(No Public Notification/Neighbour Appeals)	

1. **Purging Subjectivity:** Under the Section 14 Mandate, when an application for development is lodged, council planners are **legally prohibited** from considering subjective, discretionary criteria. Planners must ignore factors such as:
 - Neighbourhood aesthetic character or "urban fit"
 - Loss of private views or "amenity shading"
 - The social or economic status of future residents
 - Trade competition
2. **Automated Permitted Activity:** If a development mathematically fits within the objective built-form envelopes of its National Standardised Zone (NSZ)—specifically complying with **Floor-Space Ratio (FSR)**, **Building Coverage Ratio (BCR)**, and diagonal **Sunlight recession planes**—it is legally granted **Permitted Activity status automatically**.
3. **Fast-Track Consenting Timeline:** Compliant applications must be processed and approved strictly "on the papers" within **15 to 25 working days**. Public notification,

neighbour consultation, and merits-based appeals to the Environment Court are legally barred, giving investors absolute legal certainty and removing NIMBY obstruction from the urban growth engine.

Part IV: Legislative Appendix (Planners' & Decision-Makers' Reference)

This appendix provides senior planners, legal counsel, and the Environment Court with a highly structured, direct reference table mapping the exact statutory modifications made to transition the Illustrative NPD into the legally binding **Reconstructed National Policy Direction (RNPd)**.

Legislative Element / Directive	Original Illustrative NPD Wording & Policy Intent	Reconstructed RNPd Amendments (Strikeout & Bold)	Operational Mechanism & Strategic Resolution
Clause 4: Purpose (Planning Bill)	"The purpose of this Act is to provide for the enjoyment of land by establishing a framework for planning and regulating the use and development of land."	"The purpose of this Act is to provide for the enjoyment of land by establishing establish a framework for planning and regulating the use, and development, and enjoyment of land that complements but must not inhibit the Public Welfare Supreme practice. "	Subordinating Property Rights to Public Welfare: Establishes an absolute statutory baseline. Private land enjoyment is no longer an unfettered right; it is legally bound to support community safety, ecological limits, and infrastructure capacity
Clause 11: Goal 1 (Planning Bill Goals)	<i>None. (Original goals sat alongside each other as competing priorities with "no hierarchy").</i>	<u>Goal 1 (Super Goal): to ensure that each of the Public Welfare Supreme practices is adhered to at all times, and is not inhibited through the enabling, use and development of land: i. Public Welfare (collective health overrides private objection); ii. Resource Preservation (Hard Ecological Limits to protect soil); iii. Healthy Living (Mandated Sunlight and Nature Access via the 3-30-300 Rule); iv. Balanced Development (Infrastructure-Led Containment).</u>	The Statutory Anchor: Establishes a supreme legal hierarchy of rights. Councils are granted the non-negotiable authority to deny private developments or "regulatory relief" requests if they threaten collective community health, ecological baselines, or infrastructure capacity.

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Clause 11: Goal 2 (Separating Nuisances)	"To ensure that land use does not unreasonably affect others, including by separating incompatible land uses."	"to ensure that land use does not unreasonably affect others, including by separating incompatible land uses otherwise not separated by the Standardised Zones, or managed through Newcomer Principles; "	Codifying the Newcomer Principle: Legally protects key "economic engines" (ports, rail corridors, and agriculture) from reverse sensitivity. Shakes off vexatious litigation by requiring the newcomer to fund 100% of physical noise/environmental insulation.
Clause 11: Goals 3 & 4 (Economic Growth & Urban Areas)	"To support and enable economic growth and change by enabling the use and development of land." "To create well-functioning urban and rural areas."	"to support and enable economic growth and change by enabling the use and development of land while not inhibiting the Public Welfare Supreme practices as outlined in Goal 1; " "to create well-functioning urban and rural areas that meet the requirements of Public Welfare Supreme practices as outlined in Goal 1; "	Protecting Environmental Guardrails: Prevents developers or pro-growth central commissioners from using "economic growth" or "well-functioning areas" as a blank check to override environmental boundaries or public health requirements.
Clause 11: Goal 5 (Competitive Land Markets)	"To enable competitive urban land markets by making land available to create abundant development opportunities for residential and business use."	"to enable competitive urban land markets by making land available to meet current and expected demand for business and residential use and development through the Urban Promotion Area, and Urban Control Area practices; "	Planned Land Abundance (The Urban Dam): Replaces the original draft's chaotic, debt-inducing ban on growth boundaries with a highly disciplined, binary spatial containment strategy. Fosters intense market competition inside growth reservoirs.

Legislative Element / Directive	Original Illustrative NPD Wording & Policy Intent	Reconstructed RNPD Amendments (Strikeout & Bold)	Operational Mechanism & Strategic Resolution
Clause 11: Goal 6 (Infrastructure)	"To enable infrastructure to be provided to meet and respond to current and future demand."	"to plan and provide To enable infrastructure to meet and respond to current and expected demand under the Infrastructure Led Development method as set out by the Urban Promotion Area, and Urban Control Area practices; "	The "Pipes Before People" Mandate: Shifts infrastructure from a reactive "catch-up" exercise to a proactive, sequenced prerequisite. Legally blocks vertical home construction inside a zone until core horizontal utilities are funded and fully operational.
Clause 11: Goal 9 (Hazards)	"To safeguard against natural hazard risks that arise from or affect the use or development of land."	"to safeguard communities from the effects of natural hazards through proportionate and risk-based planning;"	Community-Scale Avoidance: Pivots planning away from weak, property-by-property "hazard mitigation" toward absolute, community-scale "hazard avoidance". Sets the legal baseline for the "Red Line Policy"

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CC-Directive 1: Private Property Rights	"When implementing this NPD, the use of private land is to be enabled with restrictions only imposed when necessary to ensure others are not unreasonably affected or to provide for important public values."	"When implementing this NPD, the use of private land is to be enabled with restrictions only imposed when necessary to ensure others are not unreasonably affected or to provide for important public values only where it complements and does not inhibit the Public Welfare Supreme practices. Land use is strictly bounded by non-negotiable mathematical envelopes and hard ecological limits, ensuring that private development choices do not externalize infrastructure, public health, or environmental costs onto the public ledger."	Integrated Property Rights (Responsibility to Commons): Swaps out absolute land ownership rights for bounded rights. This prevents developers from externalizing physical or environmental impacts onto the public purse.

Legislative Element / Directive	Original Illustrative NPD Wording & Policy Intent	Reconstructed RNPD Amendments (Strikeout & Bold)	Operational Mechanism & Strategic Resolution
HD-Directive 1.4: Managing Constraints	"To manage infrastructure constraints in areas identified as otherwise suitable for development or intensification, local authorities must use temporary or future provisions (as provided for by the Planning Bill) rather than requiring a plan change."	"To manage infrastructure constraints in areas identified as otherwise suitable for development or intensification, local authorities must use temporary or future provisions (as provided for by the Planning Bill) Capacity-Triggered Consenting. Under this framework, development is approved on the condition that the developer either waits for scheduled capital works inside an Active Infrastructure Zone (AIZ) or installs certified, decentralized, nature-based treatment systems (such as constructed wetlands) at their own cost to manage the deficit and protect catchment limits rather than requiring a plan change."	Leveraging Private Capital for Catchment Health: Aligns with nature-based solutions mandates. Developers who build advanced, on-site wetland systems to pre-treat stormwater/wastewater receive immediate upgrade fee offsets, keeping housing moving while protecting rivers.

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HD-Directive 1.5: Growth Boundaries	"To enable urban expansion, land use plans must not include urban growth boundaries or requirements for development to be connected to existing urban areas."	"To enable urban expansion, land use plans must not include urban growth boundaries or requirements for development to be connected to existing urban areas must utilize the 'Urban Dam' binary spatial framework and map an Infrastructure Service Boundary (ISB) to divide the region into two distinct spatial jurisdictions: 1. Urbanisation Promoting Areas (UPAs) (10-year growth reservoirs with scheduled infrastructure); 2. Urbanisation Control Areas (UCAs) (where urbanization is prohibited to protect rural soils and prevent public liabilities)."	Resolving the "Sprawl Penalty": Councils retain the authority to prevent uncoordinated sprawl, shielding ratepayers and local debt structures from the massive capital liabilities of building, extending, and permanently maintaining highly dispersed roads and utility lines.

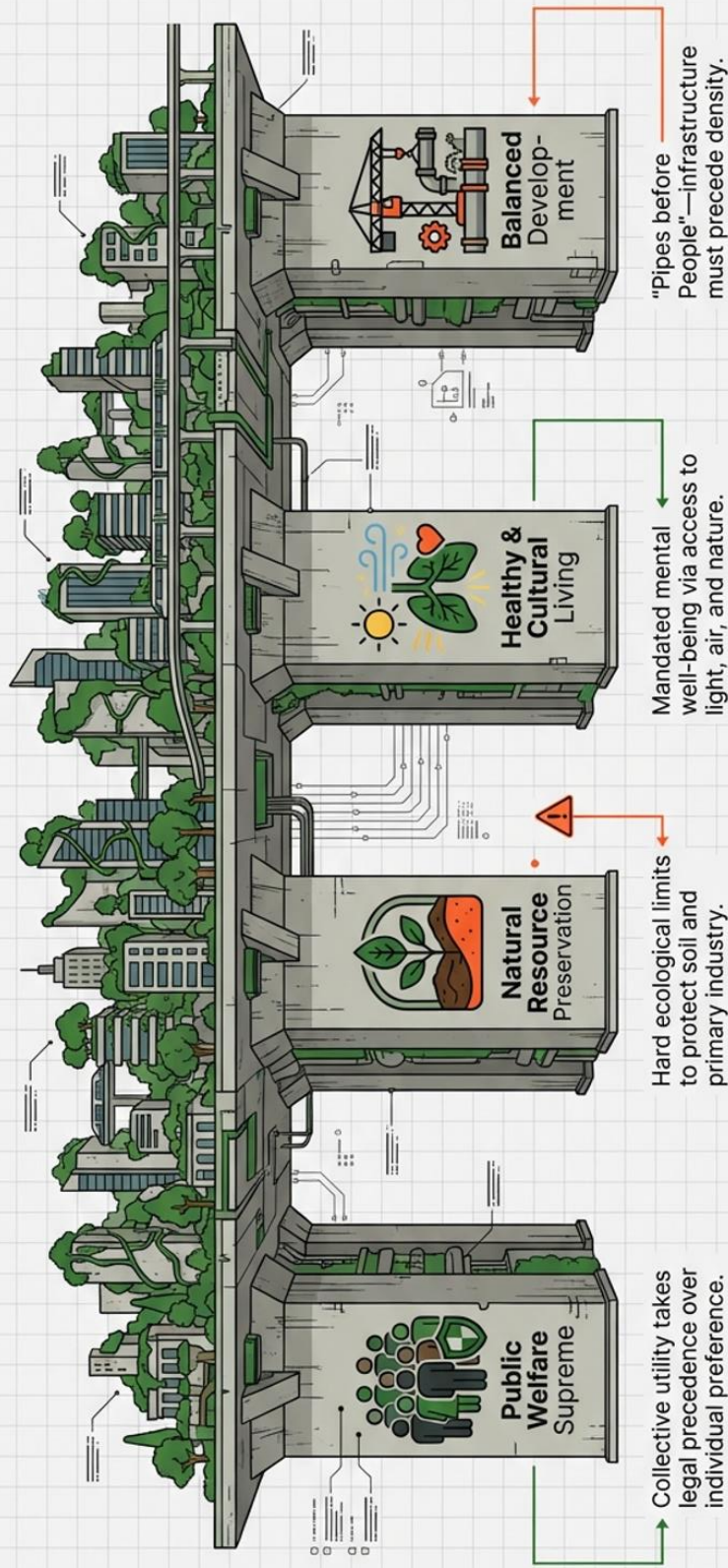
Legislative Element / Directive	Original Illustrative NPD Wording & Policy Intent	Reconstructed RNPD Amendments (Strikeout & Bold)	Operational Mechanism & Strategic Resolution
HD-Directive 4.1 / INFR-Directive 3.1 / PP-Directive 5.1: Hazard Risk	Applied strict hazard avoidance to residential housing ("avoid housing where risks are assessed as 'very high'") but granted a sweeping exemption to infrastructure and primary production to build directly inside high-hazard plains.	"To manage natural hazard risk, land use plans and natural environment plans must apply a uniform, sector-neutral 'Red Line Policy' based on a 100-year climate horizon (projected to the Year 2126) and a Mandatory Risk Matrix: 1. In 'Very High' Hazard Zones (the Top-Left Risk Quadrant of the Mandatory Risk Matrix): All new residential housing, commercial development, intensive primary production facilities, and lifeline utility infrastructure are uniformly avoided and prohibited in principle. 2. In 'High' Hazard Zones: Any approved development, primary production asset, or infrastructure must provide a certified 'Life-Safety and Asset-Redundancy Engineering Report' proving the asset can withstand projected climate-adjusted events without requiring public emergency bailouts and must explicitly model for Residual Risk—the inevitable and eventual failure of man-made defences like sea walls and stop banks."	Eliminating Stranded Public Assets: Forces all developers and utility providers in high-hazard zones to model for a 100-year climate horizon and account for "Residual Risk." Prevents future taxpayer-funded emergency bailing of exposed networks.

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SW-Directive 1.1: Treaty Settlements	SW-Directive 1.1 established that Treaty settlement precedence (such as Te Ture Whaimana for the Waikato River) acted as a localized, regional override that prevailed over the NPD, fracturing national consistency.	"To ensure national planning predictability while fully honouring the Crown's Treaty of Waitangi partnership obligations, the Ministry must pre-integrate settlement mandates directly into national regulations as Standardised Co-Governance Templates: 1. Waikato Catchment Special Planning Zone (WCSPZ): National zoning templates are pre-adjusted within this zone to incorporate the strict catchment-restoration and river-clean-up standards of Te Ture Whaimana from day one. Rather than navigating unpredictable, regional overrides, developers and regional councils utilize a uniform ruleset that reconciles river-protection standards with national directions from the start."	Eliminating Regulatory Fragmentation: Establishes consistent, pre-adjusted templates from day one. Rather than navigating unpredictable, localized "backdoor" overrides, developers and regional councils utilize a uniform ruleset that reconciles river-clean-up standards with national direction from the start.

Legislative Element / Directive	Original Illustrative NPD Wording & Policy Intent	Reconstructed RNPD Amendments (Strikeout & Bold)	Operational Mechanism & Strategic Resolution
CC-Directive 1A (NEW DIRECTIVE)	<i>None. (Discretionary, high-level encouragement to support projects that provide open spaces and restore indigenous biodiversity).</i>	<u>CC-Directive 1A (The 3-30-300 Green Guarantee): To protect human physical and mental health, mitigate the urban heat island effect, and naturally manage stormwater runoff, all urban, commercial, and industrial zones must satisfy the 3-30-300 Green Guarantee as a mandatory infrastructure utility:</u> <u>1. 3 Trees (direct line-of-sight to at least three mature canopy trees from every window of every unit);</u> <u>2. 30% Canopy (neighbourhood-block canopy cover, supported by connected soil volumes of 30 to 42 cubic meters per tree under adjacent pavements);</u> <u>3. 300 Meters (proximity to a high-quality public park within a 300m walkable distance).</u>	Nature as a Mandatory Utility: Elevates urban greening from cosmetic landscaping to an engineered public health service, legally hardcoded into all zoning categories. Reduces stormwater infrastructure CAPEX by 50% and delivers massive mental health ROI.

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CC-Directive 3B (NEW DIRECTIVE)	<i>None. (Original directives left managing reverse sensitivity to proportionate localized controls with no clear legal rules).</i>	<u>CC-Directive 3B: The Newcomer Principle (Agent of Change): To protect the operational certainty and 24/7 "right to operate" of pre-existing lawfully established land uses (including ports, state highways, heavy industrial parks, quarries, and agricultural productive soils), plans must enforce the Newcomer Principle:</u> <u>1. Cost Internalisation (the party introducing change bears 100% of physical mitigation costs, e.g. 35 dB sound glazing, HVAC, 15m shelter-belts); 2. No-Complaint Covenants (mandatory operational title covenants registered on all new titles within a 150m buffer of productive/infrastructure zones, legally blocking noise/dust/spray-drift lawsuits).</u>	Securing the "Right to Operate": Shifts 100% of the cost of environmental and noise mitigation onto the "agent of change," legally shielding Aotearoa's vital economic engines from suburban encroachment and vexatious civil litigation.

The Four Pillars: Aotearoa's New Urban Source Code



```

1  const => {
2    first Public Welfare Supreme -> {
3      Collective utility takes legal precedence over individual preference.
4    }
5  }

```

