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Dear Sir/Madam

Waikato Regional Council Submission on the National Direction Package 1: Infrastructure and Development and Package 2: Primary Sector discussion documents

Thank you for the opportunity to submit on the National Direction Package 1: Infrastructure and Development and Package 2: Primary Sector discussion documents. Please find attached the Waikato Regional Council's (the council's) submission regarding these documents. The submission was formally endorsed by the council on 23 July 2025.

Council recognises the importance of Waikato as a significant region for the country in terms of food production, the location of key national infrastructure, being a critical Upper North Island freight movement node, a centre for national energy generation, a significant area of high metro-growth, and a region rich in diverse natural environments that support many tourism activities. The Waikato also has unique Treaty settlements that need careful consideration in regard to their continued application in the Waikato.

The attached submissions are comprehensive with a wide range of topics covered, elected members held a wide range of views on each of the submissions made. Council's submission points on Te Mana o te Wai were well debated by council, and given the nature of the topic we want to highlight that there is a diversity of perspectives held by elected members. As a collective, however, Council was supportive of the submissions being lodged, emphasizing that a balance needs to be struck between environmental stewardship and a productive and prosperous region.

Should you have any queries regarding the content of this document please contact Katrina Andrews, Senior Policy Advisor, Strategic and Spatial Planning directly on (07) 8590929 or by email Katrina.Andrews@waikatoregion.govt.nz.

Regards,

Tracey May
Director Science, Policy and Information

Submission from Waikato Regional Council on the National Direction Package 1: Infrastructure and Development and Package 2: Primary Sector discussion documents

Introduction

1. We appreciate the opportunity to make a submission on the National Direction Package 1: Infrastructure and Development and Package 2: Primary Sector discussion documents.
2. Waikato Regional Council (the council) recognises that the government is progressing changes to national direction under the Resource Management Act 1991 (RMA) to contribute to the overarching goals of the resource management reform programme and that these changes are intended to transition into the new resource management system, once established.
3. Given the significant scale of change proposed to national direction, we highlight the importance of producing national direction that is clear and workable and provides certainty for local authorities, applicants and communities, in a way that allows it to be as enduring as possible. Having certainty of direction over election cycles would assist with the ability of local authorities to effectively implement national direction in regional and local planning documents in the new system.
4. We recognise that Packages 1 and 2 cover a wide range of national direction instruments and topics. The council agrees that there are areas for immediate improvement and, overall, is supportive of a number of the proposed new and amended national direction instruments in these packages.
5. There are, however, other areas where the proposed changes may increase complexity and ambiguity for decision-making or result in unintended consequences if provisions are not clear or well-integrated across national direction instruments.
6. The introduction of these changes at a time when system-wide resource management reform is imminent also adds another layer of complexity. We support the intention to minimise the implementation burden for councils ahead of the transition to the new system and seek to ensure this is reflected in the instruments.
7. Our submission begins by providing some overarching comments across Packages 1 and 2, followed by a summary of key points and recommendations for each of the two packages. The remainder of the submission consists of tables of feedback, which provide responses to the consultation questions, as well as additional comments on some instruments. Table 1 relating to Package 1 begins on page 10, while Table 2 relating to Package 2 begins on page 59.
8. We look forward to any future consultation processes on the proposed changes to national direction and the upcoming RMA replacement legislation and would welcome the opportunity to comment on any issues explored during their development.

Submitter details

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Overarching comments

9. In this section, we highlight some overarching considerations in relation to the proposed new and amended national direction, including the relationship to the RMA replacement legislation.
10. We note the Package 1 discussion document identifies that the government has decided to focus on resolving the major tensions between infrastructure and natural environmental values in the replacement of the RMA, rather than through the current proposed changes to national direction. We highlight that providing clear direction on how competing interests, values and outcomes are to be prioritised and resolved in resource management decision-making is a critical factor in providing clear national direction and increasing certainty for resource users. Until this is resolved, there will continue to be increased complexities for decision-making.
11. We consider there is room for improved clarity in some of the proposed changes as to how national direction instruments are intended to work together and their relationship to sections 5 and 6 of the RMA.
12. We consider that the directive, enabling language within some of the proposed objectives and policies may lead to unintended consequences where there are a range of national, regional and local interests involved and clear direction as to priorities is not provided; for example, where different infrastructure projects or significant economic activities have competing space requirements. We highlight this as a matter for further consideration in drafting the proposed amendments. This is also an area where we see value for spatial planning in the new resource management system.
13. Some of the proposed amendments tilt policy frameworks strongly in favour of enabling development proposals, with weaker provisions relating to adverse environmental, social, cultural and economic effects. Our submission recommends amendments to achieve a more appropriate balance in this regard, to align with section 5 of the RMA. We consider this is important for recognising that not all proposals will be appropriate in all locations and that localised adverse effects may be significant or irreversible or involve values of importance to local communities.
14. In particular, the term “enable” has a specific meaning within the resource management plan development process and suggests a controlled or permitted activity consenting pathway. Given the significant scale and impact of some of the activities proposed to be enabled under the new and amended National Policy Statements (NPSs), we consider the use of this verb inappropriate and instead recommend the use of other terms used in existing national direction instruments. This will improve the ability for councils and applicants to better understand the scope and meaning of the new national direction.
15. We also see potential for unintended consequences where new terms and definitions are introduced that are broad and open to differing interpretations. In addition to the potential to cause adverse environmental and community outcomes, local authorities and applicants may face increased complexities and costs in implementing amended provisions where these are not clear and certain.
16. We highlight the importance of adequately providing for iwi and hapū participation and recognition of sites and values of significance within the national direction amendments. We support the inclusion of specific direction relating to Māori interests within some of the proposed amendments and make recommendations to strengthen these where relevant. It is also important that the new and amended national direction adequately recognises Te Ture Whaimana o Te Awa o Waikato - the Vision and Strategy for the Waikato River as the primary direction setting document for the Waikato River and its catchments. In addition to national direction instruments for freshwater, Te Ture Whaimana is also relevant to national direction impacting infrastructure, development and primary sector activities, as these all have potential to impact the health and wellbeing of the river and its catchments.

17. The council supports the intention to minimise the implementation requirements for local authorities ahead of the upcoming system-wide resource management reform. With the RMA replacement legislation now imminent, we do not consider it appropriate to specify a time period for plan changes to implement the new and amended NPSs, except where this can be done under section 55 of the RMA. Requiring resources to be allocated to amend existing policy statements or plans through a Schedule 1 process without knowing the final detail of the new resource management legislation or how these documents will transition into it would not be efficient nor effective.

Summary of key points

National Direction Package 1: Infrastructure and development - Discussion document

Proposed National Policy Statement for Infrastructure

18. We **support** stronger national direction for infrastructure, particularly where it reinforces existing recognition within the Waikato Regional Policy Statement (WRPS) and regional plans. We **recommend** that strong linkages to the Land Transport Management Act 2003 be built into the National Policy Statement for Infrastructure (NPS-I), as a large part of the strategic planning and funding of transport infrastructure is driven through this Act.
19. We recommend amendments to proposed definitions to improve certainty and clarity. In particular, refining the definition of 'infrastructure supporting activities' to exclude activities that are not on the site of the primary infrastructure activity, exclude quarrying activities, and limit these to activities to "specifically or predominantly support the primary infrastructure project or activity". We also **seek that** all flood management and land drainage infrastructure provided by regional councils be included in the definition of 'additional infrastructure', including that in rural and peri-urban areas.
20. We are concerned that the proposed objective is strongly weighted towards the timely delivery of infrastructure over adverse effects. We **recommend** that the language relating to adverse effects within the objective be strengthened to align with section 5 of the RMA.
21. We **recommend** amendments to proposed policies to improve the balance between consideration of national benefits and localised effects, to recognise that these may include significant and irreversible effects. We also **recommend** amendments to policies relating to assessing and managing adverse effects of infrastructure, to align these with section 5 of the RMA and other national direction.
22. We highlight a potential unintended consequence in that enabling any infrastructure with a functional or operational need may result in activities with only an operational need establishing in a particular area that prevents regionally significant public infrastructure with a functional need to establish or operate in that area.
23. We **strongly support** the proposed requirement for decision-makers to have regard to spatial plans and strategic plans for infrastructure.
24. We **support** the inclusion of a policy giving clear direction on Māori interests and make recommendations for this policy to better recognise and provide for Māori interests in relation to infrastructure projects.
25. We **recommend** that national policy direction be provided in relation to promoting resilience of infrastructure, as well as renewable electricity generation and electricity network assets, to natural hazards and climate change.

National Policy Statement for Renewable Electricity Generation and National Policy Statement for Electricity Networks

26. We provide similar comments in relation to the National Policy Statement for Renewable Electricity Generation (NPS-REG) and National Policy Statement for Electricity Networks (NPS-EN) as for the National Policy Statement for Infrastructure (NPS-I), including:

- We **generally support** the proposed refresh of the objectives but **recommend** that the language relating to adverse effects be strengthened to align with section 5 of the RMA.
- For the NPS-EN, we consider it appropriate to include electricity distribution within the scope of the NPS, however, we recommend the policy framework should recognise that not all distribution assets will be appropriate in every location, or where they will result in significant adverse effects.
- We **recommend an amendment** to proposed Policy B of the NPS-REG to remove the phrase “at any scale and any location” to recognise that REG activities may not be appropriate at some scales in some locations, due to adverse environmental, cultural, social or economic effects.
- We **highlight concerns** that the directive language within proposed enabling policies is out of balance to the proposed policy direction that applies to actual and potential adverse effects and **recommend amendments** to address this. We are also concerned that the wording of proposed P2 of the NPS-EN is a significant departure from similar policies in the NPS-I and NPS-REG and **recommend** an amendment to address this.
- As with the NPS-I, we highlight a potential unintended consequence in that enabling any infrastructure with a functional or operational need may result in activities with only an operational need establishing in a particular area that prevents significant infrastructure with a functional need to establish or operate in that area.
- As for the NPS-I, we **support** the inclusion of policies giving clear direction on Māori interests and **make recommendations** to strengthen the proposed clauses within the policies.
- We highlight concerns about broad definitions and provisions for ancillary activities.

National Environmental Standards for Electricity Network Activities

27. We **support** the addition of the identified five categories of regional activities to the National Environmental Standards for Electricity Network Activities (NES-ENA) as permitted activities in principle, however, raise specific matters and potential conditions for consideration.

28. We **recommend** that if management plans are to be used to manage environmental impacts from blasting, vegetation management and earthworks, conditions be included that the management plans must be submitted to the relevant council for technical certification that relevant matters have been addressed.

29. We **support** the NES-ENA allowing plan rules to be more stringent in relation to electricity distribution activities in specific environments, including ‘natural areas’.

30. We **support** proposed provisions within the NES-ENA that make it easier to provide electric vehicle charging at homes and workplaces. We would also support electric vehicle charging being a permitted activity outside of residential areas, provided this is subject to appropriate conditions.

Proposed National Environmental Standards for Granny Flats (Minor Residential Units)

31. We **strongly support** the list of matters that are out of scope of the proposed National Environmental Standards for Granny Flats (NES-GF), particularly matters of national importance under the RMA, regional plan rules, earthworks and subdivision. We **recommend** that onsite wastewater should similarly be included in the list, as onsite wastewater capacity and associated regional rules will need to be considered for all minor residential units where connection to a municipal or community system is not available.

32. We also recommend that district plan rules for impervious surfaces and all rules relating to natural hazards continue to apply to granny flats, including those that are not always mapped in overlays.

Proposed National Environmental Standards for Papakāinga

33. We **strongly support** the proposed NES to permit papakāinga on the identified land types, subject to appropriate conditions. We also **support** the inclusion of non-residential activities in the National Environmental Standards for Papakāinga (NES-P) as they align with WRPS policies that promote the development and sustainability of marae and papakāinga.
34. We **recommend** a precautionary minimum setback from rivers, streams and coastal areas where natural hazards are not mapped in district plans. This would enhance resilience to flooding and erosion.
35. We **support** applying regional rules for setbacks from waterways, water supply and earthworks to papakāinga developments, as well as the application of natural hazard regulations. We **recommend** that the NES-P clarifies that all regional plan rules and provisions of other NESs continue to apply to papakāinga developments. We also **recommend** that the NES clearly differentiates between regional council and territorial authority consenting functions.

Proposed National Policy Statement for Natural Hazards

36. We **recommend** including all relevant hazards. The National Policy Statement for Natural Hazards (NPS-NH) must cover volcanic, geothermal, wildfire, and chronic hazards like drought and heat. Their exclusion creates areas of heightened national risk exposure.
37. We **recommend** including infrastructure in this NPS. Leaving out infrastructure undermines resilience. Critical systems like roads and power lines face the same risks as housing and must be included in the policy framework. We offer a workable approach from the Proposed Waikato Regional Coastal Plan.
38. We **recommend** including objectives that ensure the appropriate recognition of adaptation plans that have already been put in place. There is a significant disconnect through the proposed NPS-NH between new and existing development, and the management of risk through adaptation. We **consider** that there should be consideration of future adaptation of new development through this NPS.
39. We **recommend** improvements for a standardised risk assessment. The current risk matrix lacks clarity and consistency. We need national guidance on thresholds, mitigation standards, and climate scenarios to avoid fragmented local approaches, this would address many of the challenges that are presently faced in managing for natural hazards.
40. It is necessary to align the NPS-NH with other climate guidance. The NPS-NH must sync with existing climate adaptation tools. It currently lacks direction on how to assess long-term climate risks, which will impede effectiveness.
41. The NPS-NH needs more clarity in relation to roles, data use, and policy overlaps. Proportionality must be about risk, not only financial returns. Councils need clearer rules on using and requiring data, and the NPS-NH must integrate cleanly with other national policies like the New Zealand Coastal Policy Statement (NZCPS) and NES-GF.

National Direction Package 2: Primary sector - Discussion document

National Environmental Standards for Marine Aquaculture

42. We **recommend** elevating the activity status for changes in fish species within existing farms from "controlled" to a more stringent category. The current proposal risks significant cumulative adverse effects on water quality due to differing nutrient discharge profiles. Additionally, we **do not support** the inclusion of unwanted species like Undaria as this poses serious biosecurity threats and contradicts existing RMA provisions. This risk would be further compounded by the fact that the

Biosecurity Act does not explicitly note any controls on commercial farming or harvest. These risks warrant a more precautionary regulatory approach.

43. We **strongly recommend** retaining the current provisions that allow for limited and public notification under special circumstances. The proposed changes to rules R23, R44, R16, and R28 introduce ambiguity and could unduly restrict public engagement. While simplification is a valid goal, transparency of process and a level of environmental management must also be maintained.
44. We **recommend** revising the matters of control in provisions such as R31 and R33 to ensure consistency with the controlled activity status. Specifically, matters of control should focus on management rather than assessment of effects, and should include comprehensive requirements for information, monitoring, and reporting. This will enhance clarity and enforceability across the National Environmental Standards for Marine Aquaculture (NES-MA) framework.
45. We **request that** key terms are defined such as “structure exclusion area” and “significant marine ecological area” to avoid misinterpretation. Furthermore, we **recommend** consistent application of exclusions for consenting and the introduction of fallow periods to prevent cumulative impacts. Trials involving fed aquaculture should be excluded from degraded waterbodies and subject to limited notification due to their potential environmental effects.
46. We **oppose** the inclusion of antibiotics and therapeutants as matters of control or discretion in rules R10 and R31, which do not pertain to fed aquaculture. These substances should not be permitted in non-fed marine farming due to their potential environmental and ecological risks. If RMA section 15 discharges are deemed within scope, these controls should apply uniformly to all fed aquaculture activities.

National Environmental Standards for Commercial Forestry

47. We are concerned that the proposed amendment to Regulation 6(1)(a) potentially reduces the council’s ability to protect, or achieve appropriate outcomes in, sensitive environments. We instead **recommend** an approach that allows councils to work with communities in setting the appropriate management regime.
48. We **support** the proposed amendments introducing a site-specific risk-based assessment and management approach for slash. However, we recommend the regulations make it clear that receipt of a risk-based assessment of slash management by a council is not to be taken as approval by the council of the content of the assessment. We also **highlight** that it is important that slash management plans are assessed and monitored during the forest life cycle and after weather events.
49. If a risk-based approach is adopted, we **recommend** there be an ability for councils to apply both proposed options differentially to a region over time, to recognise that levels of risk vary across regions.

New Zealand Coastal Policy Statement

50. We **recommend** replacing the term ‘infrastructure’ with ‘regionally significant infrastructure’ in the proposed wording for Policies 6(1)(k) and 6(2)(k) and (f). This would ensure that infrastructure identified as regionally significant, including regional councils’ assets for public flood control, flood protection, and drainage, are included and will ensure significant infrastructure with an operational need can be placed in the coastal marine area.
51. We **support** recognising aquaculture areas identified for Treaty Settlement purposes while enabling aquaculture activities in these areas.
52. We **recommend** ensuring that specified infrastructure for public flood control, flood protection, or drainage work carried out by a local authority is recognised in the changes. This would ensure

regional councils are able to provide an integrated systems approach to flood management, including where this is within the coastal environment.

National Policy Statement for Highly Productive Land

53. Land Use Capability (LUC) class 3 land represents around 50 percent of all highly productive land (HPL) in the Waikato region. If LUC class 3 land is to be exempt from the National Policy Statement for Highly Productive Land (NPS-HPL), we **recommend** only removing restrictions for urban development and keeping the restrictions for rural lifestyle development. Additionally, we **recommend** limiting rezoning of LUC 3 land for urban purposes to plan changes initiated by local authorities only. Local authorities have a broader understanding of the pressures at a district or regional scale, including issues associated with development capacity, land fragmentation, and cumulative losses of productive land. We **do not support** removing NPS-HPL restrictions for private plan changes to rezone LUC 3 land, except where these relate to an area identified for urban development in a council-adopted spatial plan that has been through a special consultative process. Private plan changes are often driven by landowner interest with no scope for assessing other practical areas that could better achieve the objective and direction of the NPS-HPL.
54. We **strongly recommend** suspending or extending the current timeframes for mapping HPL. Given the uncertainty with resource management system reform **our preference is for a suspension**. We consider HPL maps to be a critical base layer for spatial plans under the new resource management system. A suspension would ensure that HPL maps are developed in alignment with any new standards and would fit seamlessly into the new system, while supporting a better allocation of our resources and better cost-effectiveness for ratepayers.
55. We **do not support** the proposed new Special Agricultural Areas due to reliance on criteria that could potentially change over time (e.g. economics of production, changes to production infrastructure, and climate change); instead we **recommend** strengthening Clause 3.4(3) of the NPS-HPL to enable regional councils to protect areas important for food and fibre production in a more efficient and responsive way.

Amendments to multiple instruments for quarrying and mining

56. We **do not support** the proposed amendments in full; concerns remain regarding their environmental implications.
57. We **oppose** the inclusion of “operational need” in the gateway test for quarrying and mining in wetlands under the National Policy Statement for Freshwater Management (NPS-FM) and National Environmental Standards for Freshwater (NES-F). Restricting the gateway test to “functional need” only is consistent with providing an appropriately high level of protection to Aotearoa New Zealand’s remaining significant wetlands and should be retained.
58. If the NPS-FM and NES-F are to be amended, we **recommend** retaining the “functional need” test for significant wetlands (e.g. those in plans or supporting threatened species) to maintain strong protection and including provision for engagement with tangata whenua and monitoring frameworks and adaptive management strategies.
59. We **recommend** excluding “ancillary activities” from Clause 3.11(1)(a)(ii) of the National Policy Statement for Indigenous Biodiversity (NPS-IB) and Clause 3.9(2)(iii) of the NPS-HPL. If this is to remain, we **recommend** that such activities must be clearly defined and subject to robust controls to prevent unintended environmental impacts and manage their cumulative effects on biodiversity.
60. We **recommend** that the term “public benefit” is retained in the NPS-IB to ensure biodiversity impacts are justified by broad societal value, not narrow economic interests, and to avoid weakening biodiversity protections.

Stock Exclusion Regulations

61. We **do not support** the proposed amendment to the Stock Exclusion Regulations. The proposed changes to enable beef cattle and deer grazing within natural wetlands that support a population of threatened species would pose significant risks to threatened species and their habitats, lead to other adverse effects, including degradation of wetland systems and reduced ability of wetlands to provide carbon sequestration and flood buffering benefits and is contrary to the national direction set out in the current NPS-FM.
62. We **recommend** considering whether a staged approach that staggers implementation of stock exclusion in priority areas in the first instance and in all other areas over a longer-period of time, could instead be used to address the issues stated in the discussion document.
63. If Regulation 17 is to be changed to accommodate stock in wetlands, we **instead recommend** establishing thresholds that limit this to small wetlands or patches of wetland that are not a corridor or part of a wider system.

Table 1 - National Direction Package 1: Infrastructure and development - Discussion document - Responses to consultation questions

Question	Comments	Key specific recommendations
Infrastructure		
Proposed National Policy Statement for Infrastructure (NPS-I)		
Question 1 - Is the scope of the proposed NPS-I adequate?	<p>We support stronger national direction for infrastructure, particularly where it reinforces existing recognition within the WRPS and regional plans. We particularly support the intention of improving long-term planning for infrastructure and coordination with land-use planning.</p> <p>We make the following specific comments on the proposed scope of the NPS-I:</p> <ul style="list-style-type: none"> • We support the introduction of a broader range of vertical infrastructure categories within the scope of the NPS-I not otherwise included under the RMA (as set out in D1); specifically social infrastructure like schools, hospitals, emergency services, parks, and relevant school institutions under the Education and Training Act 2020, which presumably would include early childhood as well as primary and secondary facilities. • We are concerned that rural flood management and land drainage infrastructure and associated processes provided by regional councils are not adequately included in the definition of 'additional infrastructure' and seek that this infrastructure be included within the scope of the NPS-I. We discuss this further in response to Question 2 below. • We note the discussion document is largely silent on transport infrastructure and how the NPS-I will inform national direction for transport across different legislation. A large part of the strategic planning and funding of land transport is driven through the Land Transport Management Act 2003 (LTMA). Under the LTMA, the government sets out its strategic transport priorities and expectations around funding through the Government Policy Statement on Land Transport. The discussion document provides no recognition or discussion on the interrelationship of the LTMA with the NPS-I (with respect to transport matters) under the RMA. • We recommend that strong linkages with the LTMA will need to be built into the NPS-I and future resource management legislation because transport infrastructure planning, maintenance and operation, and funding occurs across this legal and regulatory landscape (particularly as it is not intended to reform the LTMA at this time). • We also note that the discussion document states that the NPS-I covers parks, however, parks are not included within the proposed definition of 'additional infrastructure'. We seek clarification on whether 	<ol style="list-style-type: none"> 1. Retain the listed social infrastructure within the scope of the NPS-I. 2. Include all flood management and land drainage infrastructure in the scope of the NPS-I. 3. Build strong linkages with the LTMA into the NPS-I. 4. Clarify whether parks are included within the definition of 'additional infrastructure' and how this aligns with the management of parks under the Reserves Act 1977.

Question	Comments	Key specific recommendations
	parks are to be included within this definition and how this aligns with the management of local parks under the Reserves Act 1977.	
<p>Question 2 - Do you agree with the definition of 'infrastructure', 'infrastructure activities' and 'infrastructure supporting activities' in the NPS-I?</p>	<p><u>D7 – 'Infrastructure'</u></p> <p>We support the proposed definition of 'infrastructure', which expands on the current RMA definition by adding 'additional infrastructure' but recommend that it be made clear that 'infrastructure' only includes the physical structures themselves and does not include activities regulated by sections 12-15 of the RMA. We consider it important that the NPS is clear that to the extent that any infrastructure triggers sections 12-15 (for example, occupies space in the coastal marine area or the bed of a river or involves the taking of water or the discharge of any contaminant), these aspects would remain subject to separate regional consenting requirements.</p> <p>We also seek specific changes to the associated definitions of 'additional infrastructure' (D1) and 'stormwater network' (D20) as follows:</p> <ul style="list-style-type: none"> • We are concerned that rural flood management and land drainage controls, and other infrastructure provided by regional councils are not captured in the proposed definition of 'additional infrastructure'. This is because the associated proposed definition of a 'stormwater network' (D20) is restricted to stormwater in urban areas, which effectively excludes the predominantly rurally located flood management and drainage assets owned and managed by regional councils. To address this, we recommend that the definitions of 'additional infrastructure' and/or 'stormwater network' be amended to include all flood management and land drainage infrastructure, including that in rural and peri-urban areas. • We recommend that D1g) "<i>district or regional resource recovery or waste disposal facilities</i>" be amended to clarify that waste disposal facilities do not include landfills (but may include transfer stations). Landfills are not typically considered infrastructure and are complex activities where potential environmental effects need to take priority when considering locations (for new sites) and requiring effects to be avoided, remedied or mitigated. Consent renewals of these sites are concerned with discharges to land, water and air, rather than any structural elements already in place. Additionally, landfills create a permanent change in land and its future land use potential, even after closure and rehabilitation. • Additionally, we also see merit in adding public transport to the definition of 'additional infrastructure'. 	<p><u>D1 – 'Additional infrastructure'</u></p> <ol style="list-style-type: none"> 1. Amend D1g) to clarify that "<i>district or regional resource recovery or waste disposal facilities</i>" does not include landfills (but may include transfer stations). 2. Amend the definitions of 'additional infrastructure' and/or 'stormwater network' to include all flood management and land drainage infrastructure, including that in rural and peri-urban areas. 3. Consider amending D1 to include public transport. <p><u>D7 – 'Infrastructure'</u></p> <p>Amend D7 to clarify that it only includes physical structures and does not include activities regulated by sections 12-15 of the RMA.</p> <p><u>D8 - 'Infrastructure activities'</u></p> <p>Amend D8 as follows:</p> <p><i>"Infrastructure activities: the construction, operation, maintenance, upgrade, and removal of infrastructure <u>assets</u> and all ancillary activities <u>associated with infrastructure assets</u>, unless otherwise specified, and includes all physical</i></p>

Question	Comments	Key specific recommendations
	<p><u>D8 - 'Infrastructure activities'</u></p> <p>We recommend that this proposed definition be amended to clarify whether activities associated with the <u>ongoing</u> use or operation of the infrastructure are within the scope of 'infrastructure activities' or "all ancillary activities" referred to within the proposed definition.</p> <p>We consider such activities should be explicitly excluded from the scope of the proposed definition except where they are territorial land use activities or regional long term structure land use activities. For example, the taking of water or discharge of contaminants for the operation and use of infrastructure such as water pipelines, wastewater treatment plants, stormwater networks, flood management pumps etc. should not be included in the proposed definition, but ancillary discharges related to construction/maintenance/upgrade of that infrastructure such as sediment from earthworks would be an ancillary activity under the proposed definition.</p> <p>To achieve this, we recommend the definition be amended as follows:</p> <p><i>D8 "Infrastructure activities: the construction, operation, maintenance, upgrade, and removal of infrastructure <u>assets</u> and all ancillary activities <u>associated with infrastructure assets</u>, unless otherwise specified, and includes all physical components, <u>structures</u>, and assets associated with the infrastructure activity."</i></p> <p><u>D9 - 'Infrastructure supporting activities'</u></p> <p>We do not support the proposed definition as currently drafted, because:</p> <ul style="list-style-type: none"> • We are concerned that 'infrastructure supporting activities' is inherently flawed as a category of activities to which specific policies and decision-making criteria must be applied. Firstly, it raises the likelihood that the same/similar types of activities will be treated differently in planning processes and consent decisions, based on who their customers are. We consider this is inconsistent with good resource management practice and the scheme of the RMA. The concept would also be easily exploited; for example, a quarry might claim to "support" infrastructure, but once consents are granted there would be no legal obligation to continue to do so. • As drafted, we consider the broad but unclear reach of the definition is likely to lead to legal disagreement around what level, degree, or nature of support an activity must lend to infrastructure activities to be considered a "supporting activity". We are concerned the proposed definition could, for example, be argued to include fuel-related facilities (to deliver materials to infrastructure 	<p><i>components, <u>structures</u>, and assets associated with the infrastructure activity."</i></p> <p><u>D9 - 'Infrastructure supporting activities'</u></p> <p>Should D9 and associated provisions be retained, amend the definition to:</p> <ol style="list-style-type: none"> 1. Exclude activities that are not on the site of the primary infrastructure activity; and 2. Exclude quarrying activities; and 3. Include a limited list of the activities intended to be included as 'infrastructure supporting activities'; and 4. Specify that the activities are to "specifically or predominantly support the primary infrastructure project or activity"; and that these activities will only be "infrastructure supporting activities" for the duration of the primary infrastructure project.

Question	Comments	Key specific recommendations
	<p>projects), forestry (for infrastructure materials) or potentially an asphalt plant (for road surfacing). In order to apply the proposed policies, we consider it crucial that there is complete clarity in terms of what activities fall within the definition.</p> <p>For these reasons, we recommend the definition be amended to exclude activities that are not on the site of the primary infrastructure activity. In particular, we do not consider it appropriate for this definition to include activities such as quarries and therefore seek that the reference to quarries be removed from the definition.</p> <p>Whilst we acknowledge the importance of quarries to support infrastructure projects, quarries will not be at the same location as the primary infrastructure activity and may have complex activity components in varied (often sensitive) environments. Additionally, where they do support a particular infrastructure activity this is likely to be only a small component of the market the quarry is servicing. This introduces subjectivity, uncertainty and a risk that the definition will be exploited by quarry operators in order to benefit from the more enabling policies. Furthermore, bespoke policy provisions are being made for quarrying activities throughout the National Direction Packages to provide policy direction for this activity.</p> <p>Should this definition and associated provisions be retained, we recommend that:</p> <ul style="list-style-type: none"> • The definition includes a limited list of the activities intended to be included as ‘infrastructure supporting activities’; and • The purpose of those activities is to “specifically or predominantly support the primary infrastructure project or activity”; and that these activities will only be ‘infrastructure supporting activities’ for the duration of the primary infrastructure project. 	
Question 3 - Does the proposed objective reflect the outcomes sought for infrastructure ?	<p>We support the intent of the proposed objective, although we consider it too broad for an objective statement. We make the following specific comments and recommendations:</p> <ul style="list-style-type: none"> • We are concerned that the objective is strongly weighted towards the timely delivery of infrastructure over adverse effects. We consider the use of the term “managing” in proposed clause f) undermines the requirement under section 5 of the RMA to avoid, remedy or mitigate adverse effects. Accordingly, we recommend that the term “managing” be replaced with “avoiding, remedying or mitigating” in this clause. • In relation to proposed clause b) “provides national, regional or local benefits”, we note that national, regional and local benefits are not necessarily aligned and often compete with one another. 	<p>Amend OB1 as follows:</p> <p><i>Objective OB1: New Zealand’s infrastructure:</i></p> <ul style="list-style-type: none"> a. <i>supports the well-being of people and communities and, their health and, safety, <u>and resilience</u>;</i> b. <i>provides national, regional or local benefits;</i>

Question	Comments	Key specific recommendations
	<ul style="list-style-type: none"> We consider proposed clause e) “<i>provides value for money to people and communities</i>” is not an RMA matter. The RMA addresses the impacts of development; resource management decisions do not address the costs and benefits of a particular development in the manner this drafting is referring to. We also consider this clause would be subjective and difficult to apply in practice, as this raises questions of who and what factors determine value for money, how this would be assessed and at what level. We therefore recommend this clause be deleted and instead dealt with through non-RMA processes. We recommend that the objective acknowledges the importance of infrastructure in supporting the resilience of communities and the importance of infrastructure that is sustainable, in addition to well-functioning and resilient. We suggest the following amendments: <i>Objective OB1: New Zealand’s infrastructure:</i> <ul style="list-style-type: none"> <i>a. supports the well-being of people and communities and, their health and, safety, <u>and resilience</u>;</i> <i>b. provides national, regional or local benefits;</i> <i>c. supports the <u>appropriate</u> development and change of urban and rural environments to meet the diverse and changing needs of present and future generations;</i> <i>d. is well-functioning, <u>sustainable</u> and resilient;</i> <i>e. provides value for money to people and communities;</i> <i>f. is delivered in a timely, efficient, and ongoing manner while managing <u>avoiding, remedying or mitigating</u> adverse effects on the environment; and</i> <i>g. is protected from the adverse effects of other activities.</i> We also recommend that a clause be added to the objective that clearly recognises Māori interests, including the protection of wāhi tapu, Treaty settlements and sites of significance to Māori during infrastructure development. 	<ul style="list-style-type: none"> <i>c. supports the <u>appropriate</u> development and change of urban and rural environments to meet the diverse and changing needs of present and future generations;</i> <i>d. is <u>well-functioning, sustainable</u> and resilient;</i> <i>e. provides value for money to people and communities;</i> <i>f. is delivered in a timely, efficient, and ongoing manner while <u>managing avoiding, remedying or mitigating</u> adverse effects on the environment; and</i> <i>g. is protected from the adverse effects of other activities.</i> <p>Add a clause to the objective that clearly recognises Māori interests, including the protection of wāhi tapu, Treaty settlement obligations and sites of significance to Māori during infrastructure development.</p>
Question 4 - Does the proposed policy adequately reflect the benefits that	<p><u>Policy P1 1)</u></p> <p>We generally support proposed P1 1), subject to the following recommended amendments:</p> <ul style="list-style-type: none"> The list of benefits in P1 1) is said to include all of the matters in clauses a)-g). However, this is clearly not the case in every instance. For example, we support proposed clause “<i>e) helping to protect and restore the natural environment</i>”. However, while some infrastructure such as flood controls may help protect the natural environment, most other infrastructure does not have this benefit. We therefore 	<p><u>Policy P1 1)</u></p> <ol style="list-style-type: none"> Amend the draft introductory wording as follows: “...which includes all of the following, <u>where relevant:</u>” Retain clauses c), e), f) and g).

Question	Comments	Key specific recommendations
infrastructure provides?	<p>suggest the draft introductory wording in P1 1) be amended as follows: “...which includes all of the following, <i>where relevant</i>:”</p> <ul style="list-style-type: none"> For similar reasons as noted for OB1 above, we consider the proposed wording of P1 1d) (“<i>enabling infrastructure activities that provide value for money</i>”) to be problematic as it is not an RMA matter and raises questions and potential dispute about who decides what is ‘value for money’ and by whom this value is determined. We therefore recommend that this clause be deleted. We recommend an additional clause be added relating to protection of heritage, Treaty settlement and culturally significant sites. <p>We specifically support proposed clauses f) and g) of P1 1) relating to supporting New Zealand’s emissions reduction targets and mitigating the effects of climate change, and reducing the risks from, and improving resilience to, natural hazards and climate change. We seek that these be retained. We also support proposed clause c) “<i>providing services that are essential to support human life and the development, growth and functioning of districts, regions, New Zealand and the economy</i>”. This recognises, amongst other things, the significant ongoing investment made by regional councils in flood protection infrastructure and controls, including the contribution this makes to the wider economy.</p> <p><u>Policy P1 2)</u></p> <p>The council does not support proposed P1 2) as currently drafted. We understand this policy is intended to address the issue identified with the current system that plans and resource management decisions often do not fully recognise and enable all benefits of infrastructure. However, as drafted, this appears to put equal or additional priority on wider benefits of infrastructure against or “relative to” any localised adverse effects on the environment. We do not consider this to be appropriate, as localised adverse effects can include irreversible effects on threatened species and sensitive or significant environment types, habitats, or values. Furthermore, if localised effects on the environment are significant this could create an issue of local ratepayers potentially subsidising wider national beneficiaries.</p> <p>If the intent of Policy P1 2) is consideration of national benefits of infrastructure provision, then it needs to be articulated to the decision-maker what these are and how these would be prioritised and set out by the infrastructure agency so local decision-makers can then assess local level proposals and potential adverse effects against nationally accrued benefits. Local communities need to understand the offset of local decisions against national infrastructure interests.</p>	<p>3. Delete clause d).</p> <p>4. Insert an additional clause relating to protection of heritage, Treaty settlement and culturally significant sites.</p> <p><u>Policy P1 2)</u></p> <p>Reword the policy to provide direction to decision-makers as to how to assess local level proposals and potential adverse effects against nationally accrued benefits.</p>

Question	Comments	Key specific recommendations
<p>Question 5 - Does the proposed policy sufficiently provide for the operational and functional needs for infrastructure to be located in particular environments?</p>	<p>We acknowledge that the proposed inclusion of ‘operational need’ and ‘functional need’ within this policy align with the proposed amendments to other national direction instruments. We are generally not opposed to this, and we note that policies in other national direction will still need to be considered, for example, in relation to effects on rivers, wetlands and indigenous biodiversity. We consider this is important to safeguard the values of those particular environments as envisaged by other NPSs and to support a balanced approach.</p> <p>However, we highlight the following concerns about proposed P2:</p> <ul style="list-style-type: none"> • We consider there is a risk that enabling any infrastructure with a functional or operational need may result in activities with only an operational need establishing in a particular area that prevents regionally significant public infrastructure with a functional need to establish or operate in that area. This is of particular concern in the coastal marine area and could occur on land in some locations. • In the case of the NPS-I, the policy provision for functional and operation needs is very broad considering: <ul style="list-style-type: none"> ○ The proposed wide definition of ‘infrastructure’ (including ‘additional infrastructure’); ○ Proposed P2 d) refers to ‘infrastructure activities’ which also has a wide definition including construction, operation, maintenance, upgrade, and removal of infrastructure and all ancillary activities; and ○ The reference in e) to <i>“whether or not the infrastructure has been spatially identified in advance”</i>. <p>We recommend that further consideration be given to the potential broad impact of the proposed policy and whether tighter drafting is needed to ensure infrastructure with an operational need does not prevent regionally significant public infrastructure with a functional need to establish or operate in a particular area and to ensure this provision is limited to the genuine functional or operational need for infrastructure to locate in a particular environment.</p>	<p>Consider tighter drafting of proposed policy P2 to address potential tensions between activities with operational needs and functional needs and to ensure this provision is limited to the genuine functional or operational need for infrastructure to locate in a particular environment.</p>
<p>Question 6 - Do you support the proposed requirement for decision-</p>	<p>Yes, we strongly support this proposed requirement, as spatial and strategic plans are an important tool for long-term integrated land use and infrastructure planning.</p> <p>We recommend adding acknowledgement of other statutory strategic planning for transport under the LTMA. Regional Land Transport Plans under the LTMA provide long-term strategic spatial planning for transport infrastructure.</p>	<p>Retain proposed policy P3 requiring decision-makers to have regard to spatial plans and strategic plans for infrastructure; and</p>

Question	Comments	Key specific recommendations
makers to have regard to spatial plans and strategic plans for infrastructure ?		Amend to require decision-makers to have regard to other statutory strategic planning for transport under the Land Transport Management Act 2003.
Question 7 - Would the proposed policy help improve the efficient and timely delivery of infrastructure ?	<p>We generally support proposed policy P4, and the intent to support the efficient and timely delivery of infrastructure, particularly for essential maintenance or improved environmental outcomes; although we note that planning decisions can only go so far in terms of enabling timely infrastructure delivery: funding and financing need to be considered alongside RMA matters. We make the following recommendations in relation to P4:</p> <ul style="list-style-type: none"> • The proposed definition of ‘upgrading infrastructure’ includes expansion and intensification of existing infrastructure. We have concerns about the breadth of this definition in conjunction with the wording of proposed clause 1)f)ii, which states that <i>“Planning decisions on infrastructure must... f) enable the upgrading of infrastructure where this will:... ii. maintain or improve its level of infrastructure service, including to meet increasing demand;..”</i> <p>Applying the definition and policy together means that planning decisions would be directed to enable expansion and intensification of existing infrastructure where it will maintain or improve its level of service, including to meet increasing demand. We are concerned that this is a very enabling requirement that could cover very significant upgrades and expansions and therefore strongly recommend tighter drafting of this clause and associated definition to define the level of upgrade being enabled.</p> <p>We do, however, support proposed clauses f) i. and iii.</p> <ul style="list-style-type: none"> • We disagree with the policy intent of proposed clause 2)a) <i>“When making planning decisions on infrastructure activities, decision-makers must: a) recognise it is the role of the infrastructure provider to identify the preferred location for the infrastructure activity;...”</i>. It is the role of the provider to identify their preferred location; however, the suitability of the location should be assessed in consultation with relevant regulatory authorities, to ensure outcomes such as public safety and the wellbeing of people and communities and environmental, cultural and economic effects are considered. 	<p>Within proposed policy P4:</p> <ol style="list-style-type: none"> 1. Retain clauses 1f) i. and iii. 2. Amend the policy to reduce the scope of 1 f)ii to limit the level of upgrade and expansion that is provided for. 3. Delete proposed clause 2) a). 4. Delete the words “including supporting quarrying activities” from proposed clause 3) b). 5. Amend clause 3) c) to ensure infrastructure supporting activities are limited to activities to “specifically or predominantly support the primary infrastructure project or activity”. 6. Insert an addition to clause 3) to enable the timely delivery of infrastructure supporting activities, particularly when these are directly related to the funding of infrastructure activities identified in relevant Long Term infrastructure Plans.

Question	Comments	Key specific recommendations
	<ul style="list-style-type: none"> As noted in response to Question 2 above, we do not support the inclusion of quarrying within the definition of ‘infrastructure supporting activities’. For the same reason, we do not support the specific reference to “supporting quarrying activities” in proposed clause 3)b) and seek this be deleted. We also question the language of proposed clause 3) c) <i>“enabling the timely delivery of infrastructure supporting activities, particularly when these are directly related to the infrastructure activity”</i>. As discussed in response to Question 2, if the term ‘infrastructure supporting activities’ is to be retained, we recommend tighter drafting of the definition that limits these to activities to “specifically or predominantly support the primary infrastructure project or activity”. Accordingly, we recommend this clause should also be amended to reflect this. We recommend an addition to clause 3) relating to enabling the timely delivery of infrastructure supporting activities, particularly when these are directly related to the funding of infrastructure activities identified in relevant long term infrastructure plans. We caution that prior engagement and appropriate safeguards for cultural interests are required. Timeliness and efficiency are only realised if statutory, cultural, and Treaty settlement sites are not negatively affected; overlooking these risks legal proceedings and loss of public trust. To address this, it is important that proposed policy P5 adequately recognises and provides for Māori interests in relation to infrastructure projects, as discussed in response to Question 8 below. 	
Question 8 - Does the proposed policy adequately provide for the consideration of Māori interests in infrastructure ?	<p>The council supports the inclusion of a policy giving clear direction on Māori interests. However, we are concerned that proposed policy P5 purports to “recognise and provide for Māori interests in relation to infrastructure activities and infrastructure supporting activities” but clauses a)-d) collectively do not align with this directive. In relation to consenting processes, the requirements in these clauses merely reflect standard practice and, in the case of d), require compliance with existing legislation where iwi involvement is already mandated. In combination with the other very enabling policies, we consider this policy does not adequately “recognise and provide for Māori interests” in consenting processes.</p> <p>We recommend the following amendments to proposed P5:</p> <ul style="list-style-type: none"> Strengthening the proposed wording of the policy to include provision to take account of early engagement and provide more explicit protection for all Treaty settlements and iwi Māori interests. Amending clause 1)b) to: <i>“recognising and providing for the opportunities tangata whenua may have in developing and operating their own infrastructure at any scale or in partnership”</i>. This is because policy 	<p>Within proposed policy P5:</p> <ol style="list-style-type: none"> Strengthen the proposed wording to include provision to take account of early engagement and provide more explicit protection for all Treaty settlements and iwi Māori interests. Amend clause 1)b) to: <i>“recognising and providing for the opportunities tangata whenua may have in developing and</i>

Question	Comments	Key specific recommendations
	<p>direction to “consider” a matter does not sufficiently ensure corresponding action. If a more consistent approach across decision-making is required, we consider the wording should be more directive.</p> <ul style="list-style-type: none"> • Amending clause 1)c) as follows: “<i>providing opportunities in appropriate circumstances for tangata whenua involvement in relation to sites of significance to Māori and issues of cultural significance;</i>”, as the phrase “in appropriate circumstances” weakens the provision for Māori rights and interests in relation to sites of significance and issues of cultural significance. • Adding a new clause in relation to infrastructure activities and supporting activities (especially three-waters) to recognise and provide for the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, which establishes Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River as the primary direction-setting document for the Waikato River and its catchments. Te Ture Whaimana is relevant to all activities undertaken within the Waikato and Waipā catchments. This includes three waters infrastructure, which impacts directly on water quality, and all other infrastructure projects that may directly or indirectly impact the health and wellbeing of the Waikato River and its catchments. Given the status of Te Ture Whaimana in relation to RMA instruments, we consider it important that the NPS-I contains recognition of Te Ture Whaimana. 	<p><i>operating their own infrastructure at any scale or in partnership”.</i></p> <ol style="list-style-type: none"> 3. Amend clause 1)c) to: “<i>providing opportunities in appropriate circumstances for tangata whenua involvement in relation to sites of significance to Māori and issues of cultural significance;</i>”. 4. Insert a new clause to recognise and provide for the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, which establishes Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River as the primary direction-setting document for the Waikato River and its catchments.
<p>Question 9 - Do the proposed policies sufficiently provide nationally consistent direction on assessing and managing the adverse effects of</p>	<p><u>Policy P6</u></p> <p>We generally support proposed policy P6 but we have concerns about the wording of clause 1)c). The policy as drafted proposes, amongst other things, that when consenting, or seeking consent for upgrade of, infrastructure, only the change or increase in effects for consenting or infrastructure upgrades would be considered. We consider this approach contravenes current case law as to the proper concept of “environment” under section 104(1)(a) of the RMA when consenting. Despite this, we are not opposed to the approach in principle provided that the definitions of ‘infrastructure’, ‘infrastructure activities’ and ‘infrastructure supporting activities’ are amended as sought in our submission.</p> <p>However, we consider there may be some complexities to consider and potential unintended consequences that will require thought in how this approach is drafted. For example, if the exercise of an infrastructure consent resulted in adverse effects that had not been anticipated at the time of consenting and were therefore not addressed in conditions, then it might be argued that such effects were nevertheless “off the</p>	<p><u>Policy 6</u></p> <p>Amend 1)c) to ensure that adverse effects that had not been anticipated at the time of consenting and were therefore not addressed in conditions can be regarded as a “change or increase” in effects.</p> <p><u>Policy 7</u></p> <ol style="list-style-type: none"> 1. Amend P7 as follows: “<i>Planning decisions must enable the efficient operation, maintenance and minor upgrade of existing</i>

Question	Comments	Key specific recommendations
infrastructure ?	<p>table” under such a policy (because despite being unanticipated they could not technically be regarded as a “change or increase” in effects). We would recommend consideration of tighter drafting to avoid such interpretations.</p> <p><u>Policies P7 and P8</u></p> <p>The council does not support the current drafting of proposed policies P7 and P8, due to the potential broad environmental impacts and other adverse effects. Both proposed policies include the words “where practicable” after all of “avoid, remedy and mitigate”. This does not align with section 5 of the RMA and is inconsistent with policy wording in other national direction instruments which prioritises avoidance but requires, at a minimum, mitigation of adverse effects. We consider the proposed wording would set a low bar for management of adverse effects and substantially undermine the consent authority’s ability to exert appropriate control via conditions to address adverse effects. Particularly in P8, which relates to new infrastructure and major upgrades, this very strongly favours enablement of infrastructure and downplays adverse effects.</p> <p>We also consider this wording to be inherently subjective. Relegating mitigation of adverse environmental effects to situations of practicability would create significant room for debate and potential for applicants to mount arguments regarding the “practicability” of the sorts of mitigations that might normally be applied. This would introduce additional uncertainty and lead to a subsequent lack of environmental protection.</p> <p>We recognise that as P7 relates to the operation, maintenance and minor upgrades of existing infrastructure, adverse environmental effects are likely to be of a lower scale than for new infrastructure. Therefore, we consider that the standard RMA approach of “avoid, remedy or mitigate” is appropriate for this policy and recommend it be amended as follows: “...<i>provided that adverse effects are avoided where practicable, remedied where practicable, or mitigated where practicable.</i>”</p> <p>However, we do also note the reference to “all environments and locations” within this proposed policy and consider that a different approach may be required for existing infrastructure in Significant Natural Areas (SNAs).</p> <p>As P8 addresses new infrastructure and major upgrades, more significant adverse effects may be created. We therefore recommend that P8 be amended as follows: “<i>Planning decisions must enable new infrastructure or major upgrades of existing infrastructure, provided that adverse effects on environmental</i></p>	<p><i>infrastructure in all environments and locations, provided that adverse effects are avoided where practicable, remedied where practicable, or mitigated where practicable.</i>”</p> <ol style="list-style-type: none"> 2. Add stronger language to P7 for existing infrastructure within SNAs. <p><u>Policy 8</u></p> <ol style="list-style-type: none"> 1. Replace “must enable” with a term more consistent with those used in existing national direction instruments. 2. Amend as follows: “...<i>provided that adverse effects on environmental values (not in section 6 or covered by national direction) are avoided where practicable, and otherwise remedied where practicable or mitigated where practicable.</i>” 3. Clarify the phrase “covered by national direction”. <p><u>Definition D10 - ‘Maintenance and minor upgrades’</u></p> <ol style="list-style-type: none"> 1. Reword clause b) to ensure the scope is limited to replacement of existing infrastructure that will have no more than minor adverse effects on the environment.

Question	Comments	Key specific recommendations
	<p><i>values (not in section 6 or covered by national direction) are avoided where practicable, <u>and otherwise remedied</u> where practicable or mitigated where practicable.</i></p> <p>Additionally, we recommend one further issue be considered in relation to the wording of P8, in that the phrase “covered by national direction” is very broad and could be open to differing interpretations. Most national direction relates first and foremost to a particular activity or environment, rather than effects per se. This seems to open debate depending on the points of view of different parties involved in planning processes. We also see potential for greater dispute and litigation regarding what constitutes section 6 effects; for example, what is “natural character” and what is “inappropriate subdivision, use, and development” especially in the context of locations affecting the coastal marine area, wetlands, lakes, and rivers.</p> <p>We have also identified concerns with the proposed definition of ‘maintenance and minor upgrades’ which is a term used in proposed P7. We would not support P7 without changes to the definition to address these concerns, which we outline below.</p> <p><u>Definition D10 - ‘Maintenance and minor upgrades’</u></p> <p>We consider that the following components of this definition may be neither maintenance nor minor, and recommend these be removed or redrafted to address the below concerns:</p> <ul style="list-style-type: none"> • Clause b) includes <i>“replacing existing infrastructure with the modern equivalent equipment or asset, which may not be “like for like”</i>. The replacement of some infrastructure, particularly if it is not “like for like”, has the potential to have more than minor effects during construction activities if not well managed, particularly where this infrastructure has an interface with natural water including rivers or the coastal marine area; for example, replacement of a stormwater system, wastewater outfall or flood pumps. Because the definition requires only one part to be met, the current wording means replacement would be a ‘minor upgrade’ regardless of effects during or after the upgrade e.g. dewatering has the potential for effects on surrounding land and infrastructure from settlement and destabilisation, and/or replacement where it is not “like for like” could mean expansion of area affected or intensification of effects. • Clause d) includes <i>“other upgrades of existing infrastructure where this will have no more than minor adverse effects on the environment after the upgrade is complete”</i>. We consider the proposed focus on effects “after the upgrade is complete” does not recognise the potential for more than minor adverse effects <u>during</u> upgrade works or whether effects ‘after the upgrade is complete’ encompasses long term 	<p>2. Amend clause d) as follows: <i>“other upgrades of existing infrastructure where this will have no more than minor adverse effects on the environment <u>during the upgrade and</u> after the upgrade is complete”</i>.</p>

Question	Comments	Key specific recommendations
	or permanent effects or effects that occurred during the upgrade but cannot be reversed on completion even though the ongoing degradation has stopped at that point.	
Question 10 - Do the proposed policies sufficiently provide for the interface between infrastructure and other activities including sensitive activities?	<p>We generally support proposed policy P9, as we recognise the potential for infrastructure to be compromised by the adverse effects of other activities. This is a particular concern in relation to the council's rural drainage networks that deliver an agreed level of service and have the potential to be compromised by residential development, particularly on the edges of growing urban areas. It is also an important consideration for protecting strategically important transport infrastructure.</p> <p>In relation to proposed clauses 1) a-c), we note that the issue of 'compatibility' is more complex than is recognised by the current drafting, as many infrastructure constraints are not known. For example, wastewater or stormwater headroom, capacity and staging might be determined 'after the event' secured through Private Development Agreements. Infrastructure funding and financing tools and future funding levies need to be identified so that there is certainty on who pays at what stages (and interface) of development to ensure integrated land use and infrastructure.</p> <p>We recommend that P9 2) should be a standalone separate policy, as we consider these matters to be a key part of how infrastructure should be managed. We also recommend that the wording of this be strengthened to provide greater recognition of the importance of spatial planning. Spatial planning can help identify key strategic infrastructure corridors, co-location of compatible activities, interface and buffer requirements, as well as areas of environmental and cultural value, ahead of zoning and we recommend that the wording of the policy reflects this.</p>	<ol style="list-style-type: none"> 1. Make P9 2) a stand-alone policy. 2. Strengthen the wording of P9 2) to provide greater recognition of the importance of spatial planning.
Additional comments on the proposed NPS-I	<p>We are concerned that the highly enabling policies proposed for the NPS-I, combined with an absence of national direction on natural hazards for infrastructure, could create an imbalance towards enabling infrastructure in locations that may be affected by natural hazards; this must be avoided. We consider there needs to be national policy direction provided in relation to promoting resilience of infrastructure to natural hazards and climate change. We discuss this further in the section relating to the NPS-NH below.</p> <p>Additionally, we recommend amendments to following proposed definitions:</p> <p><u>D13 - 'Planned infrastructure'</u></p> <p>We recommend that the proposed definition of 'planned infrastructure'; <i>"infrastructure that is identified in a strategic planning document, including any Future Development Strategy, or a long-term plan or</i></p>	<p>Provide national direction in relation to promoting the resilience of infrastructure to natural hazards and climate change.</p> <p><u>D13 - 'Planned infrastructure'</u></p> <p>Amend the proposed definition to include reference to plans prepared under the Land Transport Management Act 2003.</p>

Question	Comments	Key specific recommendations
	<p><i>infrastructure strategy prepared under the Local Government Act 2002” be amended to include reference to plans prepared under the Land Transport Management Act 2003 (LTMA).</i></p> <p>The reason for this is that Regional Land Transport Plans (RLTPs) are developed under the LTMA and set out the long-term strategic and spatial direction for regional transport infrastructure, and three-to-six-year funding of transport infrastructure activities (and 10-year investment horizon). Public transport planning and infrastructure also takes place under the LTMA through the development and implementation of Regional Public Transport Plans. If the intent is to make clear what future infrastructure is included (as per attachment 1.1), then we consider this link to the LTMA is critical.</p> <p><u>D21 - ‘Strategic planning document’</u></p> <p>For the reasons discussed above, we also recommend the proposed definition of ‘strategic planning document’ be amended to include reference to the LTMA as follows:</p> <p><i>c) “Long-term plans and infrastructure strategies under the Local Government Act 2002 <u>and the Land Transport Management Act 2003.</u>”</i></p>	<p><u>D21 - ‘Strategic planning document’</u></p> <p>Amend the definition as follows: c) <i>“Long-term plans and infrastructure strategies under the Local Government Act 2002 <u>and the Land Transport Management Act 2003.</u>”</i></p>
National Policy Statement for Renewable Electricity Generation (NPS-REG)		
<p>Question 11 - Do you support the proposed amendments to the objective of the NPS-REG?</p>	<p>The council generally supports the refresh of the NPS-REG objective; however, we recommend that the wording of clause 1)c) be amended to read <i>“provides for the social, economic and cultural well-being of people and communities, and for their health and safety; while managing avoiding, remedying or mitigating the adverse effects of REG activities.”</i></p> <p>As discussed above in relation to the NPS-I, we do not support the use of the term “managing” in this context. This is because:</p> <ul style="list-style-type: none"> • “Managing” effects is a broader and less well-defined concept than “avoid, remedy or mitigate”. We consider this proposed wording is open to conflict and litigation about what appropriate “management” looks like in a particular context. • We consider the term “manage” is not sufficient to ensure adequate protection of environmental health. It seems to undermine the requirement to “avoid, remedy or mitigate” adverse effects of activities under section 5 of the RMA and could arguably eliminate the possibility of declining proposals on the basis of adverse effects. 	<p>Amend the proposed Objective clause 1)c) as follows: <i>“provides for the social, economic and cultural well-being of people and communities, and for their health and safety; while managing avoiding, remedying or mitigating the adverse effects of REG activities.”</i></p>

Question	Comments	Key specific recommendations
	<ul style="list-style-type: none"> The term “manage” could also cause confusion when applying it in conjunction with other national direction instruments. For example, regarding hydro-electricity generation, should the NPS-REG simply require “managing” adverse effects, but the NPS-FM set more stringent directions, this may lead to uncertainty and confusion for decision-makers and may result in inconsistent approaches across the country. 	
<p>Question 12 - Are the additional benefits of renewable electricity generation helpful consideration s for decision-makers? Why or why not?</p>	<p><u>Policy A</u></p> <p>We generally support the proposed list of benefits of renewable electricity generation (REG) in proposed Policy A, however we disagree with the inclusion of clause a) vi “<i>the temporary and reversible adverse effects of some REG technologies on the environment</i>”, as adverse effects generally (including temporary or reversible effects) do not constitute ‘benefits’ per se. We recommend this clause be deleted, or rephrased in a way that does not frame adverse effects as a benefit.</p> <p>We also suggest that a clause be added regarding the opportunity to provide for tangata whenua to develop economically and strengthen their relationship and management of taonga such as geothermal sources. This could assist with further building the Māori economy, which is of substantial national significance in value, as well as provide greater opportunity for partnership.</p> <p><u>Policy B</u></p> <p>We do not support proposed Policy B 1)a) as currently drafted, which states that “1) Decision-makers on REG activities must recognise and provide for the importance of:</p> <p style="padding-left: 40px;">a) <i>enabling cumulative increases of REG output at any scale and any location, including small-scale and community-scale REG activities...</i>”</p> <p>We consider the phrase “at any scale and any location” is too broad and does not reflect that REG activities may not be appropriate at some scales in some locations, due to adverse environmental, cultural, social or economic effects. We therefore recommend that this clause be amended as follows:</p> <p><i>“a) enabling cumulative increases of REG output at any scale and any location, including small-scale and community-scale REG activities...</i>”</p> <p>This recognises the importance of achieving cumulative increases in REG but enables assessment of the appropriateness of a particular proposal in a particular location (and noting that recognition of small-scale and community REG activities is provided by Policy F).</p>	<ol style="list-style-type: none"> Delete proposed Policy A clause a) vi. or rephrase this in a way that does not frame adverse effects as a benefit. Add a clause to Policy A regarding the opportunity to provide for tangata whenua to develop economically and strengthen their relationship and management of taonga such as geothermal sources. Amend proposed Policy B 1)a) as follows: “<i>enabling cumulative increases of REG output at any scale and any location, including small-scale and community-scale REG activities...</i>”

Question	Comments	Key specific recommendations
Question 13 - Does the proposed policy sufficiently provide for the operational and functional need of renewable electricity generation to be located in particular environments ?	<p>We acknowledge the intent of proposed policy C1 to clarify the meaning of ‘operational need’ and ‘functional need’ in relation to REG. We are generally not opposed to this and acknowledges it aligns with the proposed amendments to other national direction instruments.</p> <p>We do have concerns that the strong directive in this and other proposed enabling policies is out of balance to the proposed policy direction that applies to the actual and potential adverse effects that might occur and consider that the language in these other policies should be strengthened to address this. We make recommendations to assist with this throughout our responses to the other consultation questions.</p> <p>We make the following specific comments in relation to proposed policy C1:</p> <ul style="list-style-type: none"> As highlighted in relation to other national direction instruments, we consider there is a risk that enabling any infrastructure with a functional or operational need may result in activities with only an operational need establishing in a particular area that prevents significant infrastructure with a functional need to establish or operate in that area. This is of particular concern in the coastal marine area and could occur on land in some locations. We recommend that proposed clause 2)c) be amended as follows: <i>“have sufficient and reasonable land available to support all associated current and <u>reasonably foreseeable</u> future REG activities at that particular location.”</i> This is to clarify wording to avoid potential over-allocation of available land. This wording is the same as used in multiple instances throughout the Waikato Regional Plan and is proven to work effectively. 	Amend proposed Policy C1 2)c) to: <i>“have sufficient and reasonable land available to support all associated current and <u>reasonably foreseeable</u> future REG activities at that particular location.”</i>
Question 14 - Do the proposed new and amended policies adequately provide for existing renewable electricity generation to	<p><u>Policy D</u></p> <p>We support the intention of these policies to protect REG activities from reverse sensitivity effects. However, we note that the indicative wording of proposed Policy D uses very strong policy language (e.g. “must protect” not “minimise effects on”, “avoiding” not “minimising” and “to the extent reasonably possible” not “reasonably practicable”). We consider that as drafted this policy may have an unintended chilling effect on other developments/uses in the locality of existing REG assets, even when the effects on that infrastructure are minor.</p> <p><u>Policy P3</u></p> <p>We consider the indicative wording of proposed policy P3 goes too far. This states that <i>“Decision-makers must enable the operation and maintenance of existing REG assets, including all relevant ancillary activities and infrastructure.”</i> We presume that in a consenting context, “must enable” would mean “must grant”.</p>	<ol style="list-style-type: none"> 1. Consider potential unintended consequences in relation to the drafting of proposed Policy D. 2. Amend proposed Policy P3 as follows: <i>“Decision-makers must enable the operation and maintenance of existing REG assets, including all relevant ancillary activities and infrastructure.”</i> 3. Delete proposed Policy P4 clause 1)b).

Question	Comments	Key specific recommendations
continue to operate?	<p>This is a very strong directive, particularly given the proposed weaker language in the policies relating to adverse effects. As P3 also applies to “ancillary activities” which has a very wide definition, this policy has a potentially very wide reach.</p> <p>To address this, we recommend that proposed Policy P3 be amended as follows: <i>“Decision-makers must enable the operation and maintenance of existing REG assets, including all relevant ancillary activities and infrastructure.”</i></p> <p><u>Policy P4</u> Proposed new policy P4 1)b) states that consenting of existing REG must <i>“only consider the extent to which the effects of the proposed REG activity are different in scale, intensity, duration and frequency from the effects of existing REG assets...”</i> This contravenes current case law as to the proper conception of “environment” under s104(1)(a) when consenting.</p> <p>Further, we consider it is not appropriate to restrict decision-makers to considering differences in scale, intensity, duration, and frequency only in comparison to existing REG operations, as there may be broader matters that require consideration in relation to a particular proposal or location. We consider it important that flexibility is retained for decision-makers to select relevant matters of consideration. We therefore recommend that proposed clause P4 1)b) be deleted.</p>	
Question 15 - Do the proposed policy changes sufficiently provide for Māori interests in renewable electricity generation?	<p>The council supports the addition of a policy giving clear direction on Māori interests. However, as drafted, we consider the proposed policy does not adequately provide for Māori interests in relation to REG activities. As discussed in relation to the equivalent policy in the NPS-I under Question 8 above, we are concerned that this proposed policy purports to “recognise and provide for Māori interests in relation to REG activities” but clauses a)-d) collectively do not align with this directive.</p> <p>We recommend the following amendments to proposed P1:</p> <ul style="list-style-type: none"> • Strengthen the proposed wording of the policy to include provision to take account of early engagement and provide more explicit protection for all Treaty settlement obligations and iwi Māori interests. • Amend 1)b) to <i>“recognising <u>and providing for</u> the opportunities tangata whenua may have in developing and operating their own REG activities at any scale or in partnership”</i>. This is because policy 	<ol style="list-style-type: none"> 1. Strengthen the proposed wording of P1 to include provision to take account of early engagement and provide more explicit protection for all Treaty settlements and iwi Māori interests. 2. Amend P1 clause 1)b) to: <i>“recognising <u>and providing for</u> the opportunities tangata whenua may have in developing and operating their own REG activities at any scale or in partnership”</i>.

Question	Comments	Key specific recommendations
	<p>direction to “consider” a matter does not sufficiently ensure corresponding action. If a more consistent approach across decision-making is required, we consider the wording should be more directive.</p> <ul style="list-style-type: none"> • Amend 1)c) by deleting the words “in appropriate circumstances”. As noted above in relation to the proposed NPS-I, we consider that the phrase “in appropriate circumstances” weakens this provision for Māori interests in relation to sites of significance and issues of cultural significance. 	<p>3. Amend P1 clause 1)c) to: <i>“providing opportunities for tangata whenua involvement in appropriate circumstances, in relation to sites of significance to Māori and issues of cultural significance;”</i>.</p>
<p>Question 16 - Do you support the proposed policy to enable renewable electricity generation development in areas not protected by section 6 of the RMA, or covered by other national direction?</p>	<p>The council does not support proposed policy P2 as drafted, for the same reasons as outlined in response to Question 9 on the NPS-I.</p> <p>The inclusion of the words “where practicable” after all of “avoid, remedy and mitigate” does not align with section 5 of the RMA, would set a low bar for management of adverse effects, and would create uncertainty due to the subjectivity of the wording. To address this, we strongly recommend that proposed P2 be amended as follows: <i>“...provided that adverse effects on environmental values (not in section 6 or covered by national direction) are avoided where practicable, and otherwise remedied where practicable or mitigated where practicable.”</i></p> <p>However, we consider that in addition to adverse effects on environmental values, potential adverse cultural, social and economic effects of infrastructure proposals should also be avoided, remedied or mitigated. We highlight that if insufficient provision is made to avoid, remedy or mitigate all adverse effects, this could have unintended consequences, such as the potential for a REG development to override other significant economic uses or activities. We recommend that additional drafting changes be considered to reflect this.</p> <p>As for the NPS-I, we also recommend that consideration be given to whether the phrase “covered by national direction” should be more clearly defined. For example, we consider it is unclear as to how this policy interacts with environmental outcomes and target attribute states required under the NPS-FM. Are they regarded as environmental effects protected by national direction, or will they be able to be overridden by this policy? We recommend that further clarification be provided on this matter.</p>	<p>1. Replace “must enable” within P2 with a term more consistent with those used in existing national direction instruments.</p> <p>2. Amend P2 as follows: <i>“...provided that adverse effects on environmental values (not in section 6 or covered by national direction) are avoided where practicable, and otherwise remedied where practicable or mitigated where practicable.”</i></p> <p>3. Amend P2 to require that adverse cultural, social and economic effects are also avoided, remedied or mitigated.</p> <p>4. Clarify the phrase “covered by national direction”.</p>
<p>Additional comments on the NPS-REG</p>	<p>We make the following additional comments in relation to the proposed amendments to the NPS-REG:</p> <ul style="list-style-type: none"> • We are concerned that the proposed definition of ‘ancillary REG activities’ is very broad and could include activities of a large scale. 	<p>1. Refine the proposed definition of ‘ancillary REG activities’ to clearly specify the activities included and</p>

Question	Comments	Key specific recommendations
	<ul style="list-style-type: none"> A definition is proposed for “resilience of renewable generation assets”, however, this term is not used in the proposed provisions, rather the term “resilience” is primarily only used in the proposed objective and policies in the context of resilience of electricity supply. We are concerned that the proposed highly enabling policies proposed for the NPS-REG, combined with an absence of national direction on natural hazards for infrastructure could create an imbalance towards enabling REG assets in locations that may be affected by natural hazards; this must be avoided. We consider there needs to be national policy direction provided in relation to promoting resilience of REG assets to natural hazards and climate change. We discuss this further in the section relating to the NPS-NH below. It is not clear how the very directive provisions proposed for the NPS-REG would interrelate with directive regional policy. For example, in the WRPS and Waikato Regional Plan, certain activities (including large scale take/discharge) in “Protected geothermal systems” are specified as prohibited activities. We assume that even a directive national policy statement could not override the “prohibited activity” status of such activities but we recommend that this be made clear in the national direction. 	<p>ensure these are limited to an appropriate scale.</p> <ol style="list-style-type: none"> Provide national direction in relation to promoting the resilience of REG assets to natural hazards and climate change. Provide clarity in the national direction on how the directive provisions in the NPS-REG would interrelate with directive regional policy.
National Policy Statement on Electricity Transmission (to be renamed National Policy Statement for Electricity Networks (NPS-EN))		
Question 17 - Do you support the inclusion of electricity distribution within the scope of the NPS-EN?	We consider it appropriate to include electricity distribution within the scope of the NPS-EN, however, we recommend that the policy framework should recognise that not all distribution assets will be appropriate in every location, or where they will result in significant adverse effects.	Ensure that the policy framework recognises that not all distribution assets will be appropriate in every location, or where they will result in significant adverse effects.
Question 18 - Are there risks that have not been identified? <i>No comments</i>		
Question 19 - Do you support the	As discussed in relation to other national direction instruments, we are concerned that the proposed definitions of ‘ancillary electricity network activities’ and ‘routine electricity network activities’ are very	1. Refine the proposed definition of ‘ancillary electricity network activities’ (D2) to specify the type of

Question	Comments	Key specific recommendations
proposed definitions in the NPS-EN?	broad. We recommend refining the proposed definitions to clearly specify the activities included and ensure these are limited to an appropriate scale.	activities, and to limit the scale of these activities. 2. Refine the proposed definition of 'routine electricity network activities' (D18) to remove reference to activities that are not routine, such as removal and replacement of EN assets.
Question 20 - Are there any changes you recommend to the NPS-EN? <i>No comments</i>		
Question 21 - Do you support the proposed objective? Why or why not?	<p>We generally support the proposed objective, however we have the same concerns about the term "...manages adverse effects on the environment" in proposed clause 1)e), as identified under Questions 3 and 7 in relation to the proposed objectives for the NPS-I and NPS-REG respectively. This is exacerbated in the proposed objective by the inclusion of the words "<i>in a proportionate and cost-effective way</i>".</p> <p>We recommend that clause 1)e) of the proposed objective be amended as follows: "<u><i>manages avoids, remedies or mitigates</i></u> adverse effects on the environment <i>in a proportionate and cost-effective way.</i>"</p> <p>We support clause 1)b) in the proposed objective, relating to the resilience of the electricity network, including in relation to the effects of natural hazards and climate change, and recommend that this be retained.</p>	<p>1. Amend clause 1)e) of the proposed objective as follows: "<u><i>manages avoids, remedies or mitigates</i></u> adverse effects on the environment <i>in a proportionate and cost-effective way.</i>"</p> <p>2. Retain clause 1)b) of the proposed objective.</p>
Question 22 - Will the proposed policy improve the consideration of the benefits of electricity networks in decision making?	We generally support proposed Policy P1 and the benefits identified within it.	

Question	Comments	Key specific recommendations
<p>Question 23 - Does the proposed policy sufficiently provide for the operational and functional needs for electricity networks to be located in particular environments ?</p>	<p>The council does not support proposed policy P2 1) as currently drafted. This is very directive wording, that decision makers must recognise and provide for electricity network activities that have an operational or functional need to be in a particular environment, irrespective of adverse effects. The policy also includes areas with section 6 RMA values, which we do not consider to be appropriate. This is a significant difference from the proposed policies in the NPS-I and NPS-REG, where the enabling policies exclude both RMA section 6 effects and effects “covered by national direction”. The reasons for the proposed different approach in the NPS-EN are not clear.</p> <p>To address this, we recommend that P2(1) be amended as follows: <i>“Planning decisions must recognise and provide for EN activities that have an operational need or functional need to be in particular environments, including in areas with section 6 RMA values, with unavoidable adverse effects on those environments”</i>.</p> <p>We also recommend that the words “<i>wherever located</i>” be deleted from proposed P2 2)d), as this introduces significant uncertainty to the potential of this policy.</p> <p>Additionally, as highlighted in relation to other national direction instruments, we consider there is a risk that enabling any infrastructure with a functional or operational need may result in activities with only an operational need establishing in a particular area that prevents significant infrastructure with a functional need to establish or operate in that area. This is of particular concern in the coastal marine area and could occur on land in some locations.</p>	<p>1. Amend proposed P2 1) as follows: <i>“Planning decisions must recognise and provide for EN activities that have an operational need or functional need to be in particular environments, including in areas with section 6 RMA values, with unavoidable adverse effects on those environments”</i>.</p> <p>2. Amend proposed P2 2)d) as follows: <i>“the need for the EN to connect to electricity generation, and to respond to demand, wherever located.”</i></p>
<p>Question 24 - Do you support Transpower and electricity distribution businesses selecting the preferred route or sites for development</p>	<p>This reflects current practice. We note that the proposed increased role for spatial planning in the new resource management system could present an opportunity for Transpower and electricity distribution businesses to be involved in early identification of potential routes or sites as part of spatial planning processes with local authorities and other stakeholders.</p>	

Question	Comments	Key specific recommendations
of electricity networks?		
Question 25 - Are there any other route or site selection considerations that have not been identified?	<p>We recommend proposed policy P4 1)c) be amended as follows: <i>“have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site, and method selection <u>and consider the constraints imposed by the technical or operational requirements of the national grid</u>”</i></p> <p>The council has recently completed hearings on the Proposed Waikato Regional Coastal Plan, and we consider that this additional wording reflects agreed wording between Transpower and the council.</p> <p>We do not support clause 1)d) of proposed policy P4, which directs that decision-makers <i>“must recognise that there will be unavoidable adverse effects on some values regardless of the route, site, and method chosen”</i>. We do not consider this clause to be necessary in conjunction with clause 1)c) and seek that it be deleted.</p>	<p>1. Amend proposed policy P4 1)c) as follows: <i>“have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site, and method selection <u>and consider the constraints imposed by the technical or operational requirements of the national grid</u>”</i></p> <p>2. Delete proposed policy P4 1)d).</p>
Question 26 - Does the proposed policy adequately provide for the consideration of Māori interests in electricity networks?	<p>We consider that proposed policy P3 will provide for consideration of Māori interests to an extent: the proposed requirement to “avoid where practicable but otherwise mitigate” adverse effects on sites of significance goes some way to address effects on Māori interests. However, when read in conjunction with proposed policies P1 and P2, it is clear that those enabling policies are more strongly directive than P3.</p>	
Question 27 - Do you support the proposed policy to enable	<p>We are concerned that the proposed policies seem to provide the opposite. As noted in response to Question 23, the current indicative wording of policy P2 states that <i>“Planning decisions must recognise and provide for EN activities that have an operational need or functional need to be in particular environments, including in areas with section 6 RMA values, with unavoidable adverse effects on those environments.”</i> This wording differs to that proposed for the NPS-I and NPS-REG, where the enabling policies exclude both RMA</p>	<p>Please refer to our response to Question 23 above.</p>

Question	Comments	Key specific recommendations
development of electricity networks in areas not protected by section 6 of the RMA, or covered by other national direction?	section 6 effects and effects “covered by national direction”. As stated in response to Question 23 we do not support this proposed wording of P2 and recommend it be amended as set out in our response above.	
Question 28 - Do the proposals cover all the matters that decision-makers should evaluate when considering and managing the effects of electricity network activities? <i>No comments</i>		
Question 29 - Do you support the proposed policy to enable routine works on existing electricity network infrastructure in any location or environment ?	<p>We acknowledge the intention to provide for routine activities in relation to existing electricity networks assets, however, similar to our comments on other policies in the NPS-I and NPS-REG, we are concerned that the proposed language of Policy 6 is very directive in favour of approving applications, regardless of adverse environmental effects. As drafted, we consider this policy does not align with the requirement under section 5 of the RMA to avoid, remedy or mitigate adverse effects of activities. This is in addition to our concerns about the proposed definition of ‘routine electricity network activities’ discussed in response to Question 19.</p> <p>We recommend that all references to “where practicable” be deleted from Policy 6, as well as the phrase “to occur in all locations and environments”, as this has significant conflicts with other national direction.</p>	<p>Amend proposed policy P6 as follows: <i>“1) Decision-makers must enable routine EN activities to occur in all locations and environments, provided adverse effects on the environment are avoided where practicable, remedied where practicable, or mitigated where practicable, acknowledging the existing nature of the assets.”</i></p>
Question 30 - What other practical refinements to Policy 8 of the NPS-EN could help avoid adverse effects on outstanding natural landscapes, areas of high natural character, and areas of high recreation value and amenity in rural environments? <i>No comments</i>		

Question	Comments	Key specific recommendations
Question 31 - Do you support the proposed policy to enable sufficient on-site space for distribution assets? <i>No comments</i>		
Question 32 - Should developers be required to consult with electricity distribution providers before a resource consent for land development is granted? If not, what type or scale of works would merit such consultation? <i>No comments</i>		
Additional comments on the NPS-EN	<p>As noted in relation to the NPS-I and NPS-REG above, we are concerned that the proposed enabling policies proposed for the NPS-EN, combined with an absence of national direction on natural hazards for infrastructure could create an imbalance towards enabling electricity network assets in locations that may be affected by natural hazards.</p> <p>We consider there needs to be national policy direction provided in relation to promoting resilience of electricity network assets to natural hazards and climate change. We discuss this further in the section relating to the NPS-NH below.</p>	Provide national policy direction in relation to promoting resilience of electricity network assets to natural hazards and climate change.
National Environmental Standards for Electricity Transmission Activities (to be renamed National Environmental Standards for Electricity Network Activities (NES-ENA))		
Question 33 – 36 <i>No comments</i>		
Question 37 - Do you support adding any or all of the five categories of regional activities to the NES-ENA as permitted activities?	<p>We support the inclusion of these as permitted activities in principle (as the Waikato Regional Plan includes permitted activities for similar activities at what the council has determined an appropriate scale), but it is difficult to comment further without knowing the detail of conditions that might be applied.</p> <p>It must also be considered how these interact with and provide for Treaty settlement obligations, particularly in relation to works in the beds of rivers. Within the Waikato region, this includes Te Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River and Taupō Waters, which includes ownership by Tūwharetoa of the bed of Lake Taupō and the tributaries flowing into the lake.</p> <p>We note that the drafting recognises that further work is required on these rules and consultation is seeking feedback on the general intent of the provisions. We make the following specific recommendations on the inclusion of permitted activity conditions:</p> <ul style="list-style-type: none"> R2: Groundwater takes – it is unclear whether this includes takes that are consumptive or only net-zero takes (like dewatering). If consumptive takes are intended to be included, then there is potential for 	<ol style="list-style-type: none"> 1. Ensure that Treaty settlement obligations are provided for in relation to the proposed permitted activities. 2. Amend R2 to specifically exclude consumptive takes, or include conditions to address drawdown effects on other groundwater users in the vicinity. 3. Amend R1 and R5 to replace the current condition “<i>works being undertaken in accordance with a plan submitted to the relevant regional council hydrologic</i>

Question	Comments	Key specific recommendations
	<p>allocation issues in some locations. An effect that should also be conditioned is drawdown effects on other groundwater users in the vicinity.</p> <ul style="list-style-type: none"> • R1 and R5: River crossings and works in the bed of a river – a condition is required to not reduce the cross-sectional area of the waterway. Currently a proposed condition for works within the bed of a river includes <i>“works being undertaken in accordance with a plan submitted to the relevant regional council hydrologic engineer”</i>. We recommend it would be more appropriate to also include this condition for river crossings and adjust both to the following, or similar: <i>“works being undertaken in accordance with a plan prepared by a suitably qualified engineer to show the [works/crossing] is designed in accordance with sound engineering practice and will not cause adverse effects on flooding or changes in flow regime, and submitted to the relevant regional council for technical certification.”</i> • R4: Structures in the Coastal Marine Area– we suggest a similar provision to the above for rivers but related to a suitably qualified engineer assessing that a structure is designed in accordance with sound engineering practice and will not cause adverse erosion effects on adjacent stretches of coastline. 	<p><i>engineer”</i> with the following condition (or similar), and also apply it for river crossings: <i>“works being undertaken in accordance with a plan prepared by a suitably qualified engineer to show the [works/crossing] is designed in accordance with sound engineering practice and will not cause adverse effects on flooding or changes in flow regime, and submitted to the relevant regional council for technical certification.”</i></p> <p>4. Amend R4 to include the following condition (or similar) for rivers: <i>“works being undertaken in accordance with a plan prepared by a suitably qualified engineer to show the structure is designed in accordance with sound engineering practice and will not cause adverse erosion effects on adjacent stretches of coastline and submitted to the relevant regional council for technical certification.”</i></p>
Question 38 - Do you support the proposed permitted activity conditions and the activity classes if these conditions are not met? <i>No comments</i>		
Question 39 - Do you support management	We do not support this approach without amendment to the relevant regulations to ensure there is some method for quality control regarding the management plans. We recommend this take the form of conditions that the management plans must be submitted to the relevant council for technical certification that the matters required to be addressed have been addressed.	Include conditions requiring that management plans are submitted to the relevant council for technical certification.

Question	Comments	Key specific recommendations
plans being used to manage environmental impacts from blasting, vegetation management and earthworks?		
Questions 40 - 44 <i>No comments</i>		
Question 45 - Should the NES-ENA allow plan rules to be more stringent in relation to electricity distribution activities in specific environments? (e.g., when located in a 'natural area').	<p>Yes, we support the NES-ENA allowing plan rules to be more stringent for specific environments, including 'natural areas' (capturing all RMA section 6(c) matters), as there are particular sensitive environments where more bespoke protections may be required.</p> <p>We support the proposed definition of 'natural areas' including outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna. It is important that this includes sensitive receiving environments in the coastal marine area, in addition to terrestrial biodiversity and landscapes. We also recommend that this specifically includes geothermal fields.</p>	<ol style="list-style-type: none"> 1. Retain the proposed ability for plan rules to be more stringent in relation to electricity distribution activities in specific environments, including 'natural areas'. 2. Retain the proposed definition of 'natural areas' and include geothermal fields.
Question 46 - Do you support the proposed	Yes, we support the inclusion of provisions within the NES which make it easier to provide EV charging at homes and workplaces, as these will support increased EV use and assist with decreasing carbon emissions from transport. This aligns with existing national and regional statutory direction relating to climate change and transport emissions reduction, including section 7(i) of the RMA, Objectives 8 and Policies 1 and 6 of	

Question	Comments	Key specific recommendations
provisions to make private electric vehicle charging and associated infrastructure a permitted activity at home or at work?	the National Policy Statement on Urban Development 2020 and, within the Waikato region, provisions of the WRPS.	
Question 47 - Have private or at work electric vehicle users been required to obtain a resource consent for the installation, maintenance and use of electric vehicle charging infrastructure? <i>No comments</i>		
Question 48 - Should the construction, operation and maintenance of electric vehicle charging infrastructure be a permitted activity, if it is located in a land transport corridor?	Overall, we support the proposed increased use of permitted activity standards to facilitate increased EV use. However, we caution the use of permitted activity rights for public charging in land transport corridors where the construction, operation and maintenance of EV charging as a permitted activity could cause unanticipated adverse outcomes, such as safety issues. We recommend that the NES provide some discretion to Road Controlling Authorities over this.	

Question	Comments	Key specific recommendations
Question 49 - Should the construction, operation and maintenance of electric vehicle charging infrastructure become a permitted activity, if it is ancillary to the primary activity or outside residential areas?	We would support EV charging being a permitted activity outside of residential areas, provided this is subject to appropriate conditions, for example, relating to size, location on the site, safety regulations, ability to be used by disabled people etc., and to meet the NZ Standards. ¹	
Question 50 - Do you support the proposed provisions for electric vehicle charging for all types of EVs, or are additional requirements	We support provision for standalone EV charging facilities in appropriate zones, to facilitate the decarbonisation of the public transport bus fleet (to enable regional councils to meet the government mandate to do so).	

¹ In the Waikato region, WRC has developed [Guidelines for EV charging stations on council land in the Waikato region](#), to assist territorial authorities in assessing applications for EV charging infrastructure on public land.

Question	Comments	Key specific recommendations
needed for heavy vehicles such as large trucks, ferries or aircraft?		
Additional comments on the NES-ENA	<p>We note that there is an internal inconsistency in the current NES-ETA regarding the interrelationship of Regulation 4 and Regulations 33-36, and it is unclear whether this will be remedied by the proposed changes.</p> <p>Regulation 4 specifies the scope of the NES and explicitly excludes “<i>earthworks to the extent that they are subject to a regional rule.</i>” However, Regulations 33-36 (which address earthworks) purport to regulate earthworks with no limitations on scope. This is internally contradictory. We recommend it be made clear that the redrafted Regulations 33-36 only apply if the earthworks concerned are not the subject of regional rules.</p>	Make it clear within the NES-ENA that the redrafted Regulations 33-36 only apply if the earthworks concerned are not the subject of regional rules.
National Environmental Standards for Telecommunication Facilities (NES-TF)		
Questions 51 – 56	<i>The NES-TF predominantly relates to territorial authority functions. As only minor amendments are proposed to the regulations relevant to regional councils, we make no comment in relation to the proposed amendments to the NES-TF.</i>	
Development		
Proposed National Environmental Standards for Granny Flats (NES-GF)		
Question 57 - Are the proposed provisions in the NES-GF the best way to make it easier to build granny flats	<p>We generally support the proposed provisions in the NES-GF and the intent of the proposed policy changes to increase the supply of small houses and create more affordable housing options and choice.</p> <p>Regarding terminology, we consider the various names used for these dwellings may cause confusion for the public. For example, the proposed amendments to the Building Act refer to “small stand-alone dwellings”, whereas the proposed NES includes both “granny flats” (which is a misnomer for the wider intended use of these dwellings) and “minor residential units”. We consider that consistent use of a smaller number of terms would help to avoid confusion.</p>	

Question	Comments	Key specific recommendations
(minor residential units) in the resource management system?		
Question 58 - Do you support the proposed permitted activity standards for minor residential units?	In general, yes, provided (as per Question 63) it is made clear in the NES for the avoidance of doubt the activities that are out of scope and acknowledgement that those activities may require resource consent where they are not provided for as a permitted activity in regional or district plans.	
Question 59 - Do you support district plans being able to have more lenient standards for minor residential units? <i>No comments</i>		
Question 60 - Should the proposed NES-GF align, where appropriate, with the complementary building consent	We consider that the proposed NES-GF and the proposals for small stand-alone dwellings under the Building Act should be consistent and work together in an integrated way. Our submission on the Building and Construction (Small Stand-alone Dwellings) Amendment Bill ² recommended amendments to the Bill to include compliance with regional plan wastewater rules as a requirement to qualify for a Building Act exemption and to ensure that people looking to construct small stand-alone dwellings are aware of any relevant resource consent requirements relating to onsite wastewater disposal. In alignment with this, at Question 63 below, we recommend that regional plan wastewater rules are specifically identified as being out of scope of the NES-GF.	

² <https://www.waikatoregion.govt.nz/assets/WRC/Submission-Building-and-Construction-Small-Stand-alone-Dwellings-Amendment-Bill-June-2025.pdf>

Question	Comments	Key specific recommendations
exemption proposal?		
Question 61 - Do you support the proposed list of matters that local authorities may not regulate in relation to minor residential units? Should any additional matters be included? <i>No comments</i>		
Question 62 - Do you support existing district plan rules applying when one or more of the proposed permitted activity standards are not met? <i>No comments</i>		
Question 63 - Do you support the list of matters that are out of scope of the proposed NES-GF? Should any additional matters be included?	<p><u>List of matters that are out of scope</u></p> <p>We strongly support the list of matters that are out of scope of the proposed NES-GF, particularly matters of national importance under the RMA, regional plan rules, earthworks and subdivision.</p> <p>Matters of national importance under section 6 of the RMA are important risks and values that require protection in resource management processes. We consider it vital that all existing overlays and plan provisions relating to these matters (e.g. areas of significant indigenous vegetation and significant habitats of indigenous fauna and areas of significant natural hazards) continue to apply and are not overridden by the NES-GF. We also strongly support regional plan rules being out of scope of the NES-GF.</p> <p><u>Other matters</u></p> <p>We note that earthworks are specifically listed as an activity outside consideration of the NES where other district and regional plan provisions apply. We recommend that onsite wastewater should similarly be included in the list. Onsite wastewater capacity and associated regional rules will need to be considered (whether or not consent is required) for all minor residential units where connection to a municipal or community system is not available.</p> <p>It is important that district plan rules relating to total impervious surfaces on a site continue to apply to granny flats, in order to manage cumulative adverse effects relating to stormwater runoff, including increased flood hazards within a catchment.</p> <p>We recommend that all standards within district plans relating to natural hazards continue to apply to granny flats, including all natural hazards overlays as well as provisions that address other natural hazard risks that are not always mapped in an overlay, such as setbacks from Mean High Water Springs, and rivers and streams.</p>	<ol style="list-style-type: none"> 1. Retain the list of matters that are out of scope of the proposed NES-GF and add onsite wastewater disposal. 2. Ensure that district plan rules for impervious surfaces and all district plan rules relating to natural hazards continue to apply to granny flats, including those that are not always mapped in overlays.

Question	Comments	Key specific recommendations
Additional comments on the proposed NES-GF	Please refer to the additional comments provided under the proposed NPS for Natural Hazards (NPS-NH) in relation to linkages between the proposed NES-GF and NPS-NH.	
Proposed National Environmental Standards for Papakāinga (NES-P)		
Question 64 - Do you support the proposal to permit papakāinga (subject to various conditions) on the types of land described above?	<p>We strongly support the proposed NES permitting papakāinga on the specified land types, subject to appropriate conditions. This aligns with the WRPS which provides clear direction for enabling papakāinga through district plans, supporting infrastructure and recognition of tangata whenua relationships with land and taonga.</p> <p>The WRPS affirms the national significance of Māori living on ancestral land, including general title in both urban and rural areas. The proposed NES compliments this regional policy direction.</p>	Retain the proposals in the NES-P to enable papakāinga on the specified land types, subject to appropriate conditions as discussed in the responses below.
Question 65 - What additional non-residential activities to support papakāinga should be enabled through the NES-P?	We acknowledge the proposed non-residential activities permitted under the NES-P as they align with WRPS policy direction for sustaining, developing, restoring and enhancing marae and papakāinga.	

Question	Comments	Key specific recommendations
Question 66 - What additional permitted activity standards for papakāinga should be included?	<p>We recommend including provisions for minimum setbacks from natural hazards, particularly in cases where natural hazards are not already identified in a district plan. This could apply to areas such as rivers or streams prone to flooding and/or coastal areas susceptible to erosion or inundation. Including a precautionary setback requirement in the absence of mapped hazards would aid with ensuring the safety and resilience of developments in the context of climate change and increasing natural hazard risks.</p> <p>We suggest the following wording: <i>“Where natural hazards such as flooding, coastal erosion or inundation are not identified in the district plan, a precautionary minimum setback of (X metres) from the edge of rivers, streams or the coastal marine area is required, unless a site specific hazard assessment demonstrates a lesser setback is appropriate”</i>.</p> <p>We note that while renewable energy and energy efficiency are not explicitly required in the proposed papakāinga standards, both are supported through the updated policy direction in the NPS-REG which encourages their integration into papakāinga development.</p>	<p>Add an additional permitted activity standard as follows, or similar: <i>“Where natural hazards such as flooding, coastal erosion or inundation are not identified in the district plan, a precautionary minimum setback of (X metres) from the edge of rivers, streams or the coastal marine area is required, unless a site specific hazard assessment demonstrates a lesser setback is appropriate”</i>.</p>
Question 67 - Which, if any, rules from the underlying zone should apply to papakāinga developments?	<p>We support (as indicated in the indicative list in PAS3) that the regional rules for setbacks from waterways, wastewater, water supply (i.e. water takes), and earthworks apply to the developments. We also support that natural hazards regulations will apply.</p> <p>Given that the NES-P is focused on land use activities, rather than the physical works required to develop or implement them, we consider it appropriate that all regional plan rules should continue to apply to papakāinga developments, as well as regulations in other NESs. For the avoidance of doubt, we recommend that the NES-P clarifies that all regional plan rules and NESs continue to apply to papakāinga developments</p>	<ol style="list-style-type: none"> 1. Retain the requirement for regional rules for setbacks from waterways, wastewater, water supply (i.e. water takes), and earthworks to apply to papakāinga developments. 2. Retain application of natural hazard regulations to papakāinga developments. 3. Clarify within the NES-P that all regional plan rules and NESs continue to apply to papakāinga developments.
Question 68 - Should local authorities have	<p>We generally support the use of restricted discretionary activity statuses as proposed in the discussion document and attachment 1.7. However, we consider greater clarity is needed in the proposed NES as to how non-compliance with regional rules is to be managed.</p>	<p>Ensure the drafting of the proposed rules, particularly the restricted discretionary rules, clearly differentiates between regional and</p>

Question	Comments	Key specific recommendations
restricted discretion over papakāinga on Treaty settlement land (i.e., should local authorities only be able to make decisions based on the matters specified in the proposed rule)?	<p>Proposed rule RD2 as drafted spans the jurisdiction of regional councils and territorial authorities, due to the inclusion of regional matters under PSA3. We therefore assume that the need for resource consent under RD2 might, in some cases, require consent applications to both consenting authorities. If this assumption is correct, we recommend it be made clear in the drafting of the rules.</p> <p>It is important that relevant regional plan rules are not overridden or overlooked by the proposed NES. To improve clarity, we recommend that drafting of the rules clearly differentiates between regional and territorial authority planning matters. This would ensure that the intent of the NES-P to streamline and enable papakāinga development is upheld without overlooking regional plan rules that are important for managing adverse effects of associated activities, such as earthworks and discharges.</p>	territorial authority planning matters and ensures that regional plan rules continue to apply to papakāinga developments.
Question 69 - What alternative approaches might help ensure that rules to enable papakāinga on general land are not misused (for private/commercial use or sale)? <i>No comments</i>		
Question 70 - Should the NES-P specify that the land containing papakāinga on general land cannot be subdivided in future? <i>No comments</i>		
Additional comments on the proposed NES-P	Please refer to the additional comments provided under the proposed NPS-NH in relation to linkages between the proposed NES-P and NPS-NH.	
Proposed National Policy Statement for Natural Hazards (NPS-NH)		
Question 71 - Should the proposed NPS-NH apply to the seven	The seven hazards currently included are relevant for all regions across New Zealand. However, volcanic hazards are currently not included. Volcanic and geothermal hazards are important in the Waikato regional context, and we consider these should be included. We note that there was no reasoning offered for the exclusion of these hazards, which we consider are likely to be assessed as at least a medium risk – likely to restrict development across most of the North Island. We consider the same should be done for wildfire/fire	1. Add volcanic and geothermal hazards and wildfire/fire to the list of hazards to which the NPS-NH applies.

Question	Comments	Key specific recommendations
hazards identified and allow local authorities to manage other natural hazard risks?	<p>risks. These are risks that could significantly impact future developments and their exclusion from the NPS could be misinterpreted by prospective developers and create a false sense of security.</p> <p>We also highlight that the NPS is very focused on acute hazards. This is likely to result in limited effectiveness of the provisions to manage the risks from chronic hazards, such as prolonged drought and increased temperature. Although we acknowledge that these could be managed through mitigation actions via other avenues, we recommend providing for the management of chronic hazards, as these may have already exceeded the threshold for tolerance in some communities across New Zealand.</p>	2. Include the management of chronic hazards, such as prolonged drought, in the NPS-NH.
Question 72 - Should the NPS-NH apply to all new subdivision, land use and development, and not to infrastructure and primary production?	<p>We disagree with the omission of infrastructure from the scope of the NPS-NH. Like other developments that the NPS-NH will apply to, infrastructure by its nature relates to structures. It is therefore susceptible to the effects of natural hazards, and these should be assessed and planned for. We do not consider the reasons given for its omission to be sufficient. Furthermore, the NPS proposal is a broad framework for how natural hazards management should be approached, therefore, we recommend this framework should be equally applicable to infrastructure. Including infrastructure is especially important for the critical infrastructure that services new subdivision and development. There needs to be a consideration around the wider spatial extent of critical infrastructure servicing that community, e.g. state highways, electricity transmission and generation, etc.</p> <p>Although we acknowledge that the proposed NPS might be a reflection of a targeted approach, we note that in some areas local government has flood risk infrastructure, like stopbanks, which are critical infrastructure, and in many parts across the country this infrastructure actually allows for primary production – such as in the Lower Waikato and Hauraki Plains.</p> <p>A fit-for-purpose policy framework should facilitate the assessment of effects on natural hazards from the use of land for infrastructure purposes and the impact of natural hazards risk on long-term resilience of the infrastructure. We recommend considering a similar approach to the one in NH-P6 of the Proposed Waikato Regional Coastal Plan³.</p>	Include infrastructure in the scope of the NPS-NH.

³ [Proposed Waikato Regional Coastal Plan - with updated operative rules](#)

Question	Comments	Key specific recommendations
<p>Question 73 - Would the proposed NPS-NH improve natural hazard risk management in New Zealand?</p>	<p>Yes, we consider it a step in the right direction. The proposed NPS provides national consistency, in particular around the definition of significant risk. However, the NPS is missing a key component: certainty around the thresholds to support mitigation or straight-out avoidance of a particular areas based on the risk matrix table provided (more in Question 76).</p> <p>In the Waikato region context, we find many instances where land zoning in district plans for development does not properly account for natural hazards (e.g. flooding). This results in the regional council taking a seemingly adversarial role through submissions on district plan changes or territorial authority resource consents or having to litigate these matters during regional consent processes (e.g. for stormwater, wastewater, etc). This can cause significant frustration, cost and delay for consent applicants (and consent authorities) that could/should be avoided if land zoning properly assessed these matters initially. The council's recent report on implementation of the WRPS looked at instances where our council has advocated for a consistent approach to managing natural hazards and climate change risk.⁴ We note, for example, that since the WRPS became operative (in April 2016), we have recorded 103 instances where we offered support to our territorial authorities on policy alignment and consistency, or noted concerns about insufficient recognition of natural hazards management.</p> <p>We note a significant disconnect through the proposed NPS between new and existing development, and the management of risk through adaptation. While this NPS does mention that this is not focused on pre-existing development and adaptation, we consider that there should be consideration of future adaptation of new development through this NPS. We recommend including objectives that ensure the appropriate recognition of adaptation plans that have already been put in place. Many of these plans indicate that development is to be restricted in the future. These plans have been developed with significant investment from the local communities and district and regional councils, using technical information and careful consideration of future signals, triggers and thresholds. This effort needs to be recognised in the policy settings, by including rules that manage land use, subdivision and development accordingly. Natural hazards management under the RMA and long-term adaptation planning are complementary approaches that cannot be considered in isolation and rely on each other to increase community resilience.</p>	<p>Amend the NPS-NH to recognise adaptation plans prepared by local government and the community.</p>

⁴ Report to the Strategy and Policy Committee, 02 October 2024 (Refer to pages 80-96):

<https://core.opentext.eu/pdfjs/web/viewer.html?shortLink=bdbff689c9837f0418b9d63467a49ca9720c801e921bb2fd>

Question	Comments	Key specific recommendations
Question 74 - Do you support the proposed policy to direct minimum components that a risk assessment must consider but allow local authorities to take a more comprehensive risk assessment process if they so wish?	<p>Yes, with some refinements suggested below.</p> <p>We recommend adding vulnerability of the activity (or type of use) to the matters to be considered in P1 (Risk Assessment). This is one of the most critical components of a risk assessment, missing from the methodology in the proposed NPS. We highlight, for example, the different level of vulnerability of a residential development which has a higher risk, due to people living there, than an industrial use.</p> <p>The proposed NPS still leaves room for significant inconsistency across councils when managing natural hazard risk themselves, especially due to disparities in resources and information available for different councils. We note that where a territorial authority has limited access to information and resources to investigate hazards and assess risk, this puts an expectation of greater responsibility on the regional council to obtain this information. This is compounded by the substantial amount of information that is required prior to risk assessment being undertaken, like exposure/susceptibility investigation and vulnerability identification.</p> <p>The disparities are also related to available policy levers. As noted in response to Question 73, natural hazards and risk management are linked to regional policy direction. Not all regions have the same level of policy direction and planning controls. Some regional councils have regional policy statements with clear and directive objectives and policies regarding land use management in hazard areas, and developed methods to allow for the setting of risk threshold (tolerable, acceptable, intolerable) – like in the case of this council.⁵ We note that risk goes beyond the physical elements of hazards, and highlight the recommendations made as part of the 2024 Hawkes Bay Independent Flood Review.⁶ The risk of inappropriate land use and development for Hawkes Bay is likely to remain higher than desirable during the time it will take to review its regional policy statement. Therefore, we advocate for a more nuanced approach to understanding risk that takes into account the effectiveness of current planning controls.</p> <p>There also needs to be a methodology that can be applied consistently for how local authorities undertake natural hazards risk assessments. While the risk matrix table and definitions for consequence and likelihood are useful, there is information missing around a framework to determine what scenarios are required, especially when we are considering climate change to inform the risk assessment. Adding a methodology as</p>	<p>Amend the NPS-NH to include:</p> <ol style="list-style-type: none"> 1. Vulnerability of the activity (or type of use) to the matters to be considered in P1 (Risk Assessment). 2. Direction to determine levels of risk tolerance. 3. Consideration of the ability of existing planning controls to direct development away from hazard areas 4. A methodology for undertaking risk assessments under the NPS. 5. Direction about the types of scenarios/degrees warming and timeframes and how they should be used in different contexts. 6. Linkage with the current national guidance on climate change adaptation.

⁵ Refer to definition of natural hazard risk: <https://www.waikatoregion.govt.nz/assets/WRC/Council/Policy-and-Plans/RPS-Regional-Policy-Statement/RPSv2018-Glossary.pdf>

⁶ Refer to recommendation on planning controls (22-29): [Report-of-the-Hawkes-Bay-Independent-Flood-Review-Digital-Version.pdf](#)

Question	Comments	Key specific recommendations
	<p>part of the NPS will ensure a higher degree of consistency in risk assessments across the country. The council developed a risk assessment framework in 2018 and advocates for its use by the region's territorial authorities.⁷ This methodology was used in collaboration with the Hauraki and Waikato District councils in the development of the risk assessment that supported Wharekawa Coast 2120 (a long-term adaptation plan for the communities of Kaiaua, Pukorokoro/Miranda).⁸</p> <p>We also note the following in relation to climate change:</p> <ul style="list-style-type: none"> • The proposed NPS-NH does not set out how to assess the likelihood of hazards that will be impacted by climate change (particularly flooding, coastal inundation and coastal erosion). • The NPS recommends considering climate change out to 100 years, however, it does not provide guidance or direction on what climate change scenario should be used to ensure consistency. • It is unclear how the risk out to 100 years should be considered. It is not clear if risk assessments should consider current day risk and then risk out to 100 years. • The NPS does not provide the tools to determine the level of reliance on the multiplicity of central government guidance. The guidance documents depend on the hazard and nature of work – e.g. guidance related the National Adaptation Plan (2022), MfE's Coastal Hazards and Climate Change Guidance (2024). • The proposed risk matrix method is inconsistent with best practice for climate change adaptation, including what is set out in MfE's Coastal Hazards and Climate Change Guidance (2024). The risk matrix provided here is a very traditional natural hazard risk matrix, and when we are considering climate change, the likelihood of an event both now and into the future is an ever-evolving probability. MfE's guidance to local government on climate change risk assessment suggests identifying the exposure, sensitivity and adaptive capacity across two timeframes and multiple scenarios differing significantly from the approach recommended here. • There should a link between this NPS-NH and the current national guidance on climate change adaptation; specifically, how to assess the potential impacts of hazards exacerbated by climate change on proposed new developments. 	

⁷ <https://www.waikatoregion.govt.nz/assets/WRC/wrc-hazard-framework.pdf>

⁸ <https://www.waikatoregion.govt.nz/assets/WRC/TR202008.pdf>

Question	Comments	Key specific recommendations
<p>Question 75 - How would the proposed provisions impact decision-making?</p>	<p>We consider the proposed provisions would have an overall positive impact. We acknowledge the usefulness of the risk matrix table, and suggest some improvements related to the risk matrix and methodology for climate change hazards.</p> <p>The proposed NPS will support the identification of unsuitable locations for development, however, it still heavily relies on work around exposure modelling and hazard susceptibility being undertaken prior to development and this NPS coming into effect.</p> <p>We recognise that the NPS is aimed at assisting consenting decisions, and as such see it as an effective tool to support local government in refusing development where better information is available – e.g. in an urban area with land available for development land that was zoned with little or no assessment of natural hazard and risk information. This is particularly important for areas where the risk is significant, and mitigation measures are ineffective to reduce that risk further.</p> <p>Nevertheless, local government is still going to grapple with the lack of national direction on reverting zoning decisions when land is no longer suitable to develop. There are areas where councils should reassess the suitability of the land to accommodate pending residential or industrial developments – e.g. land impacted during the 2023 Auckland Anniversary weather event and Cyclone Gabrielle. National direction to trigger these analyses would ensure consistency and make it easier for decision-makers to start the pertinent plan reviews, as council decisions are limited by existing statutory levers. These should be facilitated by existing information councils gather on dwellings consented within hazard zones⁹. Hazard, risk and resilience is an evolving and ever-changing science; as a country, we know significantly more about natural hazard risk than we did a decade ago.</p> <p>We also note likely impacts from the proposed NPS on the New Zealand Coastal Policy Statement. We provide further feedback on this in Question 83.</p>	
<p>Question 76 - Do you support the placement of very high,</p>	<p>We consider that the risk matrix is too risk-averse, given the problem it is trying to resolve, i.e. anecdotal concerns that local government authorities have been too risk-averse and inappropriately restricted development in order to avoid risk from natural hazards. From a natural hazard risk technical perspective, the council could aim to avoid development at risk locations. However, we understand this is not always compatible with growth expectations.</p>	<p>1. If the current ranges in the risk matrix are retained, clarify which mitigation strategies would be considered acceptable for low-probability-high-impact hazards.</p>

⁹ Refer to section 8 of the [Auckland monthly housing update June 2025](#)

Question	Comments	Key specific recommendations
<p>high, medium and low on the matrix?</p>	<p>The current set up for the risk classification (significant risk definition and the risk matrix) may result in consenting authorities unnecessarily restricting development. For example, a possible event (up to 1% AEP) with minor consequences (minor damage with no loss of use and minimal repairs; possible minor isolated injuries) is classified as medium risk, therefore as significant risk which must be avoided or mitigated. A similar situation may arise due to the inclusion of “Very Rare” events (<0.02%), particularly when anything with a consequence level of Major or Catastrophic (classed as medium risk, and therefore as significant risk). This is potentially problematic for very rare, potentially catastrophic events for which no practical mitigation is possible (such as mitigation for large scale tsunami events). Based on this, large tsunami events along the Hikurangi subduction zone would have catastrophic consequences for eastern Coromandel communities. Realistically, it wouldn’t be feasible to mitigate the effects of that event down to a low enough level to encourage safe development, thus making development impossible in certain parts of the eastern coastlines.</p> <p>If the intention is to retain the current ranges, we recommend clarifying which mitigation strategies would be considered acceptable for low-probability-high-impact hazards – e.g. consider whether evacuation planning could be considered effective and sufficient to mitigate that risk. More generally, we need adequate guidance around suitable mitigation measures to ensure national consistency, especially when discussing the less frequent highly catastrophic events. This does not mean, however, that we support an increase in exposure to these risks; we understand the risk to be very high and that it must be balanced against the uncertainty of the timing of an event. We support an intentional and balanced approach.</p> <p>Although we support the intent and see benefit in using the risk matrix, we note that it is still unclear if all seven hazards included in this NPS are to be considered equally. As noted in response to Question 74, local policy settings influence decision-making. If the intention is to allow local policy settings to be reflected, then this should be clearly stated in the NPS.</p> <p>We note a marked jump in terms of the consequence level definition of a major event, when compared to a moderate one, particularly for damage to property. We recognise this is a challenge as it is a qualitative assessment. We suggest further analysis to determine if there is room for an additional consequence category to bridge the gap.</p> <p>The NPS is encouraging that if the risk is significant, that mitigation or avoidance occurs. However, it does not set a threshold to determine when mitigation becomes ineffective, and avoidance is required. Likewise,</p>	<ol style="list-style-type: none"> 2. Undertake further analysis to determine if there is room for an additional consequence category to bridge the current gap between moderate and major events. 3. Build an additional framework into the proposed approach to define risk thresholds (acceptable, tolerable and intolerable). 4. Add a percentual range to the definitions in the consequence level tables to provide clarity.

Question	Comments	Key specific recommendations
	<p>there is no clear direction to require that any applied mitigation should reduce the risk below the significance threshold. This is particularly important for consenting decisions under sections 106 and 106A of the RMA.</p> <p>As noted in response to Question 74, we consider there needs to be an additional framework built into the proposed approach to define risk thresholds (acceptable, tolerable and intolerable). For example, is 'acceptable' for all low risks, 'tolerable' is up to a point where mitigation is not an option anymore (e.g. medium and/or high) and 'intolerable' where outright avoidance should occur (e.g. very high).</p>	
<p>Question 77 - Do you support the definition of significant risk from natural hazards being defined as very high, high, medium risk, as depicted in the matrix?</p>	<p>As noted in our response to the previous question, we consider the threshold to be risk adverse. From a risk perspective, the medium risk is not "significant" and therefore up for discussion. Therefore, we suggest significant risk should apply to high and very high. However, as mentioned, we need direction around where in the risk matrix table, mitigation is acceptable and needs to occur, where it is not (i.e. does low risk not needing mitigation) and where mitigation is not worth it anymore (high risk).</p> <p>We also consider that the definitions in the consequence level tables are extremely subjective - e.g. "severe, major, some, minor" damage. The NPS does not provide further definitions for these, and therefore does not assist in creating a nationally consistent approach. It is likely that the perception of "severe" may differ between developers and councils. We recommend having a percentual range to provide some clarity and something tangible to assess by (e.g. severe damage is above X percent).</p> <p>There is also nothing about the economic consequences which we see as highly important – e.g. the point at which people might not get insurance or even a bank loan for the property. This is something that Aotearoa New Zealand needs to do better. It is not appropriate to continue building under the assumption that people will get insurance; there are clear signals that at some point in the future some areas will be uninsurable.¹⁰</p>	
<p>Question 78 - Should the risks of natural hazards to</p>	<p>Yes. However, we note that drafting should make this explicit. Management should be proportional to the risk for land use. As drafted, it could be possible for people to argue that a proportionality test needs to include potential returns from investment.</p>	<p>Amend the wording in P3 (Proportionate Management) as follows:</p> <p><i>Local authorities must proportionately manage natural</i></p>

¹⁰ [Is the availability of insurance in New Zealand about to take a hit? | Insurance Business New Zealand](#)

Question	Comments	Key specific recommendations
new subdivision, land use and development be managed proportionately to the level of natural hazard risk?		<p><i>hazard risk, including significant risk, when making planning and consenting decisions on new subdivision, use and development, based on the level of natural hazard risk <u>and the proposed land use</u>.</i></p> <p><i><u>This assessment of proportionality must not seek to balance risk management against potential return on investment from any land use and development.</u></i></p>
Question 79 - How will the proposed proportionate management approach make a difference in terms of existing practice?	<p>In consenting, it will provide justification for requiring natural hazard risk assessment from consent applicants – e.g. for developments proposed on a flood plain, and thresholds to require risks to be mitigated or avoided.</p> <p>We support the application of climate change impacts 100 years ahead (P2).</p> <p>We support P5 (significant risk from natural hazards not exacerbated on other sites). This addresses the cumulative adverse effects that currently occur where a development risk is mitigated by infilling part of the flood plain to enable its proposal to raise habitable floor levels and infrastructure above the 1% AEP flood level. This current practice displaces flood capacity flows onto other properties and sites yet to be developed, increasing the cumulative risk to future development.</p> <p>Further, we recommend including provisions to ensure the policy for proportionate management (P3) is not used to undermine existing plan provisions. Some district plans in the Waikato region already have provisions that adequately manage natural hazards but shift the onus of producing a risk assessment to the applicant. This is appropriate in areas where the understanding of the hazard is sufficient to have rules for wider areas. Policy 15.2.1.16 of the Proposed Waikato District Plan¹¹ is an example of this good practice.</p>	<p><u>Policy 2</u> Retain the application of a 100 year timeframe for climate change impacts.</p> <p><u>Policy 3</u> Include a provision to ensure that this policy is not used to undermine existing district plan provisions.</p> <p><u>Policy 5</u> Retain Policy P5.</p>

¹¹ https://www.waikatodistrict.govt.nz/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/stage-2/pdp-chapters/proposed-waikato-district-plan-natural-hazards-and-climate-change.pdf?sfvrsn=e0128bc9_4

Question	Comments	Key specific recommendations
	Territorial authorities should be able to require site specific assessments where this information is not available to them. Having risk specific information for an entire district or region would amount to exorbitant costs for all ratepayers. See our response to Question 80 in relation to this.	
Question 80 - Should the proposed NPS-NH direct local authorities to use the best available information in planning and resource consent decision-making?	<p>Yes, however, this approach does not work if information is not available, is inadequate or it is out of date. Sometimes, in particular where potential adverse effects are significant or unknown, the best “available” information may not be adequate (similar point to the one raised in response to Question 79).</p> <p>We recommend amending P4 to provide for those instances where it is appropriate that an applicant undertake investigations to develop new information necessary to inform a consent authority, i.e. where the adverse effects of the proposal are significant or unknown.</p> <p>We recognise the provision will speed up decision-making in some resource consents, but it could lead to some councils not investing in better information. There is a risk that some councils may focus on decision-making efficiency at the expense of obtaining better natural hazards information. We encourage the government to further investigate levers to ensure local government has access to sufficient funds to invest in refining hazards data. As we noted in response to Question 74, some councils have limited access to information and resources to investigate hazards and assess risk.</p> <p>There also needs to be further work in developing a consistent approach for data usability and limitations for development to occur. We note that this could be done following a similar approach to the recent changes to local information memoranda regulations. The system must ensure that data is consistently produced and used across the whole country.</p> <p>Without any data consistency, or at least a bare minimum of the type of data that is needed to support development, development could occur in places where there is very high-level information, that could also be very old or out of date. This should include central government direction on climate change hazards to determine what projections and timeframes are required (as noted in response to Question 74). For example, we use a level for all information presented on the Waikato Regional Hazards Portal - waikatorc.sharepoint.com/:i:/s/externalsharing/EbZhT_vsGnZFunP47z8CDlwBWV2CmKqBgnM5AGQ2KXZh_uw?e=eSFwSc</p> <p>NB: For residential development, we would expect an information level 1.</p>	<ol style="list-style-type: none"> 1. Amend P4 to provide for those instances where it is appropriate that an applicant undertake investigations to develop new information necessary to inform a consent authority. 2. Amend P6 (Continue with risk assessment processes where information is limited or unclear) to provide for the application of the precautionary principle.

Question	Comments	Key specific recommendations
	Lastly, we recommend that where information is unclear or there is uncertainty in determining an appropriate risk level, then a conservative approach should be undertaken to determine the risk level. This could be achieved by adding wording to P6 that allows for the use of a precautionary approach. We note that technical assessments to gather data and assess risk can be out of sync with the timing of consent decisions.	
Question 81 - What challenges, if any, would this approach generate?	<p>The proposal to use best available information puts the onus on local authorities to improve information. This may not occur in a timeframe that adequately addresses development proposals, and developers should be responsible for providing adequate information where existing information is unclear or uncertain.</p> <p>As mentioned above, there is also inconsistency in local government approaches to managing natural hazards risk. There is a risk that the approach in P4 may result in decisions being made without the bare minimum information to ascertain the actual risk.</p> <p>There is a possibility that where information is uncertain, unclear, or insufficient due to no guidance being provided for data consistency, risk ratings may currently show as insignificant, but with better information could go up into significant. It is unclear how consenting authorities must manage this.</p>	
Question 82 - What additional support or guidance is needed to implement the proposed NPS-NH?	<p>As mentioned above:</p> <ul style="list-style-type: none"> • Data consistency. • Acceptable, tolerable and intolerable matrix that relates back to the risk matrix table. • Further clarification of subjective consequence words – e.g. severe is more than X percent. • Thresholds of when mitigation is effective, and where outright avoidance is required. • Clarification around what NPS prevails over the other in relation to natural hazards – see below additional comments linking to other NPSs and NESs. • Guidance on undertaking climate change risk assessments and how this NPS differs from other central government guidance. Additionally, guidance on scenarios/degrees warming and timeframes and how they should be used in different contexts – to encourage consistency across the country. 	
Question 83 - Should the NZCPS prevail over the	We recommend that provisions in the NZCPS should prevail, as it provides clear direction for the management of coastal hazards for new development or changes in development in the coastal environment. We recommend that the NPS-NH should apply when the NZCPS is silent in terms of managing	1. The NZCPS should prevail over the NPS-NH where it provides clear direction for the management of coastal hazards for new

Question	Comments	Key specific recommendations
proposed NPS-NH?	<p>natural hazards in the coastal environment. However, we note that policies supporting/enabling coastal development (e.g. ports) should not override relevant natural hazard risks.</p> <p>There are a few quite significant inconsistencies between the two instruments, that will need to be clarified or worked through beforehand. However, the NZCPS takes a much more precautionary approach than the proposed NPS-NH which would make a more suitable approach in most instances. However, we highlight that the application of the NZCPS is limited to the coastal environment. The approach to natural hazard and risk management should be compatible across all applicable pieces of national direction.</p> <p>We highlight the following regarding the relationship between the NZCPS and the proposed NPS-NH:</p> <ol style="list-style-type: none"> 1. NZCPS Policy 3: Precautionary approach <ul style="list-style-type: none"> • NPS-NH states that when information is lacking, risk assessment process continues but no clarity on taking a precautionary approach is required. • NZCPS is clear that decisions makers are to take a precautionary approach. • If not aligned, there will be inconsistency between coastal and non-coastal developments where information is lacking. • A precautionary approach in the NPS-NH should be applied when information is lacking. 2. NZCPS Policy 24: Identification of coastal hazards <ul style="list-style-type: none"> • NZCPS uses High risk whereas NPS-NH refers to Significant risk. • Further clarity is needed in the NZCPS on the definition of High risk and how it relates to the significant risk definition in NPS-NH. <p><i>NB: We acknowledge that the term 'significant risk' comes from the RMA.</i></p> 3. NZCPS Policy 25: Subdivision, use, and development in areas of coastal hazard risk <ul style="list-style-type: none"> • Generally, provisions align with the proposed NPS-NH and adaptation planning. However, clarity is required in the following instance: <ul style="list-style-type: none"> ○ NZCPS policy to avoid increasing risk. ○ NPS-NH enables development with low risk. ○ Low risk is still potentially increasing risk, so this contradicts the NPS-NH for enabling low risk development in coastal areas. 	<p>development or changes in development in the coastal environment.</p> <ol style="list-style-type: none"> 2. NPS-NH should prevail where the NZCPS is silent in terms of managing natural hazards in the coastal environment. 3. NZCPS policies supporting/enabling coastal development (e.g. ports) should not override relevant natural hazard risks. 4. The inconsistencies between the NZCPS and proposed NPS-NH should be resolved. 5. The NPS-NH should take a precautionary approach when information is lacking.

Question	Comments	Key specific recommendations
	<p>4. NZCPS Policy 27 - Strategies for protecting significant existing development from coastal hazard risk</p> <ul style="list-style-type: none"> • Allows for the key components of adaptation planning but is not specific that the approach is adaptation planning. • Clarification required on what 'significant existing development' is defined as for consistency with NPS-NH. 	
Additional comments on the proposed NPS-NH	<p>Given the NPS-NH and its focus on consenting, we request making its application clear in respect to current resource consent applications. We recommend giving councils discretion to apply the NPS-NH to ongoing applications. This is already the case with other NPSs.</p> <p>The proposed NPS-NH is solely looking at the management of natural hazard risk, however, the current name of the NPS being "natural hazards" implies, to a technical expert, that it will cover a lot more than just risk management (it would then cover exposure, risk reduction, emergency management, etc.). Therefore, we suggest the name of the NPS is changed to National Policy Statement – Natural Hazard Risk Management.</p> <p>The NPS is also assuming that local government, as it currently stands, has undertaken effective exposure and hazard susceptibility modelling or investigation to first inform which areas are susceptible to natural hazards. As noted in previous answers, this is not the case and the ability of councils to do this work varies across the country.</p> <p>Please see our comments in relation to other pieces of national direction below.</p> <p><u>Link to NES for Granny Flats</u></p> <p>Further clarification of the definition for 'new development' is needed to ensure that granny flats or 'minor residential units' are included under the NPS-NH. Local government should be able to consistently manage all forms of new development in the most holistic way possible so that no aspect of development is missed. Risk from natural hazards for granny flats needs to be assessed and considered as part of the new subdivision, new use and new development definitions within the NPS-NH.</p> <p>Small homes or granny flats hold the same risks from natural hazards as any other house being built. Therefore, there need to be rules, standards or criteria within the both the NPS-NH and the NES-GF to make sure that granny flats are not built in locations that are exposed to known natural hazards. There are potential scenarios where the main house has been built outside of an area exposed to known natural</p>	<ol style="list-style-type: none"> 1. Specify that the NPS-NH can be applied to existing applications on its commencement (at the discretion of the consent authority). 2. Amend the name of the proposed NPS-NH to the National Policy Statement – Natural Hazard Risk Management. 3. Ensure that granny flats or 'minor residential units' are included under the NPS-NH.

Question	Comments	Key specific recommendations
	<p>hazards, but the location of the granny flat may be exposed to natural hazards. For example, the main house is built on a side of a hill near the top (therefore is not exposed to river flooding) and the granny flat is built at the bottom of the hill within the flood extent of a flood plain (therefore is exposed to river flooding). Another example would be a beach front property, the main house would normally be placed in the furthest away part of the section from the beach, and then the granny flat may be placed closer to the beach, meaning that the granny flat would be impacted by beach erosion more quickly compared to the main house.</p> <p>To prevent granny flats being built in unsuitable locations, there needs to be integration between the NPS-NH, NES-GF and the Building Act amendments for granny flats to ensure there is oversight from councils to check whether proposed locations are suitable for building, in terms of risk from natural hazards.</p> <p><u>Link to NPS for Highly Productive Land</u> We highlight that LUC 3 land is essentially found in most of the country's floodplains, and therefore the removal of this class to enable further development will encourage the investigation of development in floodplains. This will ultimately put more pressure on local government staff ensuring the NPS-NH is implemented appropriately and risk even more residential development (people) being put into floodplains.</p> <p><u>Link to NES for Papakāinga</u> Natural hazards are considered under PAS3 (applicable rules of the underlying zone), to ensure the protection of the natural environment and health and safety. While this is positive, it is unclear if natural hazards will be considered if the zone an applicant is seeking to develop papakāinga within hasn't been previously been assessed for natural hazards. Provisions in both the proposed NPS-NH and NES-P should make this clear.</p> <p><u>Link to NPS for Infrastructure</u> The main objective of natural hazards management is to avoid creating new risks. However, the NPS-I provisions do not fully align with the objectives of the NPS-NH and seem to suggest that functional need trumps all considerations in relation to natural hazard risk. Although we acknowledge that development of infrastructure sometimes must be in potentially high hazard locations, from a natural hazards perspective, it is essential to design critical infrastructure to be resilient and have redundancies in place for when natural hazard events occur.</p>	

Question	Comments	Key specific recommendations
Implementation questions - infrastructure and development instruments		
Question 84 - Does 'as soon as practicable' provide enough flexibility for implementing this suite of new national policy statements and amendments? <i>Please refer to our answer below.</i>		
<p>Question 85 - Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient?</p> <p>a. If not, what would be better, and why?</p> <p>b. If yes, what time period would be reasonable (e.g., five years),</p>	<p>With Phase 3 of the resource management reform programme now imminent, the council does not consider it appropriate to specify a maximum time period for plan changes to implement the suite of new and amended national direction, except where this can be done under section 55 of the RMA. Currently, it is unclear how regional policy statements and plans will transition into the new resource management system, as this detail is expected to be contained in Phase 3.</p> <p>Plan changes, even those that can be completed without a Schedule 1 process, require a significant amount of resourcing. Requiring resources to be allocated to amend existing policy statements or plans through a Schedule 1 process without knowing the detail of the new resource management legislation or how these documents will transition into the new system is not considered efficient nor effective.</p>	<p>Timeframes for changing regional policy statements and regional and district plans to implement the new and amended national direction should not be included, except where the changes can be made under section 55 of the RMA, given the imminent replacement of the RMA.</p>

Question	Comments	Key specific recommendations
and why?		
Question 86 - Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review? <i>Please refer to our answer above.</i>		
Question 87 - Are there other statutory or non-statutory implementation provisions that should be considered? <i>Please refer to our response to Question 82 above in relation to support and guidance needed to implement the proposed NPS-NH.</i>		

Table 2 - National Direction Package 2: Primary sector- Discussion document - Responses to consultation questions

Question	Comments	Key specific recommendations
National Environmental Standards for Marine Aquaculture (NES-MA)		
Question 1 - Have the key problems been identified?	We note that most of the proposed changes are matters identified in the Three Year Review of the NES-MA, including reconsenting changes, or are minor structural and interpretation matters.	
Question 2 - Do the proposed provisions adequately address the three issues identified?	Although we support addressing the three known issues as a way of improving the effect of the NES-MA, we consider some provisions could be refined. We note our recommendations in the following answers.	
Question 3 - What are the benefits, costs or risks of the proposed changes?	<p>We have identified the below risks:</p> <p><u>New provision R30 – Change of species in existing fish farms (controlled activity)</u></p> <p>We do not support the controlled activity status for change in fish species in consented farms. The change in fish species could result in increased nutrient discharges (due to a different food-to-discharge conversion ratio) which may result in significant cumulative adverse effects on water quality. In such cases, the controlled activity status would prevent an application from being declined, thus impeding the appropriate management of environmental effects. Therefore, we recommend a higher activity status.</p> <p>It is unclear what ‘adding fish to an existing fish farm’ involves. it could involve increasing stocking of consented fish species, adding different unconsented fish species, or some other activity. For example, the consent granted to Pare Hauraki Kaimoana for kingfish (and other non-fed species) farming has clear stages of development with limits for feed and nitrogen discharge. A controlled activity allowing “more fish” may serve to undermine this carefully designed, and agreed with the applicant, approach.</p> <p>Further, new provision R30 allows the farming of an unwanted species (<i>Undaria</i>) as if it were a controlled activity. We do not support this change (the addition of <i>Undaria</i> to an existing marine farm), as this would present a significant biosecurity risk if the species is not already present in the wider area, and contradicts restrictions under section 12(f) of the RMA – “(1) no person may, in the coastal marine area, (f) introduce or plant any exotic or introduced plant in, on, or under the foreshore or seabed”. This risk would be further</p>	<p><u>R30</u></p> <p>1.Retain a more stringent activity status for a change in fish species in consented farms i.e. make the addition of any non-consented finfish to an existing finfish farm have a higher threshold than a controlled activity.</p> <p>2.Retain the current activity status for the farming of <i>Undaria pinnatifida</i> i.e. do not make the addition of <i>Undaria pinnatifida</i> to an existing marine farm a controlled activity.</p> <p><u>R23, R44, R16, R28</u></p> <p>Retain the current provisions in R23, R44, R16, R28, <u>or</u></p>

Question	Comments	Key specific recommendations
	<p>compounded by the fact that the Biosecurity Act does not explicitly note any controls on commercial farming or harvest.</p> <p><u>R23, R44, R16, R28 – Changes to limited and public notification</u></p> <p>We consider the proposed changes could be interpreted as a limit/removal of the ability to notify under special circumstances. We do not support these provisions as currently drafted. Although we acknowledge the intention for these changes was to simplify the process of notification, the proposed changes create additional ambiguity and an undue risk where special circumstances apply. The operative NES-MA and RMA provisions allow for limited and public notification under ‘special circumstances’ (s95A(9) and s95B(10)).</p> <p>We recommend that the current provisions remain as they allow for special circumstances to be considered. Alternatively, we recommend carefully assessing the proposed changes to note where public notification is precluded unless public or limited notification is required under the RMA. We note that this approach is followed in R36 (Notification for change or cancellation of consent conditions), however, this approach was not used consistently in the other changes. Precluding notification limits the opportunity for potential affected parties to bring forward valid concerns and leaves judicial review as the only available recourse, which may result in additional expenses and unintended inefficiencies in the overall process.</p>	<p>Amend the proposed provisions to note where public notification is precluded unless public or limited notification is required under the RMA.</p>
<p>Question 4 - Do you support the proposed amendments to streamline specific applications to change consent conditions by making them controlled activities? See our response to Question 3.</p>		
<p>Question 5 - Should there be any further changes to the matters of control specified in attachments 2.1 and 2.1.1?</p>	<p>Yes. Please see below.</p> <p><u>New provision R31</u></p> <ul style="list-style-type: none"> Matters of control for a controlled activity do not need to include consideration of effects. The proposed matter of control (“<i>the effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest</i>”) is inconsistent with the activity status. If effects are assessed as more than minor, consent must still be granted. We consider it would be preferable to either make the activity restricted discretionary or change the matter of control to “management of effects on reefs, biogenic habitat...” We consider the matters of control should include more matters (in line with the matters applicable to other rules including for fed species, also spat season and information requirements). 	<p><u>New provision R31</u></p> <p>Change the activity status to restricted discretionary, <u>or</u></p> <p>Change the matter of control to “management of effects on reefs, biogenic habitat...”</p> <p><u>New provision R33</u></p> <p>Include an additional matter of control for “Information,</p>

Question	Comments	Key specific recommendations
	<p><u>New provision R33</u> Matters of controls should also include “Information, monitoring, and reporting requirements”. If these are not imposed as matters of control, then regional councils cannot require these for controlled activities.</p>	<p>monitoring, and reporting requirements”.</p>
Question 6 - Should any other types of changes to consent conditions be included? <i>No comments</i>		
<p>Question 7 - Do you support the proposed changes to better enable research and trial activities on existing farms and in new spaces, including making some activities permitted?</p>	<p>With regard to the permitted activity rules for trials in new space, there is concern with the cumulative impacts of many of these establishing in a particular geographic area, as councils cannot require consent for permitted activities. We recommend amending the gateway test for this rule to ensure there is a minimum distance required between trials.</p> <p>We request adding a definition for “structure exclusion area”.</p> <p>We note that requirements for research and trials under several proposed regulations (<u>R2, R3, R6, R9, and R12</u>) include for structures to not be located “<i>within a structure exclusion area identified in the regional coastal plan or an existing resource consent.</i>” The term ‘structure exclusion area’ is however not defined in the regulations, and it is unclear what it involves. The term could be interpreted both as an area where aquaculture is prohibited, or an area where structures are prohibited. These two potential definitions are significantly different. The exact definition of this term will have a major effect on where these activities can occur. We respectfully request that MPI engage with regional council subject matter experts on this definition as we cannot assess its appropriateness at present.</p> <p>We request clarification on what is meant by ‘must not be for an aquaculture activity’ in R2.</p> <p>The definition in the RMA does not provide sufficient clarity. For example, on-growing of aquatic life even if not for harvest could be considered an aquaculture activity. We recommend complementing the definition of aquaculture activities in the RMA with a clear list of activities covered by each rule, to avoid disagreements in whether activities are covered by these new regulations.</p> <p>We recommend that all of these trials are excluded from the reconsenting provisions of the NES-MA, as they are all trials. We note the exclusion provision was not consistently applied to the relevant regulations for trials (e.g. the exclusion is present in R6 and not R18).</p>	<ol style="list-style-type: none"> 1. Amend the gateway test for the permitted activity rules for trials in new space to ensure there is a minimum distance required between trials. 2. Add a definition for “structure exclusion area” in consultation with regional councils. 3. Add a list in support of “aquaculture activity” which sets out a clear list of activities covered by each rule. 4. Exclude all trials from the reconsenting provisions of the NES-MA. 5. Add a provision to require a fallow period for all trials to avoid consecutive trials in the same spot. 6. Include significant surf breaks, wāhi tapu sites, anchorages in the exclusion areas for trials. 7. Allow for limited notification in relation to R12 and R24 activities.

Question	Comments	Key specific recommendations
	<p>We also recommend that there is a fallow period for all trials to avoid consecutive trials in the same spot (e.g. R6 does not contain this). We note recommended rule AQA-R1 in the Proposed Waikato Regional Coastal Plan (Council closing report strikethrough version) is more specific on the types of activities covered, and allows for two hectares and five years as a controlled activity. It also has a fallow period of five years.</p> <p>We support the current exclusion areas for trials and request that these also include significant surf breaks, wāhi tapu sites, anchorages and ensure the matters of control or matters of discretion allow consideration of effects on these.</p> <p>We also note the lack of a clear definition of ‘significant marine ecological area.’ This term should have a clear link with the definition of ‘biogenic habitat’ in the NES-MA.</p> <p>Further, we note that mapping navigation corridors is not feasible in such busy bodies of water as the Hauraki Gulf. This will limit the effective application of R17, R18, R21 and R24.</p> <p>Trials for fed aquaculture – R9, R12, R24</p> <p>The NES-MA addresses aquaculture activities, as defined in the RMA (activities described in section 12) which means any section 15 discharge activity associated with finfish is out of the scope of the NES-MA. The council questions these trials as both the operative and proposed coastal plans for the Waikato region contain a prohibited rule for new fed discharges due to water quality concerns, and a commercial finfish farm would not be able to proceed.</p> <p>The Firth of Thames in the Waikato region is identified as a degraded waterbody, and fed aquaculture up to four hectares will contribute further to water quality degradation. The Proposed Waikato Regional Coastal Plan classifies section 15 fed aquaculture not in the CMFA as a prohibited activity for this reason. Fed aquaculture trials should not be able to establish within an area identified as a degraded waterbody in a coastal plan for this reason.</p> <p>Aligned with our concerns raised in question 3, the council opposes the preclusion of limited notification in relation to R12 (research and trial activities on existing marine farms that involve fed aquaculture activities for up to seven years and under four hectare on a farm not consented for fed aquaculture (<i>restricted discretionary activity</i>) and R24 (research and trial activities in new locations that involve fed</p>	<p>8. Delete proposed provision R15.</p> <p>9. Delete “the use of antibiotics and therapeutants in the marine farm” as a matter of control and discretion for R10 and R31.</p>

Question	Comments	Key specific recommendations
	<p>aquaculture activities for up to seven years and under four hectares (<i>restricted discretionary activity</i>) activities. Both existing farms not consented for fed aquaculture, and new space, are areas where fed aquaculture has not been considered in the past, and nutrient increases and the resulting water quality effects could have significant adverse effects on adjacent or nearby existing marine farms. The ability to consider the views of existing marine farmers on these restricted discretionary applications through limited notification is considered important and preventing this is disproportional to the likely impacts of fed aquaculture.</p> <p>The council also opposes the ability for regional councils to have a more lenient rule for fed aquaculture (R15). There is a risk that rules may prevent the decline of certain applications when significant water quality effects may result. We consider this as essential to achieve the purpose of the RMA and give effect to the NZCPS. Creating a situation where councils have to consider submissions seeking these activities have a controlled (or lower) activity status is an inefficient use of regional resources, in the face of overriding priorities.</p> <p>The council opposes “the use of antibiotics and therapeutants in the marine farm” as a matter of control and discretion for R10 and R31, as neither of these activities include fed aquaculture and these substances should not be used. Although the ability of the NES-MA to apply to section 15 discharges is still questioned (as noted above), if it is determined that it can, this should apply to all fed aquaculture, as should the effects on water quality.</p>	
Question 8 - Are there benefits in making small-scale structures permitted activities, instead of controlled activities? <i>No comments</i>		
Question 9 - Should there be any changes to the entry requirements, matters of control and matters of discretion specified in attachment 2.1.1? <i>Please refer to our comments in response to Question 7 above on the use of antibiotics and therapeutics.</i>		
Additional comments on the NES-MA	<p><u>New provision R2, R17:</u></p> <ul style="list-style-type: none"> • We recommend removing the reference to “application”. This is a permitted activity. • We consider the wording “will restrict navigation” is uncertain, as any structure would restrict navigation to a certain degree. <p><u>New provisions R2, R3, R6, R9, R12, R21 and R24</u></p> <ul style="list-style-type: none"> • We support that: 	<p><u>New provision R2, R17:</u></p> <ol style="list-style-type: none"> 1. Remove the reference to “application”. 2. Clarify what is intended by the wording “will restrict navigation”.

Question	Comments	Key specific recommendations
	<ul style="list-style-type: none"> ○ The same activity cannot have occurred within the same location within the last 6 months; and ○ The NES-MA does not apply for the reconsenting of trial and research activities. <p>However (as noted in response to Question 7), the provisions are not applied consistently across the rules (some only refer to one of the above).</p>	<p><u>New provisions R2, R3, R6, R9, R12, R21 and R24</u></p> <p>Retain the provisions that:</p> <ul style="list-style-type: none"> • The same activity cannot have occurred within the same location within the last 6 months; and • that NES-MA does not apply for the reconsenting of trial and research activities, <u>and</u> <p>Apply the provisions consistently across the rules.</p>
National Environmental Standards for Commercial Forestry (NES-CF)		
Question 10 - Does the proposed amendment to 6(1)(a) enable management of significant risks in your region?	<p>We consider that the proposed amendment to regulation 6(1)(a) will reduce the ability of regulatory agencies to manage significant risks.</p> <p>Warranted compliance officers are not always able to carry out assessments on complaints after weather events, which leads to incomplete information and a reduced ability to take proactive steps to address, e.g. mobilisation of slash in headwaters. This misrepresentation of risk is compounded by the additional bar of 'significance.' The risk to infrastructure from a single event might not be considered significant, but a community might decide it has a lower threshold to the effects from more regular lower intensity events. We recommend replacing the proposed requirement under R6(1)(a) with an approach that allows councils to work with communities in setting the appropriate management regime to meet their risk appetite. This is aligned with the risk-based approach in the proposed NPS-NH.</p>	<p>Replace the proposed requirement under R6(1)(a) with an approach that allows councils to work with communities in setting the appropriate management regime.</p>
Question 11 - Does the proposal provide clarity and certainty for local authorities and forestry planning?	<p>In one sense it provides clarity, but we consider it also reduces options should a significant issue arise through evidence over time.</p> <p>At present, councils must demonstrate, through a section 32 evaluation, why a proposed more stringent rule is necessary to manage a particular risk in their specific region or district. Rule changes to plans that involve more stringent rules must follow the RMA Schedule 1 process, including notification, submissions,</p>	

Question	Comments	Key specific recommendations
	and hearings. This process provides certainty to industry, the council and communities that an appropriate balance is brought to these decisions and decisions are evidence-based.	
Questions 12 - How would the removal of 6(4A) impact you, your local authority or business?	The proposal removes an optional tool for managing commercial forestry in a more bespoke (i.e. stringent) way than the national standards provide. Accordingly, it potentially reduces the council's ability to protect, or achieve appropriate outcomes, in sensitive environments.	
Question 13 - Do you support amendments to regulations 69(5-7) to improve their workability?	<p>Yes, we support these proposed amendments introducing a site-specific risk-based assessment and management approach.</p> <p>However, for any risk-based assessment provided in support of slash management, the responsibility for the accuracy of the risk assessment sits with the notifyee/applicant. We recommend it is made clear in the regulations that receipt of this information by a council is not to be tacit approval by the council of the content of the risk assessment, rather an acknowledgement that a record of the commitment to risk slash has been provided to the council.</p> <p>We also highlight that it is important slash management plans are assessed and monitored during the forest lifecycle and after weather events.</p>	<ol style="list-style-type: none"> 1. Retain the proposed amendments to regulations 69(5-7), and 2. Amend the regulations to make it clear that receipt of a risk-based assessment of slash management by a council is not to be taken as approval by the council of the content of the assessment.
Question 14 - Do you support a site-specific risk-based assessment approach or a standard that sets size and/or volume dimensions for slash removal?	We support a site-specific risk-based assessment approach, but we recommend that "medium" risk areas should also be included given that the Draft Slash Mobilisation Risk Assessment table shows 'medium risk' as either requiring further assessment or mitigation.	Include "medium" risk areas in the site-specific risk-based assessment approach.
Question 15 - Is the draft slash mobilisation risk assessment template (provided in attachment 2.2.1 to this document) suitable for identifying and managing risks on a site-specific basis? <i>No comments</i>		

Question	Comments	Key specific recommendations
<p>Question 16 - Should a slash mobilisation risk assessment be required for green-zoned and yellow-zoned land? If so, please explain the risks you see of slash mobilisation from the forest cutover that need to be managed in those zones?</p>	<p>We recommend that a slash mobilisation risk assessment be undertaken for all harvesting sites and that the assessment required be proportionate to the site-specific circumstances/inherent risks of that particular location/the harvest practice proposed. The reasons for this are that there may be a high risk of slash mobilisation from both Green and Yellow Zones for a multitude of reasons (e.g. mapping limitations, erosion risk, climate changes to increased rainfall intensity etc).</p>	<ol style="list-style-type: none"> 1. Require that a slash mobilisation risk assessment be undertaken for all harvesting sites, and 2. The assessment is proportionate to the site-specific circumstances/inherent risks of that particular location and the harvest practice proposed.
<p>Question 17 - If a risk-based approach is adopted which of the two proposed options for managing high-risk sites, do you prefer (i.e., requiring resource consent or allowing the removal of slash to a certain size threshold as a condition of a permitted activity)?</p>	<p>We recommend there be an ability for councils to apply both options differentially to a region over time. We consider that a permitted activity model could be used in lower risk parts of the Waikato region, but a resource consent process may be more suitable for higher-risk parts of the region, where bespoke mitigations may be required.</p>	<p>Include an ability for councils to apply both options (of requiring resource consent and allowing the removal of slash to a certain size threshold as a condition of a permitted activity) differentially to a region over time, to reflect differing risk levels across regions.</p>

Question	Comments	Key specific recommendations
Question 18 - For the alternative option of setting prescriptive regulations for slash management, is the suggested size and/or volume threshold appropriate?	We note that the current volume threshold is difficult to implement. If the prescriptive approach is to remain we would support the change from a “large end diameter” to a “small end diameter” of over 10 centimetres and length over 3.1 metres, as this is more practical. However, we consider that 15m ³ /ha of residual slash is unduly restrictive still and does not address the practical difficulties of measuring this if needed for evidential reasons.	If a size threshold is to remain, change to a “small end diameter” of over 10 centimetres and length over 3.1 metres.
Question 19 - Do you support the proposed definition of cutover to read “ <i>cutover means the area of land that has been harvested</i> ”?	Yes, we support this proposed definition.	
Question 20 - Do you support the proposed removal of the requirement to prepare afforestation and replanting plans?	Management of permanent carbon forests subject to end-of-life (EOL) standing trees will not be addressed if these requirements are removed (see the comments on windthrow in response to Question 21 below). We would support, not the removal of Schedule 3 plans, but the retention and emphasis of potential for mobilised “woody debris” risks throughout the lifecycle of the crop during the “window of vulnerability” (1-7 years) and proposed EOL (harvest ~28 years) or permanent carbon (40+ years).	Retain schedule 3 afforestation and replanting plan requirements with an emphasis of potential for mobilised “woody debris” risks throughout the lifecycle of the crop during the “window of vulnerability” (1-7 years) and proposed EOL (harvest ~28 years) or permanent carbon (40+ years).
Question 21 - Do you support the proposed minor	The term “woody debris” does not appear in the regulations, isn’t defined and only occurs in the schedules to the regulations. However, “woody debris” is the only reference to matters of windthrow, which can be	1. Include a definition of “woody debris”, and

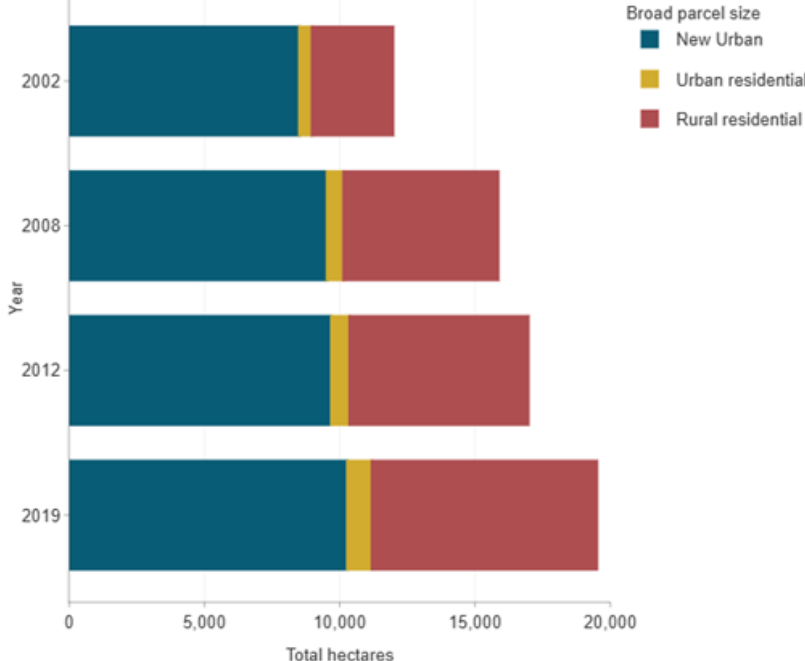
Question	Comments	Key specific recommendations
text amendments?	<p>a significant cause of accelerated erosion, (as water flows into root ball cavities) and has effects similar to slash in streams.</p> <p>We recommend that woody debris be recognised by inserting a definition for this term and including reference to this matter within the harvesting regulations as needing to be managed as an adjunct to slash management. All woody material, albeit harvest slash or windthrow, is a real risk factor and should not be singled out in an artificial manner. This is an RMA section 9 matter that lies with the land and needs to be considered as part of risk assessment.</p>	<p>2. Include a reference in the harvesting regulations that woody debris is a matter requiring management.</p>
New Zealand Coastal Policy Statement (NZCPS)		
<p>Question 22 - Would the proposed changes achieve the objective of enabling more priority activities and be simple enough to implement before wider resource management reform takes place?</p>	<p>We consider that the proposed changes will be able to be implemented before the wider changes to the resource management system. The Waikato Regional Coastal Plan (WRCP) is currently under review and many of the relevant policies in the Proposed WRCP (as it stands) provide for both operational and functional needs for regionally significant infrastructure.</p> <p>We recommend replacing the term 'infrastructure' with 'regionally significant infrastructure' in the proposed wording for policies 6(1)(k) and 6(2)(k) and (f) This would ensure that infrastructure identified as regionally significant, including regional councils' operational assets for public flood control, flood protection, and drainage are included in the wording and will ensure significant infrastructure with an operational need can be placed in the coastal marine area (CMA). We consider that enabling all infrastructure (functional and operational) may result in unintended consequences, and result in inappropriate developments locating within the CMA, potentially constraining or affecting significant infrastructure that has functional and locational constraints.</p> <p>We support recognising aquaculture areas identified for Treaty Settlement purposes while enabling aquaculture activities in these areas. We note that the review of the WRCP has not been concluded but at this stage there is consistency regarding these matters.</p> <p>We note that a range of national direction, such as the NPS-I, NPS-REG and NPS-EN all provide for both operational and functional needs. Therefore, we consider that consistency is appropriate across the multiple instruments.</p>	<p>1. Replace the term 'infrastructure' with 'regionally significant infrastructure' in the proposed wording for policies 6(1)(k) and 6(2)(k) and (f), <u>or</u></p> <p>Ensure that specified infrastructure for public flood control, flood protection, or drainage work carried out by a local authority is recognized in the changes.</p> <p>2. Retain recognition of aquaculture areas identified for Treaty Settlement purposes while enabling aquaculture activities in these areas.</p>

Question	Comments	Key specific recommendations
	If our recommendation for replacing infrastructure with regionally significant infrastructure above is not accepted, we recommend ensuring that specified infrastructure for public flood control, flood protection, or drainage work carried out by a local authority is recognised in the changes. This would ensure regional councils are able to cater for flood management in the coastal environment. We note that the discussion document refers to changes to provide for specified infrastructure, however the proposed changes to policies 6 (1)(k) and 6(2)(k) and (f) do not refer specifically to specified infrastructure as currently defined in national direction such as the NPS-FM and NPS-HPL. Further, the RMA definition of infrastructure does not cover flood management infrastructure. Therefore, as it stands there is uncertainty in terms of the management (construction and upgrades) of flood management assets in the coastal environment.	
Question 23 - Would the proposed changes ensure that wider coastal and marine values and uses are still appropriately considered in decision-making?	Moving forward with the new system we recommend ensuring that environmental and community values are properly identified and managed through clear engagement and a robust policy framework (as we currently have in the (NZCPS). We consider that sharing information and adaptive processes can help maintain confidence and outcomes when development is needed. In addition, we recommend keeping provisions for the review and adjustment of consent conditions, especially when the monitoring information suggests that additional management is required. We consider that regular monitoring could help with maintaining a positive ecosystem balance over time. We also recommend making efficient use of spatial planning to ensure an integrated approach for terrestrial, freshwater and coastal systems management.	
Question 24 - Are there any further changes to the proposed provisions that should be considered? <i>No comments</i>		
National Policy Statement for Highly Productive Land (NPS-HPL)		
Question 25 - Should LUC 3 land be exempt from NPS-HPL restrictions on urban development (leaving LUC 3	If LUC class 3 land is to be exempt from the NPS-HPL, we recommend only removing restrictions for urban development and keeping the restrictions for rural lifestyle development. We understand that LUC class 3 land represents around 64 percent of highly productive land (HPL) in Aotearoa New Zealand and around 50 percent of HPL in the Waikato region (as currently defined). This is a significant reduction in the amount of land protected by the NPS-HPL for primary production use. Therefore, keeping the restrictions for rural residential (lifestyle) development will help to cope with future losses of HPL. Attachment 1 provides a	1. Retain current restrictions on rural lifestyle development on LUC 3 land regardless of whether the restrictions for urban development are removed.

Question	Comments	Key specific recommendations
land still protected from rural lifestyle development) or, should the restrictions be removed for both urban development and rural lifestyle development?	<p>map of LUC classes 1, 2 and 3 land and a table with the percentages of LUC classes 1, 2 and 3 divided by territorial authorities in the Waikato region.</p> <p>Rural subdivision is recognised as the key land fragmentation process occurring in local government jurisdictions.¹² We consider that enabling lifestyle block or rural residential development on LUC 3 land will create more issues in terms of further land fragmentation and the effective loss of HPL. There is a risk that removing protections from LUC 3 will expose HPL in rural areas (important to New Zealand's primary productive capacity) to loss through rural subdivision. Fragmentation of HPL via rural subdivision represents a significant and growing threat to HPL in terms of area lost.¹³ Figure 1 below provides a picture of the issue.</p>	2.Retain Clause 3.4 (3) in the operative NPS-HPL.

¹² A Nationally Consistent Approach for Monitoring Land Fragmentation in New Zealand (https://planning.org.nz/Attachment?Action=Download&Attachment_id=3116)

¹³ [Monitoring change in the availability of New Zealand's Highly Productive Land resource, Manaaki Whenua \(https://www.landcareresearch.co.nz/publications/soil-horizons/soil-horizons-articles/monitoring-change-in-the-availability-of-new-zealands-highly-productive-land-resource/\)](https://www.landcareresearch.co.nz/publications/soil-horizons/soil-horizons-articles/monitoring-change-in-the-availability-of-new-zealands-highly-productive-land-resource/) and <https://environment.govt.nz/publications/land-fragmentation-environmental-reporting-indicator-technical-methods-for-analysis-from-2002-to-2019/> and <https://doi.org/10.1080/00288233.2021.1918185> and <https://environment.govt.nz/publications/our-land-2021/>

Question	Comments	Key specific recommendations																									
	<div><p>Highly productive land restricted/unavailable from use as farmland in the Waikato region</p><table><caption>Data for Figure 1: Areas of HPL restricted from primary production (Total hectares)</caption><thead><tr><th>Year</th><th>New Urban</th><th>Urban residential</th><th>Rural residential</th><th>Total</th></tr></thead><tbody><tr><td>2002</td><td>~8,500</td><td>~500</td><td>~3,000</td><td>~12,000</td></tr><tr><td>2008</td><td>~9,500</td><td>~500</td><td>~6,000</td><td>~16,000</td></tr><tr><td>2012</td><td>~9,500</td><td>~500</td><td>~7,500</td><td>~17,500</td></tr><tr><td>2019</td><td>~10,500</td><td>~500</td><td>~9,000</td><td>~20,000</td></tr></tbody></table></div> <p>Figure 1. Areas of HPL restricted from primary production due to urban or rural residential use in the Waikato region over time.¹⁴</p> <p>The WRPS is clear in its intent to restrict development on soils best suited for productive purposes, with Method LF-M41 directing “<i>District plans to give priority to productive uses of high class soils over non-productive uses, including through restricting urban and rural-residential development on high class soils.</i>” Further, retaining NPS-HPL restrictions for rural residential (lifestyle) development is more closely aligned with WRPS direction. WRPS UFD-M5 states that “<i>Rural-residential development should be directed to areas identified in the district plan for rural-residential development. District plans shall ensure that rural-</i></p>	Year	New Urban	Urban residential	Rural residential	Total	2002	~8,500	~500	~3,000	~12,000	2008	~9,500	~500	~6,000	~16,000	2012	~9,500	~500	~7,500	~17,500	2019	~10,500	~500	~9,000	~20,000	
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¹⁴ <https://www.stats.govt.nz/indicators/land-fragmentation/>

Question	Comments	Key specific recommendations
	<p><i>residential development is directed away from ... high class soils, primary production activities on those high class soils ..."</i></p> <p>Further, the removal of LUC class 3 will make it harder for regional councils to map large cohesive areas in any meaningful way. LUC classes 1 and 2 are a much smaller and already somewhat fragmented 'target' for the NPS to protect as collectively they represent only about five percent of New Zealand's land area. We consider it essential that regional councils keep having discretion to map land beyond LUC classes 1 and 2 when appropriate as per Clause 3.4 (3).</p> <p>We consider that there is a risk of enabling urban development on LUC 3 land and as a result losing space for food production. This could consequentially impact our economy and exports. Additionally, LUC 3 land can be found in areas with risks of flooding, including land located in floodplains and other flood prone areas. This means that there is a risk of encouraging more development in areas susceptible to flooding. Therefore, as noted in the NPS-NH section above, we recommend ensuring the NPS-NH is equipped with the appropriate tools to avoid development within floodplains and other flood prone areas.</p>	
<p>Question 26 - If the proposal was to exempt LUC 3 land from NPS-HPL restrictions for urban development only, would it be better for it to be for local authorities led urban rezoning only, or should restrictions also be removed for private plan changes to rezone LUC 3 land for</p>	<p>We recommend limiting rezoning of LUC 3 land for urban purposes to plan changes initiated by local authorities only. Local authorities have a broader understanding of the pressures at a district or regional scale, including issues associated with development capacity, land fragmentation, and cumulative losses of productive land. This understanding is essential when assessing options for rezoning, including providing for development capacity as per Clause 3.6 (1) and (4). Further, we consider it appropriate to include criteria where justification must be provided for why LUC 3 class land needs to be used, including criteria that the land must be contiguous with existing urban areas. This would allow growth of existing urban areas without creating new isolated greenfield locations or allowing lifestyle block sprawl.</p> <p>We do not support removing NPS-HPL restrictions for private plan changes to rezone LUC 3 class land for urban development, except where these relate to an area identified for urban development in a council-adopted spatial plan that has been through a special consultative process. Private plan changes are often driven by landowner interest with no scope for assessing other practical areas that could better achieve the objective and direction of the NPS-HPL and WRPS. Retaining NPS-HPL restrictions on LUC 3 land for urban development by private plan changes (except where these relate to an area identified for urban development in a council-adopted spatial plan that has been through a special consultative process) will also help to cope with future losses of HPL. As mentioned above, this change represents a significant reduction in the area of land that is now protected under the NPS-HPL (around 64 percent of HPL across</p>	<p>Limit rezoning of LUC 3 land for urban purposes to plan changes initiated by local authorities only, except where these relate to an area identified for urban development in a council-adopted spatial plan that has been through a special consultative process.</p>

Question	Comments	Key specific recommendations
urban development?	<p>New Zealand or around 50 percent of HPL in the Waikato region). As discussed above, we also do not support removing NPS-HPL restrictions for private plan changes to rezone LUC 3 class land for rural residential (lifestyle) development.</p> <p>We acknowledge that there is a role for local authorities to play in rezoning LUC 3 land where there is no alternative option. WRPS LF-PR11 explains that “...<i>It is desirable, therefore, that district plans recognise the importance of restricting use of high class soils for uses other than primary production purposes or, in situations where only high class soils are available, that Class III soils are used in preference to Classes I and II....</i>” Further, the general development principles for new development, set out in APP11 of the WRPS, include that new development be directed away from “... <i>high class soils, and primary production activities on those high class soils;</i>”</p> <p>We need to ensure that all future development on LUC 3 demonstrates it is needed to provide sufficient development capacity and is supported by sufficient information, such as set out in WRPS UFD-M8, which directs that district plan zoning for new urban development shall be supported by information which identifies, as appropriate to the scale and potential effects of development, including high class soils will be managed.</p> <p>Our recommendations are aligned with the provisions in the WRPS. LF-PR11 explains that “... <i>It is not the intention of LF-P11 or its methods to prevent all urban development on high class soils. However, it is expected that, in order to ensure development is appropriate, it would be subject to a comprehensive planning process such as district plan review, structure plan or growth strategy prior to any re-zoning.</i>”</p>	
Question 27 - If LUC 3 land were to be removed from the criteria for mapping HPL, what, other consequential amendments will be needed? For	<p><u><i>a. amend ‘large and geographically cohesive’ in clause 3.4(5)(b)</i></u></p> <p>As mentioned above, removing LUC class 3 land from the NPS-HPL will result in significantly less land that would form part of large and geographically cohesive areas (LGCAs) of HPL. Therefore, we recommend reviewing the purpose and intent of the LGCAs and how this would work in practice.</p> <p>We highlight that insufficient direction concerning the mapping of LGCAs under the current NPS-HPL is an obstacle to achieving nationally consistent regional HPL maps. Through a regional network focused on the mapping of HPL, we understand that some regions are developing different methods for mapping LGCAs and regions are facing challenges with the lack of clear definitions and guidance around mapping LGCAs.</p>	<ol style="list-style-type: none"> 1. Clearly define the specifications of large geographically cohesive areas and set guidance on how to progress the mapping following the revision of the HPL definition. 2. Retain clauses 3.4(5)(c) and (d) as currently operative (apart from removing the

Question	Comments	Key specific recommendations
<p>example, would it be necessary to:</p> <p>a. amend 'large and geographically cohesive' in clause 3.4(5)(b)</p> <p>b. amend whether small and discrete areas of LUC 3 land should be included in HPL mapping clauses 3.4(5)(c) and (d)</p> <p>c. amend requirements for mapping scale and use of site-specific assessments in clause 3.4(5)(a), and amend definition of LUC 1, 2 or 3 land</p>	<p>We recommend clearly defining the specifications of LGCA's and setting guidance on how to progress the mapping following the revision of the HPL definition. Guidance could include land area size thresholds to be considered as 'large' as well as thresholds for when a particular lot/parcel should be considered in its totality as HPL in the case of parcels that do not entirely occur on HPL. Additionally, we find it challenging having to apply a regional-scale map layer (NZLRI layer) at the property level (although we understand that there is no viable alternative to this for the foreseeable future).</p> <p><u><i>b. amend whether small and discrete areas of LUC 3 land should be included in HPL mapping clauses 3.4(5)(c) and (d)</i></u></p> <p>We strongly recommend keeping clauses 3.4(5)(c) and (d) as currently operative (apart from removing the consequential reference to LUC class 3). It will be impracticable for regional councils to map LGCA's of HPL without having the discretion of including or excluding small and discrete areas not defined as HPL. This would result in LGCA's containing lots of small holes (the 'Swiss cheese effect') and in a scatter of small, isolated areas of HPL and would not be conducive to clear implementation of the NPS in practice. These HPL maps are necessarily regional scale (as opposed to property scale) maps. Excluding LUC class 3 from the definition of HPL will make the development of clear and implementable HPL maps even more challenging. Also, as currently drafted, it is not clear what is meant by 'small' and 'discrete'. As mentioned above, we recommend defining these terms concerning the LGCA's more precisely for better consistency in mapping across regions.</p> <p><u><i>c. amend requirements for mapping scale and use of site-specific assessments in clause 3.4(5)(a), and amend definition of LUC 1, 2 or 3 land</i></u></p> <p>We recommend clearly differentiating the use of site-specific LUC assessments (i.e. property-scale LUC maps) from the process of developing regional HPL maps. Regional councils should still be able to accept more detailed information to help refine the LUC map layer available for their region, using sources such as S-map, LiDAR, or other more detailed regional-scale information. However, piecemeal site-specific LUC assessments are not suitable to inform regional-scale mapping because the inclusion of them would result in a miss-match of map scales at just a few sites within the region. Given the intent of the mapping is to produce a clear, consistent, and implementable map layer that avoids minor inclusions of non-HPL land in LGCA's and a scattering of small, isolated areas of HPL, any attempt to incorporate property scale mapping for only a few locations would create mapping inconsistencies and would be essentially meaningless.</p>	<p>consequential reference to LUC class 3).</p> <p>3. Clearly differentiate the use of site-specific LUC assessments (i.e. property-scale LUC maps) from the process of developing regional HPL maps. Regional councils should still be able to accept more detailed information to help refine the LUC map layer available for their region.</p> <p>4. Retain clause 3.4(3) as currently operative (apart from removing the consequential reference to LUC class 3)</p>

Question	Comments	Key specific recommendations
<p>d. remove discretion for councils to map additional land under clause 3.4(3).</p> <p>e. use more detailed information about LUC data to better define HPL through more detailed mapping, including farm scale and/or more detailed analysis of LUC units and sub-classes.</p>	<p>However, we do see the value of site-specific LUC assessments in the consenting regime as evidence to support an application to subdivide or change land use.</p> <p><u>d. remove discretion for councils to map additional land under clause 3.4(3)</u></p> <p>We strongly recommend keeping clause 3.4(3) as currently operative (apart from removing the consequential reference to LUC class 3) and retaining discretion for regional councils to map additional land as HPL. The council has historically protected LUC class 3e1 and 3e5 land through WRPS provisions to protect High Class Soils because of the presence of highly productive and relatively resilient allophanic soils on some rolling slopes in our region. High Class Soils under the WRPS are defined as: <i>“Those soils in Land Use Capability Classes I and II (excluding peat soils) and soils in Land Use Capability Class IIIe1 and IIIe5, classified as Allophanic Soils, using the New Zealand Soil Classification.”</i> The definition for High Class Soils excludes peat soils because they require very different management strategies and are best addressed under a separate objective and policy.</p> <p>Additionally, WRPS objective LF-O5 states that <i>“The value of high class soils for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development.”</i>, and WRPS LF-P11 is to <i>“Avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development.”</i></p> <p>Therefore, removing discretion to map additional land in our region, such as LUC Class 3e1 and 3e5, would result in scenarios in which land that is protected from inappropriate subdivision, use or development under the WRPS is not protected by NPS-HPL – potentially creating a narrower scope and uncertainty.</p> <p>We consider that retaining clause 3.4(3) could be a more efficient path for protecting LUC class 3 land, where appropriate, rather than the proposed special agricultural areas.</p> <p><u>e. use more detailed information about LUC data to better define HPL through more detailed mapping, including farm scale and/or more detailed analysis of LUC units and sub-classes</u></p> <p>We oppose incorporating piecemeal property scale LUC data into a regional scale map as mentioned in our response to (c) above. We do not see a role for farm scale/site specific assessments informing regional mapping. We consider that only more detailed regional-scale mapping (such as LUC refinement incorporating S-map soil or LiDAR-derived slope information and the discretion to include additional LUC subclasses into large cohesive areas of HPL) would be appropriate to inform the regional mapping of HPL.</p>	

Question	Comments	Key specific recommendations
	<p>Therefore, once more we recommend clearly differentiating the purpose of site-specific LUC assessments from the regional HPL mapping process for better clarity in the NPS-HPL. As discussed above, attempting to incorporate a few patches of property scale mapping into a regional-scale mapping exercise, particularly where LGCA's are being defined) would result in mapping inconsistencies (especially at the boundaries of these properties) and is essentially meaningless.</p>	
<p>Question 28 - Given some areas important for foods and fibre production such as Pukekohe and Horowhenua may be compromised by the removal of LUC 3 land, should additional criteria for mapping HPL be considered as part of these amendments?</p>	<p>We do not support the proposed new Special Agricultural Areas (SAAs) due to the added complication of a separate definition and classification that would need to be incorporated into the mapping process, and the apparent reliance on criteria that could potentially change over time, and change in relation to national and international matters over which regional councils have not responsibility or influence. (e.g. with the economics of production, changes to production infrastructure, and climate change).</p> <p>Any mapping of HPL should be based on inherent (non-dynamic) characteristics of the soil and land that describe the versatility or productive potential/capacity of the land. Anything short of this is ad-hoc, fundamentally flawed, and should not be attempted. Food production does not solely rely on the soil component, it also relies on climate, and other characteristics of the area. Therefore, we consider an approach utilising SAAs to be inefficient to safeguard food and fibre production moving forward.</p> <p>We recommend strengthening clause 3.4(3) of the NPS-HPL to enable regional councils to protect areas important for food and fibre production in a more efficient and responsive way.</p> <p>A simple and consistent mapping approach is best. 'Bolting on' additional components, with their own criteria and classification/definition will only serve to complicate the mapping process and will likely make implementation of the NPS more challenging in the future. Moreover, the perceived need for SAAs could largely be negated if protection of LUC class 3 land from rural residential development and subdivision is retained.</p> <p>However, if the government decides to progress with the SAAs, we recommend assessing cross boundary dynamics. In areas like Pukekohe, vegetable growing spans both the Auckland and Waikato regions. If there is pressure for other uses on productive land or if productive land is "lost" in one region, there is a potential that growers may seek to intensify or relocate operations into neighbouring regions. Additionally, we recommend considering the effects across different catchments within the Waikato region. For example, where SAA areas could influence commercial vegetable production to occur in areas experiencing issues with water quality or water allocation by potentially creating increased discharges in overallocated parts of the region, e.g., Waihou and Piako catchments. Therefore, it would be helpful if the</p>	<p>Strengthen regional councils' discretion to map non HPL land under clause 3.4(3) rather than introducing the concept of Special Agricultural Areas.</p>

Question	Comments	Key specific recommendations
	approach to mapping HPL considered cross-boundary and catchment dynamics and supported consistent information sharing and management across regions.	
Question 29 - If so, what additional criteria could be used to ensure areas important for food and fibre production are still protected by NPS-HPL?	<p>As mentioned above, the criteria for these areas will likely change over time as we experience changes in climate and economic conditions, and these factors are beyond the scope of the NPS-HPL.</p> <p>However, if SAAs are progressed, the identification of additional criteria should support freshwater outcomes by excluding areas that are not suitable for particular types of production. For example, our region is already seeing intensive land uses expanding onto soils less suited to such use, which may not be adequately reflected under current HPL criteria (i.e. that should not be available for commercial vegetable growing). The council understands, for example, that some commercial vegetable growing occurs on LUC 3 land, which, while still productive, often has greater limitations (e.g. slope, drainage) than LUC 1 and 2. These limitations can increase the risk of diffuse discharges to waterways, which undermines both land productivity and freshwater quality objectives.</p>	
Question 30 - What is appropriate process for identifying special agricultural areas? Should this process be led by local government or central government?	<p>If SAAs are established:</p> <ol style="list-style-type: none"> It is important to acknowledge the potential conflict between freshwater management objectives and the use of SAAs to enable intensive commercial vegetable production activities. The potential misalignment between SAAs and efforts to address freshwater outcomes is also noted in the RIS. We further note that the RIS highlights Policy 2 of the NPS-HPL and its supporting integrated management provisions, which suggest that decisions to protect highly productive land (HPL) should be made alongside efforts to manage freshwater quality and quantity. The council suggests that the area should not be referred to as a “special” agricultural area, as this terminology may imply a hierarchy that elevates some industries over others. The approach should avoid prioritising some sector/s or uses at the expense of others. That said, we acknowledge that the proposed SAAs already reflect some sector-specific considerations, as they generally align with key vegetable-growing regions. This indicates that the proposal recognises the importance of certain land uses. However, care should be taken to ensure that this does not unintentionally create inequities or limit flexibility in land use planning within and across regions. If possible, the process should be aligned with national freshwater direction. For example, if the proposed objective to enable domestic vegetable supply is progressed in the NPS-FM, then SAAs should be targeted specifically at supporting the domestic supply of vegetables, rather than broadly covering all food and fibre production or enabling growers to grow food. Ideally, SAAs should relate specifically to urban expansion pressures on HPL and the protection of HPL, rather than being 	We do not support the proposed new Special Agricultural Areas (SAAs). Should the proposal to identify SAAs go ahead, central government should identify and map special agricultural areas nationally, in collaboration with regional councils and tangata whenua.

Question	Comments	Key specific recommendations
	<p>embedded within freshwater national direction. Any spatial considerations (layers or zones/areas) related to freshwater should remain within the freshwater planning framework.</p> <p>d) It should be noted that just because an area is not classified as HPL or as an SAA (if established), this does not mean agriculture cannot occur on that land.</p> <p>We recommend that, should the proposal to identify SAAs go ahead, central government should identify and map special agricultural areas nationally, in collaboration with regional councils and tangata whenua. This would improve national consistency in the mapping output and efficient use of resources while meeting Treaty settlement obligations and allowing local knowledge and context to inform decisions. We draw comparison to the Specified Vegetable Growing Areas (SVGAs) in the NPS-FM which were mapped by the Ministry for the Environment.</p>	
<p>Question 31 - What are the key considerations for the interaction of special agriculture areas with other national direction – for example, national direction for freshwater?</p>	<p>We consider that overlapping ‘special areas’ with different purposes and based on different criteria and definitions could directly conflict with each other in terms of the policy response and would further complicate the situation for the implementation of the NPS-HPL and any other national direction involved. This is another reason for not proceeding with the proposed SAAs.</p> <p>Identified spatial areas should not automatically override or apply as defaults over other national directions, including freshwater management. The council has concerns about any spatial area and management approach in that area being established that may be inconsistent with Te Ture Whaimana o Te Awa o Waikato and rules in regional plan/s and proposed plans that give effect to Te Ture Whaimana. Further, SAAs should not undermine the objectives of the NPS-FM, particularly in relation to water quality and ecosystem health, and there should be recognition that water availability may be a limiting factor for future production, and land use must reflect this. Land use decisions must therefore reflect existing water constraints. For example, if a catchment is already over-allocated, introducing new land uses that require additional allocation of water is not sustainable and should be restricted.</p> <p>The council does not support the inclusion of land in targeted areas (SAAs) that could be used for intensive commercial vegetable growing if inclusion would be inconsistent with water quality and ecosystem health in the area/s. Limiting SAAs to areas such as Pukekohe and Horowhenua may signal that these areas are intended for increased intensive use, which could be misaligned with other directives aimed at improving water quality. It may also signal that all LUC 3 class land within mapped SAAs is suitable for all type of intensive production (e.g. vegetable growing), but this may not necessarily be the case. This misalignment</p>	

Question	Comments	Key specific recommendations
	<p>would result in other primary production sectors having to make additional adjustments to their operations in order that ecosystem health targets are able to be met for catchments, essentially someone else would be asked to mitigate effects of activities that are not of their making.</p>	
<p>Question 32 - Should timeframes for local authorities to map highly productive land in regional policy statements be extended based on revised criteria? Alternatively, should the mapping of HPL under the RMA be suspended to provide time for a longer-term solution to managing highly productive land to be developed in the replacement resource management system?</p>	<p>We strongly recommend suspending or extending the timeframes for mapping HPL.</p> <p>We stress that a suspension or extension of the existing timeframe for notification is now essential because regional council mapping has been significantly disrupted, if not entirely put on hold, over the past year due to the uncertainty surrounding pending central government changes to the NPS-HPL. We consider that we will not have enough time to meet the collaboration and consultation requirements under Clause 3.4(4)(a)(b). The Waikato region is one of the most complex regions in Aotearoa, comprising 11 territorial authorities and over 180 iwi, hapu, and marae in or with an interest in the region.</p> <p>We consider that the HPL maps are a critical base layer for spatial plans under the new resource management system. Given the uncertainty with the ongoing resource management system reform our preference is for a suspension. This would ensure we have a map produced that is developed in alignment with any new standards and would fit seamlessly into the new system while supporting a better allocation of our resources, and better cost effectiveness for ratepayers.</p> <p>If the timeframe is extended, then we recommend for it to be completed within three years (2028). We consider that the extension could provide appropriate time for regional councils to meet the notification and mapping requirements prescribed by the NPS-HPL.</p>	<p>Suspend the existing timeframe for notification of HPL mapping (preferred option); <u>or</u></p> <p>Extend the deadline for mapping to 2028.</p>

Question	Comments	Key specific recommendations
Amendments to multiple instruments for quarrying and mining		
<p>Question 33 - Do you support the proposed amendments to align the terminology and improve the consistency of the consent pathways for quarrying and mining activities affecting protected natural environments in the NPS-FM, NES-F, NPS-IB and NPS-HPL?</p>	<p>We acknowledge the intent behind the proposed amendments to align terminology and improve consistency across the NPS-FM, NES-F, NPS-IB, and NPS-HPL and consider that greater consistency between the instruments should make the processing of relevant consent applications less complex. However, we do not support the proposed amendments in full and are concerned about the impact on the ability to achieve the objectives of the instruments if activities are enabled in nationally significant environments.</p> <p>We are also concerned about the socio-economic trade-offs involved with these proposals (e.g. trade-offs between economic and employment benefits and environmental degradation). Communities across regions may be affected differently by the proposals, therefore equity considerations are also important.</p> <p><u>NPS-FM</u></p> <p>We oppose the proposed addition of “operational need” to the gateway test for quarrying and mining in wetlands (NPS-FM Clause 3.22(1)(d)(iii) and NES-F Regulation 45A(6)(b)) and seek that the existing gateway test of “functional need” only is retained. The policy purpose of specifying that a quarry must have a functional (but not operational) need to locate within a wetland, is consistent with providing an appropriately high level of protection to Aotearoa New Zealand’s remaining significant wetlands and should be retained. This also aligns with WRPS policy direction.</p> <p>We also highlight other potential adverse effects of this proposal as follows:</p> <ul style="list-style-type: none"> • Quarrying and mining across multiple sites and catchments can lead to cumulative adverse impacts, including cumulative sedimentation, hydrological changes, and biodiversity loss. This is an important concern as the Waikato region has interconnected freshwater systems. • Impacts on Te Mana o te Wai - under the NPS-FM , quarrying and mining activities must be assessed against their impact on the hierarchy of obligations in Te Mana o Te Wai. • Impacts on climate change and resilience – quarrying and mining in wetlands can affect climate resilience, for example by increasing flood risk or reducing carbon sequestration in wetlands. The Waikato region is vulnerable to climate impacts and land use decisions must factor in long-term resilience. • Potential effects on tangata whenua rights and interests in relation to wetlands. 	<ol style="list-style-type: none"> 1. Retain the existing gateway test of “functional need” only for quarrying and mining in wetlands under the NPS-FM and NES-F. 2. If the NPS-FM and NES-F are to be amended, retain the “functional need” test for more significant wetlands (e.g. those identified in regional or district plans, and those supporting threatened species) and limit the application of the “functional or operational need” test to less significant wetlands. Additionally, include provision for engagement with tangata whenua and monitoring frameworks and adaptive management strategies. 3. Exclude “ancillary activities” from Clause 3.11(1)(a)(ii) of the NPS-IB and Clause 3.9(2)(iii) of the NPS-HPL. If this is to remain, ensure that such activities are clearly defined and subject to robust controls to avoid unintended

Question	Comments	Key specific recommendations
	<p>If the NPS-FM and NES-F are to be amended, we recommend a more nuanced approach, which is to retain the “functional need” test for more significant wetlands (e.g. those identified in regional or district plans and those supporting threatened species) and limit the application of the “functional or operational need” test to less significant wetlands. This approach would better balance the need for resource development with the imperative to protect New Zealand’s most ecologically valuable environments.</p> <p>Additionally, if the instruments are to be amended, we recommend that there is provision for:</p> <ul style="list-style-type: none"> • Engagement with tangata whenua – there should be provision for co-governance or partnership with iwi/hapū in decision-making. Waikato has strong iwi involvement in freshwater governance; decisions in relation to quarrying and mining should reflect this. • Monitoring frameworks and adaptive management strategies– as quarrying and mining impacts can evolve over time, we see recommend there be dynamic oversight mechanisms. <p><u>NPS-IB and NPS-HPL</u></p> <p>We do not support the proposed replacement of “mineral extraction” with “the extraction of minerals and ancillary activities” for either instrument, particularly the NPS-IB. This would broaden the scope of permitted development. Ancillary activities (roading, buildings, overburden disposal, and waste storage etc.) can increase the footprint of mining operations, leading to greater adverse effects on ecosystems and biodiversity. We therefore recommend the proposed terminology in Clause 3.11(1)(a)(ii) of the NPS-IB and Clause 3.9(2)(iii) of the NPS-HPL be amended to exclude “ancillary activities”.</p> <p>If this is to remain, we request ensuring that such activities are clearly defined and appropriately managed to avoid unintended environmental impacts. Without clear limits or management requirements, this expanded terminology risks undermining the environmental protections intended by the NPS-IB, NPS-HPL, policy direction in the WRPS (e.g. ECO-M2 – Adverse effects on indigenous biodiversity) and related instruments. Ancillary activities must therefore be subject to robust assessment and controls to ensure their cumulative effects do not exacerbate the environmental impact of the primary extraction activity.</p> <p>We are concerned that attachment 2.5 identifies that reducing the gateway tests in the NPS-IB increases the potential for mining and quarrying activities to have adverse impacts on SNAs and that while adverse effects can be addressed using the effects management hierarchy, it is likely that adverse impacts will increase. We recommend the term “public benefit” be retained in the NPS-IB to ensure that biodiversity impacts are justified by broad societal value. Removing “public” weakens the threshold for allowing mining</p>	<p>environmental impacts and cumulative effects.</p> <p>4. Retain the term “public benefit” in the NPS-IB.</p>

Question	Comments	Key specific recommendations
	and quarrying in areas of indigenous vegetation. This risks enabling developments that will only serve narrow economic interests while undermining biodiversity outcomes. The current terminology supports the NPS-IB's objective and WRPS direction of achieving no net loss and/or enhance where possible, indigenous biodiversity. Diluting this language would be inconsistent with that goal.	
Question 34 - Are any other changes needed to align the approach for quarrying and mining across national direction and with the consent pathways provided for other activities? <i>No comments</i>		
Question 35 - Should "operational need" be added as a gateway test for other activities controlled by the NPS-FM and NES-F?	No, we do not consider that "operational need" should be added as a gateway test for other activities controlled by the NPS-FM or NES-F as part of Package 2. Any amendments to the NPS-FM and NES-F should be considered in an integrated manner as part of the National Direction Package 3 process.	
Additional comments on the amendments for quarrying and mining	<p>We recommend that all critical terminology be clearly defined within the NPS-IB. Key terms such as "ancillary activities" and "significant regional benefit" are not clearly defined in the consultation material. Clarity is important for stakeholders to fully understand the implications of the proposed changes.</p> <p>In order to ensure clarity and certainty for all involved, a national framework for identifying and valuing SNAs should be implemented before expanding consent pathways for quarrying and mineral extraction.</p>	
Stock Exclusion Regulations		
Question 36 - Do you agree that the cost of excluding stock from all natural wetlands in extensive	This question does not reflect either the status quo or the changes proposed to the Stock Exclusion Regulations. Under the current Regulations, only those natural wetlands identified in a regional or district plan or regional policy statement at the commencement date and those that support a population of threatened species are required to have stock excluded from them. The proposal is to create an exception for non-intensively grazed beef cattle and deer in respect to natural wetlands that support a population of threatened species.	<ol style="list-style-type: none"> 1. Retain Regulation 17 of the Stock Exclusion Regulations without amendment. 2. Consider whether a staged approach that staggers implementation of stock

<p>farming systems can be disproportionate to environmental benefits?</p>	<p>We also note that the interim RIS for Package 2 acknowledges the lack of information to support an assessment of the costs and benefits of the changes proposed.</p> <p><u>Position on proposed changes</u></p> <p>We oppose the proposed amendment to the Stock Exclusion Regulations. We consider the proposed change would pose significant risks to threatened species and their habitats; as non-intensively grazed beef cattle and deer can still have considerable impacts on wetlands. The proposal would also lead to other adverse effects, including degradation of wetland systems and reduced ability of wetlands to provide carbon sequestration and flood buffering benefits.</p> <p>The proposed amendment is contrary to the strong direction within the current NPS-FM in relation to protecting natural wetlands and populations of threatened species. This proposed change follows the 2024 revocation of Regulation 18 which previously excluded all stock from any natural wetland over 500m² in area on low slope land (where most wetlands occur). The proposed change would therefore exacerbate the already diminished protections that the Regulations provide to wetlands from grazing stock.</p> <p><u>Coasts and benefits</u></p> <p>The uncertainty expressed in the RIS with respect to comparing the impact of stock entering wetlands in New Zealand and clearing vegetation against the benefits of the weed control, how many wetlands are affected by Regulation 17, and quantifying the costs and benefits of excluding all stock or excluding non-intensively grazed beef and deer from wetlands that support threatened species populations, limits the current assessment of efficiency and effectiveness. We also note that the changes proposed are in response to challenges identified primarily for South Island high country and West Coast drystock farmers and it is questionable whether this warrants amendments to the national regulations to address issues limited to two parts of the country, particularly given the uncertainty around the adverse environmental effects associated with the change proposed.</p> <p>The RIS notes the potential costs to land managers in determining whether wetlands on individual properties support a population of threatened species as one of the key drivers for the proposed amendments. We highlight the following requirements for regional councils under the NPS-FM that may reduce the costs for landowners/managers, which should be considered when assessing the efficiency and effectiveness of proposed changes:</p> <ul style="list-style-type: none"> • It may be that the requirement for regional councils to identify the location of habitats of threatened species within each Freshwater Management Unit (NPS-FM Clause 3.8(c)) will reduce future need for 	<p>exclusion in priority areas in the first instance and in all other areas over a longer-period of time, could instead be used to address the issues stated in the discussion document.</p> <p>3. If Regulation 17 was to be changed to accommodate stock in wetlands, rather than the proposed amendment, instead establish thresholds that limit this to small wetlands or patches of wetland that are not a corridor or part of a wider system.</p>
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	<p>landowners/managers to engage experts to undertake an assessment of their wetland and the presence/absence of threatened species, alleviating some of the cost burden for farmers.</p> <ul style="list-style-type: none"> • It is also noted that retaining NPS-FM Clause 3.23(1)(b), while acknowledging the challenge this presents to regional councils, would also lessen the likelihood that farmers will need to seek expert assessment of their wetland, as this information could in future be held by regional councils. <p><u>Options</u></p> <p>We also acknowledge, however, the issues regarding the timeframe set out in the regulations for farmer implementation of Regulation 17 and misalignment with regional councils' ability through NPS-FM freshwater plan change processes to identify regionally significant wetlands and threatened species habitats and to establish regional plan stock exclusion provisions to protect these. Timing is the heart of the issue. Option 5 presented in the RIS considers this aspect of the stock exclusion regulations but doesn't provide a fix-all solution.</p> <p>The ability for regional councils to impose more stringent stock exclusion requirements to reflect regional issues is important (and should be retained); however, noting that freshwater plans will not be notified until December 2027, relaxing the stock exclusion provisions regarding threatened species now, would mean no protection for these species and their habitats until new regional plan provisions are in place; likely to be some three years away.</p> <p>In the Waikato region, Proposed Waikato Regional Plan Change 1 (PC1) stages implementation of stock exclusion in priority areas in the first instance (e.g. over the first five years) and in all other areas over a longer period of time. We suggest there could be merit in further exploring a similar approach as part of the review of the Stock Exclusion Regulations.</p> <p>If the proposal to accommodate stock in wetlands was to proceed, we consider a preferable alternative would be to establish some thresholds that limit this to small wetlands or patches of wetland that are not a corridor or part of a wider system only.</p> <p>If the approach detailed in the discussion document was to proceed, we consider that it would clearer for the Regulations to specify the stock that are subject to Regulation 17 (i.e. dairy, dairy support cattle, pigs, and intensively grazed beef cattle and deer), rather those that are not, as is presently proposed.</p>	
Implementation questions - primary sector instruments		
<p>Question 37 - Does "as soon as practicable" provide enough flexibility for implementing this suite of new national policy statements and amendments?</p> <p><i>Please refer to our answer below.</i></p>		

<p>Question 38 - Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient?</p> <p>a. If not, what would be better, and why?</p> <p>b. If yes, what time period would be reasonable (e.g., five years), and why?</p>	<p>With Phase 3 of the resource management reform programme now imminent, we do not consider it appropriate to specify a maximum time period for plan changes to implement the suite of new and amended national direction, except where this can be done under section 55 of the RMA. Currently, it is unclear how regional policy statements and plans will transition into the new resource management system, as this detail is expected to be contained in Phase 3.</p> <p>Plan changes, even those that can be completed without a Schedule 1 process, require a significant amount of resourcing. Requiring resources to be allocated to amend existing policy statements or plans through a Schedule 1 process without knowing the detail of the new resource management legislation or how these documents will transition into the new system is not considered efficient nor effective.</p>	<p>Timeframes for changing regional policy statements and regional and district plans to implement the new and amended national direction should not be included, except where the changes can be made under section 55 of the RMA, given the imminent replacement of the RMA.</p>
<p>Question 39 - Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review? <i>Please refer to our answer above.</i></p>		
<p>Question 40 - Are there other statutory or non-statutory implementation provisions that should be considered? <i>No comments</i></p>		

Attachment 1 – Maps and figures for LUC classes 1,2 and 3 land within rural zones in the Waikato region

Figure 1. Map of LUC 1, 2 and 3 land in Rural Zones of the Waikato Region

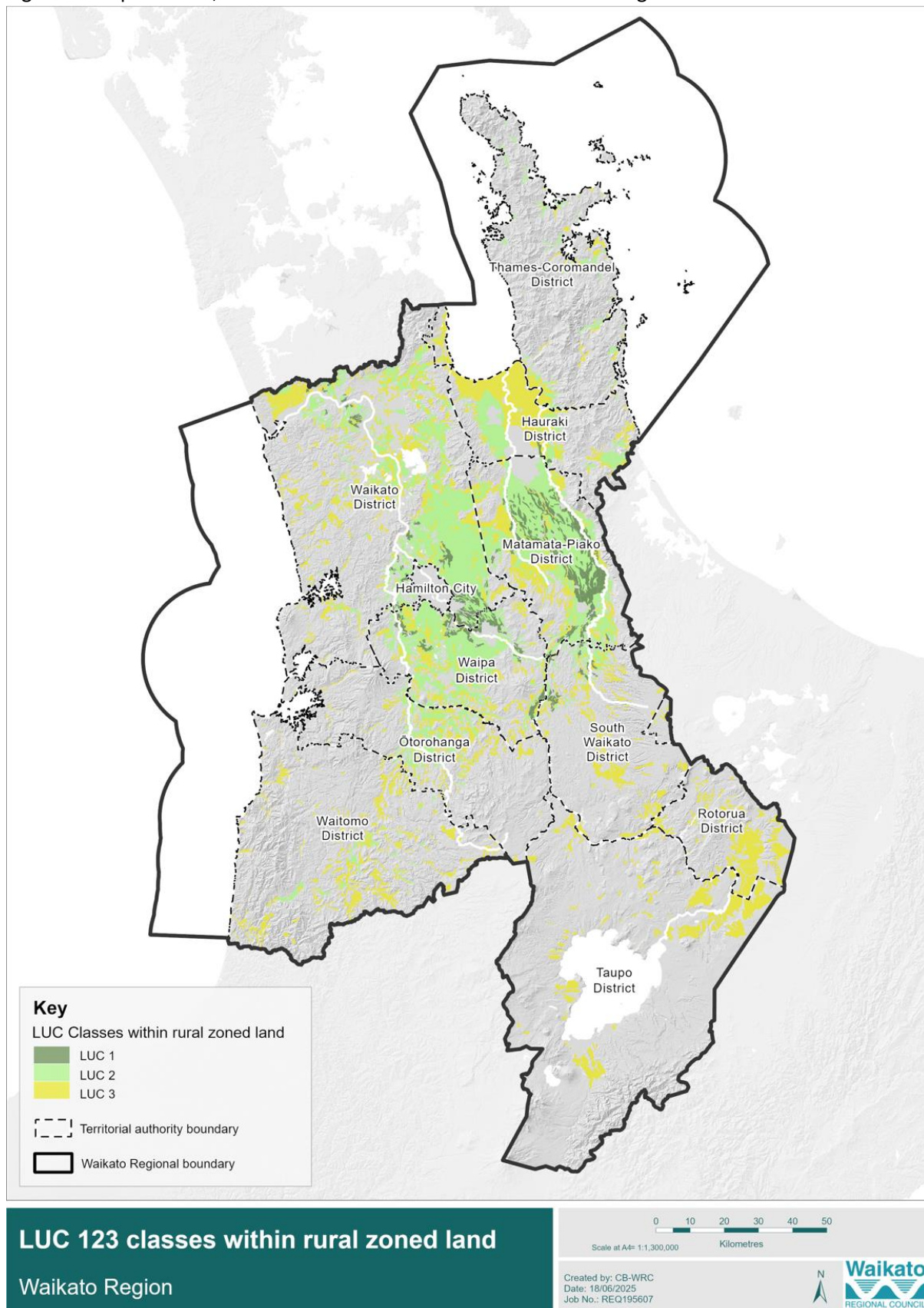


Figure 2. Map of LUC 1, 2 and 3 land in Rural Zones of the Central Waikato Region, highlighting Hamilton, Cambridge and Matamata

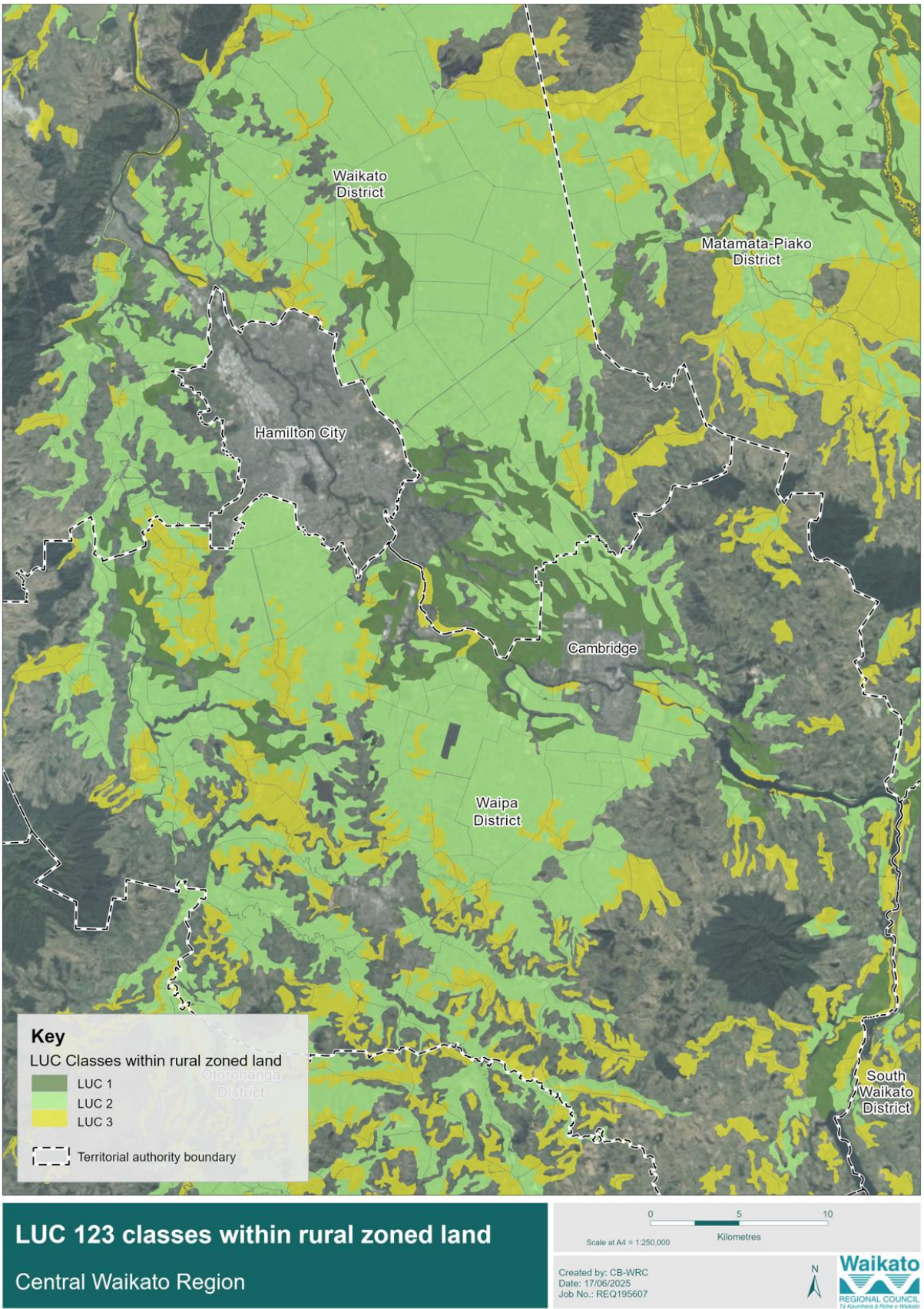


Figure 3. Table with the percentages and total areas of LUC classes 1, 2 and 3 land in rural zoned areas for the region and divided by territorial authorities in the Waikato region

LUC within rural zones	Location	Area (hectares)
1	Waikato Region	40,777.245
2	Waikato Region	233,611.505
3	Waikato Region	259,659.522

LUC within rural zones	Territorial Authority	Area (hectares)	Percentage of total LUC 123 area in the Waikato Region
1	Hamilton City	0.000	0.00
2	Hamilton City	0.149	0.00
3	Hamilton City	0.001	0.00
1	Hauraki District	452.087	1.11
2	Hauraki District	16,325.398	6.99
3	Hauraki District	37,063.429	14.27
1	Matamata-Piako District	22,745.208	55.78
2	Matamata-Piako District	58,310.774	24.96
3	Matamata-Piako District	27,326.085	10.52
2	Ōtorohanga District	14,807.395	6.34
3	Ōtorohanga District	17,238.982	6.64
3	Rotorua District	22,334.314	8.60
1	South Waikato District	2,063.908	5.06
2	South Waikato District	5,421.645	2.32
3	South Waikato District	20,227.180	7.79
3	Taupo District	30,337.902	11.68
2	Thames-Coromandel District	7,945.015	3.40
3	Thames-Coromandel District	6,654.948	2.56
1	Waikato District	8,355.911	20.49
2	Waikato District	83,028.720	35.54
3	Waikato District	50,318.038	19.38
1	Waipa District	7,160.131	17.56
2	Waipa District	43,598.851	18.66
3	Waipa District	19,953.371	7.68
2	Waitomo District	4,173.560	1.79
3	Waitomo District	28,205.272	10.86