Committee Members
Chair: Cr Chris Coll
Cr Allan Birchfield
Cr Andy Campbell
Cr Ashley Cassin

Cr Peter Ewen
Cr Mark McIntyre
Cr Colin Smith

Iwi Representatives
Representative Te Rūnanga o Ngāti Waewae
Representative Te Rūnanga o Makaawhio

WEST COAST
REGIONAL COUNCIL

PUBLIC COPY

West Coast Regional Council

AGENDA

Environmental Management Committee Meeting

Date: Tuesday, 3 November 2026

Time: 9.30am

Venue: West Coast Regional Council Chambers,
388 Main South Road, Greymouth

This meeting will also be live streamed via West Coast Regional Council's YouTube Channel: @westcoastregionalcouncil5171

Order of business

1. Welcome *(Haere mai)*

2. Apologies *(Ngā Pa Pouri)*

3. Declarations of Interest

4. Public Forum, Petitions and Deputations *(He Huinga tuku kōrero)*

5. Late Items

6. Confirmation of Minutes *(Whakau kōrero)* 1
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11. Confirmation of Public Excluded Minutes

11.1 Environmental Management Committee Meeting Public Excluded Minutes – 1 September 2026

12. Actions List – Public Excluded

13. Reports – Public Excluded

13.1 Appoint an Independent Resource Consent Commissioner for determining a Limited Notified Hearing

D. Lew
Chief Executive

Purpose of Local Government

The reports contained in this agenda address the requirements of the Local Government Act 2002 in relation to decision making. Unless otherwise stated, the recommended option promotes the social, economic, environmental, and cultural well-being of communities in the present and for the future.

Health and Safety Emergency Procedure

In the event of an emergency, please exit through the emergency door in the Council Chambers.

If you require assistance to exit, please see a staff member. Once you reach the bottom of the stairs make your way to the assembly point at the grassed area at the front of the building. Staff will guide you to an alternative route if necessary.

Late Items

The Chairperson will give notice of items requiring urgent attention not on the agenda as follows.

Matters Requiring Urgent Attention as Determined by Resolution of the Committee:

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson. The item may be allowed onto the agenda by resolution of the Committee.

Minor Matters relating to the General Business of the Committee:

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. The meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

6	**Minutes of Environmental Management Committee (Public) Meeting 1 September 2026**
Author	Chris Chinn, Principal Governance Advisor
Public Excluded	No

Report Purpose

The purpose of this report is to receive the minutes of the Environmental Management Committee (Public) meeting of 1 September 2026.

Recommendation

It is recommended that the Committee resolves to:

1. *Confirm that the minutes of the Environmental Management Committee (Public) meeting held on 1 September 2026 are a true and correct record.*

Attachments

Attachment 1: Minutes of the Environmental Management Committee (Public) meeting held on 1 September 2026.

WEST COAST REGIONAL COUNCIL

MINUTES OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE MEETING HELD ON TUESDAY 1 SEPTEMBER 2026 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 11.03AM

PRESENT:
C. Coll (Chair)
A. Birchfield
A. Campbell
A. Cassin
C. Smith
P. Ewen
M. McIntyre (via ZOOM)
J. Douglas (Te Rūnanga o Makaawhio)

IN ATTENDANCE:
D. Lew (Chief Executive)
S. Morgan (Group Manager Environmental Science)
J. Field (Group Manager Office of the Chief Executive)
J. Horrox (Principal Scientist)
E. Rutherford-Jones (Manager Biosecurity)
E. Perrin-Smith (Senior Resource Science Technician)
A. Phillips (Manager Compliance)
M. Dickens (Manager Policy)
S. May (Manager Consents)
T. Wyndham-Smith (Principal Communications and Engagement Advisor)
C. Chinn (Principal Governance Advisor)
N. Kavindya (Administrative Support Officer)

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1. Welcome

The Chair welcomed those attending and opened the meeting.

2. Apologies

There were no apologies received for the meeting.

3. Declarations of Interest

The Chair called for declarations of interest. There were none.

4. Public Forum, Petitions and Deputations

There were no public forums or deputations.

5. Late Items

There were no late items raised for discussion.

6. Confirmation of Minutes

6.1 Minutes of Environmental Management Committee (Public) Meeting 2 June 2026

The Chair invited corrections to the minutes of the Environmental Management Committee (Public) meeting held on 2 June 2026. Cr P. Ewen advised that he voted against the motion related to item 10.5 on page 7 and requested this be recorded in the amended minutes.

Moved (P. Ewen / A. Birchfield) that the minutes of the Environmental Management Committee (Public) meeting held on 2 June 2026, amended as per Cr P. Ewen's advice, are a true and correct record.

Carried

7. Actions List

The actions list was reviewed, and the following updates were noted.

- Item 1 (ACT0120) - Completed. D. Lew acknowledged the success of the portal and recognised the partnership between S. Morgan's team and the IT team led by Blair Keily. This action can now be removed.
- Item 2 (ACT0004) - Completed. This action can now be removed.
- Item 3 (ACT0121) – Completed. This action can now be removed.
- Item 4 (ACT0118) – Completed. Cr A. Birchfield thanked D. Lew and staff for preparing the letter, noting it was an important issue for the whole of the West Coast. This action can now be removed.
- Item 5 (ACT0119) - Completed. D. Lew advised that the Chief Executive of BT Mining had asked him to pass on thanks to the Council for the letter sent in support of those consents. This action can now be removed.

Moved (A. Campbell / P. Ewen) that the Committee receive the Actions List and noted the information.

Carried

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8. Chairs Report (verbal update)

The Chair provided a verbal update, highlighting the significant volume of papers provided to the committee and that he considered using AI to summarise the technical report attached. D. Lew noted that an AI policy was under development and would need to come to Council, given significant issues around privacy, data, and confidential information. D. Lew cautioned that using open-source AI tools to review confidential council information could result in privacy breaches.

The Committee agreed that it would be useful to have a briefing on AI use and the draft AI policy. The Committee also requested that staff review the existing report templates to ensure technical information is summarised adequately for Council/Committee consideration.

Moved (C. Smith / A. Birchfield) that the Committee receives the Chair's report and the following actions:

1. Staff are to review the existing templates to ensure any technical information presented is summarised adequately for Council/Committee consideration.
2. A briefing is provided to Council on AI use and a draft AI Policy.

Carried

9. Reports

9.1 Environmental Science Quarterly report (Q4)

S. Morgan presented the report, highlighting:

- Greymouth air quality monitoring recorded two exceedances of the national standard. A technical review was underway to determine whether exceptional circumstances applied that might mean the exceedances did not qualify as breaches under the National Environment Standard.
- National River Quality Network funding had been discontinued, impacting four monitoring sites previously funded and monitored by NIWA (now referred to as Earth Sciences New Zealand). The Council was able to absorb monitoring at three of those sites, but the fourth site in Haast could not be maintained without additional budget. A review of the water quality monitoring network was underway, with recommendations to be brought back to Council, potentially including monitoring of representative catchments in South Westland.
- Groundwater monitoring work was progressing, with a focus on improving communication with landowners and supporting well ownership, which was important for maintaining access to groundwater and informing policy.

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D. Lew expressed his concern about Earth Sciences New Zealand withdrawing from four long-term water quality sites that had been in operation since the 1980s, describing this as part of a broader trend of government disinvestment in national hydrometric and water quality monitoring. D. Lew suggested that councillors consider writing a letter or making a political statement expressing concern, noting that the data collected was important for national and local state of environment reporting.
Cr C. Coll noted that the length of a monitoring record was almost as valuable as the data itself. Cr P. Ewen questioned the rationale for the withdrawal, noting it appeared to be cost-driven and was at odds with the Government's stated focus on natural hazards, resilience, and climate change. Cr P. Ewen supported writing a letter to the relevant entity. It was agreed that Council write a letter to the appropriate entity expressing concern about the withdrawal of resources for long-term monitoring sites.
Cr A. Birchfield raised concerns regarding the messaging in schools related to the EnviroSchools program. S. Morgan advised that the EnviroSchools annual report for the previous year's work programme had recently been received and could be provided to councillors. S. Morgan also undertook to bring a report back to Council in approximately six months analysing delivery of the program against KPIs and including key messages shared with schools.
Cr A. Birchfield indicated he intended to vote against receiving the report, expressing the view that air quality on the West Coast was among the best in New Zealand and that the placement of monitoring equipment in the worst possible locations produced skewed results. Cr C. Smith expressed strong support for the air quality monitoring programme, noting its importance for people with respiratory and other illnesses susceptible to high particulate matter. He supported the programme continuing. Cr C. Coll noted the importance of having evidence-based data to be able to state with authority whether air quality was good or otherwise.

S. Morgan clarified that the two exceedances were 24-hour daily averages, not short-duration spikes. One exceedance had been identified as likely attributable to sea salt, and the other to wind direction/erosion. S. Morgan further noted that the Council had not yet met the meaningful data standard, which required 12 months of continuous data before Greymouth could be considered a polluted airshed. If that were ever a consideration, a workshop would be brought to Council.

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Moved (A. Cassin / C. Smith) that the Committee:

1. Receive the report.

Carried (Cr A. Birchfield voted against the motion)

Moved (C. Smith / A. Cassin) that the Committee resolves that:

1. A letter is sent to the appropriate Minister/entity expressing concern about the withdrawal of funding and resources for the long-term water quality monitoring sites.
2. S. Morgan circulates the EnviroSchools Annual Report to the Committee.
3. A further report on EnviroSchools is brought to Council in approximately six months on delivery of the program against KPIs and including the key messages shared with schools.

Carried

9.2 Hydrology Quarterly report (Q4)

S. Morgan presented the report, highlighting:

- The work programme remained on track.
- Satellite backup communications had been established over 62% of the hydrometric network, reducing the risk of data loss when cellular services were disrupted during rainfall or weather events.
- The $400,000 joint-funded Regional Council/Kanoa telemetry upgrade project was approximately 30% complete, and within time and budget.
- Improvements had been made to the Grey River site, strengthening the reliability of early flood warning information for Greymouth.

Cr P. Ewen raised a concern that the report made no mention of the shut gate at Cobden Lagoon, which he considered may have significantly contributed to elevated water levels during the rainfall event. He questioned whether there was a protocol for operating the gate during such events and noted the gate was manually operated. He expressed concern that the omission meant the report would not capture the full learnings from the event for future reference. D. Lew clarified that the purpose of the hydrology report was to provide a hydrological analysis of rainfall data and urban water level sensor readings. It was not intended as a critique of Grey District Council's operational management of its stormwater infrastructure, including the gate, which was a Grey District Council asset. D. Lew suggested that the report should not be amended to include that matter, but that councillors could raise it through a separate avenue if they wished. Cr A. Birchfield noted the matter was still under investigation and

suggested consideration be given to automating the gate. D. Lew reiterated that the asset and its operational management were the responsibility of Grey District Council.

Councillors C. Coll (as Committee Chair), Cr A. Cassin, Cr C Smith, and Cr M. McIntyre commended the team on the report and C. Coll noted the good performance of the river gauge network during recent weather events.

Moved (M. McIntyre / A. Birchfield) that the Committee:

1. Receive the report.

Carried

9.3 Air quality technical report 2026

S. Morgan presented the report, noting it represented 15 years of air quality monitoring effort on the West Coast.

Cr C. Smith thanked the team for the report, noting it had significantly advanced his knowledge of air quality. Cr A. Birchfield acknowledged the quality of the work by staff and noted his concerns were with the regulators rather than with the Council staff administering the regulations.

Moved (P. Ewen / A. Campbell) that the Committee:

1. Receive the report.
2. Note that the attached technical report was substantially prepared in April 2026 and that Greymouth subsequently recorded exceedances of the national PM10 standard in June 2026, which are currently under Investigation.
3. Note that further reporting on the Greymouth exceedance investigations and any implications for future monitoring will be provided once the investigations are complete.

Carried

9.4 Biosecurity Annual operating plan 2026/27

S. Morgan presented the report. The Committee noted the following key points:

- The programme would commit to surveillance of pest plants across eight priority lakes, co-funded with DOC and Manawa Energy.
- Surveillance would be undertaken along the West Coast rail corridor, highways, wetland areas, and priority waterways, which were known vectors for pest spread.

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- The team aimed to complete investigation of 100% of reported exclusion/eradication pest notifications, ensuring all community requests for advice or action were responded to.
- Targeted control would be undertaken to support landowners with priority species under the Regional Pest Management Plan.

Cr C. Smith found the report very informative and expressed increased confidence in the programme as a result of the report.

Moved (M. McIntyre / J. Douglas) that the Committee:

1. Receive the report.
2. Note the release of the Te Uru Kahika report on the value of regional biosecurity.

Carried

S. Morgan, E. Rutherford-Jones, E. Perrin-Smith and J. Horrox left the meeting at 11.52am.

9.5 Compliance Monitoring Quarterly Report

A. Phillips presented the report, highlighting:

- 128 site visits were conducted over the three-month period across a range of industries including mining, forestry, dairy farms, landfills, and meatworks.
- 23 complaints were received through the pollution hotline.
- Eight confirmed non-compliances were recorded: two identified through complaints and six through routine compliance monitoring inspections.
- All three district council wastewater treatment plants had received abatement notices in relation to their plants. Requirements were being met, with the exception of Buller District Council which had requested an extension. The compliance team was working closely with that council and planned site visits in the coming months.

Cr C. Smith queried what was meant by "miscellaneous resource consent items". A. Phillips advised the Committee this included items such as septic tanks, forestry, dams, sawmills, abattoirs & whitebait stands. Cr A. Cassin acknowledged improvements to the compliance report format, noting you could now see categorised information, making it easier to track and follow whether anything had been released and the justification for decisions.

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Moved (A. Cassin / A. Campbell) that the Committee:

1. Receive the report of the Compliance Group; and
2. Approve the release of 2 mining bonds:
   a. Henry Adams Contracting Limited $15,000 x2 (surety bonds).

Carried (Cr P. Ewen voted against the motion)

9.6 Consents Quarterly Report

S. May presented the report, highlighting:

- 48 applications were received, comprising resource consents and certificates of compliance.
- Eight applications were returned to applicants as the information submitted did not meet the threshold required for processing.
- 31 decisions were made relating to grant applications.
- A project to reduce the historic backlog of consents dating from 1995 had progressed from 199 outstanding consents to 42, with staff actively engaging with applicants to support resolution of their applications.
- Staff from the consents, compliance, and science teams had been involved in providing support and information for the Barrytown Minerals Project and the Buller Plateau Continuation Project as part of their fast-track applications.
- Staff had also been attending Old Creek Project familiarisation days to receive information about plans for a fast-track application.

Cr C. Smith expressed thanks to both the compliance and consents teams. He noted that out of 90 completed applications, only one consent process had been outside statutory timeframes, describing this as an impressive result. He also recorded his satisfaction with the way the enforcement team had dealt with and resolved community matters brought to him as a councillor. Cr A. Birchfield noted he continued to receive complaints from the community and indicated the teams had not yet fully resolved all concerns. Cr A. Cassin acknowledged the progress in clearing the historic backlog, noting the team was down to the final 20%.

Moved (P. Ewen / C. Smith) that the Committee:

1. Receive the report.

Carried

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9.7 Spatial Planning and RMA Reform Update

M. Dickens presented the report, highlighting:

- The Regional Land Transport Plan's draft Vision and objectives were accepted by the Regional Transport Committee and submitted to NZTA. A continuous programme bid had also been submitted to NZTA to continue funding the Total Mobility Scheme and other transport planning functions.
- Total Mobility uptake had reduced slightly across the country following new fare structure changes. While there isn't a lot of data available, the initial trend being seen is that West Coast has seen a downturn in demand, but not as high as other regions. The Coast has the highest over-trip cap percentage in the country, likely due to a lack of alternative options.
- The RMA replacement legislation was progressing through Parliament and was expected before the election. The Council was monitoring this closely.
- Work was beginning with district councils on spatial planning, with discussion anticipated regarding the new committee structure.

Cr A. Cassin noted the 7% drop in Total Mobility uptake, acknowledging that while the West Coast result was the lowest nationally, a reduction in a critical service still warranted monitoring. M. Dickens confirmed the matter was being followed closely and that more solid data would be available by the next Regional Transport Committee meeting.

D. Lew advised Councillors that they may receive an invite to a workshop at Arahura Marae on Regional Spatial Planning and that he understood the Ministry for Cities, Environment, Regions and Transport had been invited. He noted there may also be discussion regarding local government reform at that workshop.

D. Lew advised the Committee that Total Mobility trips on the West Coast were shorter and less costly than in larger urban centres, making it a particularly effective solution for residents needing to access essential services such as medical appointments and supermarkets.

Moved (A. Cassin / M. McIntyre) that the Committee:

1. Receive the report.

Carried

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9.8 Bond Policy and Operational Framework

M. Dickens presented the report on behalf of M. Smith, Group Manager, Regulatory and Policy.

The Committee noted the policy formalised and systematised the bond process and updated the existing 2014 methodology, providing a clearer process for managing the Council's financial security and rehabilitation risk.

Cr A. Birchfield noted that the policy provided that the Council would not pay interest on cash bonds held by the Council. D. Lew explained that administering interest on bonds was complex and costly, and that applicants who did not wish to lodge a cash bond could instead provide a bank surety. Cr C. Smith expressed support for the policy, noting that the no-interest provision acted as a disincentive to lodge cash bonds and an incentive to use bank surety, which benefited both miners and the Council.

Moved (A. Birchfield / M. McIntyre) that the Committee:

1. Receive the report.
2. Adopt the Bond Policy.
3. Note that bond amount for mining activities not covered by the standardised alluvial gold methodology, including hard-rock gold and coal mining, will be determined on a case-by case basis, having regard to the environmental effects, scale, Complexity, rehabilitation requirements and risks associated with the particular activity.

Carried

9.9 Report to Council in relation to the ROSC role

The Committee noted that Chanelle van Rooyen had completed the extensive training, examination, and testing required to qualify as Regional On-Scene Commander for Oil Spill Response and had received endorsement from Maritime New Zealand.

D. Lew congratulated Chanelle on obtaining the qualification, emphasising that it required significant effort and commitment. Cr C. Smith, on behalf of the Council, endorsed the Chief Executive's congratulations to Chanelle. Cr C. Coll noted the benefit of having this capability “in-house”.

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Moved (M. McIntyre / A. Cassin) that the Committee:

1. Receive the report.
2. Notes that the Chief Executive has exercised his delegated authority to appoint a ROSC.

Carried

10 Motion into Public Excluded Business

Moved (M. McIntyre / C. Smith) that:

1. The public be excluded from the following parts of the proceedings of this meeting, namely – **agenda items 11 to 12** (all inclusive).

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

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General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) of LGOIMA for the passing of this resolution
11.1 *Minutes of Environmental Management Committee public excluded meeting – 2 June 2026*	*s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons* *s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information* *s7(2)(j) - the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage*	*S48(1)(a)(i) - the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7*
12. *Action List – public excluded*	*No public excluded actions*	*No public excluded actions*
13. *Reports- public excluded*	*No public excluded reports*	*No public excluded reports*

Carried

The meeting moved into a public excluded session at 12.20pm.

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14. Environmental Management Committee Resumes in Public Meeting

There being no further business, the meeting concluded at 12.20pm.

.....

Chair

.....

Date

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7	**Actions List**
Author	Chris Chinn, Principal Governance Advisor
Public Excluded	No

Report Purpose

This report is a summary of items that require actions.

The responsible managers have updated the list and will address their respective action items.

Recommendation

It is recommended that the Committee resolves to:

1. Receive the actions list and the information noted.

Attachments

Attachment 1: Actions List Public - Updated

ACTIONS LIST - Public

Item No.	Reference	Date of Meeting	Item	Officer	Update
1.	ACT0128	01-Sept-26	Staff will review the report templates to provide guidance on how the report summary should be written for Council/Committee reports	Group Manager -Jo Field	Complete - Governance team have conducted a review of templates and determined the templates provide an adequate structure to ensure critical information (Purpose, recommendations, Key points) is presented in the Report Cover page, with the Report Body, highlighting key issues and considerations, and further details in Attachments for reference only. Report writers have been reminded about the importance of a clear report summary. Staff are working on improving consistency between reports across all committees to get the right balance for information provided to Council and Committees.

Item No.	Reference	Date of Meeting	Item	Officer	Update
2.	ACT0129	01-Sept-26	A briefing is provided to Council on AI use and a draft AI Policy.	Group Manager - Blair Keily	In progress (As per the discussion at the 20 October 2026 RAC Meeting).
3.	ACT0130	01-Sept-26	A letter is sent to the appropriate Minister/entity expressing concern about the withdrawal of funding and resources for the long-term water quality monitoring sites.	Group Manager - Shanti Morgan	A letter has been drafted and is under final approval.
4.	ACT0131	01-Sept-26	S. Morgan circulates the EnviroSchools Annual Report to the Committee.	Group Manager - Shanti Morgan	Complete - Email sent to Councillors on 1 September 2026
5.	ACT0132	01-Sept-26	A further report on EnviroSchools is brought to Council in approximately six months on delivery of the program against KPIs and including the key messages shared with schools	Group Manager - Shanti Morgan	Complete - Report is scheduled for the April 2027 EMC meeting

REPORTS

9.1	Update - West Coast Ballance Farm Environment Awards
Author	Shanti Morgan, Group Manager Environmental Science
Authoriser	Darryl Lew, CEO
Public Excluded	No

Report Purpose

To update the Committee on the inaugural West Coast Ballance Farm Environment Awards, Council's regional partnership and future funding considerations.

Report Summary

The Ballance Farm Environment Awards are a nationally recognised programme celebrating farmers and growers who demonstrate good environmental stewardship alongside productive and profitable farming practices.

For the first time, the West Coast is hosting its own regional awards programme in 2026/27, providing an opportunity to recognise local farmers and showcase sustainable farming practices across the region.

Five farming businesses have entered the inaugural West Coast awards, with judging scheduled for 16–20 November 2026 and the regional awards dinner to be held on 23 February 2027 at the Regent Theatre in Greymouth.

West Coast Regional Council is supporting the programme as a regional partner. This aligns with Council's role in promoting sustainable land and water management, supporting positive relationships with the rural community and encouraging good environmental practice.

Any ongoing financial contribution to support future awards programmes will be considered through Council's Long-term Plan process.

Recommendation

It is recommended that the committee resolve to:

1. *Receive the report.*

Issues and Discussion

Background

The Ballance Farm Environment Awards are an annual programme managed by the New Zealand Farm Environment Trust, an independent charitable organisation that promotes sustainable farming and growing practices throughout New Zealand.
The Awards originated in the Waikato in the early 1990s, following an initiative by farmer and conservationist Gordon Stephenson to recognise farming businesses successfully balancing agricultural production with environmental protection. The programme has since expanded nationally and operates across 11 regions.

The Awards aim to recognise and celebrate good farming practices, showcase practical examples of environmental stewardship, and encourage knowledge-sharing between farmers, growers and the wider community.

Unlike programmes focused solely on environmental performance, the Awards take a holistic approach to sustainability, recognising that successful farming businesses must balance environmental, economic and social outcomes.

Entrants are assessed across a range of areas, including:

- Soil and water management.
- Biodiversity protection and enhancement.
- Animal and plant care.
- Business performance and long-term profitability.
- Climate and waste management.
- People, wellbeing and community involvement.

An important feature of the programme is its constructive and supportive judging process. Participating farmers receive feedback from experienced farmers and industry professionals, identifying strengths and opportunities for improvement. The Awards therefore provide benefits beyond the recognition of individual winners, supporting continuous improvement, peer learning and the sharing of successful practices across the farming sector.
Further information is available from the New Zealand Farm Environment Trust.

Establishment of the West Coast Awards

The 2026/27 programme represents the first time the West Coast has hosted its own Ballance Farm Environment Awards.
Previously, the region did not have a dedicated regional awards programme, limiting opportunities for West Coast farming businesses to receive recognition through this established national initiative.

The introduction of a West Coast programme provides an opportunity to showcase the work already being undertaken by local farmers to protect waterways, manage land sustainably, improve biodiversity and maintain productive farming businesses.

The Awards are particularly relevant to the West Coast, where farming is an important contributor to the regional economy and land management takes place within an environment characterised by high rainfall, extensive waterways and significant indigenous biodiversity.

The programme provides an opportunity to highlight practical examples of how environmental protection and productive farming can be achieved together.

Council's involvement as a regional partner

West Coast Regional Council is supporting the inaugural West Coast Ballance Farm Environment Awards as a regional partner. Council's involvement reflects its responsibilities for environmental management and its interest in encouraging sustainable land-use practices across the region.

The programme is being delivered through a regional management committee working alongside the New Zealand Farm Environment Trust. Council is represented on the committee alongside Westland Milk Products, Development West Coast, the West Coast Focus Farm Trust and representatives of industry organisations sponsoring the Awards. Regional and judging coordination is being provided by the West Coast Catchment Collective.

This partnership provides an opportunity for Council to support positive environmental outcomes through recognition, education and collaboration, complementing its regulatory responsibilities and strengthening relationships with the rural community.

Current situation

Planning for the inaugural West Coast awards is progressing well, with five farming businesses entered from across the region, extending from Whataroa to Springs Junction.

A five-member judging panel has been confirmed, bringing together farming, environmental management, agricultural industry and financial expertise.

Judging will take place from 16 to 20 November 2026, during which participating farming businesses will be assessed against the Awards' sustainability criteria.

The inaugural West Coast awards dinner is confirmed for Tuesday 23 February 2027 at the Regent Theatre, Greymouth.

The ceremony will also feature a Catchment Group Showcase, recognising the collective efforts of rural communities to improve freshwater health, environmental outcomes and community resilience. This New Zealand Farm Environment Trust initiative celebrates locally led catchment work and shares examples that can inspire other rural communities.
The evening will celebrate the participating farmers, recognise their achievements and provide an opportunity for the wider rural community, industry partners and local government representatives to come together.

All Councillors are invited to attend the awards dinner. Further details, including event arrangements, will be provided closer to the date.

Following the regional awards, the programme provides opportunities for further learning and recognition, including a field day hosted by the Regional Supreme Winner and potential participation in the national awards process.

Note: This report is for information purposes only.

Considerations

Implications/risks

The partnership offers relationship-building and educational benefits. The Trust independently manages the programme; Council is a partner, not the awards authority. Staff judges must maintain professional boundaries with regulated properties.

No significant operational risks have been identified.

Significance and Engagement Policy assessment

There are no issues within this report which trigger matters in this Policy.

Views of affected parties

No consultation is required as this report is provided for information only.

Mana whenua views

No decision affecting mana whenua interests is sought. The programme supports broader objectives for sustainable land and water management.

Views of effected parties

Five inaugural entrants indicate initial rural-sector interest, alongside support from agricultural organisations and regional partners.

Financial implications

No additional funding approval is sought through this report.

Legal implications

There are no specific legal implications arising from this information report.

REPORTS

9.2	**Natural Hazards Quarterly report**
Author	Chris Cameron, Principal Natural Hazards Analyst
Authorizer	Shanti Morgan, Group Manager Environmental Science
Public Excluded	No

Report Purpose

This report provides Council with an overview of key activities, progress and developments within the Natural Hazards function over the past six months, highlighting Council's role in identifying, assessing and communicating natural hazard risks to support informed decision-making and improve community resilience across the West Coast.

Report Summary

Over the past six months, the Natural Hazards function has focused on improving hazard information, strengthening Council's management of known risks, and supporting community preparedness and long-term planning. Key developments include:

- **Management of known natural hazard risks:** Following the release of the Davison report into the Mount Maunganui landslide tragedy, Council has strengthened its focus on how known risks to life are identified, escalated and managed. A new organisational risk, *"A known natural hazard risk to people is not understood, owned, escalated or acted on in time,"* has been added to the risk register. This is rated High, with the Chief Executive as risk owner. Staff are also reviewing historical reports and correspondence to identify risks to life and track recommended actions.
- **Updated landslide mapping:** Higher-resolution landslide maps have been completed for Granity, Runanga, Greymouth and Franz Josef. These provide improved information on potential property exposure

and are now available through the Natural Hazards Portal, alongside the supporting ESNZ report.

- **Waiho River TAG:** The reconvened Technical Advisory Group has reviewed its 2023 recommendations and produced an addendum report identifying further recommendations and amendments. Councillors received a briefing on 6 October, and the addendum is attached for Council to receive.
- **Improved public hazard information:** Work is underway to introduce location-based information to the Natural Hazards Portal, bringing together multiple hazards affecting individual communities. Draft public information pamphlets have also been developed to support hazard awareness and preparedness.
- **Strategic planning:** Natural hazards information, including consideration of changing climate conditions and the PARA framework, has informed the Long Term Plan, Infrastructure Strategy and Strategic Asset Management Plan.
- **Community engagement:** Staff have supported public awareness through AgFest, school and community visits, working alongside Emergency Management where appropriate.
- **National climate reporting:** The Government's *Our Atmosphere and Climate 2026* report, released on 7 October, provides updated information on changing weather patterns and natural hazard risks, offering further context for Council's planning and assessment work.

Recommendations

It is recommended that the Committee resolve to:

1. *Receive the Natural Hazards Quarterly report.*
2. *Receive the 2026 Waiho TAG group report: Future Management of the Waiho River: Addendum Report*

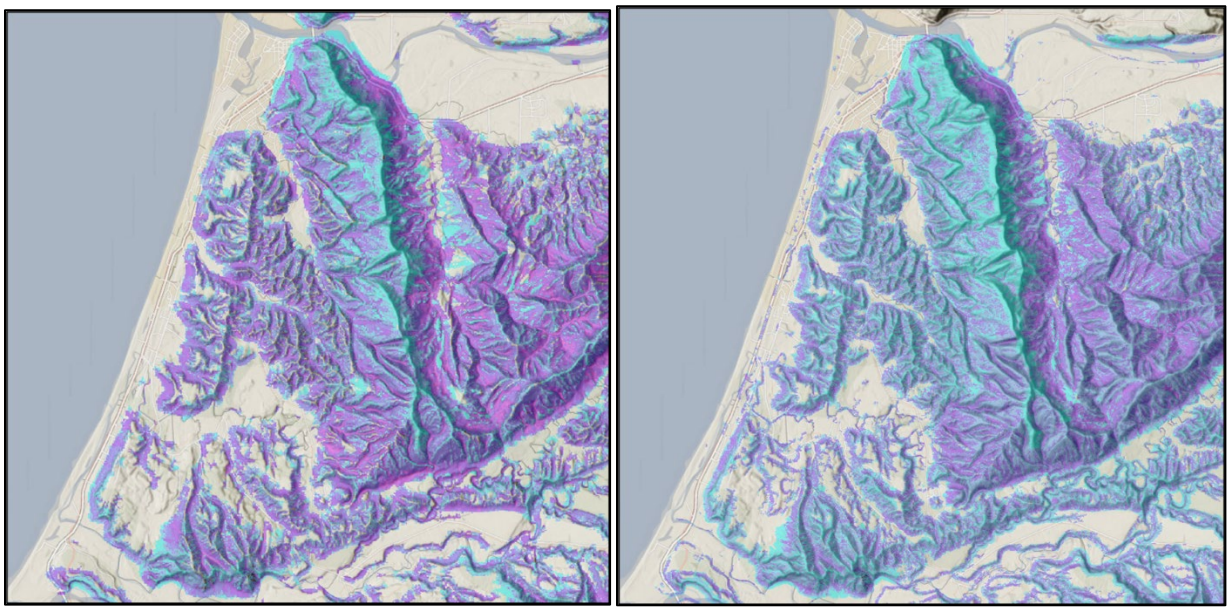
3. *Note that a new organisational risk has been added to the risk register to reflect the potential risk to life from natural hazards.*

Issues and Discussion

High resolution Landslide modelling

While our regional modelling was updated in March 2026 with the use of regional Lidar data (providing a much more accurate representation of elevation), it was still at a 25m grid scale. Higher resolution modelling (at 8m grid scale) was delivered for four selected landslide risk areas by Earth Sciences New Zealand (ESNZ) early in August. The selected locations were Granity, Runanga, Greymouth, and Franz Josef. These places were chosen on the basis of the number of residential and lifeline buildings exposed to the hazard, the number of buildings with a risk rating of high, and the total 'annual property loss risk' (APLR – a key metric used in the model) within an area.

The maps below show the difference in results for APLR in Greymouth between the lower resolution map (left) and the improved higher resolution map (right).



It can be seen that there are significantly fewer locations with the highest risk of property damage (bright pink). That is, the impact of landslides at this

higher resolution is generally reduced for these areas. This is because a higher resolution allows earlier deposition of landslide material in uneven topography (i.e., lumps and bumps slow down or stop the progress of landslide material), and it doesn't spread out as much on flatter 'run out' areas because the channels and gullies are better represented (i.e., landslide material is more effectively channelled into those zones).

The new higher resolution data for these four key areas are included in the WCRC Natural Hazards Portal, alongside the ESNZ report. It is anticipated that additional areas will be added over time.

Natural Hazard Risk to Life

A range of work is underway following release of the Davison report, which is the first investigation report to be published relating to the Mount Maunganui landslide tragedy.

Firstly, the organisational risk register has had a new risk added:

> ***A known natural hazard risk to people is not understood, owned, escalated or acted on***

The risk has been assessed as High and is a Top Level Risk owned by the Chief Executive.

Second, all natural hazard related reports and correspondence that identified or estimated risk to life are being reviewed. The recommendations from such reports are being extracted, and the status of implementation for those recommendations is being checked. A record of these is being kept, and any necessary further follow up will be undertaken with urgency where required.

The third item under this heading is that we are developing a 'Standard Operating Procedure' for discharge of hazards information to District Councils. This incorporates all types of reports, but it is anticipated that more stringent process will be developed for providing high risk natural hazard information or reports to District Councils. For example, this may require that we develop a

'Memorandum of Understanding' or similar agreement to ensure that not only do we discharge our legal obligations, but that we work alongside the District Councils to track progress on managing or mitigating the risks where appropriate.

Waiho Technical Advisory Group (TAG)

Following rapid changes in the Waiho and Tatare river valleys as a result of the avulsion of the Waiho River, the Waiho TAG group was reconvened to identify if those changes would lead to any revisions to the recommendations made by the TAG in their 2023 report. Staff from both the Natural Hazards team and the Catchment Management team provided supported to the TAG.

The TAG met for a half-day online workshop and an addendum report was produced. This new report confirms the findings of the 2023 report, but includes additional recommendations, including:

- The benefit in developing TARPs (trigger, action, response plans) for Emergency Management response
- Avoiding stopbank reinstatement for the southside if significant damage occurs
- Urgently implementing the 10-year master plan through a formal work programme
- Assessing the likely timeframe before the Waiho river returns to the southern channel
- Enhancing the river monitoring programme
- Undertaking a national level communication programme and briefing on the risks for the new water entity (Coast Waters).

The updated TAG Addendum report is attached as an Appendix to this report.

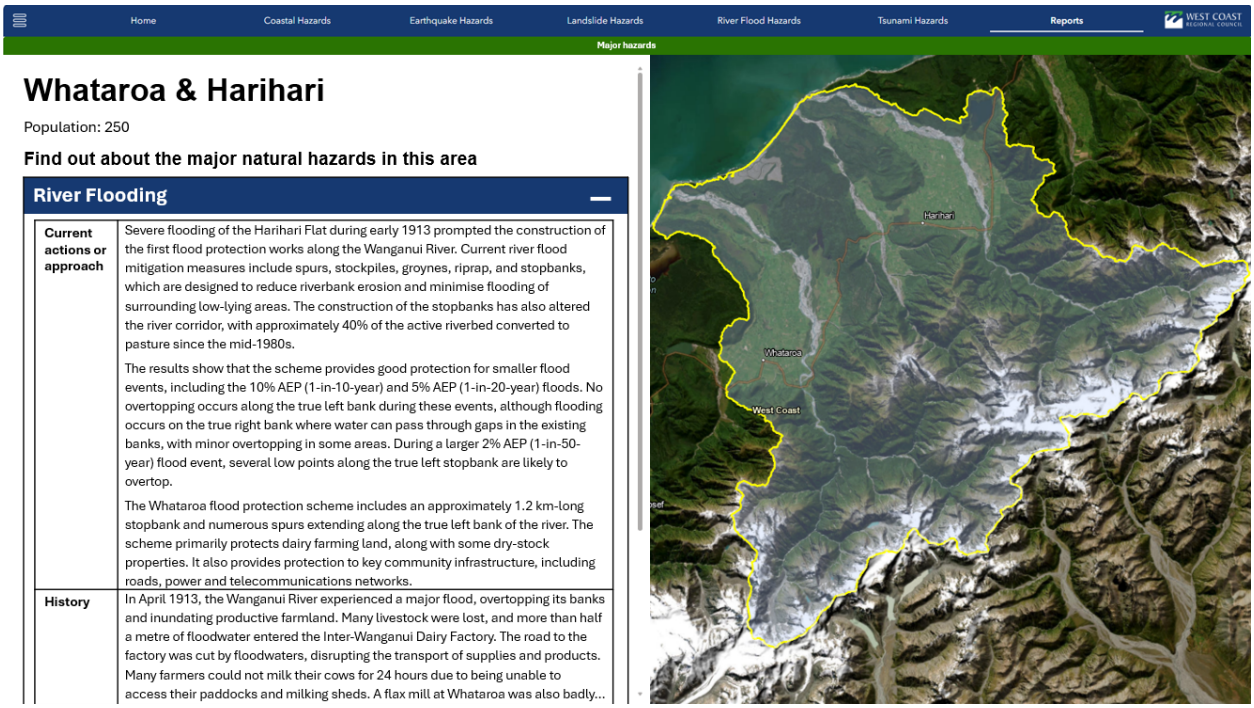
Public-facing Hazard information

Hazard information pamphlets have been created covering a range of hazards (flood, landslide, coastal hazards, earthquakes, tsunami). These aim to support public understanding of hazards and how to prepare, respond, and recover from them. They provide information about what causes the hazard, the particular types experienced on the West Coast, and warning signs, as well as information on science, modelling and monitoring. We have commenced distributing pamphlets at events, such as Civil Defence workshops, **AgFest** and community and school events. Improvements will be made over time, based on end-user feedback and examples from elsewhere nationally and internationally. An example of one side of the Landslide pamphlet is shown below.



Place-based hazard information

A new 'Location-based' hazards page has been developed for inclusion in the Natural Hazards Portal. This will provide hazard information for 18 key locations across the West Coast, including Karamea, Westport, Greymouth, Rapahoe, Franz Josef, Haast and Jackson Bay. It brings together information on the range of natural hazards affecting each location, providing a common understanding of the hazards and associated risks. The locations were selected based on the availability of hazard information and the potential consequences of natural hazards for the local community. Each location profile will summarise the historic hazard events, existing mitigation measures, likely consequences, and links to more detailed hazard information where available. This will help communities, property owners, developers and decision makers better understand local hazards and how their areas may be affected by different hazards. The information will be updated as new data and assessments become available. Below is an example of how this may look on the Natural Hazards Portal.



Natural hazards to inform strategic direction

Work has been undertaken to include key information into WCRC strategic documents related to addressing natural hazards and impacts from climate change. This includes consideration of the PARA (protect, accommodate, retreat, avoid) framework – where options beyond engineering solutions are assessed. Such an approach will become increasingly important over time, including where the costs of ongoing protective works may become prohibitive, and reflecting changes in the impact, frequency and likelihood of natural hazards due to climate change. Core documents where such information is included are the Long-Term Plan, the Infrastructure Strategy and the Strategic Asset Management Plan.

Community Outreach

The Natural Hazards Advisor staffed the WCRC stand at **AgFest**, providing hazards pamphlets and engaging with members of the public over the two-day event. Natural hazard information was presented on behalf of the Natural Hazards team by the Senior Hydrology Technician at the recent Civil Defence community event in Haupiri. This included information about the Alpine Fault, liquefaction, and landslides. The Natural Hazards Advisor teamed up with the Westland Emergency Management Officer for visits to key community contacts and local communities in South Westland, to understand their lived experiences, concerns and level of preparedness. This also provided an opportunity to visit hot spots for flooding, landslides and other hazards on the ground.



Image: WCRC staff setting up for AgFest

Our Atmosphere and Climate 2026

The Ministry for Cities, Environment, Regions and Transport (MCERT) and Stats NZ have released *Our Atmosphere and Climate 2026*, providing an updated national assessment of observed environmental trends and projected changes in climate-related hazards.
The report contains information relevant to the West Coast, particularly in relation to rainfall, river flows, natural hazards, infrastructure resilience and economic activity. Key findings of regional relevance include:

- **Rainfall and river flows:** Annual rainfall and river flows are projected to increase across parts of the western and southern South Island towards 2090. Extreme rainfall events are also projected to become more intense, with implications for flood management, infrastructure and land-use planning.
- **Glaciers**: New Zealand's glacier ice volume declined from approximately 56 km³ in 1997 to 30 km³ in 2023. Further reductions are projected, with potential implications for tourism, river systems and associated regional economic activity.

- **Flood exposure:** The report highlights the West Coast's significant exposure to flooding, drawing on the economic and social impacts of the 2021 and 2022 Westport floods. It identifies the importance of understanding flood risks and considering a range of approaches to managing them, including flood protection infrastructure, land-use planning and longer-term adaptation. This is relevant to the ongoing flood resilience and master planning work being undertaken in Buller.
- **Insurance and property:** Increasing natural hazard exposure and associated costs are placing pressure on insurance affordability and availability in some locations. This has potential implications for property values, investment and access to mortgage lending, and strengthens the case for effective adaptation – and specifically for encouraging development in locations where risk is lower.
- **Infrastructure and transport:** Flooding, landslides and coastal processes present ongoing risks to roads, utilities and essential services. Projected changes in rainfall intensity and sea levels may increase the importance of infrastructure planning, maintenance and resilience.

Relevance to Council

The findings from *Our Atmosphere and Climate* provide additional national context for Council's existing responsibilities in flood monitoring and warning, natural hazards information, environmental monitoring and regional planning. They reinforce the importance of maintaining reliable environmental data, understanding local hazard exposure and supporting evidence-based decisions about infrastructure and land use.

The report is provided for Councillors' information. It does not propose any changes to Council's current work programmes, policy settings or funding priorities.

Considerations

Implications/Risks

Several strategic, operational, and reputational risks associated with the ongoing expansion of natural hazard information and responsibilities for the Regional Council were outlined in the previous Quarterly Report, and these remain valid for this period, with some minor updates. In brief these were:

- **Capacity and workload** pressure – due to Increasing volumes of hazard data and heightened expectations from other agencies. This may affect timely decision-making for planning and consenting. Mitigation is through development of an annual work programme aligned to regional priorities & TA needs, together with building team capacity and capability, improved efficiency and use of external expertise when required.
- **Delays in making critical hazard information available** - If new hazard information is slow to be assessed and published, communities and TAs may unknowingly continue development in areas of elevated risk, increasing potential impacts during a natural hazard event. Clear internal quality assurance and sign-off processes have been developed to manage this risk. Additionally, regular maintenance of public-facing hazard information channels is being given attention to ensure its accessibility is improved.
- **Uncertainty regarding structural and legislative changes** – these include requirements for spatial plans (which should be well informed by natural hazard risk) and changing future obligations from various policy settings (e.g., local government reform; requirements for 'Adaptation Plans', etc.). The detail and associated funding for a number of these elements is unclear, creating risk around unplanned workload, resourcing, and community expectations for adaptation support. Early alignment of our natural hazard work programmes with these anticipated requirements, ongoing monitoring of legislative development (e.g., replacement of the RMA), and proactive

engagement with funding pathways such as the Regional Infrastructure Fund will be continued by council staff until more clarity is provided by central government.

- **Public and stakeholder engagement** challenges - As more hazard information becomes publicly accessible, some communities may feel anxious or challenged by newly identified risk areas, potentially leading to increased queries, complaints, or political pressure. The Natural Hazards team have developed plain-language summaries of reports, planned engagement alongside new information releases, and undertake strong collaboration with CDEM and TAs to ensure consistent messaging, and public education on hazard and climate risk.

Significance and Engagement Policy Assessment

There are no issues within this report which trigger matters in this policy.

Tangata whenua views

The items raised in this report are considered to be of interest to tangata whenua.

Views of affected parties

Staff are not aware of any views of affected parties which impact matters discussed in this report.

Financial implications

This work is delivered within the regional council 2026/27 annual plan budget.

Legal implications

Not applicable

Attachments

Attachment 1: Future Management of the Waiho River: Addendum Report

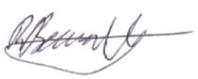


Future Management of the Waiho River: Addendum Report

This report has been compiled by the 2026 Waiho Technical Advisory Group at the request of the West Coast Regional Council

25 September 2026

T. Davies, I. Fuller, M. Gardner and M. Healey.

TAG members		Tim Davies	
		Ian Fuller	
	pp	Matthew Gardner	
		Mark Healey	
WCRC support staff		Chris Cameron, Tom Hopkins	
Date:		25 September 2026	

Executive summary

The Technical Advisory Group that developed the *Future Management of the Waiho* report in 2023, was reconvened by the West Coast Regional Council (WCRC) to establish if any amendments to their findings or recommendations were needed given that the avulsion of the Waiho River into the Tatare continues to develop. In line with the approach taken by the 2023 Waiho TAG group, all of the advice and recommendations within this report are solely the views of the TAG as an independent group.

The reconvened TAG noted that there is now (3 years after their 2023 recommendations) much greater urgency for definitive response action, given the rapidly increasing risk to lives, properties and infrastructure, likely cost escalations over time, and continued aggradation of the river in proximity to Franz Josef township. While the Waiho avulsion to the Tatare temporarily takes some pressure off the areas to the south of the Waiho, its development - and therefore its eventual return to a southern riverbed - appears to be happening more quickly than anticipated. Stopbank improvement works over recent years have reduced the *likelihood* but not the *consequence* of flood impacts on Franz Josef. In fact, the consequences may have increased (as flood waters would be at a higher level given aggradation of the riverbed). Stopbank improvements therefore only provide short-term relief (i.e., buying time for broader strategic planning), and the residual risk is not reduced. In addition, delays in implementation of the 10-year management plan proposed in 2023 (herein the 'management plan') mean that further raising or strengthening work may be needed for some stopbanks, simply to stay ahead of the rate of aggradation of the riverbed.

The TAG proposed only minor amendments to the existing report recommendations, but developed the following additional recommendations:

Recommendation 1
That the mobile-bed morphological model be run to identify likely impacts on the south side without the stopbanks. Such modelling is needed to determine the consequences of stopbank removal, and how the released river may respond to earthquake sediment inputs. The TAG recommends that a detailed 'Trigger Action Response Plan' (TARP) is prepared for emergency management actions to trigger appropriate responses based on hydrological and river engineering advice for both sides of the river. High intensity rainfall and high river flows are monitored by WCRC, which inform such triggers. In addition, stopbank owners/managers should be encouraged to develop policies outlining that reinstatement of stopbanks would not occur if they were subject to critical failure. Such failure of the southern stopbanks would provide for permanent emergency abandonment of the Waiho flats.

Recommendation 2
That agencies work collaboratively and with urgency to implement and accelerate the 10-year management plan outlined in 2023. Work to implement the plan should be undertaken through a formalised work programme and organisational structure that provides agreed timeframes and responsibilities for delivery. This must include urgently identifying and strenuously pursuing opportunities for government-level investment. Additional uncertainty and concern are introduced because large sediment stores have built up in the riverbed upstream due to the absence of recent large flood events. Flood magnitude and frequency are expected to increase, particularly (but not exclusively) in association with the developing El Niño. An increased frequency of storms will mobilise the large sediment stores in the riverbed upstream, leading to accelerated aggradation.

Recommendation 3
That the rate of material buildup in the Tatare riverbed, together with observed changes to Lake Pratt, and other monitoring information, be used to undertake an urgent assessment of the anticipated time that it might take before the Waiho returns to the southern riverbed. This will provide a clearer picture of the available response/implementation time for the strategy.

Recommendation 4

That the Waiho River and Tatare Stream monitoring programme be formalised and expanded, given the rapid changes being seen from the development of the avulsion, and the high and increasing consequences of a major flood event. This would include monitoring of stopbank consents on the north bank alongside the formalised asset inspection process.

Recommendation 5

That TAG members, alongside appropriate Regional and District Council staff and elected members, assist with an urgent pro-active national-level communication programme to build wider awareness and understanding of the important issues of concern in this area and help promote urgent action to respond to the increasing level of risk (to both life and property) from the Waiho. The TAG recommends an urgent briefing to the incoming board of Coast Waters Ltd., following their commencement on 1 July 2027, on high-risk matters related to the Waiho.

Recommendation 6

The TAG agrees with the decision not to extend Havill's Wall stopbank as recommended by staff of West Coast Regional Council and endorsed at the Franz Josef Joint Committee. It is highly uncertain what impact any additional extension would have on flood flows. The TAG considers that the main structure of Havill's Wall should provide protection to its design level, provided it is maintained at its current level of service, but notes that the river avulsion is already threatening this infrastructure.

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Introduction

Purpose and scope of the TAG review

The avulsion of the Waiho River into the Tatare Stream channel has already had significant impacts for the area, including aggrading riverbeds and erosion, as well as inundation of some areas of farmland, and adverse effects for infrastructure and ecology.

The 2023 TAG report (*Future Management of the Waiho*) outlined a 10-year management plan which included recommended removal of stopbanks to the south of the river. A key driver behind the initial TAG review was to identify and address anticipated changes due to the avulsion. The avulsion has developed considerably and become a permanent feature since the 2023 delivery of their report.

The TAG was reconvened in mid-2026 to review the applicability of the existing 2023 strategy now that the avulsion has continued to develop. The aim of the review is not to rewrite the 2023 report, but to deliver an addendum that updates the recommendations (or adds to them), if needed, based on what has occurred since.

Background

2023 TAG report

The Waiho River Technical Advisory Group (TAG) was commissioned by WCRC in August 2023 to provide independent expertise to address the ongoing management of the Waiho River. The TAG developed a ten-year Management Strategy for the Waiho River in their report entitled *Future Management of the Waiho* in October 2023. The report concluded that the only effective long-term strategy is to allow the river to access its full floodplain width, reducing risk to the township and infrastructure, and providing time for managed retreat and adaptation. While the detailed recommendations of the 2023 TAG report are explored in following sections of this review, the main components of the report are summarised here.

The report notes that stopbanks and other protection structures have been built to protect both the township and farmland from flooding since European settlement but have, since the late 20th century, effectively restricted the river to about one-third of its natural fan area, increasing the natural rate of riverbed aggradation (sediment build-up). An additional environmental risk exists because of earthquake hazard, with a 15% chance of a magnitude 8 Alpine Fault earthquake in the next 10 years, which would likely cause severe damage to stopbanks, and trigger accelerated aggradation and flooding from land sliding in the catchment.

The report found that the riverbed is rising at about 0.2 m per year near the state highway bridge, about three times faster than if the river could flow anywhere over its full fan, thereby increasing

flood risk by reducing the capacity of stopbanks and making them more vulnerable to overtopping or breaching during floods. The river protection network has developed piecemeal, with varying standards applied over time, and reactive rather than strategic interventions. Many of the existing stopbanks are unlined, poorly constructed, lack adequate freeboard (safety margin above flood level), and have insufficient toe embedment (protection against scour). In addition, the network has suffered failures and repeated damage and repairs over its lifespan. The 2023 TAG report found that all key areas have a High or Critical risk rating for failure over the next 10 years. Upgrading the protection structures will generally only reduce the risk rating by one category and will be quickly nullified by ongoing aggradation.

The report noted that the avulsion (major breakout channel) from the Waiho into the Tatare Stream to the north was already starting to threaten key infrastructure and ecological sites. The avulsion presents a steep, erosive pathway that could degrade upstream assets and fill downstream riverbed areas with sediment.

The 2023 TAG found that the status quo approach (i.e., continuing to maintain and upgrade the current protection network) is unsustainable and not viable beyond the short term due to escalating costs and limited effectiveness. They concluded that the only reliable medium-term risk reduction comes from allowing the river to occupy more of its floodplain by removing the south side stopbanks, thereby:

- Slowing the rate of bed level rise
- Reducing stopbank failure risk
- Reducing the number of assets exposed to flooding
- Increasing the lifespan of north side stopbanks
- Reducing pressure on the developing avulsion

However, even with removal of the southern stopbanks, the aggradation of the river over time (albeit at a much slower rate across the full width of the floodplain) will still result in unacceptable risk developing long-term.

The 2023 TAG report recommended a 10-year, five-phase management plan, with a focus on managed retreat from the south side, realignment of State Highway 6, and interim protection measures for the north side and key infrastructure, following the Protect, Accommodate, Retreat, Avoid (PARA) framework.

Protect: Upgrade and maintain north side stopbanks
Accommodate: Enhance emergency management and community preparedness
Retreat: Systematically remove southern stopbanks and relocate infrastructure
Avoid: Prevent new development on the southern floodplain

The five phases of the plan were:

Phase 1: Emergency planning, north side upgrades, holding works on the south, and investigations into the level of risk on the south side
Phase 2: Land procurement, removal of Miltons' and unlined Rubbish Dump stopbanks
Phase 3: Further land procurement and removal of lined Rubbish Dump stopbank
Phase 4: Realignment and construction of State Highway 6 and services
Phase 5: Removal of remaining southern stopbanks

Estimated costs for protection structures and channel management over 10 years are around $40 million, but the cost of full retreat and infrastructure relocation was expected to be much higher, requiring detailed assessment. The plan acknowledges significant economic, social, and environmental impacts, emphasizing the need for stakeholder consultation and careful planning. However, given the high probability of major flooding or stopbank failure within the next decade, timely implementation of the management plan was seen as critical.

In summary the 2023 report found that the Waiho River's current management strategy was unsustainable due to rapid aggradation and increasing flood risk. The TAG recommended a staged, managed retreat from the southern floodplain, removal of southern stopbanks, and a focus on emergency preparedness and north side protection as the only viable medium and long-term solution to protect the Franz Josef township and surrounding areas.

Changes to the Waiho River since 2023

The gradually developing avulsion of the Waiho into the Tatare was driven into a critical phase by the January 2023 flood event, which produced rapid deepening, widening and upstream migration of the incision point. The Waiho now flows mainly via the Tatare avulsion, though occasionally still flows past Miltons' stopbank. For example, a recent flood sent water approximately 1.5 m deep down the latter flow path.

The rate of change is faster than the Earth Sciences New Zealand (formerly NIWA) morphological model shows. The incision point has migrated upstream and has already passed the point the model showed for 2029, although lateral erosion is occurring more slowly than modelled. The compressed timeframe shortens the ten-year window that the 2023 strategy had assumed for the infrastructure and planning responses.

Over the year between March 2025 to March 2026 the incision migrated about 1 km upstream to Canavan's Knob, with about 120 m of lateral erosion (farmland loss) on the true right at the downstream end. Net sediment gain of about 1.55 million m^3 for the year has occurred across the entire river bed from the Franz Josef glacier terminus down to the Tasman Sea, excluding the avulsion channel. This is in line with the long-term average (about 1 million m^3/yr.). Mean bed level across the avulsion reach fell about 2 m.

Bed level at the downstream end of Havill's Wall is now at or below the toe rock. The channel had recently been hard against the stopbank but has since moved to the centre of the bed – however, its position can change significantly within a single event. Continued upstream migration of the incision point will progressively expose more Havill's wall toe rock and thereby reduce the time available to secure or relocate the treatment ponds (assuming that any remedial repairs to the toe of the wall are themselves subject to further damage).

The Waiho riverbed upstream of the Waiho Loop comprises a lower fan (now perched, with effectively no change over the last year) and an upper fan that continues to aggrade at about the long-term rate – with the bed in this area now about 1.03 m above 2016 levels). A very large volume of gravel remains stored in these upper reaches.

The Tatare Gorge through the Waiho Loop has widened substantially (about 20 m true left and 40 m true right at its widest between 2019 - 2026), and it appears that this widening is accelerating

with half of the reported widening occurring in the last year alone. The outlet fan continues to grow, advancing about 170 m downstream over the last year. Lake Pratt has risen about 3.5 m in the last 3 years and continues to cut its own outlet into the Tatare Gorge outlet fan. Bed levels at the lake outlet have risen 3 m. The rate of water level rise at Lake Pratt is expected to slow as the Waiho-Tatare fan footprint spreads downstream of the Loop, so the likelihood of overtopping into Lake Mapourika is remote, and considered to be a limited ecological risk. However, a flood-driven blockage of the Lake Pratt outlet is a credible risk to be monitored as a priority.

The proposed ongoing monitoring programme comprises fortnightly webcam observations (via two new pan/zoom cameras installed by WCRC in March 2026), monthly satellite imagery analysis (upscaled Sentinel data), quarterly drone LiDAR (flown by WCRC), and an annual full-river geomorphological change detection (GCD) survey (using LiDAR undertaken by University of Canterbury). Such monitoring is augmented by additional regional imagery and LiDAR survey and other satellite imagery, as well as observations from local stakeholders. Rough order costs for such a monitoring programme are around $50,000 per annum, however, the means for funding this work has yet to be established.

Figure 1 below shows the most recent GCD survey results showing change between 2016 and March 2026, with red colour indicating bed erosion and blue representing aggradation.

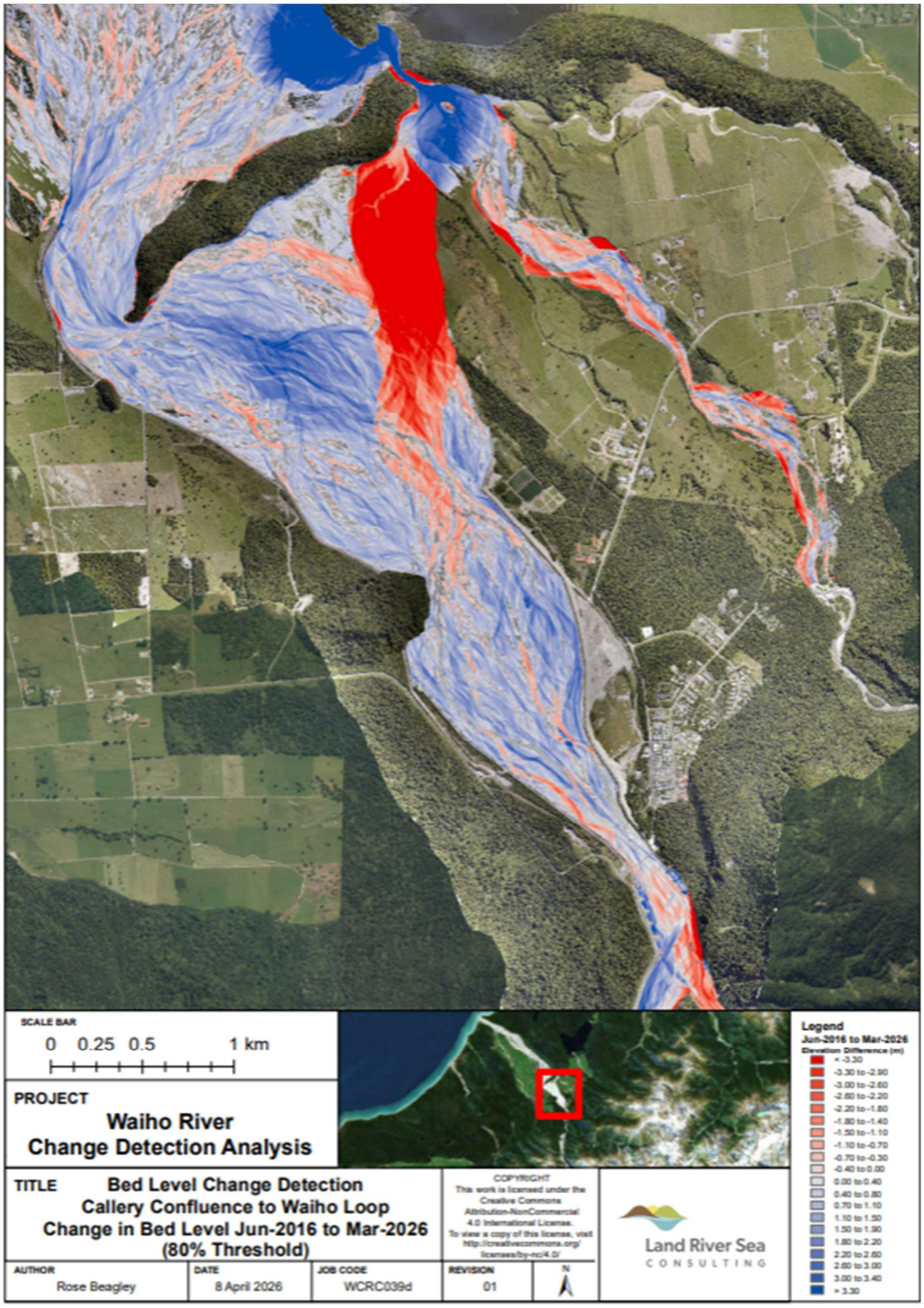


Figure 1: Waiho riverbed level changes between 2016 and 2026 (Source: LRS, 2026)

Review approach

The purpose and scope of the review as outlined above were initially developed by WCRC and refined by the TAG group in their initial 2026 meeting. This was followed by a ½ day online workshop convened and supported by WCRC with the TAG members. Prior to the ½ day workshop, relevant materials including reports, photographs and monitoring information were provided to TAG members to ensure they were up to date with developments related to the Waiho River since their previous work. The ½ day workshop was undertaken in two primary parts:

1. Review of the recommendations from the 2023 report
2. Identify any additional recommendations beyond those included in the 2023 report

Participants were 4 of 6 of the previous TAG members, with two of the earlier members unavailable for this review (Rose Beagley and Gary Williams). Though a smaller TAG group was involved in this report, this in no way detracts from the quality and independence of their advice. A senior staff member from WDC attended for periods of the ½ day workshop. Co-ordination of the meetings, notes and writeup undertaken by WCDC staff to ensure that agreed outcomes, including any proposed amendments to the strategy (if any) were captured and actioned. A list of personnel involved in the workshop is shown in the following table:

Person	**Role**
Prof. Tim Davies	TAG member
Prof. Ian Fuller	TAG member
Matthew Gardner	TAG member
Mark Healey	TAG member
Dr Chris Cameron	WCRC Principal Natural Hazards Analyst (convenor)
Tom Hopkins	WCRC Capital Programme Manager
Lee Webster	WDC Observer

Review of the 2023 recommendations

The reconvened TAG assessed the previous recommendations with a focus on the following aspects of each:

- Who would be considered as the 'owner' of each recommendation? [e.g., Regional or District Council, or Emergency Management teams, etc.]
- To what extent has the recommendation already been actioned?
- Does the recommendation need to be changed in either its content or urgency?

Release of the Waiho to the south

The 2023 report recommended:

> *That the Waiho River be fully released to the south to allow the river to distribute its sediment load over the whole fan area and reduce the rate of bed level rise, in order to*

reduce the critical risks posed by the flooding and avulsion hazards to the Franz Josef township, and its adjacent land and infrastructure.

This recommendation is a joint responsibility of the both the Westland District Council (planning) and the West Coast Regional Council (stopbank management). The 2026 review found that this recommendation has not yet been actioned. Westland District Council (WDC) has provided budget for relocation/replacement of the Franz Josef wastewater treatment plant in their 2025-2036 Long-term Plan (LTP), though recognising that this "*would likely be unaffordable for ratepayers without some external funding"*. The WDC's LTP also notes that a "*Future Franz Working Group*" has been developed "*to work in a collaborative manner to plan for the future of the Franz Josef/Waiau area in regards to the challenges it faces"*.

The TAG noted that the new entity *Coast Waters* will be managing three-waters infrastructure across the region by 1 July 2027, at the same time that the first stage of the planned WDC budget included in the LTP becomes available. The TAG suggests that the board of Coast Waters be urgently briefed on this high-risk location, including implications for its management.

The TAG clarified that "fully released" in their 2023 recommendation means removal of all southern stopbanks, and that releasing only downstream of Canavan's Knob would have no effect now – significant benefit is realised only once the upstream NZTA banks are also removed (requiring relocation of the highway). Prior to such full release, there is potential for increased pressure on the Waiho flats downstream of Miltons' stopbank, where in a flood event water would still be likely to impact on those areas (given the development of the lower Waiho fan).

The TAG acknowledged increased urgency in light of the avulsion developing more rapidly than expected – although this temporarily takes pressure off the true left banks, the pace of advancement of the avulsion makes it likely that it will fill in the available riverbed space more quickly, and therefore return to the former Waiho channel in a shorter time period than anticipated. Meanwhile, the upper Waiho River fan is continuing to aggrade, increasing pressure on the town (with average aggradation of 1.03m in approx. 10 years). The TAG noted that fully releasing the river to the south is not a 'fix all' because other actions are still required for the Franz Josef (north bank) community.

The TAG noted that the rate of Tatare fan-head rise downstream of the Waiho Loop could be extrapolated to estimate how long the accommodation space will take to be filled in and the main Waiho path return to the south.

The TAG assessment was for **no changes to this recommendation**.

Emergency Management measures

The 2023 report recommended:

That emergency management measures be prioritised given the current and future threats from the Waiho River, that new developments or intensified land uses on the southern floodplain be prevented with immediate effect, and that improvements be made to the existing protection network in order to provide protection whilst the staged release to the south is implemented.

The 2026 review noted that a draft Franz Josef Flood Evacuation Response Plan has been developed by Civil Defence Emergency Management (CDEM) group staff. This plan was approved by the West Coast Emergency Management (WCEM) Coordinating Executive Group on 5 February 2026 and presented to the WCEM Joint Committee on 19 February 2026. The plan will then be reviewed by WDC, with feedback incorporated into the report, before CDEM group staff train WDC Emergency Operations Centre (EOC) staff in the procedures contained within the report, engage with the local Franz Josef civil defence group, and conduct an evacuation exercise with the EOC.

The TAG noted that there are expected to be different characteristics of future flooding compared to the past, given the avulsion and changes to the riverbed. The improvement works on the stopbanks are likely to have reduced the *likelihood* but not the *consequence* of flood impacts, and only in the short-term. In fact, the consequences of such impacts may have increased due to the increased height of the riverbed, along with the residual risk.

The ability to restrict new development or intensification is a responsibility of the District Council – via the region-wide Te Tai o Poutini Plan (TTPP) and other mechanisms. The TTPP includes several hazard overlays for flood risk, including 'Flood Severe' and 'Flood Susceptibility' where risk from flooding has been modelled and categorised by depth and speed of water. The 'flood hazard severe' overlay incorporates the beds of both the Tatare Stream and Waiho rivers, including the floodplain areas south of the Waiho, and much of SH6 where it crosses those floodplains. Development is a non-permitted activity in that zone. The 'flood susceptibility' overlay is a less severe category, incorporating areas exposed to flood risk, such as much of Franz Josef township, Tatare and surrounds. In these areas development may occur, providing measures are incorporated to mitigate the risk. The 'flood hazard alert' overlay indicates that a flood risk could exist and may allow for development provided that the level of risk is identified, and appropriate mitigation steps are taken. The TAG highlighted that any land use intensification in either of the food hazard overlays should now be classified as a noncomplying activity to avoid exacerbating the exposure of people and property at risk. Similarly, the District Council may benefit from developing a standard statement for inclusion in any LIM applications on both the north and south floodplains. A further option would be to consider the use of section 72 notices under the building act to warn of land that is prone to natural hazards.

The PARA framework (i.e., Protect, Accommodate, Retreat, Avoid) for adapting to heightened risk is an appropriate approach to take (and in particular using the 'avoid' or 'retreat' strategies). Indeed, the PARA framework also applies for managing risks and needs for planning measures to occur in Franz Josef, Tatare area and potentially other locations at risk from flooding.

Improvements to the existing protection network are both a Regional Council and NZTA responsibility. These are either underway, completed, ongoing, or near completion, while others are in consent phase for lifting/strengthening. Work on the north bank is mostly complete, while work on the Rubbish Dump and Milton and others stopbanks is complete on the south bank. The TAG noted that delays in progressing implementation of other parts of the wider Waiho strategy (such as removal of the southern stopbanks) means that additional stopbank works (such as further raising and strengthening) might be needed before the release of the southern stopbanks occurs. Such additional work is likely to be relatively high cost, requiring aspects

such as a wider stopbank base. Increasing residual risk to Franz Josef is a key concern for the TAG. For the NZTA stopbanks, additional raising and widening is planned to occur together with the Bailey bridge lifting this year. Further lifting beyond that planned will present similar scope and cost challenges to the other stopbanks. Very early work related to preparing a business case for relocation of the highway has been initiated. The NZTA has outlined that they are keen to see the community-led adaptation plan to inform their own decision-making.

The overall TAG assessment was that given the stopbank works that have taken place to fulfil parts of this recommendation that it be reworded to the following:

> *That emergency management measures be prioritised given the current and future threats from the Waiho River, that new developments or intensified land uses on the southern floodplain be prevented with immediate effect, and* ***that the need for ongoing future improvements to the existing protection network would be avoided by undertaking the recommended staged release to the south in a timely manner***.

Ten-year management plan

The 2023 report recommended:

> *That the 10-year management plan be completed in a five-phase approach as outlined below, noting that following this report, in depth investigations and consultation with all involved stakeholders will be needed to develop each phase.*

The TAG noted that the management plan should be seen as jointly owned by a range of key stakeholders, including the Westland District Council, the West Coast Regional Council, West Coast Emergency Management, NZTA, Department of Conservation, and private landowners. The TAG expressed their concern that implementation of the proposed 10-year management plan has not been undertaken as recommended, meaning that effectively a full 10 years may still be required to enact the plan (for a visual Gantt chart summary of the 2023 10-year management plan see Appendix A). A 'fast-track' approach with central-government funding was seen as the only workable path likely to successfully accelerate implementation of the plan.

It is important to note that the Franz Josef Joint Committee (FJJC), that consists of community members of the rating district, only has a mandate to provide recommendations on the flood scheme itself. The ability of the rating district (as governed by the FJJC) to influence the broader issues at play in the Waiho River is limited. The FJJC assesses the scheme and makes recommendations to the regional council on the capital and maintenance upgrades of the physical flood protection – it has no mandate to make recommendations in areas such as emergency management arrangements, land use planning, management planning, managed retreat, or local infrastructure management (e.g., the oxidation ponds). All of these matters are a district council responsibility under section 31 of RMA (allocated via the Regional Policy Statement) and are critical aspects to ensure the success of the TAG's 10-year management plan.

It is suggested that a new mechanism/group be formed that has broader oversight and co-ordination of the wide range of tasks needed to ensure that the 10-year management plan is implemented. Such a group would best be led and convened by the Westland District Council,

given their critical land-use planning function, and government direction espoused in the Climate Change Response Amendment Bill (2026) for district councils to lead climate change adaption plans for significantly affected communities.

This group should include West Coast Regional Council, together with key government agencies and have responsibility to seek central government funding for plan implementation. The following table outlines the general split in responsibilities amongst relevant stakeholders who would make up the proposed new group.

Joint Committee	Regional Council	District Council	Other agencies
• Administration of Waiho stopbanks • Makes recommendations to the RC on capital and maintenance preferences	• Support to FJJC – makes decisions on the recommendations provided by them • Financial management and implementation of stopbank works + maintenance	• Leads the group and provides support services to it • Land use planning, zoning and development controls • Master planning, adaptation plans and managed retreat • Local infrastructure including wastewater and roads • Local Emergency management	• NZTA – oversight of state highways + their stopbanks • MCERT – oversight of relevant legislation • NEMA – oversight of emergency management responses • DoC – ecological oversight and major land-holder

The overall TAG assessment was that the phases and the order in which they are implemented remain appropriate (with one suggested minor amendment as outlined below) – recognising that the benefit to Franz Josef township is only realised following relocation of the highway allowing the southern stopbanks to be removed. Although the avulsion may be seen by some to give 'breathing room', allowing time for decisions to be made and the 10-year management plan to be implemented, this may not be the case. Firstly, the impact of the avulsion is happening faster than anticipated, and secondly, further delays would likely require additional raising of stopbanks to keep pace with the rate of riverbed aggradation – involving additional costs.

The following table provides each phase of the 10-year management plan and outlines work that has been undertaken to address each phase, alongside additional comments by the TAG.

2023 Recommendations	Update and additional TAG comments
Phase 1:	
a) CDEM management planning and preparing personnel as well as local community members for their responses to potential flood scenarios.	a) West Coast Emergency Management has developed a draft flood evacuation plan for the Franz Josef area incorporating the south side of the river (Waiho Flats).
b) Upgrade stopbanks on the north side from the SH6 bridge to the oxidation	b) Upgrade work has been completed. However, due to undermining risk from the avulsion, improvements are now needed to

ponds to maintain protection for the Franz Josef township. c) Undertake holding works along the southern stopbanks and Glacier Road to provide protection for the southern floodplain while preparatory works for the release are undertaken. d) Begin investigations into the likely impact of the avulsion into the Tatare Stream, response of the south side *floodplain* to *stopbank* removal, the extent of infrastructure on the southern *floodplain*, residual *risk* of *overtopping* on the north stopbanks and Glacier Road, and the relocation of the oxidation ponds and heliport.	the toe of Havill's Wall. WDC is seeking retrospective consent for work that was completed on a stopbank extension to Havill's Wall in 2024. c) The holding works are mostly complete, with planning processes still underway for the NZTA stopbank. The Glacier Road height was determined to be sufficient to meet design standards. d) The morphological model was updated in 2024 with scenarios out to 2029. A number of differences have been observed between the model and the actual development of the avulsion, which is occurring at a faster rate than the model indicated. The morphological model has not yet been run to identify what the likely impacts of stopbank removal might be on the south side (e.g., sediment deposition and surface changes); this work will require extension of the current model. Only coarse resolution mapping of infrastructure (buildings, ponds, etc.) has been undertaken for the southern floodplain (as part of the work of the previous TAG). This needs effort to quantify the infrastructure in detail, including the number of landfills, electricity networks, roading, stopbanks, removal costs etc. Work on the residual risk of overtopping the northern stopbanks has been completed, with the fixed-bed flood modelling extended upstream and run with 1m freeboard. However, TAG noted that rapid aggradation is occurring in that area. The Emergency Management team has requested updated flood modelling to account for the rapid aggradation. Relocation or replacement of the wastewater treatment ponds is under consideration by the District Council, with a feasibility/options study planned for 2027/28, and capital budget included in the LTP for the years from 2032-34. However, there is a strong possibility that the ponds may be inundated by flood waters before that time.
Phase 2: a) Land procurement, and removal / relocation of infrastructure, and	a) Procurement of land and removal or relocation of infrastructure or landfill sites

council and farm landfill sites within the identified flood hazard zone. b) Remove Miltons' stopbank and the unlined section of the Rubbish Dump stopbank on the south side.	has not yet started and remains an important need. b) TAG noted that significant work has been undertaken on improvements to stopbanks. They noted that given the avulsion shifting the normal river flow to the north, the raised Miltons' stopbanks may not be tested by flooding before they need to be removed. The two parts of the Rubbish Dump stopbank may be able to be worked on together (i.e., Phase 2b and Phase 3b).
Phase 3: a) Land procurement, and removal / relocation of infrastructure, and council and farm landfill sites within the identified flood hazard zone. b) Remove lined Rubbish Dump stopbank on the south side.	a) As for Phase 2a above (this is a continuation of the activity which commenced in that phase) b) As for phase 2b above, the two parts of the Rubbish Dump stopbank may be able to be worked on together (i.e., Phase 2b and Phase 3b).
Phase 4: a) Placeholder for the realignment and construction of State Highway 6 on the south side, and realignment of services (power, telecom, etc).	a) Not yet progressed. No suggested changes by the TAG
Phase 5: a) Remove the remaining southern stopbanks between SH6 bridge and Canavan's Knob.	a) Not yet progressed. No suggested changes by the TAG

The **overall TAG assessment was that** combining the three middle phases (2, 3, and 4 above) into a "Land procurement and removal / relocation of infrastructure" phase would be beneficial. The possibility of earlier removal of the stopbanks between SH6 bridge and Canavan's Knob should also be considered – this would allow for more rapid reduction of flood risks to the Franz Josef township.

Proposed new recommendations

The TAG identified the following additional recommendations:

Recommendation 1

That the mobile-bed morphological model be run to identify likely impacts on the south side without the stopbanks. Such modelling is needed to determine the consequences of stopbank removal, and how the released river may respond to earthquake sediment inputs. The TAG recommends that a detailed 'Trigger Action Response Plan' (TARP) is prepared for emergency management actions to trigger appropriate responses based on hydrological and river engineering advice for both sides of the river. High intensity rainfall and high river flows are monitored by WCRC, which inform such triggers. In addition, stopbank owners/managers should be encouraged to develop policies outlining that reinstatement of stopbanks would not occur if they were subject to critical failure. Such failure of the southern stopbanks would provide for permanent emergency abandonment of the Waiho flats.

Recommendation 2

That agencies work collaboratively and with urgency to implement and accelerate the 10-year management plan outlined in 2023. Work to implement the plan should be undertaken through a formalised work programme and organisational structure that provides agreed timeframes and responsibilities for delivery. This must include urgently identifying and strenuously pursuing opportunities for government-level investment. Additional uncertainty and concern are introduced because large sediment stores have built up in the riverbed upstream due to the absence of recent large flood events. Flood magnitude and frequency are expected to increase, particularly (but not exclusively) in association with the developing El Niño. An increased frequency of storms will mobilise the large sediment stores in the riverbed upstream, leading to accelerated aggradation.

Recommendation 3

That the rate of material buildup in the Tatare riverbed, together with observed changes to Lake Pratt, and other monitoring information, be used to undertake an urgent assessment of the anticipated time that it might take before the Waiho returns to the southern riverbed. This will provide a clearer picture of the available response/implementation time for the strategy.

Recommendation 4

That the Waiho River and Tatare Stream monitoring programme be formalised and expanded, given the rapid changes being seen from the development of the avulsion, and the high and increasing consequences of a major flood event. This would include monitoring of stopbank consents on the north bank alongside the formalised asset inspection process.

Recommendation 5

That TAG members, alongside appropriate Regional and District Council staff and elected members, assist with an urgent pro-active national-level communication programme to build wider awareness and understanding of the important issues of concern in this area and help promote urgent action to respond to the increasing level of risk (to both life and property) from

the Waiho. The TAG recommends an urgent briefing to the incoming board of Coast Waters Ltd., following their commencement on 1 July 2027, on high-risk matters related to the Waiho.

Recommendation 6

The TAG agrees with the decision not to extend Havill's Wall stopbank as recommended by staff of West Coast Regional Council and endorsed at the Franz Josef Joint Committee. It is highly uncertain what impact any additional extension would have on flood flows. The TAG considers that the main structure of Havill's Wall should provide protection to its design level, provided it is maintained at its current level of service, but notes that the river avulsion is already threatening this infrastructure.

Appendix 1: 2023 10-year Management Plan Gantt Chart

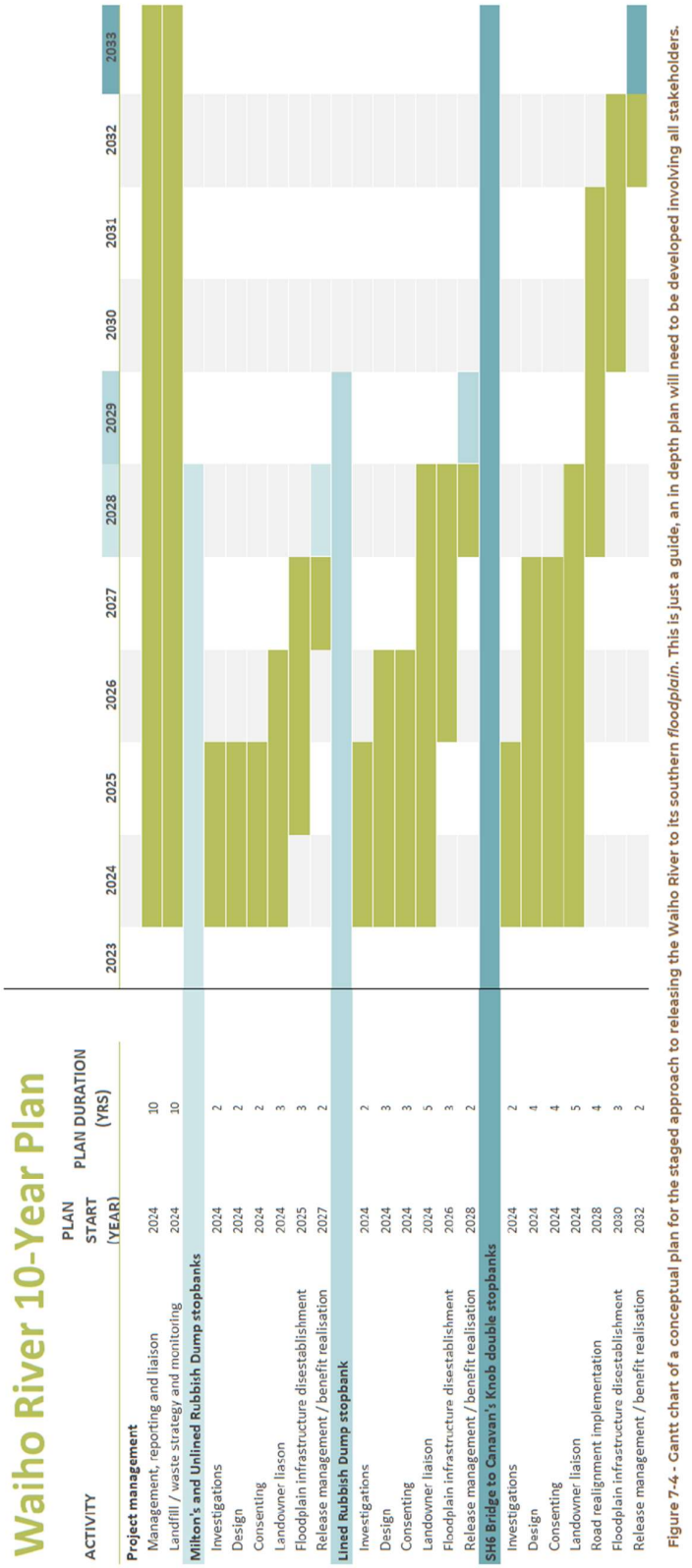


Figure 7-4 - Gantt chart of a conceptual plan for the staged approach to releasing the Waiho River to its southern *floodplain*. This is just a guide, an in depth plan will need to be developed involving all stakeholders.

In-Confidence

References

Waiho Technical Advisory Group (2023) *Future Management of the Waiho River*. Report compiled upon the request of the West Coast Regional Council

Land River Sea (2023) *Waiho River: Historic and Future Management Strategies*. WCRC client report.

Land River Sea (2026) *Waiho River Geomorphic Change Detection Analysis: Mar 2025 - Mar 2026*. WCRC client report.

9.3	**Planning Report**
Authors	Max Dickens, Policy Manager Lillie Sadler, Senior Planner Marianne Bimont, Planner
Authoriser	Matt Smith, Group Manager, Regulatory and Policy
Public Excluded	No

Report Purpose

This report provides an update on the Policy and Planning work programme, including national planning reform, amendments to RMA national direction, regional plan maintenance and the Te Tai o Poutini Plan (TTPP).

Report Summary

An Illustrative National Policy Direction (iNPD) has been released for feedback ahead of formal statutory consultation under the replacement planning system. Amendments to four RMA national environmental standards have been finalised, and the Local Government (System Improvements) Amendment Act 2026 has received Royal Assent. Minor corrections to the Council's regional plans are also being progressed. Regional Land Transport Plan development remains on schedule, although the delayed Government Policy Statement on Land Transport is creating uncertainty around funding and project planning.

Recommendations

It is recommended that the Committee resolve to:

1. Receive the report.

Issues and Discussion

Planning

National Direction and Initiatives

Illustrative National Policy Direction

The Government sought feedback on an Illustrative National Policy Direction (iNPD) as part of the transition to a new planning system under the Planning and Natural Environment Bills. This early engagement is intended to test the proposed approach before formal statutory consultation on a draft National Policy Direction following enactment of the Bills.

Purpose

The iNPD illustrates how the Government proposes to translate the purposes and goals of the Planning Bill and Natural Environment Bill into practical direction for the new planning system. It demonstrates how national priorities could guide regional spatial planning, plan preparation, and decisions on resource consents and permits, with the aim of improving consistency, certainty and efficiency.

The iNPD is an illustrative draft, not Government policy. Feedback is intended to identify gaps, trade-offs and improvements before the formal statutory consultation process.

What is it intended to achieve?

The proposed approach would give national priorities a clearer role in guiding regional and local planning decisions. It aims to reduce duplication, complexity, cost, delay and litigation by clarifying the outcomes expected from the planning system and the level at which decisions should be made.

The two Bills have complementary purposes:

- Planning Bill: Enable the enjoyment, use and development of land, recognising property rights and supporting economic growth while reducing unnecessary regulatory constraints.
- Natural Environment Bill: Establish a framework for the use, protection and enhancement of the natural environment, including environmental quality, human health and significant indigenous biodiversity.

The iNPD seeks to give practical effect to the goals of both Bills and to clarify how tensions between development, environmental protection and other public values could be managed.

Scope and operation

The iNPD is organised around five themes:

- Housing and development — increase development opportunities, support housing choice and urban intensification, and enable rural development.
- Infrastructure — support timely infrastructure delivery, upgrades and efficient use of existing networks.
- Primary production and the rural economy — enable agriculture, horticulture, forestry, aquaculture and associated activities.
- Resources: quarrying, mining and waste — provide access to essential resources and waste infrastructure while managing adverse effects.
- Public values — address environmental and human health, indigenous biodiversity, public access, natural character, landscapes and historic heritage.

It also includes cross-cutting directives relating to matters such as property rights, economic growth, reverse sensitivity, Māori interests and natural hazards.

The proposed implementation pathway runs from national to local decision-making: national policy direction establishes priorities; national standards provide consistent rules and methods; regional spatial plans set long-term strategic direction; land use and natural environment plans translate this direction into local provisions; and councils determine consent and permit applications within that framework.

Overall significance

The iNPD could significantly influence how councils plan for growth, allocate land for different uses, manage environmental limits and address competing interests. By setting more direction nationally, the proposed system aims to reduce uncertainty and duplication in regional planning and consenting.

Successful implementation will also depend on supporting national standards, guidance, digital tools and capability-building for councils and practitioners.

WCRC staff contributed to a review by Te Uru Kahika (TUK), which has prepared and submitted a submission (attached).

Amendments to RMA National Direction Instruments

The Government has approved final amendments to the following national environmental standards (NESs) made under the Resource Management Act 1991 (RMA):

- Electricity Network Activities (NES-ENA), which includes electric vehicle charging infrastructure activities;
- Telecommunication Facilities 2016 (NES-TF);
- Detached Minor Residential Units 2025;
- Marine Aquaculture 2020.

Amendments to the NES for Detached Minor Residential Units came into force on 11 September 2026. Amendments to the other three NESs came into force on 8 October 2026.

These gazettals complete the current programme of changes to RMA national direction. Since December 2025, four new national direction instruments have been introduced and 12 existing instruments amended. The changes aim to reduce consenting barriers, improve national consistency and provide greater certainty for resource users, while supporting economic growth and maintaining environmental protections.

Although these instruments operate under the RMA, the changes may also support the transition to the new planning system. Existing RMA national direction may inform future national policy direction, national standards and other national instruments where appropriate.

Local Government (System Improvements) Amendment Act 2026

The Local Government (System Improvements) Amendment Act 2026 received Royal Assent on 17 September 2026.

The Act amends the Local Government Act 2002 to:

- Refocus the purpose of local government on cost-effective infrastructure, public services and regulatory functions, replacing the four well-beings (social, economic, environmental and cultural).
- Define "core services" that councils must have particular regard to, including infrastructure and public transport.
- Change how council performance is measured and publicly reported.
- Introduce standardised codes of conduct and members' information rights.
- Remove voting rights and quorum status for non-elected members, including iwi representatives, on council committees and subcommittees, subject to exceptions for committees established under other legislation or Treaty settlements.

Minor corrections to Regional Plans

Policy staff have reviewed the Air, Coastal, and Land and Water Plan rules to identify minor corrections that can be made without a public submission process under Schedule 1 of the RMA. These include grammatical corrections, updates and clarifications that do not change the intent or effect of a rule. Once checked, the corrections will be made to the three plans.

Transport

The following is FYI only as these matters are dealt with by the Regional Transport Committee (RTC)

Total Mobility

The new fare structure was introduced on 1 July 2026. Initial results for the first three months indicate that demand has been relatively resilient. This is consistent with the

nature of the service. A substantial proportion of trips are likely to be for essential activities where users have limited alternatives. As a result, fare increases are unlikely to produce a proportionate reduction in demand.

Month	Trips	% Trips above fare cap
June	2,685	27.2%
July (new fare cap and structure)	2,500	73.4%
August	2,477	72.5%
September	2,677	75.5%

Regional Land Transport Plan (RLTP) development

Development of the RLTP is on schedule. All initial 'Continuous Programme' bids have been submitted by WCRC and the District Councils. The RLTP Vision and Objectives were approved at the last RTC. The next meeting is scheduled for the 11 November 2026. RLTP development continues, although the GPS delay means that financial and project planning are having to be built around alternative funding and policy scenarios, pending the outcome of the 2026 General Election and confirmation of central government priorities.

TTPP

TTPP staff are holding mediation meetings with appellants in an effort to resolve appeal points ahead of possible Environment Court hearings in 2027.

Where appeal points are resolved and the Environment Court issues a consent order, the associated changes will be made to the TTPP text and maps.

Considerations

Implications/Risks

No immediate decisions or risks arise from this information report. The transition to the new planning system will, however, have implications for the Council's future planning work and resourcing.

Significance and Engagement Policy Assessment

No matters in this report trigger the Council's Significance and Engagement Policy.

Financial Implications

There are no direct financial implications arising from this report. The implementation of the new planning system may have future resourcing implications.

Legal implications

The new Acts establish statutory timeframes for plan development that the Council will need to meet. Relevant milestones and implementation requirements will need to be incorporated into future work planning.

Attachments

TUK submission

Te Uru Kahika Regional and Unitary Councils Aotearoa

ILLUSTRATIVE NATIONAL POLICY DIRECTION FEEDBACK
MINISTRY FOR CITIES, ENVIRONMENT, REGIONS AND TRANSPORT
WELLINGTON

VIA MCERT ONLINE LODGEMENT SYSTEM

16 OCTOBER 2026

FEEDBACK ON THE ILLUSTRATIVE NATIONAL POLICY DIRECTION

Te Uru Kahika (Regional and Unitary Councils Aotearoa) welcomes the opportunity to provide feedback on the Illustrative National Policy Direction (iNPD / illustrative NPD).

We are the collective voice of New Zealand's 16 regional and unitary councils, supported by an extensive network of subject-matter experts. We work together and with central government to implement the planning and environmental management system and improve outcomes for communities and the environment.

This response draws on that collective expertise. It addresses the wider structure and workability of the NPD, and focuses primarily on freshwater, Māori interests, and natural hazards and flood risk, where regional government has particular experience to contribute. Individual councils may provide further feedback reflecting their regional circumstances.

We support the aim of a more consistent and efficient system. The final NPD needs clearer national outcomes, stronger integration of development and environmental priorities, and practical direction on conflicts and implementation.

Thank you for the opportunity to provide feedback on the Illustrative NPD. We welcome further engagement and can provide additional detail and examples.

FURTHER CONTACT

On matters arising from our response, contact in the first instance should be made with:

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Nāku iti noa, nā

Te Uru Kahika – Regional and Unitary Councils Aotearoa

PREAMBLE

1. Te Uru Kahika's response covers system-level matters, and regional sector specific matters. It addresses relevant aspects of theme content through the lens of the iNPD approach, structure, and its constructs. Each main section summarises content into a series of recommendations.

2. The *Overview* section provides a summary of high-level issues and workable solutions and high-level recommendations, before presenting feedback on iNPD framework, directives, gaps, conflicts and trade-offs, workability, and sector-specific matters including:

    - Kaupapa Māori considerations
    - Natural hazards and climate change
    - Flood risk
    - Freshwater
    - Biodiversity and Biosecurity

3. We have developed the flood infrastructure aspects in greater detail. Many of the observations also apply to the management of other natural hazards, recognising that individual hazards require different methods and responses.

4. A set of tables at the rear of the document catalogues specific proposed changes to the iNPD, and a further set of tables captures comments from our sector's Contaminated Land and Waste Special Interest Group.

5. Finally, note that much of our response traverses between what's needed to produce an effective and durable National Policy Direction, and related detail which may inform national standards to follow.

OVERVIEW

6. Te Uru Kahika supports the Government's objectives for a simpler, streamlined planning system, recognising the role of National Policy Direction (NPD) to translate legislative goals into planning and environmental management outcomes. We support the intent of the NPD as a mechanism to give effect to goals, resolving conflicts between them, and providing key direction at the national level. We also acknowledge delivery imperatives for growth, development, housing and infrastructure management.

System-level recommendations

7. The following system-level recommendations are drawn from the high-level issues and solutions which follow.

8. **Provide a stable, flexible and more durable national planning framework**

Recommendation: Strengthen the NPD by resolving key policy choices at the national level, clearly defining the respective roles of NPD and national standards, and ensuring the framework is stable, flexible and durable over time to bolster implementation confidence.

Recommendation: Develop a more explicit goals-based NPD the gives effect to the purposes and outcomes of the Natural Environment and Planning Acts, providing a clearer line of sight from legislation through to national instruments and first-generation plans.

9. **Create a stronger environmental foundation within the planning system**

Recommendation: Establish a dedicated Natural Environment theme within the NPD supported by clear national environmental outcomes that give effect to the Natural Environment Act. Strengthen integration across freshwater, the coastal and marine environment, biodiversity, air, land and soil, natural hazards, and infrastructure, and reinforce environmental limits and allocation frameworks as fundamental system components. Clarify how environmental outcomes interact with growth, development, resilience and climate adaptation objectives.

10. **Balance national consistency with local flexibility**

Recommendation: Clearly distinguish matters determined nationally from those left to regional and local decision-making. Develop a consistent national framework, including clear directives and conflict-resolution principles, while retaining sufficient flexibility for councils to respond to local environmental, hazard, infrastructure, cultural and community circumstances.

11. **Improve system integration and decision-making across competing objectives**

Recommendation: Simplify and integrate the directive framework by consolidating system-wide and cross-cutting provisions, clarifying their application and establishing a transparent approach for resolving conflicts between system goals. This should provide greater clarity on how development, infrastructure, environmental protection, climate adaptation, Māori interests and other objectives are intended to be balanced and achieved together.

12. **Strengthen the treatment of Māori interests and natural hazards**

Recommendation: Better integrate Māori interests, Treaty relationships and settlement arrangements throughout the NPD, and strengthen natural hazards as a cross-cutting directive through a nationally consistent, risk-based approach that supports climate resilience while recognising local circumstances and Māori land considerations.

13. **Improve implementation certainty and usability**

Recommendation: Simplify and clarify the NPD by improving drafting, reducing duplication, clearly identifying mandatory requirements, separating policy from implementation matters, and providing early guidance on national standards to support council readiness and first-generation plan development.

14. **Strengthen implementation, risk management and system readiness**

Recommendation: Provide a nationally consistent implementation framework that includes a clear natural hazard risk-management approach, stronger integration between spatial planning, adaptation planning and infrastructure planning, and early guidance on the development of national standards. The Government should continue to work closely with local government, iwi and system users to test, refine and implement the NPD, ensuring it is practical, durable, proportionate and supported by sufficient transitional guidance and implementation support.

High-level summary of issues

15. **Strong support for direction but significant further development needed:** Te Uru Kahika supports a clear, consistent and implementable framework; and intentions to simplify and direct the planning system in a manner that drives consistency and reduces costs for councils and resource users. However, the illustrative NPD is not yet sufficiently developed to provide a coherent and implementable planning framework. Our high-level perspective on key issues follows from here.

16. **Incomplete coverage of statutory goals weakens framework coherence and environmental outcomes:** The iNPD would benefit from more fully reflecting the statutory goals of the planning system, providing comprehensive policy coverage, greater clarity, consistency and balance across themes and directives. While activity-based outcomes are well represented, the framework provides less visibility to the environmental outcomes and functions that underpin the purpose and goals of the Natural Environment Act across interconnected environmental domains. As currently drafted, environmental management can appear secondary to development-focused themes, rather than being recognised as a foundational element that supports growth, resilience, climate adaptation and community wellbeing. Given that all activities depend on and interact with the natural environment, the framework could more clearly acknowledge its central role in achieving long-term social, economic, cultural and resilience outcomes, alongside development aspirations.

17. **Unclear framework structure and uneven application of policy direction:** The iNPD would benefit from a more clearly articulated and consistent structure, particularly regarding the relationship between system-wide and cross-cutting directives. The level of policy direction varies across

themes, highly prescriptive in some areas but less specific in others. A more consistent structure would improve interpretation and implementation across the system.

18. **Limited clear direction for resolving conflicts and trade-offs between system outcomes:** As an added consequence of an uneven policy approach, full coverage of conflicts and guidance on how these should be resolved remains a significant gap. The iNPD also provides a number of unresolved conflicts directing councils to achieve multiple outcomes simultaneously, without explaining what happens when they cannot all be achieved including how to manage a myriad of trade-offs.

19. **Relationship between environmental outcomes and development objectives requires clearer balance:** The current thematic structure places stronger emphasis on property rights, and development and infrastructure outcomes than on environmental outcomes framed within the broader public values theme. Greater integration between these outcomes would support a more balanced and durable planning framework.

20. **Timely alignment of the NPD and national standards will be critical to successful implementation:** Questions also remain about the balance between scale and scope of the NPD and future national standards. Many key policy decisions affecting regional government interests have been deferred to national standards, creating implementation risk if the two workstreams are not aligned and delivered at the appropriate time. While the eventual effectiveness of detailed direction will depend heavily on the content of national standards, unresolved policy issues could increase costs and complexity for councils and communities.

21. **Clearer articulation of Māori interests and cultural outcomes needed across the planning system:** The iNPD includes dedicated provisions relating to Māori interests, including identified Māori land, sites of significance to Māori, Treaty Settlement Arrangements and Te Ture Whaimana. Te Uru Kahika supports the intent to provide national direction in these areas but notes that key implementation detail has been deferred to future standards and guidance, limiting the ability to assess how the framework will operate in practice. Greater clarity is needed on how Māori interests will be reflected across the planning system, how Treaty relationships and settlement arrangements are recognised, and how tensions between development, environmental protection and cultural values will be managed. While dedicated Māori provisions are important, Māori interests should also be integrated throughout the broader framework. Te Uru Kahika collates its feedback on kaupapa Māori elements in a specific section within this submission.

22. **Inconsistent natural hazard approaches create implementation and decision-making uncertainty:** The iNPD applies different hazard management approaches across themes and activities but does not clearly explain the rationale or how key mechanisms, including spatial planning, adaptation planning and infrastructure planning, are intended to operate together. This creates uncertainty about governance arrangements, roles and responsibilities, implementation pathways, and risk ownership – which will need to be resolved through national standards.

23. Widespread drafting issues, including repetition, inconsistent terminology and unclear drafting conventions, reduce clarity, certainty and workability.

High-level summary of needs and solutions

24. **We support clearer roles and sequencing for the NPD and national standards:** Te Uru Kahika notes a level of confusion amongst practitioners about the role and purpose of NPD and national standards as a connected suite of directive instruments. We support efforts to clarify role and purpose, sequencing and how they will work together. We suggest principles to guide their use and development - and a clear rationale and value-proposition for each set of standards.

25. **The NPD should provide a stable, durable and flexible planning framework:** The NPD must achieve three fundamental objectives if it is to successfully drive the planning system:

    a) **The NPD should provide an integrated, balanced and durable framework** that supports long-term implementation confidence and remains stable across successive governments. This is important to provide certainty for communities, tangata whenua, infrastructure providers, developers and councils - supporting sound growth, environmental protection, and infrastructure planning and investment, and enable efficient development and implementation of first-generation plans and future planning instruments.

    b) **A stable framework will help minimise implementation costs**, reduce disruption, and support sustained progress towards the objectives of the planning and environmental management system.

    c) **The NPD should enable a balanced decision-making regime** that combines clear national direction, including consistent outcomes, minimum expectations and decision-making principles, with sufficient flexibility for councils to respond to local circumstances. Councils should be able to apply local evidence and adopt more precautionary approaches where justified by regional circumstances, climate risks, environmental limits or community values. To support consistent implementation, the NPD should clearly distinguish between policy choices resolved nationally and those where strategic decisions are best made at the local level.

26. **The framework would benefit from a stronger line of sight from legislation to implementation:** Ensure the NPD meets a core statutory purpose by particularising all system goals, which will in effect broaden the suite of themes and directives. Te Uru Kahika notes that a more explicit outcomes-focussed NPD would provide a clearer line of sight from legislation through to national standards and regional instruments that will deliver those outcomes. If the thematic approach is retained, the links between themes and statutory goals, and their intended outcomes, should be clearer.

27. **Environmental management and protection outcomes require stronger integration across the system**: In relation to the iNPD's weakness in reflecting the purpose and goals of the Natural Environment Act, establish a dedicated Natural Environment theme supporting its role as a fundamental pillar of the new planning system supporting growth, development, resilience, and climate adaptation. By connection, strengthen expected environmental management and protection outcomes, including reinforcing the role of environmental limits, ecosystem health and allocation frameworks in the planning system. In particular:

a. Provide for more explicit treatment and clearer integration between land and soil, freshwater, the coastal and marine environment, biodiversity and air.

b. Direct environmental limits to establish the boundaries within which planning decisions are made. Within those boundaries, the planning system should seek to achieve multiple system goals in an integrated way and provide transparent mechanisms for resolving genuine conflicts where they remain.

28. **Environmental limits and action planning need a more coherent system-wide framework:** While possibly a matter for detailed standards work to follow, greater clarity is needed on the role of environmental limits and action planning, including how they will integrate across land and soil, freshwater, the coastal and marine environment, biodiversity and air domains. The framework should clearly explain how limits influence other activities and outcomes, what occurs when limits are exceeded, and consider locating these broadly applicable provisions within a wider natural environment theme.

29. **Stronger direction needed on achieving multiple system goals in an integrated way:** Develop a criteria-based approach to resolving conflicts between system goals, clearly identifying where outcomes should be achieved nationally and where strategic trade-offs are intended to be made regionally or locally. Extend this approach to direct where system goals can also be achieved in unison, removing stark choices between goals and a hard-and-fast approach to trade-offs (a notional 'win-win'), retaining flexibility for place-based decision-making within environmental limits.

30. **Early guidance on national standards would improve implementation readiness:** Te Uru Kahika also calls for guidance on standards in development to enable councils and other system users' ability to prepare ahead of the sequence of first-generation plans. We suggest pre-release standards guidance be developed to support council-user readiness. Furthermore, ensure that national standards aren't being required to codify policy decisions which ought to be directed by the NPD.

31. **Framework would benefit from stronger integration of Māori interests, cultural values and Treaty relationships:** Ensure Māori interests, cultural values, Treaty relationships and settlement arrangements are consistently reflected across all relevant themes and directives, supported by sufficient standards and guidance to enable implementation, including how tensions between development, environmental protection and cultural values will be managed. Te Uru Kahika collates its feedback on kaupapa Māori elements in a specific section within this response.

32. **Directives, structure and drafting:** Establish a single coherent directive structure with clear policy rationale, identify who each directive applies to and which decisions it affects, and improve drafting by reducing repetition, separating policy from implementation requirements, and clarifying which provisions are mandatory.

33. On natural hazard management:

a) **Clear national risk framework:** Te Uru Kahika supports a consistent, and clearly defined risk-based approach to natural hazard management. The NPD should provide for a common risk-

management approach, setting clear national policy requirements while allowing councils sufficient discretion to respond to local and regional circumstances.

b) **Integrated planning and adaptation processes:** Strengthen and clarify natural hazards as cross-cutting directives, ensuring that natural hazard risks and climate resilience considerations are more clearly reflected in growth, development, and infrastructure planning and sequencing. Clarify the relationship between spatial planning, adaptation planning, infrastructure planning and implementation, that links risk assessment, spatial planning, infrastructure decisions, governance, funding and implementation.

34. **We can help:** Te Uru Kahika and our councils can assist MCERT by providing practical examples of conflicts between the goals. Working through real-world examples may help inform future guidance, standards and implementation approaches, and build a shared understanding of how competing objectives are intended to operate in practice.

35. We ask MCERT to continue to work with Te Uru Kahika and local government to test NPD development, including outcomes, objectives, directives and definitions to ensure they are durable, workable, provide appropriate flexibility, and do not create unintended consequences.

Specific issues, solutions and recommendations

National Policy Direction – its role in the system

System objectives

36. Te Uru Kahika supports a more consistent and efficient planning system, that is able to resolve strategic issues earlier. However, the illustrative NPD lacks sufficient clarity and leaves key decisions unresolved, risking strategic issues being deferred to RSPs and plan-making rather than resolved through national direction.

37. The NPD should better integrate development and natural-environment outcomes. While the illustrative NPD appears comparatively developed and directive in relation to housing, infrastructure, primary production and resource use; natural environment matters, particularly freshwater and the coastal environment, need greater visibility and stronger integration with land use, biodiversity, natural hazards, and infrastructure.

38. The system should balance national consistency with regional flexibility. National direction should provide clarity and reduce duplication, while allowing regional discretion where local environmental, hazard, infrastructure, and community circumstances warrant different approaches. Clear principles are needed to distinguish national and regional matters.

39. Te Uru Kahika supports a consistent, risk-based approach to natural hazard management. The NPD should provide clear national requirements while allowing councils to respond to local and regional circumstances.

40. Natural hazard management should account for Māori land tenure, cultural values and limited relocation options. These factors should inform risk assessments and adaptation decisions.

NPD purpose and intent

41. The NPD should resolve key national policy choices, establish clear outcomes, and provide a strong strategic framework for national standards and planning instruments to follow. It should clearly distinguish between matters decided nationally and those left to regional and local decision-making, including how conflicts between directives are to be resolved. Consideration of specified principles, criteria or standards, or resolution intentionally left to regional and local decision-making should be identified within the NPD.

42. Clear direction is needed on major trade-offs, such as development versus productive land, natural hazards, environmental values, biodiversity, and Māori land development. Environmental limits should operate as clear bottom lines, particularly for freshwater, biodiversity, and coastal ecosystem health, rather than simply as factors to be weighed against otherwise enabling directives.

43. The roles of planning instruments should be clarified to aid understanding about the NPD purpose and intent. We note the NPD should set national policy and strategic direction; standards and regulations should provide methodologies, definitions and technical requirements; and RSPs should

address regionally specific strategic choices. A process map showing the relationship between the NPD, national standards and regulations, RSPs, regulatory plans could help make this architecture more transparent.

44. Policy direction should not be deferred excessively to future national standards. The NPD and standards should be developed in a coordinated manner to provide certainty and avoid conflicting requirements. At present, too much substantive policy appears to be deferred to future national standards without sufficient supporting direction in the NPD, risking different national standards pulling in different directions because higher-level tensions have not first been addressed.

45. NPD must provide greater certainty to support first-generation RSPs, particularly on national trade-offs, environmental constraints, definitions, and methodologies. RSPs should be directed to recognise natural infrastructure and ecosystem services as strategic assets that help shape growth, infrastructure, resilience, and environmental outcomes.

46. We support the intent to provide nationally consistent terminology that can be applied across the planning system. To achieve this, definitions in the NPD must align with those in the legislation unless there is a clear reason for a different meaning. For example, the current use of a different definition of infrastructure in the Acts and the iNPD creates uncertainty and increases the risk of litigation that will make implementing the new system slower, more complex, more inconsistent, and less expensive.

Relationship to system goals

47. The development and natural hazard directives should operate together. Councils need clear direction on enabling appropriate Māori land development while managing unacceptable risks.

48. A more explicit goals-based NPD, aligned with the Natural Environment and Planning Acts, would provide a clearer, comprehensive and transparent line of sight from legislation through to national standards and first-generation plans. If a thematic approach is retained, the links between themes and statutory goals should be clearer.

49. The current iNPD structure risks creating an unintended hierarchy between a limited set of themes. Natural environment outcomes should have greater prominence - rather than being set within a public values frame - potentially through a dedicated Natural Environment theme. A distinct natural environment theme, with appropriate sub-themes for different environmental domains, may provide a clearer structure if a fully goals-based model is not adopted.

50. The NPD should focus on achieving statutory goals collectively wherever possible, with clear principles or criteria for achieving ‘compatibility’ or resolving genuine conflicts where they arise. The starting point should be achieving the goals together wherever possible, rather than immediately framing interactions between them as binary trade-offs or prioritisation exercises. A goals-based structure could also provide a stronger foundation for secondary legislation.

51. Any national prioritisation of goals should be transparent, consistent with the statutory framework, and allow flexibility where circumstances justify different outcomes. Clear criteria or a mechanism for appropriate exceptions may be necessary while still providing greater national consistency.

52. There should be a clear line of sight from statutory goals through NPD direction to standards, regulations, and regional instruments, demonstrating how the planning system delivers legislated outcomes.

Natural Environment as a theme

53. As covered earlier in our response, the NPD should recognise the Natural Environment as a distinct theme. Freshwater, the coast, soils, air, and biodiversity are fundamental environmental, social, and economic assets that underpin community wellbeing and economic activity, framing the natural environment theme. We recommend including natural hazard resilience, water quality improvement, flow regulation, habitat provision, and other environmental benefits, as key environmental services to capture.

54. The NPD should clearly particularise the goals of the Natural Environment Act through national environmental outcomes. Without this direction, key issues may be deferred to later planning stages, creating uncertainty, inconsistency, and increased litigation risk. Clear national outcomes would provide greater certainty for RSPs and subsequent plans, while helping to resolve conflicts between competing objectives earlier in the system.

Other key points

55. Clear and consistent terminology is critical. Key terms such as "natural hazard", "climate change", "significant risk", "proportionate", and "risk-based", “unreasonable constraints”, and “unreasonable effects” should be defined to support consistent application and avoid ambiguity.

56. We support the intent to provide nationally consistent terminology that can be applied across the planning system. To achieve this, definitions in the NPD must align with those in the legislation unless there is a clear reason for a different meaning. For example, the current use of a different definition of infrastructure in the Acts and the iNPD creates uncertainty and increases the risk of litigation that will make implementing the new system slower, more complex, more inconsistent, and less expensive. Where terminology differs from that used in the legislation, the reason and intended meaning should be clear, while unnecessary duplication of statutory definitions should be avoided.

57. The NPD should provide clearer guidance on how a proportionate, risk-based approach is to be applied, including how long-term environmental benefits are balanced against immediate regulatory costs.

58. Ideally, environmental limits would be established early enough to inform first-generation RSPs. We note that delays risk strategic decisions being made without the clearest understanding of environmental capacity, creating uncertainty and potential rework via early RSP reviews,

undermining both efficiency and the intended strategic role of RSPs. As noted above, a clear suite of national environmental outcomes could help bridge this gap.

59. The NPD should provide durable, well-tested national direction developed through meaningful engagement, giving councils, iwi and hapū, infrastructure providers, communities, and investors greater confidence in long-term planning and investment decisions.

Recommendations

60. **Recommendation:** Strengthen integration of development and environmental management outcomes by giving greater prominence to environmental domains, and better connecting outcomes with land use, natural hazards, infrastructure, and resource management decisions.

61. **Recommendation:** Establish clear principles for national consistency and regional flexibility, identifying which matters require nationally consistent outcomes and where regional discretion is appropriate to reflect local circumstances.

62. **Recommendation:** Adopt a nationally consistent, risk-based approach to natural hazards that sets clear minimum expectations while enabling councils to respond to differing local hazard risks, exposure, and vulnerability.

63. **Recommendation:** Ensure the NPD resolves key national policy choices, clearly distinguishes national and regional decision-making responsibilities, and provides a transparent and coherent framework for managing conflicts and trade-offs between objectives.

64. **Recommendation:** Provide stronger direction on balancing development, infrastructure, environmental protection, natural hazards, and Māori land development, with environmental limits operating as clear bottom lines for freshwater, biodiversity, land and soils, air and coastal ecosystem health.

65. **Recommendation:** Clearly define the respective roles of the NPD, national standards, RSPs, and regulatory plans, supported by implementation guidance and a planning system roadmap that explains how the instruments work together. The *NPD* should establish policy outcomes, priorities, limits and decision-making expectations, while *national standards* should focus on methodologies, technical requirements, definitions and implementation tools necessary to deliver those outcomes.

66. **Recommendation:** Develop the NPD and national standards in a coordinated manner to provide timely certainty on policy direction, key definitions, methodologies, and environmental constraints, enabling effective first-generation RSPs and recognising natural infrastructure and ecosystem services as strategic assets.

67. **Recommendation:** that where defined terms are used in both the legislation and in the NPD, they are defined consistently.

68. **Recommendation:** Adopt a goals-based NPD framework aligned with the Natural Environment and Planning Acts, providing a clear line of sight from statutory goals through to national standards, RSPs, and regulatory plans. If a thematic approach is retained, the links between themes and statutory goals should be made explicit.

69. **Recommendation:** Strengthen the prominence of natural environment outcomes by establishing a dedicated Natural Environment theme that clearly integrates freshwater, biodiversity, coastal and marine environments, land, air, and natural hazards as core system outcomes.

70. **Recommendation:** Provide a clear framework for achieving compatible outcomes and resolving conflicts by prioritising the achievement of statutory goals collectively, supported by transparent principles, criteria, and decision-making frameworks where genuine conflicts arise.

71. **Recommendation:** Improve transparency and certainty in national direction by clearly identifying any national prioritisation of goals, the circumstances in which exceptions may apply, and how Māori land development, natural hazard management, and other cross-cutting issues are to be addressed across the planning system.

72. **Recommendation:** Provide clearer guidance on risk-based decision-making, including the application of proportionality and balancing environmental benefits, environmental limits, regulatory costs and competing objectives.

73. **Recommendation:** In lieu of environmental limits, establish clear national-level outcomes ahead of spatial planning, ensuring Regional Spatial Plans are informed by a clear understanding of environmental capacity and can support long-term investment certainty.

74. **Recommendation:** Improve certainty and consistency through aligned legislative definitions, clear terminology, and nationally consistent direction. Where terms are used in both the legislation and in the NPD, ensure they are defined consistently with departures clearly explained to minimise litigation risk.

Structure and Approach

Critical gaps

75. The NPD should require decisions to be made using the best available information, applying precaution where there is material uncertainty, particularly for future climate-related risks. Clarify that SW 2.1 applies to limiting further development and intensification in existing hazard-prone areas, including where a Local Adaptation Plan is not required.

76. Natural hazard provisions should better integrate Local Adaptation Plans with spatial planning, infrastructure investment, asset management and PARA decision-making.

77. Greater recognition is needed of Māori land, cultural values, and adaptation constraints, including where relocation may be impracticable, while enabling appropriate development and risk management responses. Require RSPs to identify climate risks, adaptation priorities, and impacts on Māori communities, including where relocation of culturally significant sites may be impracticable. Requirements for Māori land should account for tenure, cultural significance, location, design constraints and proportionate mitigation while enabling appropriate development.

78. Spatial planning should be directed to identify climate risks, adaptation constraints, natural infrastructure, and ecosystem services, and ensure land-use, infrastructure, flood management, and adaptation decisions are integrated to avoid maladaptation and unnecessary future costs. Furthermore, hazard and adaptation decisions should adopt a whole-of-life approach, considering long-term costs, benefits, residual risk, environmental outcomes, and catchment-scale resilience, rather than focusing solely on short-term development objectives. This includes recognising the role of river management, natural infrastructure and ecosystem services in reducing hazard risk and supporting adaptation.

79. In terms of specific provision references:

    a) INFR 3.1 should better connect Local Adaptation Plans (LAPs) with spatial planning, infrastructure investment, and asset management, including how increasing climate risks affect existing infrastructure and whether existing assets can constrain adaptation.

    b) SW 2.5 should align with the broader approach to precaution and future climate risk set out elsewhere in the NPD.

Conflicts, trade-offs and compatibility

80. Policy organised by user category may create unintended consequences at the boundaries, such as whether worker accommodation is associated with housing or part of an industrial activity; or quarrying on farms as farming or mining. Such policy needs to address mixed-use and boundary cases, to avoid gaps or conflicting requirements.

81. RW-Directive 4.1 would benefit from distinguishing between managing the residual effects of existing quarrying and mining operations and enabling new activities that increase hazard exposure or shift foreseeable costs to the public. It is also unclear how planning documents would practically

mitigate the impacts of quarrying or mining. The provision could be interpreted as transferring the costs and consequences of private activities to the wider community. Clearer direction is needed to ensure applicants demonstrate how adverse effects and associated public costs will be avoided, remedied, or mitigated.

82. Risk assessments should consider cultural impacts, exposure, vulnerability (including social vulnerability) and consequence alongside risks to people, property and infrastructure, using a consistent national methodology.

83. Finally, Te Uru Kahika also notes the importance of ensuring the framework supports the achievement of multiple system goals together, rather than focusing solely on managing trade-offs between them. While guidance on resolving conflicts between objectives will be important, the NPD should also recognise opportunities for integrated decision-making that delivers environmental, social, cultural and development outcomes in combination. Emphasising goal compatibility and "win-win" outcomes would better reflect the reality of place-based decision-making, where multiple objectives often need to be advanced simultaneously.

Overall workability: natural hazards-focussed

84. The objective of a less litigious system may be undermined by uncertainty around climate scenarios, proportionality, risk-based decision-making, and how competing objectives are reconciled. Clear direction on climate scenarios, proportionality, risk decisions and competing objectives is needed to reduce legal uncertainty.

85. Inconsistent use of *manage* and *avoid* across themes creates ambiguity. Where activities increase natural hazard risk, an 'avoid' approach should apply, informed by climate change projections.

86. Implementation timeframes should reflect the effort required to develop multi-hazard evidence, apply new standards and support robust decision-making. Transitional guidance, methodologies, worked examples and technical tools should be available early enough to support first-generation Regional Spatial Plans and enable proportionate use of existing information where appropriate.

87. **Defining resilience:** The NPD relies heavily on *resilience* extensively but does not define how resilience should be assessed, measured or monitored over time.

88. **Interim treatment of uncertain constraints:** The NPD should provide an interim approach where hazard risk is potentially significant, but evidence is not yet robust enough to support a formal spatial planning constraint.

89. **Prioritising adaptation planning:** The NPD should clarify how adaptation priorities are identified and implemented, including governance, funding and responsibilities.

90. **Alignment with wider flood-risk management:** Any future flood-risk management framework should align with the NPD and broader multi-hazard risk assessment, adaptation and investment prioritisation.

91. **Capacity to address non-priority risks:** The NPD should ensure councils retain sufficient flexibility (and capacity) to address significant local risks outside nationally identified priority locations, particularly where funding and capability are constrained.

Recommendations

92. **Recommendation:** Establish a nationally consistent, risk-based natural hazards framework that integrates climate change considerations, reconciles competing policy objectives, defines when risks must be avoided, managed, or adapted to, and includes a clear national bottom line for unacceptable risk.

93. **Recommendation:** Require consistent implementation of natural hazard management across the planning system, including Regional Spatial Plans, constraint mapping, and regulatory plans, supported by multi-hazard risk assessment and nationally aligned methodologies.

94. **Recommendation:** Direct risk-based decisions based on the best available information, consideration of long-term climate change impacts and risk trajectories, and enables precautionary responses where there is material uncertainty.

95. **Recommendation:** Direct strengthened integration between Local Adaptation Plans, spatial planning, infrastructure investment, and asset management, ensuring adaptation priorities are reflected in development, infrastructure, and funding decisions to avoid maladaptation, stranded assets, and unnecessary future costs.

96. **Recommendation:** Adopt a whole-of-life approach to decision-making, requiring consideration of long-term costs and benefits, residual risk, avoided losses, environmental outcomes, and the consequences of delayed action when managing natural hazards and climate adaptation.

97. **Recommendation:** Strengthen recognition of Māori land, cultural values, and adaptation constraints, ensuring climate risks and adaptation priorities for Māori communities are identified and that planning frameworks provide for culturally appropriate and proportionate risk management responses.

98. **Recommendation:** Better integrate natural hazard management with land-use planning, river management, and natural environment outcomes, using a catchment-scale approach that reduces future hazard exposure, supports ecosystem services and natural infrastructure, and improves long-term resilience.

99. **Recommendation:** Provide clear direction for mixed-use and boundary cases by ensuring NPD policies address activities that span multiple land-use categories, reducing the risk of conflicting provisions, policy gaps, and inconsistent implementation.

100. **Recommendation:** Strengthen natural hazard provisions for extractive activities by clearly distinguishing between existing and new quarrying and mining activities, and requiring new activities to avoid, remedy, or mitigate adverse effects and any resulting costs or risks transferred to communities.

101. **Recommendation:** Establish nationally consistent assessment and decision-making frameworks that incorporate cultural impacts alongside risks to people, property, and infrastructure, clarify the use of climate scenarios and proportionality, and provide greater certainty on how competing objectives are to be reconciled.

102. **Recommendation:** Provide clear and consistent policy direction on managing natural hazard risk of activities that increase current or future hazard exposure, subject to a risk-management approach informed by climate change projections.

103. **Recommendation:** Support effective implementation through comprehensive transitional guidance and early technical support, including direction on the appropriate use of existing hazard information and clear identification of data limitations and uncertainties. Standards, methodologies, worked examples, and mapping tools should be developed and released early to support consistent and robust first-generation Regional Spatial Plans.

104. **In addition**, detailed recommendations for consideration in development of national standards:

a. Define resilience and establish a framework for evaluating outcomes, including clear guidance on how resilience is assessed, measured, monitored, and reported over time to support consistent implementation and evaluation.

b. Provide an interim approach for managing areas with potentially significant natural hazard risk where evidence is incomplete or evolving, enabling precautionary decision-making while improved information is formed and avoiding inappropriate development in areas of high hazard or uncertainty.

c. Strengthen risk assessment frameworks by explicitly incorporating exposure, vulnerability, and consequence, including social vulnerability, to ensure a more comprehensive and equitable understanding of natural hazard risk.

d. Clarify the prioritisation of adaptation planning and investment, including how priority locations are identified, how resources are allocated, and how risks will be managed in lower-priority areas where adaptation funding or interventions may be limited.

Additional matters – regional government specific

Kaupapa Māori

Māori interests as a system-wide consideration

107. We welcome the inclusion of a dedicated set of system-wide Māori interest directives and the continued recognition of Māori participation, identified Māori land, sites of significance to Māori and Treaty settlement arrangements.

108. However, it is worth acknowledging, as previous Te Uru Kahika and council submissions have stated, we remain concerned about the narrow focus of these provisions and the lack of an equivalent RMA section 2 in the new Acts. While the illustrative NPD provides direction on specific Māori matters, it is less clear how broader Treaty interests, relationships and responsibilities will be reflected across the planning system.

109. We appreciate the complexity in, and different options for, articulating directives that sit across the whole system. In the illustrative proposal, we consider that, for "Māori interests", the difference between the cross-cutting and system-wide directives has the potential to be confusing, especially given both lists are about the whole system.

110. On one hand, the dedicated treatment of these matters provides greater visibility than would occur if they were only dispersed throughout individual themes. Māori interests are often connected to multiple outcomes simultaneously and are not easily separated into discrete planning categories.

111. There are also practical advantages in having a dedicated set of Māori provisions, including reducing duplication across themes and making Māori related direction easier to locate and understand.

112. But at the same time, Māori interests apply across all aspects of the planning system, so the structure of the illustrative NPD may unintentionally reinforce the perception that Māori interests are a discrete topic rather than an integrated consideration throughout housing, infrastructure, primary production, natural resource use, environmental management and public values.

113. While there are advantages to maintaining a dedicated set of system-wide Māori provisions, the practical distinction between the cross-cutting and system-wide directives is not always immediately apparent from the drafting, including their respective purpose, legal effect and role in implementation.

114. The illustrative NPD places considerable reliance on Regional Spatial Plans, Land Use Plans, Natural Environment Plans and future national standards. Many Māori aspirations span environmental, cultural, social and economic outcomes and do not fit neatly within individual planning instruments. Councils are interested in how the proposed framework will support integrated consideration of these outcomes and avoid fragmented decision-making.

115. We encourage consideration of how Māori interests could be more visibly reflected throughout relevant themes in addition to the dedicated system-wide (or cross-cutting) directives. We

recommend further work on this, including the option of only having one set that incorporates both cross-cutting and system-wide.

116. One option could be a dedicated System Integration Directive requiring all national direction, future national standards, Regional Spatial Plans, Land Use Plans and Natural Environment Plans to be interpreted and implemented consistently with:

- Treaty settlements and settlement legislation
- statutory acknowledgements and relationship agreements
- co-governance arrangements
- Local Government Act obligations relating to Māori participation
- water services legislation and regulation
- infrastructure governance and investment frameworks
- economic regulation frameworks
- environmental limits and ecosystem health outcomes
- regional and community aspirations.

117. This would provide greater certainty for councils, infrastructure providers, iwi, hapū and communities, while reducing the risk of conflicting statutory obligations, duplication and fragmented decision-making.

Treaty settlements, Treaty equivalence and broader Treaty relationships

118. We support the continued recognition of Treaty settlement redress and arrangements, including recognition of Te Ture Whaimana and the intention to uphold settlement arrangements within the new system.

119. Councils are concerned that, as per SW-Directive 1.1, we may have significant and extensive work ahead to work alongside iwi to give practical effect to treaty equivalence requirements prior to Crown-iwi agreements being in place. We understand guidance is underway and support this being developed with urgency, alongside associated resourcing, particularly for iwi. We offer to support development of this work based on our understanding of the realities councils and iwi face. We see value in MCERT, councils and tangata whenua continuing to work through practical implementation issues together as the framework develops.

120. We would also welcome clarity between the timing of development of treaty equivalence agreements, and the timing of other aspects of system implementation such as Regional Spatial Planning, regulations, standards etc. We are concerned that treaty equivalence agreements will not be developed in time to ensure meaningful participation and input for iwi and hapū into secondary legislation and planning, and therefore the risk of those secondary legislation and planning instruments not being able to give effect to treaty settlement commitments.

121. More broadly, the framework places significant emphasis on settlement arrangements and post-settlement governance entities but provides less clarity regarding the role of broader Treaty relationships and interests beyond settlement arrangements. Recognition of Treaty settlement arrangements is important but should not be treated as the full expression of Crown-Māori relationships within the planning system. Greater clarity is needed regarding how broader Treaty interests and relationships are intended to be reflected alongside settlement arrangements.

Māori participation and roles of iwi, hapū and other Māori entities

122. We support the proposed development of a Māori Participation Standard and recognise the potential for greater consistency across planning processes.

123. However, the current Māori participation directive appears focused primarily on engagement requirements rather than broader questions of influence, capability, decision-making participation and enduring relationships. Greater clarity on these matters would be helpful as the standards framework develops. We also highlight the importance of adequate resourcing for iwi, hapū and councils to participate fully in the development and design of these frameworks.

124. We remain concerned about the limited visibility of non-settled iwi, hapū and other Māori groups within both the legislation and the illustrative NPD. The framework could provide greater clarity regarding the respective roles of iwi authorities, hapū, post-settlement governance entities, urban Māori organisations and other Māori entities in planning and implementation processes. This includes consideration of how these groups participate and are represented regardless of whether they have a Treaty settlement.

125. This issue is particularly important where local relationships, tangata whenua interests and settlement arrangements do not align neatly with administrative or governance structures.

Trade-offs and competing objectives

126. Weighing Māori interests against other competing objectives when tensions arise is a key concern for councils. The dominant narrative of the illustrative NPD is growth, investment, productivity and property rights and this is likely to place pressure on Māori interests where priorities compete.

127. For example, natural hazard provisions may enable continued primary production on identified Māori land while creating greater restrictions on papakāinga and housing development, potentially limiting the range of aspirations that can be pursued on the same whenua. Greater clarity regarding how competing objectives are intended to interact would assist councils, iwi and communities during implementation.

128. Te Uru Kahika and our councils can assist MCERT by providing practical examples of conflicts between the goals. Working through real-world examples may help inform future guidance, standards and implementation approaches, and build a shared understanding of how competing objectives are intended to operate in practice.

Natural hazards, climate adaptation and cultural resilience

129. The iNPD should provide greater clarity regarding how Māori interests will be recognised and provided for within natural hazard management and climate adaptation decision-making. Hazards and adaptation responses can have significant implications for marae, urupā, wāhi tapu, mahinga kai, identified Māori land and other sites and resources of cultural significance. Te Uru Kahika supports greater recognition of cultural impacts within hazard planning and considers councils should be able to draw on both relevant scientific evidence and mātauranga Māori when assessing risks and adaptation options. Appropriate arrangements are also needed to protect confidential cultural information and to ensure tangata whenua determine how cultural knowledge is shared and used.

130. Where Māori land is exposed to significant natural hazard risk, the framework should support both risk reduction and development aspirations by enabling proportionate and culturally appropriate responses, while maintaining nationally consistent expectations regarding unacceptable risk.

Taonga, environmental outcomes and climate change

131. We are concerned about the lack of visibility and consideration of important taonga for Māori – freshwater, ecosystem health, natural wetlands, intrinsic values, marine and indigenous biodiversity and biosecurity. We recommend that these are more explicitly considered in the iNPD both because they are important taonga in their own right and because of their contribution to economic development, community wellbeing and long-term environmental resilience.

Regional Spatial Planning

132. We support the role that Regional Spatial Planning will have to integrate consideration of Māori aspirations for housing, infrastructure, economic development, climate adaptation and environmental management. Regional Spatial Plans appear to be the primary opportunity within the new system to consider these matters in an integrated way before they are distributed across Land Use Plans and Natural Environment Plans.

National Standards

133. Many of the most significant practical questions affecting Māori interests are deferred to future national standards, including Māori participation, sites of significance to Māori, identified Māori land and spatial planning requirements. As a result, the eventual effectiveness of many Māori-related provisions will depend heavily on the content of those standards.

134. We highlight the importance of involvement of tangata whenua and councils in the development of these standards, including resourcing and support for iwi and hapū, regardless of whether they have a treaty settlement. The proposed evidential requirements for Sites of Significance to Māori (SW-Directive 1.3(c)) are likely to be one of the more challenging implementation issues for councils, iwi and hapū. Te Uru Kahika would welcome the opportunity to work with MCERT, iwi and hapū on the

development of these requirements, drawing on practical experience from existing approaches across regions and districts.

135. Greater clarity is also required regarding how identified Māori land provisions are intended to interact with other national direction, including biodiversity, natural hazard and environmental protection requirements. Councils and Māori landowners need greater certainty regarding how competing objectives are expected to be balanced where multiple policy outcomes are sought.

Recommendations

136. **Recommendation:** strengthen provisions that support integration across Regional Spatial Plans, Land Use Plans and Natural Environment Plans, and future national standards, particularly where Māori aspirations span environmental, cultural, social and economic outcomes.

137. **Recommendation:** Just have one set of system-wide directives, or clarify the distinction, legal effect and implementation consequences of cross-cutting directives and system-wide directives.

138. **Recommendation:** Develop and publish treaty equivalence guidance as a priority, including implementation pathways, examples and resourcing considerations.

139. **Recommendation:** Resource Māori participation in the development of the new system (frameworks, regulations, standards and planning) and in the system once it is live, and provide greater clarity regarding the roles of iwi, hapū, post-settlement governance entities, urban Māori organisations and other Māori entities within the planning framework, including where further recognition may be appropriate.

140. **Recommendation:** Clarify how conflicts and trade-offs involving Māori interests are intended to be resolved (and who will have authority to resolve those conflicts) when competing objectives arise and consider whether additional direction is required to support consistent implementation.

141. **Recommendation:** Strengthen recognition of freshwater, wetlands, ecosystem health, indigenous biodiversity, marine environments and climate change within the framework, reflecting their significance to Māori and their contribution to community well-being, environmental resilience and economic development. This should be done through both system-wide/cross-cutting and thematic provisions.

142. **Recommendation:** Ensure the standards guiding Māori participation in Regional Spatial Plan processes provide meaningful opportunities to influence strategic directions, including through advisory committee arrangements and subsequent plan development processes.

143. **Recommendation:** Clarify the intended scope, development process, timeframes and role of future national standards, and work with iwi and hapū to identify whether additional matters should be addressed directly within the NPD given the extent to which practical Māori outcomes will depend on those standards.

144. **Recommendation:** Ensure Māori Participation, Sites of Significance to Māori and Identified Māori Land standards are developed in partnership with tangata whenua and councils, supported by

adequate resourcing and informed by practical implementation experience and examples from across the sector.

Natural hazards and climate change

145. The policy intent for natural hazard management across the iNPD is broadly supported and provides an important foundation for a nationally consistent, risk-based approach. To support effective implementation, the framework would benefit from clearer direction on acceptable levels of risk, when risk reduction outcomes are considered sufficient, and how concepts such as "proportionate", "commensurate" and "reasonably practicable" are intended to be applied in practice. Strengthening alignment with the established approach in the NPS for Natural Hazards could assist in improving consistency, certainty and decision-making across the planning system.

146. The policy intent for the management of natural hazards is broadly supported across the iNPD. However, the directives do not adequately reflect the intent, and natural hazard provisions lack clear direction on how much risk is acceptable and when enough has been done to reduce it. To support effective implementation, the framework would benefit from clearer direction on acceptable levels of risk, when risk reduction outcomes are considered sufficient, and how concepts such as "proportionate", "commensurate" and "reasonably practicable" are intended to be applied in practice. Aligning directives with the established approach in the NPS for Natural Hazards could assist in improving direction and certainty[1].

147. The NPD should provide clearer direction on acceptable levels of risk, when mitigation is sufficient, and how residual risk is managed. It should also clarify where responsibility for accepted risk sits (including where individuals can choose to accept some risks themselves) and what council approval does, and does not, imply. Also, a distinction should be made between allowing natural processes to continue and placing development where hazard risk would be the result.

148. Te Uru Kahika supports nationally consistent natural hazard directives and a risk-based approach across the planning system, including climate change considerations, but the iNPD does not yet provide sufficient direction. System-wide directives should establish a clear framework for risk thresholds, climate change (including climate-adjusted hazard risk), residual risk, functional need, and the circumstances in which risk avoidance is expected. Any differing risk tolerances across activities should be explicit and clearly justified.

149. There is significant uncertainty about how acceptable residual risk will be determined in practice. Allowing development in high-risk areas, while only avoiding very high-risk areas, leaves key decisions about acceptable residual risk and hazard evidence largely unresolved and dependent on local judgement. A national risk matrix may provide a useful starting point but is unlikely on its own to resolve complex situations and debates.

150. Avoiding housing in very high-risk areas does not provide clear guidance for medium- and high-risk areas. Without clearer national direction, decisions on acceptable risk and mitigation remain with councils through individual consents, undermining the intended funnel approach. We note that mitigation does not remove risk and can encourage further development, increasing future consequences and dependence on hazard protection measures.

[1] Refer Specific Proposed Changes section at the end of this document for further detail.

151. More broadly, the approach appears to shift from avoiding inappropriate development in hazard-prone areas toward allowing individuals to accept and manage their own risk. Council approval may nonetheless be perceived as endorsing that risk, creating liability and accountability concerns. This is particularly relevant where climate change is expected to alter risk over time and future conditions may differ from those anticipated when the decision was made.

152. The NPD should provide clearer direction on adaptation and existing risk management. Identifying an area as an adaptation priority is only a first step; there needs to be greater clarity about what follows, including governance, roles and responsibilities, funding and implementation. This will be particularly important for regions and communities already facing significant hazard exposure.

153. The NPD should better align system-wide directions for regional spatial planning to prevent future hazard exposure with provisions that limit land-use plans to restrict infrastructure and primary production. The NPD should clarify how these provisions are intended to operate together, including whether and how RSPs can direct the location, sequencing or longer-term adaptation of infrastructure and primary production where natural-hazard risk is significant.

154. Consistent national hazard methodologies providing a common basis for decision-making are valuable but should not prevent the use of robust regional data and local knowledge where these provide a better understanding of risk. Similarly national standards and plan provisions should not be required to prescribe a single methodology for all natural hazards.

155. Flexibility is needed to reflect differing hazard characteristics, existing investment in assessment approaches, and varying council capability and capacity. Risk assessments should consider hazards occurring concurrently or in sequence where this may increase consequences, while recognising that assessment methods will differ by hazard type.

156. The current specification in the NPS-NH (Clause 1.3(4)) that decision-makers are not precluded from managing natural hazard risk beyond the application specified, including managing additional natural hazards and applying a more conservative approach, should be retained through any national standards.

157. Timing and sequencing will be critical. National hazard standards and methodologies need to be available early enough to support evidence development for first-generation RSPs. Delays risk duplication, rework requiring evidence to be revisited, and reliance on existing information and approaches.

158. The value added by national flood mapping, over and above existing regional mapping, also needs to be clear. Given the site-specific nature of hazard risk, stronger national direction on avoiding development in areas of significant risk may be more effective than extensive standardisation of risk assessment methods.

159. While we support the development and longer-term intent of the NZ Flood Map, it is highly unlikely to be suitable as an evidence source for the first generation of regional spatial plans. Constraints with the underlying data and project timeframes mean that it is unlikely to reliably (and uncontroversially) present the best available model for any given location.

160. Future water availability should be a key consideration in land-use and development decisions both a rural and urban context. The NPD gives insufficient attention to drought and extended dry periods, despite strong evidence that these risks will increase under future climate projections. Directives fail to highlight or address how drought/ dry will be considered in land-use and development decisions. Specifically, in PP 5.1, recognise that resilience to hazards such as drought depends not only on farm-level actions, but also on freshwater availability and catchment-scale resource management.

161. Reliance on historical data may lead to over-allocation and increased vulnerability, while increased water storage alone may not build resilience if it drives higher water use.

162. Flood protection hazard-specific matters are captured in the Flood Protection section below.

Natural Hazard cross-cutting directives

105. Te Uru Kahika supports nationally consistent natural hazard directives and a risk-based approach across the planning system, including climate change considerations.

106. System-wide direction should apply consistently across RSPs, constraint mapping, land-use plans and natural-environment plans. In particular, SW-Directives 2.2–2.6 should inform spatial decisions because those decisions shape development, investment and future hazard exposure. The relationship between system-wide and activity-specific requirements must be clear.

107. The NPD should clarify the risk matrix and risk tolerance framework, including a national bottom line for unacceptable risk, clear roles in decision-making, and evidence-based criteria for applying different risk thresholds. Risk assessment methodologies should also be aligned across instruments.

108. Priority locations should be identified using a multi-hazard approach that captures a full range of current and emerging risks, including wildfire, not just flooding and coastal hazards. The NPD should also clarify how risk is initially assessed before information requirements are scaled to that risk, to avoid circularity and support a proportionate, risk-based approach.

Māori communities and cultural resilience, land and statutory obligations

163. Natural hazard assessments should identify risks to marae, urupā, wāhi tapu, mahinga kai, customary resources and other relevant cultural assets and activities. When applying hazard requirements to Māori land, councils should consider tenure, cultural significance, development constraints and available options.

164. Tangata whenua should determine arrangements for the use, sharing, confidentiality and cultural protection of mātauranga Māori.

165. For relevant Waikato and Waipā catchment decisions, the final NPD should preserve the statutory role and precedence of Te Ture Whaimana.

Implementation and adaptation

166. Regional spatial plans should connect hazard and cultural risk information with adaptation priorities, development sequencing, infrastructure investment and asset management. They should identify areas where further intensification is inappropriate, even when a local adaptation plan is not required.

167. National standards should provide consistent methods while enabling councils to meet regional statutory and cultural requirements. Implementation guidance should define council responsibilities, information requirements, treatment of uncertainty and arrangements for iwi and hapū participation.

Flood protection and control infrastructure and flood hazard management

168. While we have put more thought into flood infrastructure, many of our observations will also hold true for the management of other natural hazards. We encourage officials to read our response with that in mind.

169. The overall policy intent of enabling infrastructure across the Infrastructure theme is strongly supported. Minor changes aimed at strengthening the operation, maintenance, and renewal of existing infrastructure as well as the functional and operational need for linear infrastructure are set out under Specific Proposed Changes section below, with many of these improvements reflecting provisions already under NPS for Infrastructure.

170. In terms of wider gaps in the directives themselves, in relation to flood hazard management, the following are noted:

171. **Recognition of the integrated whole-of-system framework for flood risk management.** Flooding is the country's most common hazard, with established methodologies of addressing this risk comprising a suite of connected measure including: regional spatial planning, land-use planning, natural environment planning, floodplain management, river and drainage operations, flood protection infrastructure, natural hazard standards, nature-based solutions, and long-term climate adaptation. As flood risk management is centred around catchments, it must also traverse council boundaries, and potentially spatial plans if current regional council boundaries are changed. The NPD should recognise the strategic role of flood protection and control authorities in protecting communities, infrastructure, productive land, and economic resilience, potentially through a water sub-theme under Infrastructure.

172. **Recognition of the role infrastructure plays in emergency preparedness and response**. This would be a new stand-alone directive under the Infrastructure theme, enabling infrastructure providers not only to undertake emergency response works (under SW-Directive 2.3 but also to carry out preventative maintenance before events occur. Proactive clearance of stream and watercourse blockages can reduce flood damage, with recent experience showing such works can often be undertaken without ongoing impacts requiring retrospective consent.

173. **Recognition under the Housing and Development Theme that infrastructure planning for new development needs to account for whole-of-life costs, long-term maintenance obligations and**

future adaptation requirements. Development decisions should avoid creating infrastructure dependencies that impose unreasonable future costs or liabilities on communities and ratepayers, such as reliance on pumping for flood mitigation. It should also protect land and corridors needed for future flood resilience and adaptation measures. Decisions should avoid creating significant future public costs, emergency management burdens, protection obligations or adaptation liabilities arising from private development decisions.

174. **Recognition under the Housing and Development Theme that developers will need to provide for ongoing maintenance and renewal costs for their own infrastructure in areas where no infrastructure is present or planned by infrastructure providers.** HD Directives 1.4 and 1.5 enable growth beyond council and infrastructure planning by implying infrastructure constraints are temporary and that growth should not be limited by existing boundaries. These directives should be amended, or a new directive added, to require development in areas without existing or planned infrastructure to fund and provide its own infrastructure, including full lifecycle costs for operation, maintenance, renewals, and upgrades.

175. **Recognition of constructed wetlands / nature-based solutions under the Housing and Development theme.** The Primary Production and Rural Economy directives enable constructed wetlands in rural production environments, but do not similarly recognise their use in urban areas, where they are commonly used for stormwater management. While addressed under Public Values, including them in the Housing and Development direction (subject to standards) would strengthen the policy and avoid implying they are less appropriate for urban development

176. **Recognition of the need for decision-makers to make decisions, even if information is uncertain or incomplete.** This is set out in section 3.4.2 of the NPS-NH and would warrant being reflected that the NPD level.

177. **Recognition under HD Directive 4.1 that development and associated flood mitigation measures should not increase flood risk to other properties or communities.** The NPD should recognise the offsite impacts of flood risk mitigation.

178. **Recognition that national datasets should complement, rather than replace, robust local and regional evidence.** Nationally consistent information can improve efficiency and comparability, but local authorities must retain the ability to rely on more detailed, up-to-date or locally validated information where available. Regional and unitary councils should also retain the ability to apply more precautionary approaches where justified by robust local and regional evidence, climate projections, residual risk or community expectations.

179. **Clarifying the role and specifically enable the maintenance of nature – based solutions.** Te Uru Kahika supports recognition of nature-based solutions and green infrastructure, such as constructed wetlands, given their important role in flood management. As these assets often function as infrastructure, they should be considered alongside structural measures within an integrated resilience framework. The directive would benefit from greater clarity on the activities it covers, including works in riparian margins, waterways, floodplains, wetlands, and natural

storage areas, and INFR Directive 1.6 should explicitly enable their establishment, operation, and maintenance.

180. **Recognition of role flood control and protection authorities play in the repair, reinstatement and stabilisation of riverbanks damaged by flood events, and for repair of riverbank erosion.** This is recognised under the proposed national standards under the Primary production and the rural economy theme, but not under the Infrastructure theme.

181. **Recognise river gravel management as both a flood risk management activity and a mineral resource activity.** In many locations gravel extraction and redistribution are undertaken primarily to maintain flood conveyance capacity, manage river behaviour and reduce flood risk rather than for commercial aggregate supply.

182. **Recognition that the identification and management of risks varies by natural hazard, portrayed by consideration of flood risk.** Flood risk, and associated mitigation is best assessed at a catchment scale, including cumulative effects across property and administrative boundaries. Risk assessments should consider hazards occurring concurrently or in sequence where this may increase consequences, while recognising that assessment methods will differ by hazard type.

183. Flood hazard overlays should not be mandated in plans. Councils should have the option to retain hazard information outside statutory constraints, allowing it to be updated as information improves without costly and time-consuming plan changes. For instance, Auckland Council updates its flood hazard information on a rolling basis with a component changing at least monthly. Undertaking plan changes to reflect this would be time consuming, costly and inefficient. Plan definitions and rules can provide sufficient flexibility for site-specific assessments to inform consenting requirements, recognising that regional-scale hazard mapping is indicative rather than definitive.

184. The natural hazard framework should explicitly address residual risk behind flood protection schemes, including the consequences of scheme exceedance, overtopping, breach or failure. National Standards should provide consistent methodologies for assessing climate-adjusted likelihood, scheme performance and failure scenarios, acceptable residual risk and proportionate planning responses. The presence of flood protection infrastructure should not be treated as eliminating the underlying hazard.

Recommendations

185. **Recommendation:** Establish a nationally consistent natural hazard risk framework that clearly defines acceptable levels of risk, when risks must be avoided, managed, or adapted to, and includes a national bottom line for unacceptable risk and the management of residual risk.

186. **Recommendation:** Provide clear national direction on climate change, risk tolerance, and decision-making, including how concepts such as "proportionate", "reasonably practicable", and "functional need" are to be applied, and how competing objectives are to be reconciled to reduce uncertainty and litigation risk.

187. **Recommendation:** Strengthen integration between Regional Spatial Plans, Local Adaptation Plans, infrastructure planning, and land-use decisions, ensuring the planning system actively reduces future hazard exposure and provides clear direction on adaptation governance, responsibilities, funding, and implementation.

188. **Recommendation:** Require a future-focused, multi-hazard approach to risk assessment and development decisions, incorporating climate change projections, drought and water availability risks, cumulative and cascading hazards, local knowledge, and the best available regional evidence.

189. **Recommendation:** Support effective implementation through flexible national methodologies, transitional guidance, and early technical support, including timely national standards, hazard guidance, and mapping tools that build on existing information and enable robust first-generation Regional Spatial Plans.

190. **Recommendation:** Clarify the respective responsibilities of councils, developers, and communities for natural hazard risk, including what council approval does and does not imply, and when individuals may choose to accept risks versus when development should not proceed.

191. **Recommendation:** Strengthen natural hazard and adaptation planning by requiring risk assessments to identify impacts on Māori cultural values, assets, and activities, and by ensuring hazard management provisions recognise the unique characteristics, constraints, and development aspirations of Māori land.

192. **Recommendation:** Provide clear implementation direction that supports iwi and hapū participation, protects mātauranga Māori through tangata whenua-led arrangements, and enables Regional Spatial Plans to integrate cultural risk information with adaptation priorities, infrastructure investment, and development planning.

193. **Recommendation:** Recognise flood risk management as an integrated, catchment-based system by explicitly acknowledging the role of regional spatial planning, land-use planning, flood protection infrastructure, river management, natural infrastructure, and climate adaptation in managing flood risk across council boundaries.

194. **Recommendation:** Strengthen integration between land-use planning, infrastructure planning, and climate adaptation by requiring development decisions to consider whole-of-life infrastructure costs, future maintenance and adaptation obligations, and the long-term liabilities and risks transferred to communities and ratepayers.

195. **Recommendation:** Provide clear direction on residual flood risk and uncertainty, including the management of risks behind flood protection schemes, the use of precautionary approaches where information is incomplete, and recognition that flood protection infrastructure does not eliminate underlying hazard risk.

196. **Recommendation:** Support flexible, evidence-based decision-making by ensuring national standards and datasets complement rather than replace robust local and regional information, while enabling councils to apply more precautionary approaches where justified by local circumstances, climate projections, or residual risk.

197. **Recommendation:** Strengthen recognition and enablement of nature-based solutions and flood resilience infrastructure, including constructed wetlands, river management activities, flood protection assets, and other natural or hybrid approaches that contribute to long-term catchment resilience and hazard management.

198. **Recommendation:** Recognise the critical role of infrastructure in emergency preparedness, response, recovery, and resilience, including enabling proactive maintenance and risk-reduction activities that reduce the impacts of natural hazard events before they occur.

Freshwater

199. Freshwater is not addressed as a standalone theme, with relevant direction instead dispersed across primary production, public values, infrastructure, natural hazards and other parts of the NPD. While an integrated approach has merit, it is currently difficult to understand how the various provisions operate collectively as a coherent freshwater management framework, what outcomes that framework is intended to achieve, and how it gives effect to the water-related goals of the legislation.

200. This lack of clarity is particularly important given the role the NPD will play in shaping subsequent national standards and regulations in relation to freshwater and other domains. At present, significant aspects of the freshwater regime appear to depend on future national standards, while the role of environmental limits is relatively lightly expressed in parts of the illustrative NPD.

201. Greater clarity is also needed on the role of environmental limits and the associated action-planning framework. It is not yet apparent what outcomes these mechanisms are intended to achieve across the freshwater system or how they will address matters such as water quantity, allocation, ecosystem health and effects on freshwater and coastal environments.

202. The relationship between freshwater farm plans and regional freshwater planning is similarly uncertain. The illustrative NPD appears to place considerable reliance on freshwater farm plans, but there is limited certainty about the environmental outcomes those plans will deliver or how they will respond to regional environmental limits, including limits relating to freshwater and coastal receiving environments. The respective roles of farm-level interventions, regional planning, consenting and environmental limits need to be clearly defined so that freshwater farm plans operate appropriately as part of the wider freshwater management framework.

203. Freshwater farm plans may not be an appropriate replacement for the resource consents/permit process when an evaluative assessment is required, e.g. allocation efficiency for water takes. Furthermore:

a. PP-Directive 1.2(a): Freshwater farm plans. Item (a)'s provision that natural environment plans "must not duplicate" requirements already addressed through a FW-FP is unclear in intent and overly broad in scope as drafted. FW-FPs are farm specific instruments, whereas plan rules are of general application, so it is not evident what "duplication" means in practice. The direction, read literally, could preclude any regulatory provision addressing an effect that a single FW-FP happens to manage. The problem is compounded by the reference to "on farm activities", which appears to extend the carve-out to the full range of activities that may occur on a farm (for example, on farm water takes for irrigation, structures and works in/on the beds of waterbodies and wetlands, or effluent discharges).

b. PP-Directive 1.3: The directive refers to freshwater farm plans, action plans and catchment programs as "enforceable mechanisms". In fact, enforceability is variable, with only Farm Plans being subject to limited enforceability currently. We note that while plan rules are enforceable, as discussed above these are limited under PP Direction 1.2 by plans not being

able to manage effects already addressed through a FWFP. On that basis, PP Directions 1.2 and 1.3 appear to be inconsistent with one another in relation to the ability to enable managing effects.

204. Allocation will be a significant tool in the new system, yet the iNPD is silent on how allocation should be addressed at a high level. It suggests that environmental limits will be set, but doesn't provide an indication how remaining resource should be allocated. While allocation detail is more appropriately addressed through national standards, given its significance intentions to develop associated standards to guide allocation for resource management and environmental protection (operating in unison with environmental limits) needs be clarified in the iNPD.

205. The final NPD should also provide a clearer framework for resolving tensions between development-enabling objectives and freshwater outcomes. These strategic trade-offs should not be left to be repeatedly determined through individual RSP and plan-making processes. Furthermore, the illustrative NPD currently provides more specific and developed direction for housing, infrastructure, primary production and resource use than it does for freshwater and some other natural-environment matters. Consideration should be given to providing freshwater and coastal receiving environments with clearer and more explicit treatment within the NPD.

206. New Zealanders have very high expectations for the health of rivers, lakes, coastal waters and groundwater. The ability to swim, fish and gather shellfish in childhood places is very much part of the national identity. Those aspirations should be recognised within the NPD.

207. The current National Policy Statement on Freshwater Management identifies the following environmental and economic national values for freshwater: ecosystem health; human health; threatened species; mahinga kai; natural form and character; drinking water supply; wai tapu; transport and tauranga waka; fishing; hydro-electric power generation; animal drinking water; irrigation, cultivation, and production of food and beverages; and commercial and industrial uses. The NPD should set outcomes for any of these values that are considered nationally important.

208. We are advised by MCERT that the NPD sets out the "what" whereas national standards will concentrate on the "how". That is a sensible framing. The indicative NPD has some directives – such as the – on protection of drinking water – that are not linked to an outcome or 'a what". A national directive about the importance of managing risks to drinking water quality from its source catchment/area should be included. Managing source risk is strongly linked to water treatment infrastructure costs.

209. Reducing the supply-side threshold for source water risk management area mapping from 500 to 100 people could improve protection for smaller drinking-water supplies and is supported in principle. However, for some councils this could require mapping numerous additional supplies, which may be difficult to fund while complying with rate caps.

210. A further example of a directive that is inferred rather than explicit is the reference in the title of Direction RW 1.5 to wetlands and to constructed wetlands throughout multiple objectives. However, there is no directive about the importance of natural wetlands arising from goals in the Natural Environment Act. Recognising the importance of natural wetlands alongside infrastructure,

and providing direction on managing conflicts through concepts such as functional and operational need, would improve the NPD. Without this, uncertainty is likely to arise throughout implementation, from regional spatial planning through to natural resource permits. This matter is extended on in the Biodiversity and Biosecurity section below.

211. The directives on agriculture PP Directive 1.1 to 1.6 and those horticulture PP-Directives 2.1to 2.4 differ in their reference to environmental limits. The horticulture directive refers to environmental limits in both clause a) and b) giving the sense that horticulture can be restricted where necessary to achieve environmental limits. In contrast, the only reference to environmental limits in the agricultural directives is in relation to where an environmental limit is breached or likely to be breached. It is nearly always more expensive to backtrack once a limit is reached than to manage activities within limits from the outset. We ask for consistency and also adequate recognition of environmental limits within the agricultural directives.

212. Te Uru Kahika has concerns about PP-Directive 1.2 and the interaction of freshwater farm plans with natural environment plans. We understand the Natural Environment Act places a strong emphasis on voluntary action and freshwater farm plans as a first step for addressing places where environmental limits are breached. Councils have a large investment in staff and funding that supports and incentivises restoration projects, catchment and community groups. Council are supportive of freshwater farm plans as a means to provide public assurance of on-farm action provide that the outcomes to be achieved are clear.

213. As a point of detail, while freshwater farm plans and restoration incentives are valuable, they work most effectively alongside regulatory controls for high-risk activities and those requiring cumulative management. For example, water takes must continue to be managed through permits to ensure cumulative effects on rivers are addressed and environmental limits protected, even where related matters such as irrigation efficiency are covered by freshwater farm plans. The NPD must signal connections between regulated and voluntary activity.

Recommendations

214. **Recommendation:** Establish a clear and integrated freshwater management framework within the NPD, including explicit freshwater outcomes, a stronger articulation of water-related legislative objectives, and clearer direction on how freshwater provisions operate collectively across themes.

215. **Recommendation:** Provide clearer direction on environmental limits and action planning, including how limits will apply to freshwater quantity, allocation, ecosystem health, freshwater and coastal receiving environments, and how they will guide subsequent planning and decision-making.

216. **Recommendation:** Clarify the roles and interaction of freshwater farm plans, environmental limits, regional planning, consenting, and voluntary action, ensuring freshwater farm plans complement rather than replace regulatory mechanisms where evaluative assessments and cumulative effects management are required.

217. **Recommendation:** Strengthen freshwater outcomes and national direction for values of national importance, including ecosystem health, human health, drinking water, mahinga kai, threatened

species, and coastal receiving environments, while providing clearer guidance on managing trade-offs between development objectives and freshwater outcomes.

218. **Recommendation:** Elevate the importance of source water protection and the management of freshwater resources by including outcomes on the importance of drinking water catchments, natural wetlands, and proactive management within environmental limits, while ensuring national standards and future regulations are clearly linked to desired environmental outcomes.

Biodiversity and Biosecurity

219. Te Uru Kahika supports the intent of maintaining and protecting indigenous biodiversity through a nationally consistent framework. The final NPD should provide clear biodiversity outcomes and ensure environmental limits operate as effective bottom lines for biodiversity and ecosystem health across terrestrial, freshwater and coastal environments. These limits should constrain otherwise enabling provisions where necessary to prevent unacceptable or irreversible ecological loss.

220. However, while we support the intent and find it useful to see an outline of the proposed mechanisms, we consider that significant detail is still required before the implications of the proposed approach can be properly understood.

221. There is currently uncertainty about how existing Significant Natural Area assessments, biodiversity inventories and tangata whenua knowledge will translate into the new tiered system. Applying a tiered framework at a regional scale could be complex, particularly where existing knowledge of terrestrial biodiversity is incomplete (as is likely the case for some regions). There is a risk of inconsistent interpretation and application between regions unless the national direction establishes clear criteria and thresholds for each tier.

222. The relationship between significant indigenous biodiversity, the three proposed tiers and regional environmental limits also requires clarification. It is not yet apparent which biodiversity values or tiers will be subject to limits, or how biodiversity limits are intended to operate within the Natural Environment Act framework for state and stress attributes.

223. Protection should not focus only on the most significant remnants of indigenous vegetation. The framework should also explicitly recognise important habitat of Threatened and At-Risk species, together with ecological connectivity, ecosystem function and resilience. National standards should clarify how these values are reflected in biodiversity tiering and environmental limits, including where important species habitat occurs outside otherwise highly ranked vegetation. Limits may not capture habitat extent, ecological integrity, connectivity, resilience or threatened species habitat. Additional policy direction may be required to address these.

224. The status and practical implications of regional biodiversity strategies need further fleshing out.

225. It is unclear how wetlands, freshwater biodiversity and coastal biodiversity are intended to be treated. While aspects of the tiering framework appear focused on terrestrial indigenous biodiversity, other provisions refer more broadly to indigenous biodiversity. The NPD should make clear how wetlands and important freshwater and coastal habitats fit within the tiering and wider

biodiversity framework, and how this aligns with the Natural Environment Act goals and environmental limits. Aquatic and coastal ecosystems should not fall between terrestrial biodiversity provisions and freshwater or coastal environmental limits.

226. The interaction between biodiversity direction and the enabling provisions for identified Māori land requires clearer direction. This matter is discussed further in the Kaupapa Māori section.

227. The NPD should give greater strategic recognition to the benefits provided by nature, ecosystem services and existing natural infrastructure. Regional spatial plans could recognise regional significance of natural/green infrastructure and identify opportunities to protect, restore and connect it. Nature-based solutions should be prioritised where they deliver multiple benefits, including indigenous habitat restoration, resilience to natural hazards, attenuation of high flows, support for low-flow and water-retention outcomes, improved water quality and wider community benefits.

228. Biodiversity and biosecurity should operate as a connected biomanagement system. Regional biodiversity strategies and restoration priorities should align with regional pest and pathway management plans, surveillance and operational biosecurity programmes. This need not duplicate the Biosecurity Act framework, but the NPD should recognise that sustained pest and pathogen management is often fundamental to achieving enduring biodiversity outcomes.

229. Finally, timing and sequencing will be critical. Supporting national standards, definitions, thresholds and methodologies need to be developed in a coordinated manner and be available sufficiently early for councils to undertake the evidence gathering and spatial analysis required for the first generation of RSPs. If these tools arrive late, councils risk either having to revisit work already undertaken or progressing with incomplete or inconsistent approaches.

230. ## Recommendations

231. **Recommendation:** Establish clear biodiversity outcomes and environmental limits that operate as effective bottom lines for biodiversity and ecosystem health across terrestrial, freshwater, and coastal environments, and constrain otherwise enabling provisions where necessary to prevent unacceptable ecological loss.

232. **Recommendation:** Provide greater clarity on the biodiversity framework, including the operation of the proposed tiering system, the relationship between biodiversity tiers and environmental limits, and nationally consistent criteria, thresholds, and methodologies to support consistent implementation across regions.

233. **Recommendation:** Strengthen protection for biodiversity values beyond significant vegetation remnants, including threatened and at-risk species habitat, ecological connectivity, ecosystem function, resilience, wetlands, and freshwater and coastal ecosystems.

234. **Recommendation:** Recognise and prioritise the role of nature-based solutions, ecosystem services, and natural infrastructure within regional spatial planning, including opportunities to protect, restore, and connect natural systems that deliver biodiversity, climate resilience, water quality, and natural hazard management benefits.

235. **Recommendation:** Support effective implementation through coordinated national guidance and standards, including early development of definitions, thresholds, methodologies, and supporting tools needed to inform evidence gathering and first-generation Regional Spatial Plans.

236. **Recommendation:** Integrate biodiversity and biosecurity planning by aligning regional biodiversity strategies, restoration priorities, and pest management programmes to support enduring biodiversity outcomes.

SPECIFIC PRPOSED CHANGES

Amendment of "Key definitions for Natural Hazards" to align with the NPS-Natural Hazards	
Section ref	**a) Interpretations section – "Key definitions for Natural Hazards"**
Suggested change	
	a) Existing note attached to the Risk Matrix in NPS-NH should also be included as it provides additional information necessary for interpretation (i.e. Note: The top end of the likelihood range includes the top end year, that i: Likely + over 20 years and up to and including 50 years.). b) The inclusion of expanded consequences table is supported, however it should be clear that to determine the consequence level the highest consequence across the columns should be selected. c) "significant natural hazard risk" definition is not present – the current definition under the NPS-NH should be retained.
Align the definition of operational envelope with that under the NPS-Infrastructure recognising "modern equivalent" in the replacement of existing infrastructure	
Section ref	a) **Interpretation section – definition of operational envelope**
Suggested change	
	b) The definition of operational envelope must recognise the replacement and renewal of existing infrastructure is typically not 'like for like' due to changes in design standards associated with climate change, now outlawed materials (such as asbestos pipes), new environmental requirements (such as fish passage and erosion control) as well as increased in capacity needed due to demands from growth. This needs to be reflected in this definition, incorporating the term "modern equivalent" as per the NPS for Infrastructure, with clarity that modern equivalent captures changes in footprint and materials to meet modern design standards.
Modification of definition of reverse sensitivity to reflect linear infrastructure	
Section ref	**a) Interpretation – reverse sensitivity**

Suggested change	
	b) The word "activity" needs to be added as follows to best represent infrastructure operations: *Reverse sensitivity means the potential for an existing land use and activity…*
Recognition of the need for infrastructure to be resilient during a natural hazard event	
Section ref	a) **INFR-Directive 3.1**
Suggested change	
	a) Support that some infrastructure can be located within natural hazard areas; however, this should not compromise its effectiveness or resilience during a natural hazard event, increase risk elsewhere, or cause environmental pollution.
Recognition for proportionate standards and rules for infrastructure activities across all land use and environments, as in place for Themes 3 and 5	
Section ref	**a) All INFR directives, in particular INFR – Directive 1.5**
Suggested change	
	b) Proportionality is referenced across Theme 3 (Primary production and the rural economy); Theme 4 (Resources – quarrying, mining and waste) and similar references are needed in the infrastructure theme.
Recognition of the ongoing maintenance and operations and life cycle costs to form part of the matters considered for new infrastructure	
Section ref	a) **INFR-Directive 1.2**
Suggested change	
	b) Recognise the need to consider ongoing operation and maintenance costs in the development of new infrastructure.
Further recognition of constraints related to operation and maintenance activities	
Section ref	**a) INFR-Directive 1.3**

Suggested change	
	b) Recognise that the replacement and renewal of existing infrastructure with the modern equivalent equipment or asset is typically not 'like for like', with footprints needing to increase due to updated technical design standards for increased safety, increased resilience, new technology and reduced environmental effect. c) Include a point similar to 1.2 d), recognising that differing infrastructure will have differing operational requirements, for instance stormwater and flood control providers must work in watercourses and coastal areas.
Recognition of enabling operation maintenance under Nature Based Solutions	
Section ref	**a) INFR Directive 1.6**
Suggested change	
	b) Specific that enabling nature-based solutions includes its operation, maintenance and renewal.
Strengthening natural hazard consideration in Spatial Planning	
Section ref	a) **SW Directive 2.1**
Suggested change	
	a) specifically requiring that Regional Spatial Plans identify known natural hazards, using the best available information even where there is uncertainty
Aligning managing natural hazard risk proportionately to align with NPS- Natural Hazards	
Section ref	**a) SW-Directive 2.6**
Suggested change	
	b) Amend to specifically state that Very High Risk is to be avoided and High and Medium Risk avoided or mitigated. This reflects the policy direction in the NPS-NH c) For clarity, sub-clause b) should be amended such that the cost effectiveness of mitigation measures is stand alone.

Recognition of the role of infrastructure in emergency preparedness and response	
Section ref	**a) SW-Directive 2.3**
Suggested change	
	b) Include a similar directive under the Infrastructure Theme c) Add the need to enable preventative works as part of emergency preparedness which is not time bound to imminent events.
Developers need to provide for the ongoing operation, maintenance and renewal costs associated with their infrastructure particular in areas where infrastructure is not planned by infrastructure provides	
Section ref	**a) HD-Directive 1.4, 1.5 or stand-alone directive**
Suggested change	
	b) Stating that in areas where no infrastructure is present or planned by infrastructure providers, the development must provide for its own required infrastructure as well as provide on its ongoing life-cycle costs associated with operation, maintenance, renewals and upgrades.
Recognition the developments should not increase flood risk in other properties or communities	
Section ref	**a) HD-Directive 4.1**
Suggested change	
	b) State development and associated flood mitigation measures should not increase flood risk to other properties or communities
Aligning management of natural hazard risk levels under Housing and Development Theme with current NPS- Natural Hazards	
Section ref	**a) HD-Directive 4.1**
Suggested change	
	b) Directive should be extended to include the additional direction in the NPS-NH that High Risk and Medium Risk is to either be avoided or mitigated proportionate to that risk.

Feedback from the Regional Sector Contaminated Land and Waste SIG

Whether the thematic structure is clear and easy to understand	The illustrative National Policy Directive (iNPD) is generally clear and easy to follow. However, its high-level nature results in a loss of the specificity currently provided through individual National Policy Statements. There is a risk that important detail will be deferred to national standards, reducing transparency and contributing to inconsistent interpretation and implementation across regions. The extent to which the goals have been particularised also varies between themes. Without clear cross-referencing, the thematic structure may compartmentalise matters that are inherently interconnected. This is particularly relevant to contaminated land, which intersects with housing and urban development, infrastructure, natural hazards, human health, and environmental outcomes. Clear cross-references, supported by visual mapping between themes, would improve coherence and usability.
Whether the illustrative NPD provides a clear picture of how national policy direction could work in practice	The iNPD provides a positive high-level direction for contaminated land management. In particular, support is given to the proportionate, risk-based approach; recognition of vulnerability to natural hazards; improved public access to information; beneficial soil reuse; and management of legacy contamination. However, the directives do not provide sufficient clarity on how these outcomes would be implemented. Further detail is required on the risk assessment processes, the long-term management of contaminated sites, council resourcing, and alignment with existing registers and national frameworks. Stronger and more explicit links are also needed between contaminated land management and the delivery of housing, infrastructure, and urban intensification. The policy intent states that the polluter-pays principle will be central to contaminated land liability, but the directives do not explain how this principle would operate in practice. Section 346 of the Natural Environment Act provides that a polluter of contaminated land subject to an enforcement order may be required to pay, or reimburse, the actual and reasonable costs of avoiding, remedying, or mitigating adverse effects. Further direction is required on how the principle would

	be applied, particularly for historic contamination and sites where no viable responsible party remains.
Whether there are important priorities, gaps or trade-offs that are not adequately reflected	The proportionate, risk-based approach is supported. However, stronger direction is needed to ensure that environmental protection is embedded across all directives. Ecological risk assessment is not sufficiently developed, with limited consideration of terrestrial and aquatic ecology, ecological receptors, and ecological risk management. Alternative pathways for managing discharges from contaminated land should also be considered. Groundwater contamination, contaminant migration, vapour intrusion, and discharges from contaminated sites receive limited attention. Groundwater should be explicitly recognised as both a key receptor and a contaminant transport pathway. The iNPD should more clearly recognise remediation and beneficial soil reuse as enablers of housing, infrastructure, and urban intensification. It should also recognise long-term management mechanisms, including site management plans, engineering and institutional controls, monitoring programmes, and ongoing compliance obligations. Although the polluter-pays principle is supported, its application to historic contamination, legacy and orphan sites, and closed landfills requires further consideration, particularly where a responsible party cannot be identified or no longer exists. Managing and remediating these sites may create significant funding and resourcing pressures for local government. Implementation costs, funding mechanisms, and the implications of proposed rates-cap settings should be addressed explicitly. Improved access to contaminated land information and historic land-use records is strongly supported. The identification and management of contaminated land are integral to future development and the management of natural-hazard risks.
How the NPD could be made more useful and effective	The NPD would be more useful and effective if it: • Explicitly recognised groundwater contamination, contaminant migration, vapour intrusion pathways, and ecological receptors

	throughout the contaminated land framework; • Strengthened environmental protection and outcomes across all themes, rather than concentrating these outcomes primarily within Theme 5; • Provided nationally consistent implementation guidance for risk-based contaminated land management, including Tier 2 and Tier 3 assessments, risk-based background concentrations, and bioavailability considerations; • Explicitly recognised and built upon existing national contaminated land tools, frameworks, and registers, including the National Environmental Standard for Contaminated Land Management, National Data Consistency Standards, climate risk assessment tools, and Contaminated Land Management Guidelines Nos. 1-5. Building on established frameworks would provide greater certainty, support nationally consistent implementation, and reduce duplication across territorial and regional authorities; and • Prioritised the redevelopment and intensification of existing urban land, including brownfield sites, through HD-Directive 1.5, HD-Directive 1.6, and HD-Directive 2.2, before expansion onto highly productive rural land.
Other comments	The development of a proportionate, risk-based approach is supported. Such an approach is important to establishing a contaminated land framework that facilitates the safe and efficient reuse of soil generated by housing and infrastructure development. This work should build on the themes identified in the WasteMINZ report Reclaiming Our Resources: Optimising Soil Reuse in Infrastructure and Land Development. Consideration should also be given to: • Developing a nationally consistent risk-ranking tool, supported through national standards, to identify and prioritise the remediation and management of contaminated land; • Providing clearer direction on long-term management approaches to ensure that contaminated material remaining on site is appropriately managed over time; and • Incorporating innovation and efficiency measures within the waste sub-themes.

9.4	**Resource Management Act Reform Report**
Authors	Max Dickens, Policy Manager Lillie Sadler, Senior Planner Marianne Bimont, Planner
Authoriser	Matt Smith, Group Manager, Regulatory and Policy
Public Excluded	No

Report Purpose

To update the Committee on the Planning Act 2026 and Natural Environment Act 2026, explain the implications for consenting during the transition, and outline the key planning milestones and immediate priorities for the Council.

Report Summary

The Planning Act 2026 and Natural Environment Act 2026 received Royal Assent on 30 September 2026, establishing a new resource management system that will progressively replace the RMA. The RMA remains in force during the transition, subject to amendments, and continues to govern day-to-day consenting under the applicable transitional provisions.

Over the next two years, the focus will be on developing national policy directions and standards, preparing regional spatial plans, and progressing land use and natural environment plans.

The specified transition date will be set by Order in Council once the relevant statutory requirements are met, and may differ between regions. At that date, the new system and plans will begin to apply in the relevant area, changing the framework for consenting and resource management.

Recommendations

It is recommended that the Committee resolve to:

1. *Receive the report.*
2. *note that the Planning Act 2026 and Natural Environment Act 2026 are enacted, but the RMA continues to apply during the transition period, subject to amendments and transitional provisions.*

Issues and Discussion

The Planning Act 2026 (PA) and Natural Environment Act 2026 (NEA) received Royal Assent on 30 September 2026. The changeover from the Resource Management Act 1991 (RMA) is staged, with the transition period beginning on 30 October 2026. During this period, the RMA continues to apply, subject to amendments, while national instruments are developed and councils prepare the new planning instruments.

The new system separates land-use planning under the PA from natural-resource management under the NEA. In the near term, Council continues consenting under the RMA as amended, applying the relevant transitional provisions. The longer-term framework will comprise national instruments, regional spatial plans, land use plans, natural environment plans and the new approval framework.

The "specified transition date" is the date appointed by Order in Council for the new legislation to apply nationally or to specified regions or areas. It is the legal changeover date for the relevant area, rather than a single date that automatically applies across New Zealand. The date must be after 31 December 2027 and at least six weeks after the Order in Council is made. The legislation therefore allows for regional or area-specific transitions as well as a national transition.

Status of the Acts and the specified transition date

What applies now

The PA and NEA received Royal Assent on 30 September 2026. Some provisions commenced on 1 October 2026, and the transition period began on 30 October 2026. From that date, the RMA continues in force as amended by provisions that have commenced. Other provisions of the new Acts commence at the times specified in the Acts or by Order in Council.

The immediate focus is the development of national instruments and preparation of the new planning instruments. The RMA system continues to operate during this work, subject to the amendments and transitional provisions that have commenced.

What is the specified transition date?

Under Schedule 1, clauses 2–5 of the PA, the specified transition date is appointed by Order in Council and marks when the new legislation begins to apply nationally or to a specified region or area. The transition period ends on the day before that date.

For a national transition, the Minister may recommend an Order in Council only when:

- all regional spatial plans have been decided; and
- all proposed land use plans and natural environment plans have been notified.

For a regional or area-specific transition, the Minister must be satisfied that it is necessary or desirable to facilitate an orderly transition as soon as reasonably practicable. The relevant spatial plan and proposed plans must also have reached the statutory milestones that apply to that region or area.

The legislation does not establish 2030 as a universal commencement date. The timing will depend on the relevant plan-making milestones and the Order or Orders made.

On the specified transition date, the RMA and its planning instruments cease to apply in the relevant area, subject to the transitional and savings provisions. Notified proposed land use and natural environment plan rules gain legal effect, and those plans already decided become operative.

The transition date therefore determines when the new consenting framework applies and changes the legal status of plans and rules.

Consequences for consenting

During the transition

The RMA remains the main statute for day-to-day resource consent processing during the transition, but it is not unchanged. Targeted amendments apply at specified times.

Applications lodged before the transition period that remain undetermined are processed under the RMA as it stood immediately before Royal Assent. Applications lodged during the transition period are processed under the RMA as in force when the application was lodged.

Existing RMA plans and national instruments remain relevant during the transition, subject to amendments and the applicable savings and transitional provisions. Council teams will continue to receive and decide applications, monitor consents, and undertake compliance and enforcement under the applicable version of the RMA.

From the specified transition date
From the specified transition date, new applications in the relevant region or area will be dealt with under the new legislation and plans, subject to detailed transitional provisions. The PA provides the land-use planning framework and the NEA the natural-resource framework. The RMA consent framework is replaced by separate planning approvals and natural resource permits, as applicable to the activity.

The changeover also affects the legal status of plans and rules. Rules in notified proposed land use and natural environment plans will have legal effect from the transition date, while plans already decided will become operative. Existing consents and pending processes are subject to specific savings and transitional rules; their status should be checked against the relevant statutory provisions rather than assumed to expire or transfer automatically.

Consent expiry extensions
The Resource Management (Duration of Consents) Amendment Act 2025 extended many eligible consents that are expiring, or have expired but are still being relied on under section 124 of the RMA, until 31 December 2027. The PA further extends eligible consents to 24 months after the specified transition date, subject to statutory criteria and any applicable regulations. These are not blanket extensions: eligibility, exclusions and the status of any replacement application must be checked for each consent.

Practical consenting implications for the WCRC
- Continue to process applications under the RMA as amended, identifying which version of the Act and which transitional provision applies.
- Keep a record of application lodgement dates and procedural status, as these can determine which statutory pathway applies.
- Check consent expiry extensions individually, especially where water permits or replacement applications are involved.
- Update internal procedures, templates, staff guidance and public information as further commencement dates, regulations and national guidance are confirmed.

Planning requirements and key milestones

The planning sequence

The new system is designed as a sequence: national policy directions first; national standards next; regional spatial plans; then land use plans and natural environment plans. The instruments are intended to provide a more consistent national framework and translate it into regional and local planning provisions.

- **Planning Act:** Provides for regional spatial plans and land use plans, including plans for the coastal marine area. Regional spatial plans set strategic direction for land use and development across a region.
- **Natural Environment Act:** Provides for natural environment plans and environmental limits for specified domains, including freshwater, coastal water, land and soil, air, and indigenous biodiversity.
- **National instruments:** National policy directions guide the system. National standards provide more detailed requirements, including plan structure and provisions, and methods for setting environmental limits. Councils must prepare plans consistently with the applicable instruments and statutory requirements.

Main milestones over the next two years

The dates below are calculated from Royal Assent on 30 September 2026. Some duties require the Minister to take "reasonable steps" to ensure an instrument is issued by a deadline; this is not the same as an unconditional guarantee that it will be issued by that date. Other milestones depend on when national policy directions are issued.

Timing	Statutory milestone	Implication for council
30 October 2026	Transition period begins. Targeted RMA amendments commence.	Continue consenting, monitoring and enforcement under the applicable amended RMA provisions.
By 30 September 2027	The Minister must take reasonable steps to ensure the first national policy directions under both Acts are issued within 12 months of Royal Assent. National standards for regional spatial plan structure and form are also due within 12 months, following the relevant national policy direction.	Monitor national direction and standards; confirm governance, work programme, evidence requirements and spatial plan scope.
By 30 March 2028	Within 18 months of Royal Assent, and after the relevant	Prepare environmental data, technical evidence,

	NEA national policy direction, national standards for mandatory human-health-limit domains and methodologies for ecosystem-health limits are to be issued.	management-unit work and methods needed for limit-setting.
By 30 June 2028	Within 21 months of Royal Assent, national standards containing plan provisions to support land use plans and natural environment plans are to be issued.	Use national standards to shape plan drafting and structure, and coordinate preparation with territorial authorities.
By 30 June 2028, or later	Draft regional spatial plans must be notified by the later of 21 months after Royal Assent or nine months after both national policy directions have been issued.	Coordinate preparation and notification through regional spatial planning committees and local authorities. If national policy directions issue later, the later deadline applies.
Within 9 months after spatial plan notification	Local authorities must make and publish decisions on the regional spatial plan within nine months after draft plan notification.	Allow for submissions, hearings or other required process steps, decision-making and publication.
Within 9 months after spatial plan decisions	Proposed land use plans and natural environment plans must be notified within nine months after regional spatial plan decisions are made and published, subject to the relevant statutory requirements.	Prepare regional and territorial plans in parallel where practicable; coordinate evidence, drafting and engagement.

The regional spatial plan notification deadline is the later of 21 months after Royal Assent and nine months after both national policy directions have been issued; it is therefore not necessarily 30 June 2028. Decision and subsequent plan-notification deadlines run from the actual notification and decision dates. Later milestones may consequently fall beyond October 2028.

Higher-level view beyond October 2028

- **Regional spatial plan decisions:** Decisions are due within nine months after draft spatial plan notification. Depending on the actual notification date, this work will extend into 2029.
- **Land use and natural environment plans:** Proposed plans are due to be notified within nine months after regional spatial plan decisions are made and published. Plan development, hearings, decisions and implementation will extend beyond the initial two-year period.

- **Specified transition date:** The date will be set by Order in Council, nationally or for specified regions or areas, once the statutory preconditions are met. It must be after 31 December 2027 and at least six weeks after the Order is made. The new system may therefore begin at different times in different places.
- **Transition and implementation:** Once the new system applies the RMA and its planning instruments cease to apply, subject to savings and transition provisions, and the new plans and approval system take effect. National implementation is intended to be progressive, with official guidance indicating the transition may continue into 2030 or later depending on plan-making and transition decisions.

Implications for regional council planning
For WCRC, the immediate priorities are to prepare for regional spatial planning and develop the evidence and methods needed for the natural environment plan. This includes coordinating with territorial authorities and the spatial planning committee; preparing environmental data and technical evidence; identifying management units; and aligning work programmes with national policy directions and standards as they are issued.

Financial and legal implications
Spatial planning, plan preparation, environmental limit-setting, technical evidence, engagement, legal review and new consenting procedures are expected to have resourcing implications. The scale and timing of these impacts are being assessed through work programming and budget processes and will become clearer as national instruments and the regional timetable are confirmed.

In the short term, consenting and compliance will continue under the RMA as amended. During the transition, individual consent and enforcement matters may require specific legal review to confirm the applicable statutory and transitional provisions.

Conclusion
The two new Acts are enacted, but the transition is staged. For now, the Council continues to operate under the RMA as amended, while national instruments and the new plans are developed.

The immediate priorities are to monitor the development of national policy directions and standards, prepare for regional spatial planning, develop the

evidence base for the natural environment plan, and align Council work programmes with emerging requirements.

The specified transition date is a separate legal step, set by Order in Council once the applicable statutory requirements are met. It marks when the new system begins to apply in the relevant region or area, subject to transitional and savings provisions.

Key references
Planning Act 2026, including Schedule 1, clauses 2–5, 9 and 39:
https://www.legislation.govt.nz/act/public/2026/70/en/latest/
Natural Environment Act 2026:
https://www.legislation.govt.nz/act/public/2026/71/en/latest/
Planning.govt.nz — Key milestones in the transition:
https://www.planning.govt.nz/planning-system-overview/key-milestones/
Planning.govt.nz — How consenting works during the transition:
https://www.planning.govt.nz/implementation-and-guidance/transitional-consenting/how-consenting-works-during-the-transition/
Planning.govt.nz — Timeframes and process for spatial planning:
https://www.planning.govt.nz/implementation-and-guidance/regional-spatial-plans/timeframes-and-process-for-spatial-planning/
Planning.govt.nz — Changes to the RMA, including consent duration:
https://www.planning.govt.nz/implementation-and-guidance/transitional-consenting/changes-to-the-rma/

Considerations

Implications/Risks

There are implementation and resourcing risks as the new national instruments and statutory milestones are confirmed. The Council will need to maintain correct application of transitional consenting provisions and coordinate its planning programme with other local authorities.

Significance and Engagement Policy Assessment

This report is an update on legislative and planning-system changes. No specific engagement decision is sought at this stage.

Financial Implications

The scale and timing of resourcing impacts have not yet been quantified. Requirements will be assessed through Council work programmes and budget

processes as national instruments and regional planning milestones become clearer.

Legal implications

The Acts establish statutory timeframes and transitional requirements for national instruments and plan development. Individual consenting, expiry and enforcement matters may require legal review to confirm the applicable provisions.

Attachments

9.5	**WCRC functions and responsibilities - Dams**
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Authoriser	Matt Smith, Group Manager Regulatory and Policy
Public Excluded	No

Report Purpose

The purpose of this report is to summarise Council's functions and responsibilities for dams under the Building Act 2004 and the Building (Dam Safety) Regulations 2022, including the Dangerous Dams Policy and classifiable dams

Report Summary

With respect to dams, the RMA regulates the environmental effects of damming and diverting water, while the Building Act 2004 establishes the separate framework for dam safety, including the classification, monitoring and management of classifiable dams. Under the Building (Dam Safety) Regulations, owners must assess the potential impact of classifiable dams, with medium- and high-impact dams subject to additional dam safety assurance, inspection and certification requirements. WCRC maintains a register of dams, and works with owners to address risks. ECan processes dam building consent applications in the West Coast region under a 10-year arrangement established in 2021, while WCRC retains its other statutory dam safety responsibilities.

Recommendation

It is recommended that the Committee resolve to:

1. *Receive the report.*

Issues and Discussions

Background

Resource Management Act 1991

Regional councils regulate the environmental effects of damming and diverting water under section 14 of the RMA. These functions concern changes to water levels and flows and effects on the receiving environment, rather than the structural integrity of a dam or the risk of dam failure.

In-stream dams may also require resource consent under section 13 for activities such as disturbing a riverbed or depositing material in it, depending on the applicable regional rules. For out-of-stream dams, the district council may have land-use consent functions relating to the placement of the dam structure under the district plan.

The Building Act 1991 introduced specific provisions for dam safety, with the framework subsequently carried forward and expanded under the Building Act 2004.

Building Act 2004

The legislation established regional authorities' responsibilities for dam-related building consent functions, dam classification, dam safety assurance programmes, compliance and dangerous-dam policies. Amendments over subsequent years refined these provisions and strengthened the framework for identifying and managing dams that could pose significant risks.

Although the statutory framework was established earlier, the Building (Dam Safety) Regulations 2022 did not come into force until 13 May 2024. These regulations introduced nationally consistent requirements for dam classification, safety assurance programmes and ongoing monitoring of qualifying dams.

For regional councils, the Building Act provides a distinct regulatory role in dam safety, separate from their functions under the Resource Management Act 1991. Regional councils administer the relevant dam safety provisions, working with dam owners and suitably qualified engineers to ensure statutory requirements are met. These responsibilities may operate alongside RMA requirements for damming, water diversion, discharges and other environmental effects associated with dams.

The Building Act establishes the statutory framework for dam safety. The regime includes dam classification, dam safety assurance programmes, dam compliance certificates and enforcement of applicable safety requirements.

Under section 13, regional authorities perform specified building consent authority (BCA) functions in relation to dams. The West Coast Regional Council (WCRC) has transferred the processing of dam building consent applications to Environment Canterbury (ECan). WCRC retains responsibility for its other statutory dam safety functions, including maintaining the dam register and responding to dangerous, earthquake-prone and flood-prone dams.

The RMA and Building Act processes are separate. A dam may require both resource consent for its environmental effects and building consent for construction, alteration or repair, where applicable.

Dam Safety Requirements

The Building (Dam Safety) Regulations 2022 came into effect in May 2024. Owners of classifiable dams must classify their dams according to potential impact. Owners of medium- and high-potential-impact dams must also have a dam safety assurance programme prepared and comply with applicable inspection and certification requirements.

WCRC updated its policy to align with these requirements on 3 March 2026 (Attachment 1).

Where a dam presents an immediate danger, the Council has statutory powers to take protective action, including fencing the dam, erecting warning notices and requiring work to be completed within a specified timeframe. The Chief Executive may also arrange for necessary work to be undertaken and recover the costs from the owner, where authorised by the Act.

The Council prioritises dams presenting immediate danger, followed by dangerous dams, then earthquake-prone and flood-prone dams. Within these categories, priority is given to dams with high potential impact and those without an approved dam safety assurance programme.

Classifiable Dams: Background

A classifiable dam is a large dam, defined by the Building Act as a dam that is at least 4 metres high and stores at least 20,000 cubic metres of water or other fluid.

Owners must assess the dam's potential impact as low, medium or high, considering the consequences of failure for:

- People;
- Property;
- Cultural sites;
- Critical infrastructure; and
- The environment.

Owners of medium- and high-potential-impact dams must have a dam safety assurance programme prepared with the involvement of a recognised engineer and comply with the applicable inspection and certification requirements.

WCRC Responsibilities

Under section 151 of the Building Act, WCRC is responsible for maintaining a register of dams, including recording the dangerous, earthquake-prone or flood-prone status of classifiable dams and any heritage listing, and keeping the information up to date.

WCRC provides relevant information to the territorial authority and notifies Emergency Management and Poutini Ngāi Tahu when it becomes aware of a dangerous, earthquake-prone or flood-prone dam.

The Council works with dam owners to agree action plans to reduce risk. Where an owner fails to act, or immediate danger exists, WCRC may exercise its statutory powers under sections 154–159 and 164, including requiring protective measures or work to address the danger.

Owners of classifiable dams must notify the Council immediately if they have reasonable grounds to believe their dam is dangerous. An engineer providing a certificate for the owner must notify both the Council and the owner in writing within five working days if they believe the dam is dangerous.

Dam Register and Monitoring Procedure

WCRC maintains a Dams Register (see summary attached) containing details of 49 dams. Information includes ownership, height, stored volume, potential impact classification (PIC), construction date, purpose and location.

The register also includes three dams identified in the Ministry of Commerce's inventory for which WCRC does not hold a "Dam Classification Certificate". All have a low PIC. WCRC will write to the respective owners to follow up on the missing forms.

The following dams are identified as having a high potential impact classification (PIC):

- Kapitea Long Dam
- Kapitea Short Dam
- A18 Coal Fines Storage Facility
- Fossicker TSF - Saddle Embankment No.1
- Fossicker TSF - Saddle Embankment No.2
- Fossicker TSF - Saddle Embankment No.3

Building Consent Arrangements

Under an arrangement between the councils, ECan acts as the building consent authority for dams in the West Coast region. Processing of dam building consent applications was transferred to ECan in 2021 for a period of 10 years.

Under the arrangement, WCRC pays ECan an annual fee of $13,000 and must maintain insurance of $100 million in respect of ECan carrying out the Council's functions. Environment Southland and Otago Regional Council have similar arrangements with ECan.

Owners proposing to build, alter or repair a dam must apply to ECan for building consent where required. ECan processes applications and carries out the relevant inspections. WCRC retains responsibility for maintaining the dam register and carrying out its functions relating to dangerous, earthquake-prone and flood-prone dams.

WCRC's dangerous dams policy addresses how WCRC manages existing dams that may be unsafe. It covers maintaining the register, working with owners on action plans, notifying affected parties and taking enforcement or protective

action where necessary. It does not cover the assessment and approval of building consent applications.

Cost recovery

Under the building act, Costs arising from work undertaken by the Council associated with the dam safety programme include maintaining the dam register, developing and implementing the monitoring procedure, processing dam safety assurance programmes, and undertaking regulatory action, may be recovered from the dam owner.

Considerations

Implications/Risks

WCRC must maintain a register of dams, administer potential impact classifications for classifiable dams, approve required dam safety assurance programmes and receive dam compliance certificates, and adopt and implement a policy on dangerous, earthquake-prone and flood-prone dams

Significance and Engagement Policy Assessments

There are no issues within this report which trigger matters in this policy.

Views of affected parties

This report is for informative purposes for Council and no decision is sought. The views of other parties have not been sought.

Financial implications

There are no financial implications associated with this report – noting that under the deed agreement WCRC pays ECan an annual fee under the deed of transfer for building consent functions, ad that Council to maintains insurance in respect of those functions.

Attachments:

Attachment 1: WCRC Dangerous Dams Policy 2026
Attachment 2: Deed of Transfer BCA Functions WCRC 28 May 2021
Attachment 3: Summary of WCRC dams register

WEST COAST
REGIONAL COUNCIL

S161 Building Act 2004

Policy on dangerous dams, earthquake-prone dams and flood-prone dams
24 March 2026

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1. Introduction

This document sets out the policy on dangerous dams, earthquake-prone dams and flood-prone dams adopted by West Coast Regional Council ("the Council") in accordance with sections 161 and section 162 of the Building Act 2004 ("the Act").

This policy is a key component of the wider regulatory framework for protecting people, property, and the environment from the potential impacts of dam failure. It provides for the identification and management of dams of concern in the West Coast Region, and the measures the Council will take (with the dam owner) to reduce or remove danger.

The policy states the approach and priorities the Council will take in performing its functions in relation to dangerous dams, earthquake-prone dams and flood-prone dams in the West Coast region, and how the policy will apply to heritage dams, in accordance with section 161(2) of the Act.

This policy applies to dams defined in section 7 of the Act. This policy also applies to dangerous dams, earthquake prone dams, and flood-prone dams within the region, as defined in sections 153, 153A and 153AA of the Act.

The dam safety provisions in subpart 7 of part 2 of the Act, apply to:

1. Classifiable dams (defined in regulation 5 of the Building (Dam Safety) Regulations 2022 ("the Regulations") to be 4 or more metres high and storing 20,000 cubic metres volume of water or other fluid)
2. Referable dams as defined in the Regulations[1]
3. All dams but only for the purposes of section 133B[2] (height measurement of dams) and sections 157 and section 158 (measures by a regional authority to avoid immediate danger).

2. Application of this policy

This policy applies to dams everywhere in the West Coast region, irrespective of the age and intended life of the dam. Where required by the Act, parts of this policy apply specifically to classifiable dams, which also include "large dams" as defined in section 7 of the Act.

The terms 'dangerous dam', 'earthquake-prone dam' and 'flood-prone dam' have the same meaning as provided in section 153, section 153A and section 153AA of the Act[3].

[1] Acknowledged by Ministry of Business, Innovation and Employment (MBIE) as not yet defined in Regulations (as of February 2025).
[2] When measuring the height of the dam under this section, the crest of the dam includes any freeboard – refer to section 133B of the Act for the definition.
[3] This includes buildings in areas designated under subpart 6B as set out in section 153AA of the Act.

This policy must be read alongside the Building (Dam Safety) Regulations 2022 ("the Regulations") which define terms used in the Act in relation to "dangerous dams", "earthquake-prone dams" and "flood-prone dams"[4].

The Regulations and the Act can be accessed at www.legislation.govt.nz[5].

Under section 153AA of the Act, if a dangerous dam is located in an area that has been affected by an emergency (designated under Subpart 6B of the Act – Special provisions for buildings affected by emergency), this policy and other provisions of the Act continue to apply to the dam after the designation but only in relation to:
a) an action taken in relation to the dam under section 154(1)(a) or (b) before the designation comes into force;
b) a notice given in relation to the same under section 154(1)(c), or work carried out in accordance with the notice or under section 156 of the Act before the designation comes into force; or
c) an action taken in relation to the dam under a warrant issued under section 157 of the Act.

This policy commences three weeks after the Council resolution is made to adopt the policy.

This policy will be reviewed every five years or earlier as required. The policy remains in effect even though it is due for review or being reviewed.

3. Principles

The Council will apply the following principles to the exercise of its dangerous dams, earthquake-prone dams and flood-prone dams functions under the Act.

1. Dam owners have the primary responsibility for identifying, monitoring and reporting on dangerous, earthquake-prone and flood-prone dams and for reducing or removing the risk of harm to people, property and the environment in a timely and effective manner.
2. An engineer engaged (by the owner) to provide a certificate for the purposes of sections 135(1)(b), 142(1)(b), or 150(2)(f) will notify Council and the owner of the dam, in writing and within 5 working days, if they believe that the dam is dangerous.
3. The state of all dangerous, earthquake-prone and flood-prone dams (as defined in the Act and the Regulations) must be known by dam owners (noting that other dam safety provisions in the Act apply to all dams) and this information, if known to the Council, will be made readily available by the Council, to all persons potentially affected by the safety risks of dangerous, earthquake-prone or flood-prone dams.

[4] Section 19 of the Regulations defines moderate earthquake, moderate flood, earthquake threshold event and flood threshold event.
[5] The Regulations: **legislation.govt.nz/regulation/public/2022/0133/latest/whole**, and the Act: **legislation.govt.nz/act/public/2004/0072/latest/whole**

4. Council's approach to performing these functions

4.1. Information on dam status

The Council will keep a register of dams as required by section 151 of the Act recording the dangerous, earthquake-prone or flood-prone status of each classifiable dam on the register. The Council will develop a monitoring procedure to ensure information held in the register is up to date. This information will be provided to the Chief Executive and the relevant territorial authority to update property files and any relevant land information memorandum.

Should the Council receive information about a dangerous, earthquake-prone or flood-prone dam in its regional boundary, the Council will notify the relevant territorial authority and West Coast Emergency Management (West Coast Civil Defence and Emergency Management Group). West Coast Emergency Management will be requested to notify potentially affected lifeline utility providers.

4.2. Working with dam owners

Legislation requires owners of all classifiable dams to notify the Council of their dam classification and whether the dam is dangerous, and any changes, in a timely manner, to comply with the Act and the Regulations. The Act requires dam owners to notify the Council immediately if they have reasonable grounds for believing their dam is dangerous. This applies to dams that are either a high potential impact dam or a medium potential impact dam and are likely to fail in the ordinary course of events, or in a "moderate earthquake" or "moderate flood" (as defined in the Regulations).

The Act also requires an engineer (engaged by the owner) to provide documentation for the purposes of sections 135(1)(b), 142(1)(b), or 150(2)(f), to notify Council and the owner of the dam in writing and within 5 working days if they believe the dam is dangerous.

Owners of identified dangerous dams, earthquake-prone dams or flood-prone dams will develop an action plan (with timeframes) with the goals of increasing the safety of the dam and eliminating or reducing risks of the dam to people, property and the environment. It is not realistic to specify a timeframe in this policy for achieving this goal because timeframes will be dictated by the circumstances of each case. When setting a timeframe for action, the Council will consider the state of the dam, whether it is a dangerous dam, and the likelihood and consequences of dam failure.

4.3. Directing and taking action

The Council may intervene:

- For dangerous, earthquake-prone and flood-prone dams:
    - If the owner of any dam is not acting in accordance with an agreed action plan; or
    - Where there is no agreed action plan; or
    - Where it considers that the agreed action plan requires review or amendment; or
    - Where ownership is not known or is disputed.

- For all dams, where there is, or is likely to be, a risk of immediate danger.

Before exercising any of its powers under sections 154 to section 159 of the Act the Council will, unless the circumstances dictate otherwise (such as where there is immediate danger to the safety of persons, property, or the environment), seek to discuss options for action with the owner of the dam, with a view to obtaining from the owner a mutually acceptable formal proposal for reducing or removing the danger. Acceptable actions by the owner may include but not be limited to, one or more of the following:

- Operational changes such as reducing the volume of impounded fluid or completely emptying the reservoir;
- Reconfiguring an existing spillway, or creating a new or supplementary spillway, so as to limit the maximum impounded volume and/or to safely route flood flows;
- Increased surveillance and monitoring;
- Development of emergency preparedness and response plans;
- Review of the dam safety assurance programme;
- Engaging a dam specialist to investigate and make recommendations on how risks to people, property or the environment may be mitigated, with any report provided to the Council at the earliest opportunity;
- Implementing measures to enable controlled, rapid emptying of the impounded fluid;
- Measures downstream of the dam to mitigate the impact of dam failure;
- Physical works including reconstruction or partial demolition of the dam;
- Decommissioning and/or removal of the dam.

The whole or part of any agreement between the Council and the dam owner may be formalised in a Notice to Fix issued under section 164 of the Act. If agreement cannot be reached between the Council and the dam owner, the Council may exercise any of its statutory powers in sections 154 to section 159 and section 164 of the Act.

If no action is taken by the owner to address the danger, or action is not being taken by the owner in a timely manner, the Council may exercise any of its statutory powers in sections 154 to section 159 and section 164 of the Act.

The Council will notify potentially affected communities downstream of a dangerous, earthquake-prone or flood-prone dam. The Council will do this by publishing information about any dangerous, earthquake-prone or flood-prone dam in the West Coast region. The Council will liaise with West Coast Emergency Management on any actions taken in response to a dangerous, earthquake-prone, or flood-prone dam.

The Council may at any time require the dam owner to review a dam safety assurance programme if the dam is an earthquake-prone or flood-prone dam.

In a situation where a dam is dangerous, the Council may:

- Erect a hoarding or fence to prevent people from approaching the dam nearer than is safe.
- Attach a notice on or near the dam (or affected downstream areas) that warns people not to approach.
- Give written notice to the owner requiring work to be carried out on the dam, within the time stated in the notice for the purposes of removing or reducing the danger.

Where the Council takes action in response to a dangerous, earthquake-prone or flood-prone dam, the Council will notify Poutini Ngāi Tahu where there is potential for the dam to affect any area of interest to the Rūnanga.

If action is taken in response to a dangerous, earthquake-prone or flood-prone dam, the Council will notify the relevant local territorial authority in which the dam is located.

In a situation where the Chief Executive of the Council considers that, because of the state of the dam, immediate danger to the safety of persons, property, or the environment is likely then the Chief Executive of the Council may:

- Cause any action to be taken that is necessary to remove that danger.
- Recover the costs of taking any action from the dam owner.

5. Council's priorities in performing these functions

The dangerous dam provisions of the Act will be used by the Council as a mechanism to remedy an unsatisfactory situation that has developed in the West Coast region, rather than as a means of responding to "emergencies" that arise in the future. The Council's approach to dangerous dams is therefore tailored towards achieving a reduction in pre-existing risk whilst still being able to deal with risks that emerge in the future.

In performing these functions, dams will be prioritised by Council as follows, in which Priority 1 is the highest priority and Priority 4 is the lowest priority:

1. Responding to any dam posing a risk of immediate danger, regardless of the potential impact classification of the dam, or the status of any dam safety assurance programme for the dam.
2. Reducing risks posed by dangerous dams, with high potential impact classification dangerous dams considered the highest priority. Those without a dam safety assurance programme will be prioritised over those with an approved dam safety assurance programme.
3. Reducing risks posed by earthquake-prone or flood-prone dams with high potential impact classification. Those without a dam safety assurance programme will be prioritised over those with an approved dam safety assurance programme.
4. Reducing risks posed by earthquake-prone or flood-prone dams with medium potential impact classification. Those without a dam safety assurance programme will be prioritised over those with an approved dam safety assurance programme.

When reducing the risks posed by a dangerous dam, earthquake-prone dam or flood-prone dam, the Council will give precedence to the requirement to remove or reduce the danger to public safety, and having addressed this, will then have regard to the potential for damage or loss to property and the environment including heritage matters.

6. Application to heritage dams

Heritage dams as defined in section 7 of the Act means a dam that is included on:

a) the New Zealand Heritage List/Rārangi Kōrero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or

b) the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under section 81 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 4(2)(l) of the Act recognises "the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value".[6]

The Council recognises the need to retain heritage values of the dam itself, but also the need to reduce or remove any risk posed by a heritage dam which has been classified as dangerous, flood-prone or earthquake-prone. When considering heritage dams under this policy, the Council will take into account the need to facilitate preservation of parts of the dams with significant heritage value.

When dealing with heritage dams, which are deemed dangerous, earthquake-prone, or flood-prone, or when taking action in response to any dangerous, earthquake-prone or flood-prone dam that is located near a site which is entered on the New Zealand Heritage List/Rārangi Kōrero (including historic places, historic areas, wāhi tapu or wāhi tūpuna areas), or is otherwise identified by iwi as a place of cultural significance, the Council will seek advice from Heritage New Zealand Pouhere Taonga before any actions are undertaken by the Council under sections 153 to section 160 of the Act.

The Council may also engage suitably qualified professionals with engineering expertise and heritage expertise to advise and recommend actions. When considering any recommendations, the Council will have regard to the priorities set out in clause 5 of this policy. Copies of all notices served for all heritage dams which are deemed dangerous, earthquake-prone or flood-prone will be provided to Heritage New Zealand Pouhere Taonga.

The Council will record the heritage listing of all dangerous, earthquake-prone and flood-prone dams it is made aware of in its register of dams and supply this information to the relevant territorial authority for inclusion on property files and any relevant land information memorandum.

[6] Under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA), the permission of Heritage New Zealand Pouhere Taonga must be sought prior to the modification or destruction of any archaeological site, whether or not the site is recorded. An archaeological site is described in the HNZPTA as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. Works to pre-1900 structures, such as dams, or earthworks near pre-1900 structures may require an archaeological authority to be obtained prior to works commencing. Please contact Heritage New Zealand Pouhere Taonga for further information.

Dated 28 May 2021

DEED OF TRANSFER OF BUILDING ACT FUNCTIONS

WEST COAST REGIONAL COUNCIL

CANTERBURY REGIONAL COUNCIL

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DEED OF TRANSFER OF BUILDING ACT FUNCTIONS

DATED 28 May 2021

PARTIES

A. **WEST COAST REGIONAL COUNCIL** (a regional council under the Local Government Act 2002) **("WCRC")**

B. **CANTERBURY REGIONAL COUNCIL** (a regional council under the Local Government Act 2002) **("ECAN")**

BACKGROUND

1. WCRC is the regional council for the West Coast region and is a regional authority under the Building Act.

2. ECAN is the regional council for the Canterbury region and is a regional authority under the Building Act.

3. The Building Act confers on regional authorities functions, duties and powers in relation to dams.

4. Section 244 of the Building Act enables a regional authority to transfer one or more of its functions, duties or powers under that Act to another regional authority.

5. WCRC wishes to transfer to ECAN certain functions, duties and powers of a regional authority under the Building Act in respect of dams in the West Coast region (being the "Scheduled Functions", as defined).

6. Before entering into this Deed, WCRC has used the special consultative procedure in section 83 of the Local Government Act 2002 and served notice on the Minister for Building and Construction of the proposal to transfer the Scheduled Functions.

7. WCRC has agreed to transfer to ECAN and ECAN has agreed to accept the transfer of the Scheduled Functions of WCRC as a regional authority under the Building Act.

8. WCRC and ECAN have agreed that the transfer of the Scheduled Functions is desirable on the grounds of efficiency, technical and special capability, and expertise.

9. WCRC and ECAN have agreed that the transfer should be on the terms and conditions set out in this Deed.

TERMS OF THIS DEED

1. DEFINITIONS

1.1 In this Deed:

"**Building Act**" means the Building Act 2004, including any amendments or any enactment made in substitution for the Building Act 2004; and

"**Cancellation Date**" means the date the transfer comes to an end pursuant to clause 12.2, 12.3 or 12.4; and

"**Commencement Date**" means the date set out in clause 3.1; and

"**End Date**" means the date set out in clause 12.1; and

"**Scheduled Functions**" means the functions, duties and powers of a regional authority under the Building Act shown with the status "Transferred" in Part A of Schedule 1.

2. TRANSFER

2.1 WCRC transfers to ECAN the Scheduled Functions.

2.2 ECAN accepts the transfer made by clause 2.1.

2.3 WCRC retains all functions, duties and powers of a regional authority under the Building Act in relation to dams that are marked with the status "Not Transferred" in Part A of Schedule 1 (or are otherwise not explicitly shown with the status "transferred" in that Part). ECAN may at its discretion provide assistance to WCRC in relation to WCRC's exercise of those functions, duties and powers which are not transferred to ECAN under this Deed. That assistance shall in each particular instance be undertaken pursuant to a separate contract for services only. The scope and terms of any assistance shall be strictly on the basis that the exercise of those functions, duties and powers shall remain with WCRC (and accordingly shall not, for the avoidance of doubt, be deemed to have transferred to ECAN), and that ECAN shall not under any circumstances be liable to WCRC in any way in respect of such assistance, except to the extent liability is caused by or contributed to by the negligence of ECAN.

2.4 The transfer made by clause 2.1 is on the terms and conditions set out this Deed and is subject to the provisions of the Building Act.

3. COMMENCEMENT OF TRANSFER

3.1 The transfer of Scheduled Functions effected by this Deed commences on 1 June 2021, subject to the transitional provisions set out in Part C of Schedule 1.

4. SERVICE RESPONSIBILITIES

4.1 Each party must diligently fully and promptly carry out its respective service responsibilities as set out in Part B of Schedule 1, and must otherwise do all things reasonably necessary for the proper and complete performance of the arrangements recorded in this Deed.

5. ACCREDITATION AND REGISTRATION

5.1 ECAN must for the purposes of performing the Scheduled Functions use reasonable endeavours to maintain at all times its:

(a) accreditation under sub-part 4 of Part 3 of the Building Act; and

(b) registration as a building consent authority under Part 3 of the Building Act.

5.2 The transfer of functions, duties and powers which require accreditation under sub-part 4 of Part 3 of the Building Act made by this Deed will become void if ECAN fails to retain its accreditation under sub-part 4 of Part 2 of the Building Act.

5.3 The transfer of functions, duties and powers which require registration under Part 3 of the Building Act made by this Deed becomes void if ECAN fails to retain its registration as a building consent authority under Part 3 of the Building Act.

5.4 If under clauses 5.2 or 5.3 part of the transfer of the Scheduled Functions becomes void;

(a) the transfer of all other Scheduled Functions will not be affected but remain in full force and effect; and

(b) ECAN shall repay to WCRC part of the Annual Fee paid in advance. Such payment to calculated on a pro-rata basis.

5.5 Subject to clause 5.4(b), ECAN will not be liable in any way whatsoever to WCRC if it fails to retain accreditation or registration

6. FEES AND CHARGES

6.1 ECAN may impose fees and charges and collect them under section 243 of the Building Act for carrying out the Scheduled Functions.

6.2 WCRC shall exercise its responsibilities under this Deed at its own cost. For the avoidance of doubt, ECAN shall not be liable for any costs incurred by WCRC in WCRC exercising its responsibilities under this Deed.

7. SERVICE ESTABLISHMENT FEE

7.1 WCRC shall pay a service establishment fee to ECAN.

7.2 The service establishment fee shall be paid before the commencement date.

7.3 The service establishment fee shall be $8,333.33 plus GST.

8. ANNUAL FEE

8.1 WCRC shall pay an annual fee to ECAN.

8.2 The annual fee shall be paid yearly in advance i.e. before 1 June in each year.

8.3 The annual fee for each year to 31 May 2031 shall be $13,000 plus GST.

8.4 For the three years subsequent to the year ending 31 May 2022, and for every three years thereafter, the annual fee will be adjusted by ECAN having regard to the actual and anticipated costs of system and procedure development, documentation and maintenance, the building consent authority accreditation and registration fees, insurance premiums and any costs arising from changes to legislation relating to the Scheduled Functions or ECAN's service responsibilities set out in Part B of Schedule 1.

8.5 ECAN shall advise WCRC of the adjusted annual fee by 1 January in respect of each three year period commencing the following 1 July. ECAN shall provide evidence in support of such

adjustment, but shall not, for the avoidance of doubt, be required to obtain WCRC's consent or approval to the adjusted annual fee.

9. SERVICE DISESTABLISHMENT FEE

9.1 WCRC shall pay a service disestablishment fee to ECAN if the transfer effected by this Deed:

(a) is revoked by WCRC under clause 12.2; or

(b) otherwise comes to an end on 31 May 2031,

whichever is the sooner.

9.2 The service disestablishment fee due in clause 9.1(a) shall be paid by the 20th of the month following the date of written notice served by WCRC.

9.3 The service disestablishment fee shall be the amount specified in the written notice under clause 9.2, being the fair, reasonable and actual costs to ECAN of disestablishment plus GST.

10. INDEMNITY

10.1 WCRC fully indemnifies ECAN for all liability including all damages, losses, costs and expenses of any kind in relation to any actions, claims, proceedings and demands of any kind made by any third party in respect of ECAN's performance and/or non-performance of the Scheduled Functions or any of ECAN's service responsibilities set out in Part B of Schedule 1, except to the extent liability is caused by or contributed to by the negligence of ECAN.

10.2 WCRC must not:

(a) bring or make any actions, claims, proceedings and demands of any kind against ECAN in respect of the Scheduled Functions or any of ECAN's service responsibilities set out in Part B of Schedule 1; or

(b) join ECAN as a party to any actions, claims or proceedings of any kind brought against WCRC in respect of the Scheduled Functions or any of ECAN's service responsibilities set out in Part B of Schedule 1.

11. INSURANCE

11.1 WCRC must at its own cost take out and keep current at all material times appropriate insurance cover of a kind and level acceptable in all respects to ECAN from time to time (but being to a value of not less than [NZ$100 million]) in the names of both WCRC and ECAN for claims by third persons against ECAN in carrying out the Scheduled Functions and ECAN's service responsibilities set out in Part B of Schedule 1. WCRC shall produce to ECAN on demand from time to time a copy of the policy and/or evidence that the same is current and the dates the same is paid up to. WCRC shall do nothing to render such insurance void or voidable.

12. DURATION

12.1 The transfer effected by this Deed ends on 31 May 2031.

12.2 WCRC may at any time change or revoke the transfer effected by this Deed by twelve (12) months' written notice to ECAN.

12.3 If WCRC gives written notice to change the transfer effected by this Deed, ECAN may cancel the transfer by six (6) months' written notice to WCRC.

12.4 ECAN may at any other time cancel the transfer effected by this Deed by twelve (12) months' written notice to the WCRC.

12.5 The effect of this clause 12 is subject to the transitional provisions set out in Part C of Schedule 1.

13. REPORTING

13.1 ECAN must report to WCRC at twelve (12) monthly intervals on the exercise of the Scheduled Functions.

13.2 WCRC may at any other time request from ECAN other information it may reasonably require concerning the exercise of the Scheduled Functions.

14. INTELLECTUAL PROPERTY

14.1 Ownership of intellectual property rights relating to any systems and processes developed by ECAN and/or its consultants for the purpose of undertaking the functions, duties and powers relating to this Deed shall remain solely with ECAN (and/or its consultants as applicable) and shall not be passed to or shared with any other party unless expressly approved by ECAN in writing.

15. COSTS

15.1 ECAN, WCRC, and all other Regional Councils who enter into a deed substantially similar to this Deed within six months of the date of this Deed, shall each pay an equal share of ECAN's costs of and incidental to the preparation and negotiation of this Deed. Each party shall otherwise pay their own costs in relation to this Deed and any variation or renewal.

16. DISPUTES

16.1 If any dispute arises between WCRC and ECAN, the Chief Executives of WCRC and ECAN must meet and try to resolve the dispute.

16.2 Failing resolution, the dispute shall be submitted to a single arbitrator for determination under the Arbitration Act 1996.

16.3 The arbitrator shall be appointed jointly by WCRC and ECAN. If no appointment is made within fourteen (14) days of the Chief Executives failing to resolve the dispute, then either party may request the President of the New Zealand Law Society to appoint the arbitrator.

16.4 The arbitrator's decision shall be final and binding on the parties.

17. INVALIDITY

17.1 If any part of this Deed is held by any Court to be contrary to the Building Act or any other law then that part, and that part only, shall be severed with the balance of the Deed remaining in full force and effect.

18. ENTIRE AGREEMENT

18.1 This Deed embodies the entire understanding and the whole agreement between the parties.

19. AMENDMENTS

19.1 This Deed including any attached Schedules may be amended from time to time by agreement in writing signed for and on behalf of both parties.

EXECUTION

THE COMMON SEAL of)
WEST COAST REGIONAL COUNCIL)
was hereto affixed by in the)
presence of:)



_____ Chairperson / Councillor

_____ Councillor

THE COMMON SEAL of)
CANTERBURY REGIONAL COUNCIL)
was hereto affixed by in the)
presence of:)

_____ ~~Chairperson / Councillor~~
Stefanie Rixecker - Chief Executive

_____ ~~Councillor~~

SCHEDULE 1

Functions transferred and service responsibilities in the exercise of those functions

This schedule details:

- Part A - The Building Act functions transferred to ECAN from WCRC.
- Part B - Each parties' service responsibilities. These are the obligations each party has to the other, over and above the transfer of Building Act functions that enable efficient and effective exercise of the transferred functions.
- Part C - Transitional provisions. These detail when ECAN will take over responsibility for, and when WCRC will resume responsibility for, each of the Building Act functions transferred.

For the avoidance of doubt:

- For each section of the Building Act described in Part A as being transferred, the transfer shall be of all functions, duties and powers of WCRC under that section (including all subsections thereof) except where and to the extent such transfer is expressly limited.
- Only functions, duties and powers actually held by WCRC and capable of transfer are so transferred.
- In the event of any inconsistency between Part A and Part B, Part A prevails.

PART A – FUNCTIONS TRANSFERRED

Description of function (and any limitation on transfer)	Status	Section of the Building Act
Issue of building consent		
Check content of application and vet plans	Transferred	45
Deal with minor variation to building consents	Transferred	45A
Provide copy of application to FENZ, if required	Transferred	46
Determine application without FENZ memorandum	Transferred	47
Process application for building consent	Transferred	48
Calculate amount of levy payable, advise applicant and received payment	Transferred	53, 54
Grant or refuse building consent, notify applicant and requirement payment of levy/fees	Transferred	49, 50
Assess compliance of alterations to existing buildings and allowing alterations without compliance	Transferred	112
Determine conditions for alterations to buildings with specified intended life	Transferred	113

SSR

Description of function (and any limitation on transfer)	Status	Section of the Building Act
Receive, consider and grant/refuse request for extension of specified intended life	Transferred	116
Issue building consent	Transferred	51
Receive, consider and grant/refuse request for extension of building consent lapse period	Transferred	52
Payment of levy to MBIE, with retention of 3%	Transferred	59, 60
Recovery of unpaid levy from applicant	Transferred	62
Provision of information about estimated value of building work to MBIE, on demand	Transferred	63
Keep records of building consents granted within region	Transferred	64
Grant of waiver/modification of building code		
Receive, consider and grant conditions in relation to a request for waiver or modification	Transferred	67
Applications relating to energy works	Transferred	70
Notify DHB of any waiver or modification granted	Transferred	68
Building on land subject to natural hazards		
Refusing to grant building consents relating to natural hazards	Transferred	71
Granting building consents relating to natural hazards	Transferred	72, 73
Determining that entry is no longer required and notifying accordingly	Transferred	74
Buildings on 2 or more allotments		
Issuing, signing and lodging a certificate imposing condition on transfer of specified allotments, and noting such condition on the consent	Transferred	75,77
Inspection of building work		
Plan and carry out system of inspections so that all reasonable steps are taken to ensure that building work is carried out in accordance with a building consent	Transferred	90, 222
Grant of Schedule 1 exemption		

SSR

Description of function (and any limitation on transfer)	Status	Section of the Building Act
Receive, consider, grant or refuse request for Schedule 1 exemption relating to any dam which is a 'large dam'	Transferred	12(2)(c), 41, Schedule 1 Clause 22
Receive, consider, grant or refuse request for Schedule 1 exemption relating to any building work, except a dam which is not a 'large dam'	Not Transferred	12(2)(c), 41, Schedule 1
Issue of NTF (expressly limited to building work subject to a building consent granted by ECAN or an application for a Code Compliance Certificate lodged with ECAN or in relation to any dam warrant of fitness or any compliance schedule)		
Consider whether a NTF may be issued, issue notice, and notify other responsible authority it appropriate	Transferred	164, 165
Special provisions for NTF from a building consent authority	Transferred	166
Inspect building work carried out in accordance with NTF, confirm/refuse NTF has been completed, issue further NTF is required	Transferred	167
Issue of CCC		
Require further information in respect of CCC application, and consider granting CCC on expiry of 2 years after date of granting building consent	Transferred	93
Consider whether building work complies with building consent, check development contributions have been addressed, issue or refuse CCC in prescribed form and receive fees	Transferred	94, 95, 91
Give applicant written notice of reason for refusal	Transferred	95A
Receive, consider and grant/refuse request for certificate of public use	Transferred	363A
Issue or amendment of compliance schedule		
Issue compliance schedule with CCC or CoA if building has any specified systems and calculate, charge and receive fee	Transferred	102
Receive and consider application/recommendation for amendment to compliance schedule, agree to	Transferred	106,109

SSR

Description of function (and any limitation on transfer)	Status	Section of the Building Act
amend/not amend compliance schedule, advise applicant		
Notify territorial authority of issue of compliance schedule and provide copy	Transferred	104
Amend the compliance schedule on its own initiative, advise the owner of such, consider submissions if any, give written notice to the owner	Transferred	107
Administration of building warrants of fitness		
Receive annual building warrants of fitness from building owner	Transferred	108
Inspect building for which compliance schedule has been issued	Transferred	111
Miscellaneous		
Keep required information in respect of functions, powers and duties transferred in this Schedule	Transferred	216
Give required access to the information held	Transferred	217
Provide required information to the chief executive	Transferred	218
Issue of Certification of Acceptance		
Receive, process and grant or refuse applications for CoA	Not Transferred	96, 97, 98, 99, 99A
PIM functions		
Receive, process and issue PIM applications	Not Transferred	31, 33, 34, 35, 36, 37, 38, 39
Miscellaneous functions		
Dam Register	Not Transferred	151, 152
Dangerous Dams policy, earthquake-prone and flood-prone dams policy, enforcement and follow-up	Not Transferred	154, 156, 157, 158, 159, 160, 161, 162
Classification of Dams, Dam Safety Assurance Programme, Dam Compliance Certificate	Not Transferred	134, 134A, 134C, 135, 135A, 136, 138, 142, 143, 145, 146, 148, 150

PART B – SERVICE RESPONSIBILITIES

Core processing of building consents, Code Compliance Certificates, exemptions, waivers, etc.

ECAN service responsibilities:	• Provide information about building consent process (as applicable to dams) to potential applicants. • Maintain all master records of its Building Act activities. • Keep WCRC informed at the critical milestones as defined in ECAN processes (e.g. requesting additional information etc.). • Liaison where requested by WCRC in terms of condition setting linked to matters under control of WCRC e.g. development contributions, resource consent conditions.
WCRC service responsibilities:	• Redirect any customer enquiries about existing building consents and Certificates (granted by ECAN) to ECAN. • Notify ECAN in a timely manner of any new information relevant to the processing of its BCA functions (e.g. such as may arise during the processing of a resource consent or PIM or monitoring activity or updating of WCRC's Register of Dams). • Maintain copies of all relevant information to a Building Consent in a systematic manner. • Process WCRC's PIM and forward a copy to ECAN. • Pass on the TA's PIM to ECAN. • Update WCRC's Register of Dams based on the processing milestones. • Carry out its own assessment against WCRC's policies on dangerous dams, earthquake-prone dams and flood-prone dams and advise all relevant parties of the outcome.

Customer enquiries, public information, complaints

ECAN service responsibilities:	• Maintaining good communication channels with WCRC. For example, ECAN will notify WCRC about customer enquiries that will probably lead to building consent applications. • Receive and manage inquiries and complaints about building control functions in respect of functions, powers and duties transferred.
WCRC service responsibilities:	• Maintaining good communication channels with ECAN. For example, WCRC will notify ECAN about customer enquiries that will possibly lead to applications or requests under the Building Act. • Lodging an application within their own customer systems. • Forwarding all applications to ECAN within 24 hours of receipt.

	• Updating Register of Dams where applicable. • Notifying applicants and enquirers about PIM and RMA requirements. • Directing enquiries about building consent requirements and how to apply for a building consent to ECAN. • Investigating complaints and reports of unlawful building work in relation to dams and their appurtenant structures, and reporting the outcome to complainants and enquirers and ECAN. • Responding to enquiries regarding the building consent status and compliance of dams and their appurtenant structures.

Inspection, monitoring and enforcement

ECAN service responsibilities:	• Notifying WCRC and relevant Territorial Authority 2 working days prior to the issue of a Notice to Fix to any dam within the Region of the WCRC. • Liaising with WCRC on matters where joint co-ordination may be appropriate on inspections, non-conforming building work, illegal building work, etc. • Liaising with WCRC in regard to illegal building work as to determination of who will exercise enforcement powers. • Maintaining all appropriate records relating to ECAN's Building Act responsibilities.
WCRC service responsibilities:	• Providing warrants (if and where required) to ECAN and its agents to enable ECAN to carry out inspection, Notice to Fix and enforcement functions. • Carry out inspections on behalf of the BCA (where determined by ECAN as part of the inspection programme as being practical and feasible) • Accompanying ECAN on inspections where this is agreed as appropriate. • Notifying ECAN of unlawful building work known to WCRC.

Non BCA Functions Transferred

ECAN Service Responsibilities:	• Maintain appropriate records relating to ECAN's Building Act responsibilities. • Annual report to WCRC about the performance of ECAN's BCA functions.
WCRC service responsibilities:	• Liaison on any Notice to Fix or enforcement action resulting from the above functions.

BSR

	• Assist ECAN as required in the preparation of ECANs annual report to MBIE. • Ensure ECAN has an up to date and complete and accurate copy of WCRC's Register of Dams. • Advise ECAN upon each change made to WCRCs Register of Dams.

Functions Not Transferred

ECAN Service responsibilities:	• Taking into account PIM information provided by WCRC in the processing of Building Consents.
WCRC service responsibilities:	• Timely and accurate preparation of PIM and forwarding this to ECAN to enable timely processing of building consent application. • Advice on the above functions to ECAN where they impact on current building consent applications.

PART C – TRANSITIONAL PROVISIONS

For the avoidance of doubt, the following provisions shall be interpreted on the basis that in no event is the same function intended to be held by more than one regional authority at the same time in respect of the same matter.

Description of function	Transitional provisions
Issue of building consents (including related grant of waiver/modification of building code, building on land subject to natural hazards, buildings on 2 or more allotments) and grant of Schedule 1 exemptions	**Commencement**: WCRC has responsibility for any building consent and exemption application accepted by WCRC before the Commencement Date.
	End/Cancellation: ECAN has responsibility for any building consent and exemption applications accepted by ECAN before the Cancellation Date or End Date.
Issue of CCCs, CPUs and compliance schedules	**Commencement**: WCRC has responsibility for any CCC, CPU and compliance schedule application accepted by WCRC prior to the Commencement Date.
	End/Cancellation: ECAN's responsibility for the issue of CCCs and compliance schedules accepted by ECAN before the Cancellation Date or End Date, irrespective of when the application was received or whether the relevant building consent was issued by ECAN.
	Commencement: WCRC has responsibility for inspection of building work required for processing an application for the issue

SSR

Description of function	Transitional provisions
Inspection of building work and issue of NTF	of any CCC, CPU or compliance schedule for which responsibility is retained by WCRC.
	End/Cancellation: ECAN's responsibility for the inspection of building work and the issue of NTFs ends on the End Date or Cancellation Date (as applicable), irrespective of whether the applicable building consent was issued by ECAN.
Amendment of compliance schedule and administration of building warrants of fitness	**Commencement**: WCRC has responsibility for any application for amendment to a compliance schedule or annual building warrant of fitness accepted by WCRC prior to the Commencement Date set out in clause **Error! Reference source not found.**.
	End/Cancellation: ECAN's responsibility for any application for amendment to a compliance schedule or annual building warrant of fitness ends on the Cancellation Date or the End Date, irrespective of when the application was received or whether the relevant building consent was issued by ECAN
Keeping and giving access to information	**Commencement**: WCRC must keep and give access to information on all matters within its responsibility prior to the Commencement Date.
	End/Cancellation: ECAN must keep and give access to information on all matters within its responsibility prior to the End Date.

SSR

Appendix 3: Summary of dams register

Dam Name	Owner	Height (m)	Stored Volume (m3)	PIC	Easting	Northing
Kapitea Long Dam	Manawa Energy Limited	16	19000000	High	1451993	5274746
Kapitea Short Dam	Manawa Energy Limited	14	19000000	High	1452301	5275496
A18 Coal Fines Storage Facility	BT Mining Limited	51	2900000	High	1504965	5386016
Fossicker TSF - Saddle Embankment No.1	Oceana Gold Limited	50	10000000	High	1508042	5329976
Fossicker TSF - Saddle Embankment No.2	Oceana Gold Limited	20	4000000	High	1507790	5329727
Fossicker TSF - Saddle Embankment No.3	Oceana Gold Limited	4	2000000	High	1507800	5329586
Goverrnment Dam	Department of Conservation	5.2	943000	Medium	1470360	5355607
Granity Dam	Department of Conservation	5.6	30700	Medium	1506474	5390175
Loopline Road Dam	Department of Conservation	4.5	174000	Medium	1454432	5269569
Okuku Dam	Department of Conservation	4.4	162200	Medium	1455120	5267571
Progressive Dam	Department of Conservation	4.2	98600	Medium	1469756	5355462
New Road Dam	Department of Conservation	6	33300	Low	1499957	5377793
Parker Horners Dam	Department of Conservation	5	120000	Low	1469984	5356537
Paynes Gully Dam	Department of Conservation	4.1	107200	Low	1454346	5278524
Whareatea	Department of Conservation	7.5	28400	Low	1499560	5374678
Arnold Composite Dam	Manawa Energy Limited	13	1267600	Low	1469608	5290376
Duffers Headpond Embankment	Manawa Energy Limited	3.8	260000	Low	1453141	5267573
Kawhaka Desilting Basin Embankment	Manawa Energy Limited	<8	45000	Low	1454528	5265004
Kawhaka Canal Earth Embankment	Manawa Energy Limited	<8	>160,000	Low	1453639	5266988
Loopline Main Dam	Manawa Energy Limited	6	2900000	Low	1451626	5271535
Loopline Ridge Dam	Manawa Energy Limited	4	2900000	Low	1451918	5271359

Wahapo Headpond Earth Embankment	Manawa Energy Limited	9	2600000	Low	1375915	5207846
A-Drive Sump Dam	BT Mining Limited	7.3	22751	Low	1506307	5385223
Duncans Dam	BT Mining Limited	7.9	80300	Low	1507300	5387542
Ford Creek No.4 Dam	BT Mining Limited	9	64543	Low	1506932	5386401
Mangatini Sump Dam	BT Mining Limited	6	158050	Low	1506762	5387510
McCabes Coal Fines Storage Facility	BT Mining Limited	41	811500	Low	1507159	5385634
No.1 North Dam	BT Mining Limited	6	156200	Low	1505589	5383147
St Pat's Dam	BT Mining Limited	10	272300	Low	1508092	5383647
Fossicker TSF - Main Embankment	Oceana Gold Limited	70	12000000	Low	1508391	5329900
Lake Rochfort Hydro Scheme - Lake Stream Northeast Dam	Kawatiri Energy Limited	17	310500	Low	1494136	5375730
Lake Rochfort Hydro Scheme - Penstock Plug Dam	Kawatiri Energy Limited	9	310500	Low	1494008	5375734
Lake Rochfort Hydro Scheme - Christmas Creek Dam	Kawatiri Energy Limited	8	310500	Low	1494083	5375421
Fairmaid	Westport Sawmilling Co	6	50000	TBC		
Cemetery	Cooks Roadmakers Ltd	5	40000	TBC		
Fishermans	Phelps Mining	4.4		TBC		

9.6	**Consents Quarterly Report**
Author	Leah Buchanan Consents & Compliance Senior Planning Technician; Steven May, Consents Manager
Authoriser	Matt Smith Group Manager – Regulatory & Policy;
Public Excluded	No

Report Purpose

The purpose of this report is to update the Resource Management Committee regarding the activities in the Consents team for the months of July, August and September 2026 and to provide an update on other consent related matters.

Report Summary

Consents Quarterly Report to 30 September provides an update on consenting activity. The report also provides an update on projects progressing under the Fast-track Approvals Act.

Recommendations

It is recommended that the Committee resolve to:

1. *Receive the report.*

Issues and Discussion

Quarterly Processing Statistics (July-September 2026)

The quarterly processing statistics highlight the number of applications received by the Consents team for the last quarter. It illustrates the number of applications processed and granted (or declined) or returned to the applicant.

Applications returned to an applicant are due to it not including all the information prescribed by Schedule 4 of the RMA.

Resource Consent processing summary

Applications & Variations lodged		44
Applications returned incomplete	Sec 88	12
Applications withdrawn		3
Decisions Made	**Total**	**33**

Of the 33 decisions made 18 granted non-notified, 12 returned incomplete, 2 withdrawn. 17 of the applications processed have been within the statutory time frame prescribed (including permitted holds and extensions), however, 1 application exceed the timeframes due to admin error.

Certificate of compliance processing summary

Certificate of Compliance Lodged		10
Certificate of Compliance declined		1
Decisions Made	**Total**	**11**

Of the 11 decisions made 10 certificates of compliance were issued, and one declined, meaning that consent is required for that activity.

Consent Processed by activity.

An application for a resource consent may have more than one activity related to it, the above table quantitatively records the total number of Resource consents issued for this quarterly report.

The table below represents the activities under the RMA that the staff had to assess and be satisfied that plans, policy and legislation were complied with.

Summary of consent type:

Activity	**Number processed**
Land use consent	13
Coastal Permit	2
Water Permit	5
Discharge Permit	18

Hearings

No hearings were undertaken within the report timeframes of this quarterly report.

Fast Track Approvals Act 2024 Update

The Fast-track process is administered by the Environmental Protection Authority, with decisions on substantive applications made by independent expert panels appointed by the panel conveners.

There are currently three West Coast projects at different stages of the Fast-track process:

Barrytown Minerals Project – Mineral sand extraction and processing facilities across at Barrytown Flats, north of Greymouth. The application was lodged on 8 June 2026. An Expert Panel was appointed on 10 August 2026 and it is anticipated that the panel will issue its decision in December 2026, subject to any suspensions of the process.

Buller Plateaux Continuation Project (Bathurst) – Continuation and expansion of coal mining activities within the Buller Coal Plateaux. Application was lodged August 2026, however, the application was returned to the applicant 23 September 2026. The applicant has advised us that they are looking to at relodging November 2026.

Auld Creek Project (RUA Gold)– Development and operation of a new underground mine to extract gold and antimony from the Auld Creek deposit near Reefton. An application was made to the Minister for infrastructure on 18 April 2026, The Minister has decided to accept that application and refer the whole project to the fast-track approvals process.
A fast track application is being prepared and may be ready for lodgement before Christmas.

Considerations

Implications/Risks

This report covers the performance of the consents team, including a record of applications received and decision made. This is a statutory function of council.

Significance and Engagement Policy Assessment

There are no issues within this report which trigger matters in this policy.

Financial implications

There are no financial implications associated with this report.

Legal implications

All consents are prepared in accordance with the Resource Management Act (or other legislation) and appropriate staff reports compiled to show the reasoning towards deciding the consent. Legal implications for all consents are a risk of judicial review by any party.

Attachments

Appendix 1 Applications for new Resource Consents granted between 01 July to 30 September 2026.

Buller District Council Mossy Burn River, Karamea, Buller District	RC-2026-0062-1	To discharge contaminants to water in the Coastal Marine Area (CMA) while undertaking bridge maintenance activities, Mossy Burn Bridge.
	RC-2026-0062-2	To discharge contaminants to air from the abrasive blasting of a bridge during the maintenance activities, Mossy Burn Bridge.
	RC-2026-0062-3	To discharge contaminants to water in the CMA associated with the 3 yearly maintenance of the Mossy Burn Bridge.
Buller District Council Oparara River, Buller District	RC-2026-0059-1	To discharge contaminants to water in the Coastal Marine Area (CMA) while undertaking bridge maintenance activities, Oparara Bridge.
	RC-2026-0059-2	To discharge contaminants to air from the abrasive blasting of a bridge during the maintenance activities, Oparara Bridge.
	RC-2026-0059-3	To discharge contaminants to water in the CMA associated with the 3 yearly maintenance of the Oparara Bridge.
James Rex Schwass Inangahua River, Buller District	RC-2025-0148-1	To excavate and disturb the bed of the Inangahua River for the purpose of constructing rock armouring and spur groins.
Kiwirail Holdings Limited Otira Rail Depot, Otira, Westland District	RC-2026-0035-1	To discharge stormwater to land where contaminant may enter water.

	RC-2026-0035-2	To discharge wastewater to land where it may enter water.
Westland District Council Waiho River, Franz Josef, Westland District	RC-2024-0092-1	To undertake earthworks and vegetation clearance within riparian margins to construct and maintain reiver protection structures, Waiho River.
	RC-2024-0092-2	To disturb the bed of the Waiho River to undertake river protection works. Diversion of water associated with the construction of a new culvert.
	RC-2024-0092-3	To permanently divert water in the Waiho River associated with river protection works.
Gold Mining Services Limited Maori Creek Road, Kaimata, Grey District.	RC-2023-0126-1	To undertake earthworks for the purposes of rehabilitating land modified from mining activity
Ross Community Society Incorporated Ross, Westland District	RC-2026-0154-1	To discharge contaminants from green waste material to land associated with a community green waste disposal site, at Ross.
Issac Land Holdings Limited Dobson, Grey District	RC-2025-0093-1	To undertake earthworks associated with gravel quarrying activities at 615-685 State Highway 7, Dobson.
	RC-2025-0093-2	The incidental discharge of sediment to an artificial pond created from the extraction of gravel within Lot 1 DP 2318 and Lot 2 DP 2298 at 615-685 State Highway 7, Dobson.
Leisure Land Ltd Miltown Road, Kaniere, Westland District	RC-2021-0114-1	To undertake exploration (stage 1) and mining (stage 2), including earthworks and vegetation clearance, in the Westland District, Kaniere.

	RC-2021-0114-2	To undertake earthworks associated with alluvial gold exploration (stage 1) and mining (stage 2), Kaniere.
	RC-2021-0114-3	To take and use groundwater via seepage into the mine settling pond system associated with alluvial gold mining, Kaniere.
	RC-2021-0114-1	To discharge water containing sediment to groundwater via seepage in the mining settling pond system associated with alluvial gold mining, Kaniere.
MBD Contracting Ltd Taramakau River, Westland District	RC-2026-0085-1	To excavate and disturb the dry bed of the Taramakau River for the purpose of extracting gravel.
Whyte Gold Ltd New River, Westland District	RC-2026-0047-1	To undertake earthworks, including in riparian margins and associated vegetation clearance, associated with gold mining at Woods Creek, New River.
	RC-2026-0047-2	To take and use surface water from New River for mine process water.
	RC-2026-0047-3	To take and use groundwater via seepage into the mine settling pond system associated with alluvial gold mining, Woods Creek, New River.
	RC-2026-0047-4	To discharge water containing sediment to land where it may enter water via seepage in the mining settling pond system associated with alluvial gold mining, Woods Creek, New River.
Parkinson Farming Company Reefton Reefton, Buller District	RC-2026-0075-1	To take and use groundwater for the purposes of exploratory gold mining.

Goldriver Mining Ltd Waimea Creek, Westland District	RC-2025-0058-1	To undertake land disturbance and vegetation clearance associated with alluvial gold mining at Waimea Creek, Goldsborough, Westland District. Site includes: • Section 3 SO 12171 (being part German Gully Conservation Area) • Section 2 SO 12395 (Shamrock Creek Amenity Area) Indicative Marginal Strip to the immediate south of both areas and adjacent to Waimea Creek
Westland District Council Arawhata River Bridge	RC-2026-0087-1	To discharge contaminants to water from washing the Arawhata River Bridge in preparation for repainting and spot painting.
	RC-2026-0087-2	To discharge contaminants to land from washing the Arawhata River Bridge in preparation for repainting and spot painting.
	RC-2026-0087-3	To discharge contaminants to air from the abrasive blasting of a bridge during the maintenance activities, Mossy Burn Bridge.
	RC-2026-0087-4	To discharge contaminants to water for a three-yearly maintenance programme to wash down the new paint system.
	RC-2026-0087-5	To discharge contaminants to land for a three-yearly maintenance programme to wash down the new paint system.

Buller District Council Karamea Highway, Buller District	RC-2026-0080-1	To undertake earthworks on the Karamea Highway for road widening purposes.
New Zealand Transport Agency-Waka Kotahi Punakaiki, Buller District	RC-2020-0145-1	To occupy space in the CMA with a seawall, Punakaiki.
Colin Sutherland & Kirstie Follis Haast-Jackson Bay Road, Westland District	RC-2024-0015-01 RC-2024-0015-02 RC-2024-0015-3	To disturb the coastal marine area associated with the construction of a coastal/river protection structure at Okuru, Westland. To deposit rock and sand/shingle/stone in the coastal marine area associated with the construction of a coastal/river protection structure at Okuru, Westland.. To disturb land within 50 metres of the coastal marine area associated with the construction of a coastal/river protection structure at Okuru, Westland.
ANZCO Foods Ltd Arnold River, Grey District	RC-2026-0046-01	To discharge Rhodamine WT tracer dye to water for scientific monitoring purposes, Arnold River.

9.7	**Compliance Monitoring Quarterly Report**
Author	Chanelle van Rooyen, Principal RMA Investigator; Ant Phillips, Manager Compliance
Authoriser	Matt Smith, Group Manager, Regulatory & Policy
Public Excluded	No

Report Purpose

For the Environmental Management Committee to be kept informed of activities in the Compliance and Monitoring section, and to provide an update on current matters.

Report Summary

Compliance and Monitoring quarterly report to 30 September which includes a summary of compliance monitoring undertaken, complaints received and action taken.

Recommendations

It is recommended that the Committee resolve to:

1. *Receive the 1 July 2026 to 30 September 2026 report of the Compliance Group.*

Issues and Discussion

Compliance Site Visits

A total of **200** site visits were undertaken during the reporting period, which consisted of:

Activity	**Number of Visits**
Mining consent monitoring	21
Quarry consent monitoring	1
Forestry monitoring	1
Territorial Authorities consent monitoring	9
Dairy farm monitoring	48
Sawmills/timberyards consent monitoring	3
Meat works consent monitoring	2
Whitebait monitoring	109
Complaint related	6

This report covers the period of *1 July 2026 to 30 September 2026*.

Pollution Hot Line/Public complaints

A total of 24 complaints and incidents were recorded. Out of the 24 complaints received, 6 of the complaints resulted in site inspections undertaken and the remaining 18 complaints were responded to and resolved via desktop assessments.

Non-Compliances

There were 4 confirmed non-compliances (Incidents) that occurred during the reporting period.

Two (2) of the non-compliances were established through complaints received and responded to and two (2) non-compliances were established through routine compliance monitoring inspections/desktop reviews.

The following enforcement actions were taken (see appendix 1):

Type of Enforcement action	Number of actions taken
Formal Warning	4
Abatement Notice	2
Infringement Notice	5

Prosecution update

Ahaura Resources (alluvial goldmining)

Sentencing has been delayed until the defendant supplies the court with further information.

Taylorville Resource park (Land fill)

Have pleaded guilty to an unlawful discharge and appeared for sentencing on a representative charge, receiving a fine of $104,000 plus $1,566.11 court costs. The court's decision is attached.

Mining Annual Work Programmes and Bonds

The Council received **16** mining annual work programmes during the reporting period. (see appendix 2)

The following bonds were received:

Date	Mining Authorisation	Holder	Location	Amount
25/08/2026	RC-2020-0061	Dempster Limited & Stuart Mann	Hatters Gully	$24,000.00
05/09/2026	RC-2025-0115	Selwyn Earthworks JV Limited	Atarau, Grey Valley	$25,000.00

The following bonds are recommended for release:

Mining Authorisation	Holder	Location	Amount	Reason For Release
NIL				

Considerations

Implications/Risks

There are no implications/risks associated with this report.

Significance and Engagement Policy Assessment

There are no issues within this report which trigger matters in this policy.

Financial Implications

There are no financial implications associated with this report.

Legal implications

All compliance activities are carried out in accordance with the Resource Management Act.

Staff recommendation reports are compiled for any enforcement and reviewed by Management.
Enforcement actions are subject to appeal provisions. No appeal/s against enforcement actions have been instigated during this reporting period.

Attachments

Appendix 1 – Summary of enforcement actions taken.
Appendix 2 – Summary of action plans
Appendix 3 - Taylorville notes on sentencing

Appendix 1 –Summary of enforcement actions taken.

Activity	Description	Location	Outcome	Action Taken
Farming	Exceeded limit of synthetic nitrogen fertiliser	Multiple	Compliance staff carried out desktop audit on NCAP reporting and identified four (4) farms exceeding their 190kg limit of synthetic nitrogen fertiliser per hectare per year on grazed pasture.	4 x Formal Warnings
Other earthworks	Referral from District Council – Unconsented earthworks	Greymouth	Compliance Officers responded to a referral from the Grey District Council regarding earthworks in the Greymouth Earthworks Control Area. Staff identified non-compliance with the Regional Land and Water Plan and RMA and took enforcement Action to address the matters.	1 x Abatement Notice 4 x Infringement Notices

Gold mining	Complaint regarding discharge to Rocky Creek	Butlers	Compliance Staff responded to a complaint regarding dirty water in Rocky creek. The source of the discharge was traced back to an alluvial gold mine discharging from a sediment-laden pond.	1 x Abatement Notice served to cease discharge. Matter currently under investigation.
Farming	Discharge of untreated agricultural effluent	Franz Joseph	Compliance Officers undertook a routine dairy monitoring site inspection. During the site inspection, the officers observed that untreated agricultural effluent was actively discharging from the effluent storage pond, onto land and into a farm drain where it may enter water.	1 x Infringement Notice Issued

Appendix 2 – Summary of action plans

Date	Mining Authorisation	Holder	Location	Processed Y/N
07/07/2026	RC-2022-0034	Phoenix Minerals Limited	Kumara	Y
08/07/2026	RC-2014-0031	Birchfield Coal Mines Limited	Strongman	Y
28/07/2026	RC-2022-0025	Elect Mining Limited	Awatuna	Y
02/08/2026	RC-2024-0043	Westland Mining Limited	Fox River, Kawaka	Y
28/08/2026	RC-2025-0016	Westland Mining Limited	Stafford	Y
13/08/2026	RC-2020-0061	Dempster Limited & Stuart Mann	Hatters Gully	Y
13/08/2026	RC00323	Oceana Gold (New Zealand) Limited	Globe Hill, Reefton	Y
17/08/2026	RC-2014-0204	Faith Technologies Limited	Butlers	Y
26/08/2026	RC-2019-0056	Titan Resources Limited	Bell Hill	Y
07/09/2026	RC-2025-0115	Selwyn Earthworks JV Limited	Atarau, Grey Valley	Y
07/09/2026	RC-2024-0051	Wayne Hugh Hassan	Cronandun	Y
08/09/2026	RC-2014-0170	Goldriver Mining Limited	Butlers	Y
08/09/2026	RC-2021-0129	Adam Askin	Hokitika	Y
09/09/2026	RC-2022-0114	West Coast Farmers Lime Company Ltd	Ross	Y
23/09/2026	RC-2026-0047	Whyte Gold Limited	Woods Creek, New River	Y
25/09/2026	RC-2023-0149	Westland Mineral Sands Co.	Okari, Nine Mile	Y

10 Motion into Public Excluded Meeting

Recommendation

It is recommended that the Committee resolve:

1. *That the public be excluded from the following parts of the proceedings of this meeting, namely – **agenda items 11 and 13.***

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) of LGOIMA for the passing of this resolution
11.1 *Minutes of Environmental Management Committee public excluded meeting – 1 September 2026*	*s7(2)(j) - the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage*	*S48(1)(a)(i) - the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7*
12. *Action List – public excluded*	*Not applicable (There are no actions)*	
13.1 *XX*	*s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information*	*S48(1)(a)(i) - the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7*