



# Hamilton City Council – Final Submission

## Packages 1–3 of the Resource Management Act National Direction

Package 1: Infrastructure and Development

Package 2: Primary Sector

Package 3: Freshwater



### Ministry for the Environment

1 August 2025

# Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this Council submission is aligned with all of Hamilton City Council's five priorities.

## Council Approval and Reference

This submission was approved by Hamilton City Council at its meeting held on 31 July 2025.

Submission # 809

# Key Messages and Recommendations

## 1. **Package 1: Infrastructure and Development**

2. We support the intent of the proposed national direction to streamline infrastructure delivery and align it with land use planning.
3. We emphasise the importance of integrating infrastructure planning with spatial and strategic planning frameworks.
4. We support enabling renewable energy and electricity networks, while highlighting the need to manage impacts within urban environments.
5. We support national consistency in standards for telecommunications, EV infrastructure, and minor residential units, while calling for flexibility to address local urban contexts.
6. Funding is a key constraint; flexible, fit-for-purpose tools are vital for strategic, viable, and resilient infrastructure delivery.

## 7. **Recommendations**

### 8. **NPS for Infrastructure (NPS-I)**

9. We recommend limiting the use of the NPS-I to infrastructure providers or those with formal approval.
10. We seek clarification of definitions, particularly for 'infrastructure supporting activities' and 'additional infrastructure'.
11. We recommend including social infrastructure (e.g., parks, libraries) within the scope.
12. We support aligning definitions and policies with other national policy statements (e.g., NPS-UD, NPS-FM, NPS-HPL).
13. We request implementation guidance for Policy 4 to ensure timely and efficient delivery.
14. We recommend expanding the definition of infrastructure to include green infrastructure, beyond its current limited reference within the definition of 'stormwater network'.

### 15. **NPS for Renewable Electricity Generation (NPS-REG)**

16. We support the strengthened objective and enabling policies.
17. We recommend clarifying size thresholds for renewable generation in urban versus rural contexts.

### 18. **NPS for Electricity Networks (NPS-EN)**

19. We support the inclusion of electricity distribution within the scope.
20. We emphasise the importance of collaboration with landowners and road controlling authorities.
21. We recommend managing urban impacts and distinguishing between urban and rural contexts.

### 22. **NES for Electricity Network Activities (NES-ENA)**

23. We support the inclusion of EV charging as a permitted activity.
24. We recommend retaining flexibility for councils to tailor EV infrastructure rules.
25. We seek clarification on protections for archaeological and waahi tapu sites.
26. We support controlled activity status for non-compliant or heritage-area activities.

**27. NES for Telecommunication Facilities**

- 28. We support Option 1 (20m height cap) for improved visual amenity.
- 29. We recommend recognising non-telco infrastructure providers (e.g., councils) in definitions.
- 30. We support enabling co-location while balancing functionality with visual amenity.

**31. NES for Granny Flats (Minor Residential Units)**

- 32. We recommend renaming the standard to NES for Minor Residential Units (NES-MRU).
- 33. We recommend excluding MRUs from medium and high-density zones, as these zones are intended for more intensive housing forms and supported by significant infrastructure investment. Allowing MRUs in medium and high-density zones will compromise our ability to achieve the outcomes set by the NPS-UD and government policy directives.
- 34. We seek clarification on floor area definitions and setbacks (e.g., 5m from arterial roads).
- 35. The NES for Granny Flats risks establishing a new permitted baseline for other activities within the same zone. This will undermine the implementation of the MDRS standards reducing their effectiveness. The consequences of this have not been adequately acknowledged or addressed in the discussion document.
- 36. We submit that the NES be amended to allow councils the ability to apply MDRS standards to MRUs. This will ensure quality and consistency of housing outcomes as sought by MDRS and government direction.

**37. NES for Papakāinga**

- 38. We support providing consenting pathways for papakāinga on general land.
- 39. We recommend including urban-specific provisions and allowing ancillary community uses.
- 40. We recommend that Papakāinga should not be permitted in areas with identified natural hazard risks.
- 41. We support limiting subdivision to preserve community integrity.
- 42. We recommend aligning definitions with Building Act reforms for consistency.

**43. NPS for Natural Hazards**

- 44. We support the high-level framework but request clearer implementation guidance.
- 45. We seek clarification on how the NPS interacts with existing district plan rules.
- 46. We support proportionate risk management and the use of best available information, but recommend clearer guidance on how different risk levels should be managed, with priority given to avoiding risks to life where alternatives exist.
- 47. We also oppose the proposed risk matrix and the ambiguous definition of “significant risk” and instead support alignment with existing frameworks and clearer direction on appropriate activities at each risk level.

**48. Package 2: Primary Sector**

- 49. We support enabling growth in the primary sector, provided it does not unduly constrain urban development.
- 50. We emphasise the importance of protecting municipal water sources and infrastructure from upstream impacts.

- 51. [Recommendations](#)**
- 52. [NPS for Highly Productive Land \(NPS-HPL\)](#)**
- 53. We support the removal of LUC 3 land from urban development restrictions, while recommending its retention for rural lifestyle areas.
- 54. We recommend that mapping responsibilities for Highly Productive Land remain with regional authorities.
- 55. We support the implementation of Special Agricultural Areas (SAAs) through District Plans, with mandatory cross-boundary consultation to avoid conflicts with future urban growth areas.
- 56. [NES for Commercial Forestry](#)**
- 57. We support stricter controls on slash management to protect infrastructure and water quality.
- 58. We recommend a risk-averse approach to slash management, particularly in light of climate change and its potential impacts on critical infrastructure.
- 59. [Package 3: Freshwater](#)**
- 60. We support the overarching goal of improving freshwater quality and aligning with Te Ture Whaimana o Te Awa o Waikato.
- 61. We strongly oppose the removal of Te Mana o te Wai (TMotW) and advocate for its retention in resource management decision-making.
- 62. We support flexibility in implementation timeframes and staged infrastructure upgrades to promote affordability and intergenerational equity.
- 63. [Recommendations](#)**
- 64. [NPS for Freshwater Management \(NPS-FM\)](#)**
- 65. We recommend clarifying that the term “safeguard” implies improvement of water quality, rather than maintaining degraded conditions.
- 66. We support Option 2, which reinstates the 2017 TMotW provisions, particularly when paired with staged infrastructure upgrades.
- 67. We oppose Option 3, which proposes the complete removal of TMotW, as this conflicts with statutory obligations and long-term environmental stewardship.
- 68. We recommend adding drinking water supply as a compulsory value within the National Objectives Framework.
- 69. We support prioritising allocation at the catchment level to avoid first-come-first-served approaches.
- 70. [NES for Freshwater \(NES-F\)](#)**
- 71. We support permitting commercial vegetable production, provided nutrient impacts are effectively managed to protect municipal water sources.
- 72. We recommend clearer definitions for wetlands and support excluding induced wetlands from regulation to enable infrastructure upgrades.
- 73. We support expanding the definition of “specified infrastructure” to include infrastructure necessary for plan-enabled urban development.
- 74. We recommend retaining the wetland mapping requirement but extending the deadline to allow for practical implementation.

75. We support evidence-based fish passage regulations and exemptions where fish are not present.
76. We support mapping of source water risk areas and recommend alignment with the Water Services Act.
77. We recommend recognising three waters infrastructure as nationally significant, particularly in high-risk areas, and ensuring it is appropriately prioritised in planning and consenting decisions.

## Introduction

78. Hamilton City Council welcomes the opportunity to make a submission to the Ministry for the Environment on Packages 1-3 of the Resource Management Act National Direction as outlined in the three May 2025 discussion documents i.e.:
  - **Package 1: Infrastructure and Development**
  - **Package 2: Primary Sector**
  - **Package 3: Freshwater**
79. Hamilton City Council takes an active interest in the resource management space, as evidenced by our recent submissions to the:
  - **Resource Management (Consenting and Other System Changes) Amendment Bill (10 February 2025)** – [Weblink](#)
  - **Application to have Projects Listed in Schedule 2 of the Fast Track Approvals Bill (3 May 2024)**
  - **Fast Track Approvals Bill (19 April 2024)** – [Weblink](#)
  - **Engagement Draft of the Transitional National Planning Framework Proposal (13 December 2023)** – [Weblink](#)
  - **Proposed National Policy Statement for Natural Hazard Decision-Making Discussion Document – September 2023 (16 November 2023)** – [Weblink](#)
  - **Managing the Use and Development of Highly Productive Land – Discussion Document – September 2023 (7 November 2023)** – [Weblink](#)
  - **Natural and Built Environment Bill (17 February 2023)** – [Weblink](#)
  - **Spatial Planning Bill (17 February 2023)** – [Weblink](#)
80. This submission focuses on responding to the key questions that are likely to impact on Hamilton City Council. Therefore, not all questions in the Ministry for the Environment's May 2025 discussion documents are addressed.

## Package 1: Infrastructure and Development

81. Package 1 overlooks a fundamental constraint to infrastructure delivery: funding. While the policy aims to streamline planning and consenting processes, these are not the primary barriers to timely infrastructure provision. Infrastructure is often planned decades in advance (typically 10 to 30+ years through structure plans and master plans) but financial planning and funding mechanisms consistently lag behind. This disconnect creates a persistent gap between what is envisioned and what can realistically be delivered.
82. Even in an unconstrained funding environment, deliverability remains a challenge. Infrastructure cannot be built everywhere, all at once. Prioritisation is necessary not only due to funding limitations but also because of practical constraints such as workforce capacity, material availability, and lead-in times for securing land, consenting and authorisations. In many cases, infrastructure requires land that is not

council-owned, and securing access or ownership is a prerequisite before delivery can proceed. These realities must be acknowledged in any national direction aiming to enable infrastructure.

83. These constraints highlight the urgent need for flexible funding and financing tools that are fit-for-purpose with regard to the emerging growth and legislative environment, in order to facilitate infrastructure delivery.
84. Crucially, development cannot happen successfully without the infrastructure to support it. Housing, commercial, and industrial growth all rely on timely provision of water, wastewater, stormwater, transport, and other essential services. Without these, development is either delayed, compromised in quality, or results in long-term operational and environmental (whole of life) costs and issues.
85. Hamilton's 2024–2034 Long-Term Plan and 2024–2054 Infrastructure Strategy illustrate the severity of this issue. Despite clear infrastructure needs, financial constraints have forced the deferral of essential projects, including:
  - \$150 million in unfunded stormwater infrastructure.
  - \$500 million in water supply upgrades.
  - \$1 billion+ for roads and intersection improvements.
  - \$1 billion+ for public transport infrastructure.
86. These figures do not reflect the increasing expectations to release more development-ready land, which further compounds the pressure on infrastructure systems.
87. We recommend that Package 1 explicitly acknowledges the critical role of infrastructure funding and deliverability in enabling timely provision of infrastructure and development. Without this recognition, the policy risks setting expectations that cannot be met within current planning and financial frameworks.

## New National Policy Statement for Infrastructure

88. Hamilton City Council is supportive of the proposed National Policy Statement for Infrastructure (NPS-I). Although specifically not mentioned in the submission points below, we particularly endorse the policy direction relating to:
  - Managing reverse sensitivity.
  - Aligning spatial planning with deliverable infrastructure provision.
  - The overarching objective of the NPS-I to enable timely, efficient, and resilient infrastructure delivery.
  - Enabling the maintenance and upgrading of existing infrastructure.
  - Recognising and providing for Maaori rights and interests.
89. These elements reflect longstanding priorities for Hamilton City Council, are consistent with our strategic planning and operational experience, and reflect some of the feedback of our previous submissions.

### **Is the scope of the proposed NPS-I adequate?**

90. We have concerns regarding the scope of who can utilise the NPS-I. Hamilton City Council consider the scope should be limited to infrastructure providers, or parties who have received formal approval from infrastructure providers responsible for the ongoing operation and maintenance and upkeep of the infrastructure proposed. This is consistent with the approach taken in the original National Policy Statement for Electricity Transmission Activities and the National Environmental Standards for Telecommunication Facilities.

91. Our concern is to avoid the proliferation of ad hoc infrastructure solutions that are not well integrated into long-term infrastructure planning or operational frameworks. These types of developments often result in significant operational expenditure implications for councils and infrastructure providers. For example, [in the case of Christobel Circle](#), private infrastructure was consented under the RMA as private infrastructure. Following the collapse of those responsible for the private infrastructure, Hamilton City Council (following community pressure) assumed ownership of that infrastructure. The infrastructure's ad hoc nature often leads to increased costs for Council and its ratepayers.

92. To mitigate the risk of ad hoc infrastructure development, we recommend that the NPS-I include a clear definition of “infrastructure provider.” This definition should be limited to entities responsible for the long-term operation, maintenance, and funding of infrastructure, or those who have formally obtained approval to develop infrastructure on behalf of such entities. It would help ensure that only qualified and accountable parties are able to initiate infrastructure projects under the NPS-I.

93. This would ensure that infrastructure delivered under the NPS-I is strategically planned, operationally viable, and aligned with long-term asset management and funding frameworks.

94. We recommend the following changes:

- Define “infrastructure provider” within its scope and provisions.
- Include policy direction requiring any non-infrastructure provider proposing infrastructure to obtain written approval from the relevant infrastructure provider prior to proceeding.

95. We also recommend that the definition of “infrastructure” be expanded to explicitly include green infrastructure, beyond its current limited reference within the definition of “stormwater network”.

96. Green infrastructure plays a critical role in supporting well-functioning urban environments, improving resilience to climate change, enhancing biodiversity, and delivering co-benefits such as amenity, health, and water quality. Recognising green infrastructure within the NPS-I would align with national climate and environmental goals and provide clearer direction for councils to plan and deliver integrated infrastructure solutions.

97. The broader role of Green Infrastructure in delivering environmental, social, and climate resilience outcomes is not currently reflected in the general definition of infrastructure or infrastructure activities.

98. We recommend the following amendments to the definitions, objectives and policies:

- **Definition D1 – Additional Infrastructure.** Add: “Infrastructure includes green infrastructure where it provides essential services or functions such as climate resilience, ecological connectivity, or urban cooling’.
- **Definition D7 – Infrastructure.** Add: “Infrastructure includes green infrastructure where it provides essential services or functions such as climate resilience, ecological connectivity, or urban cooling”.
- **Definition D8 – Infrastructure activities.** Add: “Includes natural and constructed green infrastructure assets that contribute to infrastructure outcomes”.
- **Objective OB1(f).** Add: “...while managing adverse effects on the environment and enhancing environmental outcomes through the integration of green infrastructure”.
- **Policy P1(1)(e).** Add: “...helping to protect and restore the natural environment, including through the use of green infrastructure”.

99. We further recommend expanding the definition of “infrastructure” to explicitly include fire and emergency services, stormwater networks, and social infrastructure. These components are essential to the functioning of resilient and inclusive communities and should be clearly recognised within the scope of the NPS-I.

**Do you agree with the definition of ‘infrastructure’, ‘infrastructure activities’ and ‘infrastructure supporting activities’ in the NPS-I?**

**100.** Council supports the broad scope of infrastructure activities proposed by the NPS-I. As an organisation, Hamilton City Council provides and manages a wide range of infrastructure services, including three waters, transport networks, community facilities, parks, crematoriums and resource recovery. We also host renewable energy and telecommunications infrastructure associated with our core functions. We support the broad scope of activities included within the NPS-I, especially where it creates more enabling pathways for infrastructure-related activities.

**101.** However, we seek clarification and refinement in three key areas:

- **Alignment with the National Policy Statement on Urban Development (NPS-UD):** Both the NPS-UD and the proposed NPS-I include definitions for “additional infrastructure.” Given that these two national policy statements are likely to interact—whether through plan change processes or resource consenting—it is important to ensure consistency between their definitions. We consider it prudent to align the terminology used in both instruments to avoid confusion and ensure coherent application across the planning system. If alignment is not intended, we recommend that the NPS-I adopt an alternative term to distinguish its scope and intent.

We seek alignment between the definitions of “additional infrastructure” in the NPS-I and NPS-UD, or adopt a distinct term in the NPS-I if alignment is not intended.

- **Stormwater Infrastructure Classification:** The inclusion of stormwater networks under “additional infrastructure” may unintentionally imply that stormwater is not covered under the original RMA definition of “infrastructure” (defined as “a drainage or sewage system”). Hamilton City Council has consistently treated stormwater infrastructure as part of this original definition. We are concerned that this reclassification could lead to inconsistent treatment in future RMA decisions.

We recommend reconsidering terminology with respect to stormwater network activities (which includes conveyance and treatment) versus “additional infrastructure” and “drainage systems” under the RMA to ensure clarity and consistency.

- **Social Infrastructure Inclusion:** Council has one designated park, and acknowledges the growing importance of social infrastructure (such as parks, libraries, and community facilities) in supporting community wellbeing. These assets play a vital role in urban environments. Recognising them within the NPS-I would provide greater clarity and consistency in planning and consenting processes, should councils choose to designate them in the future.

We recommend including social infrastructure within the definition of “additional infrastructure” to support consistent recognition and enable future flexibility in planning frameworks. Parks, libraries, and other community facilities are increasingly being designated.

**102.** With regard to infrastructure supporting activities, Hamilton City Council notes a potential omission in the proposed definition. While quarrying is included, other critical activities (discharges from wastewater treatment plants, water abstraction, noise emissions from ports, crematorium) are not.

**103.** While the NPS-I provides strong enabling provisions for the construction of infrastructure, we are concerned that the absence of these supporting activities from the definition may result in barriers to their operation. If consents for these ancillary activities are not granted, there is a risk that newly constructed infrastructure may not be usable or effective. To ensure infrastructure can function as intended, these enabling activities must be clearly provided for within the policy framework.

**104.** We recommend redrafting the definition of “infrastructure supporting activities” to include critical enabling activities such as discharges, water takes, and emissions necessary for infrastructure operation.

**105.** We suggest clarifying that access-related activities are included within the scope of infrastructure supporting activities.

**Does the proposed objective reflect the outcomes sought for infrastructure?**

106. Council supports the intent of the proposed objective in the NPS-I, particularly its focus on delivering infrastructure that supports wellbeing, resilience, and environmental management.
107. O1(f) makes reference to New Zealand's infrastructure being "delivered in a timely, efficient, and ongoing manner while managing adverse effects on the environment." In our view, timely and efficient delivery of infrastructure depends on well-functioning planning processes and funding certainty. Long-term infrastructure planning (including consideration of Capital and Operational whole of life costs) requires clear land use direction, and successful delivery relies on integration across infrastructure, planning, and funding systems.
108. We consider that the proposed objective could be strengthened by referencing integration with land use planning where possible to do so. The funding aspect relating to infrastructure is previous discussed within paragraphs 38 to 42.
109. We recommend adding a reference to the integration between the provision infrastructure and land use planning (where it is possible to do so).

**Does the proposed policy adequately reflect the benefits that infrastructure provides?**

110. Yes, the policy is further strengthened by allowing decision makers to consider any localised adverse effects on the environment.<sup>1</sup>

**Does the proposed policy sufficiently provide for the operational and functional needs for infrastructure to be located in particular environments?**

111. Noting our previous submissions points on the topic, yes, the proposed policy does sufficiently provide for the operational and function needs for infrastructure to be located in particular environments.
112. The proposed policy covers infrastructure activities not already covered in other national policy statements and also includes infrastructure supporting activities which are critical for effective and efficient functioning of core infrastructure. The policy also supports infrastructure critical to community wellbeing and contains implementation measures and timeframes to ensure policy is actionable and effective.

**Do you support the proposed requirement for decision-makers to have regard to spatial plans and strategic plans for infrastructure?**

113. Hamilton City Council supports this requirement, noting its alignment with the NPS-UD requirements for local authorities to implement Future Development Strategies which are informed by spatial plans and master planning. The NPS-I proposes that decision-makers must consider spatial plans and Future Development Strategies when enabling infrastructure to meet changing community needs.<sup>2</sup>

**Would the proposed policy help improve the efficient and timely delivery of infrastructure?**

114. Hamilton City Council supports the intent of this policy direction. However, we emphasise that the primary barrier to the efficient and timely delivery of infrastructure remains the availability and certainty of funding. While consenting processes play a role, they are secondary to the broader issue of financial resourcing.

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<sup>1</sup> Mfe. (2025). Attachment 1.1: Proposed provisions – New National Policy Statement for Infrastructure. Policy 1 (2), p7.

<sup>2</sup> Mfe. (2025). Package 1: Infrastructure and development - Discussion document. p15.

**Does the proposed policy adequately provide for the consideration of Māori interests in infrastructure?**

115. Hamilton City Council supports the inclusion of policies which seek to capture Māori interest in infrastructure, especially where policy seeks to uplift and support the aspirations of Mana Whenua. Hamilton City Council wish to ensure that, like any private infrastructure owner, the interaction between owners and operators of infrastructure needs to be “seamless”. As such, we would prefer to see clear guidance on the need for cooperation and collaboration between Māori and non Māori infrastructure providers.

**Do the proposed policies sufficiently provide for the interface between infrastructure and other activities including sensitive activities?**

116. Hamilton City Council is generally supportive of the intent of the proposed policies, particularly the direction provided on managing reverse sensitivity. This is a critical issue in urban environments, where new development can impact the operation of existing infrastructure through complaints or restrictions on activities such as noise, odour, or vibration.

117. However, we consider that further clarity is needed to fully understand the interrelationship between infrastructure and other land uses. The policies would benefit from more explicit guidance on how to manage these interfaces in practice, especially in areas of mixed use or high growth.

118. One area that remains unaddressed is the interaction between infrastructure providers themselves. In urban areas, where land is already constrained, multiple providers often need to operate within the same corridor or footprint. Coordinating these activities is essential to avoid conflict, duplication, or inefficiencies in delivery and maintenance.

119. We recommend that the NPS-I include policy direction to support coordination between infrastructure providers, particularly in shared spaces. This would help ensure infrastructure is planned and delivered in a way that is integrated, efficient, and responsive to the realities of urban land use.

## **Amendments to National Policy Statement for Renewable Electricity Generation 2011**

**Do you support the proposed amendments to the objective of the NPS-REG?**

120. We support the proposed amendments to the National Policy Statement for Renewable Electricity Generation (NPS-REG), particularly its emphasis on improving resilience and planning for future climate conditions.

121. Hamilton City's District Plan already enables renewable energy generation, with appropriate limits on scale and output to reflect the city's fully urban environment. We are generally supportive of the proposed amendments to the NPS-REG objective.

122. A key concern is the need for a clearer definition of renewable electricity generation size, particularly to distinguish between what is appropriate in urban versus rural contexts.

**Are the additional benefits of renewable electricity generation helpful considerations for decision-makers? Why or why not?**

123. We consider the additional benefits are helpful for decision-makers, however it is important to be considerate of how renewable energy could impact the urban environment.

**Do you support the proposed policy to enable renewable electricity generation development in areas not protected by section 6 of the RMA, or covered by other national direction?**

124. We are generally supportive of the proposed policy. Hamilton City's District Plan already allows for renewable energy generation, however as Hamilton is fully urbanised it is important to consider how renewable energy could impact the urban environment.

## **Amendments to National Policy Statement on Electricity Transmission 2008 (proposed to be renamed National Policy Statement for Electricity Networks)**

125. Hamilton City Council generally supports the proposed updates to the National Policy Statement for Electricity Networks (NPS-EN), which are considered this essential to strengthening infrastructure resilience, enabling urban growth, and supporting the transition to renewable energy.

126. Hamilton City Council has consistently supported strategic electricity planning through initiatives like Future Proof. The proposed NPS-EN is as a valuable mechanism to better integrate electricity infrastructure into future development strategies, ensuring it is delivered in the right locations and avoids future land use conflicts.

127. While Hamilton City Council does not manage electricity transmission networks, we have a vested interest in their operation and development. Transmission infrastructure traverses urban environments, including key transport corridors, and its presence has implications for land use decisions and future development.

128. The inclusion of lower voltage distribution lines within the scope of the NPS-EN is particularly relevant for Hamilton, where integrated planning across transport, energy, and other infrastructure (e.g. three waters, gas, telecommunications) is critical to achieving well-functioning urban environments.

129. We advocate for electricity infrastructure within transport corridors to be safe, efficient, and well-integrated. Collaborating with providers, Hamilton City Council promotes solutions such as undergrounding overhead lines to minimise conflict and enhance reliability across networks.

130. Hamilton City Council recommends greater direction for electricity network operators to collaborate with landowners, including road controlling authorities or requiring authorities. This is particularly necessary if central government intends to rely more heavily on private infrastructure solutions to meet national objectives.

**Do you support the proposed definitions in the NPS-EN?**

131. Yes. Several new definitions are proposed in the NPS-EN, for example 'routine activities' and 'non-routine activities' are proposed to be redefined to separate regular activities that are part of the lifecycle of electricity networks.

132. Hamilton City's District Plan includes objectives and policies that seek the efficient operation, maintenance and upgrade of the existing electricity transmission network and requires network utilities to be designed, located, installed, operated and maintained to minimise adverse effects.

133. We support definition D17 as it recognises the need to deliver the service in a new or different way.

**Do you support the proposed objective? Why or why not?**

134. We are generally supportive of the proposed objective. Hamilton City's District Plan already recognises the importance of network utilities in supporting the city's development and functioning. Key concerns include:

- The need to consider the impacts of the electricity network on the urban environment.

- The importance of distinguish between appropriate electricity network and distribution activities in urban versus rural contexts.

**135.** Objective OB1 b) helps to provide for a resilient electricity network for the future climate, aligning with the Climate Change Response Act 2002 and the National Adaptation Plan.

**Do you support Transpower and electricity distribution businesses selecting the preferred route or sites for development of electricity networks?**

**136.** Yes. Transpower and electricity distribution businesses are best placed to select preferred routes or sites, given their understanding of the operational and functional needs of their networks. We support the proposed policy to ensure resource management decisions recognise their role.

**Are there any other route or site selection considerations that have not been identified?**

**137.** We support electricity distribution businesses in identifying and sharing preferred sites for infrastructure development. However, where road corridors are involved, final site selection and route confirmation must be carried out in strategic partnership with the Road Controlling Authority. This collaborative process ensures that the primary function of the corridor (being the safe and efficient movement of people and goods) is upheld, and that any infrastructure introduced does not compromise network integrity, public safety, or transport performance.

**138.** This collaborative approach is essential to managing the increasing complexity of shared corridors, where transport, three waters, utilities, and power infrastructure often overlap. Early coordination between infrastructure providers and the Road Controlling Authority helps reduce conflicts, streamline delivery, and ensure adverse effects are mitigated in a way that supports long-term network efficiency and safety.

**Do you support the proposed policy to enable development of electricity networks in areas not protected by section 6 of the RMA, or covered by other national direction?**

**139.** P7 of the proposed NPS-EN requires in rural environments, planning and development of the EN should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character, and areas of high recreation value and amenity.

**140.** We support the proposed policy to enable development of electricity networks in areas not protected by section 6 of the RMA or covered by other national direction. Hamilton City's District Plan includes policies requiring network utilities to be designed, located, installed, operated and maintained to minimise effects on surrounding land uses, and avoid areas of high amenity values listed in the District Plan where possible.

**Should developers be required to consult with electricity distribution providers before a resource consent for land development is granted? If not, what type or scale of works would merit such consultation?**

**141.** We agree that for sites where electricity infrastructure is located developers should be required to consult with electricity distribution providers before a resource consent is granted.

# Amendments to Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (proposed to be renamed National Environmental Standards for Network Activities)

142. Hamilton City Council generally supports the changes to the National Environmental Standards for Electricity Network Activities (NES-ENA) to ensure more enabling standards for electricity transmission activities and the amendment to include EV charging infrastructure with permitted activity standards.

143. Our key points are:

- Council supports routine electricity network maintenance activities like earthworks being permitted, but seeks clarity on how the NES-ENA will protect archaeological and wāhi tapu sites, which were previously safeguarded under the Heritage New Zealand Pouhere Taonga Act 2014.
- Council supports strategic placement of EV charging infrastructure, but recommends that any permitted activity for EV chargers in these corridors be subject to RCA approval to ensure safety and efficiency. Council also seeks clarification on the scale and traffic thresholds for standalone EV charging stations proposed under Regulation 16.

144. These are each discussed throughout our responses to the consultation questions below.

**What activity status is appropriate for electricity transmission network activities when these:**

- a. do not comply with permitted activity standards?
- b. are located within a natural area or a historic heritage place or area?

145. A restricted activity status is appropriate for both activities that do not comply with permitted activity standards and activities that are located within a natural area or a historic heritage place or area. It is unclear as to how the NES-ENA ensures the protection of archaeological sites or waahi tapu sites. Under the previous NES, earthworks could be carried out on archaeological sites if in accordance with the Heritage New Zealand Pouhere Taonga Act 2014. It is unclear if this is still retained under the new NES-ENA. There may be scope to consider the protection of archaeological sites or waahi tapu sites as matters of discretion.

**Do you support the proposed scope of activities and changes to the permitted activity conditions for electricity transmission network activities?**

146. Hamilton City Council supports EV charging infrastructure being included in the NES-ENA and has already included some provisions for EV charging points for new developments. Hamilton City Council generally supports the NES-ENA becoming more permissive for routine electricity activities, such as relocation, replacements and ancillary activities like vegetation clearance and earthworks – noting the point previously stated around archaeological sites.

**Do you support the proposed matters of control and discretion for all relevant matters to be considered and managed through consent conditions?**

147. Generally, yes noting the previous point around archaeological sites.

**Do you support adding any or all of the five categories of regional activities to the NES-ENA as permitted activities?**

148. This is not relevant to Hamilton City Council as we are not a regional council or Transpower. We encourage the New Zealand Government to consider both regional councils and Transpower in their approach.

**Do you support the proposed permitted activity conditions and the activity classes if these conditions are not met?**

149. We encourage the New Zealand Government to consider the feedback from regional councils on the permitted activity conditions regarding the “regional rules” and the associated activity classes if these conditions are not met.

**Do you support management plans being used to manage environmental impacts from blasting, vegetation management and earthworks?**

150. Yes, this is best practice.

**What is an appropriate activity status for electricity distribution activities when the permitted activity conditions are not met, and should this be different for existing versus new assets?**

151. Generally, Hamilton City Council agrees with the existing distribution assets being a controlled activity status when the standards are not met, and new distribution assets being restricted discretionary when the standards are not met.

**What is your feedback on the scope and scale of the electricity distribution activities to be covered by the proposed NES-ENA?**

152. It appears to be of appropriate scope and scale.

**Do you support the proposed inclusion of safe distance requirements and compliance with some or all of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001?**

153. Yes – with all. Our District Plan already includes compliance with NZCEP 34:2001.

**Is the proposed NES-ENA the best vehicle to drive compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distance 34:2001? If not, what other mechanisms would be better?**

154. District Plans should consider the NZCEP 34:2001 and ratifying this through a national environmental standard is appropriate.

**Should the NES-ENA allow plan rules to be more lenient for electricity distribution activities proposed to be regulated?**

155. Yes, Council supports allowing plan rules to be more lenient for electricity distribution activities, particularly in relation to EV charging infrastructure.

156. Our current planning framework already includes provisions for EV charging. The intent of our Operative District Plan (ODP) is not to restrict EV infrastructure, but to encourage its uptake in areas where it may not otherwise be considered.

157. Leniency in plan rules makes sense, provided it enables appropriate placement of infrastructure while maintaining flexibility to respond to local context. EV chargers must be strategically located to serve demand effectively, and local planning rules should support this. However, they must not be so permissive that they compromise adjacent land uses or create reverse sensitivity issues.

158. Overly permissive rules risk enabling infrastructure that generates complaints or constraints on established activities. A balanced approach is needed—one that enables innovation and supports electrification goals, while safeguarding the integrity of surrounding land uses.

**Should the NES-ENA allow plan rules to be more stringent in relation to electricity distribution activities in specific environments? (e.g., when located in a ‘natural area’).**

159. No, national consistency should be applied regarding the protection of natural areas.

**Do you support the proposed provisions to make private electric vehicle charging and associated infrastructure a permitted activity at home or at work?**

160. Generally, yes but EV provisions in District Plans should allow for some flexibility for Councils to develop bespoke planning provisions unique to their urban environment. Councils should have the authority to require the inclusion of EV charging points in new developments through their District Plans. This ensures that EV charging infrastructure is integrated into new developments, addressing a gap that might exist without such provisions.

161. Additionally, Hamilton City Council notes that under 4(d) of Regulation 16, stand-alone EV charging vehicles are a permitted activity if they do not generate more than 10 vehicles per hour (averaged across 24 hours). The Regulatory Impact Statement does not provide specific details in this regard. Hamilton City Council would like to ensure that the right scale of charges is being developed in strategic locations. It is unclear as to what the size of these stations are and why the restriction is necessary.

162. Hamilton City Council notes that the proposed threshold of 10 vehicle movements per hour averaged over 24 hours does not adequately reflect the varying pressures across different parts of the transport network. While such a threshold may be appropriate in low-traffic areas, it could significantly worsen congestion and safety risks in already constrained or high-demand locations. Council recommends that thresholds be context-sensitive, taking into account both the scale of the EV charging proposal and the characteristics of the surrounding transport environment.

**Have private or at work electric vehicle users been required to obtain a resource consent for the installation, maintenance and use of electric vehicle charging infrastructure?**

163. New residential unit developments that met the standards in 25.14.4.2b are built with existing charging points. If they do not want to provide an EV charging point, they will require a resource consent as an infringement. Existing residential units that wish to install EV charging points may do so without a resource consent. The Hamilton City Council Operative District Plan does not have any rules on EV charging relating to non-residential sites.

**Should the construction, operation and maintenance of electric vehicle charging infrastructure be a permitted activity, if it is located in a land transport corridor?**

164. We support EV charging infrastructure being a permitted activity, removing the need for resource consent and avoiding unnecessary approvals and costs. However, any infrastructure or activity proposed within the transport corridor must receive approval from the Road Controlling Authority. The Road Controlling Authority must retain the ability to set appropriate standards, conditions, and requirements based on the scale and context of each proposal.

165. Council does not agree that the effects of EV charging infrastructure can be reasonably managed solely by the Road Controlling Authority. The design and implementation of such infrastructure must be managed in partnership with the EV charging provider to ensure all potential impacts are appropriately addressed. While telecommunications infrastructure is cited as a comparable example, telecommunications infrastructure does not generate the same level of traffic movements that EV charging infrastructure does.

166. While the NES currently permits EV charging infrastructure in land transport corridors “without constraints on scale or other variables”, this approach risks overlooking critical considerations. The primary function of the corridor (cited earlier as the safe and efficient movement of people and goods) must not be compromised. Therefore, factors such as the corridor’s ONF classification, planned

upgrades, traffic impacts and user safety must be assessed by the RCA to ensure proposals are appropriately integrated and do not undermine the corridor's core purpose.

167. *Relief sought: addition of performance standards within Regulation 16, requiring that any new permitted activity rule for EV charging infrastructure in transport corridors be explicitly tied to RCA approval.*

**Should the construction, operation and maintenance of electric vehicle charging infrastructure become a permitted activity, if it is ancillary to the primary activity or outside residential areas?**

168. Yes, but with planning provisions and standards.

169. For large-scale developments, vehicle movements will typically be assessed through the resource consent process. This allows any potential traffic impacts to be identified and managed as part of the broader development assessment.

170. However, an issue arises when EV charging infrastructure replaces existing on-site parking without adequate provision for overflow. This can unintentionally reduce the availability of general parking for the primary activity. This issue is exacerbated when taking into account previous direction to remove minimum on-site parking from district plans.

171. In such cases, it is likely that overflow parking demand will spill into the surrounding road corridor. This can lead to undesirable outcomes such as vehicles parking on berms, obstructing footpaths, or creating safety issues for pedestrians and cyclists.

172. *Relief sought: ensure provisions are included which ensures the retention of conventional parking.*

**Do you support the proposed provisions for electric vehicle charging for all types of EVs, or are additional requirements needed for heavy vehicles such as large trucks, ferries or aircraft?**

173. Additional requirements are needed for heavy vehicles such as large trucks, ferries, or aircrafts.

## **Amendments to Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016**

174. Hamilton City Council supports the amendment to the National Environmental Standards for Telecommunication Facilities (NES-TF) to ensure that telecommunication infrastructure keeps up with the growing height and density of New Zealand town and cities.

175. At a high level, Hamilton City Council supports Option 1 over Option 2 as it is more in-keeping with the "of a human scale" urban design philosophy and would result in better visual amenity outcomes. However, Hamilton City Council also encourages the New Zealand Government to consider the feedback from the telecommunication agencies.

**Do the proposed provisions sufficiently enable the roll-out or upgrade of telecommunication facilities to meet the connectivity needs of New Zealanders?**

176. Hamilton City Council acknowledges the importance of enabling the roll-out and upgrade of telecommunication infrastructure to meet the connectivity needs of New Zealanders. However, we encourage central government to recognise that telecommunication infrastructure is not solely delivered by telecommunication operators. For example, Hamilton City Council's wastewater network relies on a closed telecommunication system. Every pump station is connected via whip antennas, receivers, and dish antennas that transmit supervisory control and data acquisition (SCADA) data to inform us of network performance. This infrastructure is functionally equivalent (if not identical) to that used by telco operators, yet infrastructure providers like councils are often subject to more stringent plan rules.

177. Additionally, the establishment of telecommunication infrastructure by non-telco infrastructure providers is critical for real-time monitoring and operational resilience. This includes day-to-day asset performance tracking, as well as emergency response, such as during natural disasters when SCADA systems help identify failures in the three waters network.

178. We recommend that the NES-TF be amended to:

- Recognise the role of non-telco infrastructure providers in delivering and operating telecommunication infrastructure.
- Amend the definition of “facility operators” to enable consenting pathways for infrastructure delivered by or in partnership with public infrastructure providers.

179. This broader scope would better reflect the realities of infrastructure delivery in urban environments.

**Which option for proposed amendments to permitted activity standards for telecommunication facilities do you support?**

180. Out of Options 1 or 2 Hamilton City Council supports Option 1 offering certainty for zones across the country and reducing negative visual amenity outcomes.

**Do the proposed provisions appropriately manage any adverse effects (such as environmental, visual or cultural effects)?**

181. Hamilton City Council acknowledges the need for critical infrastructure, such as telecommunication poles and the problem with poles being insufficient in height for certain zones (e.g., high density residential zone). Hamilton City Council believes that selecting for Option 1 is more in-keeping with the of “human scale” planning philosophy than Option 2. Option 1 also allows telecommunication infrastructure to still remain functional for lower density residential zones if the density of the area increases to a medium density zone, for example.

**Do the proposed provisions place adequate limits on the size of telecommunication facilities in different zones?**

182. Option 1 proposes adequate limits on the size of telecommunication facilities.

**Should a more permissive approach be taken to enabling telecommunication facilities to be inside rather than outside the road reserve?**

183. The NES-TF should balance function and visual amenity. Ensuring that the telecommunication poles are functional for the height of the building, but not unnecessarily tall that they have an adverse effect on visual amenity – adopting the planning principle of to a “human scale.”

**Do you support the installation and operation of fewer larger telecommunication facilities to support co-location of multiple facility operators?**

184. Yes, as long as they are located in suitable areas and make sense for the height and density of the zone.

## **New National Environmental Standards for Granny Flats (Minor Residential Units)**

185. Overall, we support establishing a National Environmental Standard for Granny Flats (NES-GF) and its intention to achieve national consistency. However, we note an NPS is our preferred instrument. We consider the Hamilton City Council’s Operative District Plan to be enabling to allow for ‘Granny Flats’. While the discussion document claims many district plans permit minor residential units between 60–100m<sup>2</sup>, staff could only identify two councils allowing 70m<sup>2</sup>, and none between 71–100m<sup>2</sup>.

186. The use of the term ‘Granny Flat’ is informal and not used to describe minor residential units in the NES-GF. We recommend renaming the NES-GF to the National Environmental Standard for Minor Residential

Units. We also note that the naming of the NES-GF is inconsistent with the terminology used in the Building and Construction (Small Stand-alone Dwellings) Amendment Act, which refers to "small stand-alone dwellings." To ensure alignment across legislation, we recommend (although out of scope) amending the Act to adopt consistent terminology, such as "minor residential units".

187. A key risk with the approach taken by the NES is the establishment of a permitted baseline of effects for other activities within the same zone which differs from established permitted baseline. The MDRS has been developed to enable intensification within residential zone's while also maintaining a quality urban environment. The NES as proposed will undermine the implementation of the MDRS standards reducing its effectiveness and ability to achieve government direction for residential intensification. The consequences of this have not been adequately acknowledged or addressed in the discussion document which currently concludes that the proposed NES is consistent with the purpose of the RMA as it will 'ensure development has no more than minor adverse effects on the environment...and ensure effects would be similar to what could occur resulting from a permitted single dwelling on the site'. We disagree with this assessment.
188. We submit that the NES be amended to allow councils the ability to apply MDRS standards to MRUs and that the NES limits its scope to requiring that one MRU be permitted per site and setting a maximum size (PAS 1 and PAS 2) to avoid undermining District Plan provisions. This will ensure quality and consistency of housing outcomes as sought by MDRS and government direction.
189. We consider that minor residential units should be limited to general residential zones and excluded from medium and high-density zones. These higher-density zones are intended for more intensive housing forms such as apartments and terrace houses, supported by significant investment in three waters and transport infrastructure. Allowing minor residential units in these zones risks delaying the realisation of that investment and undermining the intended urban form. Therefore, the definition of residential zones should be restricted to large lot, low density, and general residential areas.
190. While the rule allowing one MRU per site in common ownership with the principal dwelling aligns with the Operative District Plan and is supported, we note that subdivision is not permitted under the National Environmental Standard (NES) unless the MRU is reassessed as a standard residential unit. This reflects the current approach under the Operative District Plan and provides some assurance that subdivision will not occur without appropriate reclassification. However, we remain concerned about the potential for future reclassification and subdivision, which could result in additional residential units on subdivided lots. This may impact network capacity, levels of service, and environmental outcomes.
191. To mitigate this risk, there should be a requirement to establish infrastructure capacity prior to development, potentially through performance standards. Similarly, the increase in maximum internal floor area from 60m<sup>2</sup> to 70m<sup>2</sup> may enable larger households than originally intended, further stressing infrastructure systems over time.
192. The proposed regulations (E1 & G13) in the Building and Construction (Small Stand-alone Dwellings) Amendment Act requires an "approved outfall" to be provided to allow for waste and storm water disposal. This implies that if there is no available network capacity, the development would not meet the regulatory requirements.
193. While the NES does not appear to restrict the ability of District Plans to impose standards related to three waters infrastructure for minor residential units, it would be beneficial for the NES to explicitly confirm this. This clarity would ensure that existing District Plan provisions addressing infrastructure capacity and serviceability continue to apply to minor residential units.
194. To support alignment between the NES and the Building Act, and to safeguard infrastructure performance, we recommend that the NES explicitly acknowledge the role of local infrastructure standards and require confirmation of network capacity prior to development. This could be achieved through performance standards or other mechanisms that ensure developments are appropriately serviced.

**Are the proposed provisions in the NES-GF the best way to make it easier to build granny flats (minor residential units) in the resource management system?**

195. We consider the Hamilton City Council's Operative District Plan to be enabling to allow for 'Granny Flats' and are not opposed to a national consistency.
196. The NES-GF could be a good way to manage minor residential units with amendments to key provisions listed below.
  - Medium and High-Density Residential Areas are not appropriate for this kind of minor development.
  - Specification of net size of the minor residential unit, not just the internal floor area.
  - Setbacks to Major Arterial roads need to be considered/increased.
  - Include considerations of individual outdoor space, privacy, sunlight, glazing, parking and access for minor residential units in line with the Medium Density Residential Standards (MDRS).

**Do you support the proposed permitted activity standards for minor residential units?**

197. The NES-GF proposes to allow for minor residential units in residential, rural, mixed use and Māori purpose zones. Not all residential zones are appropriate, allowing minor residential units as a permitted activity in medium and high-density residential zones may see less development with developers opting to choose the 'consent free' option for quicker, lower-cost builds rather than higher-density housing forms.
198. Minor residential units being constructed on lots with the potential for duplex and terrace could significantly reduce the number of dwellings delivered in key growth areas, undermining urban intensification goals and limiting long-term housing capacity.
199. We recommend excluding medium and high-density residential zones from the permitted activity provisions for minor residential units under the NES-GF to ensure alignment with urban form objectives and infrastructure investment.
200. The NES specifies that only one minor residential unit is permitted per site and the unit must be ancillary to a principal dwelling on site. We support retaining this provision allowing for only one minor residential unit per site and the requirement for the unit to be ancillary to a principal dwelling on the same site.
201. The proposed maximum internal floor area of 70m<sup>2</sup> is consistent with the Building and Construction (Small Stand-alone Dwellings) Amendment Act. However, from a planning perspective, it is important to clarify whether this includes garages or non-habitable areas. We recommend specifying the net internal floor area to ensure consistency and clarity in implementation.
202. The proposed maximum building coverage of 50% raises concerns. In zones such as the General Residential Zone (GRZ), where the District Plan sets a 45% site coverage limit, the NES-GF would effectively establish a new permitted baseline. This creates challenges for assessing other activities in the zone that must comply with the more stringent District Plan standards. For example, it is unclear how compliance would be assessed when the principal dwelling is subject to a 45% coverage rule and the MRU is allowed 50%. We strongly recommend that the NES-GF limit permitted activity standards to internal floor area and number of MRUs per site (PAS 1 and PAS 2), and defer to District Plan standards for all other bulk and location controls.
203. The proposed 2m setback from all boundaries and the principal dwelling generally aligns with our approach. However, a 2m setback is insufficient for properties fronting arterial roads. We recommend increasing the setback to 5m from any arterial transport corridor to maintain safety, amenity, and noise mitigation.

204. While some proposed standards are appropriate, we reiterate our earlier feedback on the “Granny Flats” discussion document (June 2024), which raised concerns about infrastructure capacity, environmental impacts, legislative compliance, and ad hoc growth. We also emphasised the importance of sustainability, transit access, privacy, and service areas. These considerations remain critical and should be reflected in the final NES-GF.
205. Additionally, we recommend that the NES-GF include provisions to ensure emergency services access to all dwellings, including MRUs. It is essential that emergency responders can reach these units safely and efficiently when needed, particularly in higher-density or constrained urban environments.

**Do you support district plans being able to have more lenient standards for minor residential units?**

206. Yes, if councils wish to be more enabling than the NES-GF then we don’t see an issue with this. It should be noted that we did not support an NES instrument and instead promoted the use of a National Policy Statement to manage local issues, and acknowledged matters that are addressed in our Operative District Plan.
207. **Should the proposed NES-GF align, where appropriate, with the complementary building consent exemption proposal?**
208. The Building Act amendments define ‘Granny Flats’ as ‘small stand-alone dwellings and the NES-GF refers to ‘Granny Flats’ and ‘Minor Residential Units’. This is confusing and the language should be consistent between the Building Act and the NES-GF.
209. Hamilton City staff also submitted on the building act amendment bill to have the language consistent across the various documents.

**Do you support the proposed list of matters that local authorities may not regulate in relation to minor residential units? Should any additional matters be included?**

210. The NES-GF proposes that councils cannot apply standards requiring individual outdoor space, privacy, sunlight, glazing, parking and access to minor residential units. It is unclear why these amenity-related standards should be excluded, especially when they are routinely applied to all other residential units. Minor Residential Units often accommodate the same number of people as smaller dwellings found in duplex or terrace housing developments and therefore should be afforded the same level of amenity.
211. Hamilton City Council propose that the MDRS should also apply to minor residential units. Excluding amenity standards such as outdoor space, glazing, and sunlight risks creating poor living environments for Minor Residential Units occupants, the principal dwelling, and neighbouring properties. If property owners later seek to subdivide the Minor Residential Units, the absence of these standards will complicate the process due to insufficient setbacks, lack of outdoor living space, and inadequate access and parking.
212. We recommend that the NES-GF not restrict councils from applying amenity-related standards to Minor Residential Units. Instead, councils should be empowered to apply MDRS or equivalent standards in a way that is appropriate to the scale and function of Minor Residential Units. This would ensure consistency in baseline effects assessments and maintain the integrity of planning frameworks.
213. It is also unclear whether the NES-GF provisions account for situations where a Minor Residential Unit causes non-compliance for the principal dwelling. For example, if the minor residential unit was to be built within the outdoor living space of existing dwelling on site or if the minor residential unit is placed in front of the dwelling and decreases the existing glazing percentage of the front façade?

**Do you support existing district plan rules applying when one or more of the proposed permitted activity standards are not met?**

214. Yes, Hamilton City Council agrees with the district plan rules applying when the permitted activity standards are not met.

**215.** We suggest making it clearer that when one or more of the permitted activity standards are not met, then the minor residential unit will be considered a residential unit and needs to comply with the associated district plan rules.

## New National Environmental Standards for Papakāinga

**216.** Overall, we are supportive of the proposed National Environmental Standards for Papakāinga (NES-P). Papakainga are an important tool for supporting tino rangatiratanga for Maaori in housing. We support a nationally consistent approach to enabling papakainga developments, with the option for Councils to go beyond the NES-P in their approach to enable papakainga if they choose to do so. Our key concerns with the proposed NES-P are:

- The lack of clear consenting pathways for papakainga not on Maaori ancestral land or Treaty settlement land; and
- The lack of provisions specific to papakainga in urban areas.

### **Do you support the proposal to permit papakainga (subject to various conditions) on the types of land described above?**

**217.** There is no clear consenting pathway for the development of papakainga not on Maaori ancestral land or Treaty settlement land, as defined in the NES-P. The current definition limits papakainga development to those land types, whereas Hamilton City Council currently takes a more enabling approach which includes other land.

**218.** While the NES-P makes provision for local authorities to apply a more lenient approach to papakainga developments, this could be limited by the prescriptive definition of 'Papakainga development' in the NES-P which could override local plan definitions.

**219.** This could potentially limit the ability of mana whenua and whaanau to develop papakainga where their land does not meet the definition. With only two parcels of Maaori freehold land and one post-settlement governance entity (Waikato-Tainui) with treaty settlement land in Hamilton, the current criteria would severely limit development—despite Maaori making up approximately 25% of the population.

**220.** We would like to see changes to the NES-P which would enable a consent pathway for papakainga development on land that is not on Maaori ancestral land or Treaty settlement land.

### **Which, if any, rules from the underlying zone should apply to papakainga developments?**

**221.** We support the proposed list of rules to be included from the underlying zone. However, we seek the addition of building coverage to the rule, where the building coverage enabled in the underlying zone is greater than 50%. This will create a national approach which is more enabling of papakainga developments in urban centres where higher densities are expected. It will also promote consistent landform for papakainga with other buildings expected in the zone.

**222.** We also propose including public interface rules from the underlying zone, to encourage visual and physical connection between the papakainga development and the surrounding community.

**223.** We also propose matter of discretion to assess the potential effects on three waters infrastructure (RDM2).

**224.** In addition, we recommend that all rules relating to natural hazard avoidance and mitigation, emergency access, and infrastructure servicing apply to papakāinga developments, regardless of the underlying zone. These provisions are essential to ensure the safety, resilience, and long-term viability of developments. It should be made explicit that papakāinga developments will not be permitted in areas identified as having significant natural hazard risk.

**What alternative approaches might help ensure that rules to enable papakainga on general land are not misused (for private/commercial use or sale)?**

225. We share the concerns that there is potential for the NES-P rules to be misused for private or commercial benefit. We suggest that where papakainga developments are planned on general land, the following options could be explored to ensure the rules are not misused:

- Only allowing papakainga development where a Maaori organisation with a charitable/social enterprise purpose is involved.
- Using a residents' society or body corporate to ensure the long-term retention of the development as papakainga and subdivision does not occur.

226. We would also encourage papakainga to include ancillary activities which have a social or community function, such as medical or community facilities or shared mara kai or outdoor living areas. This will ensure developers are providing more than simply housing units, and will promote a sense of community for the papakainga residents.

**Should the NES-P specify that the land containing papakainga on general land cannot be subdivided in future?**

227. We agree that subdivision should be limited for sites which have been developed as papakainga. Papakainga are about more than just homes; they are a community with associated non-residential activities.

228. It would be inappropriate to allow the community to be divided through subdivision of parts of the development. Subdivision may also be difficult where papakainga have been designed as an intentional shared residential development. The design may make it difficult for any subdivision to comply with district plan rules related to side setbacks and outdoor living areas. There may also be challenges where shared infrastructure services are provided and, similar to issues raised for Minor Residential Units, network capacity is also a strong consideration.

**Other matters**

*Provisions for Urban Areas*

229. We are concerned that the proposed NES-P does not adequately recognise the possibility that papakainga will be developed in urban areas. While the majority of Maaori ancestral land and treaty settlement land is in rural areas, the majority of Maaori live in urban areas. The proposed NES-P is weighted towards rural areas, with specific policies for managing reverse sensitivity for intensive indoor primary production, mining, quarrying, or rural industry. However, the NES-P is silent on issues which may occur in urban areas, for example urban design standards to ensure the papakainga integrates well with the surrounding neighbourhood, or on-site amenity standards to ensure good outcomes in higher density developments.

230. We recommend additional provisions be added to the plan to provide clarity for decision makers in urban areas.

*Relationship to Building and Construction (Small Stand-alone Dwellings) Amendment Bill*

231. We recommend that further consideration be given to the Building and Construction (Small Stand-alone Dwellings) Amendment Bill in the context of papakainga development. The proposed exemption allowing multiple small stand-alone dwellings on a single site without building consent may have unintended consequences for papakainga. For example, a development comprising fewer than 10 units—each under 70m<sup>2</sup> in internal floor area—could potentially qualify as papakainga under local district plans and be exempt from building consent requirements if the Bill is enacted. We do not believe this outcome aligns with the intent of the reforms, and we suggest that this issue be addressed explicitly.

232. We maintain that rules and standards from the underlying zone should continue to apply to papakāinga developments to protect the natural environment and ensure public health and safety.
233. While Council supports multiple units in principle, this must be balanced with infrastructure capacity and service level considerations.
234. Additionally, Te Tiriti o Waitangi principles and mechanisms for Maaori land should be developed by iwi within their tribal regions, acknowledging that a one-size-fits-all approach may not be suitable.

## New National Policy Statement for Natural Hazards

235. Overall, we are supportive of the National Policy Statement for Natural Hazards.

**Should the proposed NPS-NH apply to the seven hazards identified and allow local authorities to manage other natural hazard risks?**

236. We support national direction to require local authorities to adopt an all-hazards approach to natural hazard management. An all-hazards approach ensures that councils can respond to the full spectrum of natural hazard risks relevant to their local context - including emerging or locally significant hazards not captured in the national list.
237. We recommend that the NPS-NH explicitly support and enable local authorities to manage additional natural hazards beyond the seven identified, and that guidance be provided to ensure consistency in how these are assessed and addressed.

**Should the NPS-NH apply to all new subdivision, land use and development, and not to infrastructure and primary production?**

238. We accept excluding infrastructure and primary production however, the NPS-NH is not clear if Council can manage infrastructure in its own District Plan or whether the NPS overrides its ability to do so. For example, if a Councils Operative Plan includes rules managing infrastructure in flood zones, will a plan change be required once the NPS comes in or can Council proceed as normal?

**Would the proposed NPS-NH improve natural hazard risk management in New Zealand?**

239. The NPS has potential to improve natural hazard risk management. The NPS may be too high level to make a significant improvement. Information for implementation will need to be provided as it is unclear at this stage how Councils are expected to implement it. It is also unclear if the policy accounts for cumulative effects in terms of risk assessment. For example, it is unclear how to use the risk matrix if a piece of land is overlapped by several low-risk areas.
240. To strengthen the effectiveness of the NPS-NH, we recommend that the objectives include a clearly articulated intended outcome, providing direction on what successful natural hazard risk management looks like. Additionally, there should be explicit guidance on acceptable levels of risk, including thresholds or criteria to support consistent decision-making across jurisdictions.
241. Greater clarity is also needed around what types of activities are appropriate within each level of risk, to support the proportionate management approach proposed in Policy P3. This would ensure that planning responses are aligned with the severity of risk and that councils can make informed, consistent decisions about land use and development in hazard-prone areas.

**Do you support the proposed policy to direct minimum components that a risk assessment must consider but allow local authorities to take a more comprehensive risk assessment process if they so wish?**

242. Yes, the NPS-NH provides a high-level framework, so some Councils may choose to adopt a more comprehensive approach. Each region faces unique natural hazard risks, which means a one-size-fits-all

strategy may not be effective. Councils need robust policy support to justify decisions to decline consents, especially if those decisions are challenged in the Environment Court.

#### **How would the proposed provisions impact decision-making?**

243. The proposed provisions under the NPS-NH, particularly the shift toward a risk-based approach, have the potential to positively impact decision-making by introducing clearer criteria and expectations. This clarity can support more consistent and transparent assessments, which is especially valuable in complex or contested environments.
244. However, we recommend that the emphasis of risk-based assessments be placed on the policy development stage rather than left to be determined through individual resource consent processes. Embedding these assessments early in the planning framework would help avoid a proliferation of case-by-case evaluations, which could lead to increased delays, higher costs for applicants, and inconsistent outcomes.

#### **Do you support the placement of very high, high, medium and low on the matrix?**

245. Hamilton City Council does not support the introduction of a new risk matrix. The proposed structure deviates from the matrix used by CDEM organisations, which has been developed through practical experience and is embedded in existing plans and policies. Introducing a different matrix risks confusion, reduces interoperability between regions, and may require unnecessary rework. We recommend that national direction build upon and align with existing tools to ensure consistency, clarity, and effective hazard risk management.

#### **Do you support the definition of significant risk from natural hazards being defined as very high, high, medium risk, as depicted in the matrix?**

246. We do not support the current definition of “significant risk” as including very high, high, and medium risk levels without further clarification. The term “significant” is ambiguous and may be misinterpreted - particularly by the public, who may associate it more closely with “high risk.” We recommend referring directly to the specific risk categories in policy provisions and providing clearer guidance on what activities are appropriate at each risk level to support proportionate and consistent risk management.
247. Additionally, the NPS-NH should include explicit guidance on what types of activities are appropriate within each risk level, to support the proportionate management approach outlined in Policy P3 and ensure consistent interpretation and application across jurisdictions.

#### **Should the risks of natural hazards to new subdivision, land use and development be managed proportionately to the level of natural hazard risk?**

248. Yes, although due to the high-level language of the policy and differing interpretations of what constitutes a proportionate response to various natural hazards, inconsistencies in approach are still likely across the country.
249. To improve clarity and effectiveness, the NPS-NH should outline how different levels of risk - particularly ‘significant’ versus ‘non-significant’ - are to be managed, and what planning responses are appropriate at each level. More explicit direction is needed where hazards pose a risk to life, with a clear preference for avoiding development in high-risk areas where viable alternatives exist.

#### **How will the proposed proportionate management approach make a difference in terms of existing practice?**

250. Multiple councils are already applying a proportionate approach in practice. Including a clear policy in the NPS could strengthen their position, particularly in cases where developers fail to provide adequate mitigation measures.

**Should the proposed NPS-NH direct local authorities to use the best available information in planning and resource consent decision-making?**

251. Policy 4 requires Councils to use the best information available, while Policy 6 directs local authorities to continue with a risk assessment even when information is uncertain or incomplete. Hamilton City Council supports the use of best available information, as this aligns with our current approach. However, conducting risk assessment where information is limited may be challenging and could lead to overly restrictive outcomes.

**What challenges, if any, would this approach generate? What additional support or guidance is needed to implement the proposed NPS-NH?**

252. We would likely require assistance on the following:

- Budget allocation to address data gaps.
- Access to accurate and reliable data for assessing potential risks.
- Standardised terminology and phrasing across the country.
- Consistent methodologies for hazard mapping.

**General Comments:**

253. The current definition of ‘new development’ includes the extension or replacement of existing buildings. However, it is unclear whether this also applies to internal alterations that do not change the existing building footprint or a change in use. For example, converting an existing office or commercial building into residential use through internal renovations.

254. We recommend amending the definition to explicitly include changes in use.

## Package 2: Primary Sector

**General Comments:**

255. Any changes to mining and quarrying provisions must consider potential for negative downstream impacts on catchments that serve municipalities water and wastewater needs.

## Amendments to Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020

256. We do not wish to comment on this matter.

## Amendments to Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

257. The proposal seeks to limit regional councils' broad discretion to impose stricter rules on low-intensity forestry harvesting, instead specifying when stricter conditions—such as slash mobilisation risk assessments or targeted slash removal—can be applied under permitted activity status.

258. Given the unpredictable and severe impacts of climate change on infrastructure and communities, staff consider a ‘risk-averse’ approach to slash management is essential. Accumulated slash over a large catchment area can damage critical assets like bridges (carrying water and wastewater), stop banks,

treatment plants, and outfall structures—leading to emergency responses, high operational costs and complex recovery efforts.

259. Additionally, any upstream commercial forestry in the Waikato River catchment must be carefully managed to prevent increased raw water treatment needs due to nitrogen and other contaminants.

## Amendments to New Zealand Coastal Policy Statement 2010

260. We do not wish to comment on this matter.

## Amendments to National Policy Statement for Highly Productive Land 2022

261. Hamilton City Council generally supports the changes proposed to the NPS-HPL, such as the exclusion of LUC 3 class soils as highly productive land, the inclusion of special agricultural areas, and maintaining the restrictions on LUC 1 and 2 soils. Hamilton City Council supports the idea of LUC 3 still applying to rural lifestyle areas to ensure that greenfield land that is to be brought into the city boundary and urbanised is easier to develop when rural-residential development has not already occurred. Our key points are:

- If the LUC 3 is still highly productive land for rural lifestyle areas, then LUC 3 should still be mapped regionally.
- Mapping of highly productive land should remain as a regional function.
- If special agricultural areas are implemented, this should be through the District Plan of local authorities. Additionally, local authorities should be required to consult with the relevant local authorities, ensuring that special agricultural areas are not implemented in out-of-boundary areas that are expected to be brought into the boundary and urbanised in the future.

**Should LUC 3 land be exempt from NPS-HPL restrictions on urban development (leaving LUC 3 land still protected from rural lifestyle development) or, should the restrictions be removed for both urban development and rural lifestyle development?**

262. As an urban area, Hamilton City contains little rural or rural-residential land. From Hamilton City Council's perspective greenfield outside of the city boundaries that is expected to come into the City is easier to develop when rural-residential development has not already occurred. Therefore, leaving LUC 3 land still protected from rural lifestyle development may make sense in the context of providing for future greenfield.

**If the proposal was to exempt LUC 3 land from NPS-HPL restrictions for urban development only, would it be better for this to be for local authority led urban rezoning only, or should restrictions also be removed for private plan changes to rezone LUC 3 land for urban development?**

263. Restrictions on LUC 3 should be removed for both local authorities led urban rezoning and private plan changes. This provides a more consistent framework for planners to operate in.

**If LUC 3 land were to be removed from the criteria for mapping HPL, what, other consequential amendments will be needed?**

264. Hamilton City Council is not a regional authority, and therefore is not required to map highly productive land (Clause 3.4 (1) of the previous NPS-HPL). However, if a decision is made to maintain LUC 3 restriction on rural-residential development, then LUC 3 should still be required to be mapped. Mapping of NPS-HPL should remain as a regional function and not be required by local authorities.

**Given some areas important for foods and fibre production such as Pukekohe and Horowhenua may be compromised by the removal of LUC land, should additional criteria for mapping HPL be considered as part of these amendments?**

265. This is not directly relevant to Hamilton City Council. However, it aligns with the purpose and function of the NPS-HPL to protect highly productive land use in land-based primary production.

**If so, what additional criteria could be used to ensure areas important for food and fibre production are still protected by NPS-HPL?**

266. The special agricultural areas should be implemented through local authorities' district plans, allowing the local authorities to self-determine and adapt to the changing demands of their areas. Additionally, local authorities that implement special agricultural areas should be required to consult with relevant authorities, such as neighbouring Councils, to ensure that special agricultural areas are not implemented in out-of-boundary areas that are expected to be urbanised in the future.

**What is the appropriate process for identifying special agricultural areas? Should this process be led by local government or central government?**

267. Determined by local governments.

**Should timeframes for local authorities to map highly productive land in regional policy statements be extended based on revised criteria? Alternatively, should the mapping of HPL under the RMA be suspended to provide time for a longer-term solution to managing highly productive land to be developed in the replacement resource management system?**

268. The timeframes for local authorities should be extended based on the revised criteria.

## **Amendments to Resource Management (Stock Exclusion) Regulations 2020**

269. We do not wish to comment on this matter.

## **Amendments to mining and quarrying provisions in: National Policy Statement for Indigenous Biodiversity 2023**

270. We do not wish to comment on this matter.

## **Package 3: Freshwater**

271. Package 3 focuses on potential amendments to the National Policy Statement on Freshwater Management 2020 (NPS-FM), the National Environmental Standards for Freshwater 2020 (NES-F), and the National Environmental Standards for Drinking Water (NES-DW). Hamilton City Council notes that permitted activities will be defined in an exposure draft expected later this year. We continue to advocate for recognition of three waters infrastructure as nationally significant and deserving prioritisation. We recommend that three waters infrastructure be explicitly reflected in RMA objectives, policies, and rules, with provisions for progressive improvement.

272. Part 2.1 introduces an objective to maintain or improve water quality, although limited detail is provided. We support the direction set by Te Ture Whaimana o Te Awa o Waikato, which outlines a long-term vision for restoring and protecting the river. This aligns with community expectations for swimming, kai collection, drinking water safety, and upholding Te Tiriti obligations. It is important that where water quality is poor, that improvement is promoted over maintenance of current water quality.

273. Section 3 of the freshwater proposals highlights Treaty considerations. Feedback is still being sought on impacts to Māori rights, Treaty settlements, and sites of significance. Staff maintain a strong relationship with Waikato Tainui, grounded in the Waikato River Settlement and its Vision and Strategy. National policies must balance housing, economic growth, financial management, long-term protection of freshwater, sites of significance and cultural relationships. We strongly support ongoing and genuine collaboration with tangata whenua in shaping new or amended national direction.
274. We have no specific comments on changes to primary sector policy and regulations that seek to enable mining and quarrying. However, we note that any changes to mining and quarrying provisions must consider potential for negative downstream impacts on catchments that serve municipal water and wastewater needs.

## Amendments to National Policy Statement for Freshwater Management 2020

275. Part 2.1 – Freshwater Management Objective proposes a new objective to replace the 2020 version, aiming to safeguard the life-supporting capacity of freshwater while enabling wellbeing and economic productivity (abridged). We are concerned that the term “safeguard” may imply maintaining the status quo, which could allow degraded water bodies—dominated by pollution-tolerant or invasive species—to persist. This puts long-term ecological integrity and biodiversity at risk. We recommend either explicitly including freshwater biodiversity in the objective or clarifying the intent behind the term “safeguard” to ensure it supports improvement over time, leading to positive intergenerational outcomes.
276. Part 2.1 also proposes a new objective to consider the pace and cost of change. In principle, we strongly support this objective. We have previously advocated for staged upgrades to ensure intergenerational equity in previous submissions to central government and regional council. We will consider the detail more closely when it is released to understand the effects on municipal activities and water service providers.
277. Part 2.2 – Te Mana o te Wai and Consenting presents several options relating to Te Mana o Te Wai. None of the proposed options offer an optimal solution. As noted in the Regulatory Impact Statement for this discussion, there is currently limited evidence regarding the impact of the hierarchy of obligations on resource consent applications nationwide. The two declined resource consent examples in the Regulatory Impact Statement, where inconsistency with the hierarchy featured as a reason, would have likely been declined irrespective of the inconsistency due to adverse environmental impacts. All other mentions of the hierarchy of obligations in consent decisions demonstrated that the proposed activity adhered to the hierarchy and a consent was granted, or the inconsistency with the hierarchy of obligations was balanced with wider considerations, resulting in consent being granted regardless. We question the necessity of the proposed options when the application of the hierarchy of obligations does not appear to significantly restrict consent approvals, and the status quo serves its purpose.
278. Option 1 proposes removing the hierarchy of obligations and the application of Te Mana o te Wai from consenting decisions while retaining progressive improvement. We do not support this if it weakens regional objectives, policies, and rules. Strong direction is essential for planning certainty and managing upstream discharges that affect water takes, assimilation capacity, and treatment operations. If Option 1 was altered to continue to require Te Mana o te Wai to be applied to consenting decisions, we would support it. We note that the balance of the NPS-FM will continue to be a relevant consideration for resource consent applications and decisions, which includes, to some degree, the obligations within Te Mana o te Wai, however, we will need to verify the adequacy of relevant policies to fill the possible gaps when the exposure draft is released.
279. Option 2 reinstates the 2017 provisions, requiring recognition of Te Mana o te Wai in freshwater management. Council supports this 2017 objective, alongside provisions for staged infrastructure

improvements to ensure affordability and intergenerational equity discussed in Option 1. We previously submitted on a Waikato Regional Plan Change (Healthy Rivers) stating that progressive improvement is necessary and that mixing zones for treated wastewater must continue to be provided for, with reductions achieved over time through technological upgrades.

280. Option 3 proposes removing Te Mana o te Wai entirely. We strongly oppose this, as Te Mana o te Wai and Te Ture Whaimana o Te Awa o Waikato (Waikato River Settlement Act 2010) guide council decision-making and support long-term environmental stewardship. Removing Te Mana o te Wai would conflict with obligations under the Local Government Act 2002 (s14(h)) and the Resource Management Act 1991 (s5(2)), and undermine efforts to protect water quality for communities, biodiversity, and infrastructure resilience.

**Would a rebalanced objective on freshwater management give councils more flexibility to provide for various outcomes that are important to the community? How can the NPS-FM ensure freshwater management objectives match community aspirations?**

281. We support flexibility in objectives, provided they ensure water bodies are improved over time.

**What do you think would be useful in clarifying the timeframes for achieving freshwater outcomes?**

282. We suggest that guidance on legacy groundwater contaminants and practical case studies would help clarify timeframes. Timeframes must reflect best practicable options to meet quality standards over appropriate timeframes and allow for infrastructure staging.

**Should there be more emphasis on considering costs involved, when determining what freshwater outcomes councils and communities want to set? Do you have any examples of costs associated with achieving community aspirations for freshwater?**

283. We are neutral on the emphasis on costs, noting that consent applicants already consider costs when determining best practicable options. It is important that cost is not used as a shield to improving water quality over time. Cost assessment should also account for intangible benefits of water quality improvements for future generations and consider that future taxpayers should not pick up the bill for expensive remedial measures as a result of decisions today.

**What will a change in NPS-FM objectives mean for your region and regional plan process?**

284. Any change in objectives must recognise the Waikato River Settlement Act 2010 and Te Ture Whaimana o Te Awa o Waikato, which require restoration and protection of the river. Hamilton City Council is obligated to uphold these principles and supports the broader benefits of doing so.

**Do you think Te Mana o Te Wai should sit within, separate or outside the NPS-FM's objectives , or outside the NPS-FM altogether – and why?**

285. We support Te Mana o te Wai being embedded within the NPS-FM objectives to ensure clarity around expectations, investment, and long-term water quality outcomes. All communities benefit from high water quality in receiving environments, and Te Mana o te Wai embodies this, ensuring that communities are safe when interacting with water. Progressive improvement is consistent with the intent of Te Mana o te Wai.

**Which values, if any, should be compulsory? Why?**

286. We support the current proposed compulsory values, but also suggest that (drinking) water supply should also become a compulsory value within The National Objectives Framework.

**Which attributes, if any, should be compulsory to manage? Which should be optional?**

287. If the attributes are to be managed at a catchment level, allocation should be prioritised so the default first-come-first-serve approach is not used.

# Amendments to Resource Management (National Environmental Standards for Freshwater) Regulations 2020

## What are the pros and cons of making commercial production a permitted activity?

288. Part 2.4 outlines two options to enable commercial vegetable growing: introducing a new objective or developing national standards that permit the activity. Hamilton City Council strongly supports food security and considers this favorably in its municipal water allocation criteria (subject to no impacts on consent compliance and impacts on levels of service and network capacity).
289. We welcome the recognition of resource allocation and nutrient impacts in the discussion document. Hamilton City Council is investing in infrastructure to better manage nutrient discharges, contributing to the restoration and protection of the Waikato River. Many farmers are also making efforts to reduce nutrient inputs. However, we are concerned about potential water quality degradation from uncontrolled upstream and downstream activities. While we do not have a specific recommendation on the form of control, we emphasise the need for effective safeguards to protect water quality and infrastructure operations and investment. Conditions should consider effective controls to manage cumulative impacts on the environment and ensure that any requirements do not negatively impact our ability to abstract water for drinking water purposes.

## Simplifying Wetland Provisions

290. We support more clarification about constructed wetlands and support consistency. Hamilton's geographic setting with the Waikato River and its associated tributary gully system traversing the city, means that waterways and potential wetlands are found throughout the city boundaries. These wetlands may be difficult to completely avoid within areas already identified for urban development. We support the proposal to simplify wetland provisions where this will streamline urban development; operations, maintenance and upgrading of existing infrastructure; and will align with NPS-UD. This will prevent the need for Hamilton City Council to gain numerous resource consents for urban development and supporting infrastructure.
291. Given the importance of urban infrastructure (such as three waters infrastructure) to assist with achieving other policies, we strongly recommend that the definition of "specified infrastructure" be amended to include "infrastructure necessary to support plan enabled urban development". This will enable the construction or upgrade of the latter infrastructure to be undertaken, provided effects are managed.
292. On the matter of defining induced wetlands and excluding these from wetland provisions in the NPS-FM and NES-F, Council supports this to enable important upgrade and maintenance works on three waters infrastructure without consent requirements.
293. On the matter of defining wetland construction as an area that is artificially engineered to mimic functions of a wetland. We support this on the basis that construction of wetlands is important to greenfield urban stormwater management.
294. A new permitted activity standard for activities related to that construction as well as a consenting pathway is proposed. This is also supported, provided it will assist Council to manage stormwater or offset effects of other activities. The new permitted activity status must address matters relating to dam safety regulations i.e. that dam safety is managed or referenced in the standard. This will ensure that Councils or their service providers do not inherit a constructed wetland that does not meet important regulations.

## **What will be the impact of removing the requirement to map wetlands by 2030**

- 295.** We believe this mapping is important for spatial and master planning for future urban development, and determination of how to avoid and protect special areas. In acknowledgement of the difficulty, we recommend that the requirement is retained, and the timeframe extended.
- 296.** If all natural wetlands will not be mapped, we need and support clearer definitions around what they are so it can be easily determined if it's a natural wetland or not when undertaking work.
- 297.** The level of detail required for wetland mapping should be tailored to its intended purpose. For spatial and structure planning, detailed surveys to determine the exact extent of wetlands may not be necessary. However, for subsequent consenting processes—including offsetting or compensation calculations—a more precise survey may be required. This is particularly relevant in environments where wetland boundaries are subject to seasonal variation, which can quickly render earlier mapping outdated.

## **Simplifying Fish Passage Regulations**

- 298.** Part 2.7 seeks to simplify fish passage regulations in several ways. We would support provisions that reduce information requirements that are onerous or not relevant to fish passage design when managing roading and stormwater conveyance. However, we would like to see more evidence-based requirements, so that a fish passage is not required when there are no fish.

## **Mapping Source Water**

- 299.** Part 2.9 proposes a new requirement for mapping of source water risk management areas. We support this in principle due to the need to protect community drinking water sources. Hamilton City Council has previously submitted on protection of drinking water sources and requested that:
  - ‘Bespoke’ delineation could be provided for environmental and cultural conditions (where appropriate).
  - Definitions are needed for river and lake edge, and provision for setbacks that align with technical guidance and allow for operations and maintenance (Exposure Draft of Proposed changes to the National Policy Statement on Freshwater Management (NPS-FM) and the National Environmental Standards for Freshwater (NES-F) including Wetland Regulations, 2022).
- 300.** Hamilton City Council considers that aligning application of the NES-DW with the Water Services Act is also the best approach for regulating activities and protecting source water.

## **Activities in High-risk Areas**

- 301.** We also support national direction for activities in high-risk areas. However, we note that further thought needs to be given to the responsibilities of territorial authorities under the National Policy Statement for Urban Development (NPS-UD) and central government direction on matters relating to infrastructure and transport strategies, carbon reduction emissions and climate change adaptation.
- 302.** This means that services and infrastructure must be provided for forecasted growth, and in appropriate areas. Water takes, and wastewater and stormwater management may ultimately be needed in areas that are regulated by the NES-DW and Regional Plans. Importantly, Hamilton City Council has also previously sought that those three waters networks are recognised as significant infrastructure and acknowledged as being necessary for the health and wellbeing of people.
- 303.** It would be helpful if regulations could recognise the significance of three waters networks in regulations and provide for land designations that have gone through due diligence in assessment impacts on ground and surface water, including source water impacts. This may mean putting restraints on bores for individual house supply.

## Further Information and Opportunity to Discuss our Submission

304. Should the Ministry for the Environment require clarification of the submission from Hamilton City Council, or additional information, please contact **Mark Davey** (Unit Director Urban and Spatial Planning) on **021 242 8024**, or email [Mark.Davey@hcc.govt.nz](mailto:Mark.Davey@hcc.govt.nz) in the first instance.
305. Hamilton City Council representatives would welcome the opportunity to discuss the content of this submission in more detail with the Ministry for the Environment.
306. We also welcome the opportunity to have ongoing discussions around the key areas of this submission with the Ministry for the Environment.

Yours faithfully



Lance Vervoort  
CHIEF EXECUTIVE

#### **FURTHER INFORMATION**

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