Notice is given that an ordinary meeting of the Environment and Regulatory Committee will be held on:

Date:	**Thursday 28 August 2025**
Time:	**9.30am**
Meeting Room:	**Tasman Council Chamber**
Venue:	**189 Queen Street, Richmond**
Zoom conference link:	**https://us02web.zoom.us/j/81188074010?pwd=qwJxbg1ZbP1Wrg7Nvy7JSAyxTZiw3U.1**
Meeting ID:	**811 8807 4010**
Meeting Passcode:	**920848**

Environment and Regulatory Committee

Komiti Ture

AGENDA

MEMBERSHIP

Chairperson	Cr C Hill	
Deputy Chairperson	Cr B Maru	
Members	Mayor T King	Cr M Greening
	Deputy Mayor S Bryant	Cr C Mackenzie
	Cr C Butler	Cr M Kininmonth
	Cr G Daikee	Cr K Maling
	Cr B Dowler	Cr D Shallcrass
	Cr J Ellis	Cr T Walker

(Quorum 7 members)

Contact Telephone: 03 543 8400
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Website: www.tasman.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted.

AGENDA

1 OPENING, WELCOME, KARAKIA

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation
That the apologies be accepted.

3 PUBLIC FORUM

Nil

4 DECLARATIONS OF INTEREST

5 LATE ITEMS

6 CONFIRMATION OF MINUTES

That the minutes of the Environment and Regulatory Committee meeting held on Thursday, 17 July 2025, be confirmed as a true and correct record of the meeting.

7 REPORTS

8 CONFIDENTIAL SESSION

Nil

9 CLOSING KARAKIA

7 REPORTS

7.1 GROUP MANAGER REPORT

Information Only - No Decision Required

Report To:	Environment and Regulatory Committee
Meeting Date:	28 August 2025
Report Author:	Kim Drummond, Group Manager - Environmental Assurance
Report Authorisers:	Rob Smith, Group Manager - Environmental Science
Report Number:	RRC25-08-1

1. Summary / Te Tuhinga Whakarāpoto

1.1 This report is an update on environmental and regulatory activity that has occurred since the 17 July 2025 committee meeting that is not otherwise covered in agenda papers.

2. Recommendation/s / Ngā Tūtohunga

That the Environment and Regulatory Committee

1. receives the Group Manager Report RRC25-08-1.

3. Focus on Regulation

3.1 This Committee meeting is the penultimate for the current triennium and the focus of the agenda revolves around evaluating regulatory performance. In part this is because staff tasked with preparing environmentally focused reports have been tied up with the regional emergency response and recovery. Nevertheless, this this focus seems to be appropriate given the growing prominence of regulation in New Zealand which, if done correctly, improves the quality of lives and acts to protect the environment from overuse.

3.2 A focus on regulation is also proposed to be put back into the Local Government Act 2002, with delivery of regulatory services being a function of the Acts where Councils have been delegated powers to operate under. Those powers are then further delegated to the executive arm with Council retaining oversight of performance.

4. Local Government (System Improvement) Amendment Bill

4.1 The Local Government (System Improvement) Amendment Bill proposes what is intended to be a significant change to the role of local government, and in doing so, to the relationship between local government and its communities.

4.2 The intent of the Bill is to refocus the purpose of Local Government, by

4.2.1 Removing all references to the four aspects of community well-being

4.2.2 Restating the purpose of Local Government

4.2.3 Reinstating the specific core services a local authority must have particular regard to in performing its role.

4.3 Of particular relevance to this Committee, the proposed new purpose of the Act (section 3) explicitly recognises the importance of the performance of regulatory functions. Under the current Act, this role is implicit rather than explicit.

4.4 This recognition is carried through into Section 5 (Interpretation) and Section 10 (Purpose of Local Government). However, that recognition is not carried through into the proposed new Section 11A (which sets out the core services to be considered in performing role).

4.5 This omission is likely due to most of the regulatory functions being performed under other Acts (such as the Building Act 2004, Resource Management Act 1991, Biosecurity Act 1993, Maritime Transport Act 1994 – while noting that regulation powers are also enabled through bylaws under the local Government Act 2002). In their submission, Taituarā suggest that the provision of regulatory services should be included as a core service.

4.6 The closing date for submissions was 27 August 2025. Tasman District Council did not make a submission. Both Taituarā and Te Uru Kahika lodged submissions on behalf of the Local Government interests they represent.

5. Resource Management (Consenting and Other System Changes) Amendment Bill

5.1 The Council had provided a submission to the Resource Management (Consenting and Other System Changes) Amendment Bill, with the Select Committee reporting back to the House on 11 June 2025 after evaluating feedback and hearing oral submissions.

5.2 The Bill passed through Committee of the Whole on 13 August 2025 and had its third reading the following day. The Minister for Resource Management Act (RMA) Reform issued a media release on 14 August 2025 that framed the Bill as delivering initial steps towards making it simpler and easier to consent renewable energy, boost housing supply, and reduce red tape for the primary sector. This was happening in the lead up to the full replacement for the Resource Management Act 1991 (see RMA reforms to deliver jobs and growth | Beehive.govt.nz).

5.3 Two amendment papers (347 & 348) were introduced by Minister Bishop at the Committee of the Whole stage. Respectively, these adjust timeframes for water permits in Otago, and broaden the scope of changes to Section 70 (which regulate permitted water discharge rules in plans). The media quickly picked up on the latter. In both cases, changes avoid a need for a large number of consents arising from the stopping of regional plans (Otago) and court decisions on RMA Section 70 matters (Waikato).

Resource Planning

5.4 The new Act introduces “plan stop” provisions that run through to December 2027 that were not part of the Bill considered, or reported back on, by the Select Committee. They have the effect of preventing Councils from notifying new planning instruments, and to withdraw planning instruments that have been notified but not heard. These steps are intended to prevent effort and resources being expended on new plans or plan changes while the RMA system is being reformed.

5.5 Limited planning processes are exempted from the “plan stop” provisions, and Councils may apply for an exemption if a proposed plan will meet identified criteria – which include rectifying existing issues with plans, responding to changes made to the RMA or to respond to a recommendation made by the Environment Court.

5.6 Also of note is that the Minister for the Environment has been given new powers to make regulations to modify or remove provisions of existing plans. The process to be followed requires investigation, reporting and consultation. But if the Minister is satisfied that provisions have a negative effect on economic growth, development capacity or employment, she/he can direct that they are modified or removed.

5.7 In terms of the Section 70 matters, Councils can permit certain discharges within their planning framework even where they may lead to significant short-term effects. The proviso is that there needs to be a plan for improvement over a period of up to 10 years. At this point staff are unclear as to how this clause is impacted on by the “plan stop” provisions.

Resource Consenting

5.8 In addition to impacting on plans, the amendments introduce a number of requirements for the resource consenting process. These are discussed in the Resource Consent Managers report to the Committee that is on the agenda for today.

Compliance and Enforcement

5.9 The amendments introduce new tools to assist with compliance and enforcement of the RMA, that are also signalled to apply to the replacement of the RMA. Due to the timing of the announcement of the amendments, these changes are not picked up in the annual Compliance and Monitoring Report that is on the agenda today.

5.10 However, that Report does pick up on the new Resource Management (Infringement Offences) Amendment Regulations 2025 that come into effect on 4 September 2025. These Regulations have not been implicitly developed as part of the reform initiative but are nevertheless expected to be compatible with the new system.

5.11 The Amendment Act improves the ability to recover costs for compliance monitoring and enforcement from those responsible for breaches. It also provides for the Environment Court to suspend or revoke resource consents for ongoing non-compliance. Penalties are increased and provisions introduced so that insurance cannot cover RMA fines. Some offences are streamlined to judge-only trials so as to speed up enforcement.

Other matters

5.12 Fishing activities are clarified as not being subject to resource consents (although aquaculture will be). Council’s may regulate fishing by either permitting it or prohibiting it in certain areas. Any such rule must be signalled from the early drafts of a plan after consulting with agencies that have responsibility for fishing under the Fisheries Act 1996 and the Māori Fisheries Act 2004. This will prevent prohibitions being considered as part of the submission process – a situation that has arisen in some regions and which has led to extensive Court action.

6. Government’s RMA Reform Agenda

6.1 At the 17 July 2025 meeting of this Committee, the Group Manager Report advised that the four expected national direction packages had been released by the Government for consultation. Council staff prepared submissions for each of the four packages, focussing on the issues that were most relevant to Tasman.

6.2 The four submissions that were sent through to Government agencies are attached to this report. The Government have stated that decisions on national direction will be consistent with the reform of the RMA that will be introduced into the House later this year.

7. Cabinet decisions relating to Building Consent Authorities

7.1 On 18 August 2025, Hon Chris Penk, Minister for Building and Construction, wrote to Mayors and Chairs regarding Cabinet decisions on two matters relating to Building Consent Authorities (BCAs). Two key decisions were outlined

7.1.1 Amending the current liability rule for building activity, shifting from "joint and several" to proportionate liability

7.1.2 Allowing the consolidation of BCA functions between willing councils.

7.2 Legislation to change settings within the Act is scheduled to be introduced to the House in early 2026, with a view to it passing by the middle of the year.

Liability

7.3 The Cabinet decisions on liability changes were based on a report prepared by the consultancy "Sapere" who found that between 2008 and 2018 councils were forced to pay out around $332 million relating to defects for which they were not actually responsible.

7.4 When announcing the decisions at a press conference following the Cabinet meeting, the Minister and the Prime Minister covered off supporting mechanisms – such as insurance schemes and guarantee schemes. The Government's intention is to explore such supporting mechanisms for proportionate liability, to protect homeowners under the new system, in the lead up to a Bill being developed. The Insurance Council has held preliminary discussions with the Government on this issue.

Voluntary consolidation

7.5 The changes enabling voluntary consolidation are intended to assist with improving efficiency. Currently there are 68 individual BCAs and consolidation could lead to better economies of scale. The Minister has speculated that, at a regional level, there may be as many as half a dozen moves to combine BCAs quite promptly.

7.6 This option emerged as the preferred one against the other suggestions of a regional consolidation being imposed or the establishment of a centralised BCA.

7.7 Irrespective of the options chosen, this Council has responsibilities under the Building Act that extend beyond the BCA.

8. Other Building Assurance-related matters

Greater use of overseas sourced building products

8.1 The Building (Overseas Building Products, Standards, and Certification Schemes) Amendment Bill introduces changes to the Building Act 2004 which will reduce barriers to using quality overseas building products throughout New Zealand. Consistent with the Bill, the Building Product Specifications are one of three pathways being developed to provide for overseas building products to be used more easily.

8.2 The Ministry of Business, Innovation and Employment (MBIE) has published the first version of the Building Product Specifications and new editions of 16 acceptable solution and verification method documents. This first edition contains specifications and standards for building products that are already known and used, such as windows, timber and cladding.

8.3 The Building Product Specifications provide more choice of building products for use in Building Code compliant work. They incorporate a wider range of New Zealand and

international standards into building compliance pathways (acceptable solutions and verification pathways). They will make it easier and faster to add, update and modify building product standards in the Building Code system.

Changes to the Building (Accreditation of Building Consent Authorities) Regulations 2006

8.4 Staff received advice from MBIE of impending changes to the Building (Accreditation of Building Consent Authorities) Regulations 2006, with the introduction of a new regulation 7A relating to inspections that was gazetted on 21 August 2025. In this case the 28-day rule before Regulations come into effect was waived, and so they were to come into effect the following day.

8.5 At the time of writing, staff had not been provided with the details of the changes but will be by the time the Committee meets.

9. Maritime Matters

Regional On-scene Commander

9.1 Our Harbourmaster, Peter Renshaw, has successfully completed the Regional On-Scene Commander (ROSC) training, including passing the assessment.

9.2 As a result, Peter will soon be formally appointed as an Alternate Regional On-Scene Commander. This achievement enhances the region's readiness to respond to maritime incidents and environmental emergencies, while also reinforcing our commitment to professional development and inter-agency coordination.

Recruitment of a Deputy Harbourmaster

9.3 Interviews are being held for the vacant position of Deputy Harbourmaster. The successful candidate is expected to be on board by October 2025, in advance of the busy summer period.

Progress with mooring licensing

9.4 A geographic approach to implementing the new mooring licensing system is underway. Over 10 licenses have been issued so far this year and several more are being processed. Meetings with operators and community groups in Kaiteriteri and Māpua are underway to assist those communities with meeting bylaw requirements and mitigating the risk associated with unauthorised or poorly maintained moorings.

10. Attachments / Tuhinga tāpiri

Introduction

1. We thank you for the opportunity to provide a submission on the **National Direction Package 1: Infrastructure and Development** and **Package 2: Primary Sector** discussion documents.

2. Tasman District Council (the Council) acknowledges the Government's ongoing efforts to advance national direction changes under the Resource Management Act 1991 (RMA), supporting the broader objectives of the resource management reform programme. These modifications are intended to facilitate transition into the forthcoming resource management system upon its establishment.

3. Tasman has had two significant weather events in the last couple of weeks and we have had to divert resources to these. We have focused our submission on areas we feel need to be specifically addressed.

4. We recognise the scope and significance of this comprehensive body of work, with Packages 1 and 2 in particular addressing a diverse array of national direction instruments and topics. The council concurs that improvements are necessary and, overall, expresses support for many of the proposed new and amended national direction instruments.

5. Nonetheless, certain aspects of the proposals may introduce further complexity and ambiguity for decision-making or lead to unintended consequences if provisions are not sufficiently clear or well-integrated across the suite of national direction instruments.

6. The timing of these changes, coinciding with imminent system-wide resource management reform, compounds this complexity. We endorse efforts to reduce implementation burdens for councils during the transitional period.

7. Our submission offers feedback on some of the questions raised in the discussion documents and makes recommendations to support the development of national direction that is clear, practical, and provides certainty for local authorities and applicants.

8. The submission commences with overarching comments pertaining to both Packages 1 and 2, followed by a summary of key points and recommendations relevant to each package.

9. We welcome future consultation processes relating to the proposed amendments to national direction and the impending RMA replacement legislation and would appreciate any opportunity to comment on issues arising during their formulation.

Overarching comments

1. In this section, we highlight some overarching considerations in relation to the proposed new and amended national direction, including the relationship to the RMA replacement legislation.

2. We highlight that providing clear direction on how competing interests, values and outcomes are to be prioritised and resolved in resource management decision-making, is a critical factor in providing clear national direction and increasing certainty for resource users. In the absence of this, there will continue to be increased complexities for decision-making.

3. We consider there is room for improved clarity in some of the proposed changes as to how national direction instruments are intended to work together and their relationship to sections 5 and 6 of the RMA.

4. We consider that the directive, enabling language within some of the proposed objectives and policies may lead to unintended consequences where there are a range of national, regional and local interests involved and clear direction as to priorities is not provided; for example, where different infrastructure projects or significant economic activities have competing space requirements.

5. The infrastructure space is where we see significant value for spatial planning in the new resource management system. We strongly encourage spatial planning as a key method of allowing for affordable growth.

6. Some of the proposed amendments tilt policy frameworks strongly in favour of enabling development proposals, with weaker provisions relating to adverse environmental, social, cultural and economic effects. We consider it important to recognise that not all proposals will be appropriate in all locations, and that localised adverse effects may be significant or irreversible or impact on values of importance to local communities.

7. We also see potential for unintended consequences where new terms and definitions are introduced that are broad and open to differing interpretations. In addition to the potential to cause adverse environmental and community outcomes, local authorities and applicants may face increased complexities and costs in implementing amended provisions where these are not clear and certain.

8. We highlight the importance of adequately providing for iwi and hapū participation and recognition of sites and values of significance within the national direction amendments. We support the inclusion of specific direction relating to Māori interests within some of the proposed amendments and make recommendations to strengthen these where relevant.

9. The council supports the general intention to minimise the implementation requirements for local authorities ahead of the upcoming system-wide resource management reform. With the RMA replacement legislation now imminent, we do not consider it appropriate to specify a time period for plan changes to implement the new and amended NPSs, except where this can be done under section 55 of the RMA.

10. Council has just come out of a declared civil defence emergency. The June 2025 flooding event reinforces the focus on natural hazards and trying to make our community more resilient to natural hazards. We have limited financial means and the community simply cannot afford the losses and the cost of rebuilding without managing the natural hazard risks.

Summary of key points

National Direction Package 1: Infrastructure and development - Discussion document

Proposed National Policy Statement for Infrastructure

1. We **support** stronger national direction for infrastructure, particularly where it reinforces existing recognition within our plan.

2. **We also seek that** rural flood management infrastructure provided by regional councils be included in the definition of 'additional infrastructure'.

3. We **recommend** amendments to proposed policies to improve the balance between consideration of national benefits and localised effects, to recognise that these may include significant and irreversible effects. We also **recommend** amendments to policies relating to assessing and managing adverse effects of infrastructure, to align these with section 5 of the RMA and other national direction.

4. We highlight a potential unintended consequence in that enabling all infrastructure (with functional and operational needs) may result in activities with operational needs preventing significant infrastructure that has functional and locational constraints from establishing in particular areas.

5. We **strongly support** the proposed requirement for decision-makers to have regard to spatial plans and strategic plans for infrastructure. Being able to implement the strategic plan in order is challenging. Most infrastructure is linear in nature requiring specific staging, getting developers to develop in order problematic.

6. We **support** the inclusion of a policy giving clear direction on Māori interests and make recommendations for this policy to better recognise and provide for Māori rights and interests in relation to infrastructure.

7. We **recommend** that national policy direction be provided in relation to promoting resilience of infrastructure, as well as renewable electricity generation and electricity network assets, to natural hazards and climate change.

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

8. We do not have specific comments to make on this package

National Environmental Standards for Electricity Network Activities

9. We do not have specific comments to make on this section

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

10. The Council supports the aspiration of the proposal to increase the supply of small houses, creating more affordable options and choice. However, the Council does have concerns about uncontrolled urban infill and downstream environmental and liveability impacts (e.g., flooding, congestion) and financial consequences, that could arise from of the proposals in their current form (including undermining future intensification opportunities). Therefore, the Council is keen to ensure the potential for unintended consequences are mitigated in a

pragmatic and practicable way that avoids longer-term downstream costs for ratepayers and residents.

11. We **strongly support** the list of matters that are out of scope of the proposed National Environmental Standards for Granny Flats (NES-GF), particularly matters of national importance under the RMA, regional plan rules, earthworks and subdivision.

12. We **strongly recommend** that onsite wastewater should similarly be included in the list, as onsite wastewater capacity and associated regional rules will need to be considered for all minor residential units where connection to a municipal or community system is not available.

13. The cost of these small dwelling has been misrepresented by the analysis. A1 homes cost provided was just for the materials not building it or the required ground works.

14. We **strongly recommend** still requiring that building consents are required for MRU. This gives a degree of control and should reduce the risk the community.

Definitions

15. We **strongly recommend** that the definition of "Residential Zones" in the draft NES be amended to exclude Medium Density Residential Zone and High Density Residential Zone. This is because, typically these zones are used in inner city or town locations where planning rules are seeking to achieve good-quality intensification. Enabling granny flats as a permitted activity will undermine these rules by enabling further low density housing typologies. Granny flats should be permitted in General and lower density residential areas.

Permitted Activity Rules

16. We **support** rule PA 1, except that it could go further. We **recommend** that consideration be given to allowing a permitted MRU as the first dwelling on the property, and not only as a second dwelling as required by PAS 2.

Permitted Activity Standards

17. We **recommend** that PAS 4 relating to minimum building setbacks in residential zones be amended so the front boundary setback is increased to 2.5 metres. Experience demonstrates that 2.5 metres is the minimum space required to enable effective and meaningful front yard planting to create attractive frontages.

18. We **recommend** that PAS 4 relating to minimum building setbacks in rural zones be as follows:
    - 10 m from the front boundary (unchanged)
    - 30 m from any side or rear boundary where the neighbouring property is greater than 2,500 square metres, otherwise the setback is 5 metres.
    - 30 metres from any plantation forestry

    The rationale for the above setback is that sites greater than 2,500 square metres are more likely to be used for intensive land uses which may result in spraying, noise and odour. A greater setback is appropriate to avoid cross boundary effects. A lesser setback (unchanged from the draft) is appropriate for smaller neighbouring properties. 30 metres from forestry avoids the potential effects of tree fall, shading and logging.

19. We **recommend** that district plan rules for impervious surfaces and all rules relating to natural hazards continue to apply to granny flats, including those that are not always mapped in overlays. A limit of impervious surface of 70% would be appropriate. Impervious surface

definition should include permeable concrete etc. Tasman has definitions that have been recently developed for this purpose and can be made available.

Proposed National Environmental Standards for Papakāinga

20. We **strongly support** the proposed NES to permit papakāinga on the identified land types, subject to appropriate conditions. We also **support** the inclusion of non-residential activities in the National Environmental Standards for Papakāinga (NES-P) as they promote the development and sustainability of marae and papakāinga.

21. We **recommend** that the NPS Natural hazards override the NES-P. The NES-P should not permit development in natural hazard risk areas without necessary mitigations.

22. It is currently unclear if the NES-P will apply to equivalent zones in plans that have not yet adopted the national planning standards.

23. We **support** applying regional rules for setbacks from waterways, water supply and onsite wastewater to papakāinga developments, as well as the application of natural hazard regulations.

24. We **support** restricted discretionary rules for papakāinga **provided that** discretion is limited to district-level matters. Regional and national planning issues should remain outside local authority control to avoid regulatory duplication. We **recommend** clarifying that regional rules and NES provisions continue to apply to papakāinga on general land.

Proposed National Policy Statement for Natural Hazards (NPS-NH)

25. Over the past two months, the Tasman District has been impacted by two major flooding events, each causing widespread disruption and damage. The financial and social costs associated with responding to and recovering from these events are substantial, placing considerable pressure on local communities and resources. Building greater resilience to such events is crucial.

26. We simply don't want to make things worse; we cannot afford the cost to the Council and the community from significant natural events.

27. We anticipate the proposed NPS-NH will assist with strengthening risk-based planning and supporting more effective decision-making to reduce the long-term impacts of natural hazards on our communities.

28. We **support** the simple risk matrix approach proposed, particularly for identifying significant risks from natural hazards.

29. We **recommend** a proportionate management approach needs to be embedded in the NPS-NH. This would ensure national consistency and provide Councils with clear direction on how the significant risk from natural hazards are to be managed.

30. We **recommend** amending the definition of new development to ensure additional new buildings on sites with existing development are covered.

31. We **recommend** including infrastructure in this NPS. Leaving out infrastructure undermines resilience. Critical systems like roads and power lines face the same risks as housing and must be included in the policy framework. We have just suffered loss of key infrastructure during out

most recent flooding event (fibre going to cell towers) and this created significant issues in the community as our reliance on mobile phones has become almost universal.

32. We **recommend** including primary production in the NPS, particularly where significant assets are involved e.g. packhouses, glasshouses, coolstores and hop kilns etc. Additionally, areas where materials are stored need to be free of hazards, we are in the process of picking about 1,000 apple bins out of the coastal marine area and potentially hundreds of large nets used in orchards.

33. We recommend that the NPS-NH is considered alongside the NES-CF. As noted later on wind throw over the roading network produces significant risks to motorists. There needs to be an adequate setback from the roading network so trees can fall and not create a significant traffic risk. The photo below shows cars (and people) who were trapped overnight by trees falling across the road network in the recent storm event.

34. We **recommend** the **NPS-NH specify** the climate scenarios to use when considering the impacts of climate change on natural hazards. It currently lacks direction on how to assess long-term climate risks, which weakens its effectiveness.

35. The **NPS-NH must integrate** cleanly with other national direction such as the New Zealand Coastal Policy Statement (NZCPS), NES-GF, NES-P and NES-CF.

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

Question	Comments	Key specific recommendations
Proposed National Environmental Standards for Granny Flats (NES-GF)		
Question 57 - Are the proposed provisions in the NES-GF the best way to make it easier to build granny flats (minor residential units) in the resource management system?	We generally support the proposed provisions in the NES-GF and the intent of the proposed policy changes to increase the supply of small houses and create more affordable housing options and choice. . The NES refers to granny flats / MRUs. This is a planning term and relates to the form of units that are permitted. The BA (building act) exemption refers to small stand-alone dwellings. There is some but not total cross over. For example, the BA exemption can allow for small dwellings to be built which don't qualify as granny flats / MRUs because of, say, the ownership requirement or something. In other words, they are not attempting to permit the same thing.	
Question 58 - Do you support the proposed permitted activity standards for minor residential units?	In general, yes, provided (as per Question 63) it is made clear in the NES for the avoidance of doubt the activities that are out of scope and acknowledgement that those activities may require resource consent where they are not provided for as a permitted activity in regional or district plans.	
Question 59 - Do you support district plans being able to have more lenient standards for minor residential units?	Yes.	
Question 60 - Should the	We consider that the proposed NES-GF and the proposals for small stand-alone dwellings under the Building Act should be consistent and work together in an	

Question	Comments	Key specific recommendations
proposed NES-GF align, where appropriate, with the complementary building consent exemption proposal?	integrated way. Our submission on the Building and Construction (Small Stand-alone Dwellings) Amendment Bill[1] recommended amendments to the Bill to include compliance with regional plan wastewater rules as a requirement to qualify for a Building Act exemption and to ensure that people looking to construct small stand-alone dwellings are aware of any relevant resource consent requirements relating to onsite wastewater disposal. In alignment with this, at Question 63 below, we recommend that regional plan wastewater rules are specifically identified as being out of scope of the NES-GF. We also support areas where the NES may not align with the BC exemption. For example, to comply with the NES the MRU must be under the same ownership as the principal dwelling. In the situation where a someone wants to build (and own) their MRU on someone else's land. Then the BC exemption should still apply. In other words, there is value in the BC exemption sticking to building matters and the NES sticking to planning matters. Overall alignment is good, but the different applicability of the rules is also effective.	
Question 61 - Do you support the proposed list of matters that local authorities may not regulate in relation to minor residential units? Should any additional matters be included?	We are neutral on these matters. We recommend some changes to the permitted activity standards. See specific changes in right hand column. Experience demonstrates that 2.5 metres is the minimum space required to enable effective and meaningful front yard planting to create attractive frontages. The rationale for the setbacks in rural areas is that sites greater than 2,500 square metres are more likely to be used for intensive land uses which may result in spraying, noise and odour. A greater setback is appropriate to avoid cross boundary effects. A lesser setback (unchanged from the draft) is appropriate for smaller neighbouring properties. In Tasman we have found it very effective requiring a much	We **recommend** that PAS 4 relating to minimum building setbacks in residential zones be amended so the front boundary setback is increased to 2.5 metres. We **recommend** that PAS 4 relating to minimum building setbacks in rural zones be as follows: 1. • 10 m from the front boundary (unchanged)

Question	Comments	Key specific recommendations
	larger setback when the neighbouring property is of a viable productive size and thereby protecting the productive use of that land from reverse-sensitivity. 30 metres from forestry avoids the potential effects of tree fall, shading and logging. We **recommend** that district plan rules for impervious surfaces and all rules relating to natural hazards continue to apply to granny flats, including those that are not always mapped in overlays. Impervious surface definition should include permeable concrete etc. Tasman has definitions that have been recently developed for this purpose and can be made available.	• 30 m from any side or rear boundary where the neighbouring property is greater than 2,500 square metres, otherwise the setback is 5 metres. • 30 metres from any plantation forestry A limit of impervious surface of 70% may be appropriate.
Question 62 - Do you support existing district plan rules applying when one or more of the proposed permitted activity standards are not met?	Yes	
Question 63 - Do you support the list of matters that are out of scope of the proposed NES-GF? Should any additional matters be included?	<u>List of matters that are out of scope</u> We **strongly support** the list of matters that are out of scope of the proposed NES-GF, particularly matters of national importance under the RMA, regional plan rules (including onsite wastewater), earthworks and subdivision. Matters of national importance under section 6 of the RMA are important risks and values that require protection in resource management processes. We consider it vital that all existing overlays and plan provisions relating to these matters (e.g. areas of significant indigenous vegetation and significant habitats of indigenous fauna and areas of significant natural hazards) continue to apply and are not	1. Retain the list of matters that are out of scope of the proposed NES-GF and add onsite wastewater disposal. 2. Ensure that district plan rules for impervious surfaces and all district plan rules relating to natural hazards continue to apply to granny flats, including those that are not always mapped in overlays.

Question	Comments	Key specific recommendations
	overridden by the NES-GF. We also strongly support regional plan rules being out of scope of the NES-GF. Other matters We note that earthworks are specifically listed as an activity outside consideration of the NES where other district and regional plan provisions apply. We **recommend** that onsite wastewater should similarly be included in the list. Onsite wastewater capacity and associated regional rules will need to be considered (whether or not consent is required) for all minor residential units where connection to a municipal or community system is not available. It is important that district plan rules relating to total impervious surfaces on a site continue to apply to granny flats, in order to manage cumulative adverse effects relating to stormwater runoff, including increased flood hazards within a catchment. We **recommend** that all standards within district plans relating to natural hazards continue to apply to granny flats, including all natural hazards overlays as well as provisions that address other natural hazard risks that are not always mapped in an overlay, such as setbacks from Mean High Water Springs, and rivers and streams.	
Additional comments on the proposed NES-GF	Please refer to the additional comments provided under the proposed NPS for Natural Hazards (NPS-NH) in relation to linkages between the proposed NES-GF and NPS-NH. There is potentially some double up with the NES -GF and the building consent process. We suggest that building consents are still required for these dwellings to ensure that potential risks (e.g., resale and protection of investment) are managed and controlled. Council considers the value that the building consent process adds, primarily controlling risks to be worth the cost of a building consent.	

Question	Comments	Key specific recommendations
	We support the consideration of Natural hazards. In the recent Tasman flooding we had a large number of small dwellings destroyed by flooding. This has been devastating to our community Affordable housing is key challenge in Tasman This NES-GF is unlikely to reduce the issues we are currently facing with tiny homes.	
Proposed National Environmental Standards for Papakāinga (NES-P)		
Question 64 - Do you support the proposal to permit papakāinga (subject to various conditions) on the types of land described above?	We **strongly support** the proposed NES permitting papakāinga on the specified land types, subject to appropriate conditions.	
Question 65 - What additional non-residential activities to support papakāinga should be enabled through the NES-P?	We acknowledge the proposed non-residential activities permitted under the NES-P as they align with policy direction for sustaining, developing, restoring and enhancing marae and papakāinga.	

Question	Comments	Key specific recommendations
Question 66 - What additional permitted activity standards for papakāinga should be included?	**We recommend** including provisions for minimum setbacks from natural hazards, particularly in cases where natural hazards are not already identified in a district plan. This could apply to areas such as rivers or streams prone to flooding and/or coastal areas susceptible to erosion or inundation. Including a precautionary setback requirement in the absence of mapped hazards would aid with ensuring the safety and resilience of developments in the context of climate change and increasing natural hazard risks. We suggest the following wording: *"Where natural hazards such as flooding, coastal erosion or inundation are not identified in the district plan, a precautionary minimum setback of (X metres) from the edge of rivers, streams or the coastal marine area is required, unless a site specific hazard assessment demonstrates a lesser setback is appropriate"*.	Add an additional permitted activity standard as follows, or similar: *"Where natural hazards such as flooding, coastal erosion or inundation are not identified in the district plan, a precautionary minimum setback of (X metres) from the edge of rivers, streams or the coastal marine area is required, unless a site specific hazard assessment demonstrates a lesser setback is appropriate"*.
Question 67 - Which, if any, rules from the underlying zone should apply to papakāinga developments?	We **support** (as indicated in the indicative list in PAS3) that the regional rules for setbacks from waterways, wastewater, water supply (i.e. water takes), and earthworks apply to the developments. We also **support** that natural hazards regulations will apply.	1. Retain the requirement for regional rules for setbacks from waterways, wastewater, water supply (i.e. water takes), and earthworks to apply to papakāinga developments. 2. Retain application of natural hazard regulations to papakāinga developments.
Question 68 - Should local authorities have restricted	We support the use of restricted discretionary rules for papakāinga development on Treaty settlement land, provided that the scope of discretion is clear. We are a Unitary Authority thus we have both district and regional functions	

Question	Comments	Key specific recommendations
discretion over papakāinga on Treaty settlement land (i.e., should local authorities only be able to make decisions based on the matters specified in the proposed rule)?		
Question 69 - What alternative approaches might help ensure that rules to enable papakāinga on general land are not misused (for private/commercial use or sale)?	**We recommend** that the NES-P clarify that regional rules and NESs continue to apply to papakāinga developments. However, this should be balanced to ensure that tangata whenua are not unduly restricted from undertaking legitimate, culturally aligned economic activities within papakāinga. Safeguards against misuse should not prevent whānau, hapū and iwi from developing sustainable enterprises that support intergenerational wellbeing and self-determination.	
Question 70 - Should the NES-P specify that the land containing papakāinga on general land cannot be subdivided in future? *No comments*		
Additional comments on the proposed NES-P	Please refer to the additional comments provided under the proposed NPS-NH in relation to linkages between the proposed NES-P and NPS-NH. PA1 it is unclear how the availability of servicing (water, wastewater, power etc) fits into this permitted activity. Potentially these could be a limiting factor in the number of residential units.	

Question	Comments	Key specific recommendations
	M01 requires Council to monitor permitted activities and report to MFE. It is very unclear how we could collect information related to PA2 to report to MFE RDM1 is restricted discretionary and should include more matters of discretion, particularly servicing, natural hazards	
Proposed National Policy Statement for Natural Hazards (NPS-NH)		
Question 71 - Should the proposed NPS-NH apply to the seven hazards identified and allow local authorities to manage other natural hazard risks?	**We suggest** wildfire should be included in the list of natural hazards covered by the NPS-NH. The average temperature in Tasman is predicted to increase by 0.8-1.5 C by 2050, increasing the likelihood of wildfires occurring. Wildfires can destroy anything in their path and therefore the consequences may be catastrophic. [Paula H] **We also suggest** changing the term landslip to slope failure and debris flows. Landslip implies a rather narrow range of slope failure mechanisms. In Tasman District debris flows/run-out areas can also have catastrophic consequences for people and property located in such areas.	1. Add wildfire to the list of hazards to which the NPS-NH applies. 2. Change the term landslip to slope failure and debris flows.
Question 72 - Should the NPS-NH apply to all new subdivision, land use and development, and not to infrastructure and primary production?	**We agree** that the NPS-NH should apply to new subdivisions, land use and development. However, we would like to ensure the definition of new development provides for **additional new** buildings on sites with **existing** development e.g. the addition of a second dwelling or minor residential unit. Adding new buildings onto sites with existing development is still a form of intensification that has the potential to increase the adverse effects from future natural hazard events. - Simply don't make things worse, we cannot afford the cost to the council and the community from significant natural events	1. Ensure the definition of new development covers additional new buildings on sites with existing development. 2. Include infrastructure and primary production in the scope of the NPS-NH.

Question	Comments	Key specific recommendations
	The NPS-NH should also clearly apply to changes in land use e.g. the conversion of a commercial building to an early childhood centre. Changes in use can change the risk profile of an activity. **We disagree** with the omission of infrastructure and primary production from the scope of the NPS-NH. Like other developments that the NPS-NH will apply to, infrastructure by its nature relates to structures. It is therefore susceptible to the effects of natural hazards, and these should be assessed and planned for. We do not consider the reasons given for its omission to be sufficient. Furthermore, the NPS proposal is a broad framework for how natural hazards management should be approached, therefore, **we recommend** this framework should be equally applicable to infrastructure. Including infrastructure is especially important for the critical infrastructure that services new subdivision and development. There needs to be a consideration about the resilience to natural hazards of critical infrastructure servicing communities. This has been recently highlighted in the June and July floods in Tasman, e.g., roads and state highways, electricity transmission and generation, telecommunications, 3 waters etc. Primary production in the Tasman District is often high intensity horticulture with significant infrastructure such as glasshouses, packing sheds, hop kilns, and coolstores. With the proposed proportionate management approach, primary production activities with lower vulnerabilities could be provided for within planning frameworks, while more intensive and more vulnerable activities could require more mitigation measures or avoidance. **We recommend** the NPS-NH be applicable to primary production. As an example, from the recent floods over 1,000 large wood apple crates were lost and have been found scattered over our coastline. Likewise large numbers of nets were lost from horticultural operations and these required machinery on beaches	

Question	Comments	Key specific recommendations
	to pick them up. Both the apple crates and nets resulted in a navigation hazard in the coastal marine area.	
Question 73 - Would the proposed NPS-NH improve natural hazard risk management in New Zealand?	Yes, we consider it a step in the right direction. The proposed NPS provides national consistency for the definition of significant risk. **However, we have concerns** that the proportionate management approach, to be determined by each individual council, will not result consistent management of natural hazard risk across the country. It is the response to, or management of, the risk that is the critical. **We recommend** that a framework for proportionate approach be included in the NPS-NH. **The NPS is missing a key component:** certainty around the thresholds to support mitigation or straight-out avoidance of a particular areas based on the risk matrix table provided. This is an opportunity to define bottom lines for where the hazard risk is intolerable for certain activities.	1. Recommend the NPS specifies a proportionate management framework and include bottom lines for hazard avoidance for certain activities such as residential houses or subdivisions
Question 74 - Do you support the proposed policy to direct minimum components that a risk assessment must consider but allow local authorities to take a more comprehensive risk assessment	Yes, with some refinements suggested below. Policy 2 requires the impacts of climate change is to be considered for at least 100 years into the future - the NPS should specify which climate change scenarios should be used to determine the impacts. Specifying the climate change scenarios to be used would provide for consistency across the country. NPS-NH should be clear and simple and should not have to be read in conjunction with the numerous pieces of existing guidance.	1. Recommend the NPS specifies the climate scenarios to be used to determine the impacts of climate change on natural hazards.

Question	Comments	Key specific recommendations
process if they so wish?		
Question 75 - How would the proposed provisions impact decision-making?	**We consider** the proposed provisions will have an overall positive impact. We acknowledge the usefulness of the risk matrix table, particularly in identifying significant risk. **We consider** a revised NPS-NH, that takes on board our recommendations, will have a positive impact on decisions resulting in resilient development. It will enable Councils to require better risk assessments to be undertaken and provide a tool to require mitigation(s) or, where necessary, the support to decline an application.	
Question 76 - Do you support the placement of very high, high, medium and low on the matrix?	**We support** the placement of the very high, high, medium and low in the risk matrix, recognising that the risk will be manged through the proportionate management approach. The NPS is encouraging that if the risk is significant, that mitigation or avoidance occurs. However, it does not set a threshold to determine when mitigation is not sufficient, and avoidance is required. Likewise, there is no clear direction to require that any applied mitigation should reduce the risk below the significance threshold. This is particularly important for consenting decisions under sections 106 and 106A of the RMA.	1. Embed in the NPS-NH a national threshold to determine when mitigation is not sufficient, and avoidance is required.
Question 77 - Do you support the definition of significant risk from	Yes, **we support** the definition of significant risk being very high, high and medium.	

Question	Comments	Key specific recommendations
natural hazards being defined as very high, high, medium risk, as depicted in the matrix?		
Question 78 - Should the risks of natural hazards to new subdivision, land use and development be managed proportionately to the level of natural hazard risk?	Yes. However, we note that drafting should make this explicit. Management should be proportional to the risk for land use and as mentioned previously we would like to see the proportionate management approach embedded in the NPS-NH to achieve national consistency.	See Q73 recommendation
Question 79 - How will the proposed proportionate management approach make a difference in terms of existing practice?	**It is unclear** how proposed proportionate management approach will make a difference because the approach has not been defined. **We support** the application of climate change impacts 100 years ahead (P2). However, **we recommend** specifying the climate change scenarios to be used when implementing P2. **We support** P5 (significant risk from natural hazards not exacerbated on other sites).	1. <u>Policy 2</u> • Retain the application of a 100 year timeframe for climate change impacts. • Specify which climate change scenarios should be used. 2. <u>Policy 5</u> • Retain Policy P5.

Question	Comments	Key specific recommendations
Question 80 - Should the proposed NPS-NH direct local authorities to use the best available information in planning and resource consent decision-making?	We support directing local authorities to use the best available information, however, we **recommend** amending P4 to enable Councils to request applicants to undertake risk assessments and provide information (at an appropriate level commensurate to the activity). **We recommend** that where information is unclear or there is uncertainty in determining an appropriate risk level, a precautionary approach should be taken.	1. Amend P4 to provide for those instances where it is appropriate that an applicant undertake investigations to develop new information necessary to inform a consent authority. 2. Amend P6 (Continue with risk assessment processes where information is limited or unclear) to provide for the application of the precautionary principle.
Question 81 - What challenges, if any, would this approach generate?	As recommended in Q 80 above, in circumstances where there is sparse or dated hazard information, the NPS-NH should allow Council to request information from an applicant.	See Q80 recommendations
Question 82 - What additional support or guidance is needed to implement the proposed NPS-NH?	We have recommended amendments to the NPS-NH above. Our **strong preference** is for the points listed below to be embedded in the NPS-NH, rather than guidance: • Proportionate management approach • Define bottom lines for where the hazard risk is intolerable for certain activities • The climate change scenarios to used when considering the impacts of climate change on natural hazards	See Q73 and Q74 recommendations
Question 83 - Should the NZCPS prevail over the proposed NPS-NH?	**We recommend** that provisions in the NZCPS should prevail, as it provides clear direction for the management of coastal hazards for new development or changes in development in the coastal environment. We recommend that the NPS-NH should apply when the NZCPS is silent in terms of managing natural hazards in the coastal environment.	1. The NZCPS should prevail over the NPS-NH where it provides clear direction for the management of coastal hazards for new development or changes in

Question	Comments	Key specific recommendations
	There are a few quite significant inconsistencies between the two instruments, that will need to be clarified or worked through beforehand. However, the NZCPS takes a much more precautionary approach than the proposed NPS-NH which would make a more suitable approach in most instances. **We highlight** the following regarding the relationship between the NZCPS and the proposed NPS-NH: 1. NZCPS Policy 3: Precautionary approach • NPS-NH states that when information is lacking, risk assessment process continues but no clarity on taking a precautionary approach is required. • NZCPS is clear that decisions makers are to take a precautionary approach. • If not aligned, there will be inconsistency between coastal and non-coastal developments where information is lacking. • A precautionary approach in the NPS-NH should be applied when information is lacking or insufficient. 2. 2. NZCPS Policy 24: Identification of coastal hazards • NZCPS uses High risk whereas NPS-NH refers to Significant risk. • Further clarity is needed in the NZCPS on the definition of High risk and how it relates to the significant risk definition in NPS-NH. 3. NB: We acknowledge that the term 'significant risk' comes from the RMA. 4. 3. NZCPS Policy 25: Subdivision, use, and development in areas of coastal hazard risk • Generally, provisions align with the proposed NPS-NH and adaptation planning. However, clarity is required in the following instance: o NZCPS policy to avoid increasing risk. o NPS-NH has a proportionate management approach to significant risk NPS-NH should clarify whether proportionate response in coastal areas is to avoid increasing risk consistent with the NZCPS.	development in the coastal environment. 2. NPS-NH should prevail where the NZCPS is silent in terms of managing natural hazards in the coastal environment. 3. The inconsistencies between the NZCPS and proposed NPS-NH should be resolved. 4. The NPS-NH should take a precautionary approach when information is lacking or insufficient.

Question	Comments	Key specific recommendations
Additional comments on the proposed NPS-NH	Given the NPS-NH and its focus on consenting, **we request** making its application clear in respect to current resource consent applications. **We recommend** giving councils discretion to apply the NPS-NH to existing applications that have yet to be decided. This is already the case with other NPSs. Please see our comments in relation to other pieces of national direction below. <u>Link to NES for Granny Flats</u> The principal method for currently managing natural hazards in the Tasman Resource Management Plan is through matters of control or discretion rather than hazard overlays. It is unclear how the NES provisions will enable Tasman District Council to consider natural hazard risks for minor residential units. There would be a serious gap in the Tasman District if the NES constructed in a manner that enables the risk from natural hazards to be considered. Further clarification of the definition for 'new development' is needed to ensure that granny flats or 'minor residential units' are included under the NPS-NH. Local government should be able to consistently manage all forms of new development in the most holistic way possible so that no aspect of development is missed. Risk from natural hazards for minor residential units needs to be assessed and considered as part of the new subdivision, new use and new development definitions within the NPS-NH. Small homes or granny flats hold the same risks from natural hazards as any other house being built. Therefore, there need to be rules, standards or criteria within the both the NPS-NH and the NES-GF to make sure that minor residential units are not built in locations that are exposed to known natural hazards. There are potential scenarios where the main house has been built outside of an area exposed to known natural hazards, but the location of the minor residential unit may be exposed to natural hazards. For example, the main house is built on a side of a hill near the top (therefore is not exposed to river flooding) and the minor residential unit is built at the bottom of the hill within the flood extent of a flood plain (therefore is	1. Specify that the NPS-NH can be applied to existing applications on its commencement (at the discretion of the consent authority). 2. Ensure that the risks from natural hazards can be considered for permitted granny flats or 'minor residential units' and Papakāinga regardless of how current plan provisions apply.

Question	Comments	Key specific recommendations
	exposed to river flooding). Another example would be a beach front property, the main house would normally be placed in the furthest away part of the section from the beach, and then the minor residential unit may be placed closer to the beach, meaning that the minor residential unit would be impacted by beach erosion more quickly compared to the main house. To prevent minor residential units being built in unsuitable locations, there needs to be integration between the NPS-NH, NES-GF and the Building Act amendments for minor residential units to ensure there is oversight from councils to check whether proposed locations are suitable for building, in terms of risk from natural hazards. <u>Link to NES for Papakāinga</u> Natural hazards are considered under PAS3 (applicable rules of the underlying zone). As with the comments for the NES-GF, there is the potential for a serious gap in the Tasman District if the risks from natural hazards cannot be considered for Papakāinga developments. Provisions in both the proposed NPS-NH and NES-P should make this clear. <u>Link to NPS for Infrastructure</u> The main objective of natural hazards management is to avoid creating new risks. However, the NPS-I provisions do not fully align with the objectives of the NPS-NH and seem to suggest that functional need trumps all considerations in relation to natural hazard risk. Although we acknowledge that development of infrastructure sometimes must be in potentially high hazard locations, from a natural hazards perspective, it is essential to design critical infrastructure to be resilient and have redundancies in place for when natural hazard events occur.	
Implementation questions - infrastructure and development instruments		

Question	Comments	Key specific recommendations
Question 84 - Does 'as soon as practicable' provide enough flexibility for implementing this suite of new national policy statements and amendments? *Please refer to our answer below.*		
Question 85 - Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient? a. If not, what would be better, and why? b. If yes, what time period would be reasonable (e.g., five years), and why?	With Phase 3 of the resource management reform programme now imminent, **the council does not consider it appropriate to specify a maximum time period** for plan changes to implement the suite of new and amended national direction, except where this can be done under section 55 of the RMA. Currently, it is unclear how regional policy statements and plans will transition into the new resource management system, as this detail is expected to be contained in Phase 3. Plan changes, even those that can be completed without a Schedule 1 process, require a significant amount of resourcing. Requiring resources to be allocated to amend existing policy statements or plans through a Schedule 1 process without knowing the detail of the new resource management legislation or how these documents will transition into the new system **is not considered efficient nor effective.**	Timeframes for changing regional policy statements and regional and district plans to implement the new and amended national direction should not be included, except where the changes can be made under section 55 of the RMA, given the imminent replacement of the RMA.
Question 86 - Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review? *Please refer to our answer above.*		
Question 87 - Are there other statutory or non-statutory implementation provisions that should be considered? *Please refer to our response to Question 82 above in relation to support and guidance needed to implement the proposed NPS-NH.*		

National Direction Package 2: Primary sector

National Environmental Standards for Marine Aquaculture

1. Tasman is currently not subject to the provisions in the NES MA. Reg11(2) of the NES-MA states that these regulations do not apply in the Tasman District to AMAs 1,2,3 and Wainui Bay as defined and mapped in Part 1 of Schedule 5. Schedule 5 of the NES- MA list the sites that are not subject to the regulations and the AMA's (including Wainui Bay) in Tasman are included in that list. R11 -seeks to amend Reg 11 so that the exclusion of Tasman and Wilson Bay from the regs only applies to the existing NES provisions regarding re-consenting. The new provisions regarding research and trails and the changing of consent conditions will apply to aquaculture in Tasman.

2. We **recommend** that research and trails (R&T) are limited to Tasman's existing aquiculture areas and proposed port zones. The exclusionary criteria in the proposed changes (outstanding areas, significant marine ecological areas, mooring areas, port zone, or nationally or regionally significant navigation corridor) have not yet been identified in the Regional Plan (with the exception of mooring areas) which means that once the proposed changes have legal effect there will be almost no exclusionary criteria to prevent R&T activities including farming, outside of AMAs.

3. We **recommend** elevating the activity status for changes in fish species within existing farms from "controlled" to a more stringent category. The current proposal risks significant cumulative adverse effects on water quality due to differing nutrient discharge profiles. Additionally, the inclusion of unwanted species poses serious biosecurity threats and contradicts existing RMA provisions. These risks warrant a more precautionary regulatory approach.

4. We **strongly recommend** retaining the current provisions that allow for limited and public notification under special circumstances. The proposed changes to rules R23, R44, R16, and R28 introduce ambiguity and could unduly restrict public engagement. While simplification is a valid goal, it must not come at the expense of transparency and environmental accountability.

5. We **recommend** revising the matters of control in provisions such as R31 and R33 to ensure consistency with the controlled activity status. Specifically, matters of control should focus on management rather than assessment of effects, and should include comprehensive requirements for information, monitoring, and reporting. This will enhance clarity and enforceability across the National Environmental Standards for Marine Aquaculture (NES-MA) framework.

6. We **request that** key terms are defined such as "structure exclusion area" and "significant marine ecological area" to avoid misinterpretation. Furthermore, we **recommend** consistent application of exclusions for reconsenting and the introduction of fallow periods to prevent cumulative impacts. Trials involving fed aquaculture should be excluded from degraded waterbodies and subject to limited notification due to their potential environmental effects.

7. We **oppose** the inclusion of antibiotics and therapeutants as matters of control or discretion in rules R10 and R31, which do not pertain to fed aquaculture. These substances should not be permitted in non-fed marine farming due to their potential environmental and ecological

risks. If RMA section 15 discharges are deemed within scope, these controls should apply uniformly to all fed aquaculture activities.

National Environmental Standards for Commercial Forestry

8. We are concerned that the proposed amendment to Regulation 6(1)(a) potentially reduces the council's ability to protect, or achieve appropriate outcomes in, sensitive environments. We instead **recommen**d an approach that allows councils to work with communities in setting the appropriate management regime.

9. We **support** the proposed amendments introducing a site-specific risk-based assessment and management approach for slash. However, we recommend the regulations make it clear that receipt of a risk-based assessment of slash management by a council is not to be taken as approval by the council of the content of the assessment. We also **highlight** that it is important that slash management plans are assessed and monitored during the forest life cycle and after weather events.

10. We **recommend** that the NES CF is considered alongside the NPS NH. Tasman has just had two significant weather events. These second event left massive areas of wind throw in our commercial forest and we were incredibly lucky that wind throw across the roading network did not kill anyone. See image below showing cars that were trapped overnight while the storm raged, while trees fell around them.

11. If a risk-based approach is adopted, we **recommend** there be an ability for councils to apply both proposed options differentially to a region over time, to recognise that levels of risk vary across regions.

12. We **recommend** that the NES is strengthened to ensure that waterways are not used as assess ways for harvesting.

New Zealand Coastal Policy Statement

13. We **recommend** replacing the term 'infrastructure' with 'regionally significant infrastructure' in the proposed wording for Policies 6(1)(k) and 6(2)(k) and (f). This would ensure that infrastructure identified as regionally significant, including regional councils' assets for public flood control, flood protection, and drainage, are included and will ensure significant infrastructure with an operational need can be placed in the coastal marine area.

14. We **support** recognising aquaculture areas identified for Treaty Settlement purposes while enabling aquaculture activities in these areas.

15. We **recommend** ensuring that specified infrastructure for public flood control, flood protection, or drainage work carried out by a local authority is recognised in the changes. This would ensure regional councils are able to provide flood management in the coastal environment.

National Policy Statement for Highly Productive Land

16. Land Use Capability (LUC) class 3 land represents around 83 percent of all highly productive land (HPL) in Tasman. A most of our high value primary production occurs on LUC3 and it is only a small percentage of our total area (about 5%). If LUC class 3 land is to be exempt from the National Policy Statement for Highly Productive Land (NPS-HPL), we **recommend** only removing restrictions for urban development and keeping the restrictions for rural lifestyle development.

17. We **strongly recommend** suspending or extending the current timeframes for mapping HPL. Given the uncertainty with resource management system reform **our preference is for a suspension**. This would ensure that HPL maps are developed in alignment with any new standards and would fit seamlessly into the new system while supporting a better allocation of our resources when implementing the new system.

18. We **support** the proposed new Special Agricultural Areas and recommend a set of nationally set criteria in conjunction with (e.g. economics of production, changes to production infrastructure, and climate change); strengthening Clause 3.4(3) of the NPS-HPL to enable regional councils to protect areas important for food and fibre production in a more efficient and responsive way.

Amendments to multiple instruments for quarrying and mining

19. We **do not support** the proposed amendments in full; concerns remain regarding their environmental implications.

20. We **oppose** the inclusion of "operational need" in the gateway test for quarrying and mining in wetlands under the National Policy Statement for Freshwater Management (NPS-FM) and National Environmental Standards for Freshwater (NES-F).

21. If the NPS-FM and NES-F are to be amended, we **recommend** retaining the "functional need" test for significant wetlands (e.g. those in plans or supporting threatened species) to maintain strong protection and including provision for engagement with tangata whenua and monitoring frameworks and adaptive management strategies.

22. We **recommend** excluding "ancillary activities" from Clause 3.11(1)(a)(ii) of the National Policy Statement for Indigenous Biodiversity (NPS-IB) and Clause 3.9(2)(iii) of the NPS-HPL. If

this is to remain, we **recommend** that such activities must be clearly defined and subject to robust controls to prevent unintended environmental impacts and manage their cumulative effects on biodiversity.

23. We **recommend** that the term "public benefit" is retained in the NPS-IB to ensure biodiversity impacts are justified by broad societal value, not narrow economic interests, and to **avoid weakening biodiversity protections** by diluting language that supports objectives like "no net loss" and enhancement of indigenous biodiversity.

Stock Exclusion Regulations

24. We **do not support** the proposed amendment to the Stock Exclusion Regulations, as the proposed changes to enable beef and deer grazing within natural wetlands that support a population of threatened species is contrary to the national direction set out in the NPS-FM and would pose significant risks to threatened species and their habitats.

25. We **recommend** considering whether a staged approach that staggers implementation of stock exclusion in priority areas in the first instance and in all other areas over a longer-period of time, could instead be used to address the issues stated in the discussion document.

26. If Regulation 17 is to be changed to accommodate stock in wetlands, **we instead recommend** establishing thresholds that limit this to small wetlands or patches of wetland that are not a corridor or part of a wider system.

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

Question	Comments	Key specific recommendations
National Environmental Standards for Marine Aquaculture (NES-MA)		
Question 1 - Have the key problems been identified?	We note that most of the proposed changes are matters identified in the Three Year Review of the NES-MA, including reconsenting changes, or are minor structural and interpretation matters.	
Question 2 - Do the proposed provisions adequately address the three issues identified?	Although we support addressing the three known issues as a way of improving the effect of the NES-MA, we consider some provisions could be refined. We note our recommendations in the following answers.	
Question 3 - What are the benefits, costs or risks of the proposed changes?	We have identified the below risks: <u>New provision R30 – Change of species in existing fish farms (controlled activity)</u> We **do not support** the controlled activity status for change in fish species in consented farms. The change in fish species could result in increased nutrient discharges (due to a different food-to-discharge conversion ratio) which may result in significant cumulative adverse effects on water quality. In such cases, the controlled activity status would prevent an application from being declined, thus impeding the appropriate management of environmental effects. Therefore, we **recommend** a higher activity status. It is **unclear** what 'adding fish to an existing fish farm' involves. it could involve increasing stocking of consented fish species, adding different unconsented fish species, or some other activity. Further, new provision R30 allows the farming of an unwanted species as if it were a controlled activity. We **do not support** this change, as this would present a significant	<u>R30</u> 1. Retain a more stringent activity status for a change in fish species in consented farms i.e. make the addition of any non-consented finfish to an existing finfish farm have a higher threshold than a controlled activity. <u>R23, R44, R16, R28</u> Retain the current provisions in R23, R44, R16, R28, <u>or</u> Amend the proposed provisions to note where

Question	Comments	Key specific recommendations
	biosecurity risk if the species is not already present in the wider area and contradicts restrictions under section 12(f) of the RMA – *"(1) no person may, in the coastal marine area, (f) introduce or plant any exotic or introduced plant in, on, or under the foreshore or seabed"*. This risk would be further compounded by the fact that the Biosecurity Act does not explicitly note any controls on commercial farming or harvest. <u>R23, R44, R16, R28 – Changes to limited and public notification</u> We consider the proposed changes could be interpreted as a limit/removal of the ability to notify under special circumstances. We do not support these provisions as currently drafted. Although we acknowledge the intention for these changes was to simplify the process of notification, the proposed changes create additional ambiguity and an undue risk where special circumstances apply. The operative NES-MA and RMA provisions allow for limited and public notification under 'special circumstances' (s95A(9) and s95B(10)). We **recommend** that the current provisions remain as they allow for special circumstances to be considered. Alternatively, we recommend carefully assessing the proposed changes to note where public notification is precluded unless public or limited notification is required under the RMA. We note that this approach is followed in R36 (Notification for change or cancellation of consent conditions), however, this approach was not used consistently in the other changes.	public notification is precluded unless public or limited notification is required under the RMA.
Question 4 - Do you support the proposed amendments to streamline specific applications to change consent conditions by making them controlled activities? *See our response to Question 3.*		
Question 5 - Should there be any further changes to the matters of control	Yes. Please see below. <u>New provision R31</u> • Matters of control for a controlled activity do not need to include consideration of effects. The proposed matter of control ("*the effects of the activity on reefs, biogenic habitat, and*	<u>New provision R31</u> Change the activity status to restricted discretionary, <u>or</u>

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specified in attachments 2.1 and 2.1.1?	*regionally significant benthic species within the area of interest"*) is inconsistent with the activity status. If effects are assessed as more than minor, consent must still be granted. We **consider** it would be preferable to either make the activity restricted discretionary or change the matter of control to "management of effects on reefs, biogenic habitat…" • We **consider** the matters of control should include more matters (in line with the matters applicable to other rules including for fed species, also spat season and information requirements). <u>New provision R33</u> Matters of controls should also include "Information, monitoring, and reporting requirements". If these are not imposed as matters of control, then regional councils cannot require these for controlled activities.	Change the matter of control to "management of effects on reefs, biogenic habitat…" <u>New provision R33</u> Include an additional matter of control for "Information, monitoring, and reporting requirements".
Question 6 - Should any other types of changes to consent conditions be included? *No comments*		
Question 7 - Do you support the proposed changes to better enable research and trial activities on existing farms and in new spaces, including making some activities permitted?	A key barrier for the mussel industry is spat supply. We accept that there is a need for research to grow-on spat to reduce spat losses. This research is best undertaken in port zones or within the AMAs. We **strongly recommend** that trials are only undertaken in areas effectively zoned for aquiculture. In our case this is the AMA's and Wainui Bay. Additionally, we would like trials to be enabled in port zones (very small scale). Tasman has been through a lengthy and expensive process to effectively zone areas for aquiculture. Allowing aquiculture outside of these areas is likely to conflict with the wider fishing industry and any aquiculture going forward will need to be established in the AMA's or Wainui Bay. With regard to the permitted activity rules for trials in new space, there is concern with the cumulative impacts of many of these establishing in a particular geographic area, as councils	1. Amend the gateway test for the permitted activity rules for trials in new space to ensure there is a minimum distance required between trials. 2. Add a definition for "structure exclusion area" in consultation with regional councils. 3. Add a list in support of "aquaculture activity" which sets out a clear list

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	cannot require consent for permitted activities. We **recommend** amending the gateway test for this rule to ensure there is a minimum distance required between trials. We **request** adding a definition for "structure exclusion area". We note that requirements for research and trials under several proposed regulations (R2, R3, R6, R9, and R12) include for structures to not be located *"within a structure exclusion area identified in the regional coastal plan or an existing resource consent."* The term 'structure exclusion area' is however not defined in the regulations, and it is unclear what it involves. The term could be interpreted both as an area where aquaculture in prohibited, or an area where structures are prohibited. These two potential definitions are significantly different. The exact definition of this term will have a major effect on where these activities can occur. We respectfully **request** that MPI engage with regional council subject matter experts on this definition as we cannot assess its appropriateness at present. We **request clarification** on what is meant by 'must not be for an aquaculture activity' in R2. The definition in the RMA does not provide sufficient clarity. For example, ongrowing of aquatic life even if not for harvest could be considered an aquaculture activity. We **recommend** complementing the definition of aquaculture activities in the RMA with a clear list of activities covered by each rule, to avoid disagreements in whether activities are covered by these new regulations. We **recommend** that all of these trials are excluded from the reconsenting provisions of the NES-MA, as they are all trials. We note the exclusion provision was not consistently applied to the relevant regulations for trials (e.g. the exclusion is present in R6 and not R18). We also **recommend** that there is a fallow period for all trials to avoid consecutive trials in the same spot.	of activities covered by each rule. 4. Exclude all trials from the reconsenting provisions of the NES-MA. 5. Add a provision to require a fallow period for all trials to avoid consecutive trials in the same spot. 6. Include significant surf breaks, wāhi tapu sites, anchorages in the exclusion areas for trials. 7. Allow for limited notification in relation to R12 and R24 activities. 8. Delete proposed provision R15. 9. Delete "the use of antibiotics and therapeutants in the marine farm" as a matter of control and discretion for R10 and R31.

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	We also note the lack of a clear definition of 'significant marine ecological area.' This term should have a clear link with the definition of 'biogenic habitat' in the NES-MA. Further, we note that mapping navigation corridors is not feasible. This will limit the effective application of R17, R18, R21 and R24. **Trials for fed aquaculture – R9, R12, R24** The NES-MA addresses aquaculture activities, as defined in the RMA (activities described in section 12) which means any section 15 discharge activity associated with finfish is out of the scope of the NES-MA. Aligned with our concerns raised in question 3, the council **opposes** the preclusion of limited notification in relation to R12 (research and trial activities on existing marine farms that involve fed aquaculture activities for up to seven years and under four hectare on a farm not consented for fed aquaculture (*restricted discretionary activity*) and R24 (research and trial activities in new locations that involve fed aquaculture activities for up to seven years and under four hectares (*restricted discretionary activity*) activities. Both existing farms not consented for fed aquaculture, and new space, are areas where fed aquaculture has not been considered in the past, and nutrient increases and the resulting water quality effects could have significant adverse effects on adjacent or nearby existing marine farms. The ability to consider the views of existing marine farmers on these restricted discretionary applications through limited notification is considered important and preventing this is disproportional to the likely impacts of fed aquaculture. The council also **opposes** the ability for regional councils to have a more lenient rule for fed aquaculture (R15). There is a risk that rules may prevent the decline of certain applications when significant water quality effects may result. We consider this as essential to achieve the purpose of the RMA and give effect to the NZCPS. Creating a situation where councils have to	

Question	Comments	Key specific recommendations
	consider submissions seeking these activities have a controlled (or lower) activity status is an inefficient use of regional resources, in the face of overriding priorities. The council **opposes** "the use of antibiotics and therapeutants in the marine farm" as a matter of control and discretion for R10 and R31, as neither of these activities include fed aquaculture and these substances should not be used. Although the ability of the NES-MA to apply to section 15 discharges is still questioned (as noted above), if it is determined that it can, this should apply to all fed aquaculture, as should the effects on water quality.	
Question 8 - Are there benefits in making small-scale structures permitted activities, instead of controlled activities?	Small scale structures are permitted for scientific purposes already. This rule allows up to 20m2 structure. Council does not see any benefit in permitting small structures specifically for aquiculture.	
Question 9 - Should there be any changes to the entry requirements, matters of control and matters of discretion specified in attachment 2.1.1? *Please refer to our comments in response to Question 7 above on the use of antibiotics and therapeutics*.		
Additional comments on the NES-MA	<u>New provision R2, R17:</u> • We recommend removing the reference to "application". This is a permitted activity. • We consider the wording "will restrict navigation" is uncertain, as any structure would restrict navigation to a certain degree. <u>New provisions R2, R3, R6, R9, R12, R21 and R24</u> • We support that: o The same activity cannot have occurred within the same location within the last 6 months; and o The NES-MA does not apply for the reconsenting of trial and research activities.	<u>New provision R2, R17:</u> 1. Remove the reference to "application". 2. Clarify what is intended by the wording "will restrict navigation". <u>New provisions R2, R3, R6, R9, R12, R21 and R24</u> Retain the provisions that:

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	However (as noted in response to Question 7), the provisions are not applied consistently across the rules (some only refer to one of the above). Structures outside of the aquiculture areas have the potential to adversely affect the fishing industry.	• The same activity cannot have occurred within the same location within the last 6 months; and • that NES-MA does not apply for the reconsenting of trial and research activities, and Apply the provisions consistently across the rules.
National Environmental Standards for Commercial Forestry (NES-CF)		
Question 10 - Does the proposed amendment to 6(1)(a) enable management of significant risks in your region?	We consider that the proposed amendment to regulation 6(1)(a) will reduce the ability of regulatory agencies to manage significant risks. Warranted compliance officers are not always able to carry out assessments on complaints after weather events, which leads to incomplete information and a reduced ability to take proactive steps to address, e.g. mobilisation of slash in headwaters. This misrepresentation of risk is compounded by the additional bar of 'significance.' The risk to infrastructure from a single event might not be considered significant, but a community might decide it has a lower threshold to the effects from more regular lower intensity events. We **recommend** removing the requirement under R6(1)(a) in favour of an approach that allows councils to work with communities in setting the appropriate management regime to meet their risk appetite. This is aligned with the risk-based approach in the proposed NPS-NH.	Remove the requirement under R6(1)(a) in favour of an approach that allows councils to work with communities in setting the appropriate management regime.
Question 11 - Does the proposal provide clarity and certainty for local	In one sense it provides clarity, but **we consider it also reduces options** should a significant issue arise through evidence over time. At present, councils must demonstrate, through a section 32 evaluation, why a proposed more stringent rule is necessary to manage a particular risk in their specific region or district.	

Question	Comments	Key specific recommendations
authorities and forestry planning?	Rule changes to plans that involve more stringent rules must follow the RMA Schedule 1 process, including notification, submissions, and hearings. This process provides certainty to industry, the council and communities that an appropriate balance is brought to these decisions and decisions are evidence-based.	
Questions 12 - How would the removal of 6(4A) impact you, your local authority or business?	The proposal removes an optional tool for managing commercial forestry in a more bespoke (i.e. stringent) way than the national standards provide. Accordingly, it potentially reduces the council's ability to protect, or achieve appropriate outcomes, in sensitive environments.	
Question 13 - Do you support amendments to regulations 69(5-7) to improve their workability?	Yes, we support these proposed amendments introducing a site-specific risk-based assessment and management approach. However, for any risk-based assessment provided in support of slash management, the responsibility for the accuracy of the risk assessment sits with the notifyee/applicant. We **recommend** it is made clear in the regulations that receipt of this information by a council is not to be tacit approval by the council of the content of the risk assessment, rather an acknowledgement that a record of the commitment to risk slash has been provided to the council. **We also highlight** that it is important slash management plans are assessed and monitored during the forest lifecycle and after weather events.	1. Retain the proposed amendments to regulations 69(5-7), and 2. Amend the regulations to make it clear that receipt of a risk-based assessment of slash management by a council is not to be taken as approval by the council of the content of the assessment.
Question 14 - Do you support a site-specific risk-based assessment approach or a standard that sets	We **support** a site-specific risk-based assessment approach, but we **recommend** that "medium" risk areas should also be included given that the Draft Slash Mobilisation Risk Assessment table shows 'medium risk' as either requiring further assessment or mitigation.	Include "medium" risk areas in the site-specific risk-based assessment approach.

Question	Comments	Key specific recommendations
size and/or volume dimensions for slash removal?		
Question 15 - Is the draft slash mobilisation risk assessment template (provided in attachment 2.2.1 to this document) suitable for identifying and managing risks on a site-specific basis? *No comments*		
Question 16 - Should a slash mobilisation risk assessment be required for green-zoned and yellow-zoned land? If so, please explain the risks you see of slash mobilisation from the forest cutover that need to be managed in those zones?	We **recommend** that a slash mobilisation risk assessment be undertaken for all harvesting sites and that the assessment required be proportionate to the site-specific circumstances/inherent risks of that particular location/the harvest practice proposed. The reasons for this are that there may be a high risk of slash mobilisation from both Green and Yellow Zones for a multitude of reasons (e.g. mapping limitations, erosion risk, climate changes to increased rainfall intensity etc).	1. Require that a slash mobilisation risk assessment be undertaken for all harvesting sites, and 2. The assessment is proportionate to the site-specific circumstances/inherent risks of that particular location and the harvest practice proposed.
Question 17 - If a risk-based approach is adopted which of the two proposed options for managing high-risk sites, do you prefer (i.e.,	We **recommend** there be an ability for councils to apply both options differentially to a region over time. We consider that a permitted activity model could be used in lower risk parts of the region, but a resource consent process may be more suitable for higher-risk parts of the region, where bespoke mitigations may be required.	

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requiring resource consent or allowing the removal of slash to a certain size threshold as a condition of a permitted activity)?		
Question 18 - For the alternative option of setting prescriptive regulations for slash management, is the suggested size and/or volume threshold appropriate?	We note that the current volume threshold is difficult to implement. If the prescriptive approach is to remain, we would **support** the change from a "large end diameter" to a "small end diameter "of over 10 centimetres and length over 3.1 metres", as this is more practical. However, we consider that 15m^3/ha of residual slash is unduly restrictive still and does not address the practical difficulties of measuring this if needed for evidential reasons.	
Question 19 - Do you support the proposed definition of cutover to read *"cutover means the area of land that has been harvested"*?	Yes, we **support** this proposed definition.	

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Question 20 - Do you support the proposed removal of the requirement to prepare afforestation and replanting plans?	Management of permanent carbons forests subject to end-of-life (EOL) standing trees will not be addressed if these requirements are removed (see the comments on windthrow in response to Question 21 below). We would support, not the removal of Schedule 3 plans, but the retention and emphasis of potential for mobilised "woody debris" risks throughout the lifecycle of the crop during the "window of vulnerability" (1-7 years) and proposed EOL (harvest ~28 years) or permanent carbon (40+ years).	Retain schedule 3 afforestation and replanting plan requirements with an emphasis of potential for mobilised "woody debris" risks throughout the lifecycle of the crop during the "window of vulnerability" (1-7 years) and proposed EOL (harvest ~28 years) or permanent carbon (40+ years).
Question 21 - Do you support the proposed minor text amendments?	The term "woody debris" does not appear in the regulations, isn't defined and only occurs in the schedules to the regulations. However, "woody debris" is the only reference to matters of windthrow, which can be a significant cause of accelerated erosion, (as water flows into root ball cavities) and has effects similar to slash in streams. We **recommend** that woody debris be recognised by inserting a definition for this term and including reference to this matter within the harvesting regulations as needing to be managed as an adjunct to slash management. All woody material, albeit harvest slash or windthrow, is a real risk factor and should not be singled out in an artificial manner. This is an RMA section 9 matter that lies with the land and needs to be considered as part of risk assessment.	1. Include a definition of "woody debris", and 2. Include a refence in the harvesting regulations that woody debris is a matter requiring management.
New Zealand Coastal Policy Statement (NZCPS)		
Question 22 - Would the proposed changes achieve the objective of	We consider that the proposed changes will be able to be implemented before the wider changes to the resource management system. The Waikato Regional Coastal Plan (WRCP) is currently under review and many of the relevant policies in the Proposed WRCP (as it stands) provide for both operational and functional needs for regionally significant infrastructure.	1. Replace the term 'infrastructure' with 'regionally significant infrastructure' in the proposed wording for

Question	Comments	Key specific recommendations
enabling more priority activities and be simple enough to implement before wider resource management reform takes place?	We **recommend** replacing the term 'infrastructure' with 'regionally significant infrastructure' in the proposed wording for policies 6(1)(k) and 6(2)(k) and (f) This would ensure that infrastructure identified as regionally significant, including regional councils' operational assets for public flood control, flood protection, and drainage are included in the wording and will ensure significant infrastructure with an operational need can be placed in the costal marine area (CMA). We consider that enabling all infrastructure (functional and operational) may result in unintended consequences, and result in inappropriate developments locating within the CMA, potentially constraining or affecting significant infrastructure that has functional and locational constraints. We **support** recognising aquaculture areas identified for Treaty Settlement purposes while enabling aquaculture activities in these areas. We note that the review of the WRCP has not been concluded but at this stage there is consistency regarding these matters. We note that a range of national direction, such as the NPS-I, NPS-REG and NPS-EN all provide for both operational and functional needs. Therefore, we consider that consistency is appropriate across the multiple instruments. If our recommendation for replacing infrastructure with regionally significant infrastructure above is not accepted, **we recommend** ensuring that specified infrastructure for public flood control, flood protection, or drainage work carried out by a local authority is recognised in the changes. This would ensure regional councils are able to cater for flood management in the coastal environment. We note that the discussion document refers to changes to provide for specified infrastructure, however the proposed changes to policies 6 (1)(k) and 6(2)(k) and (f) do not refer specifically to specified infrastructure as currently defined in national direction such as the NPS-FM and NPS-HPL. Further, the RMA definition of infrastructure does not cover flood management infrastructure. Therefore, as it stands there is uncertainty in terms of the management (construction and upgrades) of flood management assets in the coastal environment.	policies 6(1)(k) and 6(2)(k) and (f), <u>or</u> Ensure that specified infrastructure for public flood control, flood protection, or drainage work carried out by a local authority is recognized in the changes. 2. Retain recognition of aquaculture areas identified for Treaty Settlement purposes while enabling aquaculture activities in these areas.

Question	Comments	Key specific recommendations
Question 23 - Would the proposed changes ensure that wider coastal and marine values and uses are still appropriately considered in decision-making?	Moving forward with the new system **we recommend** ensuring that environmental and community values are properly identified and managed through clear engagement and a robust policy framework (as we currently have in the (NZCPS). We consider that sharing information and adaptive processes can help maintain confidence and outcomes when development is needed. In addition, **we recommend** keeping provisions for the review and adjustment of consent conditions, especially when the monitoring information suggests that additional management is required. **We also recommend** using spatial planning and regular monitoring to maintain a positive ecosystem balance over time.	
Question 24 - Are there any further changes to the proposed provisions that should be considered? *No comments*		
National Policy Statement for Highly Productive Land (NPS-HPL)		
Question 25 - Should LUC 3 land be exempt from NPS-HPL restrictions on urban development (leaving LUC 3 land still protected from rural lifestyle development) or should the restrictions be removed for both	If LUC class 3 land is to be exempt from the NPS-HPL, **we recommend** only removing restrictions for urban development and keeping the restrictions for rural lifestyle development. We understand that LUC class 3 land represents around 64 percent of highly productive land (HPL) in Aotearoa New Zealand and around 80 percent of HPL in the Tasman (as currently defined). This is a significant reduction in the amount of land protected by the NPS-HPL for primary production use. Therefore, keeping the restrictions for rural residential (lifestyle) development will help to cope with future losses of HPL. Rural subdivision is recognised as the key land fragmentation process occurring in local government jurisdictions. We consider that enabling lifestyle block or rural residential development on LUC 3 land will create more issues in terms of further land fragmentation and the effective loss of HPL. There is a risk that removing protections from LUC 3 will expose HPL in rural areas (important to New Zealand's primary productive capacity) to loss through rural subdivision. Fragmentation	1. Retain current restrictions on rural lifestyle development on LUC 3 land regardless of whether the restrictions for urban development are removed. 2. Retain Clause 3.4 (3) in the operative NPS-HPL.

Question	Comments	Key specific recommendations
urban development and rural lifestyle development?	of HPL via rural subdivision represents a significant and growing threat to HPL in terms of area lost. The removal of LUC class 3 will make it harder for regional councils to map large cohesive areas in any meaningful way. LUC classes 1 and 2 are a much smaller and already somewhat fragmented 'target' for the NPS to protect as collectively they represent only about five percent of New Zealand's land area. We consider it essential that regional councils keep having discretion to map land beyond LUC classes 1 and 2 when appropriate as per Clause 3.4 (3). We consider that there is a risk of enabling urban development on LUC 3 land and as a result losing space for food production. The removal of LUC 3 needs to tempered against a framework that a) provides for protection of areas valued for food and fibre production: and b) the ability to include within this framework any class of land (including LUC1 &2 for completeness), that is valued at a region or district (in the case of unitaries) scale for its productive capacity. Additionally, LUC 3 land can be found in areas with risks of flooding, including land located in floodplains and other flood prone areas. This means that there is a risk of development proposals in areas susceptible to flooding. Therefore, we **recommend** ensuring the NPS-NH is equipped with the appropriate tools to avoid development within floodplains and other flood prone areas.	
Question 26 - If the proposal was to exempt LUC 3 land from NPS-HPL restrictions for urban development only, would it be better for it to be	We recommend the removal restrictions for private plan changes to rezone LUC 3 land for urban development. Both the Council rezoning and private plan changes should be considered equally.	Remove restrictions for private plan changes to rezone LUC 3 land for urban development

Question	Comments	Key specific recommendations
for local authorities led urban rezoning only, or should restrictions also be removed for private plan changes to rezone LUC 3 land for urban development?		
Question 27 - If LUC 3 land were to be removed from the criteria for mapping HPL, what, other consequential amendments will be needed? For example, would it be necessary to: a. amend 'large and geographically cohesive' in clause 3.4(5)(b)	*a. amend 'large and geographically cohesive' in clause 3.4(5)(b)* As mentioned above, removing LUC class 3 land from the NPS-HPL will result in significantly less land that would form part of large and geographically cohesive areas (LGCAs) of HPL. Therefore, **we recommend** reviewing the purpose and intent of the LGCAs and how this would work in practice. We highlight that insufficient direction concerning the mapping of LGCAs under the current NPS-HPL is an obstacle to achieving nationally consistent regional HPL maps. Through a regional network focused on the mapping of HPL, we understand that some regions are developing different methods for mapping LGCAs and regions are facing challenges with the lack of clear definitions and guidance around mapping LGCAs. **We recommend** clearly defining the specifications of LGCAs and setting guidance on how to progress the mapping following the revision of the HPL definition. Guidance could include land area size thresholds to be considered as 'large' as well as thresholds for when a particular lot/parcel should be considered in its totality as HPL in the case of parcels that do not entirely occur on HPL. Additionally, we find it challenging having to apply a regional-scale	1. Clearly define the specifications of large geographically cohesive areas and set guidance on how to progress the mapping following the revision of the HPL definition. 2. Retain clauses 3.4(5)(c) and (d) as currently operative (apart from removing the consequential reference to LUC class 3). 3. Clearly differentiate the use of site-specific LUC assessments (i.e.

Question	Comments	Key specific recommendations
b. amend whether small and discrete areas of LUC 3 land should be included in HPL mapping clauses 3.4(5)(c) and (d) c. amend requirements for mapping scale and use of site-specific assessments in clause 3.4(5)(a), and amend definition of LUC 1, 2 or 3 land d. remove discretion for councils to map additional	map layer (NZLRI layer) at the property level (although we understand that there is no viable alternative to this for the foreseeable future). *b. amend whether small and discrete areas of LUC 3 land should be included in HPL mapping clauses 3.4(5)(c) and (d)* **We strongly recommend** keeping clauses 3.4(5)(c) and (d) as currently operative (apart from removing the consequential reference to LUC class 3). It will be impracticable for regional councils to map LGCAs of HPL without having the discretion of including or excluding small and discrete areas not defined as LUC 1 or LUC 2 HPL. This would result in LGCAs containing lots of small holes (the 'Swiss cheese effect') and in a scatter of small, isolated areas of HPL and would not be conducive to clear implementation of the NPS in practice. These HPL maps are necessarily regional scale (as opposed to property scale) maps. Excluding LUC class 3 from the definition of HPL will make the development of clear and implementable HPL maps even more challenging. Also, as currently drafted, it is not clear what is meant by 'small' and 'discrete'. As mentioned above, we recommend defining these terms concerning the LGCAs more precisely for better consistency in mapping across regions. *c. amend requirements for mapping scale and use of site-specific assessments in clause 3.4(5)(a), and amend definition of LUC 1, 2 or 3 land* **We recommend** clearly differentiating the use of site-specific LUC assessments (i.e. property-scale LUC maps) from the process of developing regional HPL maps. Regional councils should still be able to accept more detailed information to help refine the LUC map layer available for their region, using sources such as S-map, LiDAR, or other more detailed regional-scale information. However, piecemeal site-specific LUC assessments are not suitable to inform regional-scale mapping because the inclusion of them would result in a miss-match of map scales at just a few sites within the region. Given the intent of the mapping is to produce a clear, consistent, and implementable map layer that avoids minor inclusions of non-HPL land in LGCAs and a scattering of small, isolated areas of HPL, any attempt to	property-scale LUC maps) from the process of developing regional HPL maps. Regional councils should still be able to accept more detailed information to help refine the LUC map layer available for their region. 4. Retain clause 3.4(3) as currently operative (apart from removing the consequential reference to LUC class 3)

Question	Comments	Key specific recommendations
land under clause 3.4(3). e. use more detailed information about LUC data to better define HPL through more detailed mapping, including farm scale and/or more detailed analysis of LUC units and sub-classes.	incorporate property scale mapping for only a few locations would create mapping inconsistencies and would be essentially meaningless. However, we do see the value of site-specific LUC assessments in the consenting regime as evidence to support an application to subdivide or change land use. *d. remove discretion for councils to map additional land under clause 3.4(3)* **We strongly recommend** keeping clause 3.4(3) as currently operative (apart from removing the consequential reference to LUC class 3) and retaining discretion for regional councils to map additional land as HPL. Tasman's climate supports a wide range of cropping across various soil types, making it important to retain protection for LUC 3 Class land alongside LUC 1 and 2 Classes. It also plays a critical role in buffering the most versatile land (LUC 1 and 2) from less productive land. Excluding LUC 3 from protection could also create inequities for regions, such as Tasman, that have limited areas of LUC 1 and 2 land and result in cumulative loss of productive rural land. Over time, this could weaken growth of regional primary production export and food security. Additionally, TRPS objective 6.1 states : *"Avoidance of the loss of the potential for land of productive value to meet the needs of future generations, particularly land with high productive values."* and TRPS Policies 6.1 and 6.2: 6.1: *Council will protect the inherent productive values of land from effects of activities which threaten those values, having particular regard to:* *i. the effects of land fragmentation on productive values; and* *ii. the protection of land with high inherent productive values; and* *iii. the protection of significant natural or heritage values; and*	

Question	Comments	Key specific recommendations
	iv. the availability of water to support productive values. 6.2: *The Council will ensure that subdivision and uses of land in the rural areas of the District avoid, remedy or mitigate adverse effects on:* *i. productivity and versatility of land, particularly in areas of high productive value; and* *ii. provision of services, including roading, access, water availability, wastewater treatment or disposal; and* *iii. amenity, natural and heritage values of sites, places or areas including landscape features such as karst terrain; and* *iv. accessibility of mineral resources; and* *v. socioeconomic viability of adjacent areas;* *and that are not unnecessarily exposed to adverse effects from:* *a. adjacent land uses across property boundaries; and* b. *natural hazards*. Therefore, removing discretion to map additional land in our district, would result in scenarios in which land that is protected from inappropriate subdivision, use or development under the TRPS is not protected by NPS-HPL – potentially creating a narrower scope and uncertainty. We consider that clause 3.4(3) could be a good starting point for developing a framework for protecting productive land other than LUC 1&2 (i.e. proposed special agricultural areas). We also agree with the discussion document that tangata whenua may have fewer opportunities for meaningful input into the mapping of HPL if changes to the mapping criteria being proposed are progressed, such as removing a council's discretion to include additional land, apart from LUC 1 or 2.	

Question	Comments	Key specific recommendations
	e. use more detailed information about LUC data to better define HPL through more detailed mapping, including farm scale and/or more detailed analysis of LUC units and sub-classes **We oppose** incorporating piecemeal property scale LUC data into a regional scale map as mentioned in our response to (c) above. We do not see a role for farm scale/site specific assessments informing regional mapping. We consider that only more detailed regional-scale mapping (such as LUC refinement incorporating S-map soil or LiDAR-derived slope information and the discretion to include additional LUC subclasses into large cohesive areas of HPL) would be appropriate to inform the regional mapping of HPL. Therefore, once more **we recommend** clearly differentiating the purpose of site-specific LUC assessments from the regional HPL mapping process for better clarity in the NPS-HPL. As discussed above, attempting to incorporate a few patches of property scale mapping into a regional-scale mapping exercise, particularly where LGCAs are being defined) would result in mapping inconsistencies (especially at the boundaries of these properties) and is essentially meaningless.	
Question 28 - Given some areas important for foods and fibre production such as Pukekohe and Horowhenua may be compromised by the removal of LUC 3 land, should additional criteria for mapping HPL be considered as	**We do not support** the proposed new Special Agricultural Areas (SAAs) due to the added complication of a separate definition and classification that would need to be incorporated into the mapping process, and the apparent reliance on criteria that could potentially change over time (e.g. with the economics of production, changes to production infrastructure, and climate change). Any mapping of HPL should be based on inherent (non-dynamic) characteristics of the soil and land that describe the versatility or productive potential/capacity of the land. Anything short of this is ad-hoc, fundamentally flawed, and should not be attempted. Food production does not solely rely on the soil component, it also relies on climate, and other characteristics of the area. Therefore, we consider an approach utilising SAAs to be inefficient to safeguard food and fibre production moving forward. **We recommend** strengthening clause 3.4(3) of the NPS-HPL to enable regional councils to protect areas important for food and fibre production in a more efficient and responsive way. A simple and consistent mapping approach is best. 'Bolting on' additional components, with	Strengthen regional councils' discretion to map non HPL land under clause 3.4(3) rather than introducing the concept of Special Agricultural Areas.

Question	Comments	Key specific recommendations
part of these amendments?	their own criteria and classification/definition will only serve to complicate the mapping process and will likely make implementation of the NPS more challenging in the future. Moreover, the perceived need for SAAs could largely be negated if protection of LUC class 3 land from rural residential development and subdivision is retained. However, if the government decides to progress with the SAAs, **we recommend** assessing cross boundary dynamics. In areas like Pukekohe, vegetable growing spans both the Auckland and Waikato regions. If there is pressure for other uses on productive land or if productive land is "lost" in one region, there is a potential that growers may seek to intensify or relocate operations into neighbouring regions. Therefore, it would be helpful if the approach to mapping HPL considered cross-boundary dynamics and supported consistent information sharing and management across regions.	
Question 29 - If so, what additional criteria could be used to ensure areas important for food and fibre production are still protected by NPS-HPL?	As mentioned above, the criteria for these areas will likely change over time as we experience changes in climate and economic conditions, and these factors are beyond the scope of the NPS-HPL. However, if SAAs are progressed, the identification of additional criteria should support freshwater outcomes by excluding areas that are not suitable for particular types of production.	
Question 30 - What is appropriate process for identifying special agricultural areas? Should this process be led by	If SAAs are established: a) It is important to acknowledge the potential conflict between freshwater management objectives and the use of SAAs to enable intensive commercial vegetable production activities. The potential misalignment between SAAs and efforts to address freshwater outcomes is also noted in the RIS. We further note that the RIS highlights Policy 2 of the NPS-HPL and its supporting integrated management provisions, which suggest that decisions to protect highly productive land (HPL) should be made alongside efforts to manage freshwater quality and quantity.	**We do not support** the proposed new Special Agricultural Areas (SAAs). Should the proposal to identify SAAs go ahead, central government should identify and map special agricultural areas nationally,

Question	Comments	Key specific recommendations
local government or central government?	b) The council suggests that the area should not be referred to as a "special" agricultural area, as this terminology may imply a hierarchy that elevates some industries over others. The approach should avoid prioritising some sector/s or uses at the expense of others. That said, we acknowledge that the proposed SAAs already reflect some sector-specific considerations, as they generally align with key vegetable-growing regions. This indicates that the proposal recognises the importance of certain land uses. However, care should be taken to ensure that this does not unintentionally create inequities or limit flexibility in land use planning within and across regions. c) If possible, the process should be aligned with national freshwater direction. For example, if the proposed objective to enable domestic vegetable supply is progressed in the NPS-FM, then SAAs should be targeted specifically at supporting the domestic supply of vegetables, rather than broadly covering all food and fibre production or enabling growers to grow food. Ideally, SAAs should relate specifically to urban expansion pressures on HPL and the protection of HPL, rather than being embedded within freshwater national direction. Any spatial considerations (layers or zones/areas) related to freshwater should remain within the freshwater planning framework. d) It should be noted that just because an area is not classified as HPL or as an SAA (if established), this does not mean agriculture cannot occur on that land. We **recommend** that, should the proposal to identify SAAs go ahead, central government should identify and map special agricultural areas nationally, in collaboration with regional councils and tangata whenua. This would improve national consistency in the mapping output and efficient use of resources while meeting Treaty settlement obligations and allowing local knowledge and context to inform decisions. We draw comparison to the Specified Vegetable Growing Areas (SVGAs) which were mapped by the Ministry for the Environment.	in collaboration with regional councils and tangata whenua.
Question 31 - What are the key considerations for	We consider that overlapping 'special areas' with different purposes and based on different criteria and definitions could directly conflict with each other in terms of the policy response and would further complicate the situation for the implementation of the NPS-HPL and any	

Question	Comments	Key specific recommendations
the interaction of special agriculture areas with other national direction – for example, national direction for freshwater?	other national direction involved. This is another reason for not proceeding with the proposed SAAs. Identified spatial areas should not automatically override or apply as defaults over other national directions, including freshwater management. The council has concerns about any spatial area and management approach in that area being established that may be inconsistent with our plan. SAAs should not undermine the objectives of the NPS-FM, particularly in relation to water quality and ecosystem health, and there should be recognition that water availability may be a limiting factor for future production, and land use must reflect this. Land use decisions must therefore reflect existing water constraints. For example, if a catchment is already over-allocated, introducing new land uses that require additional allocation of water is not sustainable and should be restricted. Land use and water management are to managing nitrate. We have issues with very high nitrate in groundwater on the Waimea Plain, Council has had to stop extracting water for town supply from some bores. Additionally, the Te Puna Waiora o Te Waikoropupū Springs and Wharepapa Arthur Marble Aquifer Water Conservation Order 2023 has implemented a specific legal framework aiming to protect the springs from nitrate **The council does not support** the inclusion of land in targeted areas (SAAs) that could be used for intensive commercial vegetable growing if inclusion would be inconsistent with water quality and ecosystem health in the area/s. Limiting SAAs to areas such as Pukekohe and Horowhenua may signal that these areas are intended for increased intensive use, which could be misaligned with other directives aimed at improving water quality. It may also signal that all LUC 3 class land within mapped SAAs is suitable for all type of intensive production (e.g. vegetable growing), but this may not necessarily be the case.	
Question 32 - Should timeframes for	**We strongly recommend** suspending or extending the timeframes for mapping HPL.	Suspend the existing timeframe for notification of

Question	Comments	Key specific recommendations
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?	We stress that a suspension or extension of the existing timeframe for notification is now essential because regional council mapping has been significantly disrupted, if not entirely put on hold, over the past year due to the uncertainty surrounding pending central government changes to the NPS-HPL. We consider that we will not have enough time to meet the collaboration and consultation requirements under Clause 3.4(4)(a)(b). The Waikato region is one of the most complex regions in Aotearoa, comprising 11 territorial authorities and over 180 iwi, hapu, and marae in or with an interest in the region. Given the uncertainty with the ongoing resource management system reform **our preference is for a suspension**. This would ensure we have a map produced that is developed in alignment with any new standards and would fit seamlessly into the new system while supporting a better allocation of our resources when implementing the new system. If the timeframe is extended, then we recommend for it to be completed within three years (2028). We consider that the extension could provide appropriate time for regional councils to meet the notification and mapping requirements prescribed by the NPS-HPL.	HPL mapping (preferred option); or Extend the deadline for mapping to 2028.
Amendments to multiple instruments for quarrying and mining		
Question 33 - Do you support the proposed amendments to	We acknowledge the intent behind the proposed amendments to align terminology and improve consistency across the NPS-FM, NES-F, NPS-IB, and NPS-HPL and consider that greater consistency between the instruments should make the processing of relevant consent applications less complex. However, we **do not support the proposed**	1. Retain the existing gateway test of "functional need" only for quarrying and mining in

Question	Comments	Key specific recommendations
align the terminology and improve the consistency of the consent pathways for quarrying and mining activities affecting protected natural environments in the NPS-FM, NES-F, NPS-IB and NPS-HPL?	**amendments in full and are concerned about** the impact on the ability to achieve the objectives of the instruments if activities are enabled in nationally significant environments. We are also concerned about the socio-economic trade-offs involved with these proposals (e.g. trade-offs between economic and employment benefits and environmental degradation). Communities across regions may be affected differently by the proposals, therefore equity considerations are also important. <u>NPS-FM</u> **We oppose** the proposed addition of "operational need" to the gateway test for quarrying and mining in wetlands (NPS-FM Clause 3.22(1)(d)(iii) and NES-F Regulation 45A(6)(b)) and seek that the existing gateway test of "functional need" only is retained. The policy purpose of specifying that a quarry must have a functional (but not operational) need to locate within a wetland, is consistent with providing an appropriately high level of protection to Aotearoa New Zealand's remaining significant wetlands and should be retained. This also aligns with WRPS policy direction. We also highlight other potential adverse effects of this proposal as follows: • Quarrying and mining across multiple sites and catchments can lead to cumulative adverse impacts, including cumulative sedimentation, hydrological changes, and biodiversity loss. This is an important concern as the Waikato region has interconnected freshwater systems. • Impacts on Te Mana o te Wai - under the NPS-FM, quarrying and mining activities must be assessed against their impact on the hierarchy of obligations in Te Mana o Te Wai. • Impacts on climate change and resilience – quarrying and mining in wetlands can affect climate resilience, for example by increasing flood risk or reducing carbon sequestration in wetlands. The Waikato region is vulnerable to climate impacts and land use decisions must factor in long-term resilience. • Potential effects on tangata whenua rights and interests in relation to wetlands.	wetlands under the NPS-FM and NES-F. 2. If the NPS-FM and NES-F are to be amended, retain the "functional need" test for more significant wetlands (e.g. those identified in regional or district plans, and those supporting threatened species) and limit the application of the "functorial or operational need" test to less significant wetlands. Additionally, include provision for engagement with tangata whenua and monitoring frameworks and adaptive management strategies. 3. Exclude "ancillary activities" from Clause 3.11(1)(a)(ii) of the NPS-IB and Clause 3.9(2)(iii) of the NPS-HPL. If this is to remain, ensure that such activities are clearly

Question	Comments	Key specific recommendations
	If the NPS-FM and NES-F are to be amended, **we recommend** a more nuanced approach, which is to retain the "functional need" test for more significant wetlands (e.g. those identified in regional or district plans and those supporting threatened species) and limit the application of the "functorial or operational need" test to less significant wetlands. This approach would better balance the need for resource development with the imperative to protect New Zealand's most ecologically valuable environments. Additionally, if the instruments are to be amended, we **recommend** that there is provision for: • Engagement with tangata whenua – there should be provision for co-governance or partnership with iwi/hapū in decision-making. Waikato has strong iwi involvement in freshwater governance; decisions in relation to quarrying and mining should reflect this. • Monitoring frameworks and adaptive management strategies– as quarrying and mining impacts can evolve over time, we see recommend there be dynamic oversight mechanisms. <u>NPS-IB and NPS-HPL</u> We **do not support** the proposed replacement of "mineral extraction" with "the extraction of minerals and ancillary activities" for either instrument, particularly the NPS-IB. This would broaden the scope of permitted development. Ancillary activities (roading, buildings, overburden disposal, and waste storage etc.) can increase the footprint of mining operations, leading to greater adverse effects on ecosystems and biodiversity. We therefore **recommend** the proposed terminology in Clause 3.11(1)(a)(ii) of the NPS-IB and Clause 3.9(2)(iii) of the NPS-HPL be amended to exclude "ancillary activities". If this is to remain, we **request** ensuring that such activities are clearly defined and appropriately managed to avoid unintended environmental impacts. Without clear limits or management requirements, this expanded terminology risks undermining the environmental protections intended by the NPS-IB, NPS-HPL, and related instruments. Ancillary activities	defined and subject to robust controls to avoid unintended environmental impacts and cumulative effects. 4. Retain the term "public benefit" in the NPS-IB.

Question	Comments	Key specific recommendations
	must therefore be subject to robust assessment and controls to ensure their cumulative effects do not exacerbate the environmental impact of the primary extraction activity. **We are concerned that** reducing the gateway tests in the NPS-IB increases the potential for mining and quarrying activities to have adverse impacts on SNAs and that while adverse effects can be addressed using the effects management hierarchy, it is likely that adverse impacts will increase. **We recommend** the term "public benefit" be retained in the NPS-IB to ensure that biodiversity impacts are justified by broad societal value. Removing "public" weakens the threshold for allowing mining and quarrying in areas of indigenous vegetation. This risks enabling developments that will only serve narrow economic interests while undermining biodiversity outcomes. The current terminology supports the NPS-IB's objective of achieving no net loss and/or enhance where possible, indigenous biodiversity. Diluting this language would be inconsistent with that goal.	
Question 34 - Are any other changes needed to align the approach for quarrying and mining across national direction and with the consent pathways provided for other activities? *No comments*		
Question 35 - Should "operational need" be added as a gateway test for other activities controlled by the NPS-FM and NES-F?	No, we do not consider that "operational need" should be added as a gateway test for other activities controlled by the NPS-FM or NES-F as part of Package 2. Any amendments to the NPS-FM and NES-F should be considered in an integrated manner as part of the National Direction Package 3 process.	

Additional comments on the amendments for quarrying and mining	We recommend that all critical terminology be clearly defined within the NPS-IB. Key terms such as "ancillary activities" and "significant regional benefit" are not clearly defined in the consultation material. Clarity is important for stakeholders to fully understand the implications of the proposed changes.	
Stock Exclusion Regulations		
Question 36 - Do you agree that the cost of excluding stock from all natural wetlands in extensive farming systems can be disproportionate to environmental benefits?	Under the current Regulations, only those natural wetlands identified in a regional or district plan or regional policy statement at the commencement date and those that support a population of threatened species are required to have stock excluded from them. The proposal is to create an exception for non-intensively grazed beef cattle and deer in respect to natural wetlands that support a population of threatened species. . <u>Position on proposed changes</u> We **oppose** the proposed amendment to the Stock Exclusion Regulations. The NPS-FM provides strong direction in terms of protecting natural wetlands and populations of threatened species. The proposed changes to enable beef and deer grazing within natural wetlands that support a population of threatened species is contrary to the national direction set out in the NPS-FM. Furthermore, this proposed change follows the 2024 revocation of Regulation 18 which previously excluded all stock from any natural wetland over 500m^2 in area on low slope land (where most wetlands occur). The proposed change would exacerbate the already diminished protections that the Regulations provide to wetlands from grazing stock. The proposed change would pose significant risks to the threatened species concerned and their habitats. <u>Costs and benefits</u> The uncertainty expressed in the RIS with respect to comparing the impact of stock entering wetlands in New Zealand and clearing vegetation against the benefits of the weed control, how many wetlands are affected by Regulation 17, and quantifying the costs and benefits of	1. Retain Regulation 17 of the Stock Exclusion Regulations without amendment. 2. Consider whether a staged approach that staggers implementation of stock exclusion in priority areas in the first instance and in all other areas over a longer-period of time, could instead be used to address the issues stated in the discussion document. 3. If Regulation 17 was to be changed to accommodate stock in wetlands, rather than the proposed amendment, instead establish thresholds that limit this to small wetlands or patches of wetland that

	excluding all stock or excluding non-intensively grazed beef and deer from wetlands that support threatened species populations, limits the current assessment of efficiency and effectiveness. We also note that the changes proposed are in response to challenges identified primarily for South Island high country and West Coast drystock farmers and it is questionable whether this warrants amendments to the national regulations to address issues limited to two parts of the country, particularly given the uncertainty around the adverse environmental effects associated with the change proposed. The RIS notes the potential costs to land managers in determining whether wetlands on individual properties support a population of threatened species as one of the key drivers for the proposed amendments. We highlight the following requirements for regional councils under the NPS-FM that may reduce the costs for landowners/managers, which should be considered when assessing the efficiency and effectiveness of proposed changes: • It may be that the requirement for regional councils to identify the location of habitats of threatened species within each Freshwater Management Unit (NPS-FM Clause 3.8(c)) will reduce future need for landowners/managers to engage experts to undertake an assessment of their wetland and the presence/absence of threatened species, alleviating some of the cost burden for farmers. • It is also noted that retaining NPS-FM Clause 3.23(1)(b), while acknowledging the challenge this presents to regional councils, would also lessen the likelihood that farmers will need to seek expert assessment of their wetland, as this information could in future be held by regional councils. <u>Options</u> We also acknowledge, however, the issues regarding the timeframe set out in the regulations for farmer implementation of Regulation 17 and misalignment with regional councils' ability through NPS-FM freshwater plan change processes to identify regionally significant wetlands and threatened species habitats and to establish regional plan stock exclusion provisions to protect these. Timing is the heart of the issue. Option 5 presented in the RIS considers this aspect of the stock exclusion regulations but doesn't provide a fix-all solution. The ability for regional councils to impose more stringent stock exclusion requirements to reflect regional issues is important (and should be retained); however, noting that freshwater plans will not be notified until December 2027, relaxing the stock exclusion provisions	are not a corridor or part of a wider system.

	regarding threatened species now, would mean no protection for these species and their habitats until new regional plan provisions are in place; likely to be some three years away. If the proposal to accommodate stock in wetlands was to proceed, we **consider** a preferable alternative would be to establish some thresholds that limit this to small wetlands or patches of wetland that are not a corridor or part of a wider system only. If the approach detailed in the discussion document was to proceed, we **consider** that it would clearer for the Regulations to specify the stock that are subject to Regulation 17 (i.e. dairy, dairy support cattle, pigs, and intensively grazed beef cattle and deer), rather those that are not, as is presently proposed.	
Implementation questions - primary sector instruments		
Question 37 - Does "as soon as practicable" provide enough flexibility for implementing this suite of new national policy statements and amendments? *Please refer to our answer below*.		
Question 38 - Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient? a. If not, what would be	Given the recent announcement from Central Government stopping (limiting) plan changes and with Phase 3 of the resource management reform programme now imminent, we **do not consider it appropriate** to specify a maximum time period for plan changes to implement the suite of new and amended national direction, except where this can be done under section 55 of the RMA. Currently, it is unclear how regional policy statements and plans will transition into the new resource management system, as this detail is expected to be contained in Phase 3. Plan changes, even those that can be completed without a Schedule 1 process, require a significant amount of resourcing. Requiring resources to be allocated to amend existing policy statements or plans through a Schedule 1 process without knowing the detail of the new resource management legislation or how these documents will transition into the new system **is not considered efficient nor effective.**	Timeframes for changing regional policy statements and regional and district plans to implement the new and amended national direction should not be included, except where the changes can be made under section 55 of the RMA, given the imminent replacement of the RMA.

better, and why? b. If yes, what time period would be reasonable (e.g., five years), and why?		
Question 39 - Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review?	Without knowing the future planning framework, it is not possible to answer this question. Noting that most plan reviews are targeted and do not fully review all the plan. It is likely to very challenging to fully implement national policy with a specific plan review. It is also noted that it seems to be simpler and faster to change national policy that go through the detailed schedule 1 process that councils are bound to via the RMA. Please ensure that all national direction is tested, simple and directive this will allow Councils to implement national direction via their regulatory functions prior to any plan change.	
Question 40 - Are there other statutory or non-statutory implementation provisions that should be considered? *No comments*		

Submission from Tasman District Council on the National Direction Package 3: Freshwater - Discussion document

Introduction

1. We appreciate the opportunity to make a submission on the National Direction Package 3: Freshwater - Discussion document.

2. Tasman District Council (the council) recognises that the government is proposing changes to national direction to contribute to the overarching goals of the resource management reform programme. The council agrees with some of the changes; however, we raise a range of concerns and make recommendations to the proposal to improve its workability and results.

3. Overall, the council is generally supportive of the proposed changes. We offer a number of recommendations aimed at addressing specific questions raised in the discussion document and improving implementation, clarity and certainty for local authorities.

4. We provide a summary of our key points below, followed by a table of comments on the questions within the discussion document, as well as additional comments in relation to some topics.

5. We have structured our feedback by topic and respond to the specific questions provided in the discussion document. We have included supplementary comments on certain topics where we suggest additional clarification or information may be helpful.

6. We look forward to future consultation processes on the proposed changes to national direction for freshwater, including on proposed exposure drafts, and would welcome the opportunity to comment on any issues explored during their development.

7. **General perspectives on freshwater management**
Freshwater management is complex and typically waterbody and community specific. National direction should therefore focus on national values of water and national objectives for the health of our waters and their sustainable use, providing direction of prioritisation of those values and objectives. It should avoid providing direction at more detailed levels (i.e. local application of values and attributes) purely for the purpose of national consistency and allow these aspects to be determined at a regional level, taking into account regional uses and waterbody specific management needs.

Summary of key points - National Direction Package 3: Freshwater

Rebalancing freshwater management through multiple objectives

8. **We support** greater flexibility, and a community and waterbody responsive approach to freshwater management. We consider this must be carefully designed to protect the integrity of freshwater ecosystems and enable ongoing sustainable use for communities' social, cultural and economic wellbeing.

9. **We recommend** allowing for regional variation within the National Objective Framework (NOF) to ensure the National Policy Statement for Freshwater Management (NPS-FM) reflects community values while maintaining environmental objectives. The NOF should avoid being overly prescriptive in terms of process at more detailed levels (i.e. attributes) as this is often driven by science-based aspects. The NOF should not create council processes where we are needing communities to have science and planning degrees to effectively participate.

10. We **support in part** the rebalancing of freshwater through multiple objectives, but these should be reflected clearly within a retained Hierarchy of Obligations within the NPS-FM to help provide national direction on priorities and facilitate decisions where there are conflicting uses and effects across multiple values of water. The objectives could be reframed to focus on 1. Ecosystem or Environmental Health, 2. Human Health, 3. Social and cultural needs and 4 Economic needs, creating a framework that could be replicated across all NPS. This framework could also provide a matrix for national values creating further direction on priorities.

11. **We support** efforts to clarify timeframes for achieving freshwater outcomes under the NPS-FM. However, this should require the regionally based identification of clear milestones for progress towards achieving outcomes, rather than just the end result and could be linked to plan review timeframes, as well as financial cycles. In the region, freshwater systems are under pressure from urban growth, agriculture, natural character and biodiversity degradation and both legacy and contemporary pollution. Clear and realistic timeframes are essential for:
    a. Community understanding and buy-in
    b. Effective planning and investment by councils and landowners
    c. Alignment across multiple outcomes (eg natural hazard and river health management)
    d. Accountability and progress tracking.

12. **We support** additional guidance on how to align timeframes with community aspirations, community affordability and regional capacity. **We propose** amendments could be made to enable councils to set milestone and outcome timeframes that reflect local conditions and capacity, providing these are supported by clear justification and are subject to monitoring and review.

13. **We support** including cost considerations when determining freshwater outcomes under the NPS-FM including the costs borne by communities from individuals or commercial use of natural and physical resources.

Rebalancing Te Mana o te Wai

14. **We support** retaining Te Mana o te Wai and the Hierarchy of Obligations within the NPS-FM. Te Mana o te Wai represents a fundamental approach to freshwater resource management while the hierarchy provides clear direction for decision makers in prioritisation when there are conflicts between the different outcomes sought.

15. Te Mana o te Wai is a simple way of encoding sections 6,7,8 and 107 of the RMA. The underlying requirements of sustainable natural and physical resource management will still exist whether Te Mana o te Wai exists or not.

16. **We agree** with the government's assessment that frequent changes to the NPS-FM have been inefficient, and we support policy settings being enduring.

Providing flexibility in the National Objectives Framework (NOF)

17. **We support** retaining the national values but question the merit of having some compulsory and some not. A more consistent national approach would be for all national values to apply by default unless the regional process identifies that they are not relevant in a Freshwater Management Unit (FMU) - for example recreation in a groundwater FMU. We suggest that the national values set be modified to include biodiversity rather than Threatened species, and additional values of: water body and community resilience to climate change, regional food security, public access to waterbodies, aggregate and mineral and other resources (for domestic and commercial use separately). The role of tangata whenua and communities in water body value management should also be recognised to facilitate kaitiakitanga/guardianship.

18. **We recommend** retaining a core set of compulsory attributes (focusing on 'the big four' of nitrogen, phosphorus, sediment and pathogens) while allowing regional flexibility for other attributes based on regional relevance and social and scientific practicality. The current science basis for the attributes in the current NPS-FM should instead be national guidance on use and application of attributes, to inform their regional application. There should be greater national guidance on application of attributes for groundwater.

19. **We recommend** - if the NOF continues to incorporate specified attributes - consideration should be given to the relationship and potential overlap between the NPS-FM (generally focused on ecosystem effects) and ANZG (toxicity effects focused) noting that the NPF ignored hardness effects for toxicity.

20. **We support** action plans as a complementary tool but oppose their use as the sole mechanism to meet numeric targets for attributes. This will be catchment and waterbody dependent.

21. National Bottom Lines (NBL's) have been instrumental in a positive step change for how freshwater is managed in NZ. We **support** continued use of national bottom lines (recognising the need for regional flexibility where these may not be appropriate in some waterbodies and as such should be set regionally). However, flexibility must not reduce environmental standards nor compromise the integrity of the NOF.

Enabling commercial vegetable growing

22. **We oppose** making commercial vegetable production (CVP) a permitted activity through national standards, unless this is tied to a sufficiently robust Freshwater Farm Planning system with suitable certification and auditing and enforcement frameworks to ensure ongoing adherence to improving good practice that will result in improved environmental protections in the short-medium term (and with the ability for greater regional stringency where required to meet community expectations and reflect the unique characterises of each waterbody). Making CVP a permitted activity could result in losses of water quality across the region, including in areas with water quality issues like the Waimea Plains. Given past issues

with compliance enforcement and cost recovery in a permitted space, we **recommend** having a consenting regime for CVP.

23. **We suggest** that this be expanded to cover fruit growing as well as vegetables. Public Health has identified both fruit and vegetables as important for healthy diets and enabling both fruit and vegetables can help provide regional (and national) food security.

24. If the government decides to progress making CVP a permitted activity through national standards, **we strongly recommend** that areas where this should apply should be identified at a regional level. It is often the mosaic of suitable microclimates and soils across different catchments in a region that make up its cumulative vegetable and fruit growing potential. Identification of these at a national level is too coarse and does not allow for transitions over time in the crop types produced or the location and means by which they may be grown (eg recognising increased use of closed glass houses, horticultural lease arrangements, etc). This approach would also allow regional stringency in already polluted areas or areas at higher risk of pollution, including enabling greater protection of source waters for drinking water supplies.

25. If CVP is to be made a permitted activity, **we recommend** having provisions for the recovery of costs associated with compliance, monitoring and enforcement actions.

26. **We recommend** that national direction must allow regional councils to apply more stringent rules (and expansion limits) where necessary to meet local freshwater objectives.

27. **We support** having a policy framework providing for crop rotation (that is not for an expanding area) and **we recommend** that the expansion of CVP outside of regionally defined CVP areas should require a policy framework that directs the need for resource consent with area limits and restrictions on where expansion can occur.

28. **We recommend** aligning the timing of the implementation of the NPS-FM with the implementation of the new resource management system.

Addressing water security and storage

29. **We support** the concept of nationally applicable standards for water security and off-stream storage and consider these rules must allow for regional variation and greater stringency if needed (eg in water short catchments where storage can have cumulative adverse effects on downstream users).

30. **We support** the standards as currently proposed. However, we consider a key point missing in these standards is guidance on a potential maximum structure.

31. **We recommend** amending the standards to include limitations on maximum size for water storage enabled through national direction.

32. **We recommend** including definitions for small-scale and large-scale water storage and consideration of water stored for irrigation vs fire use (or both)

Simplifying wetland provisions

33. **We do not support** a “farming activities” pathway, and consider it is unclear what may be intended through this pathway.

34. **We support** provisions that focus on appropriate regulation of clearly defined activities.

35. **We do not support** removing the requirement to map wetlands. Mapping wetlands provides a clear picture of existing wetland areas and helps identify locations where wetlands have been lost.

36. **We recommend** the definition for “natural inland wetland” and “induced wetlands” are refined for clarity.

Simplifying the fish passage regulations

37. **We recommend** the National Environmental Standard for Freshwater (NES-F) differentiates between temporary and permanent culverts.

38. **We recommend** Regulation 70 be improved by deleting condition (g); requiring the assessment of whether something "provides for continuity of geomorphic process" is unclear and difficult to enforce. This condition is redundant if culverts comply under conditions (a) to (f).

39. **We recommend** temporary culvert be defined within the NES-F as a structure installed for no more than 60 days and the conditions on a permitted activity pathway include:
    a. Avoid installation during critical fish migration periods (e.g. tuna migration).
    b. Prevent perched outlets and excessive water velocity.
    c. Require full removal and site restoration to pre-installation condition.

40. **We recommend** any changes made to the NES freshwater to ensure that reclamation rules in the NES align with the NPS FW. Currently the policy position is no net loss and the rule framework is significantly stricter. More detail is needed on what is a reclamation and what is a diversion, the current framework currently gives ineffective environmental outcomes.

41. **We oppose** amendments to a range of provisions that will have a detrimental impact on fish passages.

Addressing remaining issues with farmer facing regulations

42. **We support** aligning the reporting timing proposed and consider it essential that reporting periods are aligned with the dairy season.

43. **We recommend** retaining Clause 35 'Compliance with Regional Rules', as it enables regional councils to establish more stringent planning provisions tailored to individual environments, community values and water quality outcomes.

44. **We recommend** regulation 36 could be softened to only require information to be kept and provided to the council upon request.

Including mapping requirements for drinking water sources

45. **We support** establishing bespoke drinking water protection zones and a consistent approach to mapping source water risk management areas (SWRMAs) across New Zealand.

46. **We are generally supportive** of delineating three at-risk zones within each SWRMA. Zones 1 and 2 are practical to map, we work prefer bespoke zones as this would better manage the risks. We suggest Zone 2 may need clarification and Zone 3's groundwater approach could be refined.

47. **We recommend** the mapping approach should account for the difference between groundwater and surface water systems. It should also allow for any mapping (particularly if it is be included in plans) to cumulatively map drinking water protection zones where there may be overlap between multiple drinking water supplies and sources.

National Direction Package 3: Freshwater - Discussion document - Responses to consultation questions

Question	Comments
Relationship to wider resource management reform	
Question 1 - What resource management changes should be made in the current system under the RMA (to have immediate impact now) or in the future system (to have impact longer term)? From the topics in this discussion document, which elements should lead to changes in the current system or the future system, and why?	In our view, the broader reform process presents a valuable opportunity to enhance coherence and alignment across the resource management framework. The extensive revision of national direction is progressing under the current Resource Management Act (RMA) framework and advancing in parallel with the government's proposal to replace the RMA with two new statues that will have different enabling provisions for national direction. The proposed packages include a wide range of amendments from relatively minor to more substantive changes in policies and objectives. We consider it reasonable and appropriate to make changes in the former category now, prior to comprehensive reform, as they can deliver immediate benefits and provide clarification. However, we propose more fundamental changes should be included as part of wider reform. In particular, changes relating to objectives of the NPS-FM 2020 and specifically, Te Mana o te Wai (TMotW). Some proposed changes to objectives appear to deviate from the core intent of the RMA, which we consider may introduce greater ambiguity and misalignment of policy priorities. We note the discussion document (DD) references concerns around the implementation of TMotW and the hierarchy of obligations (HOO). We suggest these concerns may have been overstated compared with what is occurring in practice, and support retaining TMotW and HOO with some modifications.
Rebalancing freshwater management through multiple objectives	
Question 2 - 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	**9.10. We support in part** the rebalancing of freshwater through multiple objectives, but these should be reflected clearly within a retained Hierarchy of Obligations within the NPS-FM to help provide national direction on priorities and facilitate decisions where there are conflicting uses and effects across multiple values of water. The objectives could be reframed to focus on 1. Environmental Health, 2. Human Health, 3. Social and cultural needs and 4 Economic needs, creating a framework that could be replicated across all NPS. This framework could also provide a matrix for national values creating further direction on priorities. We note the proposed options for 'rebalancing' of the HOO embedded in TMotW would significantly weaken protection by removing the clear requirement to prioritise the health and wellbeing of water bodies over uses. The proposed new objective appears to introduce ambiguity where currently there is relative clarity. The proposed new objective provides for a case-by-case contest between protection of reasonable minimum standards of water quality, and out-of-stream

objectives match community aspirations?	use, which potentially compromises those minimum standards. We consider this change risks creating a less-certain, more time-consuming regulatory environment and increases the likelihood of water quality deterioration over time. In Tasman iwi are very united in that they have been very consistent in advocating for the TMotW and the HOO. While **we support** greater flexibility, and a community and waterbody-responsive approach to freshwater management, we consider this must be carefully designed to protect the integrity of freshwater ecosystems and enable ongoing sustainable use for communities' social, cultural and economic wellbeing. We suggest an alternative approach to multiple, potentially competing objectives: **we recommend** the NPS-FM focuses on a single, integrated and hierarchical objective that: • Safeguards the life-supporting capacity of freshwater bodies and their margins (i.e. Integrated Ecosystem Health) • Protects the health of people and communities (i.e. Human health - including drinking water and food security) • Enables social and cultural uses, including recreation and waterbody access • ~~Balances environmental, social, cultural, and economic outcomes~~ Enables economic uses This approach would better align with the principle of TMotW while providing a streamlined directive for councils that recognises both environmental protection as fundamental, but allows for social, cultural and economic uses of water. To ensure the NPS-FM reflects community values while maintaining environmental objectives, **we recommend** allowing for regional variation within the NOF. We consider councils should be encouraged to set targeted objectives through regional plans, provided these are consistent with the principals of TMoTW and the objective of the NPS-FM. **We continue to support** integrated engagement processes that involve iwi and community groups in the planning stages to define shared freshwater outcomes, but recommend this is limited to outcomes and values, rather than detailed aspects involve science basis, such as attribute development. If the proposed objectives are progressed, we seek clarification on the possible wording of one of the proposed objectives. The discussion document states that the components would "not operate as a hierarchy but would require councils to provide for these matters equally within their planning documents". However, the proposed objective says "safeguard water and enabling communities" while the RMA s5 states "enabling people and communities while safeguarding water". We **recommend** replicating the wording from the RMA to avoid confusion. Proposed amendments must provide clear guidance for balancing objectives and provide national guidance on how to weigh environmental, cultural, social and economic outcomes in decision-making, particularly where there are conflicts in use. This

	should include provisions for monitoring and adaptive management, ensuring any flexibility has robust monitoring and the ability to adapt plans if freshwater health declines.
Question 3 - What do you think would be useful in clarifying the timeframes for achieving freshwater outcomes?	The pace and cost of change and who bears the cost are essential considerations in the policy process. We consider these are requirements of section 32 reporting under the RMA. Not addressing these matters would mean we are not meeting our statutory requirements under s32. When considering the pace and cost of change, these considerations must include the costs to those who suffer the adverse effects of freshwater outcomes, and the failure to achieve them in a timely manner. **We support** efforts to clarify timeframes for achieving freshwater outcomes under the NPS-FM. However, this should require the regionally based identification of clear milestones for progress towards achieving outcomes, rather than just the end result and could be linked to plan review timeframes, as well as financial cycles. In the region, freshwater systems are under pressure from urban growth, agriculture, natural character and biodiversity degradation and both legacy and contemporary pollution. Clear and realistic timeframes are essential for: a. Community understanding and buy-in b. Effective planning and investment by councils and landowners c. Alignment across multiple outcomes (eg natural hazard and river health management) d. Accountability and progress tracking. The current NPS-FM lacks clarity on what constitutes a reasonable timeframe and how to balance urgency with feasibility, particularly in addressing long-term challenges such as biodiversity and natural character degradation, sedimentation and high nutrient loads. **We support** additional guidance on how to align timeframes with community aspirations, community affordability and regional capacity. **We propose** amendments could be made to enable councils to set milestone and outcome timeframes that reflect local conditions and capacity, providing these are supported by clear justification and subject to monitoring. Timeframes should be developed through engagement with tangata whenua, stakeholders and the public, ensuring the timeframes reflect shared values and priorities. The timeframes must also align with existing regional strategies. Timeframes need to have transparent reporting and adaptive management; we suggest mandating regular reporting on progress and allowing for adaptive timeframes if new science or community needs emerge.
Question 4 - Should there be more emphasis on considering the costs involved, when determining what freshwater outcomes	Economic analysis often focuses on monetary costs, which can overshadow consideration of benefits (particularly where benefits may only be realised over time, and other costs such as social and cultural costs. Councils often assess cost-effectiveness (usually, the cheapest way to meet objectives) as measuring benefits comparably is viewed as too complex and resource intensive and councils often do not have measures for non-monetary costs and benefits. In the absence of comparable measurement of benefits, outcomes may be determined iteratively with estimates of costs of achieving the respective outcome. For example, a

councils and communities want to set? Do you have any examples of costs associated with achieving community aspirations for freshwater?	set of outcomes could be proposed and associated costs estimated. These outcomes could be weighed against each other and the outcomes amended accordingly (upwards or downwards) if appropriate. **We support** including cost considerations when determining freshwater outcomes under the NPS-FM, however this should include consideration of the environmental, social and cultural costs of not achieving the outcomes. Achieving community aspirations for freshwater such as swimmable rivers, restored wetlands, and fish-friendly infrastructure often involves significant financial investment by councils, landowners, and iwi and this may only be affordable over longer timeframes. Factoring in costs helps ensure that outcomes are realistic and achievable, communities are engaged and supportive of the implementation pathway, and resources are prioritised effectively, especially in catchments with legacy pollution or complex land use pressures. Consideration of cost into freshwater planning is essential to ensure that community aspirations are not only visionary but also viable. In our rohe, this approach will help balance environmental restoration with economic and social and cultural wellbeing.
Additional comments on rebalancing freshwater management through multiple objectives	**We support** a more flexible, community and waterbody-responsive approach to freshwater management, but acknowledge this must be carefully designed to protect the integrity of freshwater ecosystems. The proposed changes will result in a range of unintended consequences: • Proposed changes risk diluting existing environmental protections. The current NPS-FM prioritises the health of freshwater ecosystems. Introducing multiple objectives without a clear prioritisation may weaken the established hierarchy, allowing economic or development interests to override ecological concerns, and creating long term degradation of the environment and associated impacts on community social, cultural and economic wellbeing. • Councils and stakeholders may struggle with how to interpret balancing competing objectives, leading to inconsistent decision-making, increased legal challenges, delays in plan-making and consenting. The current framework embeds TMotW as a foundational principle. Rebalancing objectives without prioritisation could be perceived as undermining Māori values. Councils may need to revisit and revise freshwater plans and objectives, resulting in additional workload and confusion. Multiple objectives without prioritisation could complicate the use of tools such as Freshwater Farm Plans and limit-setting via the NOF. • Economic or infrastructure pressure could lead to short-term decision making that compromises long-term freshwater health.
Rebalancing Te Mana o te Wai	
Question 5 - What will a change in NPS-FM	We have made significant progress in reviewing our regional plan and giving effect to TMotW including through active engagement with stakeholders and our communities. Including reaching final drafts for community and iwi visions, values and outcomes for

objectives mean for your region and regional plan process?	all of our FMU. **We agree** with the government's assessment that frequent changes to the NPS-FM have been inefficient, and support policy settings being enduring.
Question 6 - Do you think Te Mana o te Wai should sit within the NPS-FM's objectives, separate from the NPSFM's objectives, or outside the NPS-FM altogether – and why?	**We support** the retention of TMotW and the HOO within the NPS-FM. The HOO provides clear direction for decision makers while TMotW represents a fundamental approach to freshwater resource management. Te Mana o te Wai considers the importance of water and recognises that protecting the health of freshwater protects the health and well-being of our communities. Contaminated water poses a significant health risk to those who come into contact with it including humans, animals and plants. We caution against removing the HOO, or TMotW as it would be erasing a key pillar to achieving environmental outcomes in freshwater for current and future generations. As discussed above, the HOO could be retained with additional objectives reflected within it to capture social, cultural and economic outcomes sought.
Question 7 - How will the proposed rebalancing of Te Mana o te Wai affect the variability with which it has been interpreted to date? Will it ensure consistent implementation?	We seek clarification on the underlaying premise of this question; we have not yet seen evidence indicating that interpretation of TMotW has been excessively variable. Very few regional plans have bene notified that fully implement TMOTW and the HOO to date. However, it would appear that the interpretation of associated attributes for water quality, particularly by the courts may have created issues where management becomes driven by a number, which may or may not reflect impacts on the values of water. In the current form, TMotW, including the hierarchy of obligations, has been a valuable guide in our freshwater plan development. Removing the HOO would negatively impact current policy development and undermine a foundational concept necessary to achieve better freshwater health outcomes over time. Of the options proposed, **we do not support** any in their current form and suggest a modified option one would be more appropriate, specifically: • Retain TMotW within the NPS-FM as at present and the HOO as the NPSFM objective – with potential expansion of the objective to cover Ecosystem/Environmental health, human health, social and cultural needs and economic needs (and incorporate the national values set under these four objectives to show the hierarchy within the values) • Clarify that for the purposes of the NPS-FM and councils needing to 'have regard' to it in consent decision-making, the hierarchy of obligations does not apply to consenting decisions and that progressive improvement over time is allowed • Retain the process steps (3.2 of the NPSFM) for councils in implementing TMotW, but limit engagement with communities and tangata whenua to visions, values and outcomes, rather than all elements of the NOF (i.e. not attributes).

	We believe this is a balanced approach, that allows for sufficient regional variation and stringency and will more likely achieve the improvements in water quality over time which the discussion document states it aspires to do.
Providing flexibility in the National Objectives Framework	
Question 8 - Which values, if any, should be compulsory? Why?	**We suggest** retaining the national values but question the merit of having some compulsory and some not. A more consistent national approach would be for all national values to apply by default unless the regional process identifies that they are not relevant in a Freshwater Management Unit (FMU) - for example recreation in a groundwater FMU. We suggest that the national values set be modified to include biodiversity rather than Threatened species, and additional values of: water body and community resilience to climate change, regional food security, public access to waterbodies, aggregate and mineral and other resources (for domestic and commercial use separately). The role of tangata whenua and communities in water body value management should also be recognised to facilitate kaitiakitanga/guardianship. We caution against making freshwater management units (FMUs) optional, as this risks undermining public trust and tangata whenua confidence in regional planning processes. The values were strongly supported by communities during the consultation process on the current NPS-FM (including the additional ones included above); we consider making values optional could be redundant and weaken the integrity of the framework. A better outcome would be clear prioritisation of the values within the HOO
Question 9 - What would be the practical effect of removing compulsory national values? Do you think this will make regional processes easier or harder?	**We oppose** just removing compulsory national values and instead suggest applying all national values by default, unless a regional process identifies they are not applicable in an FMU. National values have proven very helpful for us to provide focus for our work. We suggest removing compulsory national values and making them all optional_ would make regional processes harder by creating conflict at the values identification stages and increasing the risk of litigation.
Question 10 - Which attributes, if any, should be compulsory to manage? Which should be optional to manage?	**We recommend** retaining a core set of compulsory attributes (focusing nationally on the 'big four' – nitrogen, phosphorus, sediment and pathogens) while allowing regional flexibility based on regional relevance and social and scientific practicality for other attributes. This adaptive approach enables regional councils to implement the NPS-FM effectively while maintaining alignment with national outcomes. The current science basis for the attributes in the current NPS-FM should instead be national guidance on use and application of attributes, to inform their regional application. There should be greater national guidance on application of attributes for groundwater.

	Nitrogen, phosphorus, Pathogens (E. coli), and sediment should remain compulsory attributes due to their critical role in ecosystem health and human contact. The cumulative impacts of these attributes often cross FMU and regional boundaries and require national consistency to effectively manage land use pressures. The NPS-FM includes 22 compulsory attributes; not all are equally relevant across the FMUs. A blanket application may strain monitoring resources with little added value. For example, ecosystem health attributes often vary by FMU, while contact recreation attributes are broadly applicable. **We recommend** councils should have discretion to focus on locally relevant attributes. For these other attributes we recommend this is made into national guidance and we support maintaining the current distinction between attributes in Appendix 2A (targets/limits) and Appendix 2B (action plans), however, we recommend allowing case-by-case reclassification between these categories based on local variations. National guidance should be improved over time with greater guidance on groundwater and lake attributes and monitoring, fish and macroinvertebrate communities and measures for catchment scale ecosystem health, for example riparian vegetation, shading percentage, temperature, natural character indices and river sinuosity. TDC is happy to provide further information on attributes recommended for our region and the challenges faced with monitoring the current attributes. Councils should retain discretion to apply optional attributes when needed and to propose appropriate monitoring methods. As previously mentioned, if this flexibility is not appropriately supported with clear national direction to guide it, then making some attributes optional could be problematic. This approach maintains national integrity while allowing regional flexibility and responsiveness — consistent with the purpose and intent of the NOF.
Question 11 - Which attributes, if any, should have national bottom lines? Why?	National Bottom Lines (NBL's) have been instrumental in a positive step change for how freshwater is managed in NZ. We **support** continued use of national bottom lines (recognising the need for regional flexibility where these may not be appropriate in some waterbodies and as such should be set regionally). National bottom lines should be provided (as national guidance) for adoption by regional councils for the relevant attributes used in their region. National bottom lines have legal effect on the duty to maintain or improve freshwater health. These standards support regional councils in managing cumulative effects and making robust planning and consenting decisions. Removal of national bottom lines would: • Create significant planning uncertainty and inconsistency across regions

	• Undermine the hierarchy of TMotW and the direction of Te Ture Whaimana • Complicate resource consent decisions, particularly for farming, urban development, and infrastructure activities. Furthermore, we consider removal of bottom lines risks normalising recent environmental degradation. Without clear standards, areas in a degraded state may be treated as acceptable baselines, particularly where economic pressure or monitoring limitations make it easier to maintain the status quo. We consider this would undermine the intent of NPS-FM which is designed to prevent this form of environmental normalisation and to drive continuous improvement in freshwater outcomes. If flexibility to deviate from bottom lines is introduced, it must be strictly limited to well-defined, evidence-based scenarios (such as natural sediment levels in volcanic catchments). Deviations must be supported by transparent public justification, scientific verification and robust safeguards. Any flexibility must not reduce environmental standards nor compromise the integrity of the NOF.
Question 12 - To what extent should action plans be relied upon, including to achieve targets for attributes?	**We support** action plans as a complementary tool but oppose their use as the sole mechanism to meet numeric targets for compulsory attributes. We consider action plans are essential in bridging the gap where scope and effect of regulation is limited. They are also a useful tool for when communities want specific, localised improvements in response to certain issues. For core contaminants and any additional regional attributes, regulatory controls and enforceable targets must remain the primary mechanism. Relying on action plans alone risks delays and weakens accountability.

Question 13 - Should councils have flexibility to deviate from the default national thresholds (including bottom lines) and methods? Are there any other purposes which should be included?	**We support** flexibility where justified by: • robust local science or mātauranga Māori, • natural environmental conditions (e.g. naturally high turbidity), or • innovation in monitoring techniques. Any flexibility must be subject to: • clear national criteria, • transparent consultation and iwi engagement, • independent science review, and • national oversight. TDC can provide detailed examples of flexibility needed in attributes and application of national bottom lines. **We oppose** blanket flexibility or removal of national bottom lines, as this risks unmanaged adverse effects.
Additional comments on the National Objectives Framework	We suggest additional amendments can be made regarding NOF Structures and Clauses: • Attribute versus Direction - We consider some outcomes may be better achieved through directive language rather than numeric attributes – specifically where local conditions or lag times make measurements difficult (e.g. nutrient loss). • Clause 1.6 - Best Information - **We support** retaining this clause but recommend clarifying what constitutes “best available” and whether local knowledge or mātauranga Māori can trigger review of default thresholds. • Clause 3.8 - FMUs and special features - **We recommend** additional guidance could help councils define “representative” monitoring for FMUs without requiring exhaustive coverage.

	• Clause 3.20 – Responding to degradation: We consider this clause should be retained and strengthened to require early intervention and clear thresholds for action. • Clause 3.29 - Accounting for contaminants and water: **We support** retaining this clause and consider it a critical precursor to future allocation frameworks and support further alignment with national allocation workstreams. Language updates - **We support** aligning terms like 'targets' and 'limits' where possible, However, caution is needed to avoid unintended confusion. For example, 'limit' implies a firm boundary, while 'target' can imply aspiration.
Enabling commercial vegetable growing	
Question 14 - What are the pros and cons of making commercial vegetable production a permitted activity?	**We oppose** making commercial vegetable production (CVP) a permitted activity through national standards, unless this is tied to a sufficiently robust Freshwater Farm Planning system with suitable certification and auditing and enforcement frameworks to ensure ongoing adherence to improving good practice that will result in improved environmental protections in the short-medium term (and with the ability for greater regional stringency where required to meet community expectations and reflect the unique characterises of each waterbody). Making CVP a permitted activity could result in losses of water quality across the region, including in areas with water quality issues like the Waimea Plains. Given past issues with compliance enforcement and cost recovery in a permitted space, **we recommend** having a consenting regime for CVP. **We suggest** that this be expanded to cover fruit growing as well as vegetables. Public Health has identified both fruit and vegetables as important for healthy diets and enabling both fruit and vegetables can help provide regional (and national) food security. **We support** developing a framework where regional decision-makers, tangata whenua, and communities retain the flexibility to determine how to balance freshwater outcomes with domestic vegetable supply. **We also recommend** that considering the proportion of domestic vegetable supply grown in New Zealand and how the sector will mitigate its effects on water quality and ecosystem health. After weighing the pros and cons of making commercial vegetable production (CVP) a permitted activity, **we recommend** having a consenting regime for CVP. We consider that having a controlled activity status for existing CVP and a discretionary activity for expanded CVP would be more appropriate to manage these activities, as the council would have more control around scale and adverse effects on freshwater,

	We consider that permitted activity rules are generally reserved for those activities with low environmental impact, or those with consistent and predictable effects which can be easily remedied or mitigated, which is not the case with CVG. There are parts of the Tasman that are experiencing significant water quality issues, and we consider that enabling CVG as a permitted activity could diminish water quality further. We consider that this does not align with permitted activity expectations. We acknowledge the important role CVP plays in Tasman in supporting the national domestic vegetable supply. However, continuing intensive CVP practices relies heavily on the freshwater's assimilative capacity for diffuse discharges of contaminants. On the Waimea Plains we have a significant issue with nitrate in groundwater, in some location the levels exceed the drinking water standard. We note that the discussion document recognises that there may be other constraints under the RMA that cannot be fully considered unless further legislative changes are made. For example, meeting the test under section 70 of the RMA, meaning councils may not be able to include a permitted activity rule where listed adverse effects already occur or are likely to occur. We acknowledge the intent to provide national direction for CVP to support domestic supply of vegetables, but we have concerns about progressing this in the absence of the broader resource management reform and a new system to resource management. Additionally, we acknowledge that permitting CVP is challenging under the current RMA framework, particularly where adverse effects are more than minor, or do not meet the s70 requirements for permitted activities. Therefore, we are concerned about changes to national direction under the RMA and how these may need to evolve under the freshwater management reform. Without other mechanisms and appropriate controls, such as certification and/or auditing of farm plans, or the use of area caps on expansion, as well as restrictions on where CVG can rotate or expand to, there are likely to be additional risks and challenges in managing CVG under a permitted activity and/or supported through an industry scheme framework. If vegetable production was to be a permitted activity, then **we strongly recommend** as mentioned above, that it should not apply to the Waimea and Takaka catchments as well as other areas in the region currently experiencing significant water quality challenges such as sensitive receiving environments. However, where CVP is allowed as a permitted activity it may be appropriate to be supported by a spatial mechanism or by physical parameters to support crop type and rotations while managing its effects. This should be based on modelling (e.g. Soil and Water Assessment Tool [SWAT]) to spatially reallocate crop rotations within commercial vegetable catchments to reduce TN, TP, and sediment losses based on catchment properties (e.g. soil type, rainfall, typography) and coupled with Best Management Practices (BMPs) to achieve economic and environmental targets in commercial vegetable catchments.

	We recommend that the aspirations of local communities experiencing negative impacts, such as degraded water quality and any delay in water quality improvement, must be balanced against the national interest in domestic vegetable supply. The current proposal appears to prioritise the rights of producers creating the public costs from vegetable production (for New Zealand as a whole) over the rights of local communities bearing the public costs (degraded water quality and any delay in water quality improvement). If CVP is to be made a permitted activity, **we recommend** having provisions for the recovery of costs associated with compliance, monitoring and enforcement actions. If not, councils will be unable to recover these costs. Another issue with the permitted activity approach is that councils may not know which operations are operating under a permitted activity. We consider that while enabling domestic vegetable supply and crop rotation may contribute to community wellbeing, this is only justifiable where the benefits outweigh the environmental and social costs. Taking the less direct route to support the domestic vegetable supply, i.e. using resource management policy, carries many unintended consequences, most notably compromising the core objectives of freshwater policy. Although intensive vegetable growing areas supply produce beyond their own regions, delivering national-level benefits, the environmental costs (especially to freshwater) are borne locally. This dynamic may justify national policy intervention, but **we stress** that it must not override the rights of local communities to suitable water quality and ecosystem health. This is inconsistent with the principle of property rights being promoted in the national approach, where local communities are effectively losing their right to clean water. **We recommend** that if national direction is pursued, it should focus on supporting the domestic supply of fresh vegetables. Any management approach should consider whether the level of control should distinguish between domestic share of supply and export production. While export production contributes financially to the sector, decision makers should consider whether this justifies compromising community freshwater quality objectives. Blanket permitting existing CVP may not align with the reality that these two streams may have different environmental impacts and policy needs. We consider that the pros are limited to the benefits of greater certainty and lighter regulation for CVP operations. However, these benefits are outweighed by the cons. *Pros of making CVP a Permitted Activity* • Permitted activity status removes the need, and cost of a resource consent, reducing direct regulatory costs for commercial vegetable growers, however the actual cost of implementing required mitigations to meet permitted activity conditions may be significantly higher. There is a perception that permitted activity status equates to less regulatory requirements, allowing

	growers to continue business as usual. In some cases, the cost of consent is only a small portion of the overall compliance cost. The cost of implementing the required mitigations to remain within permitted activity rules, and or reduce discharges may still be substantial and vary significantly by region and operation size. As a result, the reduction in regulatory oversight (by not requiring a consent) may not necessarily lead to more efficient or effective outcomes. • While this option may be suitable for areas where there are no significant water quality or ecosystem health problems, which is not the case for key CVG areas in Tasman, the permitted activity pathway is unlikely to meet the mandate provided by the community and tangata whenua to improve water quality, nor does it provide a strong imperative for the sector to change behaviour nor a reduction in nutrient loads. *Further Cons of Making CVG a Permitted Activity* • Given the complexities of CVP operations, it is evident that establishing uniformly relevant, appropriate, and enforceable standards is likely not feasible. • This approach relies heavily on voluntary compliance and goodwill, which has historically proven insufficient to drive meaningful behaviour change or environmental improvement. • Past regional plans have operated under permitted activity regimes (including CVP) that failed to achieve behaviour change or improvements in environmental outcomes. This is likely due in part to a lack of awareness of requirements and the absence of regulatory backing. • It may not provide the community with the confidence that the desired reductions and targets would be achieved. • Relying on enforcement and monitoring to support, or as a backstop for, a permitted activity framework is not efficient nor effective if the underlying regulations are not sufficiently stringent or well-designed. If the regulatory framework lacks the necessary level of intervention, water quality may continue to decline while planning processes take time to respond. We consider that there is a real risk that freshwater ecosystems will not be protected. • Equity and Sector Consistency: ○ CVP operations can contribute high nitrogen loads per hectare, comparable to, or even exceeding, those of high leaching dairy farms. If other high-discharging sectors like dairy are required to obtain consents, allowing CVG to operate as a permitted activity could be seen as inequitable. ○ Applying more lenient regulatory treatment to one sector over others based on perceived relative importance risks creating a sense of inequity and undermining sector-wide support for freshwater improvements, especially when all land and water user consider themselves important to the region and to New Zealand. We consider that a consenting regime for CVP is far more beneficial. Other benefits of a Controlled or Consent-Based Approach, include:

	○ Consent requirement reflects the intensive nature of CVP (which has the highest per-hectare contaminant discharges, particularly nitrogen and sediment) and the complexity of growing operations (e.g. crop types, ownership structures). ○ Consents provide a structured opportunity for councils to scrutinise proposed actions suitable for the farm's context and appropriate for the catchment's water quality challenges. This scrutiny gives both councils and communities greater confidence that growers are taking meaningful steps to reduce their environmental impact. ○ The consent process can support more bespoke solutions tailored to the specific context of each growing operation. ○ A controlled activity, where consent is required but must be granted, could offer a balanced approach maintaining oversight while providing certainty for growers. ○ The consent process also enables councils to collect valuable information to inform future planning and non-regulatory initiatives, supporting continuous improvement in water quality outcomes. If the government decides to progress making CVP a permitted activity through national standards, **we strongly recommend** that areas where this should apply should be identified at a regional level. It is often the mosaic of suitable microclimates and soils across different catchments in a region that make up its cumulative vegetable and fruit growing potential. Identification of these at a national level is too coarse and does not allow for transitions over time in the crop types produced or the location and means by which they may be grown (eg recognising increased use of closed glass houses, horticultural lease arrangements, etc). This approach would also allow regional stringency in already polluted areas or areas at higher risk of pollution, including enabling greater protection of source waters for drinking water supplies. If CVP is to be made a permitted activity, **we recommend** having provisions for the recovery of costs associated with compliance, monitoring and enforcement actions.
Question 15 - How do you think policies and/or rules should be designed to provide for crop rotation? Do you think these should be	*How do you think policies and/or rules should be designed to provide for crop rotation?* If the intent is to permit CVP where it is not expanding in area, **we support** having a policy framework providing for crop rotation. It is important to encompass fallow land not actively in a CVP crop (but as part of the land available). Allowing crop rotation maximises growing efficiency, limits soil damage, better enables disease and pest management, and lessens the amount of land used for CVP in a given year. Existing CVP operations, e.g. not expanding from historical baseline use (total area and sub-

considered within sub-catchments only?	catchment), must be subject to conditions. **We recommend** that the expansion of CVP should require a resource consent (without delay) with area limits and restrictions on where expansion can occur. We consider that generally, the tool used to measure contributions to nitrogen loss reduction should be linked either to the property (which is fixed in location) or to the enterprise (which, by definition, may operate across different properties). For crop rotations, the latter is likely to better support CVP. We consider that information gaps remain a key challenge. There is limited data on the location and nature of CVG in Tasman. National standards should be informed by independent, evidence-based information. Relying solely on sector-provided data risks producing an incomplete national direction that fails to adequately protect water quality. We consider that if the intent is to permit CVP where it is not expanding, then **we recommend** encompassing fallow land not actively in a CVP crop (but as part of the land available). *Do you think these should be considered within sub-catchments only?* **We support** an approach that limits the spatial scale of crop rotation to the sub-catchment level. Localised impacts on surface and groundwater from CVG are evident from our council's State of the Environment (SoE) monitoring sites. These reports show that areas with concentrated CVP are experiencing degraded water quality, including instances where drinking water exceeds Maximum Acceptable Values (MAVs). A management approach at a scale larger than the sub-catchment, such as FMU, may not adequately capture these types of risks or effects. Allowing rotation or expansion flexibility at broader scales could lead to the concentration of vegetable production in certain areas, potentially undermining efforts to achieve water quality targets. We consider that if an area cap is introduced, it should apply within the grower's existing sub-catchment. Allowing CVG to shift "existing area" across an entire FMU could enable growers to move out of historically used sub-catchments, where environmental effects are better understood, and into new, potentially more sensitive areas. This could undermine water quality outcomes and create new pressures in parts of the FMU that have not previously supported CVG. By default, if rotation exceeds the existing CVG area, regardless of whether a cap is in place, it should be treated as expansion and require a resource consent.

Question 16 - For the proposal to develop nationally set standards, what conditions should be included?	**We recommend** that national direction must allow regional councils to apply more stringent rules (and expansion limits) where necessary to meet local freshwater objectives. **We support** having a policy framework providing for crop rotation (that is not for an expanding area) and **we recommend** that the expansion of CVP outside of regionally defined CVP areas should require a policy framework that directs the need for resource consent with area limits and restrictions on where expansion can occur. **We do not support** nor consider it feasible to develop a sufficiently specific, enforceable and nationally applicable set of standards for CVP. However, if national standards proceed, **we recommend** the following conditions be included: • For area caps**:** Existing CVP area should be capped based on a baseline year/s in identified sub-catchments (this could include fallow land to support flexibility for rotations). Expansion beyond this cap should require consent/a more stringent consent. • Minimum standards**:** Include clear, enforceable standards for setbacks, cultivation practices, irrigation and nutrient management. Nationally set standards could include a minimum baseline, but this must be set at an appropriate and meaningful level, not vague nor overly lenient. We consider that the standards must be strong enough to ensure environmental outcomes are achieved and maintained. Standards should not be set solely to accommodate existing growers. Instead, they should reflect the minimum expectations that all CVG must meet in order to be permitted. Industry guidance highlights the importance of infrastructure and mitigation measures, such as inceptor drains, bunds, sediment retention pond, and grass swales. Although the specific choice of mitigation may vary depending on site conditions, this should not remove the obligation to implement effective practices. These measures must: 1. Stop or control water entering the paddock 2. Reduce or minimise the risk of soil erosion on paddock (e.g. cultivation) 3. Manage the water and sediment that moves off the paddock 4. Manage nutrient application, including maintaining appropriate Olsen P levels through regular soil testing. • **We recommend** the standards be risk-based, taking into account factors such as slope, soil type, high risk erosion land and or proximity to waterbodies. Examples of minimum standards and or Best Management Practice (BMP)/Good Management Practice (GMP) are: o No cultivation and direct drilling of seed or fertiliser within 5 metres of the bed of any waterbodies o Where the land is being cultivated for CVG, there is no cultivation within a landscape feature Critical Source Area o Establish and maintain vegetated or grass buffer strips for cultivated land o No fertiliser to be discharged to land within five metres from the bed of any river, lake, or a natural wetland, or drain (whether water is present or not)

	○ If soil Olsen P levels exceed the target range for near-maximum pasture production for soil type and crop type as per the Nutrient Management for Vegetable Crops in New Zealand, no capital or maintenance phosphorus fertiliser applications will occur until Olsen P levels are below this figure ○ Install appropriately sized vegetated inception drains or benched headlands across the paddock slope to divert runoff from paddocks or the catchment above the vegetable crop or cultivated paddock ○ Install diversion bunds along paddock edge to actively manage water flow onto or off paddock. • Risk-Based Thresholds**:** Consider using a risk-based rule threshold for standards to apply regarding distance from waterways and slope. If including a risk threshold, we suggest high-risk CVP should require consent (or additional minimum standards apply). Only farms meeting minimum standards should be eligible for permitted activity status. For example, the Vegetated Buffer Strips Code of Practice includes a risk assessment decision tree that may be a starting point for risk and slope thresholds. • Farm Plans: **we recommend** requiring robust, independently audited farm plans. These should not replace consent requirements for expansion or intensification. • Consent for Expansion: **we recommend** that resource consent must be required for any expansion, intensification, or rotation into "new" areas where there is currently no CVP. These activities should not be permitted by default. • Spatial Restrictions: **we recommend** that in some sub-catchments or FMUs, there should be no provision for CVP expansion due to environmental constraints. Where expansion should, and perhaps could, occur may depend not only on overall allocated areas, but also on other biophysical and contextual parameters, such as Land Use Capability (LUC), sensitive receiving environments, and areas currently below national bottom lines (NBLs). *Activity Status and Risk-Based Approach* We consider it more appropriate to have a consenting regime for CVP. Therefore, **we recommend** that the choice of activity status (e.g. permitted, controlled) for CVP should be based on several key factors: • The water quality status of the relevant FMU • The risk of adverse effects, including cumulative impacts • Whether the activity is existing or represents new or expanded land use. We consider that a blanket permitted activity status for existing CVP does not account for these critical differences and may risk undermining regional efforts to improve water quality. *Farm Plans and Certification* If farm plans are used as a condition for permitted activity status, they must be supported by a robust and credible process. This includes:

	• Independent certification by appropriately qualified professionals to council-approved standards • Council authority to require corrections to deficient plans and revoke certification where necessary. CVG permitted activity national regulations should not provide for the use of alternative actions in a farm plan to meet rule conditions. This is best addressed via consent given the intensive and complex nature of the sector and inadequacy of information and independent data on behaviour and the gaps in knowledge about mitigation efficacy. *Reductions and Accountability* We consider that establishing a reliable framework (tool, model for nitrogen loss or risk) for accounting for nutrient reductions will be challenging. Therefore, **we recommend** developing a framework that: • Clearly identifies where reductions in nitrogen losses will occur • Specifies which sectors are responsible for those reductions • Ensures that expansion or movement into new areas requires consent and is addressed through regional plans • Accounts for the location of CVP, particularly in catchments with sensitive receiving environments such as lakes and wetlands, nitrogen risk or priority catchments. We consider that there must be clarity on who is accountable for contaminant losses from CVP. Without this, other sectors may be required to create "headroom" for CVG to continue discharging at current or increased levels. CVP must actively reduce contaminant losses, not simply maintain the status quo. *Regional Flexibility and Local Context* **We recommend** that national direction must allow regional councils to apply more stringent rules (and expansion limits) where necessary to meet local freshwater objectives. This allows for consideration of: • Local water quality baselines and targets • Regional biophysical constraints and climate change impacts • Tangata whenua values, community values, and Treaty obligations. National standards should support consistency where appropriate but must not override the ability of regions to respond to their specific challenges. *Limitations of Industry Schemes and GMP/BMP* We support efforts to reduce duplication of work. However, **we do not support** relying heavily or solely on industry-led programmes, such as the New Zealand Good Agricultural Practice (NZGAP), for setting standards, certification, and auditing. These schemes are fundamentally forms of self-regulation and have rarely succeeded without strong standards and compliance

	support from regulators. While they may offer administrative efficiency, they are not always robust or accountable enough to protect long-term freshwater values. For example, NZGAP add-on is still in the early stages of implementation; although registration to the scheme is increasing (i.e. grower registers operation, pays application fee and is sent information pack with FEP template), few farm plans have reached the audit stage, making it too early to assess whether they are driving meaningful behaviour change or simply resulting in a "tick-box" approach. We consider that simply requiring growers to implement Good Management Practices (GMP) or Best Management Practices (BMP) will not necessarily achieve the desired environmental outcomes. Many practices are general, difficult to monitor, and challenging to enforce. There are GMP and BMP that have been identified as part of various plan processes, however there is little data or evidence confirming the efficacy of those practices in minimising or reducing contaminant loss. **We recommend** undertaking further research and work before any conditions can be included with any certainty that they are suitable controls for minimising contaminant loss. We understand that the sector has developed guidance material over many years and the monitoring results reflect that water quality has continued to decline. Whilst there are likely gains to be made by supporting growers to adopt mitigations in this guidance, without the appropriate regulation, some practices such as applying fertiliser as a risk management strategy are unlikely to change due to the high perceived risk of not meeting market requirements. *Data, Tools, and Modelling* Given the limitations of existing models like Overseer for CVP (due to rotation and crop variability), **we recommend** that national direction should not restrict regional councils from using alternative tools. These may include: • Land area as a proxy for intensity • Risk-based scorecards • Regional modelling approaches. We consider that these tools can help estimate individual contributions to discharges and support more effective management. We note that the Overseer model was updated in response to the Overseer review, addressing matters related to vegetable production. This included a review and update of existing crops, the addition of four new crops, and improvements to account for field losses and, where appropriate, dressing losses.
Additional comments on commercial vegetable growing	*Timing National Direction* We consider that it may be premature to require councils to implement an amended NPS-FM before the new resource management legislation is in place. Aligning the objectives of the reformed NPS-FM with the new legislative framework would

	ensure greater coherence and effectiveness. The discussion document notes that new legislation replacing the RMA will establish an allocation framework. This framework should be used to manage increased discharges from the CVG sector and allocate those discharges appropriately. We recognise that there may be merit in delaying the introduction of new provisions, including those in the NPS-FM, until broader resource management reform is complete. The ongoing uncertainty presents challenges for engaging with the sector and progressing regional plan development to meet the 2027 freshwater plan change deadlines. Therefore, **we recommend** aligning the timing of the implementation of the NPS-FM with the implementation of the new system. *Policy Design* **We recommend** that effective policy design must be supported by clear implementation pathways and robust monitoring frameworks. Without these, even well-intentioned national direction may fail to deliver meaningful environmental outcomes or behaviour change on the ground. The challenges of applying a one-size-fits-all national standard have already been demonstrated through the NES-F. While intended to manage high-risk activities during regional plan development, the NES-F has led to duplication, inconsistency, and limited behavioural change with delays from changes to the provisions. This cycle of amendments and uncertainty has created challenges for both councils and farmers. **We recommend** including mechanisms in the policy design that actively drive behaviour change. Simply enabling vegetable growing without requiring measurable improvements provides little incentive for better practices. Anecdotal evidence and monitoring data show that some growers continue to engage in poor practices, inconsistent with industry guidance. This highlights the need for stronger policy and accountability measures. We consider that ideally, CVG expansion and intensification should be managed at the regional level. This reflects the distinct challenges related to biophysical conditions, water quality, and ecosystem health in different regions. However, if national direction includes provisions for expansion, **we recommend** also including constraints, such as requirements to reduce discharges, demonstrate measurable reductions in risk, and consider some form of offsetting for any additional discharges from expansion by the sector, where appropriate. This approach aims to place responsibility for increased discharges on the sector itself, rather than on other land uses, including tangata whenua land, which would otherwise have to contribute more to mitigate increased discharge or communities accept reduced water quality improvements to accommodate sector intensification. We consider that including "crop rotation" directly in the objective may unintentionally narrow the policy focus and imply it is the only or preferred method for enabling domestic supply. **We recommend** having a more outcomes-focused objective that would allow regional councils and communities to determine the most appropriate methods for managing CVG. Embedding specific

	practices risks oversimplifying complex systems that may not reflect regional differences or future innovations. We note that crop rotation is included as an example in the policy example in the RIS, which is a more appropriate place for such detail than in the objective itself.
Addressing water security and storage	
Question 17 - Should rules for water security and water storage be set nationally or regionally?	**We support** the concept of nationally applicable standards for water security and off-stream storage and consider these rules must allow for regional variation and greater stringency if needed (eg in water short catchments where storage can have cumulative adverse effects on downstream users). Additionally, different regions will face variable water allocation circumstances. Tasman has some areas where water storage has been the norm to allow orchards to operate. In the Moutere catchment there are so many dams, any additional dam adversely effects the ability for dams lower in the catchment to fill.
Question 18 - Are there any other options we should consider? What are they, and why should we consider them?	We consider the scope of this proposal is limited. The full implications of enabling off-stream water storage cannot be assessed without addressing water allocation, take and use. Water security is inseparable from water allocation and is not limited to augmenting supply (i.e. storage). Excluding this from discussion prevents meaningful changes in ensuring water security in New Zealand's future. We note that provision of off-stream storage (damming) of water falls within scope of the restrictions in s14 of the RMA, therefore must either be permitted by a rule in a plan, or an NES, or by a resource consent. Those are the only current regulatory options. We suggest that a nationally applicable standard is the most efficient mechanism of those available and is feasible here, at least for small/farm-scale storage, as we consider standards can be devised that are relevant and implementable irrespective of location within New Zealand.
Question 19 - What are your views on the draft standards for off-stream water storage set out in Appendix 2: Draft standards for off-stream water storage? Should	In the absence of detailed analysis, the standards generally appear to be well considered and appropriate. **We support** the standards as currently proposed. However, we consider a key point missing in these standards is guidance on a potential maximum structure. **We recommend** amending the standards to include limitations on maximum size for water storage enabled through national direction.

other standards be included? Should some standards be excluded?	
Question 20 - Should both small-scale and large-scale water storage be enabled through new standards?	It is difficult to respond this question, as the discussion document does not provide definitions for small-scale or large-scale water storage. **We recommend** including definitions for small-scale and large-scale water storage and consideration of water stored for irrigation vs fire use (or both) We see greater scope for a national regulation for small or farm-scale storage, which could be defined by reference to volumes of water and/or geographic area coverage, and we suggest further consideration be given to this matter. Large-scale structures may have a more significant impact on multiple environmental factors in the area around the site and increase the chance of unintended hydrological effects. We consider focusing on off-stream water storage will have a lower environmental impact. However, the benefits of focusing on off-stream water may be offset if large-scale storage is permitted. Very large scale storage is likely change the land use in the catchment and increase the intensity of use, this needs to be considered carefully. Very large scale structures are best considered by the consent process.
Simplifying the wetlands provisions	
Question 21 - What else is needed to support farmers and others to do things that benefit the environment or improve water quality?	We consider allowing some low impact activities may be beneficial, but caution that activities need to be carefully managed, especially those in wetland areas. We welcome the opportunity to provide additional comments when a list of activities is proposed. While out of scope of the NES-F wetland provisions, we support reinstatement of the general prohibition on the grazing of wetlands in the Stock Exclusion Regulations. We acknowledge the confusion for landowners who are required to have a rigorous wetland protection scheme in place that requires consent for many activities, while stock is permitted to enter and graze wetlands without restriction.
Question 22 - What should a farming activities pathway include? Is a farming	**We do not support** a “farming activities” pathway, and consider it is unclear what may be intended through this pathway. We assume the intention is that any vegetation clearance, land disturbance, drainage or earthworks in or within the vicinity of natural wetlands which are associated with a “farming” purpose would be included.

activities pathway likely to be more efficient and/or effective at enabling activities in and around wetlands?	Our primary concern is that regulation of the same activities would differ depending on who is performing the activity. We regard this as poor regulatory practice. We note it would be practically difficult to 'ringfence' farming as a distinct purpose on rural land and could lead to gaming and further undermining of the intent to protect extent values of natural wetlands. Removing the exclusion from the definition of 'natural inland wetland' would mean that many more pasture-dominated wetlands would now qualify as natural inland wetlands. While some activities would be permitted under the proposed 'farming pathway', this change could mean that a significantly greater number of wetlands would be subject to the restrictions in the NES-F. Potential impacts on vulnerable habitats and ecosystems may arise from activities permitted under a farming activities pathway. However, without clarity on which activities will be permitted it is difficult to assess the full extent of potential impacts. **Permitted activity for Wetland Construction:** I do not support this. Wetland construction is technical engineering should not be permitted activity. The risks for failed constructed wetlands are high – both on-site and to neighbouring properties. Regional rules govern lots of requirements and is best suited as a global consent pathway with support from Central Government to local Councils. Tasman has expertise in this. **We support** provisions that focus on appropriate regulation of clearly defined activities. If a farming activities pathway was to proceed, we would advocate for: 1. Clear and consistent regulation of activities regardless of land use purpose. 2. Retention of the pasture exclusion in the wetland definition but consider simplifying it by removing clause (e)(ii), to reduce complexity while maintaining protection for threatened species. 3. Mandatory ecological assessments for any permitted activities near wetlands to ensure accurate identification and protection. 4. Explicit exclusion of high-impact activities (for example drainage, earthworks) from any permitted farming provisions unless subject to strict oversight (for example Regulation 52).
Question 23 - What will be the impact of removing the requirement to map wetlands by 2030?	We acknowledge mapping wetlands is a complex and a resource-intensive task that demands technical expertise, extensive fieldwork and ongoing updates. We are close to completing the mapping in Tasman and **we do not support** the removal of the requirement to map wetlands. Mapping wetlands provides a clear understanding of what currently exists and helps identify any areas where wetlands have been lost. This information is helpful for monitoring purposes and informing landowners and consultations about the presence of

	wetlands on properties. Our experience is that mapping increases the likelihood these areas will be protected, limits further adverse impacts and provides certainty for landowners. Wetland mapping also provides more robust and consistent monitoring data. We suggest rather than removing this requirement, national guidance be provided on the standardising of wetland mapping. This approach would ensure national consistency and support better long-term environmental outcomes.
Question 24 - Could the current permitted activity conditions in the NES-F be made clearer or more workable?	**We recommend** the definition for "natural inland wetland" and "induced wetlands" are refined for clarity. The discussion document highlights the intention to "remove the pasture exclusion from the definition of a 'natural inland wetland'" and instead permitting farming activities that can occur in and around wetlands. We do not consider this an effective solution to the identified problem. If the clause is to be removed, the practical application of the definition of 'wetland' as recommended by MfE Guidance documents, in particular, the Wetland Delineation Protocols (WDP), is highly complex and requires specialist scientific input with a significant potential time and cost implications. In our experience, practically applying the definition has led to problems and uncertainties. The current definition and guidance for "natural inland wetland" is broad in reach. We consider the removal of this definition will continue to widen the broad reach of the definition and exacerbate this particular issue. Furthermore, as noted amongst the numerous criticisms of the definition by the Environment Court in *GWRC v SL Adams and others* [2022] NZEnvC 25, the WDP methodology does not provide the level of certainty required by the regional council in undertaking its coastal marine environment functions in regard to the NES-F 2020. We consider that the definition of "natural inland wetland", along with the WDP (guidance which the Environment Court noted had no legal weight), should be reconsidered in its entirety. The definition for "induced wetland" should also be reconsidered, however, we caution that amendments of the definition could lead to more wetland areas not being protected. We consider induced and "low value" wetlands have many benefits, including hydrological benefits, even if the ecological value is deemed low. Conditions 55 around wetland restoration could be relaxed to account for changes in hydrology. The current wording makes 'rewetting wetland' challenging. Limited support for exclusion of **induced wetlands** from *some* human activities either by definition or through the current infrastructure pathways. However, examples of wetland in gullies located above farm dams may lead to significant wetland loss in certain regions where the distinction cannot be made between 'natural' and 'induced'. If the gazettal date for these proposals is used to benchmark this definition problems arise. i.e. a long-standing wetland above a farm drain becomes an induced wetland

	once an ecologist maps it and considers its history. All wetlands could be considered regionally significant given the loss in extent.
Simplifying the fish passage regulations	
Question 25 - What information requirements are necessary for fish passage? What would the difference in cost be, relative to current information requirements?	We follow both national and regional frameworks for fish passage, particularly under the NES-F and New Zealand Fish Passage Guidelines. Key information requirements currently include structure-specific data such as type and dimensions of the structure (e.g. culvert, weir, ford), gradient and slope, water depth and velocity, presence of baffles or ramps, upstream and downstream connectivity). We also hold records regarding environmental context, fish species present or likely to be present, seasonal migration patterns (e.g. tuna/eel migration), habitat type and quality and information around the construction and maintenance details such as materials used. According to the Interim RIS, the proposed simplifications to fish passage rules aims to reduce compliance costs. While we agree that current information requirements may exceed what is necessary for basic compliance, we propose a streamlined approach that balances regulatory efficiency with ecological responsibility. A standardised compliance checklist should be adopted for culvert constructors, supported by a tiered monitoring system for ecologically sensitive areas. This approach aligns with the Pathways to the Sea strategy and leverages existing council data to minimise administrative burden while safeguarding fish passage. We consider the information requirements must be sufficient to assess compliance with Regulation 70 and supported by contextual ecological safeguards, i.e.: • Confirmation that fish passage is maintained (condition (a)) • Confirmation that the culvert is laid parallel to bed slope (condition (b)) • Confirmation that x-sectional water velocity is not increased (condition (c)) • Culvert and bed widths (“s” and “w”) and confirmation that (d)(i) or (ii) are complied with (condition (d)) • Confirmation that 25% of culvert diameter is below the bed (condition (e)) • Confirmation that substrate is present and stable over the full culvert length (condition (f)) • Confirmation regarding continuity of geomorphic processes (condition (g)). We consider a minimal compliance checklist aligned with Regulation 70 is acceptable only if supplemented by contextual ecological safeguards

	For ecologically sensitive zones, a tiered monitoring system could be considered. Tier 1 would require standardised declaration form for culvert constructors confirming compliance with Regulation 70. Tier 2 would require contextual ecological data (e.g. migration patterns, habitat type) auto-populated from council databases/GIS for sensitive zones. This would include contextual ecological information such as: • Seasonal migration relevance (such as tuna migration windows) • Habitat type and connectivity (upstream/downstream) • Catchment prioritisation (aligned with the Pathways to the Sea strategy). We do not consider the requirement to provide information on culverts should be removed as this will increase burden on councils to independently collect information. Please contact our Principal Scientist - Freshwater & Estuarine Ecology Environmental Science for specific cost estimates specific to fish passage under the NES-F.
Question 26 - How can regulations for temporary and permanent culverts in the NES-F be made simpler?	We acknowledge under the current NES-F there is no differentiation between temporary and permanent culverts, with both subject to strict environmental regulations. **We recommend** the NES-F differentiates between temporary and permanent culverts, including lower-cost standards, for example for short-term installations (e.g. during construction), provided they are removed promptly and monitored. However out experience is that some temporary culverts have habit of being forgotten about and tend towards permanent. We consider Regulation 69 in its current form is onerous and could be amended to specify: • a general standard requiring fish passage to be maintained throughout the life of the consent, and • reasonable expectations in relation to monitoring and maintenance that must be carried out. This could include: regular inspection focused on compliance with design standards and conditions of consent; a requirement to undertake maintenance works as required to maintain compliance with culvert design standards and conditions; five-yearly engineering inspection; and certification that standards/conditions are met. **We recommend** Regulation 70 be improved by deleting condition (g). Requiring the assessment of whether something "provides for continuity of geomorphic process" is unclear and difficult to enforce. This condition is redundant if culverts comply with conditions (a) to (f).

	Alternative approaches could explore streamlining information requirements to focus on data that directly affects fish passage (e.g. slope, flow, outlet height) and remove less relevant details. Alternatively, a tiered risk-based approach and application of stricter rules to identify high-risk areas (e.g. critical fish habitats) and a more lenient pathway in low-risk areas could be introduced.
Question 27 - Temporary culverts are currently treated the same as permanent ones. If temporary culverts were to be treated differently (e.g., had fewer conditions), would it be better to do so through a permitted activity pathway in the NES-F (culverts only), or by allowing councils to be less stringent than the permitted activity conditions for culverts and weirs?	We suggest a permitted activity with relevant conditions specifically for temporary culverts as a feasible option. **We recommend** temporary culvert is defined within the NES-F as a structure installed for no more than 60 days and the conditions on a permitted activity pathway include: • Avoid installation during critical fish migration periods (for example tuna migration) • Prevent perched outlets and excessive water velocity • Require full removal and site restoration to pre-installation condition. Additionally, there could be a low-risk exemption clause to allow councils the discretion to exempt ultra-short-term installations (e.g. less than 20 days) from the NES-F scope if they meet specific low-risk criteria, such as no alteration to natural flow. This approach provides clear, nationally defined pathways, allowing for practical feasibility, ensuring temporary culverts are managed responsibly without unnecessary regulatory burden.
Question 28 - Have you encountered similar issues with any other policy or regulation within the NPS-FM or NES-F (e.g., rules or gateway tests about river reclamation)?	The NPS-FM and the NES-F are not aligned in the reclamation space. The NPS-FM policy direction is no net loss but the NES-F is much stricter. Where there is a positive net benefit to the river reclamation should be allowed via a consenting pathway rath than the current prohibition.
Additional comments on simplifying the fish passage regulations	We consider the proposed changes to fish passage rules in the NES-F could lead to several unintended consequences summarised below: **We oppose amendments** to ss63(3), 64(3), 65(3), 66(3) and 67(3) of the NES-F combining information requirements across structure types: Proposed amendments will lead to a loss of nuance in the provisions for different structures (for example culverts,

	weirs, fords) affecting fish passage in distinct ways. Single information requirements might oversimplify and fail to account for these differences resulting in regulatory ambiguity. Councils and developers may struggle to interpret how a unified rule applies to specific structure types, leading to inconsistent implementation. **We oppose amendment** to ss62(3), s64(3), s67(3) of the NES-F, removing non-critical information (e.g. construction material): These changes overlook indirect impacts; while these changes may not directly impede fish, they can influence durability, erosion, or habitat suitability, which indirectly affects fish passage. This results in reduced data for councils to evaluate future assessments, omitting such details in the evaluation process which could limit the ability to conduct comprehensive environmental reviews or adaptive management mechanisms over time. Culvert shape fundamentally influences velocity through the culvert and the variation in velocity across the structure. Velocity is perhaps the most important barrier to fish passage, as fish have limitations on swimming speed and endurance. The material a weir is made from is fundamental to determining its passability to fish. A concrete weir is almost certainly less passable than one constructed of rock rubble. A metal weir is almost certainly less passable than both the others. This is due to the differences in material roughness, space and uniformity of flow over the structure. The material a ford is made from is fundamental to determining its passability to fish. A concrete ford is almost certainly less passable than one constructed of rock rubble. This is due to the differences in material roughness, space and uniformity of flow over the structure. **We oppose amendments** to regulation 70(2)(e) of the NES-F to replace the 25 percent diameter requirement with one third for circular or 300 mm for boxed culverts**:** Proposed change could results in design misapplication: without clear guidance, newer culvert designs might be used inappropriately in sensitive habitats. This can result in increased installation without adequate oversight, which could lead to a surge in installations that cumulatively degrade fish passage. We suggest there should be a provision for box culverts in the provisions, and 300mm is a good default minimum embedment for box culverts. This is covered in New Zealand Fish Passage Guidelines Version 2 (Frankin et al 2024). **We oppose amendments** removing regulation 70(2)(b), (c) and (g) of the NES-F; removing requirement at 70(2)(f) that the substrate is stable: Culvert positioning, bed substrate and water velocity is a critical factor for fish movement. Removing these conditions could result in culverts that are technically compliant but functionally impassable. This may result in species-specific impacts as some fish species are more sensitive to velocity changes; this could disproportionately affect native or endangered species. **We oppose in part** differentiating temporary versus permanent structures within the NES-F**:** we oppose a new blanket permitted standard for temporary structures, as structures may then become semi-permanent, without strict oversight. Temporary installations (e.g. for gravel extraction) could remain longer than intended, causing prolonged disruption. A permitted pathway

	for all temporary structures also risks inconsistency across regions, legal uncertainty for applicants and an administrative burden on councils to justify deviations from national standards. Additionally, this creates compliance monitoring challenges. Councils may lack resources to track and enforce the removal or compliance of temporary structures, leading to habitat degradation. As described below, one alternative could include a specific permitted activity pathway for temporary culverts, rather than relying on council discretion to be less stringent. A nationally defined permitted activity pathway ensures that temporary culverts are regulated in a way that is proportionate, predictable, and environmentally responsible.
Addressing remaining issues with farmer-facing regulations	
Question 29 - To what extent will it be more efficient to require dairy farmers to report on fertiliser use at the same time of year they report on other matters?	**We support** the alignment of the reporting timing proposed. We acknowledge the biggest issue for farmers failing to comply with Ncap reporting is that the reporting period differs from diary season dates. If the rule remains, it is essential that reporting periods are aligned with the dairy season 1 June – 31 May.
Question 30 - Has the requirement for dairy farms to report their use of fertiliser already served its purpose, in terms of having signalled a level of unacceptable use that should be avoided – no more than 190 kilograms per hectare per year – and if so, is this requirement still necessary?	We highlight the RIS acknowledges the presence of a synthetic nitrogenous fertiliser cap in the NES-F has resulted in a reduced application of synthetic nitrogen fertiliser in parts of New Zealand. As this cap has driven positive change, we suggest retaining the 190 KgN/ha limit in regulation 33 to ensure this trend remains positive. **We recommend** retaining Clause 35 'Compliance with Regional Rules', as it enables regional councils to establish more stringent planning provisions tailored to individual environments and community values/water quality outcomes. As an additional point, adherence to this provision regulation 36 should be a condition requirement of permitted activity for regulation 33 which permits the s15 discharge. Without that link, the logic of the rule framework is confusing as it is not clear what offence (under s338) has been committed if there is a failure to submit information, nor does an obvious pathway exist to authorise the activity via resource consent if the farmer could not/chose not to comply with Regulation 36. **We recommend** regulation 36 could be softened to only require information to be provided to the council upon request.
Including mapping requirements for drinking water sources	
Question 31 - Do you think that requiring	**We support** the establishment of drinking water protection zones and a consistent approach to mapping source water risk management areas (SWRMAs) across New Zealand. However, we suggest there should be flexibility for regional customisation,

regional councils to map SWRMAs for applicable drinking water supplies in their regions will improve drinking water safety? Should councils be required to publish SWRMAs?	supported by documented rationale, to reflect the unique features of each region. We recognise in combination with multi-barrier protection of source water, the identification of SWRMAs and management of activities within identified zones is an important tool for improving drinking water safety. We consider SWRMAs should be published. The current approach to publish SWRMAs, relying on the planning cycle presents challenges. A faster, more flexible approach that incorporates robust peer review and formal council endorsement is needed. We suggest a five-year timeframe to delineate over 500 SWRMAs is reasonable. There may be opportunities to publish some SWRMAs earlier; online publication could support enabling staged or progressive release. Our council has recently completed LiDAR coverage across the region. This data provides detailed elevation information and enhances the accuracy of SWRMA delineation, which is important in understanding surface water flow paths, catchment boundaries, and potential contaminant transport routes. Compared with previous datasets, LiDAR reduces uncertainty in mapping and provides more consistent, evidence-based decision-making. It enables councils to define SWRMA with greater confidence. **We recommend** that SWRMAs be aligned with NIWA's DN4 national-scale product (currently being developed with MfE funding) to ensure national consistency and to utilise improved data, such as the latest LiDAR derived digital elevation models and enhancements like hydro flow corrections where available. If provided for in the new resource management system, **we would support** a system that allows for online publication and updating of these areas. This would enable timely updates and addition of new identified SWMRAs without the need to wait for a formal planning process and associated timeframes. There may be specific challenges in delineating SWRMAs that should be considered before regulations are finalised. These include the availability of information, technical complexity, and delays associated with formalising SWRMAs through processes such as Schedule 1 of the RMA or gazetting. The ability to publish SWRMAs in a timely manner, without requiring Schedule 1 processes, could reduce delays and allow for a more responsive system. However, it is important to acknowledge that SWRMAs can have significant implications for communities and water suppliers, and these impacts must be carefully managed. We acknowledge the significant resourcing required from regional councils to delineate water supplies, develop bespoke SWRMAs, and amend existing plans to align with the proposed NES-DW amendments. Support and flexibility in implementation will be essential.

Question 32 - Do you think that three zones should be required for each SWRMA, or is one zone sufficient?	**We are generally supportive** of delineating three at-risk zones within each SWRMA. The first two zones are practical and appropriate to map. We consider further clarity may be needed for Zone 2 and refinement of the approach to groundwater in Zone 3. For example, it may be more appropriate to consider a 20- or 50-year time-of-travel timeframe as a starting point, rather than applying the entire groundwater catchment. Zone 3 could also be further refined, particularly in how it applies across different hydrological contexts. **We recommend** the mapping approach should account for the difference between groundwater and surface water systems, as these require distinct approaches to source water management. Mapping challenges also vary depending on the water source and regional characteristics. Additionally, consideration is needed of how the use and potential overlap of these zones may interact with consenting processes, to avoid unnecessary complexity or duplication. Our council has undertaken preliminary test mapping using the current guidelines and welcomes the opportunity to provide technical input to help refine the delineation of SWRMAs.
Question 33 - What do you think the population threshold should be to require regional councils to map SWRMAs (e.g., 100-person, 500-person, or some other threshold)?	We recognise the application of this approach to smaller suppliers creates a problem due to the large and lack of information for many. **We propose** a simpler, interim approach with a population threshold of 500 people to delineate source water zones while longer-term solutions are developed. We support a more staged rollout, with the national approach starting with supplies serving 500+ people, followed by a second phase that extends to smaller providers. This approach allows time for learning, refinement, and addressing any implementation challenges before expanding the requirements more broadly.

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17 August 2025

Ministry of Housing and Urban Development
Wellington

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Tēnā koutou

Tasman District Council's feedback on Going for Housing Growth discussion paper

Thank you for the opportunity to make a submission on Going for Housing Growth discussion paper. We have provided answers to specific questions in the discussion document and provide below, context to inform our responses.

Nāku iti nei, nā

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Tasman District Council submission
Going for Housing Growth

1. A coherent reform package is required

1.1. Overall, providing tools to increase land supply alone, will not address the unique circumstances that confronts the future of the Tasman region. Small rural regions with ageing populations and small funding bases, need solutions that are cost effective and affordable. Solutions should not rely primarily on greenfield development that threatens productive land, the economic base of the region. We need tools that will enable an ageing population to shift to good affordable intensified urban housing, opening up existing stock to natural population growth. Well designed, well-functioning, affordable urban environments require a comprehensive overhaul of the system.

1.2. Generally, reforms should focus on the quality of the environments we create. This can be achieved through proactive spatial planning that defines constraints, opportunities and at a local level building envelopes, open spaces, and features of the transport network. Neighbourhood plans as a component of a broader spatial plan can ensure that intensification leads to well-designed, well-functioning urban environments.

2. Tasman is the fastest growing and least affordable region in the country

2.1. The Council is a unitary authority, servicing a population of 60,500 and covers 9,786 square kilometres.

2.2. It has a GDP of $3.06 billion and, according to recent census data, was the fastest growing region in New Zealand, with a population and dwelling growth of 10.3% and 11% respectively between 2018 and 2023.

2.3. The Tasman District has some of the least affordable housing in the country. In the second quarter of 2024, the house value to income ratio in Tasman was 9.2 compared to the national average of 9.11. The Massey Home Affordability Index, which takes into account the cost of borrowing as well as house prices and wage levels, showed Tasman was the least affordable region in the country as of December 2024.

3. Medium term housing capacity shortfall

3.1. Council's 10 Year Plan (LTP) 2024-2034 budgets $409M for growth related infrastructure between 2024-2054. Across the ten years of the LTP, the net debt figure increases from $202 million as at 30 June 2023 to $452 million in 2033/2034.

3.2. Tasman's Housing and Business Capacity Assessment 2024 identified there is insufficient housing land capacity over the medium term (4 - 10 years) in the Tasman District, amounting to a short fall of 362 dwellings.[1] The shortfall is largely due to infrastructure not being available in time.

3.3. The combination of high population growth and a small rating base means it is challenging for Tasman to afford the infrastructure investment required to ensure there is sufficient capacity to meet demand. Most of the Council's existing infrastructure networks are near or at capacity and, in some cases, not able to cope with demand on the system.

4. An Ageing population changing household demand for smaller attached dwellings

4.1. An ageing population is driving a change in the average household size across the district, with the number of residents per household projected to decrease from 2.43 in 2023, to 2.33 in 2033, and 2.23 in 2053.[2]

4.2. A 2021 Survey of Housing Preferences for the Nelson-Tasman urban environment showed that while the majority (71%) of Tasman respondents preferred standalone dwellings, an increasing proportion of Tasman respondents preferred attached dwellings (29%). The majority of older residents (62%) prefer standalone dwellings, but a significant proportion also prefer attached dwellings (31%) and these would generally be smaller dwellings.[3]

4.3. There is a lack of supply of attached houses in Tasman. While there is demand for 29% of dwellings to be smaller/attached dwellings, currently only 10% of Tasman's housing stock is this type of dwelling (according to Census 2018 data).

This context helps to illustrate that further increasing land supply alone will not address the type of housing shortages Tasman is facing. Well designed, well-functioning, affordable urban environments require a comprehensive overhaul of the system.

[1] Capacity assessments | Tasman District Council
[2] Growth model | Tasman District Council - DOT Report March 2023 Population Projections Nelson Tasman
[3] Housing preferences survey results released | Resource Management Reform | Shape Tasman

List of questions from Discussion document

1. **What does the new resource management system need to do to enable good housing and urban development outcomes?**

The new system should focus on ensuring development contributes to well-functioning, liveable urban environments. This requires a new system that addresses the short comings of the current system. The current system is slow, slow to enable development, slow to respond to changes in demand, priorities and changing human needs.

The new system should provide:

- Certainty and clarity of outcomes
- Stability so councils can operate and implement legislation without further change
- Streamlined, low-cost processes
- Codified good quality urban design
- Reduced conflicts between national direction

Standardisation of zones and plan provisions can reduce the need for councils to individually develop their own. However there also needs to be pathways to allow for local circumstances and community preferences.

Recognise there are limits

The new system should have the ability to restrict development that would put people and infrastructure at risk, such on flood plains and other land affected by natural hazards. Ensuring our communities are resilient is a key part of providing for well-functioning urban environments.

The proposed National Policy Statement for Natural Hazards is a good step towards applying a nationally consistent approach to identifying and managing, or avoiding, natural hazard risks. It is important that natural hazard risks are identified early in the planning process through spatial plans, but also through the subsequent rezoning processes. Experience from zoning land that has already been identified through a future development strategy has highlighted the importance of detailed hazards assessments.

The system should also recognise that there are environmental limits to growth. For example, freshwater resources in some locations are close to, or over, allocation limits. The importance of recognising productive land as a finite resource and also a key economic driver needs to be recognised and mechanisms included that provide strong protections.

The system should also recognise and protect the ecosystem services our natural environments provide through biodiversity, water quality, natural habitats and indigenous species.

Future development strategies and spatial planning

2. How should spatial planning requirements be designed to promote good housing and urban outcomes in the new resource management system?

Spatial Planning requires greater regulatory weight so that it has more direct influence within the wider urban growth context. Current Future Development strategies are valuable in providing for long term growth. They influence infrastructure strategies, long term plans and also help to provide a foundation for urban plan changes. This connection should be strengthened. Getting the balance right to ensure private investment is enabled will also be important, although proposal 49(f) would be difficult in practice, when Council is reliant on the landowner's changeable decision on timing of bringing land forward. However, spatial planning should equally focus on the rural environment to manage the pressures between urban growth and protection of productive land, including at a high level the risks of incompatible land uses and reverse sensitivity.

Spatial plans should identify where development should occur but equally where it shouldn't, the infrastructure required to support it, and what is needed to build resilience to natural hazards and any other constraints or limiting factors such as identification of outstanding natural landscapes and features, sights and areas of significance to Māori and other matters currently identified in part 2 of the RMA and discussed in the Resource Management Expert Advisory Group's report.

Spatial plans could focus on a 50 year time horizon (instead of 30 years), however population projections that span a 50 year timeframe are usually very inaccurate, with changing migration policies of successive Governments significantly affecting population growth in New Zealand. It is questionable therefore as to how accurate 50 year spatial plans would be. The review period for spatial plans will be relevant in this case.

From a system wide perspective, allow a more streamlined plan change process for sites and areas that are in an adopted Spatial Plan. The current system requires up to three separate processes to live zone land for urban development:

1. Sites assessed for inclusion in Future Development Strategy
2. Sites may be further assessed for zoning to future urban use
3. Sites assessed for live zoning for urban use
   This creates duplication of process, unnecessary costs and increases the time it takes to live zone land so it can be developed.

Housing growth targets

3. **Do you support the proposed high-level design of the housing growth targets? Why or why not?**

   We support growth targets but note that feasibility and infrastructure are often bigger constraints than zoning.
   We support the 30-year pathway, with added scope for infrastructure solutions that aren't solely reliant on local govt (or 3 waters) financing.
   The certainty that lived zoned land (even without infrastructure) provides for developers enables alternative funding and financing avenues for infrastructure. It is important that infrastructure components can be staged over time, based on the most likely demand scenario. Council would not service land that was not already zoned due to budget constraints.

   The infrastructure capacity scenario should be consistent with the growth scenario assumed in the Long-Term Plan.

   Note that targets based on household projections are not the same as dwelling projections. Household projections are permanent resident households in occupied dwellings. Using household projections can in some circumstances under-predict the estimated development capacity. Dwelling projections is likely to be a better prediction of required development capacity. Dwelling projections would include demand for dwellings that aren't occupied by permanent residents, e.g. holiday houses, seasonal worker accommodation. This distinction can be significant in locations with high proportions of holiday homes and/or air BnBs.

Providing an agile land release mechanism

4. **How can the new resource management system better enable a streamlined release of land previously identified as suitable for urban development or a greater intensity of development?**

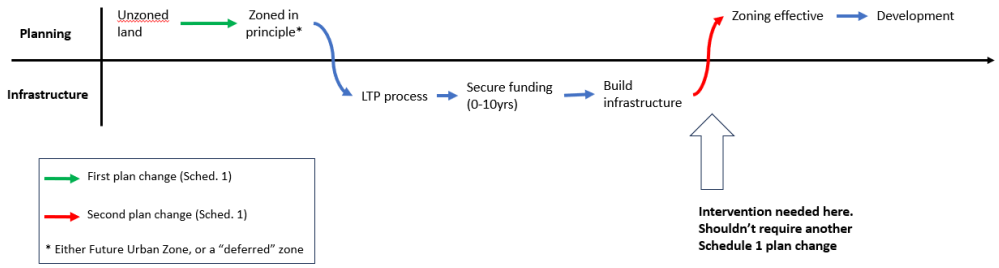
We recommend mechanisms to ensure timely delivery of housing and discourage land banking of both greenfield and brownfield land.

The current legal (plan change) requirements for "zoned and serviced land" are a barrier to third party investment that can speed up housing supply.

Provision of infrastructure is regularly the constraint that prevents the zoning of land for development or intensification. However, zoning land provides certainty of its intended use that can open up funding or financing options. A new mechanism that allows for the zoning of land where infrastructure is not yet provided can create the certainty that lending and financing institutions want.

As identified in question 2 - The current system includes duplication of process that creates time and cost inefficiencies. The National Planning Standards have a future urban zone that can be applied to tag land intended for future urban needs where infrastructure is yet provided. This is an interim zone that must then be changed to the ultimate zone (e.g residential) before development can occur. This requires a second plan change, often on top of the location having also gone through an assessment process for a Future Development Strategy (FDS).

An alternative is to apply a deferred zone type approach (See the Tasman Resource Management Plan section 17.14 example). An area is assessed through a plan change for its ultimate zoning. However as is often the case there may not yet be services for the land so it cannot be developed. Some councils currently apply an overlay approach which prevents the land from being developed until services are available. However, the land retains the ultimate zone rules (i.e residential). This can create a situation where land that is identified for urban development may be zoned but the reality is the development is often some years off and the land continues to be used for rural purposes. Because the zone rules that apply are now urban rules it makes the ongoing use of the land for rural purposes difficult due to the application of for example, urban noise standards in a rural environment creating planning blight. Allow the rural zone rules to apply until servicing is provided (or other requirements like a road upgrade are complete). At that stage allow the rules and zoning to change to the end use by way of a specific trigger or council resolution.



Determining housing growth targets

5. **Do you agree with the proposed methodology for how housing growth targets are calculated and applied across councils? Are there other methods that might be more appropriate for determining Housing Growth Targets?**

   We support the use of Stats NZ high growth scenario projections, with the ability for a Council to choose a higher projection. In recent years, Tasman District Council has sourced independent projections with our assumed (most likely) scenario aligning with the Stats NZ high growth scenario. Our experience is that the Stats NZ projections typically underestimate Tasman's actual population growth. This means there is some risk to the achieving an abundance of development capacity if the Stats NZ high growth scenario aligns with actual growth. While the additional 15%-20% competitiveness margin mitigates this to a certain degree it undermines the intent of the margin.

   If the targets are to only apply to the urban environment, there needs to be greater clarity on how these get defined, noting they should align with Stats NZ SA2 areas, to easily apply the SA2 projections to the urban environment. Tasman comprises an urban environment and a rural environment, as a tier 2 local authority under the NPS UD. It is complicated justifying to the community how part of the District only comprises the urban environment and how that was arrived at.

   If councils are to use Te Tūāpapa Kura Kāinga website for the household projections going forward, these will need to be available in a timely fashion to enable councils to prepare their HBAs and LTPs. Tasman commences work on

its HBA 21 months in advance of its LTP being adopted, mainly due to the existence of Council's growth model which needs to be first rerun.
6. Are there other methods that might be more appropriate for determining housing growth targets? No comment
Calculating development capacity
7. How should feasibility be defined in the new system? If based on profitability, should feasibility modelling be able to allow for changing costs and/or prices? Feasibility modelling is a complex exercise, needing expertise from planners, developers, economists, valuers, and Council's Finance and GIS resources, all potentially beyond the capacity of smaller Councils. There has been great difficulty in obtaining accurate cost data from developers due to its commercial sensitivity. Building costs provided for building consent applications are often underestimated as they influence the fee payable. It could help to have some simple guidance, especially for brownfield redevelopment feasibility, on using easily available Council data, such as ratios between land values, improvements or capital value, and average house prices (need a dataset by SA2). Making adjustments for market dynamics makes the modelling even more complex, and is likely to be more relevant to assessing greenfield feasibility. In Tasman, for example the council gets good indications from developers on greenfield feasibility. Feasibility should include reference to physical limitations of sites. For example capacity assessments should not assume every section can be intensified in a location and should provide a realistic uptake rate. Feasibility should account for schools, reserves, slope and aspect limitations, or natural hazards all of which limit development potential and feasibility. Existing requirements to provide sufficient capacity for particular locations and types of housing should be retained within the housing growth targets system, rather than outside as suggested. Tasman currently has a shortfall of 735 attached dwellings over the 30 year period. According to Council's Housing Preferences survey 2021, developers are not providing enough of the

right type of housing to meet demand. This issue is always highlighted in community feedback. Additionally, feasibility should include remote urban settlements in remote rural locations. In these locations feasibility should include tourism accommodation demand (e.g. Takaka) and not constraints such as protection of outstanding natural landscapes and features, which are tourist attractions.
8. If the design of feasibility is based on profitability, should feasibility modelling be able to allow for changing costs or prices or both? Yes, financial feasibility is a key determinant of where development proceeds or not. It does need to be nuanced and take account of relative feasibility within a market instead of absolute feasibility. Past feasibility tools provided by MfE do not reflect banks' practices for lending. There is a strong link between banks risk management practices and everyday developer practices. Some developers say the conditional nature of the banks' practices are effectively a test of the real feasibility of any development e.g. pre sale requirements.
9. Do you agree with the proposal to replace the current 'reasonably expected to be realised' test with a higher-level requirement for capacity to be 'realistic'? Invariably, the devil is in the detail therefore any change or new test needs to be accompanied by appropriate guidance and needs to be realistic for councils to implement e.g. researching covenants on areas of land for a region the size of Tasman would be unrealistic. Any test should include reference to physical limitations of sites as identified in question 7. The tests for realistic capacity would need to be different for greenfield and brownfield development. The tests also need to account for greenfield capacity needed for new infrastructure (roads, channels, reserves) as these take up a significant amount of greenfield development.
10. What aspects of capacity assessments would benefit from greater prescription and consistency? There is benefit in standardisation but there should also be flexibility to reflect the local context.

Support requiring inputs, assumptions, and sample outputs to be included in a mandatory methodology section. Guidance on assessing attached/detached demand and capacity would be good for consistency. Guidance on realistic infill take-up rates over time would also be very valuable, as such assumptions are often contested Guidance on how councils should assess likely dwelling capacity from Government's proposed minor residential units would be very helpful, as potentially this could significantly add to infill in towns.
Infrastructure requirements
11. Should councils be able to use the growth projection they consider to be most likely for assessing whether there is sufficient infrastructure-ready capacity? Yes, given the funding and financing risk of over investment or the risk of not providing enough capacity there should be a mechanism to allow councils to use the projections they consider most likely. There should also be a requirement for a margin or factor of safety. From a system wide perspective there should be consistency of use of projections across council functions, for example requirements to use the same projections for spatial planning, infrastructure planning long term plans etc.
12. How can we balance the need to set minimum levels of quality for demonstrating infrastructure capacity with the flexibility required to ensure they are implementable by all applicable councils? We recommend the level of modelling required is linked to the level or amount of growth anticipated. The higher the level of growth (in actual numbers, not %) the higher the level of assessment. This would likely be at the Council wide level as it goes to the amount of investment the Council has to put in to do these assessments. This should be infrastructure type specific (i.e. Transportation vs Water Services vs Parks/Reserves) as these require a completely different set of resources to do capacity assessments, and their individual industries are at differing points of maturity. The level (and consequently the cost) of modelling could be prescribed to provide clarity of expectations. This could be linked to the level of expected

growth. So low growth Councils would be required to model to a lesser level of detail than higher growth councils.

13. What level of detail should be required when assessing whether capacity is infrastructure-ready? For instance, should this be limited to plant equipment (e.g. treatment plants, pumping stations) and trunk mains/key roads, or should it also include local pipes and roads?

We consider there should be a framework that allows Councils to move to be assessed on a trunk infrastructure basis for Water Services including Treatment facilities, Reservoirs and pumpstations of a certain size (or type). It would require clear mechanisms for developers to be responsible for infrastructure up to trunk infrastructure.
Transportation may have to be assessed at the local road level as a development may change the 'level' of the road.
Councils would benefit from additional clear robust mechanisms (or options) for developers to be responsible for all new and/or upgraded infrastructure to service their development (Development Contributions are for the cumulative growth aspect).

Responding to price efficiency indicators

14. Do you agree with the proposed requirement for council planning decisions to be responsive to price efficiency indicators?

No, we don't agree that council planning decisions should be responsive to price efficiency indicators such as the urban fringe land price differentials. For small to medium urban environments like the Nelson Tasman urban environment, this indicator has been shown to be meaningless and not a reflection of the local market conditions and drivers. This was accepted by MfE when preparing previous HBAs. This can lead to unintended consequences, suboptimal infrastructure investment decisions and/or a failure to achieve the policy objective.

The expectation of bringing down urban land value using urban fringe differentials can lead to excessive greenfield development and costly sprawl. This conflicts with the drivers required to make intensification and brownfield development viable. Intensification and brownfield development require higher land values and more intensive development leads to higher returns and better infrastructure

efficiencies. Greenfield development and brownfield intensification require careful balance taking account of local factors to ensure land values and other factors enable rather than prevent brownfield development.

Business land requirements

15. Do you agree that councils should be required to provide enough development capacity for business land to meet 30 years of demand?

Yes, Business Land Capacity assessments based on population growth scenarios, trends in employment and economic drivers for the relevant region should meet 30 years of demand.

People need jobs so business demands should dovetail with housing demands. Growth projections used to calculate demand should reflect those for housing in a region. Without business capacity there is a risk of constraints on jobs. Business land capacity may require an adaptive approach given changing business models and consumer behaviour and the regional economic profile.

We recommend that Councils should have discretion on business land demand forecasts, but note the challenge (and significant cost when using consultants) in accurately modelling business demand for smaller urban environments where the size and typology of businesses is extremely varied and hard to predict. At a minimum, business land demand forecasts should be informed by the high growth Stats NZ population scenarios.

Responsive planning

16. Are mechanisms needed in the new resource management system to ensure councils are responsive to unanticipated or out-of-sequence developments? If so, how should these be designed?

As a minimum carry over the current provisions. The discussion document states there has been variable implementation of this policy and it is unclear how effective it has been. This may be in part due to a disconnect between a

regional council that has to implement the policy by changing its RPS and the territorial authority that has responsibility for urban development. As a unitary authority Tasman has been able to ensure all considerations have been included in development of its criteria. This has relied heavily on input from sections within council responsible for TA functions.

There is a big difference between unanticipated development and out of sequence development. Out of sequence implies it is anticipated so likely already considered as part of the longer-term urban form and considered for infrastructure servicing, unlike unanticipated development. This is discussed further in question 19 related to leapfrogging.

Any plan changes should not be to the detriment of good urban form, supporting physical and social infrastructure and connectivity.

17. How should any responsiveness requirements in the new system incorporate the direction for 'growth to pay for growth'?

This can in-part be addressed by including the ability for the developer to fund the infrastructure and infrastructure is to the standard required by a council. This could include the ability for the developer to access crown infrastructure funding at attractive rates, something similar to the LGFA where the infrastructure will ultimately be vested with the Council.

The external impacts of unanticipated or out of sequence development should also be addressed. For example, changes to public transport routes, the need to bring forward upgrades to wastewater treatment plants and local roads.

Rural-urban boundaries

18. Do you agree with the proposal that the new resource management system is clear that councils are not able to include a policy, objective or rule that sets an urban limit or a rural-urban boundary line in their planning documents for the purposes of urban containment? If not, how should the system best give effect to Cabinet direction to not have rural-urban boundary lines in plans?

No. We do **not agree** with preventing councils from being able to include a policy, objective or rule that sets an urban limit or a rural-urban boundary line in their planning documents for the purposes of urban containment.

Having no controls on urban containment could lead to sprawl and loss of productive land. In Tasman, the main areas that contribute to the Nelson Tasman urban environment are surrounded by high value productive land. Protection of this valuable resource could be interpreted as limiting urban growth. Enabling unlimited expansion onto these areas would lead to irreversible loss of productive capacity with corresponding negative economic outcomes for Tasman. Of particular concern is the ongoing threat to fertile land of the Waimea plains, an area of national strategic importance for domestic food security. Preventing urban containment as the primary method to achieve competitive urban land markets will not create well-functioning urban environments. From an infrastructure perspective it is costly and inefficient.
19. Do you agree that the future resource management system should prohibit any provisions in spatial or regulatory plans that would prevent leapfrogging? If not, why not? Growth should pay for growth – if leap frogging is allowed, the developer should pay. However, leap frogging could result in standalone infrastructure being installed that could lead to inefficiencies and future costs to council and ratepayers through stranded infrastructure. For example, a leapfrog development installs a package wastewater treatment plant because trunk main for WW is not available. However, when development catches up the package plant would become redundant. Also, package plants are notoriously unreliable and costly to maintain, leading to additional costs and often pressure for council to take them over when they fail. Leapfrogging can also create private car dependence, additional traffic congestion and social isolation due lack of social infrastructure. Any enabling of leap frogging should ensure full consideration of the wider impacts of the development are considered and adverse impacts mitigated.
20. What role could spatial planning play in better enabling urban expansion? We consider spatial planning is a cornerstone of enabling good urban expansion. The Future Development Strategy has been highly effective in providing strategic direction for growth in Tasman and spatial planning will build on that. It can do this by ensuring efficient use of land resources and infrastructure investment while protecting critical environmental values such as highly productive land (LUC Class 1&2), significant natural areas, and

significant natural hazard risk to determine appropriate urban expansion rather than Urban Rural Boundaries

Spatial planning should provide the blueprint for growth and infrastructure investment. It should also provide for sequencing of development, linked to infrastructure provision to enable flexible and responsive release of land (while not preventing out of sequence development where certain agreed criteria are met).

The process of developing a spatial plan can provide a pathway for developers to identify land for future development/urban use. The development of the Nelson Tasman Future Development Strategy included a call for possible growth locations or sites from landowners and developers. A similar mechanism could be built into the new spatial planning system to enable this to happen at regular intervals in line with review of the spatial plan components. This may help to address the need to consider unanticipated development in a structured way.

Intensification
Key public transport corridors

21. Do you agree with the proposed definitions for the two categories of 'key public transport corridors'? If not, why not?

Yes – it is a pragmatic approach

22. Do you agree with the intensification provisions applying to each category? If not, what should the requirements be?

If these requirements were expanded to tier 2 councils, then there should be some flexibility in how the provisions are applied so that development matches the urban form of smaller cities. For example, the Nelson Tasman urban environment, Tier 2, encompasses Richmond and the smaller towns of Brightwater, Wakefield and Mapua and Motueka.

Parts of Richmond could potentially be considered category 2 routes due to the number and frequency of buses. The area is predominantly single-story homes. Allowing up to three stories along the whole route would be inappropriate, so flexibility in how it is applied will be important.

23. Do you agree with councils being responsible for determining which corridors meet the definition of each of these categories? No, provided there is flexibility in how the intensification provisions can be applied. There is a risk that the same issues identified around "qualifying matters" arises if decisions are left up to councils.
Intensification catchments sizes
24. Do you support Option 1, Option 2 or something else? Why? Tasman doesn't have a view. However, given the multiple micro mobility options now available, a better method to use rather than distance would be to define intensification areas via travel time (rather than distance) based Walkable catchments utilising GIS Tools such as Arc GIS Network Analyst and Journey to work data as time-based methods can factor in topography and connectivity.
Minimum building heights to be enable
25. What are the key barriers to the delivery of four-to-six storey developments at present? *No Comment* .
26. For areas where councils are currently required to enable at least six storeys, should this be increased to more than six storeys? If so, what should it be increased to? Would this have a material impact on what is built? *No Comment - Not applicable in Tasman.*
27. For areas where councils are currently required to enable at least six storeys, what would be the costs and risks (if any) of requiring councils to enable more than six storeys? *No comment - Not applicable in Tasman.*
Offsetting the loss of development capacity
28. Is offsetting for the loss of capacity in directed intensification areas required in the new resource management system?

We consider that offsetting should be required only if there is a shortfall in sufficient development capacity. Where an urban environment spans more than one local authority, the local authority that has reduced development capacity through the application of qualifying matters (or similar) should be required to offset that loss. However, there should be a mechanism to allow the offsetting outside of the local authority boundary by mutual agreement with other local authorities within the urban area.
29. If offsetting is required, how should an equivalent area be determined? We consider equivalent land value could be a consideration, but other factors should also be included in decisions on where to intensify. This could include, proximity to services, demographics of demand, typology preferences, location.
Intensification in other areas
30. Is an equivalent to the NPS-UD's policy 3(d) (as originally scoped) needed in the new resource management system? If so, are any changes needed to the policy to make it easier to implement? Currently Policy 3(d) relates only to Tier 1 urban environments. Consideration should be given to extending it to tier 2 urban environments as it promotes good planning and efficient development of urban environments.
Enabling a mix of uses across urban environments
31. What controls need to be put in place to allow residential, commercial and community activities to take place in proximity to each other without significant negative externalities? Centre hierarchies play an important role in maintaining well-functioning urban environments and in realising efficiencies relating to their maintenance, upgrades and extension of network infrastructure. While the discussion document points out that such tools can restrict the evolution of centres to respond to community needs as they grow. A blunt removal of this type of tool can have perverse impacts such as the gutting of high streets due to big box type developments in the wrong places. There are many examples in NZ and

abroad of the impact of this. A more nuanced approach is required to allow evolving centres to respond to the needs of growing communities. Standardised zones can provide a pathway to enable commercial activities of an appropriate type and scale within neighbourhood, local centre, town and metropolitan sized centres. This can reduce the incidence of negative externalities.

32. What areas should be required to use zones that enable a wide mix of uses?

There is scope for enabling or providing for a greater range of uses in specific locations that can be informed by tools like centre hierarchies. Spatial planning can provide a high-level framework for development or re-development that can be refined through local plans using centre hierarchies and outline development plans using appropriate zones.

Metropolitan and city centres should provide for a wide range and mix of uses which will be different in scale and intensity to a local neighbourhood centre at the other end of the scale that is likely to only provide for day to day needs such as a dairy or cafe.

National standards should set out the range and mix of activities that apply to each zone and councils would determine which zones are appropriate for their locality based on the existing suite of activities and surrounding catchment.

Some flexibility is needed to address local circumstances, for example remote rural urban centres, usually associated with tourism e.g. wilderness experience, or cultural significance. In these types of centres flexibility to accommodate a wide range of services and activities in important. With the ability to work online, there are fewer obstacles to permanent or semipermanent residence of professionals and businesspeople in these locations. As the numbers of residents increases so does the need for services increase. Whereas, infrastructure is less of a requirement as people live off grid and have their own water supply, waste water treatment and often electricity supply.

Minimum floor area and balcony requirements

33. Which rules under the current system do you consider would either not meet the definition of an externality or have a disproportionate impact on development feasibility?

In considering rules to this effect, the impact developer covenants can have on the cost of a new build can be in the range of tens of thousands of dollars additional cost. There is a balance between good urban design and design requirements for individual homes like materials or features that add significant cost. There may be development feasibility questions but the additional cost of developer covenants add to the overall cost to a home buyer and increase profit for home builders and developers.

Some requirements provide identity and character to the urban environment – for example new commercial and apartment development in the Queenstown basin. Required materials and features create a distinctive alpine identity.

Minimum floor and balcony areas may impact the market for home buyers but removing these will disproportionately impact renters and low income, vulnerable parts of our communities who may not have any choice in where they rent and live.

Targeting of proposals

34. Do you consider changes should be made to the current approach on how requirements are targeted? If so, what changes do you consider should be made?

If the current definition of urban environment continues (defined as one labour and housing market) then growth projections should be modelled for the whole of urban environment rather than contributing councils or separate towns commissioning growth projections individually, leading to variations. Currently, projections are based on past net migration trends, and therefore constraints can become self-fulfilling (low capacity leads to low growth leads to low projected demand). This can distort projections within parts of an urban environment.

As an example, the Nelson Tasman urban environment includes Nelson City, Richmond, Motueka, Mapua, Brightwater and Wakefield. Population projections for Nelson and Motueka have been based on historic low capacity, which has led to low growth and hence low demand. Whilst Richmond, between these two locales and part of the same urban area has seen the highest growth in New Zealand between 2013 and 2023.
Impacts of proposals on Māori
35. Do you have any feedback on how the Going for Housing Growth proposals could impact on Māori? No Comment – Tasman District Council cannot speak on behalf of Te Tauihu Māori.
Other matters
36. Do you have any other feedback on Going for Housing Growth proposals and how they should be reflected in the new resource management system? We recommend reviewing the legislation related to land covenants as part of the new system – private or developer covenants create constraints and requirements that impact the efficient development of land and can significantly increase the cost of consenting and building.
Transitioning to Phase Three
37. Should Tier 1 and 2 councils be required to prepare or review their HBA and FDS in accordance with current NPS-UD requirements ahead of 2027 long-term plans? Why or why not? Given the state of change, a new 2027 HBA should only be required if there is substantial change in Council's growth projections (demand) or in serviced/zoned capacity (eg. significant change to growth infrastructure work

programme or significant rezoning). This could be required through an exceptions approach instead of a full HBA.

It is clear from the discussion paper that changes to the methodology for HBAs are likely to be introduced e.g. use of high household growth projections, change to additional capacity margin. These changes will not be proposed in a Bill until the end of 2025 and enacted by mid 2026. Work on Tasman's HBA commences October 2025 and would be complete by late 2026 to inform the LTP 2027. To proceed with preparing a 2027 HBA now would mean that when it is adopted by Council, it is based on outdated requirements. This is a waste of Council money and time.

Replacing an FDS takes a minimum of 18 months to develop at high cost. If an existing FDS is still fit for purpose then the high time and cost commitment to develop a new or revised FDS cannot be justified. This is particularly the case if the requirement to produce a spatial plan will commence soon. Reviewing an FDS is also time consuming and expensive and to carry such a review out when the requirements for spatial plans are going to be different in emerging legislation, again, would represent a waste of Council money and time.

7.3 APPLICATION FOR AUTOMATIC IDENTIFICATION SYSTEM EXEMPTION TO THE NAVIGATION SAFETY BYLAW

Decision Required

Report To:	Environment and Regulatory Committee
Meeting Date:	28 August 2025
Report Author:	Peter Renshaw, Harbourmaster
Report Authorisers:	Kim Drummond, Group Manager - Environmental Assurance
Report Number:	RRC25-08-2

1. Purpose of the Report / Te Take mō te Pūrongo

1.1 To seek exemptions from Clause 38 (Transmitting of Automatic Identification System (AIS) signal) of the Tasman District Council Navigation Safety Bylaw 2024 ("the Bylaw) for three (3) vessels:

- Māpua Ferry – Māpua Ventures Ltd
- Ripple – Wilsons Abel Tasman National Park Ltd
- Tender 1 – Wilsons Abel Tasman National Park Ltd

2. Summary / Te Tuhinga Whakarāpoto

2.1 Clause 38 requires AIS transmission for certain commercial vessels. All three applicants fall within the scope of this clause but have requested exemptions based on vessel characteristics, operational areas, and safety considerations.

3. Recommendation/s / Ngā Tūtohunga

That the Environment and Regulatory Committee

1. receives the Application for Automatic Identification System Exemption to the Navigation Safety Bylaw RRC25-08-2 report; and

2. Approves Automatic Identification System exemptions under Clause 49.3 of the Tasman District Council Navigation Safety Bylaw 2024 for the following vessels:

2.1 Māpua Ferry – Māpua Ventures Ltd

2.2 Ripple – Wilsons Abel Tasman National Park Ltd

2.3 Tender 1 – Wilsons Abel Tasman National Park Ltd.

4. Background / Horopaki

4.1 The Tasman District Council Navigation Safety Bylaw 2024 (the Bylaw) came into force on 1 December 2024. Clause 38 of the Bylaw requires certain categories of commercial vessels

to transmit an Automatic Identification System (AIS) signal to enhance navigational safety and operational oversight.

4.2 Under Clause 38.3, commercial vessel operators must ensure:

4.2.1 At least 50% of their vessels are AIS-compliant by 1 September 2025, and

4.2.2 All vessels are compliant by 1 September 2026.

4.3 The AIS requirement was introduced as a measure to manage increasing commercial vessel activity in high-traffic areas. AIS provides real-time vessel tracking, which supports:

4.3.1 Traffic density analysis and future risk mitigation planning

4.3.2 Compliance monitoring by authorities and operators

4.3.3 Efficient resolution of complaints through accurate vessel movement data

4.3.4 Enhanced navigational safety, particularly during night operations or search and rescue scenarios

4.4 AIS is widely used across the maritime sector and is considered a valuable tool for both regulators and operators. It enables vessels to be visible on electronic charts, improving situational awareness and reducing the risk of collision.

4.5 Under Clause 49.3 of the Bylaw, the Council may exempt persons, vessels or classes of vessels from specific requirements of the Bylaw. The Harbourmaster must consider the effects of the exemption on public safety before making a recommendation. The Harbourmaster may revoke the exemption if public safety is, or may be, adversely affected.

4.6 Clause 50.1 of the Bylaw allows any person to apply to the Harbourmaster for a written exemption. Applications must be submitted in the prescribed form and accompanied by the applicable fee

5. Analysis and Advice / Tātaritanga me ngā tohutohu

5.1 The following applications have been assessed against the criteria in Clause 49.3 of the Navigation Safety Bylaw 2024, with consideration given to vessel type, operational area, compliance history, and the intent of Clause 38.

5.2 Māpua Ferry MNZ134347:

- Operated by Māpua Ventures Ltd (Kiwi Journeys)
- Operates in Māpua Estuary with an annual trip to Nelson Harbour for maintenance
- Speed: <5 knots
- No passengers during maintenance transit.

Assessment**:** An exemption would create a low risk to public safety because the vessel operates in a confined area at slow speeds and on a fixed timetable. The operator has demonstrated a strong compliance record and a willingness to cooperate with the Harbourmaster’s office.

5.3 Recommendation: It is recommended that an exemption to clause 38 of the Bylaw, be granted for a period of three (3) years, subject to the condition that the operator agrees to adjust sailing times if requested, should traffic density in the area present a navigational risk.

5.4 Ripple MNZ130990:

- Operated by Wilsons Abel Tasman National Park Ltd
- Type: 5.9m alloy barge
- Operational Area: Awaroa Inlet
- Speed: <5 knots
- Design: Open vessel, no AIS capability.

Assessment: An exemption would create a low risk to public safety because the vessel operates in a confined area at slow speeds. The operator has demonstrated a strong compliance record and a willingness to cooperate with the Harbourmaster's office.

5.5 Recommendation: It is recommended that an exemption to clause 38 of the Bylaw, be granted for a period of three (3) years.

5.6 Tender 1 MNZ136479:

- Operated by Wilsons Abel Tasman National Park Ltd
- Type: 5.9m alloy barge
- Operational Area: Torrent Bay
- Speed: <5 knots
- Design: Open vessel, no AIS capability.

Assessment: An exemption would create a low risk to public safety because the vessel operates in a confined area at slow speeds. The operator has demonstrated a strong compliance record and a willingness to cooperate with the Harbourmaster's office.

5.7 Recommendation: It is recommended that an exemption to clause 38 of the Bylaw, be granted for a period of three (3) years.

6. Financial or Budgetary Implications / Ngā Ritenga ā-Pūtea

6.1 The financial impact of processing these applications is low. Both applicants are paying the required application fee in accordance with the Navigation Safety Bylaw 2024. This fee covers the administrative time associated with assessing the applications, preparing this report, and issuing a formal response.

7. Options / Kōwhiringa

7.1 The options are outlined in the following table:

Option		Advantage	Disadvantage
1.	Approve the exemptions as recommended	Supports low-risk operators with limited AIS impact; encourages future compliance; aligns with Clause 49.3 provisions	AIS coverage will be incomplete in the short term

Option		Advantage	Disadvantage
2.	Decline the exemptions	Ensures full compliance with Clause 38 and maximises AIS coverage	May impose disproportionate costs on low-risk operators; could discourage small-scale or seasonal operations
3	Request further information	May makes for a more informed decision	Takes more time and potentially risk of missing the 1 September deadline

7.2 Option 1 is recommended. It balances navigational safety with operational practicality and supports a phased approach to AIS compliance, as intended by Clause 38.3 of the Bylaw.

8. Legal / Ngā ture

8.1 This decision is made under the Tasman District Council Navigation Safety Bylaw 2024, which provides the legal framework for managing navigation safety in Tasman waters. The relevant sections of the Bylaw are clauses 38, 49 and 50 which have been set out above in the Background section.

9. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

9.1 Under the Local Government Act 2002, local authorities are required to establish processes that provide Māori with opportunities to contribute to decision-making, and to consider ways to foster Māori capacity to do so. The Act also requires consultation with Māori where their interests may be affected, and recognition of the relationship tangata whenua have with ancestral lands and waters.

9.2 These applications for temporary exemptions under Clause 49.3 of the Navigation Safety Bylaw 2024 relate to the use of existing commercial vessels in established operational areas. The exemptions do not involve new activities, changes to access, or impacts on the environment or customary rights.

9.3 Given the low-risk nature of the applications and the absence of any identified impacts on Māori interests or taonga, no specific iwi engagement has been undertaken for these applications.

9.4 The Harbourmaster's Office acknowledges the importance of ongoing engagement with iwi on broader navigation safety matters and remains committed to working with iwi partners through established forums and processes.

10. Significance and Engagement / Hiranga me te Whakawhitiwhiti ā-Hapori Whānui

10.1

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low	The exemptions only apply to the two specific vessels based on their individual circumstances

	Issue	Level of Significance	Explanation of Assessment
			and not a wider class of maritime users or commercial operators.
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	Low	The exemptions will not have a community wide impact but may impact the ability of the two vessel operators to continue to carry out their commercial operations in compliance with the Bylaw.
3.	Is there a significant impact arising from duration of the effects from the decision?	Low	As above, the exemptions only apply to three specific vessels based on their individual circumstances and not a wider class of maritime users or commercial operators.
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	N/A	
5.	Does the decision create a substantial change in the level of service provided by Council?	N/A	
6.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	N/A	
7.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	N/A	
8.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	N/A	
9.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	N/A	
10.	Does the proposal require particular consideration of the obligations of Te Mana O Te Wai (TMOTW) relating to freshwater or particular consideration of current legislation relating to water supply, wastewater and stormwater infrastructure and services?	N/A	

	Issue	Level of Significance	Explanation of Assessment

11. Communication / Whakawhitiwhiti Kōrero

11.1 The new AIS requirements were a matter of interest in drafting the Bylaw and operators were consulted during the drafting of the Bylaw about the clause 49.3 exemption process.

11.2 To assist members of the operators to understand the exemption application process, the Harbourmaster's office:

11.2.1 held an Abel Tasman user group meeting with the AIS clause and Exemption application process on the agender. The meeting was held on 7 May 2025; and

11.2.2 provided information on the exemption application process in a summer Newsletter.

11.3 The Harbourmaster's office has also been in regular contact with the applicants in regard to their applications.

12. Risks / Ngā Tūraru

12.1 The primary risk associated with approving these exemptions is the potential to set a precedent that could be perceived as undermining the intent of the Navigation Safety Bylaw 2024 — particularly Clause 38, which aims to improve maritime safety through AIS coverage.

12.2 However, this risk is considered low, due to the following mitigation measures:

12.2.1 A robust and transparent decision-making process is in place, with exemptions assessed on a case-by-case basis by the Harbourmaster and approved by the Environment and Regulatory Committee.

12.2.2 An application fee is required, which discourages speculative or non-serious applications.

12.2.3 Each exemption is time-limited and subject to specific conditions that maintain safety standards and allow for revocation if necessary.

12.3 These controls ensure that exemptions are not automatic or routine but are instead carefully considered in the context of public safety and operational practicality.

12.4 The other risk is the risk to public safety by exempting the vessels from needing to transmit AIS signal. This risk to public safety in granting these exemptions to the three vessels is low for reasons explained in the Analysis and Advice section.

13. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi

13.1 Climate Change considerations are not relevant to this report.

14. Alignment with Policy and Strategic Plans / Te Hangai ki ngā aupapa Here me ngā Mahere Rautaki Tūraru

14.1 The Navigation Safety Bylaw 2024 supports the objectives of the Tasman Resource Management Plan (TRMP) and the Long Term Plan (LTP) by promoting safe, sustainable, and well-managed use of the region's coastal and inland waterways.

14.2 The Environment and Regulatory Committee has delegated authority from the Council to consider and decide on applications for exemptions under. This delegation was confirmed by Council resolution in February 2025.

14.3 The exemptions proposed in this report are consistent with the intent of the Bylaw and broader Council strategies, provided they are granted with appropriate conditions to maintain navigational safety and public confidence in the regulatory framework.

15. Conclusion / Kupu Whakatepe

15.1 Harbourmaster, Peter Renshaw recommends that the Environment and Regulatory Committee approve the three exemption applications under Clause 49.3 of the Navigation Safety Bylaw 2024.

15.2 This recommendation is based on the limited risk posed by the operators in relation to the intent of Clause 38, and the temporary, low-impact nature of their operations on public safety.

16. Next Steps and Timeline / Ngā Mahi Whai Ake

16.1 The Harbourmaster's office will communicate the outcome of the applicants' exemption applications to the applicants within five business days of the Environment and Regulatory Committee's decision.

17. Attachments / Tuhinga tāpiri

Nil

7.3 RESOURCE CONSENT MANAGER'S REPORT

Information Only - No Decision Required

Report To:	Environment and Regulatory Committee
Meeting Date:	28 August 2025
Report Author:	Katrina Lee, Resource Consents Manager
Report Authorisers:	Kim Drummond, Group Manager - Environmental Assurance
Report Number:	RRC25-08-3

1. Summary / Te Tuhinga Whakarāpoto

1.1 This report summarises the performance of the Resource Consents Section, within the Environmental Assurance Group, for the period January to June 2025. Additionally, given this report relates to the end of the 2024/25 financial year it also wraps up the year end.

1.2 Our statutory timeframe performance across all consent activities for the reporting period was 78% (the performance measure in the Long Term Plan 2025/2035 is 100%). This is a reasonable increase in compliance from the two last reporting periods which were 69% (July to December 2024) and 64% (January to June 2025). In cases where statutory timeframes have not been met, discount penalties provided for in the legislation have applied.

1.3 The level of customer satisfaction with the level of service provided by the consent team, as measured through the annual consent and licensing survey, was assessed at 53%. This was up from 47% last year, and compares to a performance measure of 80%. Discussion of the results of the annual survey sits within the General Manager Report.

1.4 The volume of consent applications received, and decisions issued, during this reporting period were lower than the last six month reporting period. However, the overall financial year numbers for both received and decisions are consistent with previous years.

1.5 In this six month reporting period the discount penalties increased on the previous period, but overall have decreased compared to the 2023/24 financial year. The key drivers for the discount penalties that are still being incurred can be put down to three main drivers:

- It continues to be difficult to attract and employ experienced and competent consent planners who can work within statutorily imposed timeframes.
- Engaging experienced contractors has also been a struggle, and when we do, they are generally not locally based. This places additional challenges on team leaders to manage quality of output in a timely fashion.
- More and more complex issues seem to be coming over our desks.

RESOURCE CONSENT MANAGER'S REPORT

1.6 As a result of still holding vacancies in the team we have been continuing to externally contract consents that we would prefer to process in-house. Notwithstanding this, we have seen a reasonable improvement in the recovery of costs associated with using contractors.

1.7 During this reporting period we have had four consent planner resignations, leaving for different reasons; travelling overseas, moving to a larger city, changing careers and one taking up a role in consultancy. Additionally, we had one person retire who had been at Council for 45 years. On the flipside, during this reporting period we successfully recruited three consent planners (and a fourth to start in September) and also a Development Engineering Officer. As of August 2025, we still have two vacancies for consent planners – within the subdivision and land use teams.

1.8 The team does not only process resource consents. The resource consents section now includes the LIMs and Property Information (LPI) team (see section 6 of this report). In addition, a considerable amount of our time is also spent responding to public enquiries (duty planning/service requests) and LGOIMAs (information requests). Responding to service requests and pre-applications can take consent planners away from consent processing, but it is an investment that is likely to improve the quality of applications that do come through to us.

1.9 We also have multiple staff in the resource consents team that are involved in commenting and contributing to building consents, Project Information Memorandums (PIMs). This process is also subject to statutory processes and has tight audited timeframes. Staff need to meet those timeframes.

1.10 We continue to service the Tākaka office through Council staff and contractors, and this is working reasonably well. We have recently brought back public-facing duty planning (land use mainly at this point) for one day a fortnight and will review this arrangement in due course.

2. Recommendation/s / Ngā Tūtohunga

That the Environment and Regulatory Committee

1. receives the Resource Consent Manager's Report RRC25-08-3.

3. Purpose of report

3.1 This report presents the output of the Resource Consents section for the second half of the 2024/25 financial year, from January to June 2025. It also provides some comparisons from previous periods and financial years. It reflects current workload, staff resourcing and shows where the section is sitting alongside our budget expectations.

4. Performance reporting January to June 2025

4.1 A total of 469 applications for resource consents and other statutory applications were received in the reporting period January to June 2025; in the previous six-month period we received 555. The total combined for the 2024/25 financial year is consistent with the last two financial years.

4.2 A total of 404 decisions were made during this six-month period, compared to 378 in the last reporting period, totalling 782 for the financial year, which is consistent with the previous financial year. This reporting period and previous years are outlined in Tables 1 and 2.

Table 1: Non-notified consent decisions January to June 2025

	Number complete											
Type of Application	Jul-Dec 20*	Jan-Jun 21*	Jul-Dec 21*	Jan-June 22*	July-Dec 2022	Jan-June 2023	Jul-Dec 2023	Jan-Jun 2024	Jul-Dec 2024	**Number complete Jan-Jun 2025**	Percentage Within Time (Incl s37)	Average Processing Days**
District Land	248	244	282	246	**213**	**207**	**233**	**187**	**204**	**213**	79.34%	42.8
CN Variations	8	11	17	10	**13**	**6**	**15**	**12**	**7**	**13**	92.30%	33.7
Subdivision	59	56	79	50	**53**	**40**	**68**	**47**	**52**	**59**	71.19%	47.5
Coastal	27	1	7	5	**6**	**24**	**6**	**11**	**1**	**2**	50.00%	57.5
Discharge	85	66	79	57	**75**	**54**	**67**	**66**	**54**	**42**	76.19%	42.9
Regional Land	17	15	37	10	**17**	**12**	**10**	**10**	**17**	**6**	66.67%	146.2
Water Permit	72	101	73	44	**45**	**24**	**35**	**19**	**43**	**33**	75.76%	110
Total:	**516**	**494**	**574**	**422**	**422**	**367**	**434**	**352**	**378**	**368**	**78.01%**	**47.6**
SHA Consents	11	4	0	3	**1**	**0**	**2**	**0**	**1**	**1**	100%	44
Boundary Notices	26	22	16	34	**27**	**14**	**23**	**13**	**8**	**13**	53.85%	14.2
Others***	17	16	14	12	**19**	**20**	**17**	**10**	**10**	**10**	N/A	N/A

* The numbers shown include applications to change conditions of existing consents (variations)

** Processing days are statutory working days including time extensions.

*** Others include Right of Ways, Outline Plans and Certificates of Compliance

4.3 The timeframe compliance for the period has improved again since the last reporting period. Last reporting period compliance was 69% and this reporting period it is 78%.

4.4 The timeframe compliance for subdivision consents processed through to a decision has increased from being in the 30% range of compliance to this period being 71%, even though the similar number of consents have been received this period.

4.5 Land use consents (district) timeframes have improved over the last two years, from 60% to 72%, then from 73% to now 79%.

Table 2: Notified Applications January to June 2025

	Number complete											
Type of Application	2019-20*	2020-21*	Jul-Dec 21*	Jan-June 22	Jan-June 22	Jan-June 23	Jul - Dec 2023	Jan-Jun 2024	**Jul-Dec 2024**	**Number complete Jan-Jun 2025**	Percentage Within Time (Incl s37)	Average Processing Days**
Publicly Notified (no hearing)	1	4	0	0	0	0	0	0	2	0	N/A	N/A
Publicly Notified (with hearing)	1	5	0	3	0	7	0	0	1	0	N/A	N/A
Limited Notified (no hearing)	38	8	21	16	13	10	7	5	2	11	0%	129.5
Limited Notified (with hearing)	4	1	9	1	0	5	2	2	16		100%	159
Totals			30	20	13	22	9	7	21	12	8.33%	**131.92**

* Processing days are statutory days including time extensions. The timeframe for notified applications includes a variety of time extensions such as resolving issues with submitters, agreements for hearing dates and adjourned hearings.

4.6 Table 2 shows the number of limited and publicly notified consents issued in the last six months. The last 12 months has been very busy in the hearings and notified space. The 11 limited notified consents (without a hearing) related to two developments as they were bundled consents across subdivision, land use, discharge permits, land disturbance and water consents. The one limited notified, with a hearing has also since been appealed.

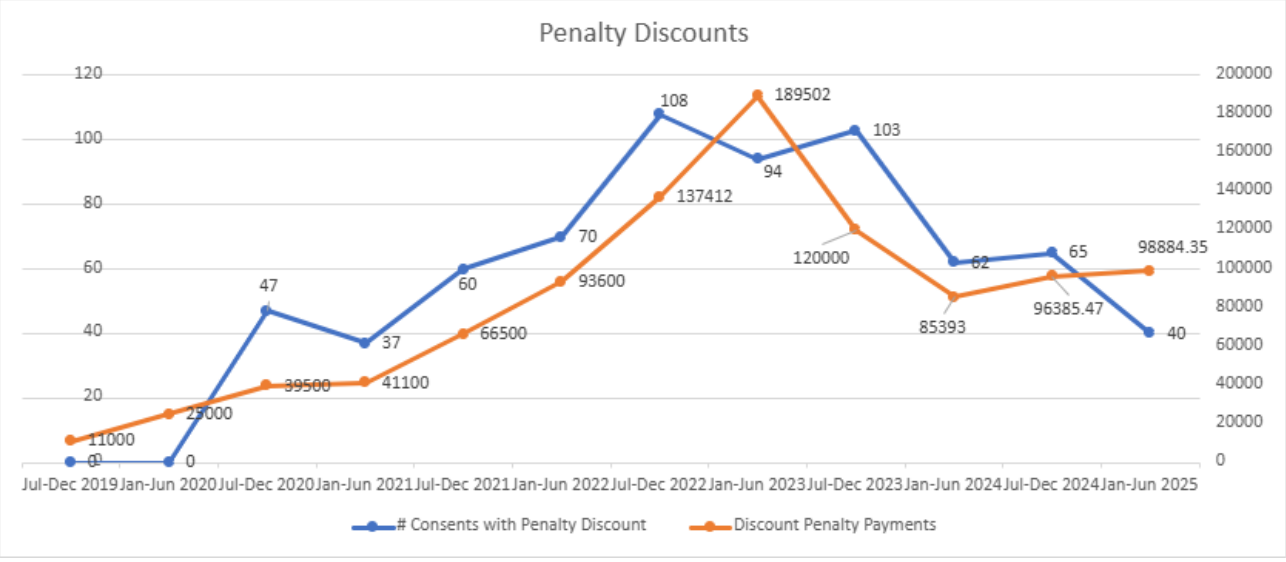
4.7 Section 7 of this report explains the current status of notified applications, hearings and appeals and the workload we have on for the next six months around these.

4.8 Over the years we have been seeing an increase in the number of applications in which we have been returning due to them being incomplete. During this period, we returned 20 consent applications. This is due to the applicant/agent not supplying Council with enough information, as per the criteria set out in the RMA, to commence processing the application.

4.9 In addition to final applications being lodged with Council we have also received 29 pre-applications this reporting period. These are enquiries that require more review than a duty planning enquiry and need wider Council input. Consent planners collate this feedback and respond with this, before a final application is lodged.

4.10 During this period, we have issued 39 section 224 certificates under the RMA. These are certificates that mean subdivision conditions have been complied with, and the consent holder can obtain new Record of Titles for their new lots. The 39 certificates totalled 103 new allotments being created in Tasman over the last six months. In comparison we signed off 192 new lots in the previous six months.

Table 3: Discount Penalty Payments



4.11 Table 3 shows in general a reduction in the number of consents we have had to pay discount penalties, but the amount of discount has increased slightly. However, in saying this overall, for the 2024/25 financial year the discount penalties have reduced, compared to the previous financial year.

4.12 Of the 40 consents that received a discount penalty this reporting period, 22 of these were bundled consents (i.e. across district and regional council consents). Nine of the 40 were a 30% or above discount, but on average the discount percentage was 18%.

4.13 Even though this reporting period there has been a slight increase compared to the previous reporting period there are a number of reasons for this:

4.13.1 Allocating and finding experienced planners to process is still one of the most difficult tasks and has been for a number of years.

4.13.2 Fewer senior planners has led to a shortage and ultimately delays in peer reviewing letters/decisions that are sent out. This peer review work is required for quality purposes to ensure a robust decision-making process.

4.13.3 Complex applications and issues, including consent conditions and affected parties.

4.13.4 To ensure we make informed decisions we rely on a number of internal staff to comment on resource consent applications. However, due to staff outside the consenting team having other workload deadlines these comments can be delayed. As a result, this impacts the statutory timeframes.

4.13.5 Multiple/bundled consents being processed at once with many overlays (i.e. hazards, contaminated soils, coastal, wetlands, highly productive land).

4.13.6 Staff turnover and handing over consents to new processing planners. Not only Council but this also happens where the applicant's consultant changes part way through a consenting process, which adds more time/cost to the consent.

4.13.7 Managing contract planners and ensuring overall consistency across decision making.

4.13.8 Managing and interpreting National Policy Statements (NPS's) and National Environmental Standards (NES's), and at times being seen as the knowledge-holders for some of the consultant planners that are lodging resource consent applications on behalf of applicants.

4.13.9 Finally, the wider Council demands on our team to contribute to outside the core processing time for a resource consent.

4.14 Some of these consents started before this reporting period but were issued during this reporting period.

4.15 The team down five consent planners at one point, and as a consequence the unallocated consents list at the time of writing had crept back up to 48 from 24 this time last year.

4.16 Over and above our consenting work we also provide internal technical support and liaise with the Environmental Policy and the Strategic Policy team, including evaluating national direction documents. We have committed to providing resource and technical knowledge where we can, to assist with responses to draft national legislation, policies, standards, planning frameworks, plus plan changes/growth plans. Our consent planners are on the front line and have important contributions to make on how rules do or don't work.

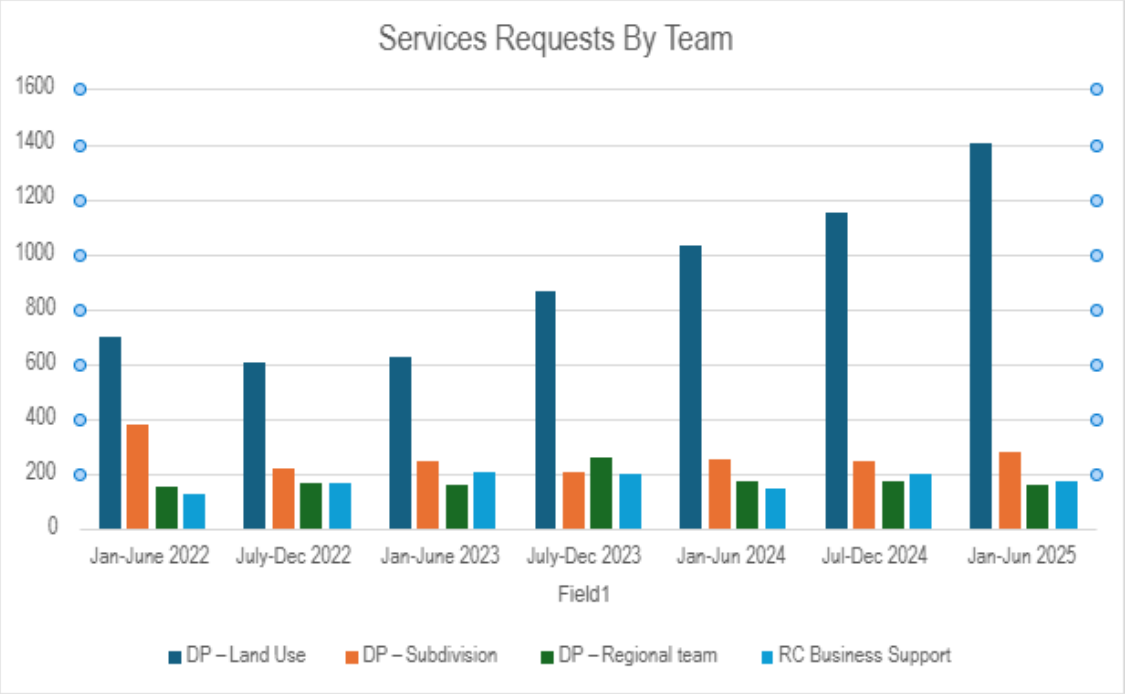
4.17 Resource Consents has operated within its budget for the 2024/25 year. However for the 2025/26 year there is a risk that unpredictable could impact the budget. This relates to appeals and also the uncertainty over the extent of notified consents (which can be costly for us).

5. Public enquiries (service requests and LGOIMAs)

5.1 The overall number of public enquiries we have completed through the service request system has remained steady over the last 12 months. There was a notable increase of an additional 251 service requests in enquiries to respond to in the land use consents team. Overall, this team has been trending up and up over the past three years.

5.2 Over the last three reporting periods the total number of service requests have steadily increased around 600 service requests a year (refer to table 4).

Table 4: Service Requests Completed



5.3 As of August 2025, the open service request enquiries across the resource consent section are at 71. Given our reduced staff level, especially in the land use consents team it has been a challenge to reduce this overall number.

5.4 We need to be very mindful that consent planners need to prioritise consent processing, as these are guided by statutory timeframes, and face penalties if they are missed.

5.5 During this reporting period we responded to 32 LGOIMA requests in resource consents to provide information on.

6. LIMs and Property Information (LPI) team

6.1 The Land Information Memorandum (LIM) and Property Information Team was established following an independent audit in 2023, which recommended the formation of a dedicated team. Establishing the team within the resource consent section reflects the extent of cross over work that consents do with the processing of a LIM. This section understands the importance of statutory clocks and having accurate information to deliver a quality service.

6.2 This change was driven by the need to strengthen statutory compliance, improve service delivery, and reduce organisational risk associated with LIM processing and property information management.

6.3 A LIM is an official report prepared by Council that provides all known information about a property. It includes details such as building and resource consents, zoning, natural hazards, service connections, and other relevant information held by Council. A LIM helps property owners and potential buyers make informed decisions by giving a clear picture of any risks, restrictions, or approvals relating to the land and buildings.

Why the team was established:

6.4 Audit Findings: A 2023 LIM audit identified risks in the application of legislation, inconsistent processes, and a lack of clear accountability. A dedicated team was recommended to address these issues.

6.5 Increased Demand: LIM application volumes have increased significantly—up 30% in the first half of 2024/25 compared to the same period in 2023/24—and are expected to remain high due to increased insurance, lending, and natural hazard information requirements.

6.6 Operational Risk: Risks were identified in property information management, including reliance on key individuals, data accuracy and structure (e.g. valuation splits from subdivisions), and limited digitisation.

The team is responsible for:

6.7 Preparing and issuing compliant, timely, and high-quality LIMs,

6.8 Maintaining and managing property-related data including valuation records, addressing, and subdivision tracking (proper properties),

6.9 Supporting process improvements and system enhancements across LIM and property data functions,

6.10 Driving data quality, accessibility, and digitisation to ensure robust information management,

6.11 Providing support and expertise on property information queries and related matters.

Working with other Council teams:

6.12 Contributor comments - the long-term aim is to digitise processes and reduce manual commenting by contributors. However, in the short to medium-term contributor commenting will be required, and there will always be a requirement for expert advice from teams as needed. Contributing teams will have an ongoing obligation to ensure data for LIMs is accurate, accessible and any standardised comments are current and correct.

6.13 Property file requests - Customer services will continue to prepare property files, however, work done by the LPI team will reduce risk and improve efficiencies with the eventual aim to digitise the process.

6.14 This team is also not working in isolation, and we are talking with other Councils. During this reporting period (while we were still setting up this team) key LIM officers from Nelson City, Marlborough District and Tasman District met. This session went through a number of lessons learnt, process manuals, legislative changes and how we can support each other as we navigate ensuring accurate and legal LIMs are provided. This combined effort is continuing.

6.15 This dedicated team of five ensures Council meets its legal obligations, strengthens service consistency and resilience, and is well-positioned to support future growth and regulatory changes. The team also contributes to broader organisational goals, including increased efficiency, reduced risk, and enhanced customer experience.

6.16 The graph in Table 5 below shows over the past five years the number of LIMs received. It is clear that during the end of last year and the last six months there has been an increase.

Table 5: LIMs received last 5 financial years

Table 6: LIMs received and issued

LIMs Received History

Number of LIMs received per month over the last 3 years

Month	2023	2024	2025	2026
July		43	78	68
August	69	65	57	1
September	55	66	83	
October	69	65	100	
November	93	74	93	
December	55	44	61	
January	55	64	82	
February	64	91	95	
March	95	63	107	
April	54	61	93	
May	55	84	60	
June	52	57	69	
Total	**716**	**777**	**978**	**69**

LIMs Issued History

Number of LIMs issued per month over last 3 years

Month	2023	2024	2025	2026
July		47	70	64
August	53	57	56	5
September	53	64	75	
October	58	65	101	
November	91	62	102	
December	72	59	57	
January	45	49	72	
February	68	80	91	
March	85	72	110	
April	62	67	93	
May	59	76	71	
June	38	59	59	
Total	**684**	**757**	**957**	**69**

7. Notified consents, Hearings, Appeals

7.1 During this reporting period we are still working on the same appeal and there have been two new appeals. This is outlined in Table 7 (below). We also have been working on a number of hearings that are being planned/booked or confirmed for the next six months. We have booked a number of hearings, but these could be subject to change. These are outlined in Tables 8 and 9.

Table 7: Appeals in progress

Application	Status
Application by **CJ Industries Limited** for gravel extraction at Peach Island, Motueka (RM200488 and others). ***Note: Environment Court.***	The Environment Court hearing took place over five days between 23 – 27 September 2024. On 26 June 2025, Judge Steven released an interim decision noting they were satisfied that the resource consents were able to be granted. However, they required a further set of conditions addressing relatively minor matters outlined therein. On 17 July 2025, a s274 party (Valley RAGE) filed a notice of appeal of the interim decision with the High Court. This is discussed separately below. On 28 July 2025, the appellant (CJs) issued a legal memorandum and new affidavit requesting the Court issue its final decision as soon as possible, following the recent flood events that had compounding effects on aggregate supply (river gravel supply paused and increasing demand for recovery work). On 1 August 2025, the final decision was issued, with resource consents granted. TDC was directed to reissue CJs with updated copies of the consents reflecting all the changes made in the courts decision with all relevant plans attached.
Application by **CJ Industries Limited** for gravel extraction at Peach Island, Motueka (RM200488 and others). ***Note: High Court.***	On 17 July 2025, following the issue of the Environment Court's interim decision, a s274 party (Valley Rage) appealed that decision to the High Court. This appeal concerns two errors of law in relation to interpretation and application of the National Policy Statement for Highly Productive Land (NPSHPL), and the Tasman Resource Management Plan (TRMP). The early indication from the Courts minute was that a hearing could take place 6 October 2025 or 3 November 2025. To clarify, the nature of this High Court hearing would be quite different to the previous Environment Court hearing and would be on points of law only (legal submissions) and without witnesses attending. In the meantime, we are currently reviewing the final decision from the Environment Court in terms of the NPSHPL and TRMP.
Application by **Chandrakirti Trust** to establish and operate a retreat centre at 262 Central Road South, Lower Moutere (RM210118). ***Note: Environment Court.***	A land use consent to establish and operate a retreat centre (as a community activity) with 12 dwellings in the Rural 1 and Rural 2 Zones. The application was limited notified 15 January 2024. Two submissions were received, both opposing the application, with only one wanting to be heard. The hearing was held and adjourned on 11 October 2024.

Application	Status
	The Commissioner decision to grant resource consent was issued on 26 June 2025 and an appeal was lodged by the submitter who was heard on 15 July 2025. Judge Hassan has since directed that all parties confer and file a joint memorandum by 15 August 2025 setting out a list of the issues and confirming whether the parties seek mediation and/or time to undertake informal discussions.

Table 8: Hearings in Progress or Confirmed

Application	Status
Application by **Mapua Community Boat Ramp Trust**, for a new boat ramp and community building at Tahi Street, Mapua (RM230253 and others)	The construction and operation of a new boat ramp within the coastal marine area and foreshore, with access from the Māpua Waterfront Park and associated consents for access and parking on the western side of Tahi Street, signage, stormwater discharge and earthworks. The application was publicly notified on 24 January 2024 and submissions closed on 26 February 2024. A total of 329 submissions were received, with 30% opposed. Originally 88 submitters wanted to be heard, that subsequently reduced to 50. The application was suspended at the request of the applicant so they could address some of the matters raised in the submissions prior to the hearing. A hearing was held by Commissioners on 25-27 November and 9-10 December 2024, during which the applicant and 50 submitters were heard plus technical experts. Following the receipt of the applicant's right of reply on 27 June 2025, the Commissioners formally closed the hearing on 17 July 2025, and a decision is expected by late August.
Application by **Adcock Properties Ltd**, to cancel and change conditions of consent RM100848 authorising the establishment and operation of the Motorsport Park (Kohatu Park) in the Rural 2 Zone, at Motueka Valley Highway, Tapawera (RM100848V1)	Resource consent was granted in June 2012 for the Kohatu Motorsport Park. This consent went through a notification process and hearing that resulted in a consent being granted with a number of conditions. This consent was subsequently appealed by some submitters to the Environment Court and a consent order was issued on 20 March 2014 that altered some of the original conditions. The applicant is now proposing to cancel and change a number of conditions. The application was limited notified on 3 December 2024 and submissions closed on 22 January 2025. A total of four submissions were received, all opposing some or all aspects, and all wanting to be heard.

Application	Status
	The hearing was held across two half-days on 17 and 27 June 2025 and has been adjourned pending further information from various parties and is due by the end of August 2025. Because of the recent flooding events, the Commissioner has given the parties an additional month to complete the tasks above. Once complete, it is expected that the Commissioner will be able to deliberate so will then formally close the hearing and work on the decision. The council's recommendation was to grant the variation, subject to refinements of the changes sought to the conditions by the applicant.
Application by **Gion Deplazes and Heidrun Berl**, to subdivide and develop 31 Greenhill Road, Ngatimoti (RM240006 and RM240007)	A combined subdivision and land use consent to create four new allotments, construct generic dwellings on three of them that breach internal and road boundary setbacks, and to waive an esplanade reserve requirement along an unnamed stream, in the Rural 1 and Rural 2 Zones. The application was limited-notified on 14 January 2025 and submissions closed on 12 February 2025. A total of three submissions were received, all opposing and wanting to be heard. The hearing was held on 18 July 2025 and has been adjourned pending further information from the applicant (right of reply). On 1 August 2025, the applicant provided their right of reply, which is currently being vetted by the Commissioner. If satisfactory, it is expected that the Commissioner will in a position to deliberate, so will then formally close the hearing and work on the decision. The recommendation of the Council's reporting officers was to grant consent, subject to conditions of consent.
Application by **D Tipple & T Tipple & M Tipple**, for a private deck and stairs in the road reserve and 38 Kaiteriteri-Sandy Bay Road, Kaiteriteri (RM240000)	Retrospective land use consent for a private deck and stairs that have been constructed partially on the coastline road reserve, breaching boundary setbacks, and located in the Coastal Environment Area (CEA). The application was publicly notified on 27 November 2024, and submissions closed 29 January 2025. A total of 14 submissions were received, all opposing, with six wanting to be heard. Scheduling a hearing has been delayed firstly by some parties being away, and secondly by a need to review the Geotechnical advice following the heavy rain events in recent weeks. A hearing date is expected to be set soon.
Application by **Tasman Bay Estates Limited**, for a comprehensive rural residential development at 77 Mamaku Road, Tasman	A bundled application for subdivision consent, land use consents and discharge permits under the TRMP; and soil disturbance under the NESCS; to create 58 rural lifestyle lots with generic dwellings and roads to vest, including associated site works and installation of infrastructure, in the Rural 3 zone.

Application	Status
(RM240241 and Ors)	The application was limited-notified to 40 neighbouring landowners/ occupiers and iwi on 1 April 2025 and submissions closed on 6 May 2025. A total of 18 submissions were received, one is neutral, 17 are opposed, with 13 wanting to be heard. Arrangements are being made for a hearing scheduled for 20-22 October 2025. A hearing panel comprising two independent hearing commissioners has been appointed.

Table 9: Hearings to be booked

Application	Status
Application by **Ruru Building Ltd**, for a tiny home factory at 54 Green Lane, Motueka (RM210785 and others)	The establishment and operation of a tiny home building factory under the northern flight approach to and breaching the obstacle limitation surface for the Motueka Aerodrome and on Rural 1 productive land. The application was publicly notified on 19 April 2024 and submissions closed on 19 May 2024. A total of 208 submissions were received, with 55 wanting to be heard. These applications are effectively on-hold while waiting for the Applicant to confirm they wish to proceed to a hearing, and pay the base deposit fee before the necessary arrangements can be made in that regard.
Application by **Te Koi Holdings Ltd**, for a subdivision to create three allotments at 133 Bronte Road East, Upper Moutere (RM220699 and Ors)	Combined subdivision and land use consent to create three new allotments, construct generic dwellings on two of them that breach internal boundary setbacks within the Coastal Environment Area, including associated discharge permits for stormwater and treated domestic wastewater, in the Rural 3 Zone. The application was limited-notified to one neighbouring landowner/occupier on 20 December 2024. The submission period closed on 10 February 2025. One submission was received in opposition from the notified person. The applicant was unable to reach agreement with the submitter and decided to withdraw their application in March 2025.
Application by **Far North Solar Farm Limited** to establish and operate a solar farm at 1924 Korere-Tophouse Road, Kikiwa (RM240348 and Ors)	A bundled application for land use and subdivision (boundary adjustment) consents to establish and operate a 120-megawatt solar farm in the Rural 2 zone, comprising approx. 200,000 photovoltaic panels, a laydown area, a medium voltage room, and 26 inverters, covering an area of approx. 139 hectares. The renewable energy will be fed into Transpower's adjoining Kikiwa Substation. The staff notification report and subsequent decision was that the application should proceed on a limited notified basis, because there were affected people who hadn't provided their written approval to the proposed activity.

Application	Status
	The applicant has confirmed they wish to proceed with their application through the notification process. However, we are waiting for the payment of the base deposit fee before notice of the application can be served on the affected persons and the submission period is opened.
Application by **Andrew & Jane Dixon (Mussel Inn)** at 1261 Takaka-Collingwood Highway, Takaka (RM190508 and Ors)	A retrospective land use consent to operate a cafe, brewery, and visitor accommodation in the Rural Residential Zone; and for unsealed and unmarked car parking, access with a reduced sight distance, and erection of a sign in the Rural 2 Zone. The application was limited-notified to the owners/occupiers of one neighbouring property on 30 June 2025 and submissions closed on 28 July 2025. One submission was received in opposition from the notified people, and they are wanting to be heard.

8. Water permit applications and objections

8.1 **Tākaka (Water Management) Zone**: Regarding the seven applications for new irrigation use, these continue to be on-hold, subject to the provisions of the Te Puna Waiora o Te Waikoropupū Springs and Wharepapa Arthur Marble Aquifer Water Conservation Order (WCO) and the NES Freshwater.

8.2 **Waimea (water management) Zone**: The Waimea East Irrigation Company (WEICo) (s357) objection to decisions RM170207 - RM170208 has been resolved without need for a hearing.

Outstanding Waimea objections (s.357) are as follows:

- Consents staff understand Redwood Valley Irrigators (RVI) and Waimea Irrigators Limited (WIL) are continuing to discuss the conditions of the Irrigation (Scheme) Shareholder Water Augmentation Agreement (ISWAA) and positive progress is being made. Council staff are regularly in contact with RVI and WIL; and
- Relating to one applicant, there is one outstanding complex (Reservoir Zone) objection relating to an affiliated consent (and three related objections to damming, excavation of gravel seepage holes etc) in this Waimea zone of benefit (S124 applies); and
- One outstanding complex (Waimea West Zone) objection relating to an unaffiliated consent.

Twelve applications relating to a joint allocation sharing framework (involving multiple affiliated permits & holders and one unaffiliated permit holder) are on hold pending the results of a current review of Councils Tasman Resource Management Plan (TRMP) support for allocation sharing, now the Waimea Community Dam is fully operational.

8.3 **Redwood Zone**: Five objections relating to the TRMP rezoning of the zone of benefit (for the Waimea Dam) are still outstanding. Their argument about the change to the water zoning is considered by Council staff to be outside the scope of the consenting process. However, while the objections have not been withdrawn, consent staff understand none of the Objectors want to take this issue to a hearing.

8.4 **Upper Motueka**: Two objections relating to the 2017 bona fide assessments, which reduced the water allocations in the replacement consents, are yet to be resolved. These objections are top priority for action following the current irrigation/harvesting season.

8.5 It is noted that consent holders who have unresolved Objections on their replacement water consents can continue to operate in accordance with the provisions of their old consents as allowed under section 124 of the RMA.

9. Partnering with Iwi

9.1 Our process of sending the list of applications received weekly out to iwi has changed whereby now they have access to the live list on our website. If an iwi would like a copy of an application to review then they can request this and is provided that day or the following.

9.2 We have finalised an iwi protocol with Ngāti Rarua to provide clarity on the consenting process from end to end. The purpose of this protocol is to align with the Te Tauihu Partnership Agreement. The protocol outlines the consenting process and key timeframes. The protocol ensures consistency across Council consent planners and iwi.

9.3 As consenting matters arise, we discuss these with the Councils Kaihautū team and we meet regularly on a monthly basis to ensure consistency and understanding across all areas. In addition to this the consent planners meet internally weekly, if there are items/sites/consents to discuss, to ensure consistency as well.

9.4 Consenting staff have also been working with Ngāti Kuia and Council Planners/Policy Planners from Tasman, Nelson and Marlborough to produce an iwi environmental management plan.

10. Current staffing, contractors, workload

10.1 As was for the last six monthly report the resource consent section is still advertising for staff, working with recruitment agencies, and accessing our networks to find and employ experienced planning staff.

1.11 Since the last reporting period we have had four consent planner resignations, leaving for different reasons; travelling overseas, moving to a larger city, changing careers and one taking up a role in consultancy. Additionally, we had one person retire who had been at Council for 45 years. However, on the flipside, during this reporting period we successfully recruited three consent planners (and a fourth to start in September) and also a Development Engineering Officer. As of August 2025, we still have two vacancies for consent planners, one in each of the subdivision and land use teams.

10.2 Once again, this reporting period we have seen an improvement in the cost of using external contractors to process consents. We are continually working hard to secure contractors that can add value to our processing and are affordable in the context of Council charge rates.

11. Government Initiatives update – Consents focused

11.1 The Resource Management (Consenting and Other System Changes) Amendment Bill (Bill) is a key component of second phase of the Governments reforms of the Resource Management Act 1991 (RMA). The Environment Select Committee Report on the Bill was presented on 11 June 2025 and had its third reading in the house on 14 August. It is likely that this will get royal assent in the next few weeks.

11.2 Staff are examining the changes and how we implement it, however some key changes we are seeing to the business include the following:

11.2.1 Somewhat simpler consenting for new infrastructure and ongoing aquaculture operations.

11.2.2 Ability to return incomplete applications. Councils can return applications if requested information isn't provided within 3 months.

11.2.3 Stricter criteria for requesting further information: Councils must assess whether the information is necessary and proportionate.

11.2.4 Draft conditions review: Applicants can request draft consent conditions before a decision is made. Noted we do this already.

11.2.5 Natural Hazards and Emergency Provisions New section 106A. Councils can refuse, or condition land use consents based on natural hazard risk. Infrastructure and primary production activities are exempt from some natural hazard provisions.

11.2.6 New powers post emergency to allow for longer term recovery.

12. Process improvement work

12.1 In some areas, the section has received support from other Council teams to identify where we need assistance in implementing process improvements. This is an ongoing project, and we will continue working on it while ensuring that all Council teams with interdependencies on the consents section understand how their prioritisation decisions affect the consenting process.

12.2 During this reporting period and into the next 6-12 months we have been and are working on particular process improvements. Examples are outlined in Table 10.

12.3 The team contributes to the building assurance newsletter and uses this platform to update the building industry on relevant matters. In addition, we have continued a regular update email to key contractors and consultants to give them updates and invite feedback through this channel. We are sending out a quarterly newsletter with the next one due end of August.

12.4 We are gradually developing better tools and guidelines to share with the community so that they benefit from the service we provide. Developing key contact points for consistency is crucial and we are continuing to work with the customer services team and information teams on this. One area of improvement is bringing back some face to face duty planning from the Takaka office.

12.5 Overall, we are working through a good programme of process improvements which will ultimately improve the way we do things and enhance the customer experience with our team.

Table 10: Types of improvements and progress

Type/Purpose	Progress
Circulation Workflow Tool/Platform Circulating resource consents in a more efficient and effective way around departments for comments.	Over this period we have not made as much progress as we would have liked with the circulation tool *ReCon*. The Information Services team supporting us has been stretched with the Harakeke/CRM project. Testing the tool has not been completed as we hoped during this period but we are working on a plan to make progress over the next 3-6 months with this. We do not have a live date for this tool. Ultimately this tool is about improving the timeframes and information transparency when contributors across Council comment on a resource consent. There are 13 areas that can be asked to comment on resource consents.
Contractors Reviewing our contracts and scope of services details to be consistent across all contracts.	We currently have several contractors across our three consenting teams assisting with processing resource consents. The scope of services of these contracts is being reviewed and we will be progressing through a procurement process.
Process Mapping Commencing an overview of our current processes and mapping how and why we do things the way we do.	Resource consents have a number of processes with processes within processes on how we ensure a consistent way of processing a resource consent and a fair and reasonable decision outcome for all. We have finalised the mapping of these processes over this reporting period. We have identified the top priorities and the identified improvements where we need additional support to make it happen.
Management of costing disputes The purpose here is to improve how we manage any costing disputes.	As a resource consents section, we receive on average, one costing dispute per week. These can take up a lot of staff time and energy and if they are not attended to promptly, a backlog can build up very quickly. We manage these through a spreadsheet. We are always striving to improve the efficiencies and transparencies in this area for both Council staff and the consent holder/applicant. We successfully responded to and resolved all costing disputes up until end of June 2025. This was a big task to clear and we have now set in place key response targets and are managing this more adequately.

Timesheet Codes Developing a list of the timesheet codes for consenting jobs and also unchangeable productive work. Clear explanations of what codes to use and when.	We have never had one place which shows the list of timesheet codes we should be using and what for. This has meant each time a new member of staff is inducted we need to go through this and repeat ourselves each time, with the risk of not being consistent across the section. We are now in the final steps to finish this timesheet code document to ensure we have consistency across the section and therefore can manage where productivity is sitting and where it may need to be improved.

13. Attachments / Tuhinga tāpiri

Nil

7.4 WASTEWATER REPORT

Information Only - No Decision Required

Report To:	Environment and Regulatory Committee
Meeting Date:	28 August 2025
Report Author:	Shawn Waters, Compliance & Investigations Officer
Report Authorisers:	Carl Cheeseman, Team Leader - Monitoring and Enforcement
Report Number:	RRC25-08-4

1. Summary / Te Tuhinga Whakarāpoto

1.1 Over the 2024–2025 reporting period, Council's Compliance Department run its dedicated programme of monitoring for wastewater discharge activities across the Tasman District.

1.2 This involved routine monitoring of resource-consented wastewater discharges and permitted discharges subject to the Tasman Resource Management Plan (TRMP),where these were subject to complaint.

1.3 The compliance monitoring programme focuses on two key consented activity areas:

1.3.1 On-site Domestic Wastewater Management Systems (OWMS):

1.3.2 Municipal Wastewater Treatment Plants (WWTPs):

1.4 Monitoring included incoming data assessment, site visits, performance audits, and technical advice to stakeholders.

1.5 Consent holders were graded on their level of compliance with consent conditions using the standard compliance grading system.

1.6 Summary of outcomes for this year's monitoring:

1.6.1 Domestic OWMS Monitoring:

- Out of 865 consented OWMS, 615 were monitored
- 439 (72%) of those achieved full compliance
- 162 (26%) were graded as low-risk non-compliant
- 14 (2%) were moderately non-compliant
- No instances of significant non-compliance were recorded.

1.6.2 Municipal WWTP Monitoring:

- All eight WWTPs were monitored
- Two achieved full compliance
- Four recorded minor non-compliance
- Two recorded moderate non-compliance.

1.7 Regulatory and non-regulatory interventions were used to gain compliance where necessary, with no formal enforcement action required during the reporting period.

2. Recommendation/s / Ngā Tūtohunga

That the Environment and Regulatory Committee

1. receives the Wastewater Report RRC25-08-4.

3. Purpose of the Report

3.1 The purpose of this report is to present an overview of the activity occurring within the wastewater monitoring programme over the period 1 July 2024 to 30 June 2025.

3.2 The report covers consent holder performance over that period, compares it to the previous year's results and any commentary on issues and trends.

3.3 The report also touches on some of the issues facing the monitoring team overseeing this regulated community.

4. Introduction

Wastewater Regulatory Framework in Tasman District

4.1 The Council imposes restrictions on the discharge of domestic wastewater through rules in the TRMP.

4.2 The Council also identifies within its rules and planning maps, areas where there are additional regulatory requirements for discharges from on-site treatment and disposal systems for domestic wastewater. These are identified as Special Domestic Wastewater Disposal Areas and Wastewater Management Areas.

4.3 Resource consent will be required where permitted activity rules cannot be met or within these special wastewater management areas.

4.4 These resource consents typically have a range of conditions around treatment discharge quality, setbacks, system maintenance and reporting obligations.

4.5 Active compliance monitoring is considered crucial to ensure systems are being adequately maintained, meet required discharge standards and minimise environmental impacts.

5. Programme Structure

5.1 The compliance team runs a dedicated compliance monitoring programme for the purpose of administering wastewater consent activity as well as complaint and incident response.

5.2 The programme can be essentially broken out into two areas of strategic focus: domestic onsite wastewater disposal and reticulated (community) wastewater disposal.

5.3 The current programme of work is as follows:

Consent Monitoring

5.3.1 Domestic On-Site Wastewater Systems (OWMS)

5.3.1.1 Approximately 5,200 households operate on-site systems, but most are permitted activity and outside the monitoring programme unless subject to complaint.

5.3.1.2 865 are consented and subject to monitoring.

5.3.1.3 Monitoring functions include:

- Assessment of service and sampling reports
- Reminders and follow-ups for overdue reporting
- Laboratory result reviews and re-testing requests
- Site visits and investigations for failing systems
- Compliance response using a graded framework (Grades 1–4).

5.3.2 Municipal Wastewater Treatment Plants (WWTPs)

5.3.2.1 Eight community WWTPs treat wastewater from approximately 15,500 residential property connections via 366 km of reticulation network.

5.3.2.2 Although the network activity is outside the resource consenting framework, any discharges to the environment from this network are subject to the provisions of the Resource Management Act (RMA).

5.3.2.3 The discharges from the treatment plants require resource consent and a large suite of consents and conditions exist for each plant specific to that location and discharge point.

5.3.2.4 Monitoring functions include:

- Audit of quarterly and annual performance reports
- Site inspections (routine and ad hoc)
- Incident response and follow-up
- Formal engagement with plant operators
- Compliance response using a graded framework (Grades 1–4).

Incidents and Complaints Service

5.4 Discharge of untreated domestic wastewater is prohibited.

5.5 Discharges from any on site domestic system are normally detected as a result of public complaint or water monitoring programmes and are investigated upon receipt.

5.6 The occurrence of any dry or wet weather overflow discharge from a reticulated system must rely on the protections afforded in the Resource Management Act (RMA) or be otherwise unlawful.

5.7 The circumstances of the discharge and the actions by the Network utility operator to remedy and or mitigate will be assessed against these provisions.

5.8 Compliance monitoring functions for incidents and complaints include:

5.8.1 Site inspections and fact gathering

5.8.2 Determine an outcome based on the information gathered.

5.8.3 Use of the spectrum of enforcement options to resolve matters in accordance with Councils enforcement polices and guidelines

5.8.4 Ensure reporting of incidents is communicated with the relevant departments and/or external parties.

5.9 For network overflows formal engagement with Councils Community Infrastructure group to ensure works are completed in accordance with protocols and obligations controlled by the Act.

6. 2024-2025 Monitoring Results

Domestic OWMS Compliance

6.1 Compliance performance breakdown of the 615 monitored systems:

- Grade 1 (Full Compliance): 439 (72%)
- Grade 2 (Low Risk Non-Compliance): 162 (26%)
- Grade 3 (Moderate Non-Compliance): 14 (2%)
- Grade 4 (Significant Non-Compliance): 0

6.2 The following graphs display this year's results against the previous two years.

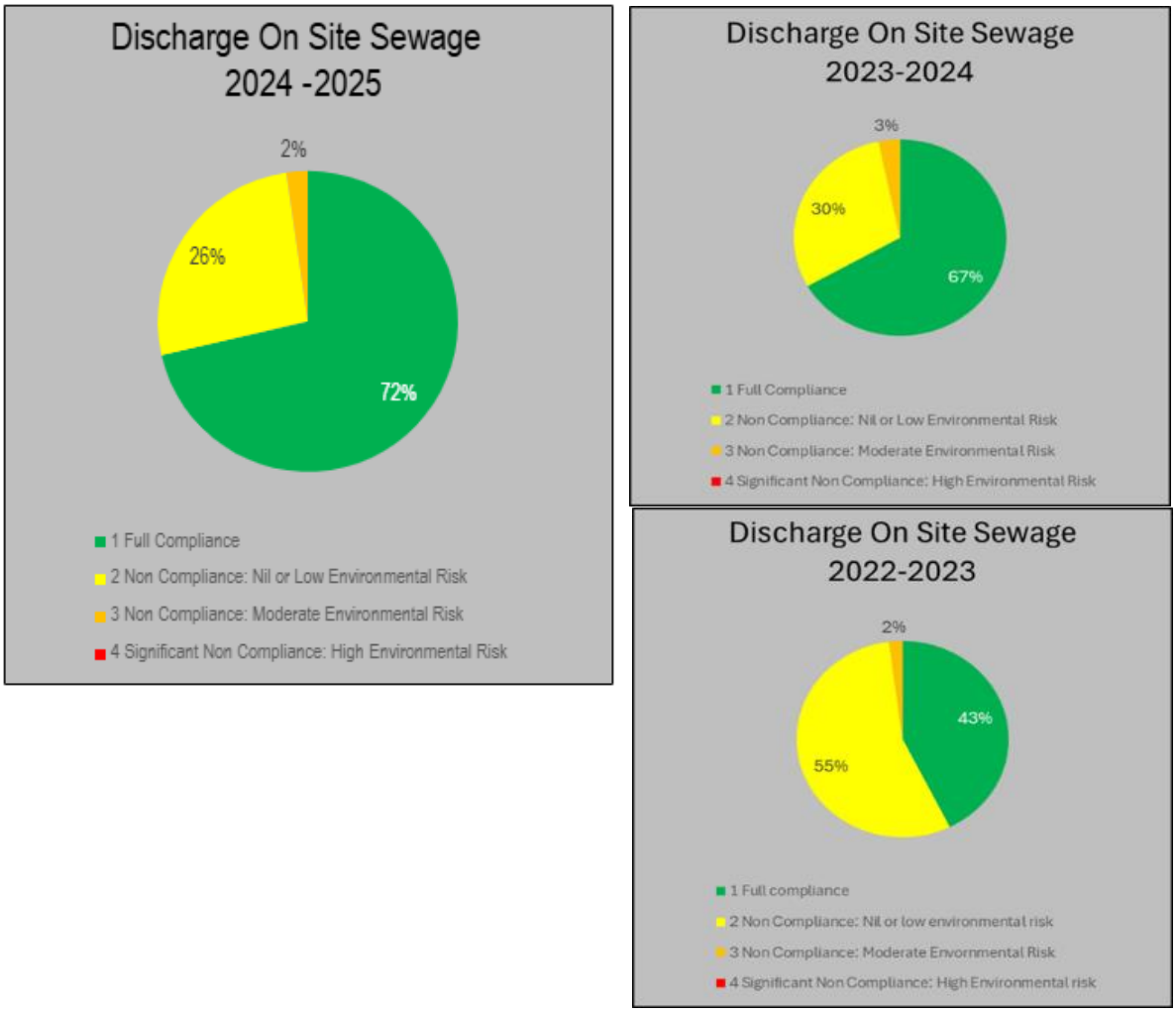


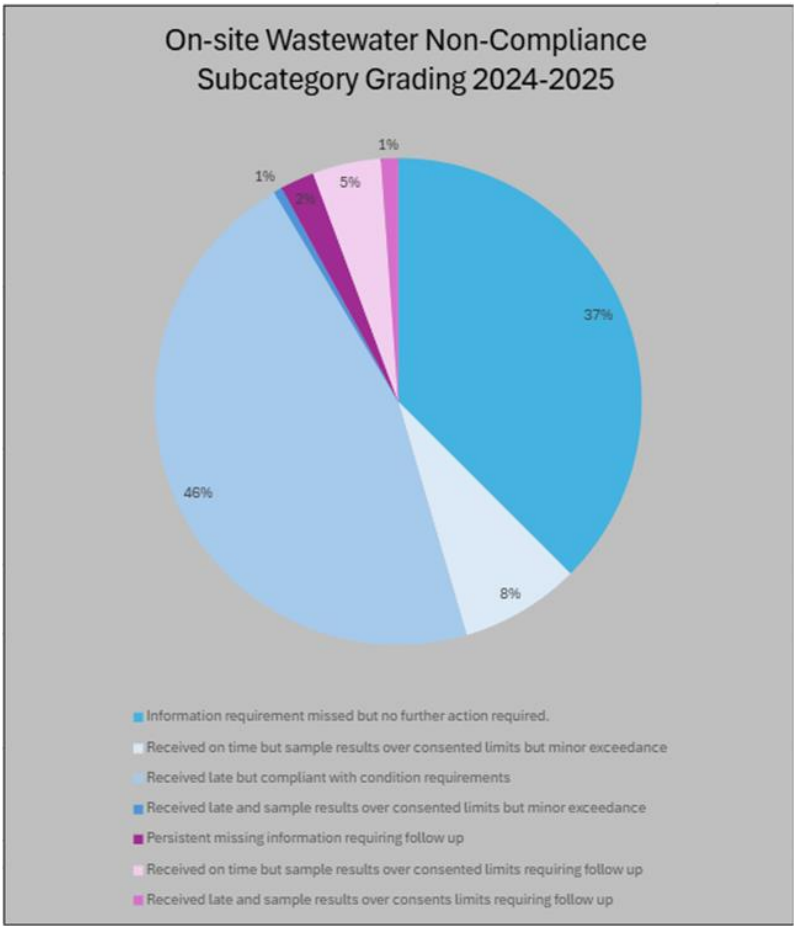
Figure 1: 2024-2025 consent compliance for domestic on-site wastewater treatment systems in comparison to previous two years.

6.3 From this comparison of data there is a year-on-year improvement in compliance levels. This can be attributed to behavioural change among consent holders and is considered to

be as a result of increased active engagement and education by compliance staff in recent years.

6.4 Despite this positive story, non-compliance is still evident in this sector. To understand what lies beneath this and design further strategies, a matrix was introduced two years ago, to better separate non-compliance, and identify behaviour patterns.

6.5 The following graphs (Figure 2) display this year's non-compliance as subclasses against last years.



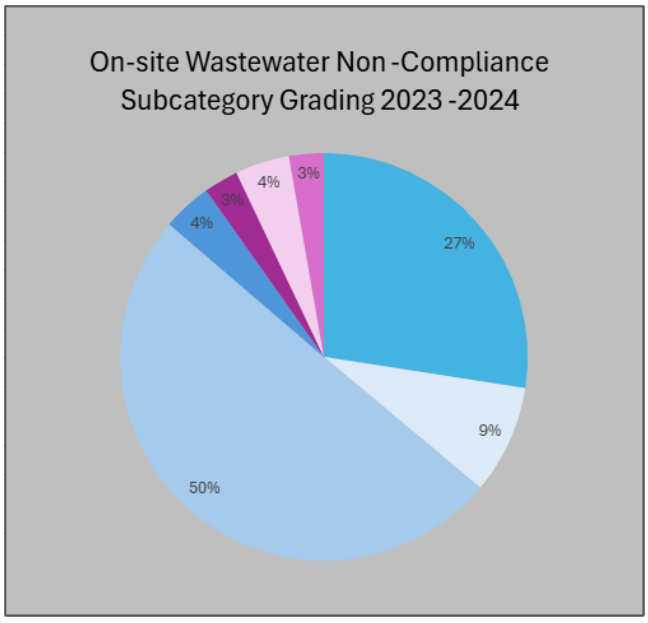


Figure 2: 2024-2025 On-site wastewater non-compliant subcategory grading in comparison to last year.

6.6 The data shows the most frequent issue underpinning non-compliance remains late reporting despite the system testing being compliant with conditions.

6.7 The next biggest area is the missed Information that has grown by 10%.

6.8 This is information that should have been supplied but was missed by the servicing agent at the time additional information was supplied to Council, i.e. Council received a service on the system but there was a requirement to supply a sample as well. Generally, officers would then request this missing information which would then be sent to us at a later date.

6.9 With consent holder compliance improving, greater focus will turn to the smaller population of consents holder sin the purple shaded sectors. These are the moderate non-compliance grades. These are the consent holders where the enforcement response will move from the engagement and education to more formal enforcement given the drag.

6.10 Given the compliance approach has remained in the non-regulatory response no infringement notices or abatement notices were issued in 2024 – 2025.

WWTP Compliance Results

6.11 All eight (8) of the wastewater treatment plants in the Tasman district hold a suite of resource consents for the discharge of treated wastewater and associated activities

6.12 Receiving environments for these WWTP's are varied. The largest, Bells Island and Motueka, are to coastal water via outfalls, with the other that discharges to water being Collingwood. All other plants discharge to land through dispersal systems

6.13 The Community Infrastructure group as consent holder is required to undertake an extensive range of real time and staged monitoring and report this in quarterly and annual summary reports. These reports are submitted to the compliance team as a consent requirement

6.14 . The compliance monitoring strategy is set around

- assessment of reports
- follow-up of any outstanding data and issues
- database updating
- programmed and ad-hoc site monitoring
- formal meetings with consent holder
- receipt and follow up of incident notifications under section 330 of the RMA

6.15 For these resource consents the standard compliance grading is utilised. The overall compliance grade assigned for each Resource Consent is derived from the worst compliance grade.

6.16 The following table summarises the results of the reporting year.

WWTP	Grade	Key Issues
Bell Island	3 – moderate	Odour complaints Emergency pumping event under s330 RMA

WWTP	Grade	Key Issues
Collingwood	2 – minor	Low UV closing due to solids load in UV treatment
Tākaka	2 – minor	Elevated *E.coli* samples identified during testing
Upper Tākaka	1 – minor	All conditions met
Motueka	3 – moderate	Emergency pumping event under s330 RMA
Tapawera	2 – minor	Elevated *E.coli* samples identified in bore sampling
St Arnaud	1 – full	All conditions met
Murchison	2 – minor	Elevated E.coli in upstream bores (attributed to farming practices in the area)

Table 1: Compliance gradings for Councils WWTP for year 2024-2025.

6.17 The Grade 3 non-compliance relating to the WWTP in Motueka and Bell Island and the Grade 2 for Collingwood and Tapawera were as a result of storm events impacting on the system.

6.18 The other non-compliance for Murchison and Tākaka were ground water testing non-compliances and were anomalies with no confirmed direct corelation to the WWTP.

6.19 These matters were reported to compliance at the time and are also captured in the annual reports for each system as a consent obligation. These reports are public documents.

6.20 While each matter was assessed no formal enforcement action resulted following investigation.

6.21 The technical standards within the proposed national wastewater environmental performance standards are expected to have a direct bearing on this landscape and the monitoring programme in future.

Dry and Wet Weather Overflows

6.22 Twenty seven (27) overflow events were reported and assessed across the year.

6.23 Twelve (12) of these were due to wet weather inundations during storm events.

6.24 In wet weather events, although only one reporting event is created, there may be more than one discharge breakout point in the system or systems depending on the severity of the weather event. These incidents are normally packaged into the one report that is received.

6.25 Fifteen (15) were dry weather system failures. These were pump or other network infrastructure breakdowns from varying causes such as blockages or breaks.

6.26 All of the circumstances surrounding these uncontrolled discharges were assessed and tested against the under RMA provisions.

6.27 No offences were identified.

7. Conclusion

7.1 The 2024/2025 year saw Council monitor 71% of all domestic on-site wastewater consents with marked improvements in compliance

7.2 This reflects the effort that has been put into engaging with this community and driving a need for behaviour change.

7.3 A challenge still exists in turning around those consent holders that miss their reporting obligations despite their systems being managed properly and having no likely adverse environmental effects. These consent holders currently drag down the overall compliance and work will need to be continued to improve their and their agent behaviour towards this aspect.

7.4 Continued relationship building with wastewater operators is also key in continuing to improve both monitoring and reporting results given their part in this sector.

7.5 Although minor and moderate non-compliance was recorded and required follow up this was a small percentage of the sector.

7.6 At this point in time all issues were managed without need for stronger enforcement at this stage. This may change in the future as we strive to lift the overall compliance outcomes and strategic enforcement responses will be essential to continue improving environmental outcomes in future years.

7.7 Strategic enforcement responses will be essential to continue improving environmental outcomes in future years

7.8 The community wastewater systems rarely meet all compliance conditions for varying reasons. The compliance department continues to monitor these against conditions and assess each breach based on the circumstances.

7.9 The technical standards within the proposed national wastewater environmental performance standards are expected to have a direct bearing on this landscape and the monitoring programme in future.

8. Attachments / Tuhinga tāpiri

Nil

7.5 DOG CONTROL ACT SECTION 10A REPORT

Information Only - No Decision Required

Report To:	Environment and Regulatory Committee
Meeting Date:	28 August 2025
Report Author:	Shannon Green, Team Leader - Regulatory Support
Report Authorisers:	Shane Bruyns, Regulatory Manager
Report Number:	RRC25-08-5

1. Summary / Te Tuhinga Whakarāpoto

1.1 The Dog Control Act 1996 (DCA), Section 10A, requires territorial authorities to publicly report on their dog control policies and practices for each financial year. This report provides the information required under the DCA for the period from 1 July 2024 to 30 June 2025. In accordance with the DCA, a copy of this report must be made publicly available once it has been adopted.

1.2 The number of registered dogs has continued to rise in urban areas, while declining in rural areas.

1.3 No new individuals were disqualified from dog ownership or classified as probationary owners during the reporting period.

1.4 The number of complaints received increased by 14 compared to the previous year.

2. Recommendation/s / Ngā Tūtohunga

That the Environment and Regulatory Committee

1. receives the Dog Control Act Section 10a Report RRC25-08-5.

3. Purpose of the Report

3.1 This report constitutes the annual report that the Council is required to prepare in administering its obligations under the DCA.

4. Background and Discussion

4.1 The Dog Control Bylaw and Policy 2024 was approved on 11 December 2024 and became effective 31 March 2025

4.2 The objectives of the Dog Control Policy are:

4.2.1 To educate and assist owners to act responsibly with their dogs and ensure their dogs are given proper care, shelter, and sustenance as determined by the Act.

4.2.2 To minimise any danger, distress, and nuisance to the community generally.

4.2.3 To avoid the inherent danger in allowing dogs to have uncontrolled access to public places frequented by children.

4.2.4 To provide a safe environment for the public to use streets and public amenities without unwanted interactions with dogs.

4.2.5 To have regard to the exercise and recreational needs of dogs and their owners.

4.2.6 To identify required means of dog control in all public places.

4.2.7 To minimise risks to the welfare of wildlife.

4.3 Community Compliance are the team within Council that administer the Council's Dog Control Bylaw and Policy. Compliance is achieved by:

4.3.1 Responding to dog-related incidents

4.3.2 Targeted property visits and patrols of areas with specific issues

4.3.3 Close liaison and cooperation with external agencies

4.4 The Council communicates dog-related matters to the public through various media channels. The Council's website offers information about dogs, access to online forms, and links to relevant legislation and other useful websites

5. Dog Registration and Enforcement Statistics for July 2024 to June 2025

5.1 Number of dog owners in the district:

	2022-2023	2023-2024	2024-2025
Number of dog owners in the district	8,584	8,770	8,777
Probationary owners	2	2	0
Disqualified owners	8	9	7

5.2 Number of registered dogs in the district:

	2022-2023	2023-2024	2024-2025
Number of registered dogs in the district	12,439	12,577	12,531
Rural dogs	6,036	6,004	5,903
Urban dogs	6,403	6,573	6,628

5.3 Dogs classified Dangerous DCA Section 31:

	2022-2023	2023-2024	2024-2025
Sec 31 1(a) due to owner conviction	2	0	0
Sec 31 1(b) due to sworn evidence	6	17	2
Sec 31 1(c) due to owner admission	0	1	0

5.4 Number of dogs classified as Menacing under DCA Section 33:

	2022-2023	2023-2024	2024-2025
Sec 33A (Observed or Reported Behavior)	20	18	24
Sec 33C (By Breed)	5	2	5

5.5 Infringement Notices Issued:

	2022-2023	2023-2024	2024-2025
Failure to comply with effects of classification	2	4	3
Failure/refusal to supply information	0	0	0
False statement of registration	0	1	0
Failing to register dog	149	182	215
Failure to keep dog under control	6	19	28
Failure to keep dog controlled or confined	25	47	23
Failure to comply with barking dog abatement notice	6	0	0
Failure to comply with Bylaw	9	2	0
Failure to implant microchip transponder	4	1	3
Willful obstruction of Officer	0	0	0
Failure to comply with dangerous dog classification	4	2	2
Allowing unmuzzled dangerous dog	0	0	0

Prosecutions

5.6 Tasman District Council has initiated legal proceedings in two separate cases, with charges formally filed in both. One case was scheduled for a hearing in July 2025 but has been adjourned to February 2026. The other case remains with the court, pending its first call.

Complaints

5.7 The following complaints were received:

	2022-2023	2023-2024	2024-2025
Unregistered dog	18	8	7
Attack domestic pet	35	28	28
Attack stock	18	15	26
Attack human	33	40	58
Barking	407	389	372
Fouling	2	4	4
Rushing	32	38	30
Wandering/found	665	584	575
Welfare	14	11	9
Dog in restricted area	5	6	10
Dog not on leash	4	7	7
Dog not under control	6	9	18
Unfenced property	3	1	2
Excess number of dogs	1	1	7
Total	**1243**	**1141**	**1155**

5.8 12 reports of dogs attacking wildlife were received during the period.

6. Strategy and Risks

6.1 The Dog Control activity is a function of high visibility to the public and providing for the care and control of dogs contributes to achieving the community outcomes which promote safe and healthy communities.

6.2 Dog numbers have decreased across the district but continue to follow the trend of rising in urban areas and decreasing in rural areas.

6.3 Failure to provide a robust and efficient dog control service would conflict with our fundamental principles of Kawenga (responsibility) and Manaakitanga (hospitality and kindness), which are integral to our community ethos.

7. Legal Requirements

7.1 Provision of this report to the DIA and general public achieves compliance with the requirements of the DCA

8. Significance and Engagement

8.1 This statistical report is of low significance and is prepared in accordance with an obligation under the DCA. There is no obligation to consult, although the availability of the report must be publicly notified

9. Conclusion

9.1 The 2024–2025 reporting period continues to reflect a positive trend in dog management across the district. Complaints regarding barking and wandering dogs have steadily declined over the past three years. Barking complaints decreased from 407 in 2022–2023 to 372 in 2024–2025, while reports of wandering or found dogs dropped from 665 to 575 over the same period. These improvements indicate that current enforcement strategies are effectively addressing key concerns within the community.

9.2 The total number of registered dogs in the district remains steady at 12,531. However, there has been a noticeable shift toward urban ownership. Urban dog registrations increased from 6,403 in 2022–2023 to 6,628 in 2024–2025, while rural registrations declined. This urban growth reflects broader demographic trends and highlights the need for targeted urban dog management strategies.

9.3 Owner compliance continues to show positive progress. The number of probationary owners has reduced to zero, and disqualified owners decreased from nine to seven. Dangerous dog classifications under Section 31 of the Dog Control Act (DCA) have significantly declined, with only two dogs classified based on sworn evidence. Menacing dog classifications under Section 33 remain relatively stable, with a slight increase in behaviour-based classifications.

9.4 Infringement notices for failure to register dogs rose to 215, indicating ongoing challenges with registration compliance. In contrast, other infringement categories—such as failure to comply with barking abatement notices and breaches of bylaws—have decreased, suggesting improved awareness and adherence to regulations.

9.5 Overall, the Council's enforcement approach remains effective and responsive to community needs. The balance between regulation and education is contributing to a safer and more harmonious environment for residents and their canine companions.

10. Next Steps

10.1 Once received by Council, we will provide public notice of this report on the internet and in a public newspaper circulating in the district.

10.2 Notify the Secretary of Internal Affairs.

11. Attachments / Tuhinga tāpiri

Nil

7.6 ANNUAL COMPLIANCE AND ENFORCEMENT REPORT

Information Only - No Decision Required

Report To:	Environment and Regulatory Committee
Meeting Date:	28 August 2025
Report Author:	Carl Cheeseman, Team Leader - Monitoring and Enforcement
Report Authorisers:	Shane Bruyns, Regulatory Manager
Report Number:	RRC25-08-6

1. Summary / Te Tuhinga Whakarāpoto

1.1 Council has a dedicated team within the regulatory Group tasked with undertaking compliance monitoring and enforcement under the Resource Management Act 1991.

1.2 Underpinning this work lies a strategic risk-based monitoring programme and a set of enforcement policy and guidelines that support the compliance monitoring and enforcement functions.

1.3 This report summarises the Council's compliance monitoring, enforcement and complaint response for the period from 1 July 2024 to 30 June 2025.

1.4 During the year 2668 resource consents and targeted permitted activities received one or more inspections. This was less than the previous year (2881).

1.5 Lower proactive monitoring activity reflected the impact of complex enforcement case travelling through the courts, coupled with increased, often protracted complaint resolution. This cannot be avoided.

1.6 Despite that it was pleasing to find for those monitored consents and permitted activities full compliance with conditions was high at 89%.

1.7 Where compliance was not achieved, it was typically found to be technical or minor breaches that required no further action or where compliance could be quickly and easily regained. These minor breaches made up 9% of the non-complying activities.

1.8 The 1% with non-compliance considered more than minor, a more formal enforcement response was applied guided by enforcement policies and procedures. The remaining 1% of the data were not graded due to various reasons such as not operational or able to be assessed. These are picked up at later dates.

1.9 For non-compliance officers used a range of non-statutory and statutory enforcement tools depending on the nature and severity of offending.

1.10 For minor breaches staff took the opportunity to educate and assist.

1.11 For the more serious the following actions were taken.

- Eighteen (18) Formal Warnings issued
- Fifteen (15) Abatement notices
- Twenty (20) Infringement fines
- Three (3) Enforcement Orders granted.

1.12 Two prosecutions were also concluded during the year.

1.13 The compliance team continues to monitor its effectiveness and looks to ensure that it can operate in as cost-effective manner as possible. Cost recovery forms an important part of this strategy, and mechanisms are now in place to improve that aspect.

2. Recommendation/s / Ngā Tūtohunga

That the Environment and Regulatory Committee

1. receives the Annual Compliance and Enforcement Report RRC25-08-6.

3. Introduction

3.1 Tasman District Council has responsibility through the Resource Management Act 1991 (the Act) to ensure the sustainable management of the districts natural and physical resources.

3.2 As a unitary council, this means having responsibility for both the Regional and District functions under the Act.

3.3 As effective compliance monitoring and enforcement is one of the key planks to meeting that responsibility, Council implements a raft of compliance monitoring and complaint response strategies along with robust enforcement policies and practices.

3.4 Operating a dedicated and experienced team providing a 24/7 compliance monitoring and enforcement (CME) response is also a vital part of this achieving these objectives as is reporting on the group's activities and achievements.

3.5 This report summarises Council's CME activities under the Resource Management Act for the period from 1 July 2024 to 30 June 2025.

3.6 This report is also intended to serve in part Council meeting its reporting obligations along with other environmental reporting under section 35 of the Resource Management Act 1991.

3.7 This report does not look to provide commentary on the effectiveness of the current rule framework or resource consenting, however, annual reporting on compliance behaviour can provide useful insight into trends and emerging issues that may support these key functions

3.8 The structure of the report is as follows:

Section 4 Outlines the compliance monitoring framework.

Section 5 Reports on performance with consent/permitted activity monitoring.

Section 6 Reports on incident and complaint response for the period.

Section 7 Reports on enforcement activity for the period.

4. Setting the Compliance Monitoring Programme

Strategic Monitoring

4.1 Every year a significant number of existing and new resource consented activities are operating around the district. All these carry different monitoring needs depending on the activity.

4.2 Alongside these are a range of activities that while not requiring resource consent are identified as activities subject to controls such as National Environment Standards (NES) or are permitted activities with higher environmental risk such as dairy effluent disposal.

4.3 Given the sheer numbers, prioritising effort towards those activities with greatest risks to human health and the environment is paramount as it is clearly not possible for Council to monitor everything.

4.4 To achieve this, a strategic and risk-based approach has been used for many years to help identify those activities where maximum effort should be directed based on risk. This risk-based assessment is fundamentally driven by the likelihood of an event occurring, and the risk of harm to human health and the environment. The following figure displays this risk-based assessment underpinning the strategy.

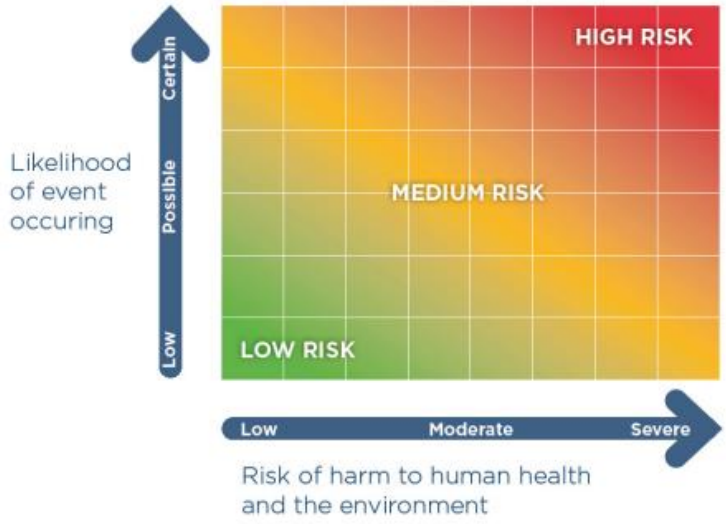


Figure 1: Environmental risk matrix.

4.5 Along with some additional factors, this risk-based approach determines the level of monitoring activity that specific activities or individual consents will receive under a high, medium or low risk classification.

4.6 This strategy also allows for appropriate review and readjustment to recognise behaviour change or manage emerging trends.

4.7 Compliance officers are assigned and become responsible for the supervision of the activities within that programme.

Compliance Performance Grading

4.8 Any consent or permitted activity undergoing monitoring for compliance will receive a grade appropriate for the level of compliance found at time of inspection.

4.9 Recording compliance performance is important to effective compliance monitoring and enforcement (CME) as well as identify broader compliance trends, evaluate the effectiveness of our CME activities, as well as reporting.

4.10 Table 1 describes the grades applied for compliance monitoring with descriptions:

1	**Full Compliance:** All relevant consent conditions, plan rules, regulations, and national environmental standards are upheld.
2	**Low Risk Non-Compliance:** Compliance with most of the relevant consent conditions, plan rules, regulations, and national environmental standards. Non-compliance carries a low risk of adverse environmental effects or is technical in nature (e.g., failure to submit a report)
3	**Moderate Non-Compliance:** Non-compliance with some of the relevant consent conditions, plan rules, regulations, and national environmental standards, where there are some environmental consequences and/or there is a moderate risk of adverse environmental effects.
4	**Significant Non-Compliance:** Non-compliance with many of the relevant consent conditions, plan rules, regulations, and national environmental standards, where there are significant environmental consequences and/or there is a high risk of adverse environmental effects.

Table 1: Four-tier compliance monitoring grading categories used in standard compliance monitoring.

5. Results and Discussion

Consent & Permitted Activity Monitoring outcomes 2024/2025 Year

5.1 A total of 2668 resource consents and targeted permitted activities were recorded as having one or more monitoring events, either as a desktop audit, physical site inspection or combination of both.

5.2 Emphasis was on the activities classified as high priority due to their risk profile or due to some other factor such as being associated with a public complaint. Water takes, wastewater, industrial activities and other higher risk discharges were a focus of attention as were earthworks and abstraction activities.

5.3 Figure 1 below tracks this year's monitoring effort against the last four years of monitoring data.

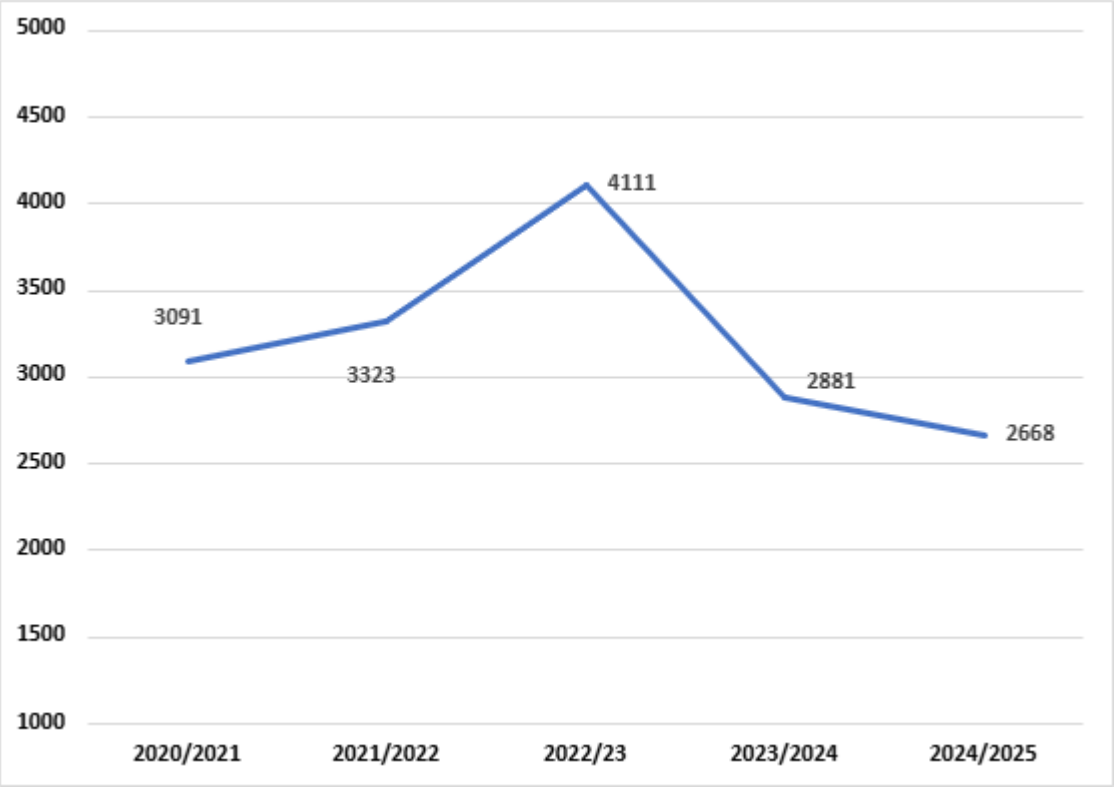


Figure 2: Total consents and permitted monitored this year against last four years.

5.4 The graph shows that monitoring output was down against recent years and certainly down on the high of the 22/23 year where there was a concerted effort to catch up on a large contingent of land use consents.

5.5 Unfortunately, proactive monitoring output is often influenced by other functions of CME. Responding to public complaints is always a priority but resolving these can take up staff time. Significant enforcement actions are also crucial elements of effective regulatory responsibility but carry a heavy time demand particularly once before the courts. All of this does come at cost to structured monitoring.

5.6 This year outputs reflect this influence as a number of significant prosecutions and enforcement orders travelled through the courts. There were unfortunately also an uplift in the number of complaints received and a number of these became protracted cases that took a long time to resolve or are still in resolution stage.

Monitored Activities Summary of Performance

5.7 This year's summary of compliance monitoring is displayed in the accompanying graph.

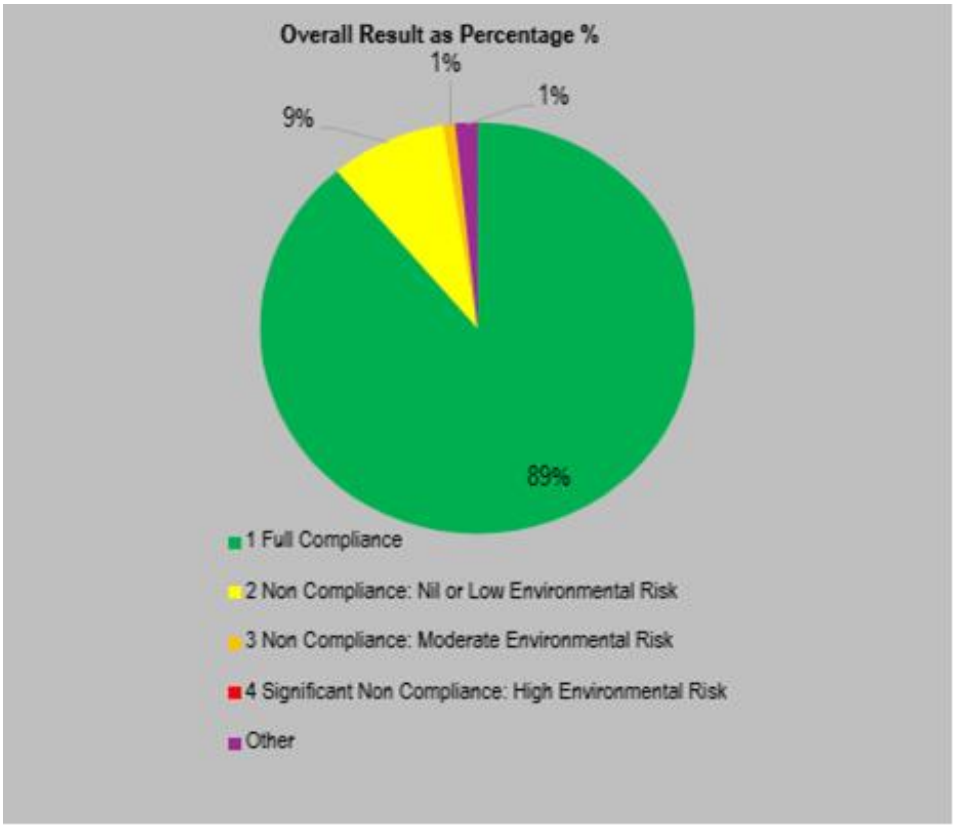


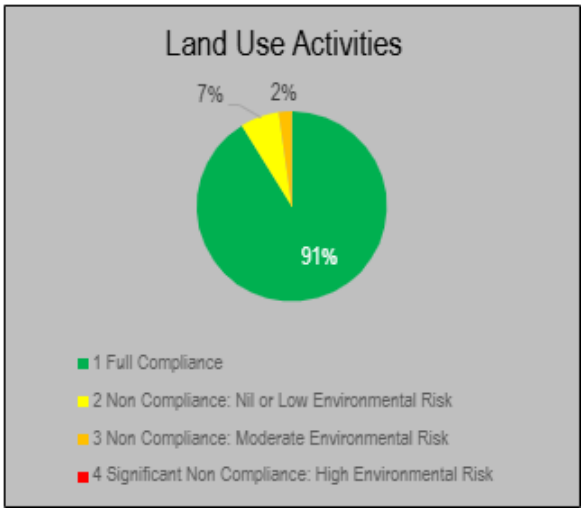
Table 2: Monitoring grades as number and percentage across main activities

5.8 For those consents and permitted activities undergoing monitoring the great percentage were meeting obligations. Where this was not being achieved, it was typically found to be technical or minor failings that required no further action, and compliance quickly regained. It was the activities that carried a higher level of non-compliance that saw a more formal enforcement response using various tools to gain compliance and/or address adverse effects.

Snapshot of Compliance outcomes for Activity Areas

5.9 The following section summarises the compliance monitoring outcomes for some key activity areas.

Land Use Activities



5.10 Over 150 land-based activities received monitoring during the year. For some there were multiple visits for the duration of the works. Of particular focus was land disturbances activities, bulk earthworks, quarrying and bores however, monitoring also included consents associated with small site developments in coastal zones and other building activities.

5.11 High rates of compliance were found in this group, much the same as the previous year. Not all consents were found in full compliance; however, those breaches were by and large determined to be minor and quickly resolved. Land disturbance activities around subdivision were where moderate non-compliance was identified resulting in actions. These were invariably around sediment and stormwater controls and normally required action by the consent holder. No significant non-compliance was detected over this period.

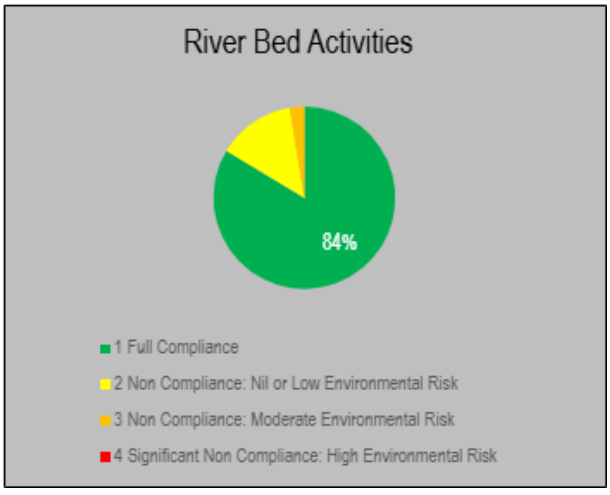
Coastal Marine Activities

5.12 Around 90 coastal related consents received some form of monitoring including the marine farming consents operating within the various aquaculture management areas. Marine farms were visited as part of a dedicated programme that involves a collaboration with the Harbourmaster to assess farms against a broader set of legal obligations.

5.13 Compliance was high in this area this year with no evidence of the issues encountered in the past year around floating lines. The non-compliance was typically instances of lights and markers not operating in accordance with consent conditions.

River Activities

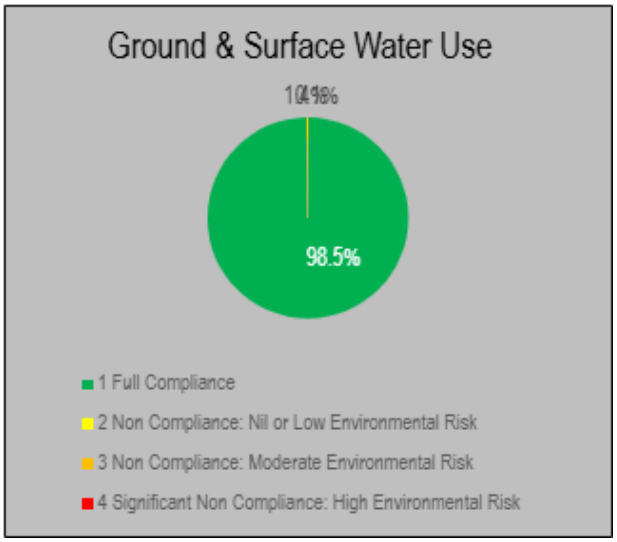
5.14 A range of activities were monitored over the year including both consented and permitted under the targeted programme. In total 116 activities underwent a range of monitoring from gravel extraction through to dams, bridges, culverts and works around wetlands. A significant level of monitoring effort was in association with river management activity being undertaken through the Councils Global Rivers consent.



5.15 Inspections found compliance generally high across this area although a level of non-compliance was found in some activities. Ultimately, sixteen rivers and wetlands works fell short of full compliance being graded with minor non-compliance. Three activities were graded as having moderate non-compliance resulting in further action including abatement notices. These were typically unauthorised structures and associated works in the riverbed. These matters were ultimately resolved.

Ground and Surface Water Use

5.16 1310 resource consents sat under the monitoring programme with 1044 of those active water users subject to routine monitoring. This is up from the 1027 the previous year and reflected land use change and leases to utilise available water.

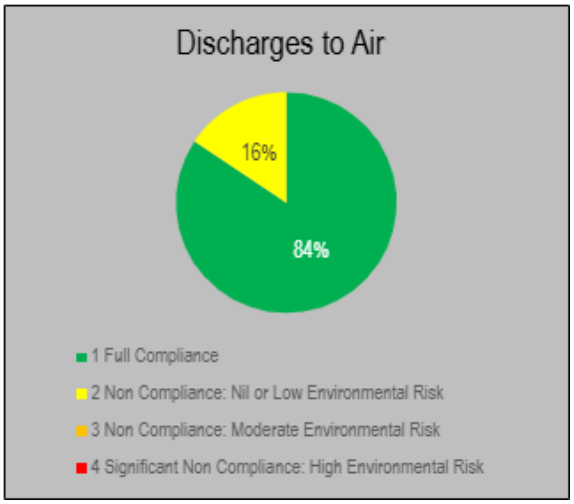


5.17 The summer season was benign with limited rationing periods. Compliance was very high across these active resource consents. Only one consent holder was found with moderate non-compliance late in the summer which was resolved with enforcement actions. There was no significant non-compliance recorded.

5.18 A detailed summary on the 2024/2025 season was covered in a separate report to the Environment & Regulatory Committee on 17 July 2025 (Report RRC25-07-5).

Discharges to Air

5.19 Consent monitoring was generally associated with industrial stack discharges; other industrial emissions such as automotive spray shops or discharges associated with global chemical applications such as wilding pine controls or roadside herbicide programmes. Monitoring was typically a mix of desktop assessments of data reports in conjunction with site inspections where necessary. Some activities were also monitored as a result of public complaint.

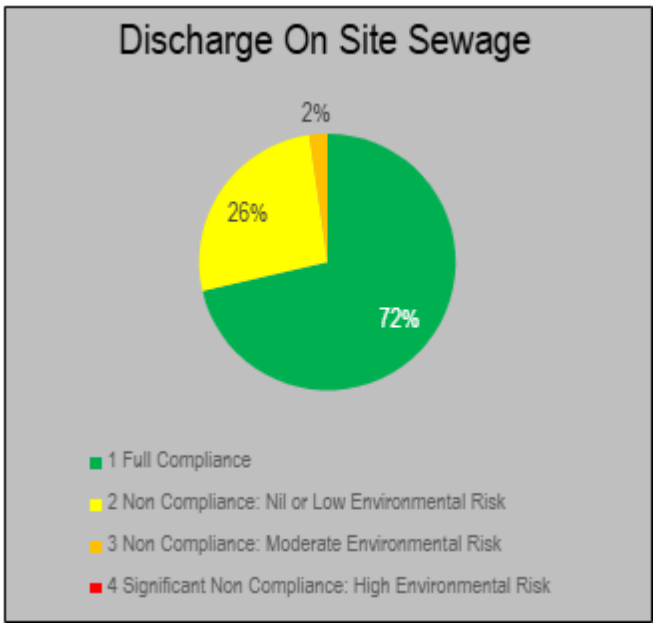


5.20 Across the year, 32 consented activities received one or more monitoring events. Compliance was generally high however some did not achieve full compliance mostly due to lateness in supplying data or missed reporting obligations. These consent holders received a non-compliance grade but did not require any further action.

5.21 Active monitoring also occurred within the Richmond Airshed over winter. While this spans two reporting periods and is covered in greater detail in the Councils Annual Air Quality Report, the following can be touched on.

5.22 197 non-compliant wood burners presently sit in the monitoring programme and cannot be used. This number fluctuates year on year depending on sale and purchase and home heating changes. 97 of these properties have received one or more inspections to establish continuing compliance. One has been identified as in breach and subject to follow up enforcement.

Discharges – On Site Wastewater



5.23 Tasman district currently has 865 on-site domestic wastewater discharge consents granted. Not all of these are currently put to effect. Of those that are, 615 received desktop and/or site monitoring over the year. This was lower than the previous year's 768 consents monitored and was attributed to demand on staff time.

5.24 For those monitored, consent condition compliance was reasonably high, but there was a percentage that did not meet all their conditions of consent. By far the greater number of these were considered minor breaches and were typically failures to get information into council by specified dates. Those receiving a moderate non-compliance grade were typically exceeding discharge quality limits and required further action.

5.25 No significant breaches were recorded in this area and limited enforcement action was required to resolve issues.

Discharges - Wastewater Treatment Plants (WWTP)

5.26 The eight Council owned wastewater treatment plants were subject to numerous desktop and site inspections throughout the year. These sites operate under a suite of consents, but the discharge consents are the principal focus under this programme.

5.27 Unfortunately, only two plants were able to achieve full compliance this year, being Upper Takaka WWTP and St Arnaud WWTP.

5.28 Of the others, four were not able to meet all conditions of consent all the time but were minor non-compliance graded due to the nature of the breach. These were a mix of issues at some point in their monitoring cycle such as inflow exceedances, treatment system failures or wastewater quality results outside limits in certain monitoring rounds.

5.29 Two were graded moderate non-compliance being the Nelson Regional Sewage Systems Bell's Island WWTP and Councils Motueka WWTP. Both these were impacted on by various storm events that resulted in their failure to meet compliance. These sites were forced to rely on section 330 emergency works provisions to respond to the issues.

5.30 A detailed summary on the 2024/2025 wastewater monitoring programme is covered in a separate report to the Environment & Regulatory Committee on 28 August 2025 (Report RRC25-08-XX).

Permitted Activity and NES Monitoring

5.31 While most permitted activities are not subject to monitoring unless in response to a public complaint, certain permitted activities, particularly those governed by an NES are incorporated into the risk-based monitoring strategy. These are the activities with potential for adverse environmental effects, carry national and or regional importance as well as reporting obligations on the regulatory authority.

5.32 The following table lists the current permitted activities that are within the monitoring programme. The table also summarises the level of monitoring activity and the outcomes of that monitoring over the reporting year.

	1 Full Compliance	2 Non-Compliance	3 Non-Compliance	4 Significant Non Compliance
Permitted Dairy	100	10	0	1
NESPF - Forestry	235	3	2	0
NES TRMP Wetlands	31	6	0	0
NES Winter Grazing	14	1	0	0
NES Stock Exclusion	20	0	0	0
NES TRMP Fish Passage	7	0	1	0
NES NCap	87	24	0	0
TOTAL	340	43	2	1

Table 3: Permitted Activity and NES Monitoring activity over year

Dairy Effluent Disposal under Tasman Resource Management Plan Rules

5.33 In the 2024/25 milking season, all 111 of the districts dairy farms were actively discharging dairy effluent as part of their farming operation. All farms relied on the permitted activity rules to dispose of effluent however, two retained resource consents to discharge treated effluent to water as contingency. All farms received at least one inspection

5.34 Overall compliance was very high with 100 farms achieving full compliance. This was, however, down from the 103 achieving full compliance the previous year.

5.35 Of the 11 that could not achieve full compliance, all but one were considered minor breaches and graded accordingly. All of these were resolved using non regulatory approaches.

5.36 The one that was identified as a significant breach was a farm, located in the Takaka area that came to the Councils attention due to an incident notification after an effluent discharge. It had not received its scheduled annual inspection at the time of the incident and was subject to full investigation which has now concluded. This matter is now resolved.

5.37 A detailed summary on the 2024/2025 dairy farm monitoring season was covered in a separate report to the Regulatory Committee on 17 July 2025 (Report RRC25-07-7).

Intensive Winter Grazing under the NES - F

5.38 Intensive winter grazing (IWG) regulations were introduced in the National Environmental Standards for Freshwater 2020 (NES-F) as part of the Essential Freshwater reforms. The regulations control grazing of livestock on an annual forage crop at any time in the period commencing 1 May and ending 30 September.

5.39 During the winter of 2024, three farms had active resource consents with the remaining farms operating under NESFW permitted condition requirements.

5.40 The three consented farms were fully compliant with conditions when inspected. Of the properties operating as per the NES-FW permitted conditions, three were found to be in breach of the 5m setback to a waterway.

5.41 As no adverse environmental effects were observed these farmers were dealt with at the time through education and advice.

Synthetic Nitrogen Reporting under the NES -F

5.42 The application of synthetic nitrogen fertiliser to pastoral land is subject to the NES regulations. This regulation sets a fertiliser application cap of 190kg nitrogen/ha/yr. for pastoral land. The regulations currently require dairy farmers to report their synthetic nitrogen use on farm by 31 July each year.

5.43 Of a total of 111 dairy farms within Tasman, 87 farms (78%) reported their synthetic nitrogen use for the year to 30 June. This was a lift in compliance from the previous year where 71% of farms reported. The following table captures the outcomes for this reporting year.

Total Farms	Syn N reported	%	Syn N reporting with rural professional	Syn N use exceeds 190kg/N/ha/yr cap	Syn N use of 170 – 190kg N/ha/yr
111	99	89%	4	0	10

Table 5: Synthetic Nitrogen reporting received 2023 – 2024 year

5.44 Of those reporting application no farms reported over the 190kg N/ha limit.

5.45 Council continues to work with farmers and fertiliser companies to resolve outstanding matters.

Stock Exclusion

5.46 The Amendments to the National Stock Exclusion Regulations 2020 require all intensively grazed beef cattle and deer, dairy cows, dairy support cattle and pigs to be excluded and kept at least 3m from waterways and natural wetlands identified in a Regional Plan.

5.47 Monitoring of this is currently limited to farms forming part of the dairy farm monitoring programme. Stock exclusion in farm systems outside of this are not expected to be assessed until the introduction of the Freshwater Farm planning regimes.

5.48 In the meantime, the following table shows the achievements of the farming activities under the current monitoring regime.

	Central Zone	Golden Bay Zone	Southern Zone
Stock Exclusion (permanent fencing)	100% fenced	98% fenced	81% fenced
Stock Crossings	1 remains	21 remain	4 remain

***Table 4*:** Stock exclusion Tasman Dairy Farms 2024 – 2025 season

Forestry under National Environment Standard – Commercial Forestry (NES-CF)

5.49 Under the NES-CF, the Council has an obligation to receive a notice of certain plantation activities, as well as receive and review management plans for earthworks, forestry quarrying and harvesting if Council requires this. This is done through a Council provided portal

5.50 In Tasman we require all management plans and provide a portal for forest owners and managers to provide this information.

5.51 Assessment of notified activities involves desktop audits of submitted information followed by targeted site audits. This year 145 site audits were undertaken across a range of activities with focus on harvesting practices, earthworks, waterway crossings and associated environmental controls.

5.52 Overall compliance was high across the sector. For the recorded non-compliances these were typically associated with stream crossings and slash traps. Infringement notices were issued for the more than minor offending.

6. Environmental Complaint & Incident Response

6.1 This year 1,1814 individual complaints were received that required some form of investigation. Not shown in this figure are the range of other enquiries or requests for information that form part of the customer response and demand staff time.

6.2 This year an upward shift in complaint numbers brings the complaint numbers back to what is seen as the average and certainly away from the low of last year. The following graph (Figure 3) sets this out against previous four years as a display of recent trends.

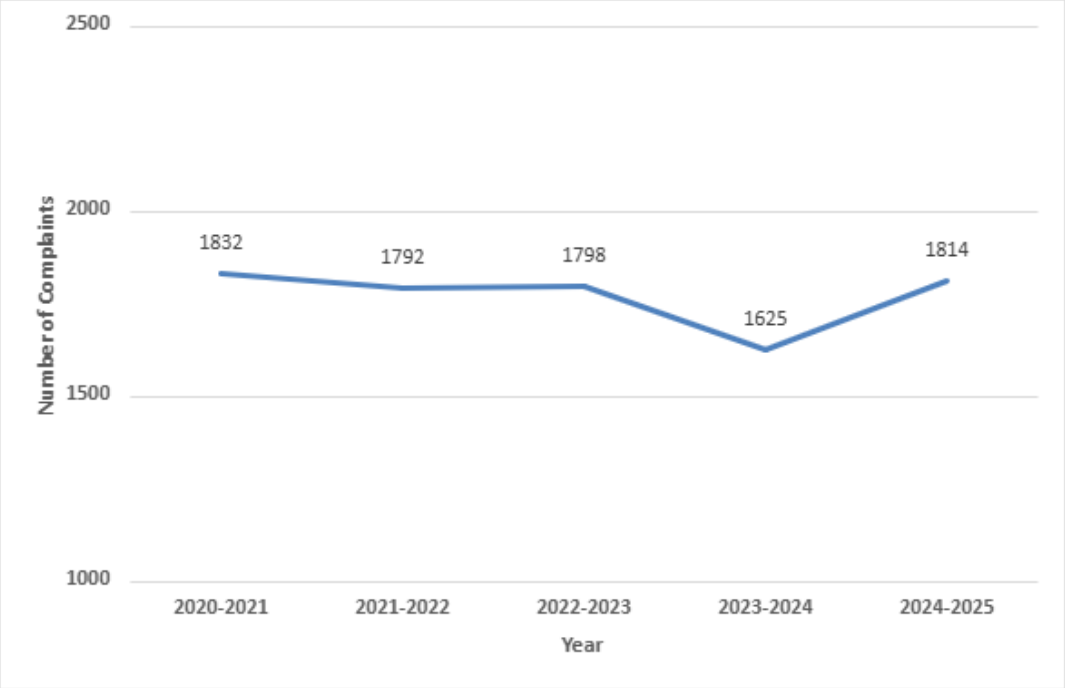


Figure 3: Trend in complaint numbers in Tasman district over last 5 years

6.3 To help understand what is behind this, it can prove useful to separate the complaints into broader environmental categories and compare these against the previous year's figures to observe change. The following table (figure 3) shows those categories.

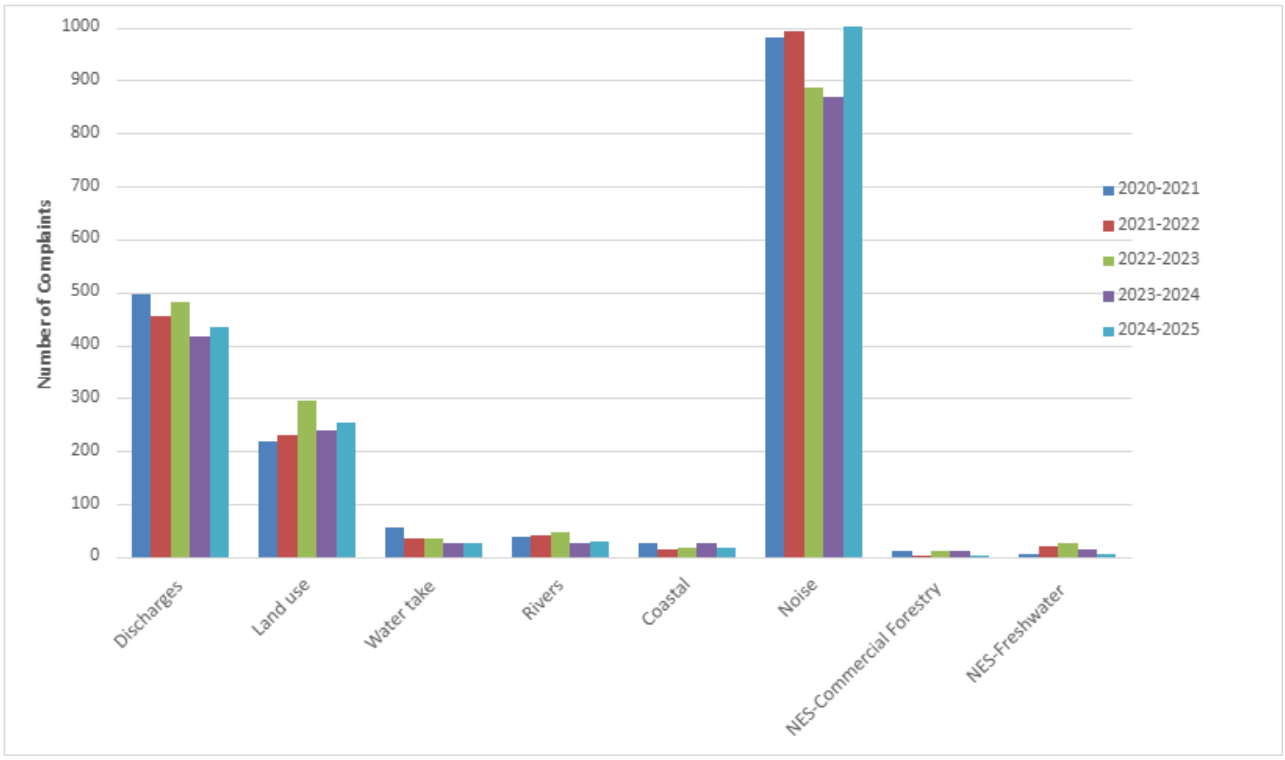


Figure 4: Environmental complaint numbers as type in comparison to previous years

6.4 Lifts in incoming complaints were evident across all the major categories with a significant jump in noise complaints.

6.5 Discharge complaints are the second highest category and while declining over time still generate complaints from certain activities. When this category is broken down further it is apparent that air discharges maintain a decline that is linked to outdoor burning activity which has undergone transformation in recent years. Changing land uses and green waste disposal methods adopted by individuals and Hort industry groups are a big driver in this change.

6.6 Complaints around stormwater, sewage and industrial contaminant discharges have been areas that have seen a rise, and some successful investigations have been undertaken to track pollution sources, particularly in the Richmond urban drainage networks. Many stormwater complaints on the other hand have been more difficult to resolve as they can involve multiple parties and can be difficult to separate from natural servitude and people's expectations.

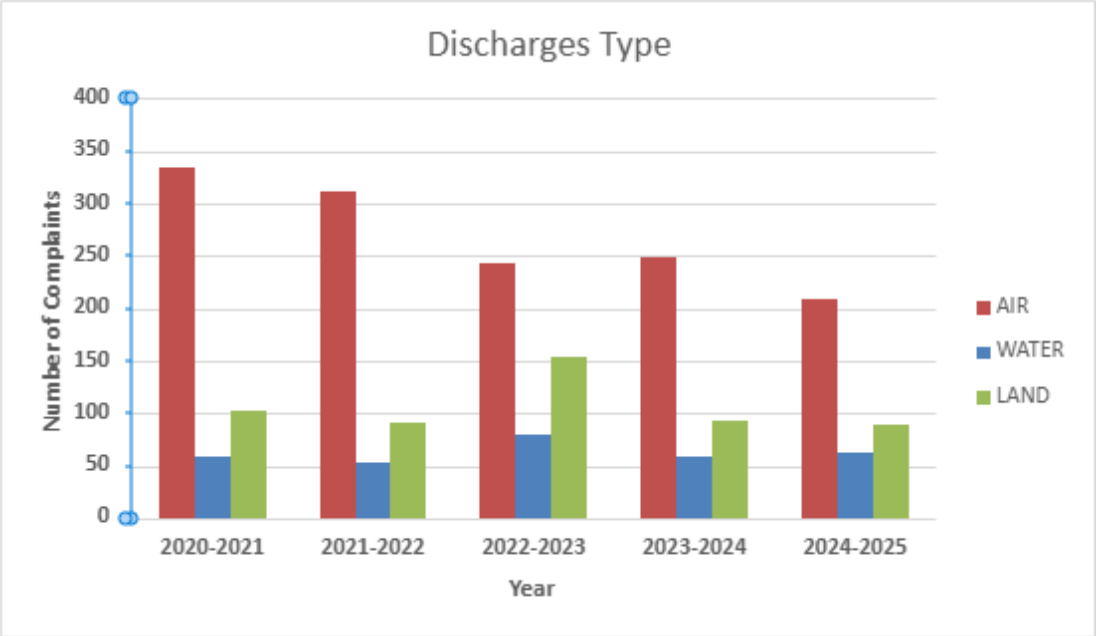


Figure 5: Discharge complaints by type

6.7 Complaints around land use also continued what has been an upward trend over recent years albeit only a small lift this year compared to last. Land use activities that prompt complaints can vary wildly year on year, but zone rule breaches are by far the biggest category. These are invariably linked to buildings and their uses, fences and other structures as well as signage. The other common area of concern is land disturbance and earthworks activities.

6.8 Unfortunately, land use complaints and their resolution are the one area of CME that can take up a large amount of staff time and tend to result in Council having to use stronger enforcement tools to gain compliance.

7. Enforcement

7.1 During the year, officers undertook a range of enforcement actions in response to detected non-compliance with either plan rules or resource consents.

7.2 Guided by enforcement policies and procedures, officers used a range of non-statutory and statutory enforcement tools to respond to non-compliance depending on the nature and severity of offending. For minor matters Council took the opportunity to educate and assist wrongdoers

7.3 Non-statutory tools used included written or verbal directions, further inspections, and written warnings.

7.4 The statutory tools included directives such as abatement notices and enforcement orders to cease or require the offending party to take action to resolve adverse effects. Infringement fines and prosecutions were used to provide sanctions and deter further offending.

7.5 Table 5 below provides a summary of the formal and non-formal enforcement actions taken over the reporting year.

Enforcement Action	2024-2025
Formal Warning	18
Abatement notices	15
Infringement notices	20
Enforcement Order	3
Prosecutions concluded	2

Table 5: Summary of formal enforcement action during the 23/24 year.

Abatement Notices

7.6 Fifteen (15) abatement notices were issued this year for contraventions of resource consents or plan rules where it was considered certain actions were needed to be taken or the activity cease.

7.7 Abatement notices are a very effective tool to resolve non-compliance, and the following table contains a summary of where an abatement notice was determined to be the appropriate intervention in the circumstances. The table also sets out whether the breach was against a resource consent or plan rule.

RMA Section	Number Issued	Breach of Consent	Breach of Plan Rule
Section 9 – Use of Land	10	1	10
Section 12 - Coastal	0	0	0
Section 13 - Rivers/Lakes	1	1	0
Section 14 - Water	1	1	0
Section 15 - Discharges	3	0	2
Other breach	0	0	0
Total	**15**	**3**	**12**

Table 6: Summary of abatement notices issued under section of the RMA including type of breach

7.8 Activities in breach of land use restrictions was the area where abatement notices were commonly employed. It is not uncommon for land use activities to represent strongly in the data as these activities often attract public complaint and gaining compliance can be difficult in some circumstances. Earthworks, buildings and other structures, as well as activities not generally allowed in that zone were typical areas where abatement notices were employed to good effect.

Infringement Fines

7.9 Twenty infringement fines were issued over the period. Fines were issued where the circumstances were such that it was considered this action was sufficient to resolve the matter and deter future offending.

7.10 The following table summarises where infringement notices were issued in relation to the section of RMA breached. The table also sets out whether the breach was against a resource consent or plan rule or a breach of other part of the Act such as abatement notice.

RMA Section	Number issued	Breach of Consent	Breach of Plan Rule
Section 9 - Land	0	0	0
Section 12 - Coastal	0	0	0
Section 13 - Rivers/Lakes	0	0	0
Section 14 - Water	1	1	0
Section 15 - Discharges	16	3	13
Other breach	3	-	-
Total	**20**	**4**	**13**

Table 7: Summary of infringement fines issued under section of the RMA including type of breach

7.11 Breaches of discharge rules were an area where infringement notices were employed to deal with the non-compliance. Most of these breaches were in association with outdoor burning where the effects of the burning or the material being burnt resulted in a need to issue a fine. These typically proved effective at driving behaviour change.

Enforcement Orders

7.12 After application to the District and Environment Courts the following Enforcement Orders under sections 314 and 339(5)(a) of the Resource Management Act 1991 were granted.

Decision No. [2024] NZDC 20507 - Reith & Ealing Farms

7.13 Orders issued in relation to the unauthorised clearance of indigenous vegetation that was subject to a separate prosecution.

7.14 Orders required the engagement of an expert qualified in ecology and native forest management to prepare a report addressing the goals of the re-establishment of a native plant community in the areas subject of partial or full clearance and reinstate in accordance with the report recommendations.

7.15 The defendants were also required to investigate whether QEII National Trust would enter into a covenant(s) in the identified areas and advise of the outcome and if acceptable to the trust when covenant completed.

7.16 Finally, the defendants were prohibited from undertaking any further indigenous forest clearance on the property or any other property unless that clearance activity is authorised by a resource consent or plan rule.

Decision No. [2024] NZEnvC 180 & Decision No. [2025] NZEnvC 231 - M & C Schaeffner

7.17 Orders issued in relation to a building being used in breach of the rural 1 zone rules of the Tasman Resource Management Plan (TRMP).

7.18 Orders required the defendants to cease using subject building as a dwelling by removing it from the property unless:

- All kitchen and cooking related facilities fully and permanently removed and building relocated to be situated within 20m of principal dwelling or:
- Not using the building as a place of long-term accommodation, by ensuring that the use is for less than two calendar months in any year

7.19 Costs of $46,800 awarded against the defendants.

Decision No. [2025] NZEnvC 235 - P A Hogarty

7.20 Orders issued in relation to the illegal storage of chemicals and hazardous waste on the property at 2367 Moutere Highway, Upper Moutere.

7.21 The orders required removal of the chemicals and hazardous waste from the property and required remediation of any contamination issues on the property.

7.22 Costs of $10,000 awarded against the defendant.

Prosecutions

7.23 Two prosecutions were concluded in this period.

7.24 In summary three defendants received a total of nine convictions. Two of these defendants were companies and one an individual. The companies had seven convictions entered against them and the individual two.

7.25 Five of the convictions were for discharges of contaminants and four convictions were for land use offences.

7.26 The total amount of fines imposed were $49,000 for the individual defendant and $193,375 for the companies.

7.27 The two cases were

- Tasman District Council v Hamish Robert Reith & Ealing Farms Limited. [2024] NZDC 16990 (Wellington)
- Tasman District Council v Azwood Limited. [2024] NZDC 26546 (Nelson)

8. Future Planning

Cost recovery

8.1 With the recently introduced environmental incident inspection charges coming into effect 1 July of this year, recovery of actual and reasonable costs of staff time investigating and resolving non-compliance help shift focus back on those causing the cost.

8.2 This charge has already been imposed on several businesses that have been responsible for unauthorised discharges of contaminants that required council to respond and investigate. It is expected that this cost recovery regime will not only offset costs incurred but help promote better compliance behaviour as it becomes bedded in.

8.3 At present the Councils fees and charges schedule provides for cost recovery under the section 36 provisions of the Resource Management Act for monitoring National Environment Standards where a charge mechanism exists under the regulation. Adopting a charge regime in this space as regulations is expected to develop when amendments to these regulations has settled and additional regulations land. This may be particularly important for compliance monitoring functions imposed under the Farm Plan regulations.

Resource Management (Infringement Offences) Amendment Regulations 2025

8.4 These regulations amend the existing RMA infringement offences and fees regulations 1999 by:

- Increasing the infringement fees in Schedule 1 of the regulations.
- separating out the infringement fees to distinguish between individuals and companies.
- separating out the infringement fees in relation to contraventions of section 9 of the principal Act
- extending the description of the offence under section 338(1A) of the principal Act to include contraventions of all of section 15A of the principal Act (previously it only extended to contraventions of section 15A(1)(a))
- clarifying in Schedules 2 and 3 that those who seek a hearing to contest an infringement notice may be liable for a higher penalty than the listed infringement fee. This is because the court has jurisdiction to impose a fine if the person contesting the infringement notice is still found to be liable

8.5 These regulations come into force on 4 September 2025.

8.6 The Council will need to incorporate this change in its forms and procedures.

8.7 The new Resource Management (Infringement Offences) Amendment Regulations 2025 are attached as **appendix 1**.

Freshwater and Land Plan Change

8.8 Plan change 84 progressing freshwater protections change to the TRMP to address obligations under the Water Conservation Order for Te Waikoropupū Springs (WCO) and to address targeted allocation regime changes to avoid over-allocation in the Deep Moutere Groundwater and Waimea Plains aquifers will have impact on compliance monitoring.

8.9 Proposed changes to rules in Chapter 31 of the TRMP around water will require some additional work in the water consent monitoring database and monitoring strategy. This is being scoped at present.

8.10 Proposed changes to rules in Chapter 36 to reflect the nutrient management framework within the WAMARA will require a redesign of the current compliance monitoring to incorporate change. A significant part of this work can be built off the existing programme but will expand the programme and it is expected that it will put pressure on staff resources as it matures. This level of impact will become clearer in the future as the strategy beds in along with the farm plan regulations.

9. Conclusion

9.1 Responding to public complaints in a timely manner remained a priority from compliance staff as it is one of our key commitments.

9.2 Unfortunately, complaint response as well as resolution of non-compliance had an impact on proactive monitoring, particularly given the complex and protracted nature of some of the more significant cases happening throughout the year.

9.3 While less activities were proactively monitored over this period, the team still managed to undertake monitoring of a wide range of high priority consented and permitted activities as part of our strategic monitoring programme.

9.4 Of those that were monitored it was found that significant proportion were fully complying with their obligations. As with previous years this lends itself to the fact that much of our regulated community are more aware of and abide by their obligations.

9.5 Where non-compliance was found, most was considered minor in nature and had no or minimal environmental impacts. Many of these were technical breaches due to missing deadlines or failing to provide necessary reports. These could usually be resolved using education or non-statutory tools such as warnings.

9.6 Where there was more than minor offending, a range of enforcement tools were employed depending on the circumstances and the need for action or deterrence. These often proved effective in addressing poor performance and resolving environmental effects and elevated responses were not usually required. Abatement notices remain one of the most effective tools as did infringement fines. This will become more so with the recent changes to the infringement fee schedules.

9.7 Taking strong enforcement action was necessary where the non-compliance was more aggravated and/or where more severe adverse environmental effects occurred. Successful convictions to prosecutions and three enforcement orders were evidence that Council would take action where the circumstances were such that a strong message was required and offenders needed to be held to account.

9.8 Despite that a strong part of our approach to CME, is promoting compliance through stakeholder engagement, education, and advice including using our web site and good practice guides. This takes up a lot of time but can avoid future offending and costly resolution.

9.9 The compliance team continues to monitor its effectiveness and looks to ensure that it can operate in as cost-effective manner as possible. Cost recovery forms an important part of this strategy.

10. Attachments / Tuhinga tāpiri

1. Resource Management Infringement Offences Amendment Regulations 2025 180

2025/162

Resource Management (Infringement Offences) Amendment Regulations 2025

Rt Hon Dame Helen Winkelmann, Administrator of the Government

Order in Council

At Wellington this 4th day of August 2025

Present:
Her Excellency the Administrator of the Government in Council

These regulations are made under section 360(1)(ba) and (bb) of the Resource Management Act 1991 on the advice and with the consent of the Executive Council.

Contents

Regulations

1 Title

These regulations are the Resource Management (Infringement Offences) Amendment Regulations 2025.

2 Commencement

These regulations come into force on 4 September 2025.

3 Principal regulations

These regulations amend the Resource Management (Infringement Offences) Regulations 1999.

4 Schedule 1 replaced

Replace Schedule 1 with the Schedule 1 set out in the Schedule of these regulations.

5 Schedule 2 amended

(1) In Schedule 2, paragraph 3, replace the note with:

Note: If the court finds you guilty of the offence, the court may impose a penalty that is higher than the infringement fee and costs will be imposed in addition to any penalty.

(2) In Schedule 2, paragraph 4, replace the note with:

Note: The court may impose a penalty that is higher than the infringement fee and costs will be imposed in addition to any penalty.

6 Schedule 3 amended

In Schedule 3, after paragraph 2(c), insert:

Note: If you request a hearing and the court finds you guilty of the offence, the court may impose a penalty that is higher than the infringement fee and costs will be imposed in addition to any penalty.

Schedule
Schedule 1 replaced

r 4

Schedule 1
Infringement offences and fees

rr 2(1), 3

Offence specified as infringement offence	Description of offence	Infringement fee for offence (individual) ($)	Infringement fee for offence (company) ($)
Section 338(1)(a)	Contravention of section 9(1) and 9(2) (restrictions on use of land in a manner that contravenes a national environmental standard or regional rule)	1,500	3,000
	Contravention of section 9(3) and 9(4) (restrictions on use of land in a manner that contravenes a district rule, designation, or heritage order)	600	1,200
	Contravention of section 12 (restrictions on use of coastal marine area)	1,000	2,000
	Contravention of section 13 (restriction on certain uses of beds of lakes and rivers)	1,000	2,000
	Contravention of section 14 (restrictions relating to water)	1,000	2,000
	Contravention of section 15(1)(a) and (b) (discharge of contaminants or water into water or discharge of contaminants onto or into land where contaminant is likely to enter water)	1,500	3,000
	Contravention of section 15(1)(c) and (d) (discharge of contaminants into environment from industrial or trade premises)	2,000	4,000
	Contravention of section 15(2) or (2A) (discharge of contaminant into air or onto or into land)	600	1,200
Section 338(1)(c)	Contravention of an abatement notice (other than a notice under section 322(1)(c))	2,000	4,000

Offence specified as infringement offence	Description of offence	Infringement fee for offence (individual) ($)	Infringement fee for offence (company) ($)
Section 338(1)(d)	Contravention of a water shortage direction under section 329	2,000	4,000
Section 338(1A)	Contravention of section 15A (dumping or incineration of waste or other matter in the coastal marine area)	1,500	3,000
Section 338(1B)	Contravention of section 15B(1) and (2) (discharge in the coastal marine area of harmful substances, contaminants, or water from a ship or an offshore installation)	1,500	3,000
Section 338(2)(a)	Contravention of section 22 (failure to give certain information to an enforcement officer)	1,000	2,000
Section 338(2)(c)	Contravention of an excessive noise direction under section 327	1,000	2,000
Section 338(2)(d)	Contravention of an abatement notice for unreasonable noise under section 322(1)(c)	1,500	3,000

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations but is intended to indicate their general effect.

These regulations, which come into force on 4 September 2025, amend the Resource Management (Infringement Offences) Regulations 1999 (the **principal regulations**) as follows:

- increasing the infringement fees in Schedule 1 of the principal regulations. This is as a result of the Resource Management Amendment Act 2020, which increased the maximum infringement fees available under the Resource Management Act 1991 (the **principal Act**). The previous infringement fees were outdated and too low to provide an effective deterrent to non-compliance:
- separating out the infringement fees to distinguish between individuals and companies:
- separating out the infringement fees in relation to contraventions of section 9 of the principal Act:

- extending the description of the offence under section 338(1A) of the principal Act to include contraventions of all of section 15A of the principal Act (previously it only extended to contraventions of section 15A(1)(a)):
- clarifying in Schedules 2 and 3 that those who seek a hearing to contest an infringement notice may be liable for a higher penalty than the listed infringement fee. This is because the court has jurisdiction to impose a fine if the person contesting the infringement notice is still found to be liable.

Regulatory impact statement

The Ministry for the Environment produced a regulatory impact statement on 16 August 2023 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/rm-infringement-offences-reg/
- https://www.regulation.govt.nz/our-work/regulatory-impact-statements/

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 7 August 2025.
These regulations are administered by the Ministry for the Environment.

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2025