



Summary of submissions

He Marohi Kaupapa Here ā-Motu mō ngā Whakataunga Mōreareatanga ā-Taiao

Proposed National Policy Statement for Natural Hazard Decision-making



Ministry for the
Environment
Manatū Mō Te Taiao



Te Kāwanatanga o Aotearoa
New Zealand Government

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Executive summary

This document summarises submissions received during public consultation.

Between 18 September and 20 November 2023, the Ministry for the Environment (the Ministry) consulted on the proposed [National Policy Statement for Natural Hazards Decision-making](#) (the proposed NPS-NHD) and elements of a proposed comprehensive National Direction for Natural Hazards. The Ministry worked closely with Toka Tū Ake the Natural Hazards Commission (formerly the Earthquake Commission) in the development of this national direction.

The aim of the proposed NPS-NHD is to provide direction to decision-makers on the appropriate weight to attach to natural hazard risk in planning decisions relating to new development (buildings, structures or infrastructure) under the Resource Management Act 1991 (RMA). It proposed to do so by directing council decision-makers to:

- apply a risk-based approach, with assessments and categorisation of risk for all planning decisions for new development, as well as consideration of all hazards
- make planning decisions that avoid, mitigate or enable development based on the risk categories as assessed
- apply restrictions proportionate to the level of risk.

Submissions received

We received 102 submissions on the proposed NPS-NHD. Some submissions came from individuals (5 per cent), but most came from organisations (95 per cent), broken down as shown in [table 1](#).

Table 1: Breakdown of submissions received

Organisation	Percentage of submissions
Councils	33.5%
Energy generators and providers	8.8%
Construction and engineering firms	7.8%
Nationwide local government practitioner groups (practitioner groups)	6.8%
Research/science representatives	4.9%
Environmental non-governmental organisations (ENGOS)	3.9%
NGOs	3.9%
Agriculture and horticulture representatives	3.9%
Central government/Crown entities	3.9%
Infrastructure ¹	3.9%
Iwi and hapū	2.9%
Māori interest roopū	2.9%

¹ Transport, ports and airport infrastructure organisations.

Organisation	Percentage of submissions
Telecommunication companies	2.9%
Insurance	2%
Banking	2%
A regional development agency	1%

Key messages from submissions

Submitters mostly supported the intent of the proposed NPS-NHD, and parts of the structure and policy framework. However, most submitters did not support the proposed NPS-NHD without substantial further development to provide further detail and direction and other submitters preferred the development of a comprehensive national direction over the proposed NPS-NHD, and requested it be withdrawn. The key messages are summarised in [table 2](#).

Table 2: Key messages from submissions

Key message	Summary
Support for establishing a risk-based approach to planning for natural hazards	<ul style="list-style-type: none"> • Many submitters support categorising risk, by using factors of 'likelihood' and 'consequence'. • Some submitters requested a detailed methodology for risk assessments, and others considered that the methodology should vary according to the scale of planning decisions and the hazard. • Many submitters had concerns about how 'tolerance' was included in the risk-based approach. • Submitters called for nationally agreed natural hazard standards and risk thresholds, to provide consistency, certainty, efficiency and effectiveness. • Submitters noted that resourcing was an issue for councils, with significant gaps in natural hazard information and the expertise required to undertake risk assessments.
Submitters had mixed view on the scope for the NPS-NHD	<ul style="list-style-type: none"> • There were mixed views from submitters on whether national direction should apply to existing development. Some submitters identified opportunities to prioritise greenfield decisions. Others stated the NPS-NHD should not apply to agriculture or horticulture activities, types of infrastructure or small housing extensions. • There was a strong message that climate change should be specifically built into the risk assessments. • There was support for all hazards being in scope, with others stating there were opportunities to prioritise and focus on specific hazards.
Submitters supported strong directives on risk-based decision-making for new developments	<ul style="list-style-type: none"> • Submitters requested direction on what level of risk should be avoided and/or mitigated • Submitters supported nature-based solutions and area-wide solutions, but some considered that hard engineering and site-by-site measures are key mitigation methods for managing natural hazards.
Submitters stated the NPS-NHD should provide for the aspirations, interests and values of Māori in natural hazard decision-making	<ul style="list-style-type: none"> • Several submitters stated that there needs to be stronger acknowledgement of the rights and interests of Māori and the Crown's responsibilities under te Tiriti o Waitangi Treaty of Waitangi (te Tiriti). • Several submitters called for more explicit and meaningful decision-making roles for iwi, hapū and tangata whenua.

Key message	Summary
	<ul style="list-style-type: none"><li data-bbox="566 208 1321 293">• Many submitters supported the inclusion of mātauranga Māori to inform natural hazard decision-making but stressed that the approach to its inclusion must be carefully considered.

What happens next

This summary of submissions, and more detailed consideration of individual submission points, will inform how the proposed NPS-NHD progresses, as well as informing any broader policy work on managing natural hazard risk.

Part 1: Overview

Introduction

Aotearoa New Zealand is exposed to a range of natural hazards, due to its position on the boundary of the Pacific and Australian tectonic plates and its geography. Natural hazard events include earthquakes, tsunamis, erosion, volcanic and geothermal activity, landslip subsidence, sedimentation, wind, drought, fire and flooding. Climate change is increasing the severity and frequency of some hazards, including flooding, heatwaves, drought, wildfire, sea-level rise, coastal erosion and inundation.

Building new developments in areas at high risk from natural hazards increases risk to people and communities. It also exposes landowners, councils, the Crown and all people living in Aotearoa to increased social and economic costs. This issue was highlighted by the impacts of Cyclone Gabrielle and the Auckland Anniversary floods in 2023.

Under the Resource Management Act 1991 (RMA), councils are responsible for managing significant risks from natural hazards as a matter of national importance.

What was proposed

In 2023, the then Government announced a phased work programme to improve the management of natural hazard risks under the RMA as follows.

- Phase 1 was a [National Policy Statement for Natural Hazards Decision-making \(NPS-NHD\)](#), as an interim measure, intended to be implemented by early 2024.
- Phase 2 was development of comprehensive National Direction for Natural Hazards over the next one to two years.

Preliminary engagement process

The Ministry for the Environment (the Ministry) has developed the natural hazards policy work programme and, in particular, the proposed NPS-NHD, in consultation with other relevant government agencies as well as interested groups and experts to develop the proposed NPS-NHD.

Before public consultation, officials pursued engagement with some of the Crown's Treaty partners and key stakeholders, including representatives from the banking, insurance and development sectors, and from local government.

Key matters we consulted on in this preliminary engagement included:

- the problem definition for the proposed NPS-NHD and the comprehensive national direction
- the scope of the proposed NPS-NHD (including the specific types of development and hazards covered)

- how the proposed NPS-NHD would interact with other central and regional regulation and the available tools under the RMA
- the specific policies included in the proposed NPS-NHD draft.

Key themes that emerged from the preliminary engagement process

Feedback from preliminary engagement expressed support for the proposed NPS-NHD, alongside some concerns and uncertainties. The key themes that emerged are outlined in [table 3](#).

Table 3: Summary of key themes from preliminary engagement with Treaty partners and stakeholders

Key theme	Summary
Current regulatory settings are not stopping some new development in high natural hazard areas	<ul style="list-style-type: none"> • Council representatives indicated that development is still occurring in areas with high risk of natural hazards, and it can be difficult to prevent development based on risk assessments. • Due to the current regulatory settings, natural hazard risk is not sufficiently considered when councils are balancing priorities during decision-making processes.
Broad support expressed for national direction that will add regulatory weight to natural hazard decision-making	<ul style="list-style-type: none"> • Council and banking and insurance representatives indicated that national direction on natural hazards would allow decision-makers to better balance natural hazard risk with competing priorities for which there is national direction (such as urban development) when considering applications on new development. These representatives also indicated the national direction would add weight to consideration of natural hazard risk and competing priorities in plan changes. • Insurance and banking representatives considered that councils should be equipped to manage risk. Their view was that, if hazard management were left to their sectors, the outcome would be inequitable impacts and unintended consequences.
Further direction is required to solve remaining issues in natural hazard planning	<ul style="list-style-type: none"> • Councils and banking and insurance sector representatives noted considerable scope exists for improving the way natural hazards are managed under the RMA.
Housing development should still proceed in low and moderate natural hazard risk areas as much as possible	<ul style="list-style-type: none"> • Council representatives highlighted a need to provide direction that would not reduce the overall amount of developable land to meet growth demands, including land capacity requirements under the National Policy Statement on Urban Development 2020 (NPS-UD).
Uncertainty around the outcome of consenting processes will likely decrease housing supply	<ul style="list-style-type: none"> • Representatives from the development sector noted the possibility that regulation may create uncertainty for developers, by changing the basis on which decisions were made and thus changing existing council practice. They considered that councils need to be well supported to implement any new regulation, and that this new regulation should provide certainty about the likelihood that development will be permitted. They indicated it is better to know before applying for a consent what the outcome is likely to be.
Māori rights and interests need to be considered and accounted for	<ul style="list-style-type: none"> • The Crown’s Treaty partners emphasised the importance of giving effect to te Tiriti principles in the proposed NPS-NHD – particularly tino rangatiratanga and the right to active protection.
Effective assessment of natural hazard risk will require further resourcing and capacity building	<ul style="list-style-type: none"> • Council and Māori representatives expressed concern about how overworked and under-resourced their groups already are in

Key theme	Summary
	undertaking planning decisions. They indicated that the proposed NPS-NHD should be drafted with this concern in mind.

Public consultation

The Ministry released the draft proposed NPS-NHD for public consultation on 18 September 2023, inviting members of the public to submit views by email or through the public consultation website, Citizen Space. This consultation included 22 questions covering the scope, objective, and provisions of the draft proposed NPS-NHD. [Appendix 1](#) has the full list of questions from the consultation [discussion document](#).

Overview of engagement

Public consultation included several webinars and workshops. These sessions were for stakeholders and Treaty partners to ask questions on the proposed NPS-NHD, to inform the submission process, and included meeting(s) with the following participants:

- Local Government Steering Group and the Taituarā Regulations and Bylaws Reference Group
- Taituarā and Te Uru Kahika | Regional and Unitary Councils Aotearoa
- Ministry for Business, Innovation and Employment Construction Sector Accord
- Te Kāhui Inihua o Aotearoa | Insurance Council of New Zealand and Te Rangapū Pēke | New Zealand Banking Association
- Te Pū Ao | GNS Science
- Te Kahi Ture Taiao | Resource Management Law Association (RMLA) and Te Kōkiringa Taumata | New Zealand Planning Institute
- Environmental Defence Society
- Network Utilities Forum
- three online drop-in hui for Māori (with invitations sent to Post Settlement Governance Entities, iwi, hapū, and Māori landowners previously consulted with in Severe Weather Response hui)
- FOMA Te Tai Kaha
- Aotearoa Climate Adaptation Network.

Overview of submissions

This section provides a general overview of all submissions and the methodology used for submission analysis. [Part 2](#) of this document addresses what we heard from submitters, and key themes, in more detail.

Methodology for submission analysis

All submissions were coded against a thematic framework using the Ministry's Croissant software. A group of Ministry officials with policy subject-matter expertise then undertook a thematic analysis of submissions, which involved organising submission points into common

theme areas based on specific topics and associated public consultation questions. This enabled an assessment of the diverse views expressed by submitters. Following this assessment, officials summarised the themes and organised them in order of discussion document topics. This report does not address all submissions or submission points individually.

This document provides a summary of views from different sectors, as represented by submitter categories. We have included some direct or paraphrased quotes to illustrate key themes raised, some of which we have edited for clarity. Where a specific submitter viewpoint has been paraphrased or directly quoted, the individual submission is referenced by the submitter type grouping it represents. A breakdown of submitters by submitter type can be found in [figure 1](#).

Quantifying submissions

When referring to submitters, the report quantifies support for positions based on the classifications in [table 4](#). These classifications relate to the number of responses received and are used relative to the proportion of responses to that question.

Table 4: Breakdown of classification method for quantifying submitter views

Classification	Definition
Few	0–5% of submitters on this topic
Some	5–25% of submitters on this topic
Many	25–50% of submitters on this topic
Most	More than 50% of submitters on this topic
All	100% of submitters on this topic

Demographics

Of the 102 submissions received, 97 were from organisations and 5 were from individuals.

Figure 1: Breakdown of submissions by submitter type

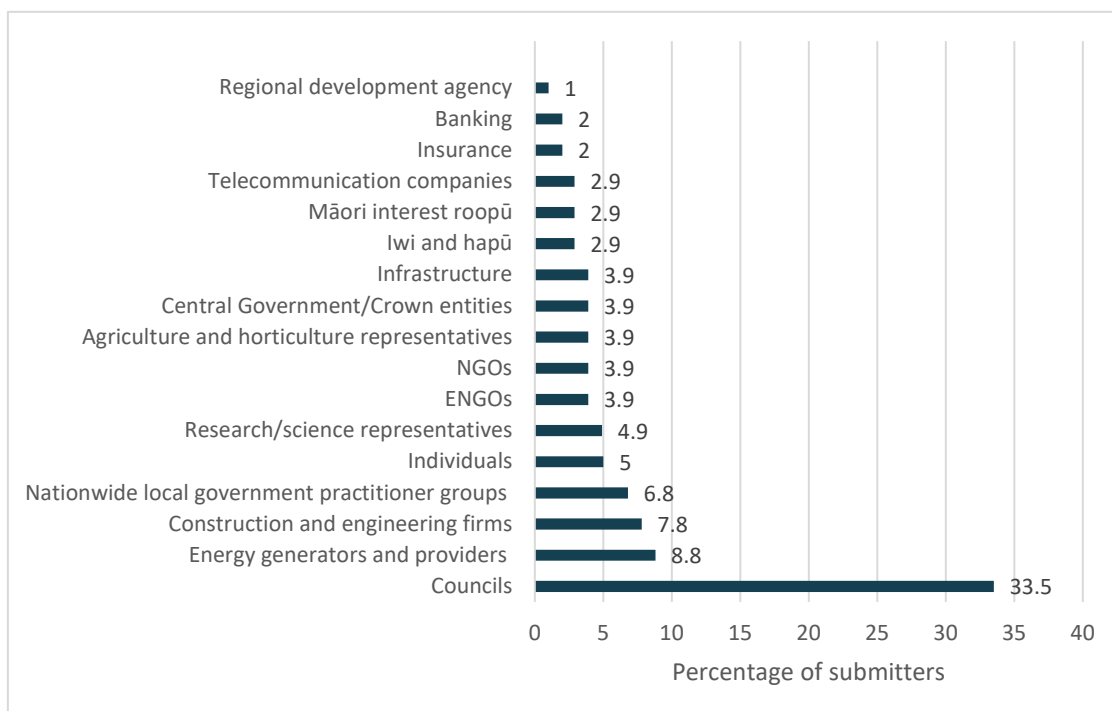
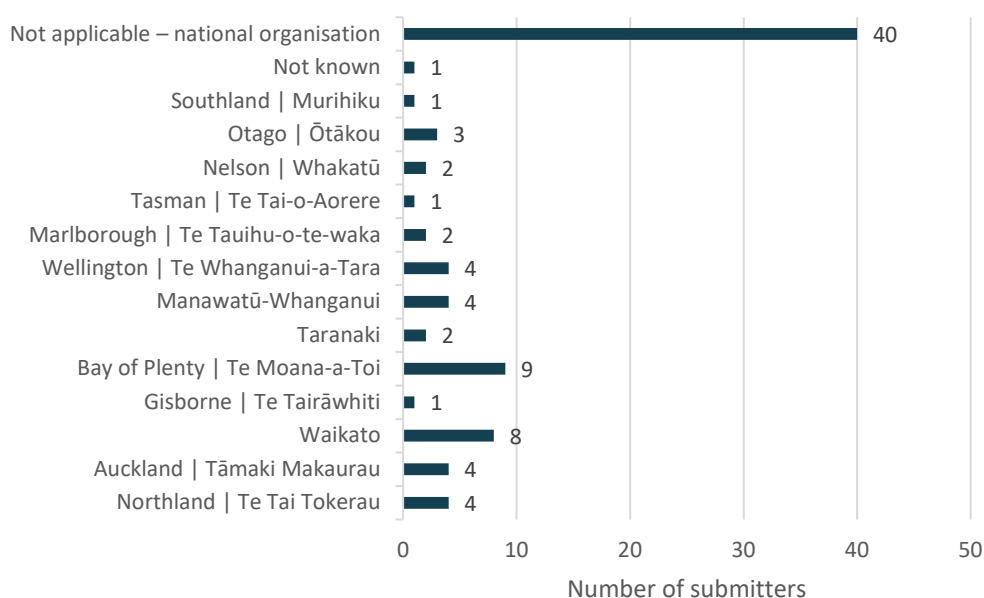


Figure 2: Breakdown of submitters by region



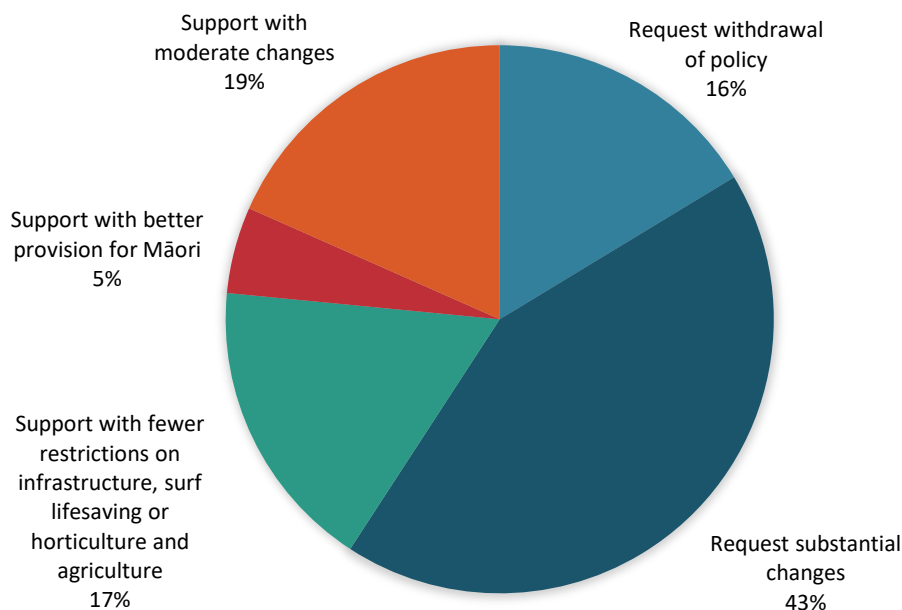
Overall levels of support

Submitters mostly supported the intent of the proposed NPS-NHD and parts of the structure and policy framework. However, they did not support the proposed NPS-NHD without substantial further development that would provide greater detail and directiveness to make it workable (43 per cent). Some suggested that the proposed NPS-NHD should be withdrawn as it was the wrong tool for progressing with the required changes and detail. These submissions suggested focus should be shifted to developing a comprehensive national direction (16 per cent).

Some submissions supported the intent of the proposed NPS-NHD, and mostly focused on the need to resolve specific issues, such as better providing for Māori rights, values and interests (5 per cent), or being less restrictive of infrastructure, surf lifesaving and horticulture (17 per cent).

Some submitters supported the intent of the proposed NPS-NHD and made suggestions for changes to specific policy areas (19 per cent).

Figure 3: Breakdown of submitters' responses to the proposed NPS-NHD



Key themes by submitter groups

See [appendix 2](#) for the key messages arising from consultation on the proposed NPS-NHD, organised by the relevant submitter groups. Key concerns that overlap between submitter groups included:

- lack of direction on risk tolerance and tolerability
- lack of direction on hazard ranking
- lack of direction on the interaction between this and other policies (for example, NPS-UD, New Zealand Coastal Policy Statement (NZCPS), National Policy Statement for Highly Productive Land (NPS-HPL))
- lack of resources to implement policy
- lack of quality, consistent natural hazards data to back up policy implementation
- concerns about timeframe for implementation
- concerns about lack of timeframe for risk assessment.

Part 2: Submissions analysis for the proposed National Policy Statement for Natural Hazards Decision-making

This part of the document provides an analysis of the submissions, in order of the discussion document topics. The beginning of each section includes a note of any specific parts of the [National Policy Statement for Natural Hazards Decision-making](#) (the proposed NPS-NHD) associated with the relevant discussion document questions.

The submissions are quantified in each section according to the classification method outlined in [table 3](#) in [part 1](#).

Problem definition

Discussion document questions

1. Is more action needed to reduce development from occurring in areas facing natural hazard risk?
2. Are there any other parts of the problem definition that you think should be addressed through the NPS-NHD? Why?

Proposal information

The resource management system is not delivering optimal outcomes for managing risks from natural hazards. Significant issues include inconsistent identification and assessment of natural hazards and risk, variation in resource management planning frameworks for considering natural hazard risks, and lack of involvement of tangata whenua.

Submitter analysis

Many submitters commented on the problem definition, most submitters identified further issues or provided additional context to some of the issues identified. Some submitters considered that issues were correctly identified in the problem definition. These submitters focused on the need for a consistent approach to natural hazard risk identification and management, and for central government to provide the right policy and legislative settings to allow councils to make binding decisions on hazard risk.

Infrastructure providers, research/science representatives, non-governmental organisations (NGOs), energy generators and providers, councils and the banking sector) called for more funding and capability building within councils. Others stated that raising community awareness on natural hazard risk would help reduce inaction and maladaptation.

A few submitters noted the problem definition lacks a te ao Māori perspective. Two submitters stated that the role Māori and marae play as first responders to an emergency event needs to be acknowledged and supported, to build resilience to natural hazard events within communities.

One submitter was concerned that the approach within the proposed NPS-NHD would exacerbate existing inequities, and that this issue was not included as part of the problem definition.

Those with the economic means to take greater risks will be able to do so, while those with less means will not be able to or may become trapped in deteriorating situations.

– Council submitter

A few submitters considered that the problem definition needs to include how risk changes, and the cumulative impacts of natural hazard risk.

Many submitters expressed concern that the risk assessment guidance included no timeframe, some suggested 100 years as an appropriate timeframe, as this is also in the New Zealand Coastal Policy Statement (NZCPS). Some submitters highlighted the importance of long-term assessment of risk, including how risk changes over time due to climate change.

Future comprehensive national direction on natural hazards

Discussion document question

3. Are there other issues that have not been identified that need to be addressed through the NPS-NHD or the comprehensive National Direction for Natural Hazards?

Proposal information

A phased work programme was proposed, to address the problem as defined.

Phase 1: the proposed NPS-NHD is an interim measure intended to be implemented by early 2024, with a priority being to address the weight decision-makers should give to natural hazard risk in plans, plan changes, resource consents and designations.

Phase 2: comprehensive National Direction for Natural Hazards, to be developed over the next one to two years. Most of the issues identified in the problem definition require a long-term work programme to prepare a comprehensive national framework, along with guidance on how to derive consistent technical information that will support decision-making. These measures were proposed to be addressed through a future comprehensive National Direction for Natural Hazards, which will take time to develop.

Submitter analysis

Urgent national direction needed, but further work required

Most submitters from councils, practitioner groups, environmental NGOs (ENGOS), NGOs, banking and insurance supported the need for national direction soon. However, most submitters stated that the proposed NPS-NHD would not achieve desired outcomes. Most

submitters stated that the proposed NPS-NHD was not directive enough for effective implementation, and that it needed significant additional detail.

A few submitters from practitioner groups, councils, ENGOs and banking noted some urgency to improving practices in the short term and saw value in an interim measure as contemplated by the proposed NPS-NHD.

Focus on comprehensive national direction only

Sixteen submitters from councils, infrastructure, insurance and practitioner groups specifically asked that the proposed NPS-NHD be withdrawn and that the Government focus on developing the more comprehensive piece of national direction. Some submitters were concerned the two-step process would create inefficiencies for councils who may have to change processes, as well as leading to uncertainty for landowners.

A few council submitters raised concerns that they would not have the resources and information to implement the more immediate proposed NPS-NHD.

Some calls to withdraw the proposal and focus on comprehensive national direction stated that the NPS-NHD would not be workable without extensive guidance provided by comprehensive national direction, and so implementing it and then waiting two years or more for the guidance did not make sense.

Support for a multi-phased approach to national direction

Some councils and practitioner groups recommended taking opportunities to deliver national direction in a phased way, primarily through narrowing the scope of hazards and planning decisions for initial direction and providing greater detail and direction for immediate action. For example, a few council submitters recommended focusing the proposed NPS-NHD on flooding hazards and greenfield development decisions only, as an effective initial step.

Comprehensive national direction provisions should be highly directive, but flexible

Most submitters supported development of a more comprehensive national direction over the next one to two years.

Most submissions made specific recommendations for the scope and content of the wider national direction programme, including for both phase 1 and 2. Most of these submissions advocated for a broad scope to national direction and detailed hazard-specific policy direction. Submitters agreed with the goal of making the comprehensive national direction highly directive. Some submitters recommended that the comprehensive national direction include directive National Environmental Standard regulation, which provides actual rules instead of just policy. Some submissions from councils and practitioner groups identified that guidance documents can be valuable. However, submitters noted that guidance lacks legal weight and relying on it for decision-making processes can be problematic.

Many council submitters highlighted the need to allow for varied and localised response to natural hazards, with some stating that having comprehensive and detailed national direction would support this.

A few iwi and NGO submitters raised concerns that moving towards greater standardisation would remove the flexibility for local variations in decision-making to meet the specific needs of that community.

A risk-based approach

Discussion document question

4. Do you support the proposed NPS-NHD's requirement that decision-makers take a risk-based approach when making decisions on new development in natural hazard areas? Why or why not?

Proposal information

The proposed NPS-NHD would require a risk-based approach when considering natural hazards in planning decisions, this is reflected in the objective, and Policies 1 and 2 of the proposed NPS NHD.

Submitter analysis

Support for a risk-based approach if clearly directed

Many submitters support using a risk-based approach and categorising risk, as a way to consider risk comprehensively and accurately. Submitters from councils supported a risk-based approach for a variety of hazards – including low-probability/high-impact hazards, such as tsunami, and high-probability/low-impact events like frequent flooding. Many submitters also recognised that the risk-based approach could be complex and would need a thorough and directive framework to be implemented efficiently. A few council submitters noted they already use approaches very similar to the proposed NPS-NHD, and other council submitters described their use of natural hazard planning systems that were different but also based on a risk-based approach.

A te ao Māori approach could be incorporated

Some submissions stated that a risk-based approach should explicitly reference a te ao Māori approach in its process. One submitter stated that this would ensure the inclusion of mātauranga Māori within decision-making processes.

All natural hazards in scope

Discussion document questions

5. Should all natural hazards be in scope of the proposed NPS-NHD? Why or why not?
6. If not all natural hazards are in scope, which ones should be included? Why?

Proposal information

The proposed NPS-NHD adopts the Resource Management Act 1991 (RMA) definition of natural hazards, which would mean that all natural hazards are within scope. Considering the effects of climate change on natural hazards is also part of determining the extent of the natural hazard and the risks associated with an event.

Submitter analysis

Proposal should cover all hazards

Most submitters from councils, insurance, practitioner groups, Māori, development sector and technical organisations were supportive of all hazards being considered – an approach they viewed as beneficial for comprehensively understanding risk. Submitters noted that excluding some hazards could result in development in those areas having a level of unacceptable risk from those hazards.

An all-hazards approach ensures that there is a consistent outcome being sought for all hazards and including those which are cascading, inter-related and cumulative.

– Māori interest roopū submission

Many submissions from Māori stated that the scope of the proposed NPS-NHD should be expanded to consider how natural hazards are managed outside of new developments. One submitter suggested that the scope should include the review of existing consent conditions. Another submitter said that the proposed NPS-NHD should require councils to consider how their management actions influence natural hazards (for example, how river works upstream impact decisions on new developments downstream).

Opportunities to prioritise and focus on certain hazards for efficiency

Some submitters from councils, insurance, practitioners, NGOs and research/science organisations noted that opportunities exist for prioritisation or a focus on certain hazards where resources are limited, and they sought efficiency in the development of national direction, and for councils. Some submitters considered that an all-hazards approach is the goal, but this may be overly complex and resource intensive and would require comprehensive and directive hazard-specific policy to implement efficiently. They proposed that the NPS-NHD prioritise the most devastating or imminent hazards.

Hazard-specific policy should be developed

Some submitters noted that the proposed NPS-NHD does not reflect the different roles of RMA decisions for different hazards, and so suggested development of hazard-specific policy. Some submitters noted there are different methods to manage the risk from some hazards, which needs to be considered in how the proposed NPS-NHD applies and reflects the RMA.

A few submitters from councils, practitioner groups and technical organisations suggested that complex geological hazards such as volcanoes and earthquakes require a different approach than climate hazards, or that they should be excluded altogether.

Allowance for regional variation in considering hazards

Some submitters noted regional variation in the relevance of hazards, and the information available on particular hazards, so local application requires flexibility. A few council submitters suggested that the natural hazards need to be more explicitly described, to ensure that interpretation is not limited to standard hazards (so that, for example, wildfires or drought are considered).

Consistency for definition of ‘natural hazard’

A few submitters requested changes to the definition of natural hazard for clarification (for example, whether the definition includes multiple overlapping or cascading hazards), and to ensure consistency with other statutes and policy documents, such as the Civil Defence Emergency Management Act 2002 (CDEM Act), the RMA, the Building Act 2004, and national adaptation plan.² One submitter requested the definition include impacts exacerbated by upstream land-use activities.

Climate change should be explicitly included in risk assessment and categorisation

Most submitters from councils, practitioners, the development sector, insurance and banking sectors, and science and research organisations considered the risk categorisation and assessment process needs to more explicitly incorporate the level of risk and uncertainty as a result of climate change.

Most submitters were concerned the proposed NPS-NHD would not allow for a timely response to climate change and may result in an increased risk to hazards in the long term. Submitters expressed concern about a lack of a specified timeframe for risk assessment to account for climate change increasing risk profiles. Some submitters from practitioner groups and councils considered a 100-year time horizon suitable for consideration of the likely level of risk, similar to the [New Zealand Coastal Policy Statement 2010](#) (NZCPS). Most submitters would like to see the proposed NPS-NHD refer more explicitly to climate change.

The planning horizon is critical to managing risk with the likelihood of some climate-related hazards becoming virtually certain over time. This means that the likelihood-consequence approach loses its resolving power to manage risks over both the short and long term.

– Practitioner group submission

Risk assessments should have a strong link to climate adaptation policy

A few practitioner group submitters also noted the need for strong connection – if not direct policy – that relates to the wider information base on climate risk (such as climate change risk assessments prepared under the Climate Change Response Act 2002). These submitters also

² In 2022, the New Zealand Government released the first national adaptation plan, which looks at the impacts of climate change now and in the future and sets out how Aotearoa can adapt. Ministry for the Environment. 2022. [Aotearoa New Zealand's first national adaptation plan](#). Wellington. Ministry for the Environment.

considered consistency to be necessary in decision-making on various climate adaptation and resilience actions in a region (including as directed by central government).

New development, hazard-sensitive development definitions and other activities

Discussion document question

7. Should all new physical development be in scope of the proposed NPS-NHD? Why or why not?

Proposal information

The proposed NPS-NHD would apply to planning decisions that result in or enable new physical development of buildings or structures (Part 1.3, 1.4 and Policy 5). It defines new development to include all new buildings or structures, extensions to existing buildings, replacement of existing buildings and the construction, extension or replacement of infrastructure (Part 1.4). This includes residential and multi-unit dwellings, papakāinga, marae, educational facilities, health facilities, visitor accommodation, community facilities, commercial and infrastructure developments.

Submitter analysis

Get the definition for 'new development' right

Most submitters stated that the definition of new development was overly complicated and did not capture all relevant development. In addition, some submitters requested that specific kinds of development be exempt from the definition.

Some submitters suggested adding to the definition, to include for example:

- land-use conversion
- commercial development
- the establishment, operation, maintenance and upgrade of existing infrastructure
- the renewal of resource consents
- non-physical development that introduces or exacerbates existing hazards, such as earthworks and vegetation removal.

By contrast, some submitters requested exemptions from the definition for specific kinds of development, including for example:

- all buildings, structures or infrastructure needed for the operation or functioning of a lifeline utility as defined in the CDEM Act
- all electricity distribution and generation infrastructure
- non-habitable infrastructure used for horticultural activities, and fences.

Agricultural industry requests further clarity about exclusions

All agricultural representative submitters agreed with the overall intent of the proposed NPS-NHD. All agricultural representative organisations that submitted sought further clarity on their exclusion from the tests of the proposed NPS-NHD.

Individual primary sector businesses may have a higher tolerance for risk and should be allowed to continue working in a high-risk area so long as they do not expect compensation from the Government after a disaster.

– Agriculture and horticulture representative submitter

All submitters from these groups were clear that the proposed NPS-NHD should not add to any current consenting requirements for farmers. They expressed concern that, as currently drafted, costs could increase for farmers when consenting infrastructure projects. All agricultural representative organisation submissions also requested that the proposed NPS-NHD consider rural communities and enterprises more explicitly – for example, by adding a policy that requires councils to provide information on the appropriate mitigation measures to use in rural versus urban areas.

Reconsider scope of ‘new hazard-sensitive development’

Most submitters agreed that the definition of ‘new hazard-sensitive development’ should include buildings where people live or congregate in significant numbers, and activities that could significantly harm the natural, physical, or human environment if damaged in an event.

Some submitters requested further inclusions to this definition, for example:

- correctional facilities
- hazardous storage facilities
- earthworks
- accommodation
- retail, office and light industry
- buildings where a high number of people congregate or that have civil defence purposes.

Some submitters from NGO, research and science organisations, and developer groups expressed concern that this definition will be too restrictive on development.

Alignment with Government direction

Discussion document question

8. What impact do you think the proposed NPS-NHD would have on housing and urban development? Why?

Proposal information

The NPS NHD specifies how it interacts with the NZCPS and the intensification planning instruments to implement the National Policy Statement on Urban Development (NPS-UD) and the Medium Density Residential Standards (MDRS) in accordance with section 80F of the RMA.

Clause 1.5 states that the proposed NPS NHD would not require changes to the changes to the intensification planning instruments that relevant councils are progressing to implement the NPS-UD and the MDRS, in accordance with section 80F of the RMA.

The proposed NPS-NHD stipulates that, in the event of a conflict with the NZCPS, the provisions of the NZCPS would prevail over the proposed NPS-NHD. This is to ensure the primacy of the NZCPS in the coastal marine environment.

Submitter analysis

Clarify relationship between new and existing national direction

Many submitters called for clarification on the proposed relationship of the NPS-NHD with other national direction created under the RMA.

A few submitters sought clarification on the relationship with all existing national direction, while some individual submitters made more specific requests, including in relation to:

- the [National Policy Statement on Urban Development 2020](#) (NPS-UD)
- the [National Policy Statement for Freshwater Management 2020](#) (NPS-FM)
- the [National Policy Statement for Indigenous Biodiversity 2023](#) (NPSIB)
- all national policy statements that may have implications for the future supply of land for urban expansion.

A few infrastructure providers stated that the relationship between the proposed NPS-NHD and specific national direction relevant to their sectors may have implications for the consenting, construction or maintenance of their infrastructure, or that there may be inconsistency between them. These submitters were from the electricity and telecommunications sectors, for which the relevant national direction includes the:

- [National Policy Statement for Renewable Electricity Generation 2011](#) (NPS-REG)
- [Resource Management \(National Environmental Standards for Electricity Transmission Activities\) Regulations 2009](#) (NES-ET)
- [Resource Management \(National Environmental Standards for Telecommunication Facilities\) Regulations 2016](#) (NES-TF).

Exemption for housing intensification in hazard-prone areas

Many submitters were opposed to the exemption in clause 1.5 of the proposed NPS-NHD for specified territorial authorities preparing intensification planning instruments under [section 80F](#) of the RMA. A few submitters stated that the intended goal of minimising disruption and complexity was not a strong enough reason to justify the exemption, particularly due to the potential for the development of many new homes that are exposed to climate-exacerbated hazards. Submitters

stated that this could lead to an increase in assets impacted by climate change, raising opportunity and adaptation costs for communities that will already be significantly exposed.

Many submitters raised concerns that clause 1.5 (and the drafting of the proposed NPS-NHD, in general) limited the potential for the NPS-NHD to be considered as a qualifying matter under the intensification planning instruments.

Concern the proposed NPS-NHD will slow housing intensification

There was concern from some submitters – particularly developers and some councils – that the requirements for assessments, and the avoid and mitigate provisions of the proposed NPS-NHD, would slow intensification and compound issues of inadequate housing levels in Aotearoa. These submitters expressed concern that the requirements would increase consenting times, as well as the burden on consenting staff, and the costs for developers (which are passed onto the consumer).

Some submitters were concerned that the risk categorisation of some land would have an impact on surrounding homes and businesses, in terms of their insurance and mortgage lending, which would affect affordability. There was concern from some submitters that the NPS-NHD would slow housing intensification, increase consenting times, impact affordability and increase costs for developers.

A few submitters expressed concern on the overall equity impacts the proposed NPS-NHD would have if high-risk zones became the cheapest areas in which to rent or buy housing. Some submitters also requested that the proposed NPS-NHD make it clearer that intensification does not always mean higher risk.

It is essential that the NPS-NHD be clear that risk reduction is not necessarily synonymous with development or intensification reduction and that sometimes the opposite is true.

– Research and science representative submission

Net positive impact of proposed NPS-NHD on housing

Despite potential negative effects, some submitters considered that the proposed NPS-NHD would still have a net positive impact in the long term or, at least, would have minimal impact.

The NPS-NHD will provide a mechanism by which housing and urban development are more resilient to natural hazards, the flow on effects of this are increased prosperity, societal security, alleviation of underlying societal vulnerabilities, improved societal wellbeing, and improved national access to insurance.

– Engineering firm submission

The NPS-NHD will likely have a relatively small impact on overall housing and business capacity. Any activities that are located in high hazard areas will only have a limited lifespan anyway.

– Telecommunications organisation submission

Some submitters also believe that the proposed NPS-NHD should take precedence over the NPS-UD, to ensure that ‘high natural hazard risk’ is not ignored in favour of housing density.

Clear hierarchy needed between national direction instruments

Most submitters supported a clear hierarchy between the proposed NPS-NHD and the NZCPS. There was agreement between most submitters that coastal hazards should continue to be managed through the NZCPS.

Some submitters appreciated the similarities between the policies in the proposed NPS-NHD and those in the NZCPS, in terms of using a precautionary approach and nature-based solutions.

Many submitters also requested clarification of the relationship between the proposed NPS-NHD, the NPS-UD, the MDRS and other national land-use policies. One submitter expressed concern about how decision-makers would balance the strong language of the NPS-UD, in setting bottom lines for housing supply, with the avoidance policy in the proposed NPS-NHD.

Many submitters believed the proposed NPS-NHD should explicitly state that, in the event of a conflict between it and the intensification planning instruments, the proposed NPS-NHD will prevail.

Support for greater alignment between the proposed NPS-NHD and the NZCPS

Many submitters considered the proposed NPS-NHD and the NZCPS need to be more aligned. In particular, all submitters on this topic agreed that the proposed NPS-NHD should be aligned with the NZCPS in setting a 100-year planning horizon.

Some submitters requested that the proposed NPS-NHD require the identification of areas potentially at risk from natural hazards that are more easily mapped. The same submitters also requested that the objective of the proposed NPS-NHD be aligned with policy 25(a) of the NZCPS on avoiding increasing the risk of social, environmental and economic harm from coastal hazards.³

Support for alignment with the national adaptation plan

A few submitters expressed their support for aligning the proposed NPS-NHD with the national adaptation plan. One submitter stated that the national adaptation plan includes an action to set national direction on natural hazard risk management and climate adaptation, and that the proposed NPS-NHD appears to do this. A few submitters also appreciated that the prioritisation of nature-based solutions in the proposed NPS-NHD aligns with:

- the [national adaptation plan](#)
- the [NZCPS](#)
- the [NPSIB](#)
- the first [emissions reduction plan](#)
- [Te Mana o Te Taiao | Aotearoa New Zealand Biodiversity Strategy 2020](#).

³ See policy 25 of the [New Zealand Coastal Policy Statement 2010](#), p 24.

Part 3: Submission analysis on the objectives and policies proposed

An effective objective for the proposed National Policy Statement for Natural Hazard Decision-making (NPS-NHD)

Discussion document question

9. Do you agree with the proposed objective of the NPS-NHD? Why or why not?

Proposal information

The objective of the proposed NPS-NHD (Part 2.1) sets direction on the broad spectrum of potential impacts from natural hazards that decision-makers must consider when making decisions on regional policy statements, plans, resource consents and designations in relation to new development.

Submitter analysis

Reword the objective for better clarity, effectiveness and alignment

All submitters supported the broad intent of the objective. However, many submitters had suggestions for rewording and reorganising the objective to make it more effective and better aligned to the policies in the proposed NPS-NHD.

Although they understood the intent, some submitters considered that the proposed phrasing of the objective reads as if the goal is to minimise the ability of communities to quickly recover after a natural hazard event.

Some practitioner group submitters suggested rewording to split the objective into two separate aims, for greater clarity – for example:

Minimise the probability of impacts from natural hazards affecting people, communities, the environment, property, and infrastructure; and

Increase the probability that communities will recover quickly after natural hazard events.

– Practitioner group submitter

A few submitters were confused by the inclusion of recovery in the objective and did not see the link between this goal and the policies in the proposed NPS-NHD.

A few submitters also questioned the inclusion of the environment in the objective and stated that this is already covered as a consideration. Because the proposed NPS-NHD is a piece of secondary legislation under the RMA, they expressed concern that inclusion will lead to a double-up in the drafting. They also considered that including managing environmental

consequences would make the scope too wide, without clear guidance as to what environmental outcomes are to be managed.

Change the use of the word ‘minimising’ in the objective

Some submitters suggested that the word ‘minimised’ should be removed from the objective and replaced with a different term. Some infrastructure provider submitters suggested that minimised is too stringent and does not allow enough flexibility for effective mitigation measures.

In contrast, some council submitters found that the term minimised is not strong enough to allow the avoidance of building in high-risk areas, and a different term should be used. Some examples to replace minimise included ‘avoided or mitigated’ and ‘reduced to tolerable levels’. These submitters stated this change would better tie in with the approach described in policy 5 (see discussion [below](#)).

Policy 1: Establishing an all-hazards, risk-based approach to all planning decisions

Discussion document question

10. What are the pros and cons of requiring decision-makers to categorise natural hazard risk as high, moderate or low?

Proposal information

Policy 1 of the NPS-NHD would require decision-makers, when making planning decisions under the RMA, to determine whether a natural hazard risk is high, moderate or low.

The definitions (Part 1.4) provide a transparent, certain and consistent approach to categorising risk. The categories are principle based rather than highly prescriptive, to provide decision-makers with discretion on how to apply them.

Submitter analysis:

Categorisation and communicating risk requires more technical accuracy

Many submitters from councils, insurance, practitioner groups, the development sector, and research and science organisations considered that the current definitions are not useful and need more detail. These submitters suggested a need for stronger direction on the definitions of risk, to ensure the approach to risk-based categorisation is effective and efficient.

How moderate and high risks are determined is very important and there needs to be clear plain language information about this for our communities to understand and contribute to decision making.

– Non-governmental organisation (NGO) submitter

Some submitters from councils, the insurance sector, practitioner groups, environmental NGOs (ENGOs), NGOs and research and science representative organisation supported the simplicity of using a three-category structure and the clear communication of risk it generally conveys. They stated that this creates a level of certainty for both planning decision-making and non-planning decisions (such as insurer and other market-based decisions). However, these submitters were concerned that without clear definitions and methodologies, this approach would result in ineffective decisions for managing risk through planning decisions. They considered this could also send false signals of risk levels to other decision-makers.

Some submitters called for more differentiation in the proposed NPS-NHD between natural hazard and natural hazard risk. Some council, practitioner group, and infrastructure provider submitters noted that most councils do not currently include risk categories in their natural hazard mapping for planning purposes.

This framework would need to consider likelihood and potential consequences of natural hazard events. These submitters suggested the focus should be on requiring improved mapping of natural hazards first, before moving on to the more complex task of mapping levels of risk. Several submitters suggested using the sensitive activities framework already in use by some councils as a proxy for risk. A submitter from a research and science organisation suggested that a consistent framework or matrix is needed to categorise and map risk.

Many submitters from councils, research and science organisations, insurance, banking and practitioner groups raised concern that the categories are static in their consideration of risk and will need to be reviewed regularly to consider how risk may change. This is due to climate change and other factors, such as new information, changing land use and communities. Some of these submitters suggested that direction be provided on when risk categories should be reviewed.

Role of the decision-maker in categorisation

Some submitters from councils, practitioner groups, the insurance sector, and research and science groups were concerned that the categorisation of risk based on ambiguous policy could lead to unintended consequences. These submitters considered that decision-makers are not well placed to categorise this risk on a case-by-case basis without clear definitions and understanding of the categories. They requested a directive framework for how to assess risk, contained in a higher-level planning document or, ideally, national direction. A practitioner group stated that the misalignment between area-based direction and case-by-case assessment makes it very difficult to understand what type of risk is required to be addressed through mitigation or risk reduction.

These submitters stated that the result of ambiguous policy would likely be inconsistent, non-robust decision-making, which is difficult to base hard, restrictive decisions on, and to legally defend. These submitters expressed concern that the resulting inconsistent decision-making approach could be contrary to the intent of the proposed NPS-NHD and may be less effective and efficient than current council practices.

Assessments should be appropriately scaled to the planning decision being made

Some submitters from councils, infrastructure groups and practitioner groups suggested that levels of assessment and rigour should be relevant to the planning decisions being considered

– noting that this would involve defining what level of assessment is needed to make certain planning decisions and support the defence of any decisions.

These submitters generally thought that the risk-based assessment and categorisation approach could most reasonably be applied to the resources and scope of a plan change, or other such significant decisions. They stated that the proposed NPS-NHD should not apply at a resource consent stage, as this would be too resource intensive and limited in scope and would result in poor outcomes. These submitters also suggested that implementation of the proposed NPS-NHD would need to start with a regional mapping of risk.

Planning for natural hazards needs to be appropriately resourced

Most submitters noted that natural hazard planning is resource intensive and requires specialised capabilities, and that the proposed NPS-NHD will require significant resource coordination to implement effectively. These submitters considered that decisions will only be as good as the information they are based on, and currently there is a significant gap in comprehensive natural hazard information. Some submitters from councils and the banking sector stated that central government needs to coordinate resources, and that smaller, less well-resourced councils may need additional funding to produce natural hazard information such as maps or models.

We anticipate that considerable resources would be required to robustly implement a risk-based planning approach. Local authorities already face challenging funding allocation decisions. Central Government should acknowledge and help resolve funding challenges.

– Council submitter

In addition to expressing concerns about a current lack of information on hazards, many submitters considered that some aspects of policy 1 (such as tolerance assessments) may be unnecessarily burdensome to implement. A few submitters considered that central government should create a dedicated ministry or group to focus on the creation and collation of nationwide natural hazard information.

In our view, it should be a requirement of publicly funded science institutions that they make available without cost information that they hold on to natural hazards to support decision makers. Open access on this basis supports evidence-based decision-making and consistency of decisions.

– Insurance sector submitter

Some submitters from councils and practitioner groups stated it is currently unclear who is responsible for providing adequate information for risk assessments at different scales, and they also noted the need for direction on roles and responsibilities. A few submitters requested the creation of a consistent, nationalised, freely available hub of natural hazard data and information.

Māori should be supported to develop natural hazard risk assessments

One submitter highlighted the need for financial and technical support to enable Māori to participate in the development of natural hazard risk assessments.

There needs to be sufficient and appropriate financial and technical support for Māori to participate in the development and implementation of risk assessment and mitigation responses for natural hazards on new development over specified Māori land.

– Māori interest roopū submitter

Policy 2: Assessing natural hazard risks

Discussion document question

11. What are the pros and cons of directing decision-makers to assess the likelihood, consequence and tolerance of a natural hazard event when making planning decisions?

Proposal information

Policy 2 sets out the criteria that decision-makers would have to consider when determining whether a natural hazard risk, in relation to new development, is high, moderate or low under policy 1.

These criteria include consideration of the likelihood and consequences of a natural hazard, as well as the risk tolerance of those who are subject to that risk, as outlined in policy 2.

The criteria are principles-based rather than prescriptive, and they provide councils with the discretion for application that:

- reflects regional and local circumstances
- accounts for the type of natural hazard and the type of new development
- applies any existing information a region or district holds on natural hazards.

Submitter analysis:

Calls for greater direction on how to consider likelihood and consequence in risk assessments

Most submitters generally considered likelihood and consequence to be useful concepts for understanding risk, consistent with other risk-based frameworks.

Most council, practitioner group, banking sector, development sector and technical organisation submitters considered the proposed approach of high-level principles insufficient to direct efficient and effective implementation of risk assessments.

Some council and practitioner group submitters raised concerns that the policy did not sufficiently consider residual risk.

Vulnerability and exposure

Some council and practitioner group submitters raised concerns the risk assessment process set out in the proposed NPS-NHD did not include specific considerations of 'exposure' and 'vulnerability' in the policy. These submitters suggested using these terms, because they are part of established best practice risk assessment methodologies, to understand the

consequences from natural hazards. A practitioner group submitter noted that exposure and vulnerability are used in the definition of risk by the United Nations Framework Convention on Climate Change, and in the risk and assessment criteria in the National Climate Change Risk Assessment for New Zealand.⁴

These submitters noted that the inclusion of the concepts of vulnerability and exposure in risk assessments allows for consideration of socioeconomic matters. This means that they can provide greater context to the potential consequences from natural hazards.

Tolerance assessments

Overall, submitters had diverse views on the inclusion of risk tolerance as part of a planning decision, most of which centred around:

- the practicality of undertaking risk tolerance assessments at different stages of planning processes
- the potential for tolerance assessments moving the decision away from an evidence-based decision
- the potential for inconsistency and failure to minimise risk.

Some submitters from councils and practitioner groups recognised the value of considering tolerance within the local government natural hazard decision-making process, which would add community involvement.

Many submitters identified issues with the proposed NPS-NHD's use of tolerance, particularly in the absence of a clear methodology for tolerance assessment. These submitters considered that, if required, a tolerance assessment should be set at plan-making levels, regional levels or at a national level. They considered undertaking a tolerance assessment for resource consents would be inefficient, and a decision-maker would not be well equipped to make decisions in a consistent way.

National risk tolerance methodology and thresholds

Many submissions from councils, practitioners, the insurance and banking sector, and research and science groups requested greater detail and direction on tolerance, so that it can be effectively and efficiently implemented. Many submitters requested that central government provide a clearly defined national methodology on how to establish tolerance levels, which should include the weight for the tolerance levels of different groups. Some council and practitioner group submitters identified the need for clear methodology about the different groups to consider, in terms of who bears the risk.

Some submissions from councils, hazard experts, Māori interest roopū and developers suggested that central government should develop and provide risk tolerance thresholds, which should be the starting point for council implementation of the proposed NPS-NHD. They considered that leaving councils to define their own risk thresholds would lead to more ambiguity and inconsistency, as well as being resource intensive. These submitters noted that

⁴ Ministry for the Environment. 2020. *National Climate Change Risk Assessment for Aotearoa New Zealand: Main report – Arotakenga Tūraru mō te Huringa Āhuarangi o Āotearoa: Pūrongo whakatōpū*. Wellington: Ministry for the Environment. Table 5, p 22.

thresholds would decrease implementation issues and disagreements between councils and developers.

National tolerance data could be collected from the NZ public, councils, critical infrastructure providers and used as a common basis to inform decision about new development in natural hazard areas.

– Council submitter

Response to hazard risk should be varied

Some councils, practitioner groups and research and science representatives made submissions supporting policy that provides flexibility in how to respond to risk based on certain factors. These submitters considered that the proposed NPS-NHD should include specific policy responding to a need for flexibility, allowing for different planning responses based on:

- what the decision-maker considers best practice
- what is practically implementable in response to certain hazards
- the appropriate response for their community.

Tolerance better left outside the risk categorisation process

Many council, practitioner group and technical expert submitters requested that tolerance be removed from the risk assessment and categorisation part of the proposed NPS-NHD and some wanted it removed altogether. Some suggested tolerance would be an unworkable addition to risk categorisation and that if it were included, it would need to be in the plan-making stage (separate from risk categorisation).

Many submissions from councils, practitioner groups, and research and science organisations considered that different interpretations of tolerance could lead to planning decisions being too accepting of risk, making it harder to defend decisions. Many practitioner group and council submitters considered that tolerance values of current residents may not align with the tolerance values that should be considered in land-use planning. For example, some submitters suggested the need to consider the tolerance of future residents and wider society.

A few submissions from the development sector noted a concern that councils may be overly restrictive in their use of tolerance.

Policy 3: Precautionary approach in decision-making

Discussion document question

12. What are the pros and cons of directing decision-makers to adopt a precautionary approach to decision-making on natural hazard risk?

Proposal information

Policy 3 would direct decision-makers to adopt a precautionary approach when determining natural hazard risk, if the risk from natural hazards is uncertain, unknown or little understood, and where the natural hazard risk could be intolerable.

Policy 3 recognises that information gaps exist about natural hazards and their associated risks across regions and districts and that, where this occurs, decision-making on new development requires a precautionary approach. Proposal of this approach is to avoid placing undue burden on councils to gather new information immediately.

Submitter analysis

A conservative approach

Most submitters supported the use of the precautionary approach. In particular, councils generally agreed that the approach would encourage more conservative and risk averse decision-making that would help protect people and the environment.

A few submitters had reservations. . Their main concern was the risk of lost economic opportunities if unnecessary delays and overly restrictive land-use controls prevented reasonable land uses with low vulnerability to natural hazards.

A few submitters strongly opposed the precautionary approach, most of whom suggested exemptions for specific types of infrastructure.

Some council submitters were concerned that, where assessing natural hazard risk is difficult, a precautionary approach could become the default decision-making approach, particularly at the resource consent level. They said this could lead to an inconsistent approach across the country, with particularly pronounced inconsistencies between individual sites.

Some submitters supported the precautionary approach because it would provide flexibility for councils in the face of uncertainty (including incomplete data), allowing time to gather and analyse relevant natural hazards information. They stated it would immediately promote reasonable development.

Precautionary approach needs definition

Some submitters felt that providing a definition for the precautionary approach would be useful, and that it could be aligned with the model used in the [New Zealand Coastal Policy Statement 2010](#) (NZCPS).⁵

Tolerability should not be included unless defined

Most submitters raised concerns about the inclusion of the concept of tolerability within the precautionary approach. Many suggested that tolerability should be removed, or that a definition of 'intolerable' should be provided, along with guidance on how to apply it.

⁵ See policy 3 of the [New Zealand Coastal Policy Statement 2010](#), p 12.

Some suggested definitions were provided, including:

- “risk that is so high it is not taken, regardless of the benefits”
- “risk from natural hazards that is severe in physical or economic harm or having high potential impact”.

Many submitters called for development of practical standards, methodologies and principles to guide implementation.

Better links to information requirements

Many submitters felt policy 3 should be better linked with clause 3.3 of the proposed NPS-NHD, regarding ‘best information’. This would resolve an apparent conflict between the precautionary approach and the requirement in clause 3.3(3)(a) – to “not delay making decisions solely because of uncertainty about the quality or quantity of the information available”. One submitter suggested this conflict could be resolved by explicitly allowing decision-makers to pause resource consent and plan-change applications while information is compiled, rather than declining an application on the basis of insufficient information.

Policy 4: Restricted discretionary and controlled activities

Discussion document question

13. What are the pros and cons of requiring natural hazard risk as a matter of control for any new development classified as a controlled activity in a plan, and as a matter of discretion for any new development classified as a restricted discretionary activity?

Proposal information

Policy 4 would ensure that natural hazard risk is included as a matter of control for any new development that is classified as a controlled activity in a plan, and as a matter of discretion for any new development that is classified as a restricted discretionary activity.

This policy would ensure that decision-makers consider natural hazard risk where a plan does not currently specify it as a matter of control and discretion.

Submitter analysis

Natural hazards only a matter of control and discretion in areas of moderate and high risk

Many submitters supported the policy as written, though many proposed small changes and some suggested significant changes to the scope of the policy. For example, some council and practitioner group submitters considered that natural hazards should be a matter of discretion for subdivision activities.

Many submitters raised concerns about the application of the policy to all areas of development, rather than just in areas at moderate or high risk from natural hazards. The

concerns were about potential complexity for consenting in areas that are not at risk from natural hazards – resulting in delays in development and unnecessary costs to developers. This theme was consistent across submissions from infrastructure providers, developers and councils. One council submitter considered that, if the proposed policy is meant to be an interim measure before preparation of comprehensive national direction on natural hazards, that should be made explicit.

Some submitters considered that this policy should retrospectively apply to already consented activities in high-risk areas, allowing the consent to be reviewed and potentially revoked. They stated that allowing development to continue would increase the exposure of communities and assets to natural hazards, which could otherwise have been prevented.

Treating natural hazards as a matter of discretion may be inappropriate

Some submitters raised concerns around the inclusion of natural hazards as a matter of discretionary control and wanted clarification that consideration of hazards is mandatory.

By contrast, some submitters supported the inclusion of natural hazards as a matter of discretion. Some council submitters considered that restrictive discretionary controls need a national framework to ensure consistency in application, and that this policy would provide that framework.

Policy 4 could be given immediate effect

Some council, insurance, practitioner group, and research and science organisation submitters suggested that policy 4 may be more appropriate if enacted as a national environmental standard (NES). This would allow councils to incorporate it into their plans without a plan-change process. Submitters noted it would apply immediately and would be simpler and cheaper for councils to implement.

Some submitters considered that policy 4 may lengthen the plan-change process and create additional work for councils, including increased complexity, cost, expertise and time required to incorporate the policy into district plans.

Plans cannot be changed quickly to keep up with new information and land use is approved on historical information. Both the plan change process and the resource consent process allow all information to be challenged which adds to the complexity and cost.

– Council submitter

Some submitters noted that giving effect to the NPS-NHD in resource consents would require councils to undergo a Schedule 1 plan-change process under [Schedule 1](#) of the Resource Management Act 1991 (RMA). These submitters suggested using the direct incorporation provisions of [section 55\(2\)](#) of the RMA to incorporate policy 4, stating that this would be less expensive and time consuming than the current proposed approach. However, they were unsure whether the wording of the proposed NPS-NHD would meet the requirements of section 55.

Policy 5: Direction for planning decisions on new development in areas of high, moderate and low risk

Discussion document questions

14. What are the pros and cons of requiring planning decisions to ensure the specific actions to address natural hazard risk outlined in policy 5?
15. What is the potential impact of requiring decision-makers to apply this framework in their decision-making? Will it improve decision-making?

Proposal information

Policy 5 would require decision-makers to take specific actions when assessing new developments based on the level of natural hazard risk and provides decision-makers with criteria on the levels of risk.

Policy 5 aims to provide a clear, consistent approach for decision-makers when addressing natural hazard risk. Such certainty would enable people, communities, developers, and service and infrastructure providers to confidently plan for and use land.

Submitter analysis

Link planning direction with identified risk categories

Policy 1 of the proposed NPS-NHD asks decision-makers to categorise natural hazard risks faced as low, moderate or high. Policy 5 requires specific planning decisions to address natural hazard risk, based on the previously determined categories. Many submitters agreed with the need for a systematic and structured approach that links planning decisions with the assessed natural hazard risk category.

The insurance sector submitters approved of the simplicity of the three-tier assessment but a few of them said the definitions would be stronger if they related to required actions rather than tolerance levels.

Policy 5 too permissive of development relative to risk

Some council submitters considered the overall approach of policy 5 too permissive. They stated that a straightforward avoid and mitigate policy would be stronger and more in line with the RMA, and that the proposed NPS-NHD would be weaker than what some current plans direct. Some submitters, including from council representative bodies, considered it problematic to use terms that provide an ambiguous flexibility or subjectivity in decision-making.

However, some submitters opposed policies that could introduce 'blanket avoid' approaches to land with no allowances for further consideration. Some council submitters were also concerned that ambiguous avoid development policies could be costly and resource intensive, and could give rise to litigation risk.

Some research and science organisations that submitted also stated that policy 5 would be too lenient, allowing some development to continue in high-risk areas and missing an opportunity to prevent high-risk development.

Policy 5(a) has the opportunity to draw an absolute line in the sand, no new development in areas that could be subject to high/intolerable natural hazard risk in the next 100-years, and thereby absolving future generations of the future burdens of those risks.

– Research and science organisation submitter

Reducing high risk to a tolerable level is not feasible

Policy 5(a) directed decision-makers to avoid new development in areas of high natural hazard risk, unless the level of risk is reduced to at least a tolerable level. Submitters had strong views on this exception. Some councils, and an engineering firm, submitted that this policy is contradictory. They considered that, if an area is at high risk from natural hazards, reducing risk is not feasible, so reducing the risk to tolerable levels should not be considered.

Some submitters called for a stronger mandate to completely avoid new development in high-risk areas, and not to provide an option of mitigation there. A few councils stated that requiring decision-makers to avoid development is not appropriate for some low-probability/high-impact hazards (such as volcanic events), suggesting that hazard-specific responses are required.

Some submitters, including experts on the RMA, felt that the term tolerance is too vague. In their view, because the term is not in the RMA lexicon, it should not be in the proposed NPS-NHD. Some councils felt that if risk can be mitigated to a tolerable level, it should be reduced even further, to as far as practicable (a term that is in the RMA lexicon). All the ENGOs felt that this was an ambiguous exception that developers could easily exploit to build hazard-sensitive development on high-risk land. A few submitters suggested that if someone proposes building in a high-risk area, a cost-benefit analysis should be completed, to make it harder to obtain an exemption.

Concerns about reducing moderate risk as low as reasonably practicable

Policy 5(b) specified that, in areas of moderate natural hazard risk, mitigation measures should be taken to reduce risk to as low as reasonably practicable. Some submitters stated that this was not appropriate, with one council noting that “today’s moderate is tomorrow’s high”, so moderate-risk areas should also be avoided.

Some submitters disagreed with the approach of reducing risk to as low as reasonably practicable in moderate-risk areas. They considered ‘as low as practicable’ to be lower than ‘tolerable’, meaning that there is a higher expectation of mitigation in moderate-risk areas than in high-risk areas.

A few council submitters raised concern that the moderate-risk category would provide for new development in greenfield development decisions. They considered low risk the only acceptable category for these types of decisions, and that a moderate-risk category is only relevant to existing development area decisions.

A few council and practitioner submitters raised concerns that, for certain hazards that might fall within a moderate-risk category, the proposed NPS-NHD does not contain a strong enough avoid or mitigation response. These submitters considered that a requirement to reduce risk to as low as reasonably practicable would not be appropriate in the case of such hazards.

Support for enabling new development in areas of low natural hazard risk

Many submitters were positive about the policy to enable new development in areas of low natural hazard risk. Some submitters stated that hazard-sensitive activities should only be permitted in areas assessed as low risk. A few submitters also considered that areas of low risk may still need mitigation measures applied, and the proposed NPS-NHD should acknowledge this. One submitter highlighted the need to consider all the other national direction and regulation that impact where people can build, when implementing this policy.

Policy 6: Direction on natural hazard mitigation measures

Discussion document question

16. What are the pros and cons of providing direction to decision-makers on the types of mitigation measures that should be adopted to reduce the level of natural hazard risk?

Proposal information

Policy 6 would direct that the most effective natural hazard mitigation measures should be adopted to reduce the risk over the life of any proposed new development, provided they do not exacerbate natural hazard risks in other areas.

Where possible, nature-based solutions would be preferred over hard-engineering solutions, and comprehensive area-wide measures over site-specific solutions, although the proposed NPS-NHD would still allow for the latter options if they are more effective.

Submitter analysis

Varied experiences with solutions and mitigation measures

Some submitters strongly advocated for a greater focus on nature-based mitigation, wanting it to be further prioritised over hard-engineering solutions. However, some other submitters – particularly developers, construction/engineering firms and infrastructure providers – did not consider nature-based mitigation appropriate in all cases.

Submitters' opinions differed on whether site-by-site or area-wide mitigation measures are more effective. Some submitters preferred nature-based and area-wide mitigation approaches, as these have better consideration of ecosystem health and residual risk. Other submitters considered that site-by-site mitigation can be effective in many circumstances. Some submitters stated that policy 6 could be much stronger in requiring these types of

measures – for example, by being modelled on policies 25, 26 and 27 in the NZCPS.⁶ Two submitters also requested that the proposed NPS-NHD better recognise the inherent benefit of river ecosystems in providing natural hazard protection.

Some submitters expressed concern that hard-engineering solutions lead to pathway dependency, giving examples of cyclone-hit regions with stopbanks that failed, causing devastating damage.

Requests for clarity on recommended mitigation measures

Some submitters from a range of groups requested clarification of policy 6 – for example, by:

- provision of a definition for nature-based mitigation
- providing better for cumulative effects of mitigation on other sites, including the lifetime of a development
- an explanation of how to identify appropriate mitigation measures.

Some submitters also explained that mitigation measures would be difficult to put in place without strong guidance, and without further funding for councils and Māori, and for mapping of hazards.

Some submitters also stated that policy 6 does not go far enough in encouraging mitigation measures, with some noting that a bar of ‘as low as reasonably practicable’ is insufficient to decrease natural hazard risk.

Policy 7: Recognising and providing for Māori and tangata whenua interests and te Tiriti principles

Discussion document questions

17. Does policy 7 appropriately recognise and provide for Māori rights, values and interests? Why or why not?
18. Can traditional Māori knowledge systems be incorporated into natural hazard risk and tolerance assessments?
19. Does the requirement to implement te Tiriti settlement requirements or commitments provide enough certainty that these obligations will be met? Is there a better way to bring settlement commitments into the NPS?

⁶ See policies 25, 26 and 27 of the [New Zealand Coastal Policy Statement 2010](#), pp 24–25.

Proposal information

Policy 7 proposed to recognise and provide for Māori and, in particular, tangata whenua values, interests and aspirations as well as partnership under te Tiriti o Waitangi | Treaty of Waitangi (te Tiriti). To that end, policy 7 would require decision-makers to engage early and involve tangata whenua (through existing resource management processes) when making decisions relating to specified Māori land in high or moderate natural hazard risk areas.

The policy would also require Māori to be involved in assessing the tolerance of a natural hazard event in relation to new development on specified Māori land.⁷

Submitter analysis

The proposed NPS-NHD falls short on delivering for Māori

Most submissions from Māori welcomed the intent of the proposed NPS-NHD but shared the view that it falls short in adequately recognising and providing for Māori. These submitters mostly supported the holistic aspects of the proposed NPS-NHD, including all natural hazards being in scope. Most of these submitters also noted the significant impacts of natural hazards on natural, physical, cultural and historical resources, and on the broader community.

Most submissions from Māori considered that the proposed NPS-NHD will not ensure the Crown is adhering to its responsibilities under te Tiriti. These submitters stated that, while the proposed NPS-NHD acknowledges te Tiriti principles of active protection and tino rangatiratanga, it contains limited information on how this would be implemented. For the proposed NPS-NHD to be workable, communities and landowners would need more time to gain understanding of how it will be implemented.

We have a number of significant concerns about the proposal as currently drafted, and we do not consider that the current Consultation Draft is either compliant with te Tiriti o Waitangi (te Tiriti) or fit for purpose as Government policy in the second quarter of the 21st century.

– Iwi and hapū submitter

One submitter stated that the proposed NPS-NHD fails to provide for the statutory requirements of [section 6\(e\)](#) of the RMA, which specifies that the relationship of Māori and their culture and traditions with ancestral lands, water, sites, wāhi tapu and other taonga is a matter of national importance. Another submitter recommended strengthening the proposed NPS-NHD by including a requirement that all decision-makers under this policy statement need to give effect to the principles of te Tiriti.

A meaningful and comprehensive te Tiriti provision

Many submitters expressed support for the intent of policy 7, but most of these stated that the policy does not go far enough to recognise Māori rights, values and interests. Several submitters stated that policy 7 needed:

- further consideration of resourcing for implementation

⁷ The proposed NPS-NHD uses the same definition of 'specified Māori land' as in the [National Policy Statement on Indigenous Biodiversity 2023](#) (NPSIB), for consistency of national direction.

- a wider scope to fully encompass Māori rights, values and interests
- genuine engagement with Māori.

Some submitters stated that policy 7 would be stronger if it required decision-makers to engage early with tangata whenua when making decisions about land surrounding specified Māori land.

Some submitters expressed concern about the language used in this provision and about its implication for engagement with Māori. These submitters agreed that the use of ‘recognising and providing for’ is problematic, outdated and vague. Some submitters stated that engagement with Māori varies greatly across organisations, agencies and councils. One submitter expressed that clear guidelines on engagement could support better adherence to te Tiriti obligations.

Mātauranga Māori can inform natural hazard decision-making if appropriate

Many submitters, including councils, ENGOs, NGOs, research and science organisations, iwi/rūnanga, Māori representative groups and individuals, supported the inclusion of mātauranga Māori within natural hazard management and decision-making.

Māori have a long and close relationship with the natural environment and have developed detailed knowledge of local natural hazards which include oral histories that include records of past events, place names of designated areas that are a high risk of natural hazards and environmental indicators that inform about the safety and viability of activities linked to changes in the environment.

– Crown entity submitter

All Māori submitters agreed that using mātauranga Māori will improve the management of natural hazards. All Māori submitters stressed the importance of carefully considering the approach to mātauranga inclusion within decision-making processes.

Some councils and research/science representative submitters suggested that the decisions on how mātauranga is incorporated into decision-making processes should be made by tangata whenua, mana whenua, Māori practitioners, iwi and hapū, Ihirangi and/or the National Iwi Chairs Forum. These submitters suggested that risk tolerance may look different from a te ao Māori worldview.

Concern that the use of specified Māori land is unnecessarily restrictive

Most submissions from Māori expressed concern that early engagement with Māori is only required when making decisions on specified Māori land. Many of these submitters stated that this approach fails to account for the rights and interests of Māori in the wider natural environment, noting this will have implications for Māori participation in decision-making processes on natural hazards.

The proposal's focus on Māori lands completely ignores the rights and interests of tangata whenua in the wider natural environment of our rohe, including forests, waterways, lakes and groundwater, ecosystems for taonga species, mahinga kai, wāhi tapū and sites of historical and cultural significance, and the marine and coastal area. These taonga are essential to sustain and enhance the mana, tikanga, kawa, mātauranga, whakapapa, identity, and spiritual and cultural wellbeing of whānau, hapū and iwi.

– Iwi and hapū submitter

A few submitters commented on the definition of specified Māori land, most of whom supported the definition. Other submitters stated that “Māori land” should include all land owned by Māori.

Inclusion of and reference to te Tiriti settlements

Many submissions from Māori identified and referenced other Crown documents that have a stronger te Tiriti approach.⁸ One submitter noted that these documents recommend that any policy design must embed te Tiriti settlements. One submitter described their iwi commercial and cultural redress process, which is a platform to restore the Treaty partner relationship. They highlighted the expectation that they will be included in discussions ahead of any natural hazard legislation drafting, development and implementation.

Explicit provision for meaningful decision-making roles for iwi, hapū and tangata whenua

Some submissions from councils, and research and science representatives, and most submissions from Māori, stated that the proposed NPS-NHD fails to specify appropriate decision-making roles for iwi and hapū in determining policy and risk management within council processes. These submitters called for the incorporation of more effective measures to establish the participation of iwi and hapū in decision-making processes, including design and development.

One submitter referred to the NPS-FM as an example of a national policy statement with a comprehensive provision on decision-making roles for iwi and hapū.⁹

...recommends that the proposed National Policy Statement for Natural Hazard Decision-making includes provisions for iwi and hapū to determine and manage their ongoing kaitiaki relationships with the full range of all taonga tuku iho, the natural environment, sites and areas potentially impacted by natural hazards, including measures to protect and sustain these taonga and the mātauranga and cultural practices associated with them, in accordance with tikanga and tino rangatiratanga.

– Iwi and hapū submitter

⁸ These included: Ministry for the Environment. 2023. *Community-led retreat and adaptation funding: Issues and options*. Wellington: Ministry for the Environment; Expert Working Group on Managed Retreat. 2023. *Report of the Expert Working Group on Managed Retreat: A Proposed System for Te Hekenga Rauora/Planned Relocation*. Wellington: Expert Working Group on Managed Retreat; Ministry for the Environment. 2022. *Aotearoa New Zealand's first national adaptation plan*. Wellington: Ministry for the Environment; and Māori Affairs Committee. 2023. *Briefing on Māori climate adaptation*. New Zealand Parliament.

⁹ See section 3.2(2)(a) and (b) and section 3.4 of the [National Policy Statement for Freshwater Management 2020](#), pp 12–14.

Acknowledgement of iwi environmental and climate management plans and strategies

Most submissions from Māori called for the proposed NPS-NHD to acknowledge iwi environmental, climate and emergency management plans – that iwi-led plans outline objectives, policies and methods for natural hazard management. These submitters noted that these plans are established and comprehensive, but are often overlooked by councils. A few submitters stated that plans are also grounded in mātauranga-a-iwi, and the plans ensure that actions do not compromise the mauri of the environment and connections to taonga.

Best information available

Discussion document questions

No specific questions.

Proposal information

The existing gaps in risk information mean regional and territorial authorities are faced with uncertainties in natural hazard information. Having incomplete or outdated information places constraints on decision-making, but local authorities face financial constraints that prevent them from obtaining sufficient and relevant information.

Part 3.3 required the use of the best information available at the time, complete and scientifically robust data and a process for dealing with incomplete or outdated information.

Submitter analysis

Reliable information on natural hazards is critical for decision-making

Most submitters commented on the importance of having accurate and readily available information on natural hazards. Measures for hazard identification and risk assessment are part of the proposal for the comprehensive national direction for natural hazards. Some submitters considered that natural hazard information should be consistent across the country, to address the issue of national variability.

Many submitters commented that smaller councils with lower budgets and fewer resources may struggle to produce the data, maps and models necessary to conduct risk assessments in line with the proposed NPS-NHD. Some submitters also outlined their concern that the proposed NPS-NHD does not clearly state what constitutes complete and scientifically robust data, and that this is key to ensuring a consistent approach across councils.

Decision-makers may not have all the information needed from the outset

In line with clause 3.3 of the proposed NPS-NHD, some submitters raised concerns that decision-makers may have to make decisions with the best information they have available at

the time, even though this information may not be complete. These submitters considered that a lack of complete information should not cause unnecessary delays.

Not all Councils may have adequate funding to engage experts to obtain scientifically robust data to determine the natural hazard risk. If Councils need to engage experts to obtain robust scientific data, these costs may be passed onto the public through increased rates. This then has the potential to create a moral hazard where existing rate payers could be funding the costs of future rate payers.

– Banking sector submitter

Part 4: Timing and resourcing

Implementation timeframe

Discussion document questions

20. Is the implementation timeframe workable? Why or why not?
 21. What do you consider are the resourcing implications for you to implement the proposed NPS-NHD?
-

Proposal information

Parts 4.1 and 4.2 outlines the timeframes by when the NPS comes into force, decision-makers would need to have regard to this NPS-NHD when considering resource consent applications, designations and give effect to the NPS-NHD in private plan changes.

Until a local authority makes a plan change, decisions would rely on existing plans, including the plan's rules to trigger the need for a consent. Local authorities would be required to give effect to the NPS in changes to their regional policy statements and plans, as soon reasonably practicable.

The proposed NPS-NHD includes an implementation provision outlining that, if a local authority's planning documents already include objectives and policies that are consistent with the NPS-NHD, then the local authority would not be required to provide further consideration to the NPS-NHD in planning decisions.

Submitter analysis

Implementation timeframe

A few submitters considered that the implementation timeframe was workable, provided that all the information required for implementation was available and there were no other barriers arising from other legislative challenges.

Many submitters considered the implementation timeframe unworkable. These submitters believed issues with implementation would arise, due to:

- the lack of direction within the proposed NPS-NHD on how to assess risk and tolerance
- existing plans and policy statements being poorly equipped to give effect to the proposed NPS-NHD.

A few submitters were unsure whether the implementation timeframe would be workable.

Councils do not have the resources to effectively implement the proposed NPS-NHD

Most submitters considered that the resourcing implications of the proposed NPS-NHD will be significant and will place a large burden on councils. Many submitters on this point stated that

smaller councils will not have sufficient resources to implement the proposed NPS-NHD, and that even larger councils may struggle to free up the funds required.

Implementation of the NPS will require significant resources and time from both consenting and hazard risk teams in all councils. Generally, there are very few people in councils who will have the expertise, experience and skills to review and assess the required data/approach the NPS calls for, therefore we anticipate a delay in resource consent applications.

– Council submitter

Additional resourcing implications for council costs

Many submitters noted concerns about costs being passed on to developers, businesses and the wider public, because of the increased resourcing requirements councils may need to understand and implement the proposed NPS-NHD.

Implementation guidance

Discussion document question

22. What guidance and technical assistance do you think would help decision-makers to apply the proposed NPS-NHD?

Proposal information

To support the implementation of the proposed NPS-NHD, the Ministry for the Environment proposed to work with iwi, hapū and Māori and councils in preparing guidance to help councils implement the policies in the proposed NPS-NHD.

Submitter analysis

Implementation requires guidance

Some submitters requested development of a comprehensive toolkit to aid implementation of the proposed NPS-NHD. These submitters stated that this could help to streamline the implementation process by assuring councils that they are following the correct process, and suggested resources included checklists, templates, and other practical, ready-made guidance.

Guidance must have statutory weight

Some submitters believed that any guidance provided should be given legal weight in order to reduce the likelihood of legal challenge to implementation. As a remedy, they suggested that any guidance should be included as appendices to the proposed NPS-NHD.

Greater direction needed on determining risk

A strong theme from submissions was a call for guidance on matters related to determining risk and community risk tolerance. Some submitters requested a nationally consistent

definition of 'tolerable' and stronger guidance on risk thresholds in general, including specific points at which risk transitions from low to medium, and from medium to high.

Many submitters requested development of a specific, defined risk assessment method. They stated that a method would streamline the assessment process and give councils greater confidence in its implementation.

Many submitters also stated that guidance on how to determine community risk tolerance would be useful. One submitter requested that this should include specific guidelines on how to engage with communities and mana whenua, to enable them to determine their risk tolerance.

Guidance needed on interaction with existing national direction

Some submitters requested guidance outlining the interactions of the proposed NPS-NHD with existing national direction – in particular, guidance on the interaction of the proposed NPS-NHD with the intensification-planning instruments. Some submitters also requested national direction relating to electricity and telecommunications infrastructure, freshwater, and indigenous biodiversity.

Guidance needed on climate change adaptation, mitigation, and the precautionary approach

Many submitters requested that the proposed NPS-NHD include specific guidance on how to adapt to the effects of climate change, such as sea-level rise. Some submitters wanted greater guidance on acceptable mitigation measures, albeit without consensus on what this should look like. Some submitters stated that this guidance should be highly detailed, while others stated that it should be high level and flexible, to allow for local customisation.

Some submitters requested guidance on how to apply the precautionary approach in order to ensure better consistency and implementation across the country.

Some submitters noted a need for clarification of the different roles of central government, regional councils, and territorial authorities in managing natural hazard risk. One submitter described the overall system as fragmented and inconsistent, divided between various agencies and council entities, leading to a lack of coordination. They considered fixing this would require more effective communication and coordination between different levels of government.

Some submitters considered that the role of regional councils should be to map hazards at a high level, though one other submitter requested clarification on whether this is the case. One regional council submission stated that the primary roles of regional councils should be:

- to control the use of land to avoid or mitigate natural hazards
- to provide information on potential hazards to territorial authorities
- to take a strategic leadership role, by providing direction on how the regional planning framework should manage natural hazard risk.

A few submitters considered that the role of territorial authorities should be to provide mitigation infrastructure and determine risk tolerability. Finally, one submitter requested clarification on whether it is the role of territorial authorities or applicants to conduct site-specific risk assessments.

Appendix 1: Consultation questions

- 1 Is more action needed to reduce development from occurring in areas facing natural hazard risk?
- 2 Are there any other parts of the problem definition that you think should be addressed through the NPS-NHD? Why?
- 3 Are there other issues that have not been identified that need to be addressed through the NPS-NHD or the comprehensive National Direction for Natural Hazards?
- 4 Do you support the proposed NPS-NHD's requirement that decision-makers take a risk-based approach when making decisions on new development in natural hazard areas? Why or why not?
- 5 Should all natural hazards be in scope of the proposed NPS-NHD? Why or why not?
- 6 If not all natural hazards are in scope, which ones should be included? Why?
- 7 Should all new physical development be in scope of the proposed NPS-NHD? Why or why not?
- 8 What impact do you think the proposed NPS-NHD would have on housing and urban development? Why?
- 9 Do you agree with the proposed objective of the NPS-NHD? Why or why not?
- 10 What are the pros and cons of requiring decision-makers to categorise natural hazard risk as high, moderate or low?
- 11 What are the pros and cons of directing decision-makers to assess the likelihood, consequence and tolerance of a natural hazard event when making planning decisions?
- 12 What are the pros and cons of directing decision-makers to adopt a precautionary approach to decision-making on natural hazard risk?
- 13 What are the pros and cons of requiring natural hazard risk as a matter of control for any new development classified as a controlled activity in a plan, and as a matter of discretion for any new development classified as a restricted discretionary activity?
- 14 What are the pros and cons of requiring planning decisions to ensure the specific actions to address natural hazard risk outlined in policy 5?
- 15 What is the potential impact of requiring decision-makers to apply this framework in their decision-making? Will it improve decision-making?
- 16 What are the pros and cons of providing direction to decision-makers on the types of mitigation measures that should be adopted to reduce the level of natural hazard risk?
- 17 Does policy 7 appropriately recognise and provide for Māori rights, values and interests? Why or why not?

- 18 Can traditional Māori knowledge systems be incorporated into natural hazard risk and tolerance assessments?
- 19 Does the requirement to implement te Tiriti settlement requirements or commitments provide enough certainty that these obligations will be met? Is there a better way to bring settlement commitments into the NPS?
- 20 Is the implementation timeframe workable? Why or why not?
- 21 What do you consider are the resourcing implications for you to implement the proposed NPS-NHD?
- 22 What guidance and technical assistance do you think would help decision-makers to apply the proposed NPS-NHD?

Appendix 2: Summary of views expressed by the majority of a submitter group

Table A2.1 gives a high-level summary of views expressed by the majority of a submitter group.

Table A2.1: Summary of key messages by submitter group

Submitter group	Key messages
Councils and a regional development agency	<ul style="list-style-type: none"> supported the intent of the proposed NPS-NHD and more comprehensive natural hazards national direction, with some councils preferring the work to come all together rather than in two stages expressed the need for funding to be able to undertake natural hazard risk assessments and improve data resources, particularly smaller councils suggested regulation under the proposed NPS-NHD should be more targeted but still allow for local-level flexibility expressed support for the inclusion of mātauranga Māori within natural hazard management and decision-making processes but urged that the appropriate approach for inclusion be carefully considered.
Energy generators and providers	<ul style="list-style-type: none"> agreed with intent of the proposed NPS-NHD, but not inclusion of energy infrastructure, as they already manage natural hazard risk for their assets noted that, because of the nature of energy generation, assets are often in high-risk zones.
Practitioner groups	<ul style="list-style-type: none"> generally supported the plan for more comprehensive national direction for natural hazards, rather than the NPS-NHD provided recommendations for prioritising a targeted, hazard-specific approach raised issues with the NPS-NHD capturing too little development, and not being directive enough to be effective raised concerns about the inclusion of tolerance as a concept, specifically because it has not been explicitly considered in natural hazard planning decisions without directive methodologies or thresholds.
Construction and engineering firms	<ul style="list-style-type: none"> stated that the proposed NPS-NHD should allow for mitigation where it is appropriate and not default or lean too far towards blanket and non-negotiable avoid development policies (some) warned that the proposed NPS-NHD could have a negative impact on housing-intensification efforts by adding further potentially restrictive regulation for developers to navigate (some others, in contrast to the above) considered that the proposed NPS-NHD – if implemented carefully, to reduce negative impacts on housing intensification – would have a positive long-term impact for housing resilience.
Research/science representatives	<ul style="list-style-type: none"> agreed with the need for stronger central government direction on natural hazard risk management

Submitter group	Key messages
	<ul style="list-style-type: none"> wanted the proposed NPS-NHD to include technical thresholds based on global and national research.
Central government/Crown entities	<ul style="list-style-type: none"> supported further central government direction on natural hazard risk management requested most infrastructure to be excluded from the requirements in the proposed NPS-NHD (some) suggested the proposed NPS-NHD should be made more directive and have stronger avoid development policies.
Infrastructure	<ul style="list-style-type: none"> commented on the fact that infrastructure is often required to be located in high-risk locations, especially emergency services infrastructure asked for more clarity on how risk should be assessed in the NPS-NHD, with a need for more methodological guidance.
Environmental non-government organisations (ENGOS)	<ul style="list-style-type: none"> supported stronger requirement to avoid development in high-risk areas supported nature-based mitigation and wanted this preference to be strengthened in the proposed NPS-NHD.
Agriculture and horticulture representatives	<ul style="list-style-type: none"> agreed with the intent of the proposed NPS-NHD but wanted clear exclusions for activities relating to farming and horticulture wanted more explicit consideration of rural needs and areas in the policies of the proposed NPS-NHD.
NGOs	<ul style="list-style-type: none"> (surf lifesaving groups) requested that the proposed NPS-NHD contains clear exemptions for their emergency infrastructure, which needs to be built in areas at high risk from tsunami and coastal erosion (a ratepayers advocacy group) expressed concern that the proposed NPS-NHD would be government overstepping, where the market should be determining where housing is built.
Iwi and hapū	<ul style="list-style-type: none"> stated that the scope of proposed NPS-NHD needs wider acknowledgement of Māori rights, values and interests highlighted the need for greater acknowledgement of te Tiriti and treaty settlements within the proposed NPS-NHD called for more explicit and meaningful decision-making roles for Māori provided suggestions for how mātauranga can be reflected in the proposed NPS-NHD.
Māori interest roopū	<ul style="list-style-type: none"> expressed that the scope of the proposed NPS-NHD needs wider acknowledgement of Māori rights, values and interests stated that mātauranga Māori can inform natural hazard decision-making, but this must be done appropriately called for a more meaningful and comprehensive te Tiriti provision within the proposed NPS-NHD.
Telecommunications companies	<ul style="list-style-type: none"> agreed with intent of the proposed NPS-NHD, but not with inclusion of telecommunications infrastructure, as they already manage natural hazard risk for their assets stated that telecommunications assets are often in high-risk areas.

Submitter group	Key messages
Insurance	<ul style="list-style-type: none"> • did not want the proposed NPS-NHD to exempt development under the Medium Density Residential Standards (MDRS) • supported the inclusion of risk tolerance but considered further guidance is needed on how this should be assessed • think that risk and tolerance should not be conflated, and assessed separately • supported managing natural hazard risk through national direction and the RMA, rather than relying on the insurance industry to make these decisions.
Banking	<ul style="list-style-type: none"> • called for more direction and resources from central government for natural hazard risk management • stated that that reliable, centralised data is critical to the success of the proposed NPS-NHD and expressed concern about risk of inconsistent and subjective decision-making • supported a quick introduction of comprehensive natural hazards national direction, but expressed concern about the effects on existing houses and buildings in the interim (ie, insurance availability and house value).

Appendix 3: Glossary

Terms defined in the proposed NPS-NHD

Key term	Definition
Decision-maker	Means any person exercising functions or powers under the RMA.
High natural hazard risk	Means a risk from natural hazards that is intolerable.
Low natural hazard risk	Means a risk from natural hazards that is generally acceptable.
Moderate natural hazard risk	Means a risk from natural hazards that is more than a low risk, but is not intolerable.
Natural hazard	Has the meaning in the RMA and includes, without limitation, natural hazards arising from the effects of climate change.
New development	Means development: <ul style="list-style-type: none"> (a) of new buildings, structures, or infrastructure on land that currently does not have buildings, structures, or infrastructure located on it; or (b) that is the extension or replacement of existing buildings, structures, or infrastructure.
New hazard-sensitive development	Means a new development relating to any of the following: <ul style="list-style-type: none"> (a) residential dwellings, including papakāinga and retirement villages: (b) marae: (c) educational facilities: (d) emergency services: (e) hospitals and other healthcare facilities: (f) community facilities.
Planning decision	Means a decision on any of the following: <ul style="list-style-type: none"> (a) a resource consent: (b) a regional policy statement or proposed regional policy statement: (c) a regional plan or proposed regional plan: (d) a district plan or proposed district plan: (e) a designation: (f) a change to a plan requested under Part 2 of Schedule 1 of the RMA.
Specified Māori land	Means land that is any of the following: <ul style="list-style-type: none"> (a) Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993): (b) land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953: (c) land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land: (d) land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act:

Key term	Definition
	<p>(e) land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):</p> <p>(f) the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:</p> <p>(g) Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself):</p> <p>(i) as part of redress for the settlement of Treaty of Waitangi claims; or</p> <p>(ii) by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.</p>

General terms

Key term	Definition
Adaptation	In human systems, the process of adjusting to actual or expected climate and its effects, to moderate harm or take advantage of beneficial opportunities. In natural systems, the process of adjusting to actual climate and its effects. Human intervention may help these systems to adjust to expected climate and its effects
Climate change	<p>A change in the state of the climate that can be identified (eg, by using statistical tests) by changes or trends in the mean and/or the variability of its properties, and that persists for an extended period, typically decades to centuries. Includes natural internal climate processes and external climate forcings such as variations in solar cycles, volcanic eruptions and persistent anthropogenic changes in the composition of the atmosphere or in land use.</p> <p>The United Nations Framework Convention on Climate Change (UNFCCC) definition of climate change specifically links it to direct or indirect human causes, as: “a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods”.¹⁰ The UNFCCC thus makes a distinction between climate change attributable to human activities altering the atmospheric composition and climate variability attributable to natural causes.</p>
Coastal	Describes either the land near to the sea (eg, ‘coastal communities’) or the part of the marine environment that is strongly influenced by land-based processes (eg, ‘coastal seas’, meaning the part of the sea that is generally shallow and near shore). The landward and seaward limits of the coastal zone are not consistently defined, either scientifically or legally. As such, coastal waters can either be considered as equivalent to territorial waters (extending 12 nautical miles and/or 22.2 kilometres from mean low water), or to the full Exclusive Economic Zone, or to shelf seas, with less than 200 metres water depth.
Coastal erosion	The process when the high-tide mark moves closer to the land due to a net loss of sediment or bedrock from the shoreline. Also known as shoreline retreat.

¹⁰ [United Nations Framework Convention on Climate Change](#). Entered into force 21 March 1994 and ratified by Aotearoa New Zealand on 16 September 1993. Article 1.2.

Key term	Definition
Consequence	The outcome of an event that may result from a hazard. It can be expressed quantitatively (eg, units of damage or loss, disruption period, monetary value of impacts or environmental effect), by category (eg, high-, medium- or low-level impact) or qualitatively (a description of the impacts). Alternatively, the outcome of an event that affects objectives.
(the) Crown	Generally, executive government conducted by ministers and their departments. The Crown does not normally include organisations with their own corporate identities, such as state-owned enterprises.
Emergency management	The process of applying knowledge, measures and practices that are necessary or desirable for the safety of the public or property, and which are designed to guard against, prevent, reduce, recover from or overcome any hazard, harm or loss associated with any emergency. Activities include planning, organising, coordinating and implementing those measures, knowledge and practices.
Equity	The principle of being fair and impartial, often also aligned with ideas of equality and justice. It provides a basis for understanding how the impacts of, and responses to, natural hazards (including costs and benefits) are distributed in and by society in more or less equal ways.
Erosion	The process in which actions of water, wind or ice wear away land.
Exposure	Being present in a place or setting that could be adversely affected by a natural hazard.
Frequency (of a hazard)	The number or rate of occurrences of hazards, usually over a particular period.
Infrastructure	The designed and built set of physical systems, along with their institutional arrangements, that interact with the broader environment to provide services to people and communities that support economic growth, health, quality of life and safety.
Intolerable risk	Risk that cannot be justified except in extraordinary circumstances. ¹¹
Insurance	A group of financial instruments for sharing and transferring risk among a pool of at-risk households, businesses and/or governments.
Land use	All of the arrangements, activities and inputs (a set of human actions) that people undertake in a certain type of land cover (eg, forest land, cropland, grassland, wetland and settlements). Alternatively, the social and economic purposes for which land is managed (eg, grazing, timber extraction, conservation and city dwelling).
Likelihood	The probability of something occurring. When describing the likelihood of a natural hazard event, three main descriptors are used: average recurrence interval (ARI), probability of exceedance, and frequency of occurrence. ¹²
Maladaptation	Actions that may lead to increased risk of adverse climate-related outcomes, including increased greenhouse gas emissions, increased vulnerability to climate change and reduced welfare, now or in the future. Maladaptation is usually an unintended consequence.
Mātauranga Māori	Māori knowledge systems and worldviews, including traditional concepts.
Mātauranga-a-iwi	Iwi-specific knowledge systems and worldviews.

¹¹ Toka Tū Ake EQC. 2023. *Risk Tolerance Methodology*. Wellington: Toka Tū Ake EQC. p 4.

¹² Toka Tū Ake EQC. 2023. *Natural Hazard Risk Tolerance Literature Review*. Wellington: Toka Tū Ake EQC. P 13.

Key term	Definition
Mitigation (of disaster risk and disaster)	“The lessening of the potential adverse impacts of physical hazards (including those that are human induced) through actions that reduce hazard, exposure, and vulnerability.” ¹³
Nature-based solutions	Solutions that are inspired and supported by nature and are cost effective and which, at the same time provide environmental, social and economic benefits and help build resilience. Such solutions bring more, and more diverse, nature and natural features (eg, vegetation and water features) and processes into cities, landscapes and seascapes, through locally adapted, resource-efficient and systemic interventions. For example, using vegetation (eg, street trees or green roofs) or water elements (eg, rivers or water-treatment facilities) can help reduce heat in urban areas or support stormwater and flood management.
National direction	National direction supports local decision-making under the Resource Management Act 1991. It is provided through national policy statements, national environmental standards, national planning standards and section 360 regulations.
Regional council	Regional councils are responsible for larger areas, and functions include environmental management, biosecurity and water quality.
Risk tolerance	Willingness to bear risk (as defined by Toka Tū Ake EQC). ¹⁴
Risk assessment	The scientific estimation of risks, which may be either quantitative or qualitative.
Taonga	Treasure, anything prized – applied to anything considered to be of value, including socially or culturally valuable objects, resources, phenomena, ideas and techniques.
Territorial authority	Authorities that are responsible for smaller areas than regional councils, and for functions including regulating land use and providing water and roading services.
Tolerable risk	Risk that is accepted only if the benefit gained is shown to outweigh the risk (as defined by EQC). ¹⁵

¹³ IPCC, 2012. [CB Field, V Barros, TF Stocker, D Qin, DJ Dokken, KL Ebi, MD Mastrandrea, KJ Mach, G-K Plattner, SK Allen, M Tignor, and PM Midgley (eds)] *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation* A Special Report of Working Groups I and II of the Intergovernmental Panel on Climate Change (IPCC). Cambridge University Press, Cambridge, UK, and New York, NY, USA. Glossary of Terms, p. 561.

¹⁴ Toka Tū Ake EQC. 2023. *Risk Tolerance Methodology*. Wellington: Toka Tū Ake EQC. p 2.

¹⁵ Toka Tū Ake EQC. 2023. *Risk Tolerance Methodology*. Wellington: Toka Tū Ake EQC. p 4.