

BEFORE THE HEARING PANEL APPOINTED BY KAIPARA DISTRICT COUNCIL

Under the	Resource Management Act 1991 (RMA)
In the matter	of Private Plan Change 85 (Mangawhai East) to the Kaipara District Plan

SUPPLEMENTARY STATEMENT OF EVIDENCE OF JONATHAN GUY CLEASE

Planning

23 January 2026

**SIMPSON
GRIERSON**

Warren Bangma
T: +64-9-358 2222
warren.bangma@simpsongrierson.com
Private Bag 92518 Auckland

1. INTRODUCTION

1.1 My full name is Jonathan Guy Cleese.

1.2 I prepared the s42A report dated 1 December 2025 on behalf of Kaipara District Council (**Council**) in relation to the application by the Foundry Group Limited and Pro Land Matters Company (**Applicant**) for a private plan change to rezone land in Mangawhai East (**PPC85**). My qualifications and experience are as set out in my section 42A report, and I do not repeat them here.

1.3 Although this matter is not being heard by the Environment Court, I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and I agree to comply with it.

1.4 I am authorised to make this statement on behalf of the Council.

2. SCOPE OF EVIDENCE

2.1 Since I prepared the s42A report, the Government has released a series of new or amended National Policy Statements (**NPS**) and National Environmental Standards (**NES**) in December 2025, with these coming into force on 15 January 2026.

2.2 The purpose of this supplementary statement of evidence is to respond to the Panel's second minute dated 22nd December 2025, in which the Panel directed supplementary evidence be filed assessing these changes and their implications (if any) to PPC85. The Minute directs that the response on behalf of Council is to be provided by Friday, 23rd January 2026.

3. COMMENCEMENT

3.1 The changes to the national planning framework came into force on 15 January 2026. They therefore now have legal effect. There are no transitional or saving provisions that prevent them from applying to Plan Changes (such as PPC85) that

have already been publicly notified. Plan changes to District Plans (including PPC85) must give effect to NPS, including the new and/or amended NPS.

4. SUMMARY OF CHANGES THAT HAVE NO RELEVANCE TO PPC85

4.1 I have reviewed the amendments to the following NPS/ NES and consider that these amendments have no relevance to PPC85:

- (a) NPS for Indigenous Biodiversity: These amendments are limited to quarrying and mining;
- (b) NPS for Freshwater Management: These amendments are limited to quarrying and mining;
- (c) NES for Freshwater Management: These amendments are limited to quarrying and mining;
- (d) NPS for Renewable Electricity Generation: PPC85 does not involve renewable energy generation; and
- (e) NPS for Electricity Networks (replaces the NPS for Electricity Transmission): PPC85 is not related to the delivery of electricity transmission and distribution networks. Whilst future homes and business in the plan change area will be connected to the local distribution network, the delivery of this infrastructure is the responsibility of the local lines company.

5. AMMENDMENTS TO THE NEW ZEALAND COASTAL POLICY STATEMENT (NZCPS)

5.1 The December 2025 amendments to the NZCPS are limited to discrete changes to Policy 6 'Activities in the coastal environment' and Policy 8 'Aquaculture'. The Policy 8 amendments are of no relevance to PPC85 and as such are not considered further.

5.2 For ease of reference a track changed copy of Policy 6 is provided in **Attachment 1**.

- 5.3 In summary, the amendments to Policy 6 provide increased recognition that some infrastructure and other activities have a functional or operational need to locate within the Coastal Marine Area (**CMA**).¹
- 5.4 Of relevance to PPC85, the amendments to the NZCPS provide a more enabling policy framework against which any future application for resource consent for the shared path adjacent to the Insley Street causeway/ bridge will be assessed (as transport infrastructure within the CMA). The design and consenting of the shared path will necessarily remain subject to a detailed assessment of effects. The NZCPS amendments however assist in improving confidence that this key piece of infrastructure for PPC85 is capable of being consented by providing policy recognition of it being within the ambit of the activities that are recognised in the NZCPS as being able to be located within the CMA. The shared path is ‘infrastructure’, it has a clear functional need to be within the CMA adjacent to Insley Street as a necessary connecting route, and it is related to the social, economic and cultural well-being of people and communities.
- 5.5 As outlined in my section 42A Report, and in the evidence of Mr Bennetts, there is currently no funding identified in the Council’s Long Term Plan for the shared path. Accordingly, while the amendments to Policy 6 of the NZCPS (outlined above) provide a more enabling policy framework for consenting, overall there is still uncertainty regarding the funding, consenting and delivery of this key transport infrastructure. I have recommended amendments to the plan provisions, as outlined in my section 42A Report to address this by requiring the shared path to be in place before a threshold of 50 units is exceeded. In my view, those remain necessary and appropriate.

6. THE NATIONAL POLICY STATEMENT FOR INFRASTRUCTURE 2025

- 6.1 The National Policy Statement for Infrastructure 2025 (**NPS-I**) provides national direction for the construction, operation, maintenance, upgrade, and removal of infrastructure. It applies to the following types of infrastructure and supporting activities:

¹ NZCPS Policy 6(1)(a), 6(3) and 6(4).

- Infrastructure of local, regional, and national significance;
- Infrastructure as defined by that term in the RMA (excluding renewable energy and electricity transmission and distribution networks which are covered by other NPS/ NES);
- ‘Additional infrastructure’ which covers matters not covered by the RMA definition. These matters apply to facilities such as schools, healthcare, fire and emergency, defence, corrections, as well as stormwater networks, local authority flood control and protection works, and resource recovery/ waste disposal.
- ‘Ancillary infrastructure activities’ which covers matters such as vegetation clearance, earthworks, access tracks, power and communication supplies, where these matters support and are subsidiary to an infrastructure activity;
- ‘Infrastructure supporting activities’ which are activities needed to directly support infrastructure and may include quarrying.

- 6.2 The ambit of the NPS-I therefore covers a broader range of facilities and matters than what is commonly thought of as ‘infrastructure’.
- 6.3 The NPS-I has a single objective that in summary seeks to ensure that the benefits of infrastructure are provided for; that the provision of infrastructure is enabled; that infrastructure is compatible with other activities (as far as practicable); and that infrastructure is delivered in a timely and efficient manner.
- 6.4 Of particular relevance to PPC85, Objective 1(c) seeks to ‘enable infrastructure to support the development and change of urban and rural environments to meet diverse and changing needs of present and future generations’.
- 6.5 The objective is implemented through 11 policies. A copy of the objective and policies is provided as **Attachment 2**.
- 6.6 In summary, the NPS-I provides a higher order policy framework against which any future infrastructure necessary to service PPC85 (and indeed the wider Mangawhai township) will be assessed. This policy framework is supportive of enabling infrastructure due to the benefits to the community that arise from its provision,

and provides recognition that the functional and operational needs of infrastructure can place significant limitations on where it can be located (or to put it another way, sometimes infrastructure will necessarily need to be located in sensitive environments).

- 6.7 The policy framework recognises that where infrastructure proposals also engage with s6 RMA values that are covered by other NPS e.g. NZCPS, NPS-IB, that the various NPS have equal status i.e. the NPS-I does not 'trump' other NPS, but instead they must be read together. The adverse effects of new infrastructure must likewise be, where practicable, avoided, remedied, or mitigated. In short, the NPS-I does not provide a 'free for all' as far as infrastructure is concerned – new plant and networks must still be carefully designed and operated. It does however provide balancing recognition of both the benefits that infrastructure brings and the practical constraints as to where it can be located.
- 6.8 The consequence of the NPS-I on PPC85 is limited to the implications that it has for subsequent consenting processes necessary to deliver the infrastructure needed to ensure PPC85 is a well-functioning urban environment that is integrated with services. The NPS-I provides a supportive policy framework for matters such as the Insley Street shared path and any future infrastructure associated with treated wastewater disposal. Such future projects will remain subject to the need for careful design and effects management, and as such the NPS-I in no way guarantees approval. The NPS-I simply means that future consent assessments, in reaching a balanced conclusion, must clearly take into account the need to enable infrastructure and its associated benefits in accordance with national direction alongside the potential effects arising from that infrastructure.
- 6.9 Decisions regarding the funding, approval, timing, and delivery of new projects by infrastructure asset owners/ operators remain subject to separate processes.

7. THE NATIONAL POLICY STATEMENT FOR NATURAL HAZARDS 2025 (NPS-NH)

- 7.1 The NPS-NH provides a nationally consistent framework for managing natural hazard risk associated with subdivision, use and development. A copy of the objective and policies is provided as **Attachment 3**.
- 7.2 The NPS-NH contains a single objective which seeks that *“natural hazard risk to people and property associated with subdivision, use and development is managed using a risk-based proportionate approach”*.
- 7.3 The NPS-NH policy framework requires, in summary, the following:
- proposals are to be assessed against a ‘risk matrix’ included as Appendix 1 to the NPS-NH. This matrix assesses the likelihood of an event occurring against the consequences of that event.
 - that the management of risks be proportionate to the level of risk;
 - that development subject to very high natural hazard risk be avoided;
 - that mitigation should not create or increase significant hazard risks to other sites without proportionate mitigation;
 - that risk assessments and decisions must be based on the best available information and must be made even if that information is uncertain or incomplete; and
 - that the potential impacts of climate change to at least 100 years into the future be considered.
- 7.4 The PPC85 site is subject to potential natural hazards associated with coastal erosion, coastal inundation, tsunami, liquefaction, land slips and flooding. These risks, and associated mitigation available through the proposed PPC85 provisions and subsequent subdivision consent processes, have been assessed by Council’s experts in accordance with the NPS-NH risk matrix and as directed by Policy 1.
- 7.5 This assessment has reached the following conclusions on risk, utilising the Appendix 1 matrix terminology:

- Mr Blackburn has concluded that the risks associated with coastal inundation are 'low' (following mitigation proposed in PPC85 regarding filled ground levels);
- Mr Blackburn has concluded that the risks associated with coastal erosion are also 'low' for all development areas outside of the proposed Erosion Hazard Overlay. Within the Overlay area, risk is assessed as being medium to high, however I note that the purpose of the Overlay and associated rule package is to limit development within this area;
- Mr Blackburn has concluded that the risks associated with tsunami are 'low';
- Mr Senior has concluded that risks associated with rainfall induced flooding are 'low-medium'. He identifies the need for overland flow paths to be assessed in detail as part of subdivision consent processes to ensure flood risk is appropriately managed;
- Mr Sands has concluded that the risks associated with liquefaction are 'low' for a Serviceability Limit State (SLD) event and 'moderate' for a Ultimate Limit State (ULS) event. His assessment assumes appropriate testing and site/ foundation occurs as part of subdivision/ building consent processes and that TC2 foundations are utilised; and
- Mr Sands has concluded that the risks associated with land slip are 'low' for large-lot residential development and 'medium' for small lot development. He identifies that landslip is only a risk that is potentially present for the sloping land located towards the southwestern edge of the site, with his assessment based on the need to undertake a more detailed site analysis as part of subdivision consent processes and if need be utilise engineered systems such as shear-keys.

7.6 The above risk assessments therefore mean that PPC85 meets the outcomes sought in Policy 3, namely that development in areas with very high hazard risk be

avoided; and Policy 4 that seeks that development will not result in significant hazard risks to other sites (following mitigation). I note that the assumptions underpinning the assessment of coastal hazards incorporated an allowance for climate change induced sea level rise over the next 100 years, as required by Policy 6. I also note that the risk assessments rely on the ability to undertake more detailed testing, design, and if necessary mitigation as part of subdivision consent processes.

- 7.7 PPC85 therefore meets the direction contained in the NPS-NH regarding a proportionate and risk-based approach to managing natural hazards.

8. THE NATIONAL ENVIRONMENTAL STANDARDS FOR DETACHED MINOR RESIDENTIAL UNITS 2025 (NES-DMRU)

- 8.1 The NES-DMRU provides a nationally consistent framework for establishing minor residential units. The NES-DMRU applies to all Maori purpose, residential, rural, and mixed use zones, including rural lifestyle zones. As such it will apply across all of PPC85 apart from the small pocket of commercial zoning proposed adjacent to Black Swamp Road.
- 8.2 The NES-DRMU permits one minor unit per site, with the unit required to be less than 70m², and detached and separated from the principal residential unit by at least 2m i.e. the NES does not provide for the creation of two units within the same building. Minor units must comply with the standards set out in Clause 6. If compliance with the Clause 6 standards is not achieved then the unit simply falls to be assessed against the underlying District Plan zone provisions i.e. the NES does not provide a consenting pathway for assessing non-compliance with the Clause 6 standards through for example a restricted discretionary activity status.
- 8.3 Clause 7 sets out the thematic District Plan rules that minor units will remain subject to. These matters include rules controlling subdivision, s6 RMA matters, non-residential use, earthworks, natural hazards, reverse sensitivity, and any site-specific infrastructure requirements to do with servicing.

8.4 The NES-DRMU will apply across all residential and rural zones in the Kaipara District, and therefore the consequences for PPC85 are no different to those in play for the balance of the District. The clause 6 standards place limits on matters such as site coverage and boundary setbacks, in combination with the practical constraints to density created by the reliance on roofwater tanks for potable and firefighting supply in Mangawhai.

8.5 The ability to more readily develop minor units across both the PPC85 site and the balance of Mangawhai township and any implications that this might have on overall housing capacity assessments is a matter that Mr Foy will address.

9. THE NPS FOR HIGHLY PRODUCTIVE LAND AMENDMENT 2025

9.1 The December 2025 amendments do not change the objective, policies, or definitions in the NPS-HPL. Land Use Capability 3 (LUC3) land therefore remains within the definition of 'Highly Productive Land'.

9.2 Of direct relevance to PPC85, the amendments do however make some important changes to Clause 3.6 of the NPS-HPL which relate to the urban rezoning of HPL. The track changed amendments to Clause 3.6 are set out in **Attachment 4**.

9.3 The amendments add a new clause 3.6(6). This new clause states that "*Clauses 3.6(1), 3.6(2), 3.6(3) and 3.6(4) do not apply to the urban rezoning of LUC3 land*".

9.4 Clauses 3.6(1)-(3) relate to Tier 1 and 2 Territorial Authorities and are not relevant to PPC85. Clause 3.6(4) relates to territorial authorities that are not Tier 1 or Tier 2 i.e. Kaipara District Council. Urban rezoning of HPL may be allowed only if the conjunctive tests set out in 3.6(4)(a)-(c) are all able to be met.

9.5 Assessment of PPC85 against 3.6(4) received careful consideration in both the s42A report and the applicant's planning, economic, and soils evidence. The degree to which the 3.6(4) tests are met is a key point of difference between the s42A assessment and the applicant's experts.

- 9.6 The exclusion of LUC3 land from the 3.6(4) tests is a material change to the national direction that has a direct bearing on PPC85. It is common ground that the site does not contain any LUC1 or LUC2 soils. As such, the national policy direction to restrict urban rezoning of HPL under 3.6 is no longer in play for PPC85. What was a significant policy hurdle and one of the key reasons for the s42A report recommendation that the plan change be declined has therefore been removed. The Panel no longer need to make a determination on the alignment of the plan change against the Clause 3.6 tests.
- 9.7 In assessing the amendments to the NPS-HPL, there are several further points worth noting. First, the new clause 3.6(6) relates only to 3.6(1)-(4). Clause 3.6(5) therefore remains engaged, namely the direction that *“territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment”*.
- 9.8 On its face it appears that by retaining 3.6(5), the only meaningful way to assess compliance with this clause is to undertake a process similar to that required under 3.6(4), namely to assess capacity, demand, shortfalls, and alternative locations. Such an interpretation would however defeat the clear intent of the amendments which are to enable the urbanisation of LUC3 land.
- 9.9 The retention of clause 3.6(5) and associated interpretation is a matter that legal counsel will be able to assist the Panel with. As a planner, my reading of 3.6 as a whole is that the 3.6(1)-(4) clauses set out a series of conjunctive tests. 3.6(5) in effect adds a further conjunctive test to any proposals that manage to pass through 3.6(1)-(4). As the tests of 3.6(1)-(4) are no longer relevant for LUC3 land, proposals to urbanise LUC3 never enter the gateway of 3.6(1)-(4), and therefore never need to engage with 3.6(5).
- 9.10 Secondly, the amendments relate only to proposals seeking urban rezoning under 3.6. Proposals seeking rural lifestyle zoning (as is the case for parts of PPC85) remain subject to the tests set out in clauses 3.7 and 3.10. My s42A recommendations on the Rural Lifestyle Zone elements of the plan change in terms

of HPL remain unchanged (subject to ongoing review of applicant and submitter evidence and any associated rebuttal evidence response).²

9.11 Thirdly, the Northland Regional Policy Statement includes separate direction regarding the management of HPL. District Plans must give effect to Regional Policy Statements.

9.12 The NRPS includes Policy 5.1.1(f) that seeks that subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:
Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils,³ or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities.

9.13 The Panel will therefore still need to consider the effects of the proposed urbanisation of LUC3 soils and the degree to which PPC85 gives effect to the NRPS.⁴ In my view the analysis required by the NRPS policy is similar to that required under NPS-HPL 3.6(4)(c). I identified in the s42A report⁵ that given Mr Cathcart's assessment that the productive potential of the soils on the site are constrained, the public benefits (economic and social) of additional housing and businesses will outweigh the loss of productive potential. I therefore consider that the NRPS policy tests on the urbanisation of HPL (as defined in the NRPS policy) are able to be met.

10. CONCLUSION

10.1 As far as PPC85 is concerned, in my view the key change arising from the series of December 2025 amendments to the national planning framework is in regard to the amendments to the NPS-HPL. The removal of LUC3 land from falling within the ambit of clause 3.6 removes what was a key policy barrier to re-zoning the parts of the site identified as LUC 3 to urban zonings and was one of the key reasons for my recommendation that the plan change be declined. This reason is no longer in

² S42A, paras. 395-401

³ Highly versatile soils as referenced in the NRPS are Land Use Capability Classes 1c1, 2e1, 2w1, 2w2, 2s1, 3e1, 3e5, 3s1, 3s2, 3s4 - as mapped in the New Zealand Land Resource Inventory.

⁴ Noting that the NRPS may in itself not align with the NPS-HPL.

⁵ S41A, para 389

play. In relation to the proposed re-zoning of parts of the site identified as LUC 3 to rural lifestyle, the policy pathway for this is provided for under clauses 3.7 and 3.10 of the NPS-HPL and was considered to be satisfied based on evidence from Mr Cathcart. Clause 3.10 of the NPS-NPL has not been changed by the 2025 amendments to the NPS-HPL, and the position in relation to the re-zoning of this land remains unchanged.

- 10.2 The exposure of the site to natural hazard risks was addressed in detail in the s42A report and associated expert evidence. These experts have reviewed their conclusions in the light of both the applicant's expert evidence and the new framework provided by the NPS-NH. They have placed their findings within the NPS-NH risk matrix. They identify that provided mitigation occurs through the PPC85 provisions and/or subsequent subdivision consent processes, that natural hazard risks can be appropriately managed. I consider that PPC85 gives effect to the new NPS-NH.
- 10.3 The NES-DMRU has the potential to result in an increase in the overall housing yield of PPC85. It also has the potential to increase the overall housing capacity across the balance of Mangawhai's existing urban zones. Mr Foy will be able to provide the Panel with a more detailed assessment of any implications in this regard as part of his rebuttal statement responding to Mr Thompson's economic evidence regarding housing supply.
- 10.4 The NPS-I on infrastructure and the amendments to the NZCPS do not directly impact PPC85 per se. They do however provide enabling national policy direction that will help to inform the assessment of any future resource consents necessary to deliver the infrastructure that PPC85 relies upon. Such future processes remain subject to the need to appropriately manage adverse effects, and likewise remain subject to funding and project commissioning decisions by the infrastructure provider.

Jonathan Cleese

23 January 2026

Attachment 1 – New Zealand Coastal Policy Statement⁶

Policy 6 Activities in the coastal environment

- (1) In relation to the coastal environment:
 - (a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities ~~important to~~ which may be required for the social, economic and cultural well-being of people and communities;
 - (b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;
 - (c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;
 - (d) recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them;
 - (e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;
 - (f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable; (
 - g) ~~take into account~~ recognise the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of current and future generations;
 - (h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;
 - (i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and
 - (j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.
- (2) Additionally, in relation to the coastal marine area:
 - (a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of current and future generations;
 - (b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;
 - (c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;
 - (d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and

⁶ <https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement-2010-amended-track-changes-2025.pdf>

- (e) promote the efficient use of occupied space, including by:
 - (i) requiring that structures be made available for public or multiple use wherever reasonable and practicable;
 - (ii) requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and
 - (iii) considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.

(3) Where an activity is infrastructure, including renewable electricity generation or electricity transmission, an aquaculture activity, or extraction of minerals for the purpose of supporting infrastructure, (6)(1)(e), (2)(c) and (2)(d) above must be read to apply if the activity has a functional need or operational need to locate in the coastal marine area.

(4) In this policy, 'operational need' and 'functional need' have the meaning set out in the National Planning Standards issued under section 58E of the Act.

Attachment 2 – National Policy Statement - Infrastructure⁷

2.1 Objective

1. The objective of this National Policy Statement is to:
 - a. ensure the national, regional and local benefits of infrastructure are provided for;
 - b. enable infrastructure to support the social, economic and cultural wellbeing of people and communities and their health and safety;
 - c. enable infrastructure to support the development and change of urban and rural environments to meet the diverse and changing needs of present and future generations;
 - d. ensure infrastructure is well-functioning, resilient and compatible, as far as practicable, with other activities; and
 - e. ensure infrastructure is delivered in a timely and efficient manner while managing adverse effects from or on infrastructure.

2.2 Policies

Policy 1: Providing for the benefits of infrastructure

1. Decision-makers must ensure that the national, regional or local benefits of infrastructure, relative to any localised adverse effects on the environment, are recognised and provided for.
2. Decision-makers must recognise that the benefits of infrastructure include:
 - a. providing for the social, cultural and economic wellbeing of present and future generations;
 - b. creating, supporting and enhancing well-functioning urban and rural environments;
 - c. supporting sufficient development capacity to meet demand for housing and business land;
 - d. providing services that are essential to support human life and the development, growth and functioning of districts, regions, New Zealand and the economy;
 - e. helping to protect and restore the natural environment;
 - f. supporting New Zealand's emissions reduction targets and mitigating the effects of climate change; and
 - g. reducing the risks from, and improving resilience to, natural hazards and climate change.
3. Decision-makers must recognise:

⁷ <https://environment.govt.nz/publications/national-policy-statement-for-infrastructure/>

- a. the significant risks to, and impacts on, public safety, the wellbeing of people and communities, and the environment that may occur when infrastructure services are compromised; and
- b. that infrastructure networks can be both independent and interconnected.

Policy 2: Operational need or functional need of infrastructure to be in particular locations and environments

1. Decision-makers must recognise that infrastructure may have an operational need or functional need to operate in, be located in, or traverse particular locations and environments.
2. Decision-makers must recognise that the operational need or functional need of infrastructure includes, but is not limited to, the need to:
 - a. provide services to people and communities in a timely, effective and efficient manner;
 - b. operate effectively and efficiently as linear and/or interconnected infrastructure networks within and across district and regional boundaries;
 - c. access or connect to particular natural or physical resources, including other infrastructure;
 - d. be accessible so infrastructure activities can be undertaken effectively and efficiently;
 - e. locate where the services are required, including in areas at risk to natural hazards, whether the infrastructure has been spatially identified in advance; and
 - f. manage risks from natural hazards.

Policy 3: Considering spatial planning

1. Decision-makers must:
 - a. have regard to the extent to which the infrastructure has been identified within a strategic planning document, while recognising that not all infrastructure can be spatially identified in advance; and
 - b. consider relevant spatial plans and master plans prepared by the infrastructure provider and provided to the decision-maker.

Policy 4: Enabling the efficient and timely operation and delivery of infrastructure activities

1. Decision-makers must:
 - a. enable the efficient and timely delivery of infrastructure activities;
 - b. enable cross-boundary infrastructure networks;
 - c. provide flexibility for infrastructure providers to use new or innovative technologies and methods to improve the delivery of infrastructure services and/or improve environmental outcomes;
 - d. enable opportunities to make more effective use of existing infrastructure;

- e. consider opportunities for continuous improvement in service delivery and environmental outcomes when renewing or replacing resource consents; and
 - f. enable the upgrading of infrastructure where this will:
 - i. improve the resilience of infrastructure to the risks from natural hazards and effects of climate change;
 - ii. maintain or improve its level of infrastructure service, including to meet increasing demand; or
 - iii. improve environmental outcomes.
2. Decision-makers must:
- a. recognise it is the role of the infrastructure provider to identify the preferred location for the infrastructure activity; and
 - b. have regard to existing information and assessments undertaken by the infrastructure provider, including, but not limited to, information prepared using the Better Business Cases methodology developed by The Treasury New Zealand, infrastructure strategies prepared under the Local Government Act 2002, or the Infrastructure Priorities Programme developed by New Zealand Infrastructure Commission Te Waihangā.

Policy 5: Recognising and providing for infrastructure supporting activities

- 1. Decision-makers must recognise and provide for the role of infrastructure supporting activities, including by:
 - a. recognising the importance of infrastructure supporting activities to enable the benefits of infrastructure activities to be realised;
 - b. recognising the operational need or functional need of some infrastructure supporting activities, including supporting quarrying activities to operate in, be located in, or traverse particular environments and locations; and
 - c. enabling the timely delivery of infrastructure supporting activities.

Policy 6: Recognising and providing for Māori interests

- 1. Decision-makers must recognise and provide for Māori interests in relation to infrastructure activities and infrastructure supporting activities, including by:
 - a. taking into account the outcome of any engagement with tangata whenua on any relevant resource consent, notice of requirement, or request for a private plan change;
 - b. recognising the opportunities tangata whenua may have in developing and operating their own infrastructure at any scale or in partnership; and
 - c. local authorities:
 - i. providing opportunities for tangata whenua involvement where infrastructure and infrastructure supporting activities may affect a site of significance or issue of cultural significance to Māori; and

- ii. operating in a way that is consistent with any relevant iwi participation legislation or Mana Whakahono ā Rohe.

Policy 7: Assessing and managing the effects of proposed infrastructure activities

1. When assessing and managing the effects of infrastructure activities, decision-makers must:
 - a. have regard to the extent to which adverse effects have been avoided, remedied or mitigated through the selection of the route, site or method of undertaking the work;
 - b. consider the technical and operational requirements and constraints of infrastructure activities;
 - c. take into account the extent to which the effects of the infrastructure activities are different in scale, intensity, duration and frequency from the effects of existing infrastructure;
 - d. take into account relevant international standards (that are recognised or used in New Zealand), national standards and recognised best practice standards and methodologies to assess and manage adverse effects; and
 - e. ensure that the mitigation measures and consent conditions are proportionate to the scale of adverse effects generated by the activity.

Policy 8: Operation, maintenance and minor upgrade of existing infrastructure

1. Decision-makers must enable the efficient operation and maintenance and minor upgrade of existing infrastructure, provided that, where practicable, adverse effects are avoided, remedied or mitigated.

Policy 9: Managing the effects of new infrastructure and major upgrades

1. Decision-makers must enable new infrastructure or major upgrades of existing infrastructure activities in all environments.
2. Where infrastructure activities are proposed to locate in or are likely to have adverse effects on environments and values provided for in section 6 of the Act, the provisions of this policy must be read alongside other relevant national direction, regional policy statements and regional and district plans.
3. Where (2) does not apply, the adverse effects of new infrastructure and major upgrades must be, where practicable, avoided, remedied or mitigated.

Policy 10: Planning for and managing the interface and compatibility of infrastructure with other activities

1. Decision-makers on planning instruments must manage the interface between existing and planned infrastructure and other activities to ensure:
 - a. infrastructure and other activities are as compatible as practicable;
 - b. the safe, efficient and effective operation, maintenance and minor upgrades, and major upgrades of existing or planned infrastructure are not compromised by the adverse effects of other activities; and

- c. infrastructure activities that are compatible with each other are co-located, while recognising that some types of infrastructure are not compatible.
- 2. Decision-makers on planning instruments must:
 - a. engage with infrastructure providers to:
 - i. understand their existing and planned infrastructure activities and medium to long-term plans;
 - ii. identify appropriate buffers and other methods to protect existing and planned infrastructure from the adverse effects of new or intensified sensitive and incompatible activities, including direct effects, reverse sensitivity effects, and risks to health and safety;
 - iii. support the strategic integration of infrastructure with land use activities;
 - b. identify:
 - i. activities that are particularly sensitive to the effects of infrastructure;
 - ii. activities that are compatible with infrastructure, or potentially compatible with appropriate buffers, design standards or mitigation measures;
 - iii. infrastructure activities that are sensitive to the effects of other infrastructure;
 - c. apply a range of methods, including, where appropriate:
 - i. the use of buffers in plans to manage sensitive activities, including new or intensified sensitive activities, and incompatible activities near infrastructure;
 - ii. design standards to manage the effects of infrastructure on other activities;
 - iii. special purpose zoning and other spatial-planning layers; and
 - d. ensure that measures to avoid, remedy or mitigate the effects of other activities on infrastructure are consistent with relevant international standards (that are recognised or used in New Zealand), national standards and recognised best practice standards and methodologies.

Policy 11: Assessing and managing the interface between infrastructure and other activities

- 1. When assessing and managing the interface between existing and planned infrastructure with other activities, including new or intensified sensitive activities, through planning instruments, decision-makers must:
 - a. recognise that noise, vibration, dust and visual effects are all typical effects associated with infrastructure activities that can be managed where practicable but not completely avoided;

- b. recognise that:
 - i. amenity values change due to a range of factors;
 - ii. changes in amenity values from infrastructure activities can be necessary to achieve well-functioning urban and rural environments;
and
- c. apply the general principle that the primary responsibility for managing adverse effects is on the new activity (including infrastructure) while allowing flexibility for site- and project-specific circumstances.

Attachment 3 – National Policy Statement – Natural Hazards⁸

2.1 Objective

(1) Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach.

2.2 Policies

Policy 1: When considering natural hazard risk associated with subdivision, use or development, the risk level must be assessed using the risk matrix.

Policy 2: Natural hazard risk associated with subdivision, use and development must be managed using an approach that is proportionate to the level of natural hazard risk.

Policy 3: Where subdivision, use or development is assessed as having very high natural hazard risk, that risk must be avoided.

Policy 4: Where subdivision, use or development, including any associated mitigation measures, will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk.

Policy 5: Natural hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete.

Policy 6: The potential impacts of climate change to at least 100 years into the future must be considered.

⁸ <https://environment.govt.nz/assets/publications/RMA/npsnh-2025.pdf>

Attachment 4 – National Policy Statement – Highly Productive Land⁹

3.6 Restricting urban rezoning of highly productive land

- (1) Tier 1 and 2 territorial authorities may allow urban rezoning of highly productive land only if:
 - (a) the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the National Policy Statement on Urban Development 2020; and
 - (b) there are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment; and
 - (c) the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.
- (2) In order to meet the requirements of subclause (1)(b), the territorial authority must consider a range of reasonably practicable options for providing the required development capacity, including:
 - (a) greater intensification in existing urban areas; and
 - (b) rezoning of land that is not highly productive land as urban; and
 - (c) rezoning different highly productive land that has a relatively lower productive capacity.
- (3) In subclause (1)(b), development capacity is **within the same locality and market** if it:
 - (a) is in or close to a location where a demand for additional development capacity has been identified through a Housing and Business Assessment (or some equivalent document) in accordance with the National Policy Statement on Urban Development 2020; and
 - (b) is for a market for the types of dwelling or business land that is in demand (as determined by a Housing and Business Assessment in accordance with the National Policy Statement on Urban Development 2020).
- (4) Territorial authorities that are not Tier 1 or 2 may allow urban rezoning of highly productive land only if:
 - (a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and
 - (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and
 - (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.
- (5) Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.
- (6) Clauses 3.6(1), 3.6(2), 3.6(3) and 3.6(4) do not apply to urban rezoning of LUC 3 land.

⁹ <https://environment.govt.nz/assets/publications/nps-hpl-2022-amended-december-2025.pdf>