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Tēnā koe,

Waikato Regional Council Submission on the Proposed National Policy Statement for Natural Hazard Decision-making

Thank you for the opportunity to submit on the Proposed National Policy Statement for Natural Hazard Decision-making. Please find attached the Waikato Regional Council's (the Council's) submission, formally endorsed by the Council's Submissions Subcommittee on **15 November 2023**.

Should you have any queries regarding the content of this document please contact Alejandro Cifuentes, Team Leader, Policy Implementation, directly on (07) 859 2786 or by email Alejandro.Cifuentes@waikatoregion.govt.nz.

Ngā mihi nui,

A handwritten signature in black ink, appearing to read "Tracey May".

Tracey May
Director Science, Policy and Information

Submission from Waikato Regional Council on the Proposed National Policy Statement for Natural Hazard Decision-making

Introduction

1. We appreciate the opportunity to make a submission on the Proposed National Policy Statement for Natural Hazard Decision-making.
2. Waikato Regional Council (the Council) recognises the importance of increasing community resilience and managing the impact of natural hazards on people, property and the community. The Council supports making decisions based on natural hazard risk and the associated tolerance to that risk. However, we consider the scope of the NPS-NHD should extend beyond decisions on new development. Natural hazards' risk changes over time, which presents a challenge when an established activity is no longer suitable due to changes in the nature of different hazards.
3. The consultation document mentions that many issues outlined require long term work programme planning and will be incorporated in the national direction for natural hazards. However, there are several aspects decision makers will require guidance on to effectively have regard to the NPS, as outlined throughout our comments in this document.
4. We note that decisions around risk management have the potential to affect investment and insurance decisions. Therefore, we consider guidance and decision-making frameworks need to provide for consideration of equity and fairness, and the likelihood of stranded assets following a risk assessment and the resulting planning decisions for a specific community.
5. The Council's submission is structured in two tables. Table 1 responds the consultation document questionnaire and Table 2 provides a clause-by-clause analysis of the draft NPS-NHD.
6. We look forward to progress with this consultation process and would welcome the opportunity to comment on any issues explored during their development.

Submitter details

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Unresolved matters

The proposed NPS-NHD does not address issues around clarity and consistency of methodologies for risk identification, risk threshold definition and resource management planning frameworks.

There are no timeframes for consideration of risk. We recommend aligning it with the New Zealand Coastal Policy Statement (NZCPS).

The proposed NPS-NHD does not provide for tools to manage issues related to residual risk.

7. *Inconsistent identification and assessment of natural hazards and risks*

- a. The proposed NPS-NHD needs to provide guidance to consistently define the appropriate level and suitability of natural hazard modelling for the assessment of risk and tolerance. This should be done depending on the scale of the proposed development – e.g. for flooding, directing a two-dimensional local scale model modelled to 1% AEP with RCP8.5.
- b. National direction must clarify what to do in the event where decision makers do not have suitable data to support site specific decisions. Currently, local government authorities have inconsistent approaches, with some placing the onus back on developers to provide the suitable level of data to support consenting decisions. However, this is not done consistently, which results on some councils granting resource consents for development in areas that would otherwise not be suitable for certain types of development.
- c. The consultation document acknowledges that there are different approaches across the country due to expertise in-house and funding to develop detailed modelling to inform risk assessments. However, this issue remains unresolved under the proposed NPS.
- d. The NPS-NHD should provide direction on how to incorporate the changing hazards scape overtime, when a resource consent has already been granted. For example, when an earthquake happens and completely changes the course of a river, resulting in new areas being at risk.
 - i. This should include a review timeframe on large developments to reassess the risk, tolerability and any additional mitigation measures that could be implemented.
- e. We note that the proposed NPS does not have a timeframe for the consideration of risk. To bridge this gap, we recommend aligning it with the NZCPS, where risk is to be considered for at least 100 years. This is especially relevant for coastal communities development decisions. However, we highlight the importance of having a flexible approach that can make use of new information; the system needs to be cognisant of the inherent limitations of modelling for longer time periods.
- f. National direction needs to acknowledge the issue of development decisions being made in defended areas (behind existing infrastructure). These often happen without proper consideration of the residual risk (present and future) and longer-term impacts of climate change.

8. *Variation in resource management planning frameworks for considering natural hazard risks*

- a. The proposed NPS intends to use risk thresholds as a bar for decision-making. However, it does not provide definitions of what tolerable, intolerable, and acceptable is to guide decision makers on how to make those decisions. Please refer to our comments on the definitions part of the proposed NPS for more detail.
- b. Further, the NPS-NHD should provide direction to determine what needs to be considered when undertaking the risk and tolerability assessment for difference situations (e.g. for a new subdivision, single house, commercial building, etc. as the type of consequence modelling needed to understand the risk would be slightly different for all).
- c. The proposed NPS should also provide direction on how to weigh natural hazard risk against other matters in plans under resource management legislation. We suggest that this weighting

criteria should reflect the management of significant risks from natural hazards as a matter of national importance.

- d. We welcome national direction as a tool to provide clarity and require that regional and district planning documents ensure nature hazard risks are assessed and mitigated effectively. We submit that further direction should be provided by this NPS.
- e. The proposed NPS should provide for action regarding existing use rights of new development that has been granted their consent but has not been built yet. Decision-makers should have the opportunity to review their consent and decide if it needs to align with the NPS. This is directly linked with seeing natural hazards as a matter of national importance and increasing community resilience as a primary objective.

9. *Proposed National Policy Statement for Natural Hazard Decision-making as a first step*

- a. While the proposed NPS does provide a relatively consistent framework for assessing natural hazard risk, it lacks direction on how to accurately undertake actions required in the framework. We highlight the following:
 - i. Lack of guidance on information needed for the risk assessment.
 - ii. Suitability of data to determine risks levels and thresholds.
 - iii. The need for direction to undertake tolerability and risk assessments (e.g., whether Riskscape should be required to be used, and if so, whether NZ-suitable fragility functions would be provided).
 - iv. The need for direction on engagement to determine tolerability.

Table 1: consultation document questionnaire responses

Question	Feedback/Answer <i>Use this space to make any recommendations on wording or use of proper methodology</i>
Par 2: Problems to solve	
<p>1. Is more action needed to reduce development from occurring in areas facing natural hazard risk?</p>	<p>Yes. Longer term agreement or legislation are required to ensure that in the future building is not occurring in areas that have already been identified as intolerable or unsuitable for development, in a period no less than 100 years.</p> <p>Legislation and national direction needs to reflect our learning from past events and ensure that all tools that manage land use decisions increase resilience and prevent building back in hazard prone areas where the risk is likely to be intolerable.</p> <p>More tools are needed to clearly, accurately and fairly indicate how risks vary over time. The long-term risks for sea level rise in particular tend to be seen as a future landowner problem. Further, risk assessments identifying land as being at risk in the future are seen as a threat to profit or value of assets, but these actually give a more accurate indication that risks do vary over time.</p>
<p>2. Are there any other parts of the problem definition that you think should be addressed through the NPS-NHD? Why?</p>	<p>There needs to be clearer links to the NZCPS requirement to consider risks over the 100-year time frame. This is to ensure that decisions made now reflect future potential risk so that development/re-development (intensification) does not result in increased liability to local or national government, particularly in coastal areas.</p> <p>If decision-makers do not consider longer term risks, there is a danger that decisions will rely on assessments of immediate risk, and default to the 'defend' hard structure type responses to reduce immediate risk. This could result in substantial short-term investment in hard protection without consideration of long-term cost or liabilities to decision-makers. Identifying how long the protection option will be effective and at what point it is likely to become redundant (trigger level) is an important factor that needs to be included in decision making.</p> <p>Within the risk management framework, the risks to significant indigenous biodiversity associated with risk management options such as hard protection structures also need to be</p>

	<p>considered. For example, the landward migration of coastal wetlands can be compromised by hard protection structures at the cost of coastal ecosystem services.</p> <p>There is a gap currently that will affect community perception of risk relating to the longevity/level of service for existing mitigation measures such as stopbanks, when considered in the light of climate change and sea level rise. Risk assessments based on existing levels of service of mitigation measures may result in decisions based on an assumption of levels of service that cannot be met in perpetuity. Constraints and limitations of all infrastructure in light of climate change and sea level rise are an integral consideration for the development of communities and in planning for recovery.</p>
<p>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?</p>	<p>An issue needing addressing is the technical ability of decision makers in reviewing the consents. What is the level of skills or experience required to ensure decisions are being made?</p> <p>Emergency Management and Civil Defence expertise should be used more, especially when development is being approved in high risk but tolerable areas, for evacuation planning purposes.</p> <p>Another issue is the financial liability risk to local and national agencies if decisions do not clearly reflect the existing and anticipated future risks for development in areas potentially subject to natural hazard risk. Further clarification is required around the definition and criteria of new development that will trigger the use of the NPS-NHD.</p> <p>There is a gap in that the NPS does not specifically apply to additional building structure or infrastructure on land that already has them, e.g if someone wants to put a second dwelling on a property this does not apply. The NPS deals with replacement or extension, but not additional buildings.</p> <p>Commercial development being considered an appropriate development for high risk intolerable locations is inappropriate, as an office building is classified as a commercial building and that would result in a large percentage of people being in a high risk intolerable locations for a large proportion of their day, these areas of intolerable areas should be left for recreational areas such as green spaces and parks, etc.</p>

Part 3: Key policy proposals of the proposed National Policy Statement for Natural Hazard Decision-making	
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?	<p>This is supported as it is focussed on ensuring people are living within their tolerance levels and to understand tolerance, a risk management framework is needed. This approach also aligns relatively closely with the Waikato Regional Policy Statement (WRPS).</p> <p>However, while it is a framework, guidance is needed on how to actually undertake a risk-based approach, this includes:</p> <ul style="list-style-type: none"> - Guidance on the level of data suitable for the assessment - Direction on what decision-makers need to include in the assessment - Consistent terminology of acceptable, tolerable and intolerable risk - Guidance on how decision-makers develop thresholds to understand the tolerability. <p>A framework without guidance on how to actually undertake the process limits effective policy implementation.</p>
5. Should all natural hazards be in scope of the proposed NPS-NHD? Why or why not?	<p>This is supported as the presence of hazards and their likelihood vary across the country. Excluding some hazards will render national direction ineffective in places where the hazards in the scope are not present.</p> <p>Also needing to be considered is the cascading implications of natural hazards and long-term implications of climate change effects, as it is expected to exacerbate existing risks for different hazards.</p>
6. If not all natural hazards are in scope, which ones should be included? Why?	All natural hazards need to be considered.
7. Should all new physical development be in scope of the proposed NPS-NHD? Why or why not?	We consider it a missed opportunity to develop an NPS to protect lives and property but not include areas of intensification where vastly more lives and property are at risk (refer to our request in table 2 for <i>Clause 1.5</i>).
8. What impact do you think the proposed NPS-NHD would have on housing and urban development? Why?	We reiterate our concern regarding the exclusion under clause 1.5 (see previous response). Intensification is a key feature of urban development under the National Policy Statement for Urban Development.

	<p>We consider that increased green spaces on locations of intolerability will improve community socialisation. Further development can impact the overland flow paths in urban townships, this will need to be taken into consideration, particularly in the stormwater aspects.</p> <p>Increased urban development will require an increase in evacuation planning, which will make it a necessary consideration in the decision process.</p> <p>The proposed NPS-NHD has the potential to avoid increasing unsuitable development in areas of future/likely intolerable risk through enabling decision makers to determine what type of development is appropriate and for what timeframe.</p>
<p>9. Do you agree with the proposed objective of the NPS-NHD? Why or why not?</p>	<p>See our comment in table 2 for clause 2.1.</p> <p>As drafted, the objective for the NPS reads as though it is to reduce the community's capability to recover, while maximising their ability to recover is needed.</p> <p>The objective should be to manage risks rather than minimising them. This allows for a holistic approach to natural hazard risk management. Further, the NPS intends to provide a risk management framework and not a risk minimisation framework.</p>
<p>10. What are the pros and cons of requiring decision-makers to categorise natural hazard risk as high, moderate or low?</p>	<p>Pros:</p> <ol style="list-style-type: none"> 1. 'Qualitative' is easy to understand as it is descriptive. 2. This approach follows the widely accepted general approach to risk and hazard classification. 3. When classified correctly, this approach sets out a clear approach for what is considered low, medium and high and what are the thresholds to move between each, which leaves little room for interpretation. 4. The approach is consistent with how a hazard is classified across the country currently. 5. This approach would provide a consistent approach across the country with little room for change if the categories are identified and set correctly. <p>Cons:</p> <ol style="list-style-type: none"> 1. This approach could be confused with how local authorities currently classify hazard modelling.

	<ol style="list-style-type: none"> 2. The approach needs to be underpinned with quantitative information. 3. The approach would need set parameters of what is low, medium and high, e.g if 1 house out of 10 is flooded above minimum floor level this is a low, but if 5 houses are, then it is a medium, and if 10 are, it is a high, or else it is left open to interpretation. 4. This approach is likely to require different classifications of what high, medium and low is for different hazards, e.g. river flood risk would be very different to extreme heat risk.
<p>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?</p>	<p>Pros:</p> <ol style="list-style-type: none"> 1. Tolerance takes into account different views and the impact of a hazard, which is critical to effective mitigation. 2. This is a more robust process and gives subject matter experts power to understand the “what if” better. 3. This approach provides the ability to understand the sensitivity of the catchment/environment and how that may change over time. <p>Cons:</p> <ol style="list-style-type: none"> 1. Tolerability would be very difficult to determine if a subdivision is proposed and decision-makers are unaware of the type of people who would be living in that subdivision. 2. Tolerability would require guidance from central government on what they believe is tolerable, informed from subject matter experts. 3. Tolerance of insurance companies is a critical factor but is very hard to understand prior. 4. Decision-makers’ views of what is tolerable are likely to be very different from developers’ or a community’s view. An additional challenge in this case is determining who has the final say. 5. Leaves it open for personal interpretation and can be very subjective.
<p>12. What are the pros and cons of directing decision-makers to adopt a precautionary approach to decision-making on natural hazard risk?</p>	<p>Pros:</p> <ol style="list-style-type: none"> 1. Uncertainty is addressed. 2. This approach would be more effective in saving lives. 3. There is likely less demand on emergency management services required during event.

	<ol style="list-style-type: none"> 4. This approach potentially reduces liability to decision-makers through identification of risk and guiding appropriate development form. 5. This approach reduces the likelihood of communities becoming dependent on defensive infrastructure as awareness of its limitations are made known. <p>Cons:</p> <ol style="list-style-type: none"> 1. There is likely to be a big pushback from developers and property owners. 2. There is likely to be inconsistency in decision makers using a precautionary approach. 3. This approach may result in an over-precautionary approach. Trust in decision makers could be undermined as a result 4. Where agencies have identified future potential intolerable risk (e.g., from sea level rise) there is still a period of time where activities could continue before risk becomes intolerable. Landowners will not appreciate decision-makers preventing their land use until the risk actually becomes intolerable. However, there are options like requiring transportable homes, more flexible infrastructure requirements, etc.
<p>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?</p>	<p>Pros:</p> <ol style="list-style-type: none"> 1. Natural hazards will be required to be considered compared to the current approach where it is more of an ad hoc approach. 2. Providing a minimum scale and granularity of data required for the assessment would provide a consistent approach across the country, resulting in consistent decision making. <p>Cons:</p> <ol style="list-style-type: none"> 1. This approach would drastically increase consenting time as the review of the risk and tolerability would be extensive and time consuming. 2. The qualification and experience of decision makers reviewing consent is likely to vary drastically across the country which could result in inconsistent decision making.
<p>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?</p>	<p>Pros:</p> <ol style="list-style-type: none"> 1. This approach will effectively manage the risk of natural hazards when it is implemented effectively. 2. The approach is very similar to the operative Waikato Regional Policy Statement, therefore resulting in a potential easier transition in house as we already take a risk based approach.

	<p>3. This approach reduces liabilities of local and national government for risks to development as a consequence of natural hazards in the future</p> <p>Cons:</p> <ol style="list-style-type: none"> 1. There are challenges with the methodology of how to accurately and consistently assess what is tolerable and intolerable. 2. It would be difficult to navigate the difference in personal tolerance levels. 3. There is a risk that only immediate short term hazard risk is considered in decision making.
<p>15. What is the potential impact of requiring decision-makers to apply this framework in their decision-making? Will it improve decision-making?</p>	<p>This would require a significant amount of time on top of already busy business-as-usual workloads for hazard and risk managers across the country.</p> <p>Skills and experience of decision makers making the final decision will vary across the country. A requirement of who is qualified to assess these consents, undertake the risk assessment and make the final decision would be required to ensure decisions are robust.</p> <p>We recommend that the government engages with Local Government New Zealand to discuss challenges and opportunities to provide training on how to undertake this approach successfully. Training and education on Riskscape would be required, if Riskscape is likely to be a requirement.</p> <p>Councils already have a varying reputation with the community, and extending consent application timeframes and requiring more information to obtain a consent would have an impact on hazard practitioners having to navigate upset community, property owners or developers.</p> <p>There is a potential for planning decisions following a risk assessment to result in stranded assets of communities being unable to continue to live in a place. We request guidance and decision-making frameworks suitable to consider issues of equity and fairness.</p>
<p>16. What are the pros and cons of providing direction to decision-makers on the types of mitigation</p>	<p>Pro:</p> <ol style="list-style-type: none"> 1. This approach helps to provide direction on options to be considered.

<p>measures that should be adopted to reduce the level of natural hazard risk?</p>	<p>2. The approach provides clear encouragement of nature-based solutions, which means where appropriate hard engineered options can be questioned when it is not suitable for the environment.</p> <p>Cons:</p> <ol style="list-style-type: none"> 1. Hard engineering solutions in some instances are likely to be more effective in reducing the risk over NBS, so always favouring NBS over hard engineering could result in inadequate mitigation options being considered. 2. There is a risk that longer term risks and effects on other values may not be addressed by chosen mitigation method. Holistically, mitigation methods need to consider such aspects as landward migration of habitat in coastal environments in addition to risk to development from natural hazards
<p>17.Does policy 7 appropriately recognise and provide for Māori rights, values and interests? Why or why not?</p>	<p>No. The inclusion of collaboration and engaging with iwi for medium and high hazard risk areas is not complete; we need to also engage with iwi in low hazard risk areas. Similar to comments above in Part 3, the approach is back to front: iwi will engage councils first as councils will not understand when/where/if development is proposed on iwi land. Iwi need to take charge and lead their decisions with councils coming in to support good decision making and provide technical guidance.</p>
<p>18.Can traditional <i>Māori knowledge systems</i> be incorporated into natural hazard risk and tolerance assessments?</p>	<p>Yes, and there are many examples across the country of this.</p>
<p>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?</p>	<p>No comment.</p>
<p>20.Is the implementation timeframe workable? Why or why not?</p>	<p>We do not believe that the timeframes is workable. There will be a number of learnings on how risk and tolerability assessment is undertaken and completed, that it will take longer than 28 days for subject matter experts to get up to speed to this new way of business as usual.</p>

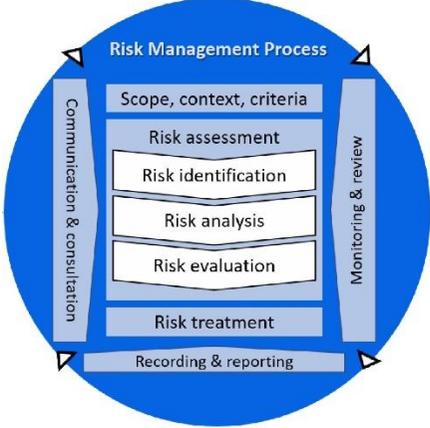
	<p>Implementation of the NPS will require significant resources and time from both consenting and hazard risk teams in all councils. However, we acknowledge the NPS is required and the sooner we get appropriate national direction, the sooner decisions can be made.</p>
<p>21. What do you consider are the resourcing implications for you to implement the proposed NPS-NHD?</p>	<p>We need guidance and methodology on:</p> <ul style="list-style-type: none"> - Accurately categorising high, medium and low hazard risk areas as per comments throughout this review. - Consistent terminology across all aspects of the NPS and central government guidance on what risk threshold is for acceptable, tolerable and intolerable. - Guidance on the different impact categories that need to be considered and assessed for different hazards and proposed development. - Determining trigger levels for risk mitigation options when climate change is predicted to result in changes in risk over the long-term. <p>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. This gap can be bridged by suitable, timely and fit-for purpose guidance, access to training and resources from central government to address queries related to the proposed NPS. We recommend the central advisory role could be exercised by the Environmental Protection Authority, as a proactive approach to its role of compliance, monitoring and enforcement under the RMA.¹</p>
<p>22. What guidance and technical assistance do you think would help decision-makers to apply the proposed NPS-NHD?</p>	<p>We recommend step-by-step guidance is needed on how to accurately and effectively implement each policy within the NPS, as per comments above.</p> <p>The NPS is very light on the guidance and direction to ensure there is a consistent approach for the technical side of the NPS. Further, the lack of proper reflection on other NPSs shows this document is very light on the 'how to' effectively implement the NPS.</p> <p>Guidance is needed on how to incorporate risks to the environment posed by physical risk mitigation options – particularly in coastal areas (e.g. coastal squeeze as a consequence of sea level rise).</p>

¹ <https://www.epa.govt.nz/industry-areas/compliance-monitoring-enforcement/rma-enforcement/unit/>

	<p>Guidance on how to address longer term changes in risk and identification of trigger levels where risk mitigation options may need to change is needed – there are implications on longer term levels of service of infrastructure for developments.</p>
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Table 2: clause by clause analysis

Provision	Position	Relief sought	Comments
1.3 Application	Support with amendment	<p>Amend clause 1.3 to as follows:</p> <p>(1) This National Policy Statement applies only to planning decisions that result in or enable new development; <u>and</u></p> <p><u>(2) Consented development that has not begun construction by the commencement date.</u></p>	<p>The proposed NPS should provide for action regarding existing use rights of new development that has been granted their consent but has not been built yet. Decision-makers should have the opportunity to review their consent and decide if it needs to align with the NPS. This is directly link with seeing natural hazards as a matter of national importance and increasing community resilience as a primary objective.</p> <p>Timing of the decision is essential to avoid maladaptation.</p>
1.4 Interpretation High natural hazard risk Low natural hazard risk	Oppose	<p>We request replacing these definitions: provide two separate definitions to account for exposure levels (high, medium, low) and tolerance levels separately (tolerable, intolerable acceptable).</p> <p>and</p> <p>Adding the following definitions for thresholds:</p> <p>a) Intolerable: risk which cannot be justified and risk reduction is essential e.g. residential housing being developed in a primary hazard zone;</p> <p>b) tolerable: risk within a range that a community can live with so as to secure certain net benefits. It is a range of risk that is not regarded as negligible or as something to ignore, but rather as something to be kept under review and reduced if possible; and</p> <p>c) acceptable: risk which is minor, and the cost of further reducing risk is largely disproportionate to the benefits gained e.g. residential housing being developed beyond coastal setbacks.</p>	<p>The current definition confounds the concept of risk levels and risk appetite or thresholds. This is contrary to best practice and international standards. Equating risk levels to thresholds misses the stepped approach under ISO31000:2018. The approach in the proposed NPS-NHD precludes the opportunity for local government authorities and other decision-makers to work with communities to get a more localised and nuanced understanding of the risk. We recommend following the risk management process in the ISO31000:2018 (in graphic below).</p>

			 <p>The diagram illustrates the Risk Management Process as a circular flow. At the top is 'Risk Management Process'. The central flow consists of several steps: 'Scope, context, criteria', 'Risk assessment' (which includes 'Risk identification', 'Risk analysis', and 'Risk evaluation'), 'Risk treatment', and 'Recording & reporting'. This central flow is flanked by two vertical bars: 'Communication & consultation' on the left and 'Monitoring & review' on the right. Arrows indicate a clockwise cycle between these elements.</p> <p>This will mean using exposure instead of risk levels (high, medium, low). The process should first do the risk identification and analysis to determine exposure, and then evaluate the risk to determine the corresponding thresholds and appropriate risk treatment, based on the appetite for different localities.</p> <p>Our staff have developed a risk assessment methodology to carry out risk assessments and assist in the implementation of our regional policy statement.² Using the approach described above, regional council staff worked with Hauraki District to assess the risk for the communities as part of the Wharekawa Coast 2120 Community Plan project. The risk assessment³ was then used to identify the risk thresholds (the appetite for</p>
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² [wrc-hazard-framework.pdf \(waikatoregion.govt.nz\)](#)

³ [TR202008.pdf \(waikatoregion.govt.nz\)](#)

			<p>people to experience a certain level event during a period of time) for different sub compartments of the project area.⁴</p> <p>Further, we submit that even if the current approach were to be used, the proposed NPS does not direct how to define these (high, medium, low). Given the subjective nature of tolerability, the top down approach suggested by the proposed NPS will generate a significant variability in interpretation by different councils.</p> <p>There is also a potential liability issue with basing risk on current conditions, because climate change is progressing and current defences may not be able to maintain current levels of service in the longer term.</p> <p>Finally, constraints on infrastructure (roads, services, power, telephone) as a consequence of climate change and sea level rise need to be acknowledged, as these are an important part of determining what is tolerable/intolerable risk.</p>
<p>Interpretation new hazard-sensitive development</p>		<p>Amend the definition as follows:</p> <p>new hazard-sensitive development means a new development relating to any of the following:</p> <p>(a) residential dwellings, including papakāinga and retirement villages:</p> <p>(b) marae:</p> <p>(c) educational facilities:</p> <p>(d) emergency services:</p> <p>(e) hospitals and other <u>critical/public</u> health care facilities:</p>	<p>The term "other" healthcare facilities is far too broad. This must be clearly defined. 'Critical' or 'public' health care facilities might be more appropriate. Private dental clinics and naturopath clinics are health care facilities but not critical to the public.</p> <p>The term "community facilities" is far too broad. It is possible that private building that provide a public sharing space may fall within the definition of a community facility, but it doesn't place anyone at undue risk.</p>

⁴ [community_risk_thresholds-2b.pdf \(hauraki-dc.govt.nz\)](#)

		(f) community facilities And Reconsider reviewing the definition of community facilities.	
Interpretation	Amend	We request inserting a definition for <u>significant risk</u>	Under section 106(1)(a) of the RMA, a consenting authority may refuse to grant a subdivision consent or may grant a consent subject to conditions if it considers that there is a <u>significant risk</u> from natural hazards. Having a definition in the NPS-NHD will assist consenting authorities in making this assessment and provide a nationally consistent approach for the management of natural hazard risk related to subdivision consents. Although section 106(1A) provides the required assessment for the purpose of subsection (1)(a), it does not result in any clarity around what is to be determined significant.
1.5 Application to intensification planning instruments	Oppose	We request deleting the provision to remove restriction to apply the NPS-NHD to the preparation of urban intensification planning instruments under section 80F of the RMA.	We consider a missed opportunity to develop an NPS to protect lives and property but not include areas of urban intensification where vastly more lives and property are at risk.
2.1 Objective	Oppose and amend	Replace the current wording in clause 2.1 with the following: <i>A nationally consistent approach to minimising (or managing) the risks from natural hazards to people, communities, the environment, property, and infrastructure, and maximising the ability of</i>	Current wording reads as if the objective for the NPS is to reduce the community's capability to recover. We need to maximise their ability to recover.

		<i>communities to quickly recover after natural hazard events.</i>	
Policy 2	Neutral	We request this policy provides guidance or methodology to assist implementation.	<p>The proposed NPS-NHD does not provide a methodology to assess likelihood and consequences from an event, as well as defining tolerance levels.</p> <p>The provisions need to consider longer term risk in areas subject to sea level rise – and not assume that level of service of existing protective works (like stopbanks) will be maintained in perpetuity, to avoid increasing intolerable risk and reducing a community’s ability to recover or plan for alternative pathways such as managed retreat.</p>
Policy 3	Support with amendments	<p>Amend wording in Policy 3 as follows:</p> <p>Decision-makers must adopt a precautionary approach when determining natural hazard risk if:</p> <p>(a) the natural hazard risk is uncertain, unknown, or little understood; and</p> <p>(b) the natural hazard risk could <u>is likely to</u> be intolerable.</p>	<p>Changing the wording in policy 3 from “could” to “likely” will reduce the space for individual interpretation of any risk being intolerable. The current wording may cause the decision-maker to become too cautious.</p> <p>There is a risk of restricting land use earlier than necessary when risk may become intolerable in the future. For example, sea level rise may not become intolerable for a community for over 20 years. This means some development may be tolerable within that timeframe as long as the recognition of finite use is clear and over investment in infrastructure is minimised. Therefore, we suggest the application of the precautionary approach should include consideration of the implications of longevity/level of service for existing protective measures given longer term climate change effects.</p>
Policy 4	Support		This provision closes any potential loopholes linked to timing of plan reviews as a result of the proposed NPS-NHD.

Policy 5	Support with amendments	<p>We request amending wording of Policy 5 to reflect submissions made regarding the definitions. We request that the definitions be amended to provide for exposure and risk threshold instead of risk levels.</p> <p>and</p> <p>Including further direction to determine the timeframe to considering decision under Policy 5.</p>	<p>We support the approach to manage risk and direct avoidance in areas where it is intolerable.</p> <p>We submit that direction under the NPS-NHD should be expanded to assist decision-makers in assessing future natural hazard risk with a changing risk scape. We suggest considering the following:</p> <ul style="list-style-type: none"> • The timeframe for risk that should be considered. Development in an area which is low risk now due to protective mitigation measures, may become inadequate in the future due to sea level rise. • Linked to our comments in the definitions sections, we consider the approach to “high risk” in policy 5 is confusing and appears to be a grey area; there are two high risk areas, one high risk and being intolerable and the other being high risk and tolerable. We consider that if the NPS-NHD retains the wording for risk level, then decision-makers will need more precise guidance for high risk to be avoided, dependent on tolerance. • There needs to be clearer national level guidance on what constitutes acceptable, tolerable and intolerable. We suggest adding the definition in our submission to clause 1.4 (definitions). • Development in any high-risk area, whether it is tolerable or intolerable would be able to proceed if it meets either of the criteria, and therefore is a grey area which does not allow for the effective reduction of natural hazard risk on people. • Critical (or regionally significant) infrastructure required to ensure a community is to function adequately (i.e. port or roads) will need a process to decide whether the functionality of that infrastructure is suitable for that location and the people or jobs who will be servicing that location.
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Policy 6	Neutral	We request guidance or methodology to assist implementation.	<p>Decision-makers will need to consider the effectiveness of the mitigation method to effectively reduce the risk, not preferring nature-based solutions (NBS) over hard engineering for every case.</p> <p>Further direction is needed to consider the effectiveness of mitigation measures over time – current levels of service may not be able to be maintained with climate change and sea level rise, and future decisions on upgrading cannot be guaranteed due to cost and effects on other values not determined.</p> <p>We also note need for guidance on hazard risk determination. This gap impacts decision-making on mitigation options, i.e. determining the preferred outcome when assessing NBS versus hard engineering solutions. Further, the timeframe is also important for mitigation options and trigger levels where the option may no longer be viable.</p>
Policy 7	Neutral	We request clarification of wording.	The sequence is unclear. Policy 7 says decision makers are required to engage with iwi at the beginning of the process, however, decision makers would not know the process of development or that development is starting until iwi approach the decision makers.