

**Civil Contractors New Zealand submission to Ministry for the Environment on
“Package 1: Infrastructure”**

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Introduction

Civil Contractors New Zealand (CCNZ) the industry association for horizontal construction in New Zealand. We represent more than 800 member businesses and organisations involved in horizontal infrastructure construction, including more than 550 large, medium-sized, and small businesses in civil engineering, construction, and general contracting. Our 300 associate members provide valuable products, support, and services to contractor members. We live and work in all communities across New Zealand.

Our members play a vital role in the development of our country, our economy, and our way of life. They are responsible for the physical construction and maintenance of NZ’s transport networks, water networks that bring fresh water to houses and wastewater to treatment plants, cables that bring the internet to homes and businesses, ports, airports and private developments.

These are the services a modern and developed economy must have to compete efficiently in world markets and to deliver high living standards and wellbeing for all New Zealanders. Because of the breadth of work environments, civil contractors have an extensive understanding of how the environment is protected in practical terms. They work to construct wetlands as part of projects, as well as maintaining riverbanks, parks and great walks.

In short, resource management is relevant to civil contractors because the construction and maintenance of infrastructure is a use of land and the environment.

CCNZ acknowledges the widely held view that the Resource Management Act 1991 (RMA) system as it stands is broken. It is litigious, expensive, and time consuming, for both resource consenting and planning.

It has created significant cost, both for those seeking consent for development and those seeking environmental protection, because it lacks effective mechanisms for conflict resolution, often leading to a costly stalemate where development is sought.

The Resource Management (Consenting and Other System Changes) Amendment Bill ([the Bill](#)) is the second bill in the Government's RMA reform programme.

CCNZ submits on this Bill in keeping with our overall approach to RMA reform. Our guiding principles are (as stated in a previous [CCNZ submission on RMA reform](#)):

- Consenting pathways that enable the construction, operation and maintenance of infrastructure and the built environment, for both large and small projects
- Efficient and effective and affordable consenting, planning and other regulatory processes, also to avoid unnecessary delays in regulatory processes
- The above to apply to civil construction at all scales, from small earthworks to multi-firm construction alliances for nationally significant projects
- Ability to manage trade-offs or conflicts between RM reform objectives, eg between protection of, and the use and development of the natural and built environment
- Effective mechanisms to balance the environmental cost of development against the benefits infrastructure delivers for our society
- Access to raw materials that support the infrastructure supply chain and enable infrastructure construction, such as aggregate, steel and concrete, and efficient repurposing of construction and demolition waste, whether through recycling or through identified sites for 'enabling infrastructure' - eg quarries, 'circular economy' materials recovery sites, or cleanfills
- Upholding of property rights, including for existing infrastructure and buildings

INTRODUCTION TO THIS SUBMISSION

The government's proposals for reforming national direction under the Resource Management Act 1991 are divided into 4 Packages:

Package 1 – infrastructure

Package 2 – primary production (including quarrying and mining)

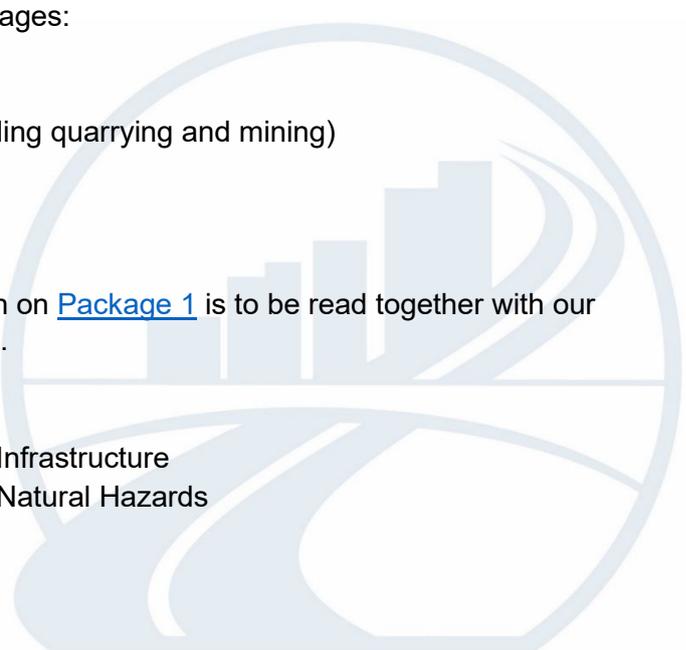
Package 3 – freshwater

Package 4 – housing growth

The Civil Contractors New Zealand submission on [Package 1](#) is to be read together with our submissions on Package 2, and on Package 3.

Scope for this submission:

- New National Policy Statement for Infrastructure
- New National Policy Statement for Natural Hazards



- Proposed national direction on electricity networks, granny flats, and papakāinga are out of scope.

Executive summary for this submission:

- This is a positive suite of changes to national direction proposed by the Government to improve infrastructure planning and delivery, enable streamlined development while protecting the environment, and unlock growth in the primary sector.
- We support direction to decision-makers to recognise and enable the importance of infrastructure supporting activities, such as quarrying, to the timely completion of infrastructure projects.
- We support the submission made by the Aggregate and Quarry Association (AQA).

Additional note on workability of national policy statements

- Existing National Policy Statements and National Environmental Standards have often increased complexity, sometimes to an unworkable level. This increased complexity makes difficult for contractors charged with practical works to share their knowledge and expertise with policymakers, and decision making is increasingly solely the realm of policy writers, and less informed practical experience.
- Existing National Policy Statements do not have a clear order of precedence and often conflict with each other.
- We question whether adding new national policy instruments to the existing suite is wise, when the existing national policy statements have created significant confusion and caused sometimes intractable issues in their application, in particular the NPS-Freshwater.
- We consider that despite the above points, there is merit in the proposals within the NPS-Infrastructure.

CCNZ support's the government's proposals, in principle. The remainder of this submission comprises our answers to questions in the discussion document.

NATIONAL POLICY STATEMENT FOR INFRASTRUCTURE

As a preamble, CCNZ agrees with the following statement:

“The current resource management system and national direction does not sufficiently recognise the benefits of infrastructure, or the role of infrastructure services in supporting the wellbeing, health and safety of people and communities, now and in the future.”

Infrastructure services include management of waste, including recovery, recycling, reuse and repurposing. This is not adequately provided for in New Zealand, as argued in the CCNZ [submission on proposed amendments to waste legislation](#).

Besides being costly, current RMA processes are time consuming, which is also a source of cost.

Answers to questions follow.

Q1: Is the scope of the proposed NPS-I adequate?

CCNZ: The consultation document says on page 12:

“The proposal is for a new National Policy Statement for Infrastructure (NPS-I) to address the problems identified above and better enable and protect infrastructure, by providing:

- consistent definitions to support the proposed policies
- an objective setting out a range of infrastructure outcomes expected from the resource management system
- general policies to better enable and protect infrastructure, while managing its effects on various environments, and recognising and providing for Māori rights and interests
- policies on managing the interface between infrastructure and other activities
- policies to enable infrastructure while managing its effects on the environment.

More detail on the proposed provisions is included in attachment 1.1 of this document.”

Yes, the scope is adequate.

Q2: Do you agree with the definition of ‘infrastructure’, ‘infrastructure activities’ and ‘infrastructure supporting activities’ in the NPS-I?

CCNZ: Yes, to the definitions provided in [attachment 1.1](#), and we welcome the inclusion of quarrying as an infrastructure supporting activity, noting quarried products are essential to civil contracting works such as roading, three waters, and electricity infrastructure.

In addition to supporting the submission made by the Aggregate and Quarry Association (AQA), CCNZ calls for better and consistent definitions for **waste and resource recovery facilities**, and of the materials they receive.

The current definitions are confusing, and result unnecessarily in surplus soil from earthworks being disposed of to landfill (class 1 facilities), instead of being reused on site or at another site, or repurposed as cleanfill (class 5 facilities).

Consenting has become prohibitive for sites repurposing hydroexcavated soil, as well as consenting managed or cleanfill sites. The possibilities of achieving circular economies are greatly reduced by current consenting pathways.

Refer to CCNZ’s [submission to MfE on proposed amendments to waste legislation, as well as a position paper on preventing wastage in soil management](#) for further details.

We also draw attention to the fact that different local authorities have different definitions in their RMA plans for **sewage and water treatment plants**, and infrastructure for managing three waters, generally. This is onerous for resource consent applicants, having to reinvent the wheel from scratch each time, when consistent definitions would promote standardisation. The RMA National Planning Standards were supposed to have solved this problem; however, it is not clear that they did in practice.

We are aware from our members who carry out site preparation and infrastructure for new subdivisions that developers cannot obtain resource consent until they have permission from WaterCare for new sewer connections, which is significantly slowing development, as in some parts of Auckland this process takes up to nine years. Similar issues are ongoing in South Wairarapa and other centres.

Q3: Does the proposed objective reflect the outcomes sought for infrastructure?

CCNZ: The proposed objective for the NPS-I is:

“to identify infrastructure outcomes that planning decisions would contribute to. Outcomes include that infrastructure:

- (a) supports the wellbeing of people and communities and their health and safety
- (b) provides national, regional or local benefits
- (c) supports the development and change of urban and rural environments to meet the diverse and changing needs of present and future generations
- (d) is well functioning and resilient
- (e) provides value for money to people and communities
- (f) is delivered in a timely, efficient and ongoing manner while managing adverse effects on the environment
- (g) is protected from the adverse effects of other activities.”

Yes, the proposed objective does reflect the outcomes sought for infrastructure.

We ask in relation to (g) whether this includes protecting infrastructure projects from reverse sensitivity.

Q4: Does the proposed policy adequately reflect the benefits that infrastructure provides?

CCNZ: Yes, and we suggest an additional bullet point on circular economy.

Q5: Does the proposed policy sufficiently provide for the operational and functional needs for infrastructure to be located in particular environments?

CCNZ: Yes. “Operational” and “functional” have distinct meanings, to be reflected in both RMA planning and consenting.

Q6: Do you support the proposed requirement for decision-makers to have regard to spatial plans and strategic plans for infrastructure?

CCNZ: Yes. The concept of spatial plans was well developed in the RMA reform of the previous government. The repealed Spatial Planning Act had significant merits, and it makes sense to draw on those in the present reform. We think it useful for local authorities to involve their communities in spatial planning via mapping and other visual tools. This

approach will better enable councils to better understand their communities' needs and act as regional resource managers.

Q7: Would the proposed policy help improve the efficient and timely delivery of infrastructure?

CCNZ: Yes, however, note that it is one matter to call for enabling timely and efficient delivery of infrastructure, and another to make it so. Would the NPS-I penalise consenting authorities for taking too much time?

Q8: Does the proposed policy adequately provide for the consideration of Māori interests in infrastructure?

CCNZ: Yes, with a proviso. Has thought been given to how to resource Māori "involvement" in infrastructure projects? Where there is a public good arising from recognising and providing for "Māori interests in relation to infrastructure", then there is a role for public funding of, or support for this involvement. Where it relates to the consenting of a specific project, this is presumably a cost to be borne by the asset or project owner, or presumably the applicable 'Māori interests', depending on the nature and duration of the consideration.

Q9: Do the proposed policies sufficiently provide nationally consistent direction on assessing and managing the adverse effects of infrastructure?

CCNZ: We support the proposed Policy 6. In the past, councils have demanded onerous offset or compensation proposals of resource consent applicants. In some cases, these have been challenging to design and costly to provide. A balance should be reached where offsets are supported in planning and complement rather than prevent project delivery and quality standards.

Q10: Do the proposed policies sufficiently provide for the interface between infrastructure and other activities including sensitive activities?

CCNZ: Yes, in relation to amenity. Effects on amenity during construction are temporary, and are challenging to avoid, remedy or mitigate. This includes noise, dust, ground vibration, visual effects, lighting effects at night, and traffic management.

NATIONAL POLICY STATEMENT FOR NATURAL HAZARDS

The discussion document covers the proposed National Policy Statement for Natural Hazards from page 65. For additional policy detail, view [attachment 1.8](#). Answers to questions follow.

Q71: Should the proposed NPS-NH apply to the seven hazards identified and allow local authorities to manage other natural hazard risks?

CCNZ: Yes, to the hazards of: flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction, and tsunami.

Q72: Should the NPS-NH apply to all new subdivision, land use and development, and not to infrastructure and primary production?

CCNZ: We disagree with excluding infrastructure and primary production because both sets of activities are implicated in managing (i.e. seawalls and stopbanks) causing (if poor soil stabilisation or inadequate environmental controls), and being affected by natural hazards.

For example, poorly managed plantation forestry on steep hillsides inflicted widespread damage to infrastructure during Cyclone Gabrielle, particularly road bridges, as a government-commissioned [enquiry into the disaster](#) found. The NPS-NH could be used to prevent forestry in inappropriate places, because of the high risk involved, in this case the effect of flooding and landslips, and thereby protect bridges and other infrastructure from inappropriate activities.

It could also be used to better provide for resilience in infrastructure, such as through required slope stabilisation, gravel extraction, seawalls and stopbanks.

Q73: Would the proposed NPS-NH improve natural hazard risk management in New Zealand?

CCNZ: Yes, it would, subject to the adoption of our proposals for improvement.

Q74: Do you support the proposed policy to direct minimum components that a risk assessment must consider but allow local authorities to take a more comprehensive risk assessment process if they so wish?

CCNZ: The proposal introduces a requirement that when assessing natural hazard risk (for the purposes of land-use planning) local authorities must consider:

- the likelihood of a natural hazard event occurring
- the consequences of a natural hazard event for the activity being assessed
- existing and proposed mitigation measures
- residual risk
- potential impacts of climate change on natural hazards at least 100 years into the future.

We agree, and propose two additional bullet points, to consider liability for causing or exacerbating natural hazards, and recognise the benefits of managing natural hazards well.

For example, the forest owners whose activities led to the destruction of downstream infrastructure after Cyclone Gabrielle were not liable for the damage they caused, the cost of which was picked up by communities and central government. This issue needs to be captured by councils when making a natural hazard risk assessment.

On managing natural hazards, the additional bullet point could be: 'How the hazard is managed through resilience work (such as seawalls, slope stabilisation and stopbanks)'

Q75: How would the proposed provisions impact decision-making?

CCNZ: Managing on the basis of risk introduces the flexibility the government proposes in RMA planning on what can be built where, and conversely, where structures or land-uses should not be situated.

At least for new developments or land-uses, New Zealand should be able to avoid a repeat of previous natural disasters, or the unnecessary amplification of their effects.

Q76: Do you support the placement of very high, high, medium and low on the matrix?

Figure 1: Definitions of risk based on standardised definitions of likelihood and consequence

		Likelihood level						
		Almost certain	Very likely	Likely	Possible	Unlikely	Rare	Very rare
ARI (years)		up to 10	10–20	20–50	50–100	100–500	500–5,000	> 5,000
AEP		10% or more	10% to 5%	5% to 2%	2% to 1%	1% to 0.2%	0.2% to 0.02%	< 0.02%
Consequence level	Catastrophic	Very high	Very high	Very high	High	Medium	Medium	Medium
	Major	Very high	Very high	High	High	Medium	Medium	Medium
	Moderate	High	High	High	Medium	Medium	Low	Low
	Minor	Medium	Medium	Medium	Medium	Low	Low	Low
	Negligible	Low	Low	Low	Low	Low	Low	Low

Note: ARI = Average recurrence interval; AEP = Annual exceedance probability.

Source: Ministry for the Environment:2025

CCNZ: The risk matrix as presented looks to be appropriate.

Q77: Do you support the definition of significant risk from natural hazards being defined as very high, high, medium risk, as depicted in the matrix?

CCNZ: Yes.

Q78: Should the risks of natural hazards to new subdivision, land use and development be managed proportionately to the level of natural hazard risk?

CCNZ: Yes. Having a tuned approach to the level of natural hazard risk would promote economic efficiency, and that is what local authorities should be offering to their communities.

Q79: How will the proposed proportionate management approach make a difference in terms of existing practice?

CCNZ: Areas where there is some natural hazard risk, but where the occurrence of an event is manageable at reasonable cost should be open to certain types of development.

Q80: Should the proposed NPS-NH direct local authorities to use the best available information in planning and resource consent decision-making?

CCNZ: Yes, and as is proposed, where information is not complete (and it usually isn't), then risk assessments should still proceed.

Q81: What challenges, if any, would this approach generate?

CCNZ: The above approach is likely to lead to risk averseness, delay, and increased project cost following interpretation by local authorities. This is probably a fact of life, and like other similar situations could be managed by absolving individual council officers from personal liability for poor decisions, without instructing a reduction in standards.

Q83: Should the NZCPS prevail over the proposed NPS-NH?

CCNZ: No. It should be the other way around, because of the relative importance to society of natural hazards in the coastal environment, compared with other considerations.

That said, there would also be circumstances where the NPS-NH and the CPS could work well together, e.g. nature-based solutions to addressing the risk to property of certain natural hazards, e.g. coastal erosion as a result of a storm surge combined with a spring high tide, or constructed wetlands to filter runoff from urban areas.

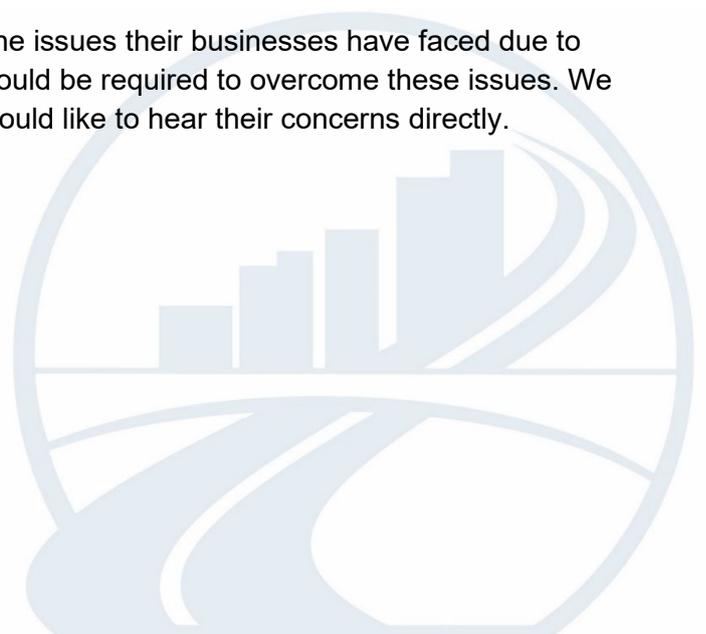
CONCLUSION

Thank you for your time in reading this submission.

CCNZ is happy to further discuss these reform packages, and as mentioned in the initial paragraphs, supports the submission made by the Aggregate and Quarry Association.

Several of our members have advised us of the issues their businesses have faced due to the existing legislation, and what they think would be required to overcome these issues. We can arrange for them to present also, if you would like to hear their concerns directly.

Yours sincerely,



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Civil Contractors NZ



Principal Business Partner