**Submission to Package 2 National Direction, Infrastructure and Development**

**Closing date of Submission: 27 July 2025**

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## Package 1 – Infrastructure and Renewable Electricity Development

### 1.0 Executive Summary

Fish & Game supports the general intent to develop infrastructure more efficiently; however, we emphasise that infrastructure activities must be managed to avoid significant adverse effects, particularly on sensitive environments. Our primary concerns centre on protecting water quality, game bird and sports fish habitat, and maintaining public access to recreational opportunities.

**National Policy Statement for Infrastructure (NPS-I)**

Fish & Game supports better spatial planning to enable efficient infrastructure development but oppose any weakening of environmental protections. We are concerned that proposed objectives and policies may fail to meet RMA section 7 "other matters," including the ethic of stewardship, maintenance of amenity values, intrinsic values of ecosystems, and protection of trout and salmon habitat.

**Operational vs Functional Need**: We strongly advocate that only the functional need test should apply under the NPS-I. The proposed inclusion of both functional and operational need tests would "open the floodgates" for infrastructure development in sensitive environments such as wetlands. The operational need test sets too low a bar and could enable projects based on cost and practical constraints rather than genuine necessity.

Consistent with our NPS-I position, we oppose applying both operational and functional need tests for renewable energy generation. Only the functional need test should apply to prevent enabling activities in sensitive locations where they wouldn't otherwise be allowed.

**Spatial Planning**: We support strategic spatial planning but seek amendments to broaden the definition of "Strategic Planning Documents" to include Sports Fish and Game Management Plans and Conservation Management Plans. Critical spatial mapping which identifies areas suitable for infrastructure and areas requiring protection must be completed before enabling development in sensitive environments.

**National Policy Statement for Renewable Electricity Generation (NPS-REG)**

Fish & Game supports the transition to renewable energy but opposes policies that prioritise rapid expansion over environmental protection. We are particularly concerned about enabling new hydroelectric generation proposals that could affect wild and scenic rivers and those protected by Water Conservation Orders.

**Hydroelectric Impacts**: New hydroelectric schemes pose significant threats to sports fish habitat through altered fish migration, modified flow regimes,

increased water temperatures, decreased water clarity, and barriers to fish passage. We generally oppose new proposals affecting trout habitat and note that existing run-of-river designs are preferable to compound dams.

**Existing Consents**: We support flexibility for upgrades that improve environmental outcomes but oppose considering only "additional or different effects" during re-consenting, as this overlooks cumulative impacts. We seek continuation of access arrangements, recreational flows, and environmental protections in existing consents.

**Precautionary Approach**: We recommend nationally consistent rules for large-scale renewable energy activities with precautionary approaches and adaptive management, particularly for novel activities like wind and solar farms.

**National Policy Statement for Natural Hazards**

Fish & Game strongly supports the "room for river" concept, which prioritises natural flood management over engineering solutions. This approach involves avoiding flood hazards and restoring floodplains to natural extents, benefiting both community safety and the species we manage.

We support nature-based solutions and spatial planning to identify high-risk areas whilst limiting new development. The NPS-NH should address flood management for infrastructure and rural land uses, moving away from engineering approaches that protect pastoral activities in flood-prone areas.

**Key Recommendations**

**Hierarchy and Integration**: Critical clarification is needed regarding which National Policy Statement takes priority when conflicts arise, particularly between NPS-FM protections and infrastructure enabling policies. We promote the NPS-FM and the hierarchy of obligations taking priority over other NPS and activities.

**Consultation**: Fish & Game seeks statutory consultee status for infrastructure projects near habitats of species we manage, offering timely expert advice on game bird and sports fish habitat matters.

**Implementation**: All national direction amendments should be implemented after RMA changes are given effect, ensuring consistent integration with new legislation.

Fish & Game remains committed to collaborative solutions that enable necessary infrastructure development whilst protecting the recreational, cultural, and ecological values that depend on healthy freshwater environments.

## 2.0 New National Policy Statement for Infrastructure

### 2.1 Support General Intent of NPS-I

Fish & Game supports the general intent of the National Policy Statement for Infrastructure (NPS-I) and the intent to develop infrastructure more efficiently. We believe better spatial planning will assist with this goal.

Infrastructure projects and operations can have significant adverse effects on New Zealand's environment, wildlife and the species that we manage. So, whilst we agree that infrastructure needs to be provided for more efficiently by way of policy direction, this needs to be considered carefully keeping in mind that infrastructure activities and operations need to be managed to avoid significant adverse effects, especially on sensitive environments.

We don't necessarily agree that "there are disproportionate requirements for assessing the environmental effects of proposals" (page 12 discussion document) which directly add "considerable costs and delays to infrastructure projects".

We note that the intent is to 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 RM 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.

There is reference to section 6 of the RMA but not section 7 (other matters). Fish & Game is concerned that the proposed objectives and policies that seek to exploit the environment will not meet the "other matters" listed in the RMA including:

*a) the ethic of stewardship*
*b) the efficient use and development of natural and physical resources*
*ba) the efficiency of the end use of energy*
*c) the maintenance and enhancement of amenity values*
*d) the intrinsic values of ecosystems*
*f) the maintenance and enhancement of the quality of the environment*
*g) any finite characteristics of natural and physical resources*
*h) the protection of the habitat of trout and salmon*

We note that renewables are already provided for in *i) the effects of climate change* and *j) the benefits to be derived from the use and development of renewable energy.*

### 2.2 Fish & Game generally support the objective and benefits

The proposed objective and benefits of infrastructure as detailed in the discussion document on page 13 and 14 is broadly supported by Fish & Game. However,

we are concerned that the natural environment will not feature in decision making, and other development interests will take priority.

We understand that to partake in game bird hunting and angling recreation infrastructure needs to be in place to provide access. So, we ask, when would the adverse effects on the natural environment warrant avoiding a location as mitigation is not always possible? It appears that the policy is so positively written that there will be no infrastructure project that is amended or refused and that natural values will not be considered.

### 2.3 Operational and Functional Needs

We are concerned where the species we manage will be placed in a hierarchy of consenting when infrastructure projects have an operational or functional need.

An example of potential conflict is the functional need of a solar farm to locate near to an existing transformer where part of the land area has game bird and other indigenous habitat values.

It is not clear how the new NPS-I will relate to other National Policy Statements and which prevails. For example, the NPS-FM was implemented with the intention to set an environmental bottom-line of ensuring 'no net loss' of natural wetland extent or values. The NES-F then regulates activities in or near natural wetlands to ensure this bottom-line is met, such as preventing activities occurring in (and in some cases, within 100m of) wetlands, except for 'specified infrastructure' and development. Those activities may only be allowed in or near wetlands if they can show there is a **functional need** for the activity to locate there. The proposed NPS-I however allows for both the functional and operational need test.

Generally, the operational need test is easier to meet as it sets a lower bar by enabling some projects to take place in a particular place where operational or technical constraints mean it is not practical to put the project elsewhere. The functional need test on the other hand is more restrictive as it does not allow for the costs or practical constraints of alternative locations to be considered. The crucial question then remains - how will the proposed NPS-I be applied where there may be an operational but not a functional need to locate infrastructure in a wetland?

We consider the functional need test alone should be applied under the NPS-I. While the functional need test sets a higher bar than the operational test, it is not absolute. There remain pathways for enabling certain activities under the NPS-FM And NES-FW with only the functional need test, as noted above, and there is recognition that such activities may necessarily impact natural wetlands. An example is the decision made last year by the Northland Regional Council to approve a 172ha solar farm in Ruakaka, Northland, resulting in the loss of 17ha of rare dune slack wetlands which provide important habitat for game birds and rare indigenous avifauna. In that decision the functional need test was met based on the need for proximity to the existing Bream Bay substation. Clearly, from that decision, when the functional need test is applied, it can still enable pathways for infrastructure development to occur.

We are also already seeing the courts applying the functional need test in a less strict manner, such as in the case of the Mt Messenger decision – applying an interpretation of functional need that looked at issues such as cost and constructability of alternatives, instead of exclusively highlighting aspects such as the nature of the project. We consider that applying both the functional and operational needs tests under the NPS-I would go too far and open the floodgates to enable infrastructure in what are sensitive environments such as wetlands and areas with indigenous biodiversity.

### 2.4 Spatial Planning and other Strategic Plans

Fish & Game understand that spatial planning is a key feature of the proposed National Direction reforms. Fish & Game support the use of spatial planning generally to better plan and enable infrastructure development.

We support the proposed requirement for decision-makers to consider spatial plans and have regard to strategic planning documents for infrastructure generally. However, we seek that definition 21 be amended to broaden the scope of what is considered to be a "Strategic Planning Document" so that other strategic plans, including Sports Fish and Game Management Plans and Conservation Management Plans under the Conservation Act, which assist in identifying natural areas and species, are included. Currently, it's not clear whether these plans are included under the definition.

We also consider that before changes are made to the NPS-I, or any other National Policy Statements, further spatial analysis is undertaken that both identifies areas suitable for specific infrastructure activities as well as areas where infrastructure activities should not be developed. This is particularly important for areas with significant natural values. Until spatial mapping of existing and potential infrastructure locations and significant environmental areas is complete, we do not support the proposals that would allow for infrastructure activities to take place in areas with significant natural values.

Further, we consider that spatial planning policies and requirements should be strengthened across the proposals. Currently the requirement in P3 of the NPS-I is only to "consider relevant spatial plans" and there are no other policy requirements within the proposal that specifically direct developments away from sensitive environments. Of concern is that P2 – operational need or functional need, states that services must locate where required, regardless of whether the infrastructure has been spatially identified in advance. No amendments have been proposed in the NPS-REG regarding spatial planning. As such, Fish & Game are unsure how spatial planning will be applied practically.

### 2.5 Efficient and Timely Delivery of Infrastructure

Fish & Game supports the intent of this section to include more effective use of existing infrastructure, including maintenance and re-consenting. Fish & Game recognise that some infrastructure services provide valuable access opportunities for recreation in New Zealanders, including gamebird hunting and sports fishing.

Fish & Game, however, seek the inclusion of provisions for new infrastructure that provides at least legal and physical access so that the public can also benefit from recreational opportunities around regionally / nationally significant infrastructure. Hydro-electric infrastructure should be required to provide legal and physical access on existing roads, access around dams, to access rivers and lakes for recreation. This access provides for anglers to access lakes and rivers, which may include access for rafting and fishing.

However, requirements for efficiency and timeliness should not be at the expense of the environment or public participation and consultation, nor lead to poor decision-making. Where there are more than minor adverse effects, public notification is warranted and input from the public is reasonable. Rushed or hurried decision making can lead to inadequate assessment of effects and unintended consequences. This is particularly important in this proposal as it has not been made clear exactly how adverse effects are going to be assessed and managed (more on this topic below). The proposed NPS-I has included a lot of wording to support efficiency and timeliness. We consider there is an overemphasis in the proposals on efficiency and timeliness and that this wording should be scaled back.

We consider that a clearer and more efficient way to strategically direct where infrastructure should go, and hence where a more permissive and efficient consenting approach could apply, would be to complete the spatial mapping exercise recommended above.

We also note that a number of existing hydroelectric dam consents include consent conditions that work to mitigate adverse effects and provide for public access (e.g., at recreational release flows). We are very interested in how these consents are framed and re-consented as we believe at least the existing consent conditions need to be retained. However, in some cases negotiation of more stringent conditions are needed to claw back existing problems including over-allocation.

### 2.6 Providing for Game bird and Fishing Values

Fish & Game welcome the opportunity to provide timely advice on proposed and re-consented infrastructure located in rivers, lakes and wetlands, i.e. the habitat of the species that we manage. We manage these species that also have a functional need to exist in the habitat where we find them.

### 2.7 Providing for Māori Interests

Fish & Game support the proposed engagement with Māori, considering Māori values (many of which also align with those of Fish & Game) and involving Māori in decision-making around infrastructure projects, including those affecting sites of significance to Māori.

### 2.8 Assessing and Managing Adverse Effects of Infrastructure

Fish & Game are concerned that the discussion document fails to consider what sort of effects are going to be managed, with no mention of minor effects, cumulative effects or when effects should be mitigated.

Fish & Game urge you not to always prioritise development over the conservation and preservation goals enshrined in the RMA. Fish & Game support the retention of section 6 altogether.

Fish & Game support a simpler approach to enabling existing infrastructure to have minor upgrades or renewal, provided adverse effects are avoided, remedied or mitigated. However, we need to be mindful with the long-term nature of infrastructure consents that goal posts will change over time. Examples include cumulative impacts and worsening water quality and overallocation requiring improvements to be made to discharges at re-consenting times.

Another example is when a water resource becomes overallocated. Often the remedy is to reduce the allocation to all users of the resource, not just the non-infrastructure uses. The proposed policy would allow for hydro water takes to take precedence over farming water takes and it is not clear if that is the intent. Either way, Fish & Game would be concerned regarding the many catchments that are already overallocated for flow and nutrients.

We consider that P6 does not go far enough to manage adverse effects of infrastructure on the environment. More specifically 1a) which considers the extent to which adverse effects have been avoided, remedied, mitigated or minimised, is not a requirement in and of itself, instead it is only for decision makers to have regard to “as applicable” and then is limited to only the route, design and construction method selection.

We also oppose the qualifier “where practicable” in both P7 and P8: the term sets a low bar for managing adverse effects. It is also ambiguous and highly subjective, leaving open the question of what is practicable in terms of avoiding, remedying, and mitigating adverse effects. Any applicant could argue in any given circumstance that the adverse effects of a particular project/activity are too impractical to avoid.

### 2.9 Interface and Compatibility of Infrastructure and Other Activities

Fish & Game manage species whose habitat are sensitive to infrastructure uses. Design can often address these issues, but in other instances avoiding the location is the only way to avoid reverse sensitivity effects or total loss of habitat. The proposed policies fail to spell out the priority between infrastructure and other activities that use the natural environment such as recreation, for example, lakes or ponds with game birds, or lakes or rivers with sports fishing opportunities. We note that the design or location of a road or bridge could reduce the reverse sensitivity effects on recreation values whilst other proposals such as hydroelectric dams can remove recreation values entirely.

It is also unclear from the proposed policies what “other activities” are supposed to entail as these are not defined.

### 2.10 Anticipated Impacts of Proposed NPS-I

Fish & Game agree that there is likely to be a loss of amenity with greater infrastructure protections. New Zealand Fish & Game Council would like to be a statutory consultee for new projects proposed near the habitats of the species that we manage for example wetlands, lakes and rivers. We can provide timely advice regarding the proposed development at hand.

### 2.11 Consistency with the purpose of the RMA

It is not clear if the NPS-FM will take priority over NPS-I where lakes, rivers and wetlands are concerned. This is a critical consideration for us as these are the primary habitats of our species, and because of the bottom lines and protections that the NPS-FM provides for these environments. This is particularly important in that the NES-F requires only the functional need test to be met, as highlighted above.

## 3.0 Amendments to National Policy Statement for Renewable Electricity Generation 2011

**3.1** Fish & Game understand that New Zealand has obligations to meet international emissions reduction targets and that meeting those targets, and limiting global temperature rises, will require expansion of renewable electricity generation, and that the proposals aim to provide clear direction towards meeting those commitments.

Though Fish & Game support a transition to a low-carbon, ecologically resilient economy and understand that renewable electricity generation forms a fundamental part of this transition, these projects and operations can have significant adverse effects on New Zealand's environment and wildlife. So, whilst we agree that renewable electricity generation needs to be provided for by way of policy direction, this needs to be considered carefully keeping in mind that renewable energy and climate mitigation does not necessarily override the need for a healthy environment.

Our submission includes comment about hydro-electric REG activities as well as wind and solar.

### 3.2 Problems that the proposal aims to address

Fish & Game does not agree that more enabling policy guidance is needed across New Zealand. This is of notable concern because of the implications that a more enabling approach would have for hydroelectric dams, which have a significantly different, and in many cases greater, environmental impact than solar and wind REG activities. For example, hydroelectric dams may act as barriers to fish migration and can alter the ecological connectivity of freshwater environments.

We are concerned about new enabling and directive policies, which permit adverse effects and doesn't manage effects on the environment. Fish & Game are concerned that this will enable new hydroelectric generation proposals. Many of the Water Conservation Orders that Fish & Game have secured have sought to ensure that wild and scenic lakes and rivers can remain and not end up as a hydro-electric power scheme.

The objective on page 21 fails to recognise that not all adverse effects can be managed.

### 3.3 National Significance and Benefits

Fish & Game does not support decision makers giving greater consideration and weighting to the national significance and benefits of REG projects. This emphasis put onto the national significance of REG activities effectively undermines section 6 of the RMA, "*Matters of Significance Importance*" and 6(c) "*The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*".

Policy A effectively gives priority to the rapid expansion of REG activities with responsibility placed on regional councils to decide whether the national significance of those activities has priority over and above significant natural areas and significant environmental values.

We consider a spatial mapping approach is instead required that identifies exactly where significant environmental areas are and what needs to be protected before an assessment can be made regarding whether those areas should be put at risk.

Fish & Game supports locating REG close to demand and electricity networks. This should reduce the need for hydroelectric generation projects in the South Island, benefiting North Island cities. This would promote wind and solar farm opportunities near highly populated North Island cities.

Endless provision of increasing power per capita of population is also a very wasteful approach, and more effort should be made to enable reduced per capita consumption. Many European countries have been able to significantly reduce their reliance on grid power by promoting and subsidising the installation of solar panels on buildings, and more could be done in New Zealand to promote small-scale REG.

### 3.4 Cumulative Gains and Losses of REG

We note that the Amend the definition means:

*the generation of electricity from renewable energy sources from solar, wind, water, geothermal, biomass, tidal, wave, or ocean current energy sources.*
This amends the current definition by replacing 'hydro-electricity' with 'water'. The intent is to refer to all sources of REG in a consistent manner.

Fish & Game opposes strengthening the weight given to cumulative gains and losses of REG capacity. We are concerned that REG will be prioritised over freshwater values, including the ecology of the waterbodies. We discuss in our freshwater submission that ecosystem health needs to be the first priority before any other considerations (including national REG proposals).

### 3.5 Operational and Functional Need for REG

Fish & Game oppose the NPS-REG applying both the operational and functional need tests. We consider that only the functional need test should apply for REG proposals. As highlighted above under the consultation for the NPS-I, the operational need test sets a far lower bar and if applied will enable REG activities

in sensitive locations, such as wetlands and areas of indigenous biodiversity, where it wouldn't otherwise be allowed.

Again, it is not clear how this NPS will be balanced/applied against other NPS's.

Given the fundamental shifts required to give effect to the NPS-FM, it is right to consider the requirements of the NPS-FM alongside those of an updated NPS-REG in a freshwater context, with the NPS-FM directing freshwater priorities via its hierarchy of obligations. The NPS-REG should not be written to take precedence. Doing so would undermine the government's Essential Freshwater aims.

An example below from the Otago Fish and Game Council.

> *"Falls Dam, located towards the top of the Manuherekia Catchment, near Alexandra, primary purpose is to capture and store water for irrigation, though it also hosts a small hydro-generation station. The catchment has a significant allocation of water for irrigation and the entire management regime for the Manuherekia river and its tributaries will need to be reconsidered to give effect to the NPS-FW in the Land and water Regional Plan (**LWRP**). Falls Dam itself is nearing (or perhaps past) the end of its engineered lifespan. The deemed permit authorising the dam's placement and operation ceased in 2021, and a short-term consent likely has been, or soon will be, issued in order to allow for the dam's ongoing function until the catchment's management is reconsidered in the LWRP, which will be notified in 2024.*
>
> *Falls Dam is fundamentally linked with water use and environmental outcomes for water bodies and aquatic ecosystems in the catchment. Among a myriad of other issues, it fundamentally alters the hydrology of the catchment and the land use it enables, via the provision of water for irrigation, has water quality and quantity implications. If the dam were to be retained, it is likely it would need to be rebuilt or restored in some other way to be made safe. No party, even the irrigation companies of the valley who are the main beneficiaries and owners of the dam, has indicated that they are willing to fund a rebuild.*
>
> *The hydro-generation aspect of the activity is relatively minor. Yet if updates to the National Policy Statement for Renewable Generation NPS-REG required the retention of Falls Dam to retain generation capacity, it significantly constrains the management options available for the catchment. Additionally, it would require the dam's retention when no party has indicated a willingness to fund the retention of the dam infrastructure".*

### 3.6 Existing REG

We have concerns that only additional or different effects to those from the existing REG assets are to be considered when existing REG assets are to be re-consented, upgraded or repowered. This would result in cumulative effects being overlooked. Current hydroelectric generation projects should be

considered fully when upgrades or reconsenting is required due to the cumulative, large scale and integrated impacts of the activity. This is of notable concern because of the implications that a more enabling approach would have to hydroelectric dams, which has a significantly different and in many cases greater environmental impact than solar and wind REG activities.

We do however support providing for more flexibility in consent conditions to allow upgrades to adapt new technologies and improve resilience, particularly where such technologies will improve environmental outcomes, and this should be stated and prioritised in the policy.

Variation of consent conditions is usually a discretionary activity, and this should remain in place so that at least the existing consent conditions are carried forward. Many existing REG involve consent conditions that are important to various recreational groups and therefore prior consultation with those parties is needed, and in some cases, a hearing is warranted. Fish & Game wants to see the continuation of access arrangements and recreational and environmental flows.

In some instances, renegotiation of consent conditions is required as the ecological health of the waterbody has declined and the REG as well as the irrigation users may need to accept a sinking lid approach to their flow allocation. The Rakaia is a good example where consent conditions need to be reviewed in the catchment and steps taken to provide for the ecological health of the waterbody.

### 3.7 Consultation with Fish & Game

Fish & Game is available to provide expert advice on matters to do with game bird habitat and sports fish habitat. We encourage MfE and regional councils, iwi and DOC to work with us to at least maintain and, where appropriate, restore habitat for the species that we manage.

The RMA as a matter of national importance aims to maintain and enhance public access to lakes, rivers and coastal areas via section 6 (d). We are also mandated to advocate for access to water bodies which have sports fish and game bird habitat. We note that there are many opportunities for new recreation associated with existing and proposed infrastructure and we would encourage you to include provision for this in both infrastructure and REG provisions.

### 3.8 Managing Adverse Effects

We oppose P2 in that adverse effects are only avoided, remedied or mitigated where practicable for the same reasons above in the infrastructure section. The qualifier “where practicable” sets a potentially low compliance test and is highly subjective.

### 3.9 Consistency with the purpose of the RMA

The Minister responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA because they enable development, while protecting natural environmental values in accordance with relevant national direction (i.e., river/lakes/wetlands continue to be managed under the NPS-FM). However again it is not clear which NPS prevails – example of the functional need vs operational need test.

As highlighted above, we consider that Policy A effectively undermines section 6 of the RMA.

### 3.10 Implementation

Fish & Game submit that the priority document for freshwater environments (lakes, river and wetlands) should be the NPS-FM.

We consider that there needs to be nationally consistent rules for new large-scale REG activities. There needs to be a precautionary approach and adaptive management used as some of these activities, such as wind and solar, are novel in New Zealand. The draft NPS REG currently excludes any reference to the precautionary principle, or the need for adaptive management. We consider that until the environmental effects of large-scale wind and solar generation activities are better understood the precautionary principle should be provided for in the NPS REG.

Regarding adaptive management this should require monitoring and a trigger, whereby if monitoring reveals adverse effects are occurring on the environment, then the activity should be adapted to remediate or mitigate whatever adverse effect that is occurring.

This is supported by the Department of Conservation's literature review "Impacts of windfarms on birds" which found:

*"In a meta-analysis of 19 studies into the effects of wind farms on bird abundance, Stewart et al. (2004) found that wind farms seemed to reduce the abundance of many bird species and that Anseriformes (swans & ducks) experienced greater declines than other bird groups, suggesting that a precautionary approach should be adopted to wind farm developments near aggregations of Anseriformes."*[1]

### 3.11 Mini Hydro Proposals

Fish & Game do not support mini hydro development as they will negatively impact on trout spawning streams by preventing fish passage. Where fish passage can be provided for, including for sports fish we are more likely to support these proposals.

### 3.12 New Hydro Electric Power Schemes

The species that we manage are especially vulnerable to impacts of hydro-electric activities on water quality and quantity.

The following list provides a brief overview of a some of the key issues associated with hydro-electric power generations so while there are some positive impacts, there are many direct impacts on the water body and the species that live in that water body.

Impacts of hydro-electric activities on water quality and mahinga kai.

[1] Raplh G. Powlesland, Impacts of wind farms on birds: a review, Science for Conservation 289, 2009, 25.

When the natural flow and seasonal variations of a waterway are interrupted by hydro-dams extreme care must be taken to maintain the amount of water needed to support healthy ecosystems. The amount of water needed is called environmental flow, which considers maximum and minimum flow levels to support a healthy ecosystem. Failure to provide an environmental flow can have serious consequences for water quality and mahinga kai.

Potential impacts of hydro-dams on water quality and mahinga kai include[2]:

- Altered fish migration: barriers may prevent native fish that move from sea to freshwater as part of their life cycle, such as tuna, from moving upstream and downstream and accessing otherwise suitable habitat. This is also relevant for salmon.
- Increased velocity: sustained high water velocity prevents some fish access to upstream habitats.
- Modified channel form: erosion from vegetation removal along banks and changes to stream flow after construction of a road crossing or similar barrier can lead to scouring and breakdown of stream and riverbanks, impacting on mahinga kai habitat.
- Modified flow: flow changes as stream banks are modified and realigned, which can lead to changes in the benthic (bottom) structure of the stream/riverbed, coarse substrates such as gravels and boulders are replaced and covered by sand and silt.
- Loss of species habitat: many mahinga kai species need the protection and habitat provided at upstream sites inland from the sea. Barriers that make upstream habitat inaccessible to species that prefer higher elevation can result in loss of breeding and feeding sites.
- Damage to banks and floodplains: varying flows and flash floods threaten the stability of a riverbank, increasing its vulnerability at times of flooding and damaging breeding and feeding habitat for mahinga kai.
- Increased water temperature: flow effects temperature. Loss of flow means waterways can fluctuate in temperature, and if unshaded, water can reach high temperatures unsuitable for mahinga kai. Fish generally cannot tolerate temperatures over 25ºC.
- Decreased water clarity: erosion and increased sediment loading into a river due to changes in flow will decrease water clarity and reduce visibility and the ability of fish to find food.
- Increased nutrients: a decrease in flow may increase the concentration of nutrients within a river.

With so many adverse effects on the sports fish that we manage, we are generally concerned about new hydroelectric power generation proposals that involve rivers and lakes with trout habitat. We are particularly concerned about new impoundment based dams similar to those constructed in the past before impacts

[2] Impacts of hydro | Earth Sciences New Zealand | NIWA

were well understood including their severe[3] effects on freshwater ecosystems. Examples of these dams include Tongariro Power Development, the Manapouri Dam, the Patea Dam.

Compared to hydroelectric schemes using impoundment, run-of-river schemes can have lower ecological impact (particularly very small schemes). The impacts of a particular scheme will depend on[4]:

- whether the forebay is on-river (i.e. a dam) or off-river
- the design, size and positioning of the intake
- the proportion of the flow which is diverted (particularly during low flows)
- the length of the diversion reach (the distance between the intake and the turbines) which is subject to flow abstraction
- whether the water is returned to the same river or is piped to an adjacent catchment (in the latter case (double-catchment hydro), the flows in the first catchment will be permanently reduced downstream of the intake
- the design and positioning of the powerhouse (containing the turbines)
- for larger schemes, aspects such as penstock installation and access roads to intake structures (which are often in remote, forested areas) also have the potential to negatively impact on ecological values
- the existing values in the catchment
- existing ecosystem pressure from landuse and low flows and future forecasting based on climate change
- mitigation methods used

Fish and Game is mandated to advocate for the protection of the habitat of the species that they manage so we would still be concerned about a run of river scheme on locally or nationally significant waterbody.

### 3.13 Wetlands, Birds Strike, and Solar Farm Development

Fish & Game are likely to oppose new solar farm development in game bird habitat areas such as wetlands, depending on the specific ecological and recreational values associated with the proposed wetland location.

Through early consultation with our expert staff, setbacks or acceptable areas may be negotiated that provide suitable mitigation of the environmental effects associated with this form of REG.

Generally, we recommend that minimum solar panel separation distances are used so that the collective panels do not look like a shimmering lake to game birds. This reduces the likelihood of bird strike from birds who see the panels as a lake to land on. Additionally, we request that minimum reflectivity is used in the panels again to minimise bird strike. This issue is also relevant to glass buildings including large glass houses and glazed commercial buildings. By increasing the visibility of the glass to birds, bird strike can be minimised.

[3] DOC Structures in waterways: Hydroelectric and water storage schemes.

[4] page 38 DOC Structure in Waterways: Hydroelectric and water storage schemes.

Fish & Game staff are willing to assist developers with pre-consultation discussions to ensure that REG can proceed in suitable locations and that our species and their habitat is protected.

## 4.0 National Policy Statement on Electricity Transmission

### Proposed National Policy Statement for Electricity Networks

In general, Fish & Game supports the proposed transition away from using fossil fuels towards more renewable energy to increase the capacity of the electricity network. However, we are also concerned about competing interests and environmental values.

We are not sure what you mean by “effects of other activities” or do you mean “effects on other activities”. We note that policy amendments, amongst other things is aiming to provide greater protection of electricity networks.

### 4.1 Scope and Definition

We note that you plan to include new definitions including “routine activities” and “non routine activities”.

### 4.2 Permissive Objectives and Inappropriate location

We note the proposed objective on page 28 of the discussion document. While it is good to note positive aspects of the electricity network, we are concerned that the permissive nature of the wording will result in decision makers not being able to refuse inappropriately located development.

### 4.3 National Significance and Benefits of Electricity Networks

As well as listing positive aspects of electricity networks, will there be some areas of New Zealand that are considered too remote or too far away from the network? Will it be accepted that there will be “off the grid” locations? We would anticipate that remote stations and huts on conservation estate and power will need to be derived from off grid energy sources.

### 4.4 Operational and Functional Need of Electricity Networks

The species that we manage ultimately have functional need to live in the habitats that they are in i.e. lakes, rivers, and wetlands.

Fish & Game does not support functional and operational need concepts as, considered together, they appear to dilute the requirement to “avoid” adverse effects and provide for wide reaching ability to locate in the proposed site.

Again, Fish & Game does not want to avoid electricity networks, but we note that siting of networks is a key concern for managing some of the game bird species that we manage. In some cases, increasing the visibility of power lines near wetland sites is also an appropriate mitigation. Careful siting of networks a minimum distance away from game bird habitats would be another example. We note that this is an area where further research is needed.

### 4.5 Route and Site Selection

Fish & Game is concerned that further loss of wetland habitat or ability to harvest game birds in wetlands could result when route and site selection processes only focus on operational and functional needs of the network, without also considering the needs of existing recreational activities and values.

While we don't have a specific setback recommendation for powerlines, police recommend a 300m setback from use of firearms from walking tracks and the same can be used for noise buffers from residential buildings.

### 4.6 Managing Adverse Effects

Fish & Game are interested in the proposal to remove reference to "sensitive activities" in Policy 8. We are waiting to see what new approach will be proposed in terms of the new legislation and the priority between national direction instruments. Proposals involving tensions between infrastructure and the natural environmental values will have ramifications for the game birds and sports fish species that we manage. Many of the habitats that our species thrive in have natural landscape protections and high recreation value.

### 4.7 Protection and Strategic Planning of the Electricity Network

In general, Fish & Game support the strategic planning and continued designation protections of the electricity network. We also think there is opportunity for spatial planning to assist with future planning for this sector. We are keen to see the synergies and linkages between national direction: for example, electricity infrastructure should be constructed in such a way that also ensures that natural hazards such as floods do not regularly damage or destroy their infrastructure.

### 4.8 Implementation

Fish & Game request that all national direction amendments are brought in after the changes to the RMA have been given effect to.

## 5.0 National Environmental Standards for Electricity Transmission Activities

Fish & Game are only concerned about a small number of the proposals as detailed below.

### 5.1 Potential new regional regulations and management plan requirements

Activities that Transpower routinely undertakes includes river crossings, groundwater takes and use, dewatering, stormwater discharges, structures in coastal marine areas, works in the bed of a lake or river.

Fish & Game does not a support a permitted activity criteria for these works. Normally at least a restricted discretionary activity would be needed to ensure that a proposal can be refused to enable a redesign if adverse effects warrant this approach. Generally, consent conditions are needed to ensure that adverse effects are minimised for example when working in the bed of a river.

### 5.2 Use of management plans to manage environmental impacts from blasting, vegetation management and earthworks.

Management plans cannot be used for permitted activities. They must still have at least a controlled activity status to allow for enforcement and charging the applicant for monitoring of the activity. Management plans along with consent conditions could be used in association with blasting, vegetation management and earthworks. As a very minimum, a prior notification permitted activity process should be required.

Fish & Game have no comment on:
National Environmental Standards for Telecommunication Facilities
National Environmental Standards for Minor Residential Units
National Environmental Standards for Papakainga

### 6.0 National Policy Statement for Natural Hazards

Fish & Game is particularly interested in natural hazards that impact on the habitat that our species live in namely, lakes, rivers and wetlands.

### 6.1 Room for River Concept

Fish & Game support the room for river strategy i.e. instead of using engineering to channel and control the river, allow the river space to move, flow, and flood while limiting pressure on stop banks and communities. This concept aims to keep communities and infrastructure safe from flooding while restoring health to our rivers. It involves avoiding flood hazard and the widening of floodplains closer to their natural extent.

This approach means that in areas where flood defence schemes have been put in, there should be a programme of works to manage the retreat away from this approach because sooner or later there will be an event that will not be managed by the flood defences and this could result in loss of life.

Leaving the river/ lake and wetlands to their naturally occurring high levels and low levels will also serve the species that we manage well. They can adapt to their changing environment when left in their natural state.

A focus on growth and private property rights can be inconsistent with this. However, continuing to build bigger and more expensive flood defence schemes will also not be successful or cost effective, particularly as more frequent and severe heavy rainfall events are predicted with climate change. The Room For River concept is central to climate adaptation.

We cannot continue to locate growth or existing development anywhere as the consequences cannot be cost effectively mitigated. Policy needs to prioritise nature-based solutions to reduce flood risk – such as making room for rivers which effectively requires avoiding development in high-risk locations.

Natural hazard risk assessment also needs to apply to infrastructure planning which is one of the most expensive assets and high-risk during flooding events. Risk assessment also needs to look at other sectors such as aquaculture, agriculture, pastoral, horticultural, mining, quarrying and forestry activities and the buildings that these activities use. These other sectors will also have detrimental effects on the species that we manage if not managed for climate adaptation (and more frequent and severe flooding events).

### 6.2 Spatial Planning to Define Risk

While Fish & Game will not get involved with the granular level detail in developing flood strategies, we support the better use and understanding of spatial planning to identify areas at risk to limit new development in those areas.

### 6.3 Non-residential risk

The NPS-NH should also address flood management for infrastructure and rural land uses as many flood protection schemes are for the sole purpose of protecting farming land. With more frequent severe weather events we should expect regional councils to step back from engineering approaches and remove structures that are likely to fail to protect pastoral activities. This will better enable landowners to plan for evacuation of animals in severe weather events. Location of houses and barns should not be located in these flood hazard areas.

### 6.4 Spatial Planning and Hazards

Clear identification of hazard areas is a responsibility of regional and district council. Unfortunately, mapping and setting clear guidance on these issues are often avoided as they are highly political. However, going forward, avoidance of building in flood / slip / fault line (and other areas of natural hazards) will be key to climate adaptation strategies.

## 7. Implementation of Infrastructure and Development Instruments

Fish & Game recommend that all the changes should occur after the new RMA is in place rather than these national direction changes now, and then again after the RMA is changed.

## 8. Waste Water Standards Submission

Fish and Game submitted to Taumata Arowai earlier this year on the wastewater standards consultation. We stated that the proposed standards were not fit for purpose. We were concerned that there would be a poo plant priority over the ecological health of a waterbody. We requested amendments on the following matters (and others):

- Minimum end of pipe standards (as opposed to maximum) that allow more stringent standards to be set to meet receiving environment outcomes and consider the cumulative effects of all contaminant sources.
- Receiving environment standards that provide for community and environmental outcomes, seasonal/flow related adjustment, allow for integrated catchment management, and drive improvements in treatment technologies
- Incentivisation of partial or full discharges to land over discharges to water
- More flexibility over consent conditions
- More stringent controls on overflows and bypasses

The full submission can be viewed on our website[5].

## 9. Conclusions

8.1 Fish & Game would welcome the opportunity to present this submission and answer any questions that you have.

8.2 Fish & Game would particularly like to follow up on issues to do with:

- Access to lakes, rivers and coastal areas, where appropriate via infrastructure designations or REG projects.

[5] 2025-04-Waste-Water-Sandads-Submissions-Final.pdf

- Reverse sensitivity and recreation opportunities near infrastructure projects and how they can co-exist.
- Consent conditions that may mitigate adverse effects of e.g. solar farm so that adverse effects (e.g. bird strike risk) is minimised.

**Attachments**

Attachment 1 – About Fish and Game

## About Fish and Game

1.1 Fish and Game is the statutory manager for sports fish and game, with functions conveyed under the Conservation Act 1987. The organisation is an affiliation of 12 regional Councils and one national Council. Together, these organisations represent approx. 130,000 anglers and hunters.

1.2 The sports fish and game resource managed by Fish and Game are defined and protected under the Conservation Act and the Wildlife Act 1953. The species within include introduced sports fish and a mix of native and introduced waterfowl and upland game[1].

1.3 Our vision, purpose and values are illustrated below:


1.4 Fish and Game is entirely funded by licence holder fees and private contributions, meaning the delegated function of managing the species for the public good is funded entirely by the users. It is a democratic '*user pays, user say'*s organisation. Using this system, Fish and Game funds public good research to ensure fisheries and game populations are managed sustainably; undertakes compliance with the licencing system; and contributes to public planning processes to ensure that hunters and anglers values are recognised and provided for.

1.5 In relation to planning, Fish & Game have the statutory function to advocate for hunters and anglers values and ensure that the habitats of gamebirds and sports fish are provided for. At any one time we may have around 150,000 licence holders, and a larger number (approximately 300,000) that are transient licence holders. The habitat we specifically advocate for includes lakes and rivers that contain trout and salmon (and other sports fish) and wetlands where game bird hunting occurs.

[1] Most New Zealanders refer to these species as 'game birds', distinguishing them from other types of large game, such as deer or pigs. The Wildlife Act 1953 defines these birds simply as 'game' and this phrase is used in the context of this submission.

## Fish and Game in Resource Management

2.1 Fish and Game works to provide for the ongoing enjoyment of hunting and freshwater fishing assets, the maintenance (or enhancement) of public access to rivers, lakes, and wetlands for hunting and fishing, and the protection of the habitat of trout and salmon.

2.2 Hunting and angling require legal and physical access both to habitats and the resource itself. Maintenance and enhancement of access is critically important to the pursuits of our licence holders. The maintenance and enhancement of public access to and along lakes and rivers is listed in the RMA 1991 as a matter of national importance.

2.3 We see the opportunity for proposals to be required to provide improved access both to their sites and other nearby areas that involve hunting or fishing values as a form of mitigation for any loss of values on site. We seek that Fish and Game are consulted as an expert advisor where gamebird and or sports fishery values could be impacted. We can work with government officials to ensure outcomes that achieve both economic imperatives, along with recognising and providing for hunting and fishing values.

2.4 We specifically seek the protection of:

i. habitat of trout and salmon.
ii. maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers where sports fishing and game bird values exist.
iii. preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins where sports fishing and game bird values exist.
iv. Recognition and provision for freshwater angling/game bird hunting and amenity values.

# What does Fish & Game do?

Fish & Game NEW ZEALAND

**Who are we?** **Fish & Game New Zealand manages, maintains and enhances sports fish and game birds and their freshwater habitats in the best long-term interests of anglers, hunters and all New Zealanders.**

## Our vision

A New Zealand where freshwater habitats and species flourish, where game bird hunting and fishing traditions thrive and all New Zealanders enjoy access to sustainable wild fish and game resources.

**Together, let's ensure a thriving future for fishing and game bird hunting!**

## What we do

- Manage fishing and hunting regulations
- Conduct research to monitor fish and game bird populations
- Collaborate with communities to protect natural habitats
- Provide educational programmes and resources
- Advocate for valued habitats and species
- Negotiate and maintain access for anglers, hunters and all New Zealanders

**fishandgame.org.nz**

**#ReWild**

## What does Fish & Game do?

**Species management:** We monitor and survey species populations; set season regulations; and sustainably manage pressure on the resource.

**Habitat protection:** Advocate and take action to protect and enhance lakes, rivers, streams and wetlands; and secure 'national park' status to important rivers through Water Conservation Orders.

**Access and participation:** Negotiate and advocate so all New Zealanders can access our natural places; maintain access signage, information and brochures; organise fishing and hunting events and classes.

**Public awareness:** Maintain public advocacy; schools programmes; website and newsletters; community liaison; promote the right of licensed anglers and game bird hunters to pursue their chosen pastime.

**Compliance:** Recruit, train, equip and coordinate warranted rangers, to educate and enforce regulations to ensure the fish and game resource is sustained.

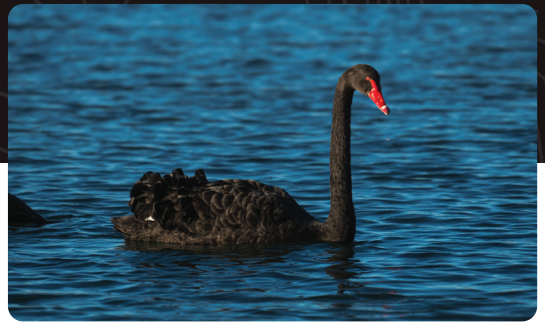
**Licensing:** Provide a nationwide licensing system with a range of licence categories and sales channels that makes it easy to buy a licence. We are solely funded by licence holders.


**Council:** Hold public meetings of elected licence holders to approve regulations and budgets, set policies and provide governance for the Fish & Game system.

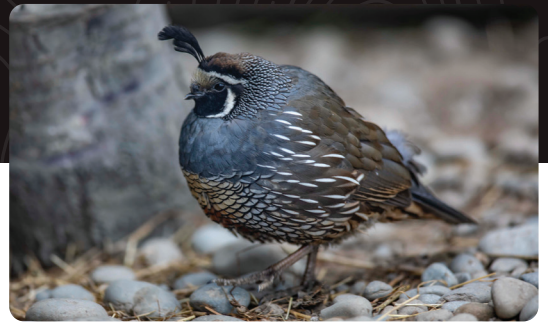
**Coordination and planning:** Provide research, planning and reporting; financial management and general coordination across Fish & Game New Zealand.

**fishandgame.org.nz** **#ReWild**

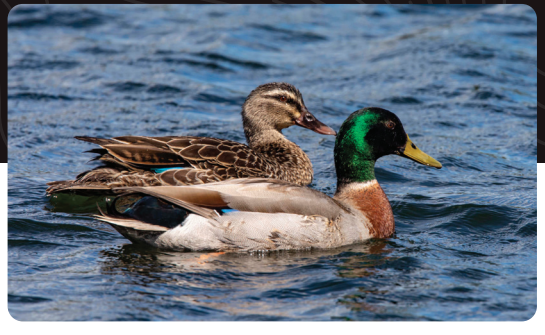
# Species we manage



Black Swan Kakianau

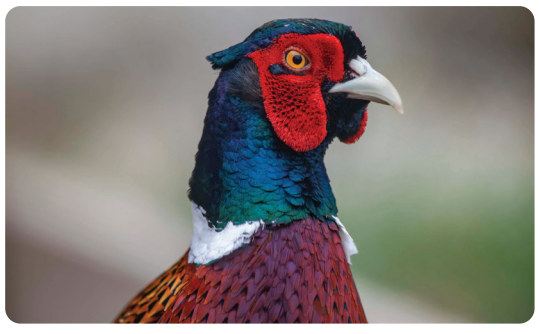


Californian Quail Koitareke



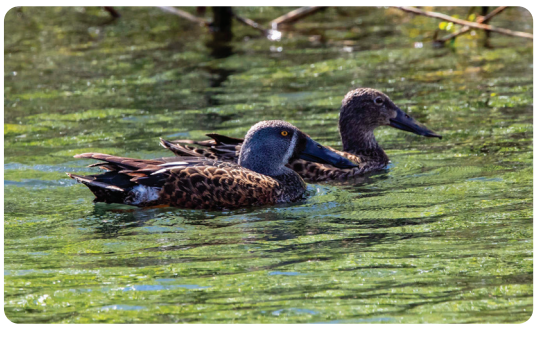
Mallard Rakiraki

Paradise Shelduck Pūtakitaki



Pheasant Peihana

Pūkeko



Shoveler Kuruwhengi

Chukar

Grey Duck Pārera

Brown Trout

Rainbow Trout

Chinook Salmon

Sockeye Salmon

Brook Trout

Tiger Trout

Perch

Tench

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