



AGENDA

Ordinary Council meeting Tuesday, 22 July 2025

I hereby give notice that an Ordinary meeting of Council will be held on:

Date: Tuesday, 22 July 2025

**Time: 3pm or at the conclusion of the City
Delivery Committee**

**Location: Tauranga City Council Chambers
L1, 90 Devonport Road
Tauranga**

*Please note that this meeting will be livestreamed and the recording will be publicly available on
Tauranga City Council's website: www.tauranga.govt.nz.*

**Marty Grenfell
Chief Executive**

Terms of reference – Council

Membership

Chair	Mayor Mahé Drysdale
Deputy Chair	Deputy Mayor Jen Scoular
Members	Cr Hautapu Baker Cr Glen Crowther Cr Rick Curach Cr Steve Morris Cr Marten Rozeboom Cr Kevin Schuler Cr Rod Taylor Cr Hēmi Rolleston
Quorum	<u>Half</u> of the members present, where the number of members (including vacancies) is <u>even</u> ; and a <u>majority</u> of the members present, where the number of members (including vacancies) is <u>odd</u> .
Meeting frequency	Three weekly or as required

Role

- To ensure the effective and efficient governance of the City.
- To enable leadership of the City including advocacy and facilitation on behalf of the community.
- To review and monitor the performance of the Chief Executive.

Scope

- Oversee the work of all committees and subcommittees.
- Exercise all non-delegable and non-delegated functions and powers of the Council.
- The powers Council is legally prohibited from delegating include:
 - Power to make a rate.
 - Power to make a bylaw.
 - Power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan.
 - Power to adopt a long-term plan, annual plan, or annual report
 - Power to appoint a chief executive.
 - Power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement.
 - All final decisions required to be made by resolution of the territorial authority/Council pursuant to relevant legislation (for example: the approval of the City Plan or City Plan changes as per section 34A Resource Management Act 1991).
- Council has chosen not to delegate the following:
 - Power to compulsorily acquire land under the Public Works Act 1981.
- Make those decisions which are required by legislation to be made by resolution of the local authority.

- Authorise all expenditure not delegated to officers, Committees or other subordinate decision-making bodies of Council.
- Make appointments of members to the council-controlled organisation Boards of Directors/Trustees and representatives of Council to external organisations.
- Undertake statutory duties in regard to Council-controlled organisations, including reviewing statements of intent, with the exception of the Local Government Funding Agency where such roles are delegated to the City Delivery Committee. (Note that monitoring of all Council-controlled organisations' performance is undertaken by the City Delivery Committee. This also includes Priority One reporting.)
- Consider all matters related to Local Water Done Well.
- Consider any matters referred from any of the Standing or Special Committees, Joint Committees, Chief Executive or General Managers.
- Review and monitor the Chief Executive's performance.
- Develop Long Term Plans and Annual Plans including hearings, deliberations and adoption.

Procedural matters

- Delegation of Council powers to Council's committees and other subordinate decision-making bodies.
- Adoption of Standing Orders.
- Receipt of Joint Committee minutes.
- Approval of Special Orders.
- Employment of Chief Executive.
- Other Delegations of Council's powers, duties and responsibilities.

Regulatory matters

Administration, monitoring and enforcement of all regulatory matters that have not otherwise been delegated or that are referred to Council for determination (by a committee, subordinate decision-making body, Chief Executive or relevant General Manager).

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1 OPENING KARAKIA**2 APOLOGIES****3 DECLARATION OF CONFLICTS OF INTEREST****4 BUSINESS****4.1 Submissions on Phase 2 of the Resource Management Reforms - National Direction**

File Number: A18389836

Author: Janine Speedy, Team Leader: City Planning

Authoriser: Christine Jones, General Manager: Strategy, Growth & Governance

PURPOSE OF THE REPORT

1. The purpose of this report is to seek approval for Tauranga City Council (Council) to make submissions regarding Phase 2 of the Resource Management Reforms – National Direction.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Submissions on Phase 2 of the Resource Management Reforms - National Direction".
- (b) Endorses the following submissions to central Government on Phase 2 of the Resource Management Reforms - National Direction:
 - (i) Submission on Package 1: Infrastructure and Development (Attachment 1)
 - (ii) Submission on Package 2: Primary Sector (Attachment 2)
 - (iii) Submission on Package 3: Freshwater (Attachment 3)

EXECUTIVE SUMMARY

2. On 29 May 2025, central Government released three packages proposing new and amended national policy statement and national environmental standards as part of Phase 2 of the resource management reforms.
3. Central Government is seeking feedback on the following three packages:
 - (a) Package 1: Infrastructure and development
 - (b) Package 2: Primary sector
 - (c) Package 3: Freshwater
4. Submissions on the three packages close on Sunday 27 July 2025.
5. Staff have prepared draft submissions on each package for consideration, which generally supports the proposed amendments, included as Attachments 1-3. The draft submissions also set out specific points to seek clarity on some matters and proposes amendments to improve efficiency and effectiveness, and ensure that adverse effects are appropriately considered.

6. Package 4: Going for housing growth was released on 29 May 2025. The draft submission for Package 4 will be considered separately.

BACKGROUND

7. The Government is taking a phased approach to reforming the resource management system as follows:

Phase 1	Repeal the Natural and Built Environment Act and Spatial Planning Act	Complete
Phase 2	Introduce and pass the Fast-Track Approvals Bill	Complete
	Introduce and pass the Resource Management (Freshwater and Other Matters) Amendment Bill	Complete
	Introduce and pass the Resource Management (Consenting and Other System Changes) Amendment Bill	Select Committee report released.
	Amended and new national policy statements (NPS) and national environmental standards (NES)	Seeking submissions
Phase 3	Repeal and replace the Resource Management Act based on the enjoyment of private property rights	Underway

8. Proposed amendments and new national policy statements and national environmental standards known as 'national direction' were released for consultation on 29 May 2025 as part of Phase 2 of the resource management reforms. Submissions close on Sunday 27 July 2025.
9. Central government is seeking feedback on the following national direction that is of relevance to Council:

(a) Package 1: Infrastructure and development

The proposed changes aim to make it easier to plan and deliver infrastructure by making new national direction instruments and amending existing national direction instruments as follows:

- NPS – Infrastructure (new)
- NPS - Renewable Electricity Generation (amended)
- NPS – Electricity Transmission and NES – Electricity Transmission Activities (amended)
- NPS – Telecommunications Facilities (amended)
- NES – Granny Flats (new)
- NES – Papakāinga (new)
- NPS – Natural Hazards (new)

(b) Package 2: Primary sector

The proposed changes aim to enable growth in the primary sector by making changes to existing national direction instruments as follows:

- New Zealand Coastal Policy Statement (amended)
- NPS – Highly Productive Land (amended)
- NES – Marine Aquaculture (amended)
- NES – Commercial Forestry (amended)
- Stock exclusion regulations (amended)
- Amendments to mining and quarrying (amendments to national direction)

It is recommended that Council only submit on matters that are within the functions of territorial authorities and relevant to the Tauranga context. Subsequently, it is recommended that Council does not submit on the NES – Marine Aquaculture, NES – Commercial Forestry, stock exclusion regulations and amendments to mining and quarrying.

(c) Package 3: Freshwater

The Government is seeking feedback on options to amend freshwater national direction to better reflect the interests of all water users and whether changes should be implemented under the existing Resource Management Act 1991 (RMA) or under the new resource management legislation.

(d) Package 4: Going for housing growth

10. Each package requires a separate submission, therefore the draft submission for packages 1-3 are included as Attachments 1-3.
11. Consultation on Package 4: Going for Housing Growth opened on 18 June 2025 and closes on 17 August 2025. A separate submission on Package 4 will be prepared and considered by the City Future Committee on 12 August 2025.
12. The draft submissions generally support the intent of the new and amended national direction instruments as proposed. Particular areas of support include:
 - (a) A consistent policy framework to support more efficient infrastructure decision-making.
 - (b) A consenting pathway for papakāinga and minor residential units, particularly within district plans that currently do not have any relevant provisions;
 - (c) Nationally consistent framework for identifying 'significant risk from natural hazards'.
 - (d) Amendments to the New Zealand Coastal Policy Statement to enable priority activities and provide for their operational as well as functional needs; and
 - (e) Amendments to the National Policy Statement for Highly Productive Plan to unlock urban development capacity by providing for urban growth on Class 3 soils.
 - (f) Amendments to the NPS and NES for freshwater to rebalance freshwater management objectives and Te Mana o te Wai, simplifying wetland provisions and including mapping requirements for drinking water sources.
 - (g) Suggested approach to implementation across all the national direction instruments. That is, that councils are not required to advance plan changes within a specific timeframe to give effect to the national policy statements and that these changes will happen through Phase 3 of the resource management reform. The national direction should primarily be implemented through the resource consent processes.
13. However, the draft submissions also set out a number of specific submission points that seek to clarify the intent of the national direction or seek minor changes to improve efficiency and effectiveness. Ensuring that the national direction is coherent, navigable and achieves the intended purposes through successful implementation.
14. While the majority of the submission points relate to improving the proposed new and amended national direction instruments, there is a theme of submission points that may be of interest to elected members. A number of submission points for Package 1: infrastructure and development, seek wording amendments to policies and rules to ensure that the adverse effects of development are appropriately considered. There is concern that some of the proposed national policy statement policies favour the benefits of infrastructure over localised adverse effects being adequately considered.

STATUTORY CONTEXT

15. Proposed amendments to and development of new national direction is part of Phase 2 of the resource management reforms. It is proposed that Council make submissions on the

national direction as the proposed amendments will impact and influence RMA processes that Council are responsible for, particularly when considering resource consents.

STRATEGIC ALIGNMENT

16. This contributes to the promotion or achievement of the following strategic community outcome(s):

	Contributes
We are an inclusive city	<input type="checkbox"/>
We value, protect and enhance the environment	✓
We are a well-planned city	✓
We can move around our city easily	✓
We are a city that supports business and education	<input type="checkbox"/>

17. The proposed new and amended national direction proposes to provide a clear pathway to plan and deliver infrastructure and development across the city. The proposed national direction for feedback also considers how we manage natural hazards across the city and the management of freshwater.

FINANCIAL CONSIDERATIONS

18. There are no financial considerations associated with this report.

LEGAL IMPLICATIONS / RISKS

19. There are no legal implications to making submissions on national direction to central Government.

TE AO MĀORI APPROACH

20. An overview was provided to Te Rangapu Mana Whenua o Tauranga Moana on the proposed national direction and to seek comments and feedback. Feedback received in the hui has been reflected in the draft submission for NPS – Papakāinga.
21. Staff also attended a hui with Te Puna Kōkiri and Māori landowners to assist tangata whenua interested in making a submission.

CLIMATE IMPACT

22. Central Government proposed to introduce a new NPS for Natural Hazards. The draft submission supports a new NPS for natural hazards, however seeks that there is an explicit requirement to include climate change and that guidance is provided on the climate change scenarios to be used when modelling natural hazards.

CONSULTATION / ENGAGEMENT

23. In preparation of the draft submissions, staff have undertaken internal engagement with teams involved in resource consents, compliance, natural hazards, papakainga development and infrastructure to seek input and feedback on the proposed National Policy Statements and National Environmental Standards. All feedback has been collated and included in the draft submission.
24. Some external engagement was undertaken with other councils on the national direction to identify submission points, which have also been considered as part of the preparation of the submission.

SIGNIFICANCE

25. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
26. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the matter.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
27. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of low significance.




ENGAGEMENT

28. Taking into consideration the above assessment, that the matter is of low significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

NEXT STEPS

29. Following endorsement of the submissions included in Attachments 1-3, they will be lodged with central Government.
30. Staff will report back to Council once the final national direction is released.

ATTACHMENTS

1. **Submission on Package 1 - Infrastructure and development - A18457592** [↓](#) 
2. **Submission on Package 2 - Primary sector - A18457599** [↓](#) 
3. **Submission on Package 3 - Freshwater - A18457603** [↓](#) 



Submission

National Direction Package 1: Infrastructure and Development

July 2025

1. Introduction

- 1.1 Tauranga City Council (TCC) welcomes the opportunity to submit on Package 1: Infrastructure and development.
- 1.2 If there is an opportunity, TCC would like to be heard.
- 1.3 We are available to discuss our submission further with you or provide additional information and evidence that would be of assistance. Enquiries should be directed to:

Andrew Mead, Manager: City Planning & Growth

027 763 5762

andrew.mead@tauranga.govt.nz

- 1.4 TCC consents to the publication of this submission.

2. Overview of TCC's submission on Package 1

- 2.1 TCC supports the general intent of the new and amended instruments proposed as part of Package 1, in particular providing:
 - a. A consistent policy framework to support more efficient infrastructure decision-making;
 - b. A consenting pathway for papakāinga and minor residential units, particularly within district plans that currently do not have any relevant provisions; and
 - c. A nationally consistent framework for identifying 'significant risk from natural hazards'.
- 2.2 However, TCC has a number of specific submission points that seek to clarify the intent of the National Direction or seek minor changes to improve efficiency and effectiveness. Ensuring that the National Direction contained in Package 1 is coherent, navigable and achieves its intended purpose is essential in ensuring its successful implementation. In particular TCC seeks:

- a. Wording amendments to policies and rules to ensure that the adverse effects of development are appropriately considered. There is concern that some of the proposed national policy statement policies favour the benefits of infrastructure over localised adverse effects being adequately considered.
- b. Engagement requirements with local authorities through national environmental standards on the location of infrastructure to ensure that the effects of the local community are well considered.
- c. That the NES for Papakāinga enables local authorities to have plan provisions that provide for the aspirations of tangata whenua on whenua Māori. It is acknowledged that every district is different in whether they provide for papakāinga development, however there are some districts such as Tauranga city that have comprehensive rules for papakāinga that have been developed in partnership with iwi and hapu.
- d. Amendments to the requirement in the NPS for Natural Hazards to assess risk for all natural hazards across all probable scenarios listed in the risk matrix as it lacks practicality and may not reflect the nature or available data for certain hazards.

3. Context and background

Tauranga City Council is a high-growth Council and Faces Challenges with Growth Management.

- 3.1 TCC is a high-growth council and faces challenges with growth management. Tauranga is the fourth smallest territorial authority by land area at 135km² and has experienced sustained levels of high growth driven by strong inward migration and to a lesser extent natural population increase. This strong growth is projected to continue in the future. Infrastructure and development are therefore extremely important to provide for growth across the city.

4. Overview of submission structure

- 4.1 This submission is structured in topics as follows:
 - General comments
 - NPS Infrastructure
 - NPS Renewable Electricity Generation
 - NPS Electricity Transmission
 - NES Electricity Transmission Activities
 - NES Telecommunication Facilities
 - NES Granny Flats (Minor Residential Units)
 - NES Papakāinga
 - NPS Natural hazards
- 4.2 Where this submission proposes amendments, these are shown in red text as either a ~~strike-out~~ for deleted text or underlined for additional text.

5. General

- 5.1 TCC would like to note the difficulty with providing feedback on the National Direction within Package 1 in the absence of detailed wording for some instruments. It would be helpful to see exposure drafts to enable us to fully understand the implications and provide feedback.
- 5.2 TCC supports the suggested approach to implementation across all the National Direction instruments. That is, that councils are not required to advance plan changes within a specific timeframe to give effect to the national policy statements and that these changes will happen through Phase 3 of the Resource Management Reform. The National Direction should primarily be implemented through the resource consent processes.
- 5.3 TCC considers that for efficiency and effectiveness, it is important that duplication with other regulatory systems is removed from National Direction. This is also a key theme that has come from Central Government and is discussed further in the Blueprint for resource management reform – A better planning and resource management system 2025¹. However, in contrast to this approach, the proposed amendments to the National Environmental Standards for Electricity Transmission Activities (NES-ETA) seeks to require compliance with the New Zealand Electricity Code of Practice for Electrical Safe Distances 34:2001 within the NES-ETA.
- 5.4 TCC considers that the current suite of National Direction contains conflict and uncertainty, which has led to frustration and litigation over the years. The Government has said that these changes are intended to improve consistency between pieces of National Direction. However:
 - (a) Not all conflicts between competing pieces of National Direction have been resolved. We expect that current hurdles in the consenting and policy making process will remain where parties are required to reconcile conflicting national policy statements; and
 - (b) Given the broad range of National Direction to be amended or introduced, and that drafting of some of the proposed changes is not available, the risk of unanticipated conflicts as a result of these amendments remains.

¹ Paragraph 113-115, page 31-32, Blueprint for resource management reform – A better planning and resource management system 2025, EAG.

6. Infrastructure

6.1 National Policy Statement for Infrastructure (NPS-I) - Specific comments

	Provision	Position	Discussion/Issue	Relief Sought
6.1.1	D9 Infrastructure supporting activities	Support in part	<p>TCC is concerned that the proposed definition of 'infrastructure supporting activities' is overly broad and lacks clarity. As currently drafted, it is unclear what activities are included or excluded, which creates ambiguity around its interpretation and application.</p> <p>Without refinement, the definition is likely to result in inconsistent and uncertain decision-making, with interpretations subject to debate, delays, and potential legal challenge. This undermines the efficiency and effectiveness of planning processes.</p> <p>TCC recommends that the definition be amended to more clearly articulate the scope of <i>supporting or ancillary activities</i> particularly what is meant by activities 'needed to support infrastructure activities'. For example, the definition could specify that such activities must be functionally or operationally connected to the primary infrastructure activity.</p> <p>This clarification would help ensure consistent interpretation and support more efficient planning decision-making.</p>	<p>Amend the proposed definition to read as follows (or similar wording with the same intent):</p> <p>in relation to infrastructure, means activities <u>operationally or functionally</u> needed to support infrastructure activities that are not undertaken by the infrastructure provider or ancillary activities, and may include quarrying activities.</p>
6.1.2	D10 Maintenance and minor upgrade	Support in part	<p>TCC recommends that the definition for 'Maintenance and minor upgrade' should provide for upgrades within the existing buildings or structures bulk, height and location.</p> <p>Including a new clause (e) relating to the <i>bulk, height, and location of buildings and structures</i> would help clarify the physical parameters within which maintenance and minor upgrade activities can occur. This addition would provide greater certainty for both infrastructure providers and decision-makers by explicitly acknowledging that minor changes to the form or placement of structures may be necessary to maintain or improve infrastructure performance.</p> <p>Such a clause would:</p> <ul style="list-style-type: none"> • Support practical implementation of upgrades that require modest physical adjustments; 	<p>Amend the proposed definition as follows (or similar wording with the same intent):</p> <p><u>(e) Maintenance and upgrades within the existing building or structures bulk, height and location.</u></p>

	Provision	Position	Discussion/Issue	Relief Sought
			<ul style="list-style-type: none"> Reduce ambiguity around what constitutes a “minor” upgrade; Potentially avoid unnecessary consenting processes for minor physical changes with limited environmental effects; Better reflect the realities of infrastructure maintenance and upgrade work. 	
6.1.3	D17 Resilience	Support in part	<p>TCC is concerned that the proposed definition of resilience will unintentionally constrain planning decisions that support adaptation and managed retreat of infrastructure in response to climate change.</p> <p>The current proposed wording requires infrastructure to both adapt to changing conditions <u>and</u> retain ‘essentially the same or similar level of service.’ This dual requirement could limit the ability to pursue more flexible or transformative responses, such as managed retreat, where service levels may need to change in form, scale, or availability to reflect new realities.</p> <p>The definition appears to imply that even if infrastructure is relocated, redesigned, or fundamentally changed, it must still deliver the same level of service as before. This could restrict the scope for resilience strategies that involve service-level trade-offs, such as reducing infrastructure investment in high-risk areas while enhancing services in safer locations.</p> <p>TCC recommends amending the definition by replacing ‘and’ with ‘or’ in the final clause. This change would introduce greater flexibility and allow for a broader interpretation of resilience that includes adaptation, transformation, or relocation of services, not just their retention at the same of similar level of service.</p> <p>Such an amendment would clarify that infrastructure can</p> <ul style="list-style-type: none"> adapt to new conditions, retain the same level of service (even without adaptation), or do both, depending on the context. 	<p>Amend the proposed definition as follows:</p> <p>the capacity of infrastructure to absorb a shock, including from natural hazards; recover from the disruption; adapt to changing conditions, including climate change; and <u>or</u> retain essentially the same or similar level of service as before, even if that means delivering an infrastructure service in a new or different way.</p>

	Provision	Position	Discussion/Issue	Relief Sought
			This would explicitly support resilience strategies that involve service-level changes as valid responses to climate risk, including managed retreat where appropriate.	
6.1.4	D21 Strategic planning document	Support in part	TCC considers that the definition should refer to non-statutory growth plan or strategy developed through a consultation process under the Local Government Act. These planning documents reflect a high level of community engagement and democratic legitimacy, ensuring that infrastructure planning aligns with local needs, values, and priorities. Accordingly, TCC requests an amendment to the definition to recognise this.	Amend the definition as follows: includes: (a) Future development strategies under the NPS-UD; (b) any non-statutory growth plan or strategy <u>that has been consulted on under the Local Government Act 2002 and is</u> adopted by local authority resolution; and (c) Long-term plans and infrastructure strategies under the Local Government Act 2002.
6.1.5	New definition: Infrastructure Provider	Support in part	The term “infrastructure provider” is used throughout the proposed NPS-I but is currently undefined. Given the wide range of entities that may be involved in planning, delivering, or operating infrastructure, a definition is essential to ensure consistent interpretation. Defining this term will provide clarity for decision-makers and support the effective implementation of the NPS-I.	Amend the NPS to introduce a definition of “Infrastructure provider”.
6.1.6	OB1	Support in part	TCC considers that the proposed objective appropriately captures the broad range of outcomes sought for infrastructure. It effectively encompasses key goals such as supporting community well-being, enabling development, enhancing resilience, ensuring timely and efficient delivery, and protecting infrastructure from incompatible activities. However, while TCC agrees that infrastructure delivering “ <i>value for money to people and communities</i> ” is a valid and important outcome, the proposed NPS-I lacks clarity on how this concept should be interpreted within the context of the Resource Management Act (RMA). It is important that the assessment of “value for money” extends beyond purely financial	Amend the NPS to include a clear explanation or guidance on the interpretation of the term: ‘value for money’.

	Provision	Position	Discussion/Issue	Relief Sought
			<p>considerations to include relevant social, cultural, and environmental factors.</p> <p>Accordingly, TCC requests that the NPS provide a clear explanation or guidance on the interpretation of clause (e) of the objective. This will support consistent understanding and implementation across planning and infrastructure decision-making processes.</p>	
6.1.7	P1 Providing for the benefits of infrastructure	Support in part	<p>TCC supports the proposed policy's emphasis on planning decisions recognising and providing for the benefits of infrastructure. Policy 1 appropriately identifies a wide range of benefits, including supporting well-being, enabling development, delivering essential services, improving environmental outcomes, contributing to emissions reduction, and enhancing resilience to climate change and natural hazards.</p> <p>However, like proposed OB1, the proposed policy includes terms (i.e. services that are essential to support human life and value for money) which would benefit from a clear explanation or guidance on the intended interpretation. This will help ensure consistent understanding and implementation across planning and infrastructure decision-making processes.</p> <p>In addition, TCC is concerned proposed clause (2) favours the benefits of infrastructure over localised adverse effects being adequately avoided, remedied or mitigated. While TCC supports the policy direction requiring the benefits of infrastructure to be recognised, this should be done while avoiding, mitigating or remedying adverse effects.</p>	<p>Amend the NPS to include a clear explanation or guidance of the following terms:</p> <ul style="list-style-type: none"> • Services that are essential to support human life; and • Value for money. <p>AND</p> <p>Amend clause (2) to read as follows:</p> <p>When making planning decisions about infrastructure, ensure that the widespread, dispersed, and ongoing national, regional, or local benefits of infrastructure are recognised and provided for relative to while avoiding, <u>remedying or mitigating</u> any localised adverse effects on the environment.</p>
6.1.8	P2 Operational need or functional need of infrastructure to be in particular environments	Support in part	<p>TCC recognises that in some instances there is a functional need and / or operational need for infrastructure to be in particular environments. While TCC considers that the proposed policy clearly emphasises that matter, it lacks balance in terms of the need for adverse effects associated with the infrastructure in a particular environment to be adequately avoided, remedied or mitigated. TCC requests that a clause is included within the proposed policy that sets out how operational need or functional need is to be balanced against other values (e.g. cultural; landscape; ecological) of a particular environment.</p>	<p>Amend Policy 2 by introducing a new clause as follows:</p> <p>(f) <u>While avoiding, remedying or mitigating adverse effects on the environment.</u></p>

	Provision	Position	Discussion/Issue	Relief Sought
6.1.9	P3 Considering spatial planning	Support	TCC supports the requirement for decision-makers to have regard to spatial and strategic infrastructure plans when making planning decisions. These plans provide a coordinated, long-term view of infrastructure and land use needs, helping to ensure that development is efficient, integrated, and aligned with community priorities.	Retain the policy as proposed.
6.1.10	P4 Enabling the efficient and timely operation and delivery of infrastructure activities	Support in part	<p>TCC supports the intent of the proposed policy, which focuses on enabling the efficient, timely, and resilient delivery of infrastructure. The policy appropriately recognises the importance of innovation, cross-boundary coordination, and the effective use of existing infrastructure. TCC also supports the emphasis on continuous improvement in service delivery and environmental outcomes.</p> <p>However, TCC is concerned that clause (1)(f)(i) focuses solely on upgrading the resilience of existing infrastructure and does not provide direction to ensure that new infrastructure is designed and delivered to be resilient from the outset. This is inconsistent with the outcome sought in proposed Objective OB1 (d), which refers to infrastructure being “<i>well-functioning and resilient</i>”. Accordingly, TCC recommends an amendment to align the policy with the objective by requiring new infrastructure to be resilient to the effects of climate change and natural hazards.</p> <p>TCC is concerned that clause (2)(a) unduly limits the ability of decision-makers to influence or decline the proposed location of infrastructure. While it is appropriate for infrastructure providers to identify preferred sites, the policy must preserve councils’ discretion to assess local context, community impacts, and environmental considerations. A more collaborative approach is needed to ensure infrastructure delivery aligns with broader objectives for well-functioning urban environments.</p>	<p>Amend Policy 4 by introducing a new clause as follows:</p> <p><u>(4) Planning decisions must ensure that new infrastructure is designed and delivered to be resilient to the effects of climate change, natural hazards, and other foreseeable disruptions.</u></p> <p>Amend clause (2) (a) as follows:</p> <p>(2) When making planning decisions on infrastructure activities, decision-makers must:</p> <p>(a) recognise it is the role of the infrastructure provider to identify the preferred location for the infrastructure activity; <u>and show how the acceptability of that location addresses the adverse effects and whether adverse effects can be avoided, remedied, or mitigated.</u></p>
6.1.11	P5 Recognising and providing for Māori rights and interests	Support	<p>TCC supports the intent of the proposed policy direction which is that decision-makers (and applicants as appropriate must):</p> <ul style="list-style-type: none"> engage early with iwi / Māori take into account the values and aspirations of iwi / Māori for infrastructure activities at any scale 	Retain the policy as proposed.

	Provision	Position	Discussion/Issue	Relief Sought
			<ul style="list-style-type: none"> provide opportunities for iwi / Māori involvement in decision-making, including in relation to sites of significance to Māori and issues of cultural significance operate in a way that is consistent with iwi participation legislation. 	
6.1.12	P6 Assessing and managing the effects of proposed infrastructure activities on the environment	Support in part	TCC supports the intent of the proposed policy, and particularly the requirement for operational need requirements of infrastructure activities to be considered when assessing and managing adverse effects. However, TCC is concerned that clauses (a), (b) and (e) will be used to justify inadequate management (i.e. avoidance, remediation, mitigation) of adverse effects. Amending these clauses will help ensure that infrastructure needs are balanced with the management of adverse effects.	Amend the Policy 6 as follows: <ul style="list-style-type: none"> (a) have regard to the extent to which adverse effects have been avoided, remedied, mitigated or minimised (as applicable) through <u>location</u>, route, site, design and construction method selection. (b) consider the technical and operational requirements and constraints of infrastructure activities, <u>while ensuring these do not compromise the effective management of adverse effects</u>; (e) consider the financial and timing implications of mitigation measures and consent conditions to ensure these are proportionate and cost-effective, <u>while ensuring that cost-effectiveness does not override the need for the management of adverse effects</u>.
6.1.13	P7 Operation, maintenance and minor upgrade of existing infrastructure	Support in part	<p>TCC supports the intent of the proposed policy which seeks to ensure that existing infrastructure can continue to function efficiently, while managing adverse effects. However, TCC is concerned that adverse effects are only managed '<i>where practicable</i>'.</p> <p>This proposed approach introduces uncertainty into the decision-making process and could allow adverse effects to go unaddressed if deemed impractical to manage. To avoid this outcome, TCC requests that the terms '<i>where practicable</i>' are deleted.</p>	Amend Policy 7 as follows: Planning decisions must enable the efficient operation, maintenance and minor upgrade of existing infrastructure in all environments and locations, provided that adverse effects are avoided where practicable , remedied where practicable , mitigated where practicable .

	Provision	Position	Discussion/Issue	Relief Sought
6.1.14	P8 Managing the effects of new infrastructure and major upgrades on environmental values	Support in part	<p>TCC is concerned that:</p> <p>a) The proposed NPS-I and the proposed policy (which explicitly states does not cover Section 6 matters) lacks direction for how adverse effects on matters of national importance under section 6 of the RMA should be managed when giving effect to the NPS-I. Without direction in the NPS-I, section 6 matters will need to be considered and resolved on a case-by-case basis, leading to uncertainty, delays, and inconsistent outcomes.</p> <p>Including clear policy direction on section 6 matters within the NPS-I would support faster, more consistent, and efficient decision-making, while ensuring they receive the appropriate level of protection. This could be achieved by deleting the text which excludes section 6 matters from the policy); and</p> <p>b) The proposed approach for adverse effects to only be avoided, remedied or mitigated, where practicable. This approach introduces uncertainty into the decision-making process and could allow adverse effects to go unaddressed if deemed impractical to manage. To avoid this outcome, TCC requests that the terms 'where practicable' are deleted.</p>	<p>Amend Policy 8 as follows:</p> <p>Planning decisions must enable new infrastructure or major upgrades of existing infrastructure, provided that adverse effects on environmental values (not in section 6 or covered by national direction) are avoided where practicable, remedied where practicable, mitigated where practicable.</p>
6.1.15	P9 Planning for and managing the interface and compatibility of infrastructure with other activities	Support in part	<p>Council supports the intent of the proposed policy which focuses on managing the interface and ensuring infrastructure and other activities are as compatible as practicable. TCC supports the framework provided by proposed sub-section 2 of Policy 9, which includes engagement with infrastructure providers and identifies potential planning methods (e.g. buffers; zoning; design standards) to implement proposed sub-section 1 of Policy 9.</p> <p>However, TCC considers that the effectiveness and implementation of the policy could be improved if the buffers considered appropriate for infrastructure (e.g. regional airports; ports; state highway; transmissions lines; gas lines, railways) were set at a national level. This should address how buffers apply to existing and proposed infrastructure and whether the</p>	<p>Provide national direction on the appropriate buffers for existing and proposed infrastructure.</p>

	Provision	Position	Discussion/Issue	Relief Sought
			approach should be differentiated given the likelihood that applying buffers to existing infrastructure is likely to be more complex particularly where they may extend over existing development. Accordingly, TCC requests that national direction on the appropriate buffers be developed through a collaborative process with local government and other stakeholders.	
6.1.16	P10 Assessing and managing the interface between infrastructure and other activities	Support in part	TCC supports the intent of the proposed policy which identifies that some change in amenity values is necessary and acceptable to support well-functioning urban environments. However, as proposed, the requirement (in Policy 10 sub-clause 1(a)) for listed 'typical effects' to be recognised where practical but not completely avoided introduces uncertainty and could allow adverse effects to go unaddressed if deemed impractical to manage. To avoid this outcome, TCC requests that the term <i>'where practicable but not completely avoided'</i> is deleted.	Amend Policy 10(1)(a) as follows: recognise that noise, vibration, dust and visual effects are all typical effects associated with infrastructure activities that can be managed where practicable but not completely avoided;
6.1.17	Matters for consideration Relevance of NPS-I objectives and policies to decisions on resource consent applications and notices of requirement	Support in part	TCC is concerned that the NPS-I will not be a relevant consideration in the section 104D threshold test for non-complying activities under the RMA. By being confined solely to the objectives and policies of regional or district plans, the threshold test may not reflect the strategic importance, need or benefits of infrastructure. Accordingly, TCC requests that the NPS-I is amended to enable its recognition as a relevant consideration for section 104D assessments.	Amend the NPS to include specific direction that the NPS-I should inform the interpretation of objectives and policies in regional and district plans, especially where infrastructure-related provisions are relevant to non-complying activities.

6.2 National Policy Statement for Renewable Electricity Generation (NPS-REG) - Specific comments

	Provision	Position	Discussion/Issue	Relief Sought
6.2.1	Definitions - General	Support	TCC supports the use of consistent terminology across the resource management system and where relevant to include relevant meanings for defined terms from other existing legislation.	Retain

	Provision	Position	Discussion/Issue	Relief Sought
6.2.2	D3 Community-scale REG (renewable energy generation)	Support in part	TCC supports the inclusion of this new definition, however the definition requires further refinement to ensure there is clarity on what is considered a 'community'. Using the term 'community' is far too broad and could be applied to anything ranging from 2 houses to a town of 100,000 people.	Amend the definition to clarify the scope and scale of 'community-scale' to improve consistent implementation.
6.2.3	D6 Environmental footprint	Support in part	TCC supports the inclusion of the new definition to assist with interpreting proposed policy 4, however including 'environmental' in the title of the definition does not seem appropriate as it gives a different connotation than the footprint of a structure. It infers that the definition captures other effects. Further clarification is also sought on the spatial extent that would apply to an existing REG activity. An example is provided in the reasons that this would include the repowering of a wind farm, however it is unclear would be the spatial extent of that windfarm.	Amend the title of the definition to better reflect what is being defined. AND AMEND to further clarify the spatial extent of the footprint.
6.2.4	D8 Existing renewable electricity generation site (REG site)	Oppose	It is unclear how this new definition will add clarity and why it is required, when there is an existing definition of 'site' in the National Planning Standards. The reasoning is that this definition is used in policies B, P3, P4 and D, however when looking at these proposed policies this definition does not appear to be used, therefore it is unnecessary.	Delete the proposed new definition.
6.2.5	D12 Renewable electricity generation activities (REG activities)	Support	TCC supports the definition where it clearly sets out the electricity networks that are excluded from the definition as the NPS-EN applies to these operators.	Retain definition as proposed.
6.2.6	D13 Renewable electricity generation assets (REG assets)	Support	TCC supports this definition as it clarifies that it includes the connection between generation and the electricity distribution/transmission network.	Retain definition as proposed.
6.2.7	D14 Repowering	Support in part	TCC supports the definition but seeks clarification on whether 'repowering' includes moving a structure or adding additional structures.	Amend definition to clarify whether this includes moving or adding structures.

	Provision	Position	Discussion/Issue	Relief Sought
6.2.8	D15 Resilience of renewable electricity generation assets	Support in part	<p>It is noted that while the word 'resilience' is used in policies A and P4, 'resilience of renewable electricity generation assets' is not. Therefore this definition does not apply to policies A and P4.</p> <p>TCC is concerned that the proposed definition of resilience will unintentionally constrain planning decisions that support adaptation and managed retreat of infrastructure in response to climate change.</p> <p>The current proposed wording requires infrastructure to both adapt to changing conditions <u>and</u> retain "<i>essentially the same or similar level of service.</i>" This dual requirement could limit the ability to pursue more flexible or transformative responses, such as managed retreat, where service levels may need to change in form, scale, or availability to reflect new realities.</p> <p>The definition appears to imply that even if infrastructure is relocated, redesigned, or fundamentally changed, it must still deliver the same level of service as before. This could restrict the scope for resilience strategies that involve service-level trade-offs, such as reducing infrastructure investment in high-risk areas while enhancing services in safer locations.</p> <p>TCC recommends amending the definition by replacing "<i>and</i>" with "<i>or</i>" in the final clause. This change would introduce greater flexibility and allow for a broader interpretation of resilience that includes adaptation, transformation, or relocation of services, not just their retention at the same of similar level of service.</p> <p>Such an amendment would clarify that infrastructure can</p> <ul style="list-style-type: none"> • adapt to new conditions, • retain the same level of service (even without adaptation), • or do both, depending on the context. <p>This would explicitly support resilience strategies that involve service-level changes as valid responses to climate risk, including managed retreat where appropriate.</p>	<p>Reconsider the definition in the context of policies A and P4.</p> <p>AND</p> <p>Amend the proposed definition as follows: the capacity of infrastructure to absorb a shock, including from natural hazards; recover from the disruption; adapt to changing conditions, including climate change; and <u>or</u> retain essentially the same or similar level of service as before, even if that means delivering an infrastructure service in a new or different way.</p>
6.2.9	D16 Reverse sensitivity	Support in part	<p>Reverse sensitivity is relevant for other infrastructure, therefore the definition should be described/identified consistently across</p>	<p>Amend to ensure a consistent definition/description of reverse sensitivity</p>

	Provision	Position	Discussion/Issue	Relief Sought
			national direction instruments to improve efficiency and implementation.	across multiple instruments as this is an issue for other infrastructure national direction.
6.2.10	Policy B Considering cumulative gains and losses of renewable electricity generation capacity	Support in part	Further consideration is required on how the amended policy will be 'weighed up' against other national policy statements such as the National Policy for Urban Development. Avoiding, where practicable, any loss of REG output from a region, district or existing REG assets would also capture small-scale on-site solar/wind production. It is unclear how this policy will be considered where there is an intensification project that meets the requirements of the NPS-UD where there is a small-scale REG that is impacted. An example would be a proposed apartment development enabled in a High Density Residential Zone which shadows the roof of a neighbouring a single storey residential development which has solar panels. Consider whether this needs to be more scale focused.	Amend to resolve any conflicts with NPS-UD/intensification directives.
6.2.11	Policy C1 Operational need or functional need for REG activities to be in particular environments.	Support	Clarifying 'operational need' and 'functional need' will improve implementation.	Retain as proposed.
6.2.12	Policy D Protecting existing REG assets from other activities	Oppose	The proposed amendments to use 'must' provides a strong directive, which is then watered down by using 'to the extent reasonably possible'. The proposed policy appears fraught and results in a lack of clarity in the policy. The policy also includes all REG activities, which is considered to include small-scale REG. This could create a conflict where individual property owners seek to protect their private small-scale REG investment at the expense of community growth objectives.	Retain existing wording of Policy D.
6.2.13	Policy F Small-scale and community-scale REG activities	Support in part	As set out above, the use of 'must' provides a strong directive to recognise and provide small-scale and community-scale REG activities. While this is supported when consenting these	Amend to reconsider the wording of the policy.

	Provision	Position	Discussion/Issue	Relief Sought
			activities, it is unclear how this would be balanced with other development as set out in Policy D.	
6.2.14	P1 Policies related to Māori interests	Support	TCC supports a policy that recognises and provides for Māori interests in relation REG activities.	Retain as proposed.
6.2.15	P2 Enabling REG activities	Support in part	<p>The proposed policy (which explicitly states does not cover Section 6 matters) lacks direction for how adverse effects on matters of national importance under section 6 of the RMA should be managed when giving effect to the NPS-REG.</p> <p>The proposed approach for adverse effects to only be avoided, remedied or mitigated, where practicable. This approach introduces uncertainty into the decision-making process and could allow adverse effects to go unaddressed if deemed impractical to manage. To avoid this outcome, TCC requests that the terms 'where practicable' are deleted.</p>	Amend to remove 'where practicable' and reconsider excluding section 6 matters.
6.2.16	P4 Reconsenting, upgrading and repowering existing REG assets	Support in part	Clause (c) seeks to provide flexibility for changes to consent conditions. It is unclear under what scenario a condition of consent could provide flexibility without also enabling a greater level of uncertainty. Therefore, it is unclear how this clause would work for consent conditions in reality, with councils being clear on the effects that the flexible consent condition may have.	Amend to delete clause (c).
6.2.17	IM1 Giving effect to the NPS-REG in regional policy statements, regional and district plans, and changes to these documents	Support in part	TCC supports that there is no timeframe to prepare a plan change to give effect to the NPS-REG. Given that the Expert Advisory Group Blueprint sets out that there will be national standardised provisions, it seems inappropriate to require a plan change to give effect to this NPS. It is more appropriate for the Resource Management reforms to provide the standardised provisions to implement into their relevant instruments.	Amend to remove any requirements for a plan change to give effect to the NPS-REG.
6.2.18	Implementation measure - Relevance of NPS-REG objectives and policies to decisions on resource consent applications and	Support in part	<p>TCC supports that the NPS-REG will apply to decision making on resource consents. TCC seeks alternative wording however to align with commonly used language under the RMA where resource consents must 'have regard' to the NPS-REG.</p> <p>Similar to TCC's submission points on NPS-Infrastructure, there is concern that the NPS-REG will not be a relevant consideration in the section 104D threshold test for non-complying activities under the RMA. By being confined solely to the objectives and</p>	<p>Amend to 'have regard' rather than 'be relevant'</p> <p>AND</p> <p>Amend the NPS to include specific direction that the NPS-REG should inform the interpretation of objectives and policies in regional and district</p>

	Provision	Position	Discussion/Issue	Relief Sought
	notice of requirements		policies of regional or district plans, the threshold test may not reflect the strategic importance, need or benefits of REG. Accordingly, TCC requests that the NPS-REG is amended to enable its recognition as a relevant consideration for section 104D assessments.	plans, especially where REG provisions are relevant to non-complying activities.

6.3 National Policy Statement on Electricity Transmission (NPS-ET) [National Policy Statement for Electricity Networks (NPS-EN)] - Specific comments

	Provision	Position	Discussion/Issue	Relief Sought
6.3.1	General	Support in part	TCC supports the intent of the proposed amendments to increase the resilience of the electricity network and security of supply as demand increases. TCC seeks that the NPS-EN ensures that the adverse effects of electricity networks are appropriately considered, including in urban areas where projects can have significant effects on large communities.	Amend where necessary the NPS-ET (proposed NPS-EN) to provide greater balance for decision-makers when managing adverse effects.
6.3.2	D3 Customer Driven Projects	Oppose	It is unclear why this definition is required if it is only to apply to another definition and why it matters who wants the project to be undertaken. One reason was to exclude the National Policy Statement – Renewable Energy Generation, however exclusion should be set out in the implementation section of the national policy statement.	Delete definition D3 Customer Driven Projects.
6.3.3	D4 Decision-makers	Support in part	The definition for decision-makers in the NPS-I and NPS-REG reads - 'any person exercising functions or powers under the Act'. The definitions should be the same to provide consistency across all planning instruments.	Amend the definition of 'decision-makers' – means all those persons making planning decisions under this National Policy Statement. <u>any person exercising functions or powers under the Act.</u>
6.3.4	D5 Electricity distribution network (EDN)	Support in part	The definition should not include the words - 'because those terms are defined in section 2 of the Electricity Act 1992'.	Amend the definition to delete the words - because those terms are defined in section 2 of the Electricity Act 1992.

	Provision	Position	Discussion/Issue	Relief Sought
			If the intention is to also define 'electricity distributor' and 'electricity operator', those terms should be included in the NPS, rather than referring to another piece of legislation. Additionally, the proposed definition is too wide-ranging and broad for local authorities to manage. The definition should be amended to clarify the specific aspects of the electricity network that is within scope of the NPS.	AND Amend the definition to refine the aspects of electricity distribution that the NPS-ET applies to.
6.3.5	D7 Electricity transmission network (ETN)	Support in part	Support the inclusion of the definition, however to provide clarity on what is considered ancillary, the 'ancillary EN activities' should be included if this is the intent.	Amend the definition to link with the definition of ancillary EN activities.
6.3.6	D8 Electricity network activities (EN activities)	Support in part	TCC supports definitions that are consistent across national planning instruments. Further consideration should be given to ensuring consistency in terminology with the proposed NES-ENA.	Amend where necessary to ensure consistent terminology and definitions across the NPS-EN and NES-ENA.
6.3.7	D9 Electricity network assets (EN assets)	Support in part	The definition is not very specific in terms of the assets that comprise the electricity network, especially considering that other definitions provide for or reference 'EN assets'.	Amend the definition to clarify aspects of the EN that are assets.
6.3.8	D10 Electricity network development activities (EN development activities)	Support in part	The reasons for this definition state that the intent is to distinguish between routine and non-routine activities, but that is not clear in the definition. The reasons set out which policies that this definition apply to, however these policies do not include the definition. Therefore it is not clear where this definition applies.	Amend the definition to clarify that EN development activities only relates to non-routine activities and new lines or assets AND Review where this definition applies.
6.3.9	D13 Non-routine electricity network activities (non-routine EN activities)	Oppose	TCC acknowledges that the government seeks to distinguish between routine and non-routine EN activities to enable infrastructure upgrades, however, TCC is concerned that the introduction of these definitions will create unnecessary confusion and complexity. The definitions are broad and do not assist in interpreting the regulations or understanding the application of the definitions.	Delete the definition.
6.3.10	D14 NZECP 34:2001	Oppose	TCC considers that for efficiency and effectiveness, it is important that duplication with other regulatory systems is removed from National Direction. This is also a key theme that has come from Central Government and is discussed further in	Delete the definition and amend the proposed NES to remove the responsibility for local authorities to implement the NCECP 34:2001.

	Provision	Position	Discussion/Issue	Relief Sought
			the Blueprint for resource management reform – A better planning and resource management system 2025 ² . However, in contrast to this approach, the proposed amendments include a definition for the NZ Electrical Code of Practice.	
6.3.11	D17 Electricity network resilience (EN resilience)	Oppose	<p>TCC is concerned that the proposed definition of resilience will unintentionally constrain planning decisions that support adaptation and managed retreat of infrastructure in response to climate change.</p> <p>The current proposed wording requires infrastructure to both adapt to changing conditions <i>and</i> retain “<i>essentially the same or similar level of service</i>.” This dual requirement could limit the ability to pursue more flexible or transformative responses, such as managed retreat, where service levels may need to change in form, scale, or availability to reflect new realities.</p> <p>The definition appears to imply that even if infrastructure is relocated, redesigned, or fundamentally changed, it must still deliver the same level of service as before. This could restrict the scope for resilience strategies that involve service-level trade-offs, such as reducing infrastructure investment in high-risk areas while enhancing services in safer locations.</p> <p>TCC recommends amending the definition by replacing “<i>and</i>” with “<i>or</i>” before the words ‘retain and an appropriate level of service’. This will allow for greater flexibility and a broader interpretation of resilience; which includes adaptation, transformation, or relocation of services, not just their retention at the same of similar level of service.</p> <p>Such an amendment would clarify that infrastructure can</p> <ul style="list-style-type: none"> • adapt to new conditions, • retain the same level of service (even without adaptation), • or do both, depending on the context. <p>This would explicitly support resilience strategies that involve service-level changes as valid responses to climate risk, including managed retreat where appropriate. It is noted that</p>	<p>Amend the proposed definition as follows:</p> <p>the capacity of infrastructure to absorb a shock, including from natural hazards; recover from the disruption; adapt to changing conditions, including climate change; and or retain essentially the same or similar level of service as before, even if that means delivering an infrastructure service in a new or different way.</p>

² Paragraph 113-115, page 31-32, Blueprint for resource management reform – A better planning and resource management system 2025, EAG.

	Provision	Position	Discussion/Issue	Relief Sought
			'resilience' is defined in other national policy statement, therefore, TCC seeks consistency, where appropriate, with the wording of these definitions.	
6.3.12	D18 Routine electricity network activities (routine EN activities)	Oppose	TCC acknowledges that the government seeks to distinguish between routine and non-routine EN activities to enable infrastructure upgrades however, TCC is concerned that the introduction of these definitions will create unnecessary confusion and complexity. The definitions are broad and do not assist in interpreting the regulations or understanding the application of the definitions.	Delete the definition.
6.3.13	D19 Sensitive activities	Support in part	TCC supports the intent of the proposed definition but considers that papakāinga, which includes buildings used for residential and educational purposes, should be included in the definition as a sensitive activity.	Amend definition to include papakāinga as a sensitive activity.
6.3.14	D20 Upgrading	Support in part	The proposed definition of upgrading is broad and lacks appropriate parameters. For example the use of 'addition, expansion and intensification' is broad and could include a significant increase in scale and intensity of the activity.	Amend the definition to provide parameters on what is included as an upgrade.
6.3.15	D21 Well-being	Oppose	It is unclear why this definition is used in the NPS.	Delete the definition.
6.3.16	OB1	Support in part	<p>TCC considers that the proposed objective appropriately captures the broad range of outcomes sought for the electricity network. It effectively encompasses key goals such as supporting community well-being, enabling development, enhancing resilience, and recognising its role in emissions reduction.</p> <p>However, it is not the role or purpose of the Resource Management Act 1991 (RMA) to manage effects in a cost-effective way or to consider the financial implications of effects management. It lacks clarity on how the concept should be interpreted within the context of the RMA. It is important that the assessment of 'cost-effective' extends beyond purely financial considerations to include relevant social, cultural, and environmental factors.</p> <p>Accordingly, TCC requests that the NPS provide a clear explanation or guidance on the interpretation of clause (e) of the</p>	Amend Objective 1 to strengthen clause (e).

	Provision	Position	Discussion/Issue	Relief Sought
			objective. This will support consistent understanding and implementation across planning and infrastructure decision-making processes.	
6.3.17	P1 National significance and benefits of the electricity network	Support in part	TCC supports the proposed policy's emphasis on planning decisions recognising and providing for the benefits of the electricity network. However, TCC is concerned that proposed clause (2) favours the benefits of infrastructure over localised adverse effects being adequately avoided, remedied or mitigated. While TCC supports the policy direction requiring the benefits of the electricity network to be recognised, this should be done while avoiding, mitigating or remedying adverse effects.	Amend P1 to include that decision makers must also recognise the adverse effects.
6.3.18	P2 Operational need or functional need for EN activities to be in particular locations and environments	Support in part	TCC recognises that in some instances there is a functional need and / or operational need for electricity networks to be in particular environments. While TCC considers that the proposed policy clearly emphasises that matter, it lacks balance in terms of the need for adverse effects associated with the electricity network in a particular environment to be adequately avoided, remedied or mitigated. TCC requests that a clause is included within the proposed policy that sets out how operational need or functional need is to be balanced against other values (e.g. cultural, landscape, ecological) of a particular environment. Electricity networks that have a functional or operational need to locate in in section 6 environments are still expected to demonstrate that there is no other suitable location and that adverse effects arising from the need to locate there will be avoided, mitigated or remedied.	Amend P2 to clarify that EN operators and distributors must demonstrate that there is a functional and/or operational need to locate in an environment with section 6 values and that adverse effects are avoided, remedied and mitigated.
6.3.19	P3 Policies relating to Māori rights and interests	Support	TCC supports the intent of the proposed policy direction which is that decision-makers (and applicants as appropriate must): <ul style="list-style-type: none"> • engage early with iwi / Māori • take into account the values and aspirations of iwi / Māori for infrastructure activities at any scale • provide opportunities for iwi / Māori involvement in decision-making, including in relation to sites of significance to Māori and issues of cultural significance • operate in a way that is consistent with iwi participation legislation. 	Retain the policy as proposed.

	Provision	Position	Discussion/Issue	Relief Sought
6.3.20	P4 Identifying the location for EN activities and managing adverse effects through the route, site, and method selection process	Support in part	<p>TCC agrees that it is the role of the national grid operator and EDN provider to determine the purpose, scope, required capacity and technical solution for a proposed electricity network activity. However, TCC considers that Transpower should demonstrate that they have thoroughly considered all options and the effects of those options on people and the environment.</p> <p>The policy is intended to manage conflicts between EN and environmental values, however as proposed the policy, in conjunction with P5 – P10, undermines environmental values by providing for effects management on the EN, while lacking stronger direction on managing effects of the EN on communities and the environment.</p>	Amend P4 to ensure that there is a duty on EN providers and distributors to manage the adverse effects of EN activities on the environment; and to meaningfully engage with local communities throughout the planning and development the EN network.
6.3.21	P5 General considerations when considering and managing the environmental effects of EN activities	Support in part	<p>TCC supports including a policy for the matters decision-makers should consider while managing the environmental effects of EN activities. However, the clauses included in the policy are so broad-ranging that they undermine the assessment of environmental effects, and could result in decisions that are inappropriately tipped in favour of the electricity network activity. The policy lacks balance in weighing up the adverse effects on the environment and of mitigation measures.</p> <p>Not all changes in amenity are inevitable, TCC recommends that clause (1)(c) is amended to qualify that EN activities <i>can result in</i> changes to amenity that are unavoidable but necessary.</p> <p>It is unclear how Clause (d) will be implemented in terms of how to adopt international and national standards and adopt recognised best practise standards and methodologies to assess and manage adverse effects. TCC questions whether this means that EN providers should demonstrate these have been adopted in any resource consent applications made to Council; or whether Council needs to provide guidance on the standards, best practise and methodologies that have been adopted to EN providers. The NPS should clarify how this policy is to be implemented, or could state which standards, best practises and methodologies should be adopted and complied with.</p> <p>In relation to clause (e) it is inappropriate for councils to make decision on an activity's financial implications of mitigation</p>	<p>Amend P5 (1) as follows:</p> <p>(1) When considering the environmental effects of EN activities and measures to avoid, remedy or mitigate and adverse effects on the environment, decision-makers must <u>should</u> also:</p> <p>(c) recognise that changes in amenity from EN activities can result in changes to amenity that are unavoidable, but are necessary to achieve an effective, efficient, safe, secure, reliable, and resilient EN;</p> <p>(e) consider the financial and timing implications of mitigation measures and any consent conditions to ensure these are proportionate and cost-effective.</p> <p>AND</p> <p>Amend the NPS to provide clarification on how P5 (1)(d) is to be implemented.</p>

	Provision	Position	Discussion/Issue	Relief Sought
			measures. If the applicant cannot feasibly fund effects management they should not be undertaking the activity. Cost-effectiveness and financial implications of mitigation measures are not environmental effect that can be managed by the RMA.	
6.3.22	P6 Enabling routine EN activities	Oppose	<p>TCC opposes enabling routine activities to occur in all environments as some environments are more sensitive than others, for example ONFLs, SNAs, and indigenous flora and fauna habitats. It is unclear whether existing urban communities is included in the term 'all environments'.</p> <p>Routine as defined is also broad and includes 'upgrades' which fails to have any clear parameters. As currently defined this could enable a higher intensity and scale of activity where decision makers must enable it to occur in all locations. Methods and processes should be put in place to ensure that effects on people, animals and the environment are appropriately managed.</p> <p>TCC is also concerned that adverse effects are only managed 'where practicable'. The proposed approach introduces uncertainty into the decision-making process and could allow adverse effects to go unaddressed if deemed impractical to manage. To avoid this outcome, TCC requests that the term 'where practicable' is deleted.</p>	<p>Amend P6 so that routine EN activities are enabled to only occur in sensitive environments such as ONFLs, SNAs, habitats of indigenous flora and fauna, and existing urban communities when adverse effects are avoided, remedied and mitigated.</p> <p>AND</p> <p>Amend P6 to delete 'where practicable'.</p>
6.3.23	P7 EN development and non-routine activities	Support in part	TCC agrees that planning and development of the electricity network should seek to avoid adverse effects on sensitive environments. However, sensitive environments are not limited to rural environments and can and do occur in urban environments. TCC considers that P7 can be improved by removing reference to 'rural environments', 'areas of high recreation value and amenity' and adopt matters outlined in section 6 of the RMA.	Amend P7 to delete the words 'rural environments'; and replace 'areas of high recreational value and amenity' with RMA s6 matters.
6.3.24	P8 Reducing existing adverse effects of EN assets when considering upgrades	Support in part	TCC supports reducing existing adverse effects of electricity network assets when upgrading. However, the policy should be amended so that electricity network operators and distributors must consider practicable opportunities and measures to reduce the existing adverse effects of electricity networks, rather than this duty being on the decision-maker.	<p>Amend P8 so that the duty to reduce adverse effects of electricity network assets is on the electricity network operators and distributors, rather than decision-makers.</p> <p>AND</p>

	Provision	Position	Discussion/Issue	Relief Sought
			TCC also recommends removing consideration of financial implications of measures to reduce adverse effects as this burden should be on the electricity network operator and distributor and is not an environmental effect that is managed by the RMA.	Amend to remove the consideration of financial implications.
6.3.25	P9 EN activities within urban environments and servicing new development	Support in part	<p>TCC supports enabling electricity network activities within urban environments and recognise that some changes in amenity will result from EN activities, however P9 lacks direction and / or guidance to decision-makers on considering the adverse effects of EN activities in urban environments. The policy could be improved by including a new subclause that ensures EN activities within urban environments and servicing new development avoids, manages and mitigates adverse environmental effects and considers relevant section 6 matters.</p> <p>TCC considers that there is an opportunity within P9 to enable the undergrounding of EN assets, particularly in new developments. TCC recommends a new subclause in (2) that encourages new EN activities to be underground where possible.</p> <p>TCC considers that clause (1)(b) is appropriately covered by clause (c) as changes in amenity are an adverse effect that are sometimes unavoidable.</p>	<p>Amend P9 by adding a new subclause in (1) that ensures the adverse effects of EN activities within urban environments and that arise from servicing new development are avoided, remedied and mitigated.</p> <p>AND</p> <p>Delete clause (1)(b).</p> <p>AND</p> <p>Amend P9 by adding a new subclause in (2) that encourages the undergrounding of EN assets in new developments.</p>
6.3.26	P10 Managing the effects of third parties on the electricity network	Support in part	TCC supports a policy that manages reverse sensitivity effects on the electricity network, however as proposed, P10(2) places a large burden of work on councils to map all of the electricity network assets within their district. As proposed the policy appears to include all of the electricity lines, poles, cabinets, access tracks, accessways etc managed by lines companies, including the smaller companies. Additionally, once included in district plans a plan change process would be required to update maps if there were any changes to the EN, such as constructing new, removing or relocating assets. The policy should be amended to clarify which assets should be mapped so that not all parts of the network need to be mapped and that this information is provided by the electricity network provider.	<p>Amend P10, clause (2) to clarify whether identified electricity network assets are required to be mapped, where they are to be mapped and to what level.</p> <p>AND</p> <p>Delete clauses (2)(b), (c) and (d).</p>

	Provision	Position	Discussion/Issue	Relief Sought
			<p>TCC questions whether clauses (2)(b), (c) and (d) are required in the NPS. If councils are required to implement the buffers set out in the proposed NES-ENA, there is no need to engage with ETN to implement the buffer corridors as the buffer corridors are nationally set. If councils are to engage with ETN operators this could result in buffers of varying sizes across the country, defeating the purpose of a national standard. Requiring councils to engage with EDN operators individually in (2)(c) will have similar outcomes to those in (2)(b) whereby inconsistent buffer corridors will be identified. The proposed NES-ENA should set out the EDN buffer corridors to minimise this risk.</p> <p>With regard to clause (2)(d), TCC considers this level of detail to be better placed in the standardised zones implemented through RMA Reform Phase 3. Clause (2)(e) is a more appropriate policy to manage adverse effects of subdivision on EN activities.</p>	
6.3.27	P11 Long-term strategic planning for the EN	Support	TCC supports engagement between operators of electricity networks and councils to identify medium and long term strategic planning. It is considered that this is most efficiently achieved through the regional spatial planning which is proposed to be required through Phase 3 of the Resource Management Reforms.	Retain as proposed.
6.3.28	P12 Electric and magnetic fields	Oppose	There should be no policies which require councils to progress a plan change to amend provisions within a district plan. A key theme that has come from Central Government and is discussed further in the Blueprint for resource management reform – A better planning and resource management system 2025 is that there will be national standardised provisions. Therefore provisions such as these should be set at a national level rather than requiring councils to undertake their own plan change to implement this policy.	Delete P12 in its entirety.

6.4 National Environmental Standards for Electricity Transmission Activities (NESETA) [National Environmental Standards for Electricity Network Activities (NES-ENA)] - Specific comments

	Provision	Position	Discussion/Issue	Relief Sought
6.4.1	What electricity assets will be covered by the NES-ENA?	Support in part	Government is seeking feedback on whether the NES-ENA should apply to the EDN lines over 110kV voltage or a wider range of activities covering both high and low voltage lines and existing and new assets. TCC recognises that for security of electricity supply and safety of people and assets reasons, all EDN lines and assets should be covered by the NES. However, TCC considers that a consenting pathway is still appropriate, particularly for new EDN lines of all voltages in natural areas as defined by this NES, environments with s6 values and in existing urban environments.	Retain the assets that the NES will apply to.
6.4.2	D2 Cabinet	Support in part	The inclusion of 'affixed to the ground' in this definition is unnecessary as 'structure' is a defined term in the National Planning Standards. The definition is not clear on whether the structure is affixed to the ground or the equipment being housed that is affixed to the ground.	Amend the definition D2 Cabinet to remove the phrase 'affixed to the ground'.
6.4.3	D6 Customer driven project	Oppose	It is unclear why this definition is required if it is only to apply to another definition and why it matters who wants the project to be undertaken. One reason was to exclude the National Policy Statement – Renewable Energy Generation, however exclusion should be set out in the implementation section of the national policy statement.	Delete the definition D6 Customer driven project.
6.4.4	D7 Electricity network development activities (EN development activities)	Support in part	The reasons for this definition state that the intent is to distinguish between routine and non-routine activities, but that is not clear in the definition. The definition as proposed is meaningless. The reasons set out which policies that this definition apply to, however these policies do not include the definition. Therefore, it is not clear where this definition applies.	Amend the definition D7 Electricity network development activities (EN development activities) to clarify that EN development activities only relates to non-routine activities and new lines or assets. AND Review where this definition applies.
6.4.5	D9 Earthworks	Support in part	In line with other definitions that have been included or amended for consistency with the national planning standards if the term 'earthworks' is to be defined in this NES, it should be as defined in the National Planning Standards.	Amend the definition D9 Earthworks to align with the definition of 'earthworks' in the National Planning Standards.
6.4.6	D10 Electricity distribution network (EDN)	Support in part	The definition should not include the words 'because those terms are defined in section 2 of the Electricity Act 1992'. If the intention is to also define 'electricity distributor' and 'electricity	Amend the definition D10 Electricity distribution network (EDN) to delete the words 'because

	Provision	Position	Discussion/Issue	Relief Sought
			operator', those terms should be included in the NPS, rather than referring to another piece of legislation. Additionally, the proposed definition is too wide-ranging and broad for local authorities to manage. The definition should be amended to clarify the specific aspects of the electricity network that is within scope of the NES.	those terms are defined in section 2 of the Electricity Act 1992'. AND Amend the definition to refine the aspects of electricity distribution that the NES-ENA applies to.
6.4.7	D12 Electricity network (EN activities)	Support in part	TCC supports definitions that are consistent across national planning instruments. Further consideration should be given to ensuring consistency in terminology with the proposed NES-ENA	Amend where necessary to ensure consistent terminology and definitions across the NPS-EN and NES-ENA
6.4.8	D13 Electricity transmission network (ETN)	Support in part	Support the inclusion of the definition, however to provide clarity on what is considered ancillary, the 'ancillary EN activities' should be included if this is the intent.	Amend the definition D13 Electricity transmission network (ETN) to link with the definition of ancillary EN activities.
6.4.9	D14 Electricity network activities (EN development activities)	Oppose	This definition is already provided for in D7, though that definition is 'electricity network <u>development</u> activities'.	Delete the definition D14 Electricity network activities (EN development activities).
6.4.10	D15 Electric vehicle charging infrastructure (EVC infrastructure)	Support in part	TCC supports the need for centralised guidance around provision for EV charging infrastructure to streamline consenting and reduce regulatory barriers. TCC has been progressing work to introduce EV charging permitted activity requirements for Commercial and Industrial Zones, as there is a lack of direction for the integration of EV charging, their design, location, and supply with parking at places of employment for personal and fleet vehicles. There is no established guidance on EV charging facility design or supply and a lack of direction results in land uses that will not achieve emissions outcomes established in both strategic and policy direction. TCC considers that the definition could be improved in two ways. Firstly, the definition should clarify the provider of the infrastructure i.e. does this definition include chargers attached to dwellings for private use? Secondly, the definition could be split into two definitions to further clarify what EV charging infrastructure is and what are considered EV charging infrastructure activities. As proposed, the definition combines	Amend the definition D15 Electric vehicle charging infrastructure (EVC infrastructure) to clarify whether the definition applies to EV charging infrastructure installed in a private dwelling. AND Amend to replace with two definitions as follows: <u>EV charging infrastructure means:</u> <u>all buildings and structures associated with the charging of electric vehicles, the sale of electricity for the purpose of charging vehicles, electric vehicle charging car parks and manoeuvring spaces, chargers, cabinetry, batteries, bollards and wheelstops.</u> AND <u>EV charging activities means:</u>

	Provision	Position	Discussion/Issue	Relief Sought
			these two aspects, causing confusion and ultimately resulting in an unclear definition.	<ul style="list-style-type: none"> i. <u>the construction, maintenance, operation upgrade, and replacement of electricity vehicle charging infrastructure; and</u> ii. <u>does not include the retail sales of any other goods or services.</u>
6.4.11	D17 Existing distribution line	Support in part	TCC supports the inclusion of the definition but considers it should include the same wording as the definition for existing transmission line for clarity.	Amend the definition D17 Existing distribution line to include the date of the gazetting of this NES.
6.4.12	D19 Height	Support in part	TCC supports the inclusion of the definition but considers that if the term is defined in this NES, it should align with the National Planning Standards definition.	Amend the definition D19 Height to align with the National Planning Standards definition.
6.4.13	D20 Historic heritage item or setting	Support in part	TCC supports including the definition but consider that it should clarify whether heritage items listed by HNZPT, but are not in a district plan are included in the definition. Additionally, the inclusion of 'setting' in the term is problematic as the setting can be much broader than, and not as defined as, heritage items. Heritage settings are not always mapped in district plans.	Amend the definition D20 Historic heritage item or setting to clarify whether HNZPT listed items are covered by the definition; AND Amend to delete 'or setting'.
6.4.14	D21 Land transport corridor	Support in part	TCC supports the inclusion of this definition. However, the Land Transport Management Act 2003 does not include a definition for 'land transport corridor'. TCC supports the use of definitions that are consistent across national planning instruments. Further consideration should be given to ensuring consistency in terminology across planning instruments.	Amend the definition D21 Land transport corridor where necessary, to ensure consistent terminology across national planning instruments.
6.4.15	D22 LAeq(15min)	Support in part	To improve clarity and accessibility, the full definition from the referenced standard should be adopted, rather than defining the term as a reference to another document. The same approach to the definition for 'land transport corridor' should be adopted.	Amend the definition D22 LAeq(15min) to incorporate the entire definition of LAeq(15 min) from NZS 6801:2008 Acoustics – Measurement of environment sound.
6.4.16	D25 National Grid Subdivision Corridor	Support in part	TCC supports including the definition and seek that the definition clarifies that the definition means a corridor that applies when a subdivision is undertaken, and the areas included in the definition moved to the regulations. This approach would simply the definition and assist with implementation by local authorities. It is unclear why this does not apply to designated assets.	Amend the definition D25 National Grid Subdivision Corridor to clarify that the national grid corridor means a corridor that applies when subdivision is undertaken.

	Provision	Position	Discussion/Issue	Relief Sought
6.4.17	D26 National Grid Yard	Support in part	TCC supports including the definition, but seeks amendments to clearly state that it relates to the area where controls apply to buildings, structures and earthworks. D26 should also apply to designated assets to protect and maintain the security of the national grid and maintain the safety of people and property.	Amend the definition D26 National Grid Yard to clarify that it relates to the area where controls apply to buildings, structures and earthworks; and to apply to designated assets.
6.4.18	D27 Natural area	Support in part	TCC supports the inclusion of the definition, however considers that the definition could be further amended to clarify the terms 'areas of significant indigenous vegetation' and 'significant habitat of indigenous fauna'. These terms create uncertainty and should be amended to a term that is used consistently across other planning instruments e.g. significant natural areas.	Amend the definition D27 Natural area to provide consistency across national planning instruments with regard to significant habitats of indigenous flora and fauna.
6.4.19	D28 Non-routine electricity network activity (non-routine EN activity)	Oppose	TCC acknowledges that the government seeks to distinguish between routine and non-routine EN activities to enable infrastructure upgrades however, TCC is concerned that the introduction of these definitions will create unnecessary confusion and complexity. The definitions are broad and do not assist in interpreting the regulations or understanding the application of the definitions.	Delete the definition D28 Non-routine electricity network activity (non-routine EN activity).
6.4.20	D29 NZECP 34:2001	Oppose	TCC considers that for efficiency and effectiveness, it is important that duplication with other regulatory systems is removed from National Direction. This is also a key theme that has come from Central Government and is discussed further in the Blueprint for resource management reform – A better planning and resource management system 2025 ³ . However, in contrast to this approach, the proposed amendments include a definition for the NZ Electrical Code of Practice.	Delete the definition D29 NZECP 34:2001 AND Amend the proposed NES to remove the responsibility for local authorities to implement the NCECP 34:2001.
6.4.21	D32 Routine electricity network activity (Routine EN activity)	Oppose	TCC acknowledges that the government seeks to distinguish between routine and non-routine EN activities to enable infrastructure upgrades however, TCC is concerned that the introduction of these definitions will create unnecessary confusion and complexity. The definitions are broad and do not assist in interpreting the regulations or understanding the application of the definitions.	Delete the definition D32 Routine electricity network activity (Routine EN activity).

³ Paragraph 113-115, page 31-32, Blueprint for resource management reform – A better planning and resource management system 2025, EAG.

	Provision	Position	Discussion/Issue	Relief Sought
	PART 2: PROPOSED REGULATIONS FOR EXISTING TRANSMISSION LINES			
6.4.22	Regulation 4 Regulations apply only to certain activities relating to existing transmission lines	Support in part	TCC supports clarifying the activities that the NES does and does not apply to and clarifying the roles and responsibilities of regional and city/district councils. However, TCC considers that references to routine and non-routine activities should be deleted as there is no need to distinguish between the activities, and the terms result in increased complexity.	Amend the regulation to remove provision for routine and non-routine activities.
6.4.23	Regulation 6 Permitted activities: overhead conductors Regulation 8 Permitted activities: adding overhead circuits Regulation 10 Permitted activities: increasing voltage or current rating	Support in part	TCC provides for noise during the day and the night in all zones. The noise standards proposed in regulation 6 for residential zones is consistent with daytime noise standards in the Tauranga City Plan (City Plan), however it exceeds the night-time noise standard by 8 dB. TCC considers that electricity network activities should comply with the noise standards in the relevant district plan, rather than introduce new standards to the NES. It is anticipated that national standardised provisions for noise would be introduced through the proposed new resource management system and this is the appropriate time as the noise standards can then be applied comprehensively.	Delete the proposed noise standards from Regulation 6 and 10, And the relevant district plan noise rule apply.
6.4.24	Regulation 12 Controlled activities: undergrounding transmission lines	Support	TCC supports amending Regulation 12 so that undergrounding transmission lines is enabled as a controlled activity. TCC recognises that underground transmission lines contribute to improved amenity of urban environments particularly those that are intensifying. However, if the amendment is made, consequential amendments are required to remove matters of control.	Retain regulation 12 as a controlled activity.
6.4.25	Transmission line support structures: Alteration relocation and replacement Regulation 14 – Permitted activities	Oppose	TCC acknowledges that central Government seeks to enable quick and efficient upgrading of existing electricity networks assets, however TCC opposes the proposed amendments to Regulation 14. TCC considers the amendments to be too permissive and do not enable the impacts on local communities to be considered. TCC is concerned that removing protections for viewshafts will undermine the cultural values that the viewshafts in the City Plan seek to protect. Many viewshafts in Tauranga have been included in the City Plan to provide for and	Amend Regulation 14 to retain existing R14 (3)(b); AND Amend bulk and location standards to be less permissive;

	Provision	Position	Discussion/Issue	Relief Sought
	Regulation 15 – Controlled activities Regulation 16 – Restricted discretionary activities		protect the cultural values of mana whenua. TCC considers that a consenting pathway for viewshaft intrusions should be retained. Additionally, TCC considers that increasing the permitted thresholds for bulk and location of assets are overly permissive, particularly in residential zones, and that it does not take into account incremental changes to bulk and location over time. TCC does not support poles being replaced with towers as a permitted activity.	AND Retain existing R15(7).
6.4.26	Signs Regulation 23 – Permitted activities Regulation 24 - Signs	Oppose	TCC does not support removing regulations that result in signs that can be any size. While TCC acknowledges that the signs are for health and safety purposes, this should not be achieved by removing all controls on the size of sign. TCC considers that there should remain some control on the size.	Retain existing regulations 23 and 24.
6.4.27	Trimming, felling, and removing trees and vegetation Regulation 30 – Permitted activities Regulation 31 – Controlled activities Regulation 32 – Restricted discretionary activities	Oppose	TCC opposes the proposed amendments to regulations 30, 31 and 32. TCC considers that the existing regulations are sufficient to manage trimming, felling and tree and vegetation removal. TCC does not consider that adopting management plans for permitted activities is an appropriate method for managing tree trimming, felling and vegetation clearance. As a permitted activity there is no recourse for local authorities to enforce compliance with the management plan.	Retain the existing regulations 30, 31 and 32 and conditions in the NES-ETA.
PART 3: REGULATIONS FOR ELECTRICITY DISTRIBUTION NETWORK ACTIVITIES				
6.4.28	Application	Support in part	TCC seeks that clarification is provided on the meaning of the terms 'high voltage' and 'low voltage'. Further consideration of the appropriateness of applying the regulations to all low voltage activities should be given as local authorities are ill-equipped to provide for these assets. Consider whether local authorities have jurisdiction, knowledge and resource to be responsible for consenting for a levels of EDN and monitoring enforcement and compliance.	Review the appropriateness of including EDN in the NES and whether the regulations in the NES can be appropriately implemented, monitored and enforced by local authorities.

	Provision	Position	Discussion/Issue	Relief Sought
6.4.29	R8: Additions to existing EDN assets	Support in part	<p>A: Controls on height and width of telecommunications devices should be different for EDN assets compared with ETN as the infrastructure is more visible and directly impacts more people daily. Additionally, the NES should include a restricted discretionary activity pathway for activities that do not comply with the controlled activity conditions for visual and landscape effects. As proposed, there is no avenue for councils to decline a consent with adverse visual and landscape effects.</p> <p>TCC does not see it as necessary to align regulations with the NES-TF in terms of height and width. They are different types of infrastructure and therefore have different operating requirements.</p> <p>B: TCC considers it inappropriate to enforce compliance with this code of practice through the NES and thus conditions of consents. This only provides duplication in the system. TCC considers it beyond the jurisdiction of local authorities to be responsible for implementing NZECP 34:2001. Additionally, 30m is considered overly permissive for new mid-span poles.</p>	<p>Amend proposed R8 Additions to existing EDN assets A to include a restricted discretionary activity pathway for consent for applications that do not comply with the controlled activity condition.</p> <p>AND</p> <p>Amend proposed R8 Additions to existing EDN assets B to remove the responsibility for local authorities to implement the NCECP 34:2001; and to reduce the maximum height of new mid-span poles.</p>
6.4.30	R9: Alteration, relocation and replacement of existing EDN assets		Refer to submission made to Regulations 14, 15 and 16.	
6.4.31	R10: The construction of new EDN assets	Support in part	<p>TCC considers that 30m in height above ground level in all zones is highly permissive.</p> <p>TCC considers that it is inappropriate for new lines to be located in Māori purpose zones and an airport. Māori purpose zones often have sensitive activities such as residential activities and kura and, therefore are inappropriate zones for new lines. Airports are subject to height limits, and therefore enabling such height in these locations is inappropriate.</p> <p>The list of where new lines are not located is narrow and does not include other section 6 matters.</p>	<p>Amend R10 The construction of new EDN assets to reduce the maximum height of new EDN poles in all zones.</p> <p>AND</p> <p>Remove airports and Māori purpose zones from the list where new lines are located.</p> <p>AND</p> <p>Review the list of where new lines are not located.</p>

	Provision	Position	Discussion/Issue	Relief Sought
	PART 4: RULES FOR THE NATIONAL GRID YARD AND CORRIDOR			
6.4.32	R12: National Grid Yard – Buildings and structures	Support in part	TCC supports national standards for national grid yards and corridors to ensure consistency across district plans and jurisdictional boundaries. The proposed regulations should be reviewed so that activities are not required to comply with NZECP 34, for the reasons given above. Additionally, the areas measured either side of the transmission centreline included in the definitions for these terms should be included in the respective regulations.	Amend the proposed NES to remove the responsibility for local authorities to implement the NCECP 34:2001. AND Amend R12 and R13 to include the areas measured either side of the transmission centreline.
6.4.33	R12: National Grid Yard – Earthworks, land disturbance and vertical holes	Support in part		
6.4.34	R13: National Grid Subdivision Corridor	Support in part		
6.4.35	R14: Subdivision of site containing overhead EDN lines (Controlled)	Support	TCC supports national standards for national grid yards and corridors to ensure consistency across district plans and jurisdictional boundaries.	Retain as proposed.
6.4.36	R15: Construction of buildings or structures near overhead EDN lines (Discretionary)	Support		
6.4.37	R16: Installing new EV charging infrastructure is a permitted activity	Support in part	TCC welcomes the amendments to introduce new EV charging infrastructure as a permitted activity. The City Plan does not include any requirements related to EV charging and TCC is progressing work to provide guidance for EV charging. TCC seeks further clarity to what is 'ancillary to primary activity' and whether this should specify what zones this applies to. R16(4)(d) does not appear to recognise the differing roles between light and heavy vehicles and the traffic they generate. Clarification should be given as to what '10 vehicles per hour (averaged across 24 hours) in/excludes and how to quantify light and heavy vehicle movements. The noise provisions included in R16(b) are supported, however	Amend R16(4)(d) to clarify the meaning of '10 vehicles per hour (average across 24 hours)' in terms of light and heavy vehicle movements. AND Review the meaning of 'ancillary to primary activity' and where this may apply.

	Provision	Position	Discussion/Issue	Relief Sought
			<p>TCC notes that the night-time standard is more onerous than the City Plan by 10 units.</p> <p>TCC supports the need for recognition of evolving technologies through a non-compliance with the permitted activity standards. This includes flexibility for other technologies such as induction charging. The role of EV charging needs to be considered in the context of a wider system, which is likely to evolve over time to include different providers, technology, and best practice.</p>	

6.5 National Environmental Standards for Telecommunication Facilities (NES-TF) - Specific comments

	Provision	Position	Discussion/Issue	Relief Sought
6.5.1	General Submission	Support in part	<p>TCC is concerned that the existing instruments do not require engagement with councils regarding the location of a new telecommunication pole or consider the impact on the local community. TCC is aware that providers must provide information on Planned Works programmes to councils under the National Code of Practice for Utility Operators to Transport Corridors 2024 (Code), however, no justification is provided to the community on the reasons for the location of a new pole.</p> <p>TCC recommends that the considerations are broadened either in the Code or the NES to consider the impact of the location of a new pole on the local community</p> <ul style="list-style-type: none"> a. Amending s.2.7.1 of the Code to require meaningful engagement with councils and consider impact on local community in relation to the location of poles; OR b. Amending the NES-TF to introduce a regulation that requires providers to meaningfully engage with councils and consider the impact on local community in relation to the location of poles. 	<p>Amend either:</p> <ul style="list-style-type: none"> a. Section 2.7.1 of the Code to require meaningful engagement with councils and consider impact on local community in relation to the location of poles; <p>OR</p> <ul style="list-style-type: none"> b. the NES-TF to introduce a regulation that requires providers to meaningfully engage with councils and consider the impact of on local community in relation to the location of poles.
6.5.2	Where will NES-TF apply?	Support	Telecommunication facilities are an essential infrastructure and should continue to apply nation-wide.	Retain as proposed.

	Provision	Position	Discussion/Issue	Relief Sought
6.5.3	Ancillary equipment	Support in part	TCC supports the intent of the proposed definition however notes an error in the table.	Amend proposed provision to refer to National Planning Standards 2019 instead of 'the National Policy Statement 2019'.
6.5.4	D1 Area adjoining road reserve	Support	Support subject to wording.	Retain as proposed.
6.5.5	D2 Renewable electricity generation activity	Support	Support subject to wording.	Retain as proposed.
6.5.6	D3 Sensitive activities	Support in part	TCC supports the intent of the proposed definition but considers that papakāinga, which includes buildings used for residential and educational purposes, should be included in the definition as a sensitive activity.	Amend definition to include papakāinga as a sensitive activity. Definition needs to match other NES's / NPS's that use this term.
6.5.7	D4 Temporary telecommunication facility	Support in part	TCC supports the proposed timeframes for temporary telecommunication facilities during emergencies, events, and periods of high demand. However, a six-month period for maintenance is considered excessive. Maintenance and upgrades should be planned and ready for implementation.	Amend clause (b) as follows: (b) during routine maintenance, replacement or upgrading of an existing facility, or an unplanned outage to an existing facility, for a period of up to six three months, where the temporary telecommunication facility is located within 100 m of the existing facility;
6.5.8	Regulation 5(1) and 5(2) – Installing and operating a facility	Support in part	The reasoning provided for amending this regulation is that 'renewable electricity generation activities and self-contained power units as back-up for renewable electricity generators and for temporary telecommunication facilities'. However, the regulation as drafted does not reflect the temporary nature of these activities, instead it allows renewable electricity generation and self-contained power units as of right, with no defined time limit. These activities can be disruptive for neighbours over longer periods of time. Amending the regulation to be temporary will also be consistent with D4 Temporary telecommunication facility.	Amend the regulation to permit these activities as temporary activities for a period of up to three months.
6.5.9	Regulation 7 Measurements	Support	Subject to wording. The proposed amendment will provide clear direction on how to interpret Regulation 7.	Retain as proposed.

	Provision	Position	Discussion/Issue	Relief Sought
	PART 2: CARRYING OUT OF REGULATED ACTIVITIES			
6.5.10	R1 Leniency provisions	Oppose	Timeframes specified in a NES must be measurable and enforceable. Rules and definitions within the NES should not introduce elements of subjectivity, as this can lead to ambiguity and misinterpretation.	Delete R1 Leniency provisions.
	PART 3: REGULATED ACTIVITIES AND STANDARDS Subpart 1 – Cabinets			
6.5.11	Regulation 25 – Noise limits for cabinet not in road reserve	Support	TCC supports this amendment as it will be helpful to have consistency for noise limits and measurements, given there are currently different noise limits and places to measure from in the NES-TF (depending on the location of the cabinet), as well as there being noise limits in district or city plans.	Retain as proposed.
	Subpart 2 – Antennas on poles in the road reserve			
6.5.12	Regulations 27(5) and 29(4) on the pole height rules for new or existing poles in the road reserve	Support	TCC supports Option 1 as it is easier to implement and recognises that while some zone heights are enabling, redevelopment will be a gradual process, with the allowed building heights being achieved over time.	Amend Regulations 27(5) and 29(4) as per Option 1 identified in Attachment 1.5 of the National direction consultation – Package 1: Infrastructure and development.
6.5.13	Regulations 27(6) and 29(5) on the pole width rules for new or existing poles in the road reserve	Support	Support subject to wording.	Retain as proposed.
6.5.14	Regulations 27(7) and 29(2)(b) on the headframe rules for new or existing poles in the road reserve	Support	TCC supports Option 1 as it provides consistency and limits the installation of headframes on poles in the road reserve in areas where there are lower visual amenity impacts such as commercial and industrial zones. The 4.5m wide headframes proposed in Option 2 are too big and should require a resource consent.	Amend Regulations 27(7) and 29(2)(b) as per Option 1 identified in Attachment 1.5 of the National direction consultation – Package 1: Infrastructure and development.
6.5.15	Regulations 32(1)(a) and	Support	Support subject to wording.	Retain as proposed.

	Provision	Position	Discussion/Issue	Relief Sought
	33(2)(a) on new or existing poles outside of the road reserve and not in a residential zone			
6.5.16	Regulation 33(7) on the pole height rules for new or existing poles not in road reserve and in commercial, industrial, rural or mixed-use zones Note this excludes residential zones.	Support	TCC supports Option 1 as it is easier to implement, while acknowledging that although some zone heights are enabling, redevelopment will be a gradual process, with the enabled building heights being reached over time.	Amend Regulation 33(7) as per Option 1 identified in Attachment 1.5 of the National direction consultation – Package 1: Infrastructure and development.
6.5.17	Regulation 35(2)(d) on the minimum setback from buildings for new poles not in the road reserve and in a rural zone	Support	Support subject to wording.	Retain as proposed.
	Subpart 2 – Antennas on buildings			
6.5.18	Regulation 37(4)(a) on the attachment rules for the top of the antenna	Support	TCC supports Option 1.	Amend Regulation 37(4)(a) as per Option 1 identified in Attachment 1.5 of the National direction consultation – Package 1: Infrastructure and development.
6.5.19	Regulations 39 and 40 on customer connection lines to heritage buildings	Support	If the proposed amendment is made, Option 1 is the preferred option: where the permitted activity standards cannot be met, the activity will default to a restricted discretionary activity.	Preferred option is Option 1 proposed in Attachment 1.5 of the National direction consultation – Package 1: Infrastructure and development
6.5.20	Regulation 42(2)(c) on location of the replacement structure for aerial	Support in part	TCC supports increasing the distance from 3m, however the proposed 10m is considered overly permissive. Additionally, no reasoning has provided for the 10m cap.	Clarify why 10m is deemed more appropriate.

	Provision	Position	Discussion/Issue	Relief Sought
	telecommunication line along same route as existing telecommunication or power line			
6.5.21	Subpart 4 – Telecommunication lines	Support	Support subject to wording.	Retain as proposed.
6.5.22	New Regulated Activity 1: Temporary telecommunication facilities	Support	Support subject to wording, noting that this submission seeks amendments to the definition of 'temporary telecommunication facility'.	Retain as proposed.
	Subpart 5 – Application of district and regional rules			
6.5.23	Regulation 46 Historic heritage values: Customer connection lines to heritage buildings	Support	Support subject to wording.	Retain as proposed.
6.5.24	Regulations 44 to 52: Temporary telecommunication facilities in an emergency	Support	Support subject to wording, noting that this submission seeks amendments to the definition of 'temporary telecommunication facility'.	Retain as proposed.

7. Development

7.1 National Environmental Standards for Granny Flats (Minor Residential Units) (NES-GF) - Specific comments

	Provision	Position	Discussion/Issue	Relief Sought
7.1.1	General point on minor residential units	Support in part	<p>TCC supports promoting a range of housing typologies to meet the needs of all members of the community, and the aspiration to create a consistent approach across New Zealand where minor residential units are proposed to be enabled.</p> <p>As a Tier 1 territorial authority, TCC has implemented the Medium Density Residential Standards (MDRS) to relevant residential zones across Tauranga, meeting the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. Accordingly, three dwellings per site can be constructed on a permitted basis across extensive parts of the city (in the Medium and High Density Residential Zones), and residential intensification is enabled by greater height allowances around centres, contributing to the supply of housing. In the Rural Residential and Rural Zones, the Tauranga City Plan (City Plan) already provides for Secondary Independent Dwelling Units. Papakāinga is also provided for in the Urban Marae Community, Ngati Kahu Papakāinga and Rural Marae Community Zones (which are equivalent to the NPStds Māori Purpose Zones) through density standards related to Independent Dwelling Units. The level of Independent Dwelling Unit development in these zones was determined in partnership with the local hapū during the development of the City Plan. The City Plan therefore already enables the development of minor residential units at a, generally, more enabling level than that proposed by the NES-GF.</p> <p>As currently proposed, the NES-GF will create a bespoke set of rules for a single housing typology. This is likely to create complexity and confusion for City Plan users and Council's consenting and compliance as to what rules apply when. It would be more efficient and effective to enable minor residential units through the MDRS within the residential zones and through the NES-Papakāinga or more lenient City Plan rules in the Māori Purpose Zones.</p>	<p>Amend to exclude residential zones with operative MDRS from the NES-GF.</p> <p>AND</p> <p>Amend to exclude Māori Purpose Zones, or their equivalents, from the NES-GF.</p> <p>OR</p> <p>If, the NES-GF is to be applied to residential zones with operative MDRS then we seek alignment with the MDRS for efficient implementation.</p>

	Provision	Position	Discussion/Issue	Relief Sought
			However, should the NES-GF be applied to residential zones with operative MDRS then we seek amendments to the proposed provisions as outlined below.	
7.1.2	All other provisions in district and regional plans	Support in part	<p>TCC supports the following provisions continuing to apply in district and regional plans:</p> <ul style="list-style-type: none"> • subdivision; • RMA s6 matters of national importance • the specific use of the minor residential unit (other than for residential activities); • regional plan rules; • papakāinga; • earthworks; and • setbacks from transmission lines, railway lines and the National Grid Yard. <p>However, TCC believes this does not go far enough and should include provisions that consider the amenity of residents, such as noise and waste management. Please see response to Question 63 for more detailed discussion.</p> <p>It is also unclear as to how council would control a specific use of a minor residential unit that is not a residential activity. It is important that the NES-GF is explicit on what rules apply and what rules do not apply. Councils need clear direction on whether standards and rules in district plans that seek similar outcomes or control similar effects to the listed out of scope matters can be considered when assessing proposed minor residential units.</p>	<p>Amend to add the following provisions to continue to apply in district and regional plans:</p> <ul style="list-style-type: none"> • Noise • Waste management. <p>AND</p> <p>Provide clear direction on whether standards and rules in district plans that seek similar outcomes or control similar effects to the listed out of scope matters can be considered when assessing proposed minor residential units.</p>
7.1.3	General – Definitions	Support	<p>In general, TCC supports the use of consistent terminology across the resource management system, and where relevant, to include relevant meanings for defined terms from other existing legislation.</p> <p>We note the difference in terminology between the NES-GF and the Building and Construction (Small Stand-alone Dwellings) Amendment Bill as discussed below.</p>	Retain.
7.1.4	D1 Minor residential unit	Support in part	The NES-GF and the Building and Construction (Small Stand-alone Dwellings) Amendment Bill use different terminology, with the NES-GF using 'minor residential units' and the Amendment	Align the terminology between the NES-GF and the Building and Construction (Small Stand-alone Dwellings) Amendment Bill 2025.

	Provision	Position	Discussion/Issue	Relief Sought
			Bill using 'small stand-alone dwellings'. While the background of these arises from the terminology already used in the RMA and the Building Act 2004 it is likely to cause confusion for property owners.	

7.2 National Environmental Standards for Granny Flats (Minor Residential Units) (NES-GF) - Questions

Q #	Question	Position	Discussion/Issue	Relief Sought
57.	Are the proposed provisions in the NES-GF the best way to make it easier to build granny flats (minor residential units) in the resource management system?	No	Please see discussion on 'General point on minor residential units' above.	Amend to exclude residential zones with operative MDRS from the NES-GF. AND Amend to exclude Māori Purpose Zones, or their equivalents, from the NES-GF. OR If, the NES-GF is to be applied to residential zones with operative MDRS then we seek alignment with the MDRS for efficient implementation.
58.	Do you support the proposed permitted activity standards for minor residential units?		See below for TCC's position on each proposed permitted activity standard.	
	A maximum 70-square metre internal floor area	No	Our preference is that the measurement is based on gross floor area. If gross floor area is used it will be easier for councils to undertake compliance checks if required, either remotely via GIS platforms, or through physical inspection of the site without having to access the interior of the granny flat. Using internal floor area will limit Council's ability to undertake enforcement action as internal access may not be granted easily.	Amend the measurement to be based on gross floor area.
	One minor residential unit per	Yes	We agree with the premise of one minor residential unit per site as any extension beyond this could impact on the demand for	Amend the NES-GF to provide for minor residential units but limit total dwellings on a site

Q #	Question	Position	Discussion/Issue	Relief Sought
	site in common ownership with the principal residential unit on the same site		infrastructure. With no resource or building consent requirements for minor residential units, councils will be limited in determining where demand could exceed the capacity of council infrastructure and there is no ability to assess this. Therefore, if the NES-GF is to be applied to residential zones with operative MDRS then we seek alignment with the MDRS for efficient implementation.	to three to not exceed the MDRS density standards.
	50 per cent maximum building coverage in residential zones, mixed-use zones and Māori purpose zones (with no maximum coverage in rural zones)	Yes	This aligns with the MDRS standards; however, the wording is different to that of the MDRS and should be aligned for consistency.	Amend wording to read: The maximum building coverage must not exceed 50% of the nett site area.
	Minimum front and side boundary setbacks of 2 metres in residential zones	No	The MDRS setbacks are more lenient, enabling a more efficient use of land, especially on smaller sites.	Amend setbacks in the residential zones to align with the MDRS.
	2-metre setbacks from principal residential unit	Unsure	The proposed 2-metre setback from the principal residential unit does not represent an efficient use of land, especially on smaller sites. Minor residential units may be incorporated into the bulk of the principal residential unit provided the level of amenity is commensurate with that provided for the zone (noting that Building Act requirements should address construction or fire related risks).	Delete to enable the minor residential unit to be incorporated into the bulk of the principal residential unit.
59.	Do you support district plans being able to have more lenient standards for minor residential units?	Yes	TCC supports district plans being able to have more lenient standards for minor residential units.	Retain.
60.	Should the proposed NES-GF	Yes	Where appropriate, the Building Act 2004 and the NES-GF should align to reduce confusion for property owners and	Align the NES-GF and Building Act 2004 where appropriate.

Q #	Question	Position	Discussion/Issue	Relief Sought
	align, where appropriate, with the complementary building consent exemption proposal?		councils monitoring and compliance. However, this should be balanced with an efficient and effective resource management system, i.e. creating a bespoke set of permitted activity rules for a specific typology in order to match Building Act 2004 specifications is likely to create more complexity in district plans and should be avoided.	
61.	Do you support the proposed list of matters that local authorities may not regulate in relation to minor residential units? Should any additional matters be included?	No	<p>By excluding matters that local authorities may regulate, the NES-GF effectively creates a bespoke set of rules for minor residential units. Excluding these rules also lessens the amenity and access standards for minor residential units compared to similar housing types enabled by the MDRS and has the potential to create confusion for Plan users and council's consenting and compliance functions.</p> <p>Further, we are concerned that the proposed NES-GF will allow resource consent applicants to utilise the more lenient minor residential unit standards as a permitted baseline for larger dwellings, further reducing onsite amenity.</p>	<p>Amend proposed standards in the NES-GF to align with the MDRS in the residential zones.</p> <p>AND</p> <p>Amend to allow councils to manage access requirements.</p> <p>AND</p> <p>Amend to allow councils to manage parking standards such as manoeuvring where property owners propose to provide for parking.</p>
	Individual outdoor space	No	These should align with MDRS requirements as they are considered the baseline for living standards, though the outdoor space could be shared by the principal and minor residential units.	Amend proposed standards in the NES-GF to align with the MDRS in the residential zones.
	Glazing, privacy or sunlight access	No	These should align with MDRS requirements as they are considered the baseline for living standards.	Amend proposed standards in the NES-GF to align with the MDRS in the residential zones.
	Parking and access	No	<p>Territorial authorities cannot set minimum car parking requirements, other than accessible, bus, and service parking, as set out under Policy 11 of the National Policy Statement on Urban Development. However, territorial authorities can set parking dimensions and manoeuvring standards where parking is provided and is able to set access requirements.</p> <p>The City Plan includes access requirements related to vehicle access to strategic road network or collector roads, location of access points from an intersection, minimum site distances and minimum carriageway widths for access. It is important that councils can continue to set standards for access to residential</p>	<p>Amend to allow councils to manage access requirements.</p> <p>AND</p> <p>Amend to allow councils to manage parking standards where property owners propose to provide for parking.</p>

Q #	Question	Position	Discussion/Issue	Relief Sought
			units to provide for emergency services access, waste collection and on-site pedestrian movement to ensure the safe and efficient operation of the transport network. If access is proposed to be excluded, then the NES-GF needs to be specific on what is being excluded, e.g. pedestrian access, so that councils can efficiently implement any necessary changes, or identify conflicts, in their District Plans.	
62.	Do you support existing district plan rules applying when one or more of the proposed permitted activity standards are not met?	Yes	TCC supports existing district plan rules for minor residential development applying where a development does not meet one or more of the permitted activity standards.	Retain.
63.	Do you support the list of matters that are out of scope of the proposed NES-GF? Should any additional matters be included?	Support in part	The proposed NES-GF is silent on the ability to consider noise requirements. Ambient noise levels vary across cities which is reflective of a varied built environment that often include an airport, port, strategic road infrastructure, rail networks and mix of residential activities, rural, commercial and industrial activities. To ensure efficient operation of key infrastructure, ensuring provision for acoustic mitigation in high noise environments is important, especially around the airport, strategic road infrastructure and rail networks which are excluded from the meaning of excessive noise under s326 of the RMA. In Tauranga, households are provided with four bins (general waste, recycling, glass recycling, food waste), with an additional green waste bin available on a user pays basis. If the granny flat is required to be separately serviced for waste collection, a waste management standard will be necessary including minimum dimension, location, and screening. This will ensure waste storage is appropriately located and does not create adverse amenity effects for adjacent sites. It is important that the NES-GF is explicit on what rules apply and what rules do not apply. For example, the NES-GF proposes a maximum building coverage to help manage the volume of stormwater run-off. However, stormwater run-off is	Amend to add the following matters as being out of scope of the NES-GF: <ul style="list-style-type: none"> Noise Waste management <p>AND</p> <p>Provide clear direction on whether standards and rules in district plans that seek similar outcomes or control similar effects to the listed out of scope matters can be considered when assessing proposed minor residential units.</p>

Q #	Question	Position	Discussion/Issue	Relief Sought
			impacted by a number of factors and as a result may be controlled through multiple rules in a district plan including impervious surfaces and soft landscaping requirements. Therefore, councils need clear direction on whether standards and rules in district plans that seek similar outcomes or control similar effects to the listed out of scope matters can be considered when assessing proposed minor residential units.	

7.3 National Environmental Standards for Papakāinga (NES-P) - Specific comments

	Provision	Position	Discussion/Issue	Relief Sought
7.3.1	General	Support	TCC generally supports the proposal to permit papakāinga (subject to various conditions) on zones for Māori purposes, residential purposes, and rural purposes. However, the NES needs to ensure that local authorities are able to provide plan provisions that provide for the aspirations of tangata whenua on whenua Māori. It is acknowledged that every district is different in whether they provide for papakāinga development, however there are some districts such as Tauranga city that have comprehensive rules for papakāinga that have been developed in partnership with iwi and hapu. The barriers to development are often not the Tauranga City Plan (City Plan), but land trust and hapu capacity, financing and infrastructure constraints.	Retain , subject to recommended amendments as described in this submission below
7.3.2	General – Definitions	Support	TCC supports the use of consistent terminology across the resource management system and where relevant to include relevant meanings for defined terms from other existing legislation.	Retain .
7.3.3	D1 Māori ancestral land	Support	TCC generally supports the proposed definition for 'Māori ancestral land' and considers that the definition(s) should be aligned with any proposed changes to Te Ture Whenua Maori Act 1993 in relation to 'Māori freehold land', 'general land owned by Māori' and 'Māori Reservations'.	Retain and consider alignment with any proposed changes to Te Ture Whenua Maori Act 1993 in relation to 'Māori freehold land', 'general land owned by Māori' and 'Māori Reservations'.
7.3.4	D14 Papakāinga development	Support in part	TCC generally supports the inclusion of a definition for the term 'papakāinga development'. The proposed definition refers to	Amend the definition of 'Papakāinga development' as follows:

	Provision	Position	Discussion/Issue	Relief Sought
			<p>'housing' which is not defined in the NES nor the National Planning Standards. It is also noted that the term housing is not used elsewhere within the NES or other National Direction instruments.</p> <p>TCC considers the definition should be amended to include the term 'residential activity' as defined in the National Planning Standards for consistency across National Direction instruments. The use of 'residential activity' will also be more aligned with the use of the term 'non-residential activity' within this NES.</p>	<p>means the use of housing residential activities and ancillary activities on Māori ancestral land or Treaty settlement land that enables the owners to use their land and live in accordance with their culture, in perpetuity. Sometimes papakāinga are located near a marae.</p> <p>Includes the following terms used in district plans: 'kāinga nohoanga', 'Māori housing development', 'marae community', 'papakāinga scheduled sites'.</p>
7.3.5	General – Zones Provisions D26, D27, and D28	Support in part	<p>It is not clear in the NES whether councils that have not implemented the National Planning Standards apply the 'nearest equivalent zone' where there is reference to a 'zone' in the definitions for:</p> <ul style="list-style-type: none"> • Zones for Māori purposes • Zones for residential purposes • Zones for rural purposes <p>TCC seeks clarity on whether the NES applies to the 'nearest equivalent zone'.</p>	<p>Amend to add clause to the NES to include reference to a 'zone' as:</p> <ol style="list-style-type: none"> a reference to that zone as described in Standard 8 (Zone Framework Standard) of the National Planning Standard; or a reference to the nearest equivalent zone, in relation to local authorities that have not yet implemented the Zone Framework in the National Planning Standard.
7.3.6	PA1 Papakāinga development of up to 10 residential units on Māori ancestral land in a zone for rural or residential purposes or zone for Māori purposes	Support in part	<p>TCC generally supports the intent of this rule. However, it is not clear whether this activity applies on a per 'site' basis (as defined in the National Planning Standards).</p> <p>The City Plan provides for and enables papakāinga development (in zones for Māori purposes) on a 'per zone' basis. For example, the Urban and Rural Marae Community Zones are located around existing marae and provides for papakāinga development, residential and non-residential activities (subject to standards), across those zones which are made up of multiple adjoining land parcels or 'sites'. This means that if the NES applies on a per 'site' basis, the NES could enable papakāinga developments at a scale of up to approximately 300 residential units (across multiple sites) within some zones in the City Plan that is for Māori purposes.</p> <p>Additionally, clarification is sought on whether the NES has the intent to manage permanent or long-term rental housing (separate to visitor accommodation which is anticipated for</p>	<p>Amend PA1 to include what measurement of land area papakāinga development applies to e.g. is it on a per 'site' basis;</p> <p>AND</p> <p>Amend to add a clause to clarify whether rental housing (separate to visitor accommodation) on general land is enabled and/or managed by this NES.</p>

	Provision	Position	Discussion/Issue	Relief Sought
			accommodating short-term visitors) within papakāinga developments on general land. For instance, could tangata whenua rent out housing within papakāinga and still apply the provisions of this NES. TCC does not see a need for the NES to manage rental housing.	
7.3.7	PA2 Ancillary non-residential activities	Support in part	<p>TCC generally supports enabling limited non-residential activities where it is directly related to the residential activities and there is a direct benefit to residents of the papakāinga development. However, raise concern in relation to the use of the term 'commercial activities', the lack of standards to appropriately limit the scale of these non-residential activities, and uncertainty on whether other non-residential activities (that are not listed) can be permitted in a district or unitary plan.</p> <ol style="list-style-type: none"> 1. Regarding the use of the term 'commercial activity', it is not clear whether alternative terms such as 'home business' (as defined in the National Planning Standards) were considered as part of this NES. TCC considers that the term 'home business' is more appropriate in the context of this NES because by definition, the activity is required to be incidental to the use of the site for a residential activity. 2. Regarding scale of these non-residential activities, the Regulatory Impact Statement refers to 'small-scale'. The proposed provisions only include very limited direction on what is considered to be 'small-scale' and where a scale has been stipulated, there is no certainty on how it is to be applied. For example, it is proposed that ancillary commercial activities of up to 100m² be permitted. However, it is not clear whether the 100m² limit applies per commercial activity (potentially enabling a cluster of multiple commercial activities that are each up to 100m²) or per papakāinga development (the cumulative scale of commercial activities being a total of 100m²). <p>The City Plan includes provisions for papakāinga and ancillary non-residential activities with specific standards on the scale of those activities. For example, in the Ngāti Kahu</p>	<p>Amend by replacing 'commercial activity' with 'home business';</p> <p>AND</p> <p>Amend to add specific permitted activity standards limiting the scale of ancillary non-residential activities;</p> <p>OR</p> <p>Amend to add a clause in the NES that enables councils to include specific rules/standards in district and unitary plans that determine what is 'small scale' in a manner that achieves the aspirations of local iwi and hapū;</p> <p>AND</p> <p>Amend to add a clause in the NES that specifies whether non-residential activities that are not listed in PA2 as proposed can be permitted in a district or unitary plan as a more 'lenient' rule.</p>

	Provision	Position	Discussion/Issue	Relief Sought
			<p>Papakāinga Zone, Sub-Zone B (Recreation), the maximum gross floor area of any building shall be 150m² and no more than two buildings are permitted. The standards in the City Plan on zones for Māori purposes (or equivalent) have been established in collaboration with the relevant hapū groups to determine what is an appropriate scale for non-residential activities to achieve their aspirations.</p> <p>For the NES to be effective and efficient, permitted activity standards relating to the scale of non-residential activities should be included. If there are no standards that determine what is an appropriate scale of non-residential activities, there is a risk that those activities may have broad unanticipated impacts on the district. However, acknowledging that district or unitary plans may still choose to have more lenient rules in accordance with R1 of the NES.</p> <p>Alternatively, if standards to determine what is a 'small-scale' non-residential activity are not desirable to be included in the NES, provide councils discretion to include standards in the district plan to determine what is considered to be 'small-scale' for their local context.</p> <p>3. It is not clear whether non-residential activities that are not listed in PA2 as proposed can be permitted in a district or unitary plan as a more 'lenient' rule. For example, the City Plan enables Offices and Produce Stalls as a permitted activity (subject to standards) in some of the zones for Māori purposes.</p>	
7.3.8	PA3 Māori cultural activities	Support	TCC supports the specific inclusion of these activities to ensure interpretation of provisions for non-residential activities does not preclude them.	Retain as proposed
7.3.9	PAS1 Maximum building coverage	Support	TCC generally supports the proposed maximum building coverage and consistency with existing building coverage in the zones for residential purposes introduced by the MDRS (acknowledging this was only a mandatory requirement for tier 1 councils).	Retain as proposed

	Provision	Position	Discussion/Issue	Relief Sought
7.3.10	PAS2 Minimum setbacks from site boundaries	Support in part	TCC generally supports the proposed minimum setbacks and consistency with existing setback requirements in the zones for residential purposes introduced by the MDRS (acknowledging this was only a mandatory requirement for tier 1 councils).	Retain as proposed
7.3.11	PAS3 Applicable rules of the underlying zone	Support in part	<p>TCC generally supports the intent of this standard. However, the list of applicable rules does not capture every rule in a district or unitary plan that may be necessary to ensure the health and safety of residents. TCC suggests that PAS3 be amended to enable councils to choose which rules of the district or unitary plan apply.</p> <p>TCC also raises concern in relation to enabling papakāinga developments as a permitted activity on 'future urban zones'.</p> <p>The zone description for 'future urban zone' in the National Planning Standards states:</p> <p><i>"Areas suitable for urbanisation in the future and for activities that are compatible with and do not compromise potential future urban use."</i></p> <p>TCC considers there is a risk that enabling developments such as papakāinga on future urban zoned land could compromise the planned urbanisation and potential future urban use of that land. Whilst TCC supports enabling papakāinga development on future urban zoned land, TCC considers that to ensure any papakāinga development on future urban zoned land, the NES should include a standard to prepare a plan (could be an Outline Development Plan or similar) demonstrating that the development aligns with any existing, planned or committed development infrastructure identified for future urban development. Reference could be made to an approved planning document (such as a spatial plan or strategic planning document e.g. Future Development Strategy). The purpose of the standard would be to demonstrate that the development will not compromise the efficient delivery of future urbanisation.</p> <p>For consistency across national direction instruments, 'identified for future urban development' could mean the same as defined in the National Policy Statement for Highly Productive Land 2022.</p>	<p>Amend PAS3 as follows:</p> <p>Standards and rules for the following matters shall be determined by the relevant provisions from district or regional plans, or other regulations:</p> <p><u>(a) rules necessary to ensure the health and safety of residents.</u></p> <p><u>(b) rules to ensure development does not exceed the carrying capacity of the site.</u></p> <p><u>(c) rules to manage effects on matters of national importance under section 6 of the RMA.</u></p> <p><u>This may include:</u></p> <ul style="list-style-type: none"> • setbacks from waterways; • setbacks from rail corridors; • building height; • earthworks; • permeable surfaces; • lighting; • noise; • accessways; • waste water and water supply; • natural hazards; • relocatable buildings; and • green infrastructure. <p>AND</p> <p>Add a new permitted activity standard to ensure that efficient development of land within future urban zones is not compromised for future urban development.</p>

	Provision	Position	Discussion/Issue	Relief Sought
7.3.12	M01 Number of permitted papakāinga developments	Support	TCC supports monitoring on the number of papakāinga developed under proposed PA1 and PA2, and other implementation issues.	Retain as proposed
7.3.13	RD1 Papakāinga developments that do not comply with activity conditions or standards	Support	TCC supports applying a restricted discretionary activity status for papakāinga development that does not comply with the permitted activity standards PA1 and PA2.	Retain as proposed
7.3.14	RDM1 Proposed matters of discretion	Support in part	If permitted activity standards for ancillary non-residential activities are included in the NES, new matter(s) of discretion should be included to enable assessment if an ancillary non-residential activity standard is breached.	<p>Amend to add a new matter of discretion for a breach of a non-residential activity standard as follows:</p> <p>Proposed matters of discretion:</p> <ul style="list-style-type: none"> • whether the additional building coverage is appropriate in its context; • the extent to which the siting of the building(s), decks and outdoor areas, relative to adjacent properties and the road frontage, avoid visual domination and loss of privacy and sunlight; and • the extent to which alternative options for siting the papakāinga are available to the land owners (eg, if setbacks on a narrow site, will mean site cannot be used); <p>:- <u>impacts on the role and function of commercial centres and efficiency of the wider commercial network;</u></p> <p>:- <u>whether the non-residential activity maintains the primary purpose of papakāinga developments to directly benefit the residents; and</u></p> <p>:- <u>any other relevant matters of discretion for a non-compliance with a permitted standard (e.g. non-compliance with any additional standards for a small-scale education facility).</u></p>

	Provision	Position	Discussion/Issue	Relief Sought
7.3.15	RD2 Papakāinga developments that do not comply with the applicable rules in the underlying zone	Support in part	<p>In light of the submission point relating to PAS3 above, papakāinga developments that do not comply with the applicable rules in the underlying zone should apply the activity status that is prescribed for a non-compliance with the applicable rule in the relevant district or unitary plan.</p> <p>A district or unitary plan will have included those rules through a schedule 1 process and a decision on the most appropriate activity status has already been tested through that process.</p> <p>This approach will ensure consistency with the requirements and assessment criteria of the relevant district or unitary plan and avoids unnecessary duplication of matters of discretion that are already considered under a district or unitary plan.</p>	<p>Amend as follows:</p> <p>In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga developments on Māori ancestral land that do not comply with the applicable rules in the underlying zone (see PAS3), <u>will have the activity status prescribed by the relevant district or unitary plan for the underlying zone.</u> are proposed to be a restricted discretionary activity.</p> <ul style="list-style-type: none"> RDM2 describes the matters for discretion for decisions on these activities.
7.3.16	RDM2 Proposed matters of discretion	Support in part	<p>In light of the submission point relating to PAS3 and RD2 above, TCC recommends that the NES rely on the applicable matters of discretion in the district or unitary plan.</p> <p>This approach will ensure consistency with the requirements and assessment criteria of the relevant district or unitary plan and avoids unnecessary duplication of matters of discretion that are already considered under a district or unitary plan.</p>	<p>Amend as follows:</p> <p>Proposed matters of discretion:</p> <ul style="list-style-type: none"> the extent to which the distinct characteristics of the standards are appropriate for the proposed papakāinga development may mitigate the issues that the underlying zone rules are intended to protect; the extent to which the health and safety of residents will be protected; the potential effects on the land or natural environment; the extent to which the safe and efficient operation and functioning of the surrounding transport network will be maintained; and the extent to which the proposal will be consistent with relevant obligations under Treaty settlements, including having regard to strategies and visions intended to protect water catchments. <p><u>The applicable matters of discretion in the district or unitary plan.</u></p>

	Provision	Position	Discussion/Issue	Relief Sought
7.3.17	RD4 Non-residential activities that are not permitted	Support in part	TCC generally supports applying a restricted discretionary activity status for non-residential activities (except for industrial activities), subject to clarifying in the NES whether non-residential activities that are not listed in PA2 as proposed can be permitted in a district or unitary plan as a more 'lenient' rule.	Amend to add clause in the NES that specifies whether non-residential activities that are not listed in PA2 as proposed can be permitted in a district or unitary plan as a more 'lenient' rule.
7.3.18		Oppose	<p>TCC does not support applying a restricted discretionary activity status for industrial activities. Industrial activity is defined in the National Planning Standards as:</p> <p><i>means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.</i></p> <p>This definition enables a broad range of activities, and some of these industrial activities are likely to be incompatible or conflict with the primary purpose of papakāinga. Some industrial activities may be incompatible because of the potential of the activity to generate significant adverse effects that are harmful to human health and the environment which does not align with the primary purpose of the NES which is to directly benefit the residents of the papakāinga.</p> <p>The matters of discretion proposed in RDM4 do not adequately enable the appropriate consideration of the potential significant adverse effects generated by industrial activities. Additionally, given the broad range of activities that would fall within the definition of 'industrial activity', it is not appropriate to restrict discretion to only a few discrete matters.</p> <p>For these reasons, TCC considers local authorities should have full discretion to consider any potential adverse effects associated with industrial activities proposed as part of a papakāinga development.</p>	<p>Amend RD4 to exclude 'industrial activities' as a 'non-residential activity' prescribed a restricted discretionary activity;</p> <p>AND</p> <p>Amend to add a new activity for 'industrial activities' as a 'non-residential activity' and prescribe a discretionary activity status.</p>
7.3.19	RDM4 Proposed matters of discretion	Support in part	<p>TCC supports the need to manage effects on the transport network as a matter of discretion.</p> <p>The wording proposed is 'providing for the safe and efficient operation and functioning of the surrounding transport network'. It is not clear what constitutes 'surrounding' as part of the transport network and TCC has concerns that the NES does not</p>	<p>Amend the matter of discretion as follows:</p> <p>Proposed matters of discretion:</p> <ul style="list-style-type: none"> the extent to which the proposed activities: <ul style="list-style-type: none"> are ancillary to residential activities;

	Provision	Position	Discussion/Issue	Relief Sought
			appropriately recognise the operational hierarchy of roads in the transport network. Effects on lower classified roads in TCC's road hierarchy are expected to be more accepted than on a primary (or secondary) arterial road.	<ul style="list-style-type: none"> - are compatible with the scale and predominant residential character of the papakāinga development; - affect the amenity of neighbouring properties; and <p>provide for safe and efficient operation and functioning of the surrounding transport network.</p>
7.3.20	RD6 Papakāinga developments outside zones where they are permitted	Oppose	<p>TCC does not support the proposed restricted discretionary status for papakāinga development outside zones where they are permitted by the NES.</p> <p>The zones where papakāinga development are not permitted are the Commercial and Industrial zones, and any other special purpose zones. TCC questions the appropriateness of enabling papakāinga developments within these zones as a restricted discretionary activity for the following reasons:</p> <ul style="list-style-type: none"> • Conflicts in land use compatibility, particularly in the Industrial Zones where existing and anticipated activities in those zones may generate significant adverse effects that are harmful to human health. Enabling papakāinga within these other zones may impact on the viable and legitimate operation of those existing commercial and/or industrial activities due to reverse sensitive issues if not addressed appropriately; • Constrained supply of land for industrial purposes. SmartGrowth Housing and Business Capacity Assessment 2022 Summary identifies a number of issues with business land capacity over the next 30 years, including insufficient industrial land supply for the medium and long term. Tauranga City has a finite supply of land for industrial purposes, which should be retained for those purposes to not exacerbate existing capacity issues; • Potential economic impacts on the role and function of commercial centres and efficiency of the wider commercial network. <p>The matters of discretion proposed in RDM6 do not adequately enable the appropriate consideration of the potential adverse</p>	<p>Amend as follows:</p> <p>In any zone other than zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga development of up to 30 residential units on Māori ancestral land are proposed be a restricted discretionary activity.</p> <p>RDM6 describes the matters for discretion for decisions on these activities.</p> <ul style="list-style-type: none"> •

	Provision	Position	Discussion/Issue	Relief Sought
			<p>effects of locating papakāinga developments within these other zones. Additionally, given the broad range of activities that could be existing or anticipated in the commercial and industrial zones, it is not appropriate to restrict discretion to only a few discrete matters.</p> <p>For these reasons, TCC considers local authorities should have full discretion to consider any potential adverse effects associated with papakāinga development in zones where it is not permitted under this NES.</p>	
7.3.21	RDM6 Proposed matters of discretion	Oppose	TCC does not support the proposed restricted discretionary status for papakāinga development outside zones where they are permitted by the NES under RD6. Therefore, consequential to that, TCC does not support the matters of discretion proposed and seek a discretionary activity status for the activity described in RD6.	Delete as a consequential change to RD6 and renumber as it applies to RD7.
7.3.22	RD7 Papakāinga developments of 11 to 30 residential units	Support	TCC supports applying a restricted discretionary activity status for papakāinga development of 11 to 30 residential units on Māori ancestral land in zones for rural purposes, residential purposes and Māori purposes, subject to proposed RD8.	Retain as proposed
7.3.23	RDM6 Proposed matters of discretion	Support in part	<p>TCC generally supports the matters of discretion proposed, however, TCC considers there should also be matters relating to the servicing of larger papakāinga developments and impacts on infrastructure capacity. Servicing is an important and fundamental component to the delivery of developments of this scale, particularly where developments are located in a residential zone where there may be constrained infrastructure capacity.</p> <p>TCC supports the need to manage effects on the transport network as a matter of discretion.</p> <p>The wording proposed is providing for the safe and efficient operation and functioning of the surrounding transport network'. As set out above, it is not clear what constitutes 'surrounding' as part of the transport network and TCC has concerns that the NES does not appropriately recognise the operational hierarchy of roads in the transport network. Effects on lower classified</p>	<p>Retain as it relates to RD7;</p> <p>AND</p> <p>Amend to add a matter of discretion as follows:</p> <p>Whether the number of residential units, siting or design of buildings is appropriate will be determined considering:</p> <p>[...]</p> <ul style="list-style-type: none"> - providing for the safe and efficient operation and functioning of the surrounding transport network. • <u>service provision on-site or to existing Council owned water supply, stormwater and wastewater systems, and other network utilities;</u>

	Provision	Position	Discussion/Issue	Relief Sought
			roads in TCC's road hierarchy are expected to be more accepted than on a primary (or secondary) arterial road.	<u>effects of development on the capacity of Council owned water supply, stormwater and wastewater systems.</u>
7.3.24	RD8 Papakāinga development of up to 30 residential units adjacent to intensive indoor primary production, mining, quarrying, or rural industry	Support in part	<p>TCC generally supports the intent of this provision to ensure that health and safety and reverse sensitivity effects are considered and managed.</p> <p>Other activities such as 'industrial activities' (as defined in the National Planning Standards) should be included. Industrial activities have the potential to generate significant adverse effects that are not compatible with residential activities such as noise, odour, dust, fumes and smoke, and discharge of pollutants that are harmful to human health.</p> <p>For this reason, it is appropriate to require papakāinga developments adjacent to industrial activities to assess whether those potential effects are acceptable for future residents. Noting that some of the potential adverse effects mentioned are managed by the regional council and their functions under section 30 of the RMA.</p>	<p>Amend to add industrial activities as follows:</p> <p>Papakāinga developments of up to 30 residential units are proposed to be a restricted discretionary activity where they are located next to intensive indoor primary production, mining, quarrying, or rural industry, <u>or industrial activities.</u></p> <p>• RDM7 describes the considerations for decisions on these activities.</p>
7.3.25	RDM7 Proposed matters of discretion	Support in part	<p>TCC generally supports the intent of the proposed matters of discretion, however raise concerns with some of the wording suggested as it is not adequately directive or is inconsistent with existing accepted terms in the resource management industry:</p> <ul style="list-style-type: none"> • "health and safety" is not a defined term and does not give users of the NES (applicants and council) certainty on what matters are associated with "health and safety". Particularly in relation to assessing potential reverse sensitivity effects from industrial activities, specific matters such as noise, light, dust, odour, and air quality (especially pollutants harmful to human health) should be included as a matter of discretion. Noting that dust, odour and air quality are managed by the regional council. • "proposed activity" is a broad term and in light of this NES being for the provision of papakāinga, the matter of discretion should refer specifically to "papakāinga development" for consistency. 	<p>Amend the proposed matters of discretion as follows:</p> <p>Proposed matters for discretion:</p> <ul style="list-style-type: none"> • the likely effects of the neighbouring activity on the health and safety of papakāinga residents, <u>including from noise, light, dust, odour, and air quality;</u> • the effects of the <u>proposed activity papakāinga development</u> on the continued operation, or future expansion of the existing activities <u>in the surrounding area on adjacent properties;</u> • the size, location and design of open space and the extent to which <u>landscaping such as</u> trees and plantings are utilised for mitigating adverse effects; and

	Provision	Position	Discussion/Issue	Relief Sought
			<ul style="list-style-type: none"> “surrounding area” is not consistent terminology used in other planning documents. Terms such as ‘adjoining’ and/or ‘adjacent’ that have been tested in the legislation and through planning decisions should be used. For consistency with other proposed provisions such as RD8 of this NES, TCC recommends referring to ‘adjacent’ properties. there may be other appropriate forms of landscaping that is not limited to trees and plantings that can be utilised for mitigating adverse effects. 	<ul style="list-style-type: none"> the extent to which alternative options for siting the papakāinga are available to the land owners.
7.3.26	DA1 Papakāinga developments of more than 30 residential units	Support	TCC supports prescribing a discretionary activity status for more than 30 residential units.	Retain as proposed
7.3.27	N1 Limited notification for papakāinga developments of up to 30 residential units	Support	TCC supports limiting notification of papakāinga developments with restricted discretionary activity status to iwi authorities, joint management entities, the New Zealand Transport Agency (if the development will access a state highway), local authorities and immediate neighbours.	Retain as proposed
7.3.28	R1 District plan rules may be more lenient than the NES	Support in part	<p>Recognising that the City Plan includes provisions for enabling papakāinga that is generally more lenient than the NES, TCC supports enabling local authorities to apply methods, including rules, in its district plans that are more enabling of papakāinga developments where iwi and hapū have influenced those provisions to ensure development aspirations are accurately reflected.</p> <p>However, TCC seeks clarification on which methods or rules apply where a district plan rule may be silent on standards that are included in the NES. i.e. does the City Plan prevail only for those rules that are more lenient, but the NES applies where the City Plan is not more lenient or is silent?</p> <p>For example, in the Rural Zone of the City Plan, there is no permitted activity standard that restricts the maximum building coverage. It is proposed to introduce a maximum building coverage of 50% in zones for rural purposes. As the Plan is</p>	Amend the NES to state which planning document (i.e. NES or district/unitary plan) applies when a district or unitary plan is silent on a matter covered by the NES.

	Provision	Position	Discussion/Issue	Relief Sought
			silent on building coverage, is this considered to be 'more lenient' or does the NES standard apply? If this is not clarified there is a high risk of confusion and complexity for Plan users.	
7.3.29	IM1 Implementation approach	Support	TCC supports the NES applying with immediate effect in all local authorities.	Retain as proposed
7.3.30	IM2 Consent applications already underway (transitional provision)	Support	TCC supports the district plan rules applying for resource consent applications for papakāinga already underway when the NES takes effect.	Retain as proposed

7.4 National Environmental Standards for Papakāinga (NES-P) - Questions

Q #	Question	Position	Discussion/Issue	Relief Sought
66.	What additional permitted activity standards for papakāinga should be included?	N/A		Amend to add the following standards (aligned with the MDRS where applicable) for papakāinga developments in zones for residential purposes: <ul style="list-style-type: none"> • Building Height in relation to boundary. • Outdoor living areas (individual or communal) – ensuring that the ancillary non-residential activities do not impede on outdoor living areas. • Waste Management Area.
70.	Should the NES-P specify that the land containing papakāinga on general land cannot be	No		The NES-P should not specify that the land containing papakāinga on general land cannot be subdivided in future. There may be circumstances where it may be appropriate to subdivide land containing papakāinga and there should be a consenting pathway to consider the merits of those circumstances. For example,

Q #	Question	Position	Discussion/Issue	Relief Sought
	subdivided in future?			land in a rural zone may want to subdivide the area of land used for primary production or other activities from the area of land used for papakāinga. TCC considers that a blanket approach to not enable subdivision of general land containing papakāinga is unnecessarily restrictive. The NES should rely on the consenting pathways within the underlying district / city plan provisions relating to subdivision.

7.5 National Policy Statement for Natural Hazards (NPS-NH) – Specific comments

	Provision	Position	Discussion/Issue	Relief Sought
7.5.1	Activities and environments	Support	TCC supports the clear direction that the NZCPS prevails where there is inconsistency in policy direction with regard to managing natural hazard risk in the coastal environment.	Retain as proposed.
7.5.2	Infrastructure and primary production	Support	TCC supports the exemption of some infrastructure from this interim NPS-NH because the management of climate change impacts and natural hazard risks to infrastructure (as defined in the RMA) should be addressed comprehensively through the proposed future natural hazards legislation, ensuring alignment across planning instruments and enabling a more integrated, long-term approach to risk management. TCC supports the inclusion of infrastructure such as education facilities and hospitals in the NPS-NH, as these types of facilities should be subject to site-specific risk assessments to ensure that risk to life is avoided, mitigated or reduced.	Retain as proposed.

	Provision	Position	Discussion/Issue	Relief Sought
7.5.3	D1 Significant risk from natural hazards	Oppose	<u>Climate change scenario</u> There is a risk that the definition for 'significant risk from natural hazard' can be met by considering and planning for current climate only. As drafted, the NPS-NH does not provide guidance on the selection or application of specific climate change scenarios. Nor does it explicitly require that climate change be factored into natural hazard risk assessments. This is a significant gap, given the growing and well-documented impact of climate change on the frequency and severity of natural hazards across New Zealand.	Amend definition to require risk assessments to consider climate change.
7.5.4		Oppose	<u>Natural Hazard specific event scenarios</u> As currently drafted, the requirement to assess risk for all natural hazards across all probable scenarios listed in the risk matrix lacks practicality and may not reflect the nature or available data for certain hazards. For example, the Bay of Plenty Regional Policy Statement provides clear direction by requiring assessment of one primary and two secondary scenarios, for each individual natural hazard. For example, flooding requires a risk assessment for a 1% AEP event for the primary scenario and 2% and 0.2% AEP events for secondary scenarios. A similar approach would improve clarity and ensure more practical application of the standard.	Amend the definition to specify which event scenarios or return periods are applicable to each natural hazard type, to support consistent and practical implementation of the risk assessment.

	Provision	Position	Discussion/Issue	Relief Sought
7.5.5		Oppose	<p><u>Rationale for extreme event thresholds</u></p> <p>It is unclear what planning benefit is gained by requiring risk assessments for events at either end of the risk spectrum. Assessing risk for a 1% AEP event already addresses the risks from more frequent events such as the 10% AEP event. Conversely, requiring assessment of extremely rare events, such as a 0.02% AEP (1-in-5000-year) event, raises significant challenges. At such low probabilities, there is limited reliable data to support accurate modelling, which makes the results highly uncertain. This level of uncertainty may lead to inconsistent assessments between different developments or practitioners. Requiring consideration of such rare scenarios may not add meaningful value to land use decisions but could instead act as an unnecessary barrier to development in areas where the actual risk is low.</p> <p>Additionally, it is noted that some hazards are better aligned with certain events based on frequency. For example, flooding occurs more frequently, while a tsunami is less frequent.</p>	<p>Clarify and provide guidance on how the outcomes of a risk assessment should inform the response in site-specific subdivision or land use planning decisions.</p>
7.5.6		Support in part	<p><u>'Medium' risk as 'significant' risk</u></p> <p>If 'medium risk' is classified as significant, it becomes unclear how councils can refine the definition to be more comprehensive and risk averse. Traditionally, medium risk has been considered tolerable with appropriate management, allowing councils to apply a proportionate response. As proposed, the risk assessment could classify a site as having 'significant risk' even if mitigation has effectively reduced the risk from medium to low. The definition should be revised to ensure that "medium" risk is treated as significant only when design solutions are insufficient to effectively mitigate the risk.</p>	<p>Amend definition to ensure that "medium" risk is treated as significant only when design solutions are insufficient to effectively mitigate the risk.</p> <p>The definition could be amended as follows: <u>'Significant natural hazard risk' means risk assessed as 'high' or 'very high' using the risk matrix, or 'medium' where risk cannot reasonably be mitigated to 'low'.</u></p>

	Provision	Position	Discussion/Issue	Relief Sought
7.5.7		Neutral	<u>Resourcing</u> Council staff will be required to carry out technical peer reviews of risk assessments and resource consent applications, which may impact their ability to progress other ongoing projects. While costs are recoverable, to meet this demand, council may need to either divert resources or invest in additional resourcing. This NPS will also impact the resourcing for private and council-led plan changes.	When developing the final NPS-NH consider the ongoing resourcing requirement on councils to implement the NPS-NH, including resourcing required to carry out technical peer reviews of the risk assessments.
7.5.8	D2 New development	Support	Provides clear direction on what 'new development' means.	Retain as proposed.
7.5.9	P2 Climate change timeframes	Support	TCC supports this policy as it aligns with the NZCPS.	Retain as proposed.
7.5.10	P3 Proportionate management	Support in part	The proposed policy states that, 'Local authorities must proportionately manage natural hazard risk, including significant risk'. The term 'significant risk' is not the same as the defined term which is, 'significant risk from natural hazards'. It is recommended that the defined term is used for certainty.	Amend the term 'significant risk' to the defined term, 'significant risk from natural hazards'.
7.5.11	P5 Significant risk from natural hazards not exacerbated on other sites	Support in part	The proposed policy uses the term, 'significant natural hazard risk'. This is not the defined term. It is recommended that the defined term is used to avoid unnecessary litigation.	Amend the term 'significant natural hazard risk' to the defined term, 'significant risk from natural hazards'.
7.5.12		Support in part	TCC supports the intent of this policy, however notes that the proposed policy only considers exacerbation of significant natural hazard risk. It is also important that new risk is not <i>created</i> on a previously hazard-free site.	Amend the policy as follows: New subdivision, use and development, including mitigation measures, must not create or exacerbate significant risk from natural hazards risk on other sites or locations.

	Provision	Position	Discussion/Issue	Relief Sought
7.5.13		Support in part	As proposed, it is unclear what 'exacerbate' means in this context. Does it mean that the risk level increases from one level to the next, e.g. the risk level increase from 'High' to 'Very High'? Or does it include increases in risk within a single risk level? There is an interpretation risk here, for example, small increases in flood depth (e.g. 50mm) could be deemed to be exacerbating risk, complicating consenting process and/or inhibiting development.	Clarify either through guidance or as a note in P5 what the term 'exacerbate' means in the context of this NPS.
7.5.14	IM1 Implementation time frames	Support	Given the anticipated legislative changes, TCC would prefer to undertake a comprehensive Natural Hazards plan change or include it in a combined plan, when Phase 3 of the RM Reforms is enacted, avoiding misalignment with new national policy directions, and unnecessary duplication of effort.	Retain as proposed.

7.6 Part 3.3: National Policy Statement for Natural Hazards (NPS-NH) - Questions

Q #	Question	Position	Discussion/Issue	Relief Sought
74.	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?	Yes	This allows for area specific assessment.	No specific relief sought.

Q #	Question	Position	Discussion/Issue	Relief Sought
75.	How would the proposed provisions impact decision-making?	N/A	<p>They would potentially require every landuse and subdivision consent application to step through a risk assessment process to either:</p> <ol style="list-style-type: none"> Prove that the development is not affected by a natural hazard (which is unlikely if they must identify risk for a 0.02% AEP event); or Demonstrate that the application has regard to OB1 and the related policies. <p>Additionally, there will be costs to the applicant and council to undertake and peer review the risk assessment and identify/agree on a proportionate response on a site-specific basis, which could be particularly difficult if the two have differing opinions on which AEP event should be managed from the risk matrix. As noted in the submission, the very rare scenarios could be used to inhibit development from occurring.</p> <p>The proposed provisions also don't provide direction on whether climate change should be taken into account, in which case, it is likely that councils will have to accept risk assessments that use current-day climate to identify future risk.</p>	Amend definition of D1 'Significant risk from natural hazards' to require risk assessments to consider climate change.
77.	Do you support the definition of significant risk from natural hazards being defined as very high, high, medium risk, as depicted in the matrix?	No	<p>If 'medium risk' is classified as significant, it becomes unclear how councils can refine the definition to be more comprehensive and risk averse. Traditionally, medium risk has been considered tolerable with appropriate management, allowing councils to apply a proportionate response. As proposed, the risk assessment could classify a site as having 'significant risk' even if mitigation has effectively reduced the risk from medium to low. The definition should be revised to ensure that "medium" risk is treated as significant only when design solutions are insufficient to effectively mitigate the risk.</p>	<p>Amend definition to ensure that "medium" risk is treated as significant only when design solutions are insufficient to effectively mitigate the risk.</p> <p>The definition could be amended as follows: <u>'Significant natural hazard risk' means risk assessed as 'high' or 'very high' using the risk matrix, or 'medium' where risk cannot reasonably be mitigated to 'low'.</u></p>

Q #	Question	Position	Discussion/Issue	Relief Sought
79.	How will the proposed proportionate management approach make a difference in terms of existing practice?	N/A	This proposed approach of proportionate management on a site-specific level may be fine as an interim measure but site specific management should not be used in long-term landuse planning. It is essential that long-term landuse planning aligns with infrastructure and funding decisions. It is impossible to do so if a site-specific 'proportionate' approach is used to manage natural hazard risk.	No specific relief sought.
80.	Should the proposed NPS-NH direct local authorities to use the best available information in planning and resource consent decision-making?	Yes	Yes, it should but it is noted that in many cases it may be required to commission a new report. Additionally, where councils do not hold the relevant information, the applicant will be expected to provide the appropriate technical reports.	No specific relief sought.
81.	What challenges, if any, would this approach generate?	N/A	It will create some uncertainty for applicants regarding the information required from them, which would result in increased costs for applicants.	No specific relief sought.

Q #	Question	Position	Discussion/Issue	Relief Sought
82.	What additional support or guidance is needed to implement the proposed NPS-NH?	N/A	<p>If the expectation is that risk assessments under the NPS-NH incorporate climate change impacts, it is essential that national-level direction is provided. Without such guidance, regional and local authorities are left to interpret this requirement independently, resulting in inconsistent and potentially ineffective outcomes on which Shared Socioeconomic Pathway (SSP) are applied. At present, the Ministry for the Environment (MfE) guidance⁴ offers climate change scenario guidance only in relation to coastal hazards. This leaves a vacuum in how other hazard types - such as landslides or drought - should account for future climate impacts.</p> <p><u>Rationale for extreme event thresholds</u></p> <p>It is unclear what planning benefit is achieved by assessing risk for events at either end of the risk matrix. Managing the risk from a 1% AEP (Annual Exceedance Probability) event inherently addresses and reduces risk from more frequent events such as the 10% AEP event. Conversely, 0.02% AEP event may be too rare and uncertain to form a realistic or useful basis for subdivision and land use planning decisions.</p> <p><u>Exacerbate</u></p> <p>As proposed, it is unclear what 'exacerbate' means. Does it mean that the risk level increases from one level to the next, e.g. the risk level increase from 'High' to 'Very High'? Or does it include increases in risk within a single risk level?</p>	<p>Provide guidance:</p> <ol style="list-style-type: none"> 1. For a nationally consistent approach to climate scenario/SSP selection across all relevant hazard types. 2. On how the outcomes of a risk assessment should inform the response in site-specific subdivision or land use planning decisions. 3. On what the term 'exacerbate' means in the context of this NPS.
83.	Should the NZCPS prevail over the proposed NPS-NH?	Yes	The NZCPS should prevail over the proposed NPS-NH because it specifically addresses coastal hazards. Its provisions have already been tested in court, giving councils and applicants a reliable framework to follow. Relying on the NZCPS ensures consistency, prevents unnecessary legal disputes over previously resolved issues, and saves time and resources by avoiding redundant litigation.	Retain as proposed.

⁴ Ministry for the Environment, Coastal hazards and climate change guidance, <https://environment.govt.nz/publications/coastal-hazards-and-climate-change-guidance/>

8. Section 4: Implementation of infrastructure and development instruments

8.1 Implementation questions

	RMA Provision	Position	Discussion/Issue	Relief Sought
84.	Does 'as soon as practicable' provide enough flexibility for implementing this suite of new national policy statements and amendments?	Yes	<p>Requiring national policy statement to implemented 'as soon as practicable' does provide enough flexibility for council to plan their work programme to give effect to the relevant document. To progress a plan change requires funding and resourcing through the Long Term Plan. Therefore, flexibility needs to be provided to councils to confirm their work programme. Where there are multiple national policy statements to give effect to, councils can also make decisions on what is most relevant to their district or region.</p> <p>It is anticipated that through Phase 3 of the resource management reform that national direction will be accompanied with nationally standardised provisions. This will assist councils to implement national direction within a practical timeframe as less resource is required to prepare provisions.</p>	Retain 'as soon as practicable' requirements for implementation.
85.	<p>Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient?</p> <p>a. If not, what would be better, and why?</p> <p>b. If yes, what time period would be reasonable (eg, five years), and why?</p>	No	<p>Providing flexibility by requiring councils to give effect to national policy statements 'as soon as practicable' is preferred.</p> <p>Requiring a time period to give effect to a national policy statement should only apply where it is considered an urgent resource management issues to be responded to. The time period to implement, should consider Long Term Plan timing and enable sufficient time for councils to resource and fund the plan change. Councils have work programmes where budgets and resourcing may be focused on other plan changes and projects. Therefore, councils need sufficient time to include these plan changes requirements within their work programme.</p> <p>If a time period is required to give effect, councils need certainty that there will be no amendments to that national policy statement. There have been recent examples where councils have invested heavily to progress a plan change to give effect to a national policy statement, which has then been amended.</p>	Retain flexibility for councils to implement national policy statements.

86.	Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review?	No	Councils are consistently progressing plan changes to resolve resource management issues. When progressing a plan change, council is required to give effect to national policy statements, even if this is not the purpose of the plan change. This has resulted in plan changes implemented new provisions in an ad hoc approach and inconsistent way. When giving effect to a national policy statement, this should be through a specific plan change or at the plan review stage. This will ensure that the plan change can give effect to the national policy statement in a comprehensive manner.	Seek that implementation of a national policy statement is given effect through one comprehensive plan change or the preparation of new district plans once the new acts are enacted through Phase 3 of the resource management reforms.
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9. Conclusion

- 9.1 TCC welcomes the opportunity to submit on Package 1 and generally supports the proposed amendments. Our submission sets out the specific changes to provide clarity, efficient and effective implementation of the RMA.



Submission

National Direction Package 2: Primary sector July 2025

1. Introduction

- 1.1 Tauranga City Council (TCC) welcomes the opportunity to submit on Package 2: Primary sector.
- 1.2 If there is an opportunity, TCC would like to be heard.
- 1.3 We are available to discuss our submission further with you or provide additional information and evidence that would be of assistance. Enquiries should be directed to:

Andrew Mead, Manager: City Planning & Growth

027 763 5762

andrew.mead@tauranga.govt.nz

- 1.4 TCC consents to the publication of this submission.

2. Overview of TCC's submission on Package 2

- 2.1 TCC supports the general intent of the new and amended instruments proposed as part of Package 2, in particular:
 - a. Amendments to the National Policy Statement for Highly Productive Land 2022 to unlock urban development capacity by providing for urban growth.
- 2.2 However, TCC has a number of specific submission points that seek to clarify the intent of the National Direction or seek minor changes to improve efficiency and effectiveness. Ensuring that the National Direction contained in Package 2 is coherent, navigable and achieves its intended purpose is essential in ensuring its successful implementation.

3. Context and background

Tauranga City Council is a high-growth Council and Faces Challenges with Growth Management.

- 3.1 TCC is a high-growth council and faces challenges with growth management. Tauranga is the fourth smallest territorial authority by land area at 135km² and has experienced sustained levels of high growth driven by strong inward migration and to a lesser extent natural population increase. This strong growth is projected to continue in the future.

4. Overview of submission structure

- 4.1 This submission is structured in topics as follows:
 - General comments
 - NPS-Highly Productive Land 2022
 - Implementation Questions

- 4.2 Where this submission proposes amendments, these are shown in **red** text as either a ~~strike-out~~ for deleted text or underlined for additional text.

5. General

- 5.1 TCC would like to note the difficulty with providing feedback on the National Direction within Package 2 in the absence of detailed wording for some instruments. It would be helpful to see exposure drafts to enable us to fully understand the implications and provide feedback.
- 5.2 TCC support the suggested approach to implementation across all the National Direction instruments. That is, that councils are not required to advance plan changes within a specific timeframe to give effect to the national policy statements and that these changes will happen through Phase 3 of the Resource Management Reform. The National Direction will primarily be implemented through the resource consent processes.
- 5.3 TCC considers that the current suite of National Direction contains conflict and uncertainty, which has led to frustration and litigation over the years. The Government has said that these changes are intended to improve consistency between pieces of National Direction. However:
- (a) Not all conflicts between competing pieces of National Direction have been resolved. We expect that current hurdles in the consenting and policy making process will remain where parties are required to reconcile conflicting national policy statements; and
 - (b) Given the broad range of National Direction to be amended or introduced, and that drafting of some of the proposed changes is not available, the risk of unanticipated conflicts as a result of these amendments remains.

6. Primary Sector Package

6.1 Part 2.4: National Policy Statement for Highly Productive Land (NPS-HPL) - Questions

Q #	Question	Position	Discussion/Issue	Relief Sought
25.	Should LUC land be exempt from NPS-HPL restrictions on urban development (leaving LUC 3 land still protected from rural lifestyle development) Or, should the restrictions be removed for both urban development and rural lifestyle development?	Just urban development	<p>The Governments' objective in removing LUC 3 from protection under the NPS-HPL is to remove restrictions on urban development to help meet its plan under Going for Housing Growth (GfHG) to get more houses built and work towards addressing the housing crisis. TCC supports the governments' objective of increasing housing given Tauranga's housing shortage and significant growth projection. With our constrained geography, Tauranga has limited development options, and some of these long-term development options are located on LUC 3 land. Without removing current NPS-HPL restrictions on the use of LUC 3 land for urban development we are unlikely to be able to meet housing and business land capacity requirements in future.</p> <p>However, the Regulatory Impact Statement outlines that the majority of LUC 3 land that is not used for land based primary production is used for rural lifestyle. Rural lifestyle development causes land fragmentation and makes it very difficult for efficient urban development in the future due to land assembly with multiple owners of land, and generally higher property values. Therefore, using LUC 3 land for rural lifestyle development is not an efficient or effective use of land as it neither provides for primary production nor delivers enough housing to meet demand.</p> <p>It is noted that there is currently no definition in the NPS-HPL for urban development, and the definition of <i>urban</i> includes low density and large lot residential zones, which provides for rural lifestyle development and as set out above is not an efficient or effective use of land.</p>	<p>Amend NPS-HPL to remove LUC 3 restrictions in relation to urban development.</p> <p>AND</p> <p>Retain protection of LUC 3 land in relation to lifestyle and rural residential development.</p> <p>AND</p> <p>Amend relevant definitions to clearly articulate what is urban development and rural lifestyle, which requires a review of the definition of <i>urban</i>.</p>
26.	If the proposal was to exempt LUC 3 land from NPS-HPL restrictions for urban development	Private plan changes as well as local	TCC supports the flexibility in allowing private plan changes. Recently, two plan changes to the Tauranga City Plan rezoned rural land to Industrial and Medium Density Residential. These plan changes were in line with the identified growth areas in the Future Development Strategy (FDS) and were progressed by	Amend to enable LUC 3 land to be rezoned for urban development by private plan changes as well as local authority led plan changes where criteria must be met.

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Tauranga City Council – Submission Package 2: Primary sector

Q #	Question	Position	Discussion/Issue	Relief Sought
	only, would it be better for it to be for local authorities led urban rezoning only, or should restrictions also be removed for private plan changes to rezone LUC 3 land for urban development?	authority led plan changes	<p>way of a private plan change. TCC would not wish to prevent private plan changes that align with the FDS.</p> <p>However, there needs to be careful consideration on enabling a private plan change on LUC 3 land that does not align with an identified growth area. It is often the case that private plan changes do not align with the FDS or spatial plan and are, therefore, out of sequence of councils' infrastructure delivery and Long Term Plan funding.</p> <p>Therefore, if private plan changes are to be provided for on LUC 3 land, a higher threshold is required for councils to accept the plan change to ensure that the rezoning is for urban development and aligns with strategic direction for growth.</p> <p>As noted above there is no definition for urban development, and the definition of <i>urban</i> includes low density and large lot residential zones, which is not an efficient or effective use of land.</p>	<p>AND</p> <p>Amend the NPS-HPL to introduce an appropriate definition for <i>urban development</i>.</p>
27.	If LUC 3 land were to be removed from the criteria for mapping HPL, what, other consequential amendments will be needed? For example, would it be necessary to:...	NA	<p>Mapping of LUC 3 land remains appropriate in respect of Question 25 as it is considered appropriate to protect LUC 3 land from rural lifestyle development.</p> <p>If LUC 3 land was removed from the criteria for mapping HPL, there needs to be a mechanism that restricts lifestyle subdivision and development of LUC 3 land in favour of urban development.</p>	<p>Retain mapping of LUC 3 in the NPS-HPL.</p> <p>AND</p> <p>Amend the NPS-HPL to remove restrictions for the use of LUC 3 for urban development.</p>
30.	What is appropriate process for identifying special agricultural areas should be? Should this process be led by local	Led by central government	To ensure that there is national consistency in identifying special agriculture areas, the process should be led by central government with local government engagement.	Provide for central government to lead the process for identifying special agricultural areas.

Q #	Question	Position	Discussion/Issue	Relief Sought
	government or central government?			
32.	Should timeframes for local authorities to map highly productive land in regional policy statements be extended based on revised criteria? Alternatively, should the mapping of HPL under the RMA be suspended to provide time for a longer-term solution to managing highly productive land to be developed in the replacement resource management system?	NA	Mapping highly productive land should only be required when the criteria for LUC 3 land and special agricultural areas is confirmed and tested. Given the timeframes that this is expected to take, as well as the expected timeframes for the replacement resource system, TCC considers the mapping of highly productive land should be implemented through the new resource management system. However, currently the NPS-HPL requires mapping of LUC land to use the data from the New Zealand Land Resource Inventory (NZLRI) unless the regional council accepts any more detailed mapping that uses the LUC classification in the NZLRI. The NZLRI was collected between 1973 and 1979 and has a scale between 1:60,360 - 1:50,000. These maps are classifying generally unproductive land, such as land around the Kaituna flood plain, as LUC 2 and 3. Therefore, TCC is of the opinion that where updated and verifiable information on the LUC is available then this should be able to be used in the interim.	Amend timelines so highly productive land mapping is included in the implementation of the replacement resource management system. AND In the interim, Amend the NPS-HPL to provide the ability for updated and verifiable LUC classification information to be used to identify highly productive land.

7. Section 3: Implementation of primary sector instruments

7.1 Implementation questions

	RMA Provision	Position	Discussion/Issue	Relief Sought
37.	Does 'as soon as practicable' provide enough flexibility for	Yes	Requiring national policy statement to implemented 'as soon as practicable' does provide enough flexibility for council to plan their work programme to give effect to the relevant document. To	Retain 'as soon as practicable' requirements for implementation.

	implementing this suite of new national policy statements and amendments?		<p>progress a plan change requires funding and resourcing through the Long Term Plan. Therefore, flexibility needs to be provided to councils to confirm their work programme. Where there are multiple national policy statements to give effect to, councils can also make decisions on what is most relevant to their district or region.</p> <p>It is anticipated that through Phase 3 of the resource management reform that National Direction will be accompanied with nationally standardised provisions. This will assist councils to implement National Direction within a practical timeframe as less resource is required to prepare provisions.</p>	
38.	<p>Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient?</p> <p>a. If not, what would be better, and why?</p> <p>b. If yes, what time period would be reasonable (eg, five years), and why?</p>	No	<p>Providing flexibility by requiring councils to give effect to national policy statements 'as soon as practicable' is preferred.</p> <p>Requiring a time period to give effect to a national policy statement should only apply where it is considered an urgent resource management issues to be responded to. The time period to implement, should consider Long Term Plan timing and enable sufficient time for councils to resource and fund the plan change. Councils have work programmes where budgets and resourcing may be focused on other plan changes and projects. Therefore, councils need sufficient time to include these plan changes requirements within their work programme.</p> <p>If a time period is required to give effect, councils need certainty that there will be no amendments to that national policy statement. There have been recent examples where councils have invested heavily to progress a plan change to give effect to a national policy statement, which has then been amended.</p>	Retain flexibility for councils to implement national policy statements.
39.	Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review?	No	<p>Councils are consistently progressing plan changes to resolve resource management issues. When progressing a plan change, council is required to give effect to national policy statements, even if this is not the purpose of the plan change. This has resulted in plan changes implementing new provisions in an ad hoc approach and inconsistent way. When giving effect to a national policy statement, this should be through a specific plan change or at the plan review stage. This will ensure that the plan change can give effect to the national policy statement in a comprehensive manner.</p>	Seek that implementation of a national policy statement is given effect through one comprehensive plan change or the preparation of new district plans once the new acts are enacted through Phase 3 of the resource management reforms.

8. Conclusion

- 8.1 TCC welcomes the opportunity to submit on Package 2 and generally supports the proposed amendments. Our submission sets out the specific changes to provide clarity, efficient and effective implementation of the RMA.



Submission

National Direction Package 3: Freshwater July 2025

1. Introduction

- 1.1 Tauranga City Council (TCC) welcomes the opportunity to submit on Package 3: Freshwater.
- 1.2 If there is an opportunity, TCC would like to be heard.
- 1.3 We are available to discuss our submission further with you or provide additional information and evidence that would be of assistance. Enquiries should be directed to:

Andrew Mead, Manager: City Planning & Growth

027 763 5762

andrew.mead@tauranga.govt.nz

- 1.4 TCC consents to the publication of this submission.

2. Overview of TCC's submission on Package 3

- 2.1 TCC supports the general intent of the amendment to instruments proposed as part of Package 3, in particular:
 - a. Rebalancing freshwater management through multiple objectives
 - b. Rebalancing Te Mana o te Wai
 - c. Providing flexibility in the National Objectives
 - d. Simplifying wetlands provisions
 - e. Including mapping requirements for drinking water sources.
- 2.2 However, TCC has a number of specific submission points that seek to clarify the intent of amendments to the Freshwater National Direction – discussion document or seek key changes to improve efficiency and effectiveness. Ensuring that the provisions proposed in Package 3 are coherent, navigable and achieve their intended purpose is essential in ensuring its successful implementation.
- 2.3 TCC does not seek relief with respect to parts of the discussion document¹, but may have comments to make once further details are provided in the exposure document.

3. Context and background

- 3.1 TCC is a high-growth council and faces challenges with growth management.
- 3.2 Tauranga is the fourth smallest territorial authority by land area at 135km² and has experienced sustained levels of high growth driven by strong inward

¹ Enabling commercial vegetable growing; Addressing water security and water storage; Addressing remaining issues with farmer-facing regulations; Implementation of freshwater proposals; Appendices: Summary of freshwater proposals and draft standards for off-stream water storage

migration and to a lesser extent natural population increase. This strong growth is projected to continue in the future.

- 3.3 Our feedback is based on significant experience related to working with the National Policy Statement on Freshwater Management and related policy, particularly in the context of delivering for housing growth and structure planning for new growth areas.

4. Overview of submission structure

- 4.1 This submission is structured in topics that follow the order set out in the Freshwater discussion document:
- General comments
 - Options for changing National Direction for freshwater
 - Rebalancing freshwater management through multiple objectives
 - Rebalancing Te Mana o te Wai
 - Providing flexibility in the National Objectives Framework
 - Simplifying wetlands provisions
 - Simplifying fish passage regulations
 - Including mapping requirements for drinking water sources.

5. General

- 5.1 TCC would like to note the difficulty with providing feedback on the National Direction within Package 3 in the absence of detailed wording for some instruments. It would be helpful to see exposure drafts to enable us to fully understand the implications and provide feedback.
- 5.2 TCC supports the suggested approach to implementation across all the National Direction instruments. That is, that councils are not required to advance plan changes within a specific timeframe to give effect to the national policy statements and that these changes will happen through Phase 3 of the Resource Management Reform. The National Direction will primarily be implemented through the resource consent processes.
- 5.3 TCC considers that the current suite of National Direction contains conflict and uncertainty, which has led to frustration and litigation over the years. The Government has said that these changes are intended to improve consistency between pieces of National Direction. However:

- (a) Not all conflicts between competing pieces of National Direction have been resolved. We expect that current hurdles in the consenting and policy making process will remain where parties are required to reconcile conflicting national policy statements; and
 - (b) There is potential for conflict across national direction instruments, such as between the National Environmental Standard for Sources of Human Drinking Water 2007 (NES-DW), the National Policy Statement for Freshwater Management (NPS-FM), and the proposed National Policy Statement for Infrastructure (NPS-I). For example, infrastructure development may be supported under the NPS-I but constrained under the NPS-FM due to wetland or freshwater body protections, or restricted under the NES-DW if within a drinking water supply catchment. Tauranga City Council seeks that such conflicts are either avoided through policy alignment, or that a clear hierarchy of direction is established to guide decision-making where objectives are in tension.; and
 - (c) Given the broad range of National Direction to be amended or introduced, and that drafting of some of the proposed changes is not available, the risk of unanticipated conflicts as a result of these amendments remains.
- 5.4 Having regard to the above, TCC looks forward to further consultation opportunities through the release of the exposure draft.

6. Responses to discussion document questions and other specific feedback

6.1 Options for changing National Direction for freshwater – Response to questions

Q #	Question	Discussion/Issue	Relief Sought
1.	What resource management changes should be made in the current system under the RMA (to have immediate impact now) or in the future system (to have impact longer term)?	The proposed changes to rebalance freshwater management through multiple objectives and Te Mana o te Wai should be made as soon as possible to ensure efficiency in planning for future growth.	TCC seeks that the exposure document be released for feedback as soon as possible to confirm which changes should take immediate effect.
	From the topics in this discussion document, which elements should lead to changes in the current system or the future system, and why?	The proposed changes for the definition of natural inland wetlands should be provided in the current system as soon as possible because they affect urban growth areas, particularly by defining induced wetlands more comprehensively, and by providing for wetland construction. TCC considers the current regime makes it difficult to construct wetlands that can attenuate nutrient losses and provide valuable habitat.	TCC seeks that changes to the definition of natural inland wetlands should be provided in the current system for induced and constructed wetlands. TCC supports initiatives that further encourage / enhance wetland construction.

6.2 Options for changing National Direction for freshwater – Specific comments

	Matter for comment	Discussion/Issue	Relief Sought
6.2.1	Recognition of development capacity requirements under the National Policy Statement on Urban Development 2020.	As a Tier 1 Council under the NPS-UD, TCC is required to provide for a greater supply of developable land, both zone-enabled and infrastructure-ready to meet this growing housing and business land demand, in the short, medium and long term. The policy framework for the NPS-FM should acknowledge such NPS-UD requirements.	Amend the NPS-FM policy framework to explicitly recognise the requirements of the NPS-UD, including the need for Tier 1 local authorities to provide an adequate supply of developable land (both zone-enabled and infrastructure-ready) to meet housing and business land demand over the short, medium, and long term.

6.3 Rebalancing freshwater management through multiple objectives – Response to questions

Q #	Question	Discussion/Issue	Relief Sought
2.	Would a rebalanced objective on freshwater management give councils more flexibility to provide for various outcomes that are important to the community?	Yes. A rebalanced objective on freshwater management will likely give councils more flexibility. However, the wording of the objectives needs to ensure flexibility sought for human health and community use, while ensuring certainty for the health and well-being of water bodies and freshwater ecosystems.	TCC supports the rebalanced objective approach in principle. TCC seeks that the proposed new objectives be released as soon as possible to assess whether they provide the intended flexibility for human health and community use, while maintaining certainty for the protection and well-being of water bodies and freshwater ecosystems.
	How can the NPS-FM ensure freshwater management objectives match community aspirations?	The new objective wording needs to ensure that flexibility is provided for human health and use (enabling communities to provide for their social, cultural and economic well-being, including productive economic opportunities), while ensuring certainty for the health and well-being of water bodies and freshwater ecosystems.	TCC supports the rebalanced objective approach in principle. TCC seeks that the proposed new objectives be released as soon as possible to assess whether they provide the intended flexibility for human health and community use, while maintaining certainty for the protection and well-being of water bodies and freshwater ecosystems.
3.	What do you think would be useful in clarifying the timeframes for achieving freshwater outcomes?	TCC recognises achieving freshwater outcomes can take a long time and may require many steps depending on each waterbody and the existing situation.	As suggested in the discussion document, the NPS-FM should recognise that improving freshwater quality will require iterative, gradual improvement over a long time and through multiple planning cycles, while also requiring communities to set long-term goals/visions for freshwater as part of strategic and long-term planning.
4.	Should there be more emphasis on considering the costs involved,	Yes. The costs for achieving freshwater outcomes will vary, depending on each waterbody and the existing situation; hence, community	TCC supports consideration of the costs involved, when determining

Q #	Question	Discussion/Issue	Relief Sought
	when determining what freshwater outcomes councils and communities want to set?	aspirations need to take into account realistic costs, as well as determining who is actually responsible for the costs, and what options there might be to fund improvements.	what freshwater outcomes councils and communities want to set.
	Do you have any examples of costs associated with achieving community aspirations for freshwater?	<p>Clearer guidance is often needed to make limited funding go further and to meet community freshwater aspirations. By way of example, the Wairoa River is of cultural importance to tangata whenua, and a significant water body for residents along its corridor. A request has been made to the regional council to prepare a Catchment Management Plan (CMP) for the entire Wairoa River catchment. However, the regional council has decided to allocate its limited funding to the development of another CMP at this time.</p> <p>The absence of a CMP for the Wairoa River means that issues best addressed through an integrated catchment-wide approach are instead needing to be dealt with through alternative processes, such as plan changes or resource consent applications. This often results in increased costs, added complexity, and delay. Without a CMP, these processes must rely on piecemeal or 'work-around' solutions for sub-catchments.</p>	TCC seeks clarity on regional council responsibilities for the state of freshwater bodies, improvements and associated costs in situations where limited funding is available.

6.4 Rebalancing freshwater management through multiple objectives – Specific comments

	Matter for comment	Discussion/Issue	Relief Sought
6.4.1	The NPS-FM has a single objective, and the current hierarchy is currently being interpreted as requiring pristine water quality to be achieved, before allowing any other uses of freshwater.	TCC agrees that other uses of freshwater should be allowed, provided adverse effects are adequately addressed, rather than require pristine water quality to be achieved first. Water takes and water discharges are necessary to support urban development and human consumption, and it is unrealistic to expect or wait for pristine water quality to be achieved, before allowing such uses of freshwater.	TCC seeks that other uses of freshwater can be allowed, provided any adverse effects are adequately addressed, rather than require the freshwater body reaches a pristine condition first.
6.4.2	Whether to replace the NPS-FM's single objective with multiple new objectives.	TCC supports replacing the current single objective of the NPS-FM with multiple objectives as a way to better reflect the range of freshwater values and management needs. However, some form of prioritisation between multiple objectives should remain.	TCC supports the rebalancing of the NPS-FM's objective by replacing it with multiple objectives.

	Matter for comment	Discussion/Issue	Relief Sought
		<p>It is important to recognise that access to water for essential human health needs, such as drinking and sanitation, should be given priority, alongside maintaining minimum flows for the health of freshwater ecosystems.</p> <p>TCC does not support a return to previous planning approaches that treated all water uses as equal, as this can undermine both community well-being and environmental outcomes.</p>	<p>TCC seeks that the proposed new objectives be released as soon as possible for further review and comment.</p> <p>TCC seeks that the revised objectives retain a clear prioritisation of essential human health needs (including drinking water and sanitation), while also providing for the health and well-being of water bodies and freshwater ecosystems.</p>
6.4.3	Proposed objective providing for health of the environment, people, social, cultural and economic well-being.	<p>TCC supports the general direction proposed for a new objective that:</p> <ul style="list-style-type: none"> • safeguards the life-supporting capacity of freshwater and the health of people and communities, • while enabling communities to provide for their social, cultural and economic well-being, including productive economic opportunities. <p>This objective enables priority to be given to the health needs of people (drinking and sanitary needs) while providing for the health and well-being of water bodies and freshwater ecosystems.</p>	TCC supports a new objective providing for health of the environment, people, social, cultural and economic well-being.
6.4.4	Proposed objective considering the pace and cost of change.	<p>TCC supports including a new objective that explicitly requires consideration of the timeframes and costs associated with improving water quality, as well as who bears those costs.</p> <p>TCC agrees that improvements will often require long timeframes, and that it is important for councils and communities to make informed decisions about the pace of change and how costs are distributed.</p>	<p>TCC supports the inclusion of a new objective that requires realistic consideration of the pace and cost of achieving water quality improvements.</p> <p>TCC seeks that this objective also explicitly addresses who bears the costs, to support transparent and informed decision-making by councils and communities.</p>
6.4.5	Proposed objective to maintain or improve.	TCC supports a pragmatic approach to water quality in existing waterbodies. A balanced approach is necessary for any new objective that requires freshwater quality to be maintained, and where necessary to be improved, i.e. to meet required standards / community aspirations.	TCC supports a new objective that requires freshwater quality to be maintained or improved.

	Matter for comment	Discussion/Issue	Relief Sought
		Water quality should be maintained as a minimum, but preferably improved. This may take many steps over a long time period.	

6.5 Rebalancing Te Mana o te Wai – Response to questions

Q #	Question	Discussion/Issue	Relief Sought
5.	What will a change in NPS-FM objectives mean for your region and regional plan process?	<p>TCC recognises that this has implications for regional council. Having Te Mana o te Wai in the Regional Policy Statement (RPS) / Regional Natural Resources Plan (RNRP) means consenting must consider it. Any change impacts future consenting involving the Three Waters for TCC.</p> <p>TCC supports ongoing engagement with tangata whenua and the appropriateness of addressing Te Mana o te Wai (and Ki uta ki tai, mountains to sea), recognising the benefits of a holistic approach to the awa for Iwi/Hapu and the wider community. In this context, TCC supports a balanced approach to freshwater management and remains open to how Te Mana o te Wai is best reflected in the NPS-FM within the NPS-FM.</p>	TCC seeks that priority is given to the health needs of people (drinking and sanitary needs) while providing for the health and well-being of water bodies and freshwater ecosystems, i.e. Te Mana o te Wai is recognised while providing for wider community needs.
6.	Do you think that Te Mana o te Wai should sit within the NPS-FM's objectives, separate from the NPSFM's objectives, or outside the NPS-FM altogether – and why?	<p>TCC supports ongoing engagement with tangata whenua and the appropriateness of addressing Te Mana o te Wai (and Ki uta ki tai, mountains to sea), recognising the benefits of a holistic approach to the awa for Iwi/Hapu and the wider community. In this context, TCC supports a balanced approach to freshwater management and remains open to how Te Mana o te Wai is best reflected in the NPS-FM within the NPS-FM.</p> <p>As noted above, TCC seeks that priority be given to the health needs of people (drinking and sanitary needs) while providing for the health and well-being of water bodies and freshwater ecosystems. It is considered that Te Mana o te Wai can be retained within the NPS-FM, noting that values identified through engagement and discussion with the community, including tangata whenua should inform the setting of</p>	TCC seeks that priority is given to the health needs of people (drinking and sanitary needs) while providing for the health and well-being of water bodies and freshwater ecosystems, i.e. Te Mana o te Wai is recognised while providing for wider community needs.

Q #	Question	Discussion/Issue	Relief Sought
		freshwater objectives and limits. This approach ensures that water is available for the use and enjoyment of all New Zealanders, including tangata whenua, now and for future generations.	
7.	How will the proposed rebalancing of Te Mana o te Wai affect the variability with which it has been interpreted to date? Will it ensure consistent implementation?	<p>As above, TCC supports a balanced approach to freshwater management and remains open to how Te Mana o te Wai is best reflected in the NPS-FM within the NPS-FM.</p> <p>TCC recognises that this has implications for regional council. Having Te Mana o te Wai in the RPS/RNRP means consenting must consider it for future consents, just as it has previously. TCC does not anticipate significant change unless Te Mana o te Wai is totally removed from NPS-FM, and then it becomes optional for TCC to address.</p> <p>TCC expects consistent implementation, given that TCC engages fully with tangata whenua and always addresses Te Mana o te Wai, and Ki uta ki tai (mountains to sea) recognising a holistic approach to the awa for Iwi/Hapu – in all consents for the Three Waters.</p>	TCC seeks that priority is given to the health needs of people (drinking and sanitary needs) while providing for the health and well-being of water bodies and freshwater ecosystems, i.e. Te Mana o te Wai is recognised while providing for wider community needs.

6.6 Providing flexibility in the National Objectives Framework – Response to questions

Q #	Question	Discussion/Issue	Relief Sought
8.	Which values, if any, should be compulsory? Why?	Compulsory national values give a clear direction and certainty. Removing compulsory values leaves this open to interpretation. Ecosystem health and human contact values are considered fundamental to the well-being of communities. Ecosystem health is vital for maintaining biodiversity and ecological balance. Human contact values safeguard public health, such as safe drinking water and recreational use of water bodies.	<p>TCC seeks that ecosystem health and human contact values be compulsory.</p> <p>Other values should become optional to allow consideration of the specific circumstances.</p>
9.	What would be the practical effect of removing compulsory national values? Do you think this will make regional processes easier or harder?	As above, compulsory national values give clear direction and certainty. Removing compulsory values leaves this open to interpretation. This is likely to make regional consenting processes more difficult, especially where conflicting values arise or strong community opinion and tangata whenua positions exist.	<p>TCC seeks that ecosystem health and human contact values be compulsory.</p> <p>Other values should become optional to allow consideration of the specific circumstances.</p>

Q #	Question	Discussion/Issue	Relief Sought
10.	Which attributes, if any, should be compulsory to manage? Which should be optional to manage?	<p>Councils currently need to manage four major contaminants that are known to adversely affect freshwater (i.e., nitrogen, phosphorous, sediment and <i>Escherichia coli</i> (<i>E. coli</i>)).</p> <p>These contaminants are reflecting nationally relevant issues. There is concern about the <i>E. coli</i> indicator, as it is an easy one to measure, but does not reflect the actual risk. This has been an issue for many years, however, there appears to be a lack of willingness to establish more meaningful indicators, as the cost of monitoring for these may go up and may be difficult to resource.</p>	While <i>E. coli</i> is easy to measure, it does not reflect the actual health risk. There are other indicators that should be used for a more effective result, provided this can be undertaken in a cost-effective manner.

6.7 Simplifying the wetlands provisions - Questions

Q #	Question	Discussion/Issue	Relief Sought
21.	What else is needed to support farmers and others to do things that benefit the environment or improve water quality?	<p>TCC supports the following outcomes:</p> <ul style="list-style-type: none"> • Enhance the ability for wetland construction, not restrict it. • Avoid unnecessary consent triggers for artificial wetlands and drained pasture areas that have historically been grazed. • Provide for 'no net loss', so that any wetland replacement has opportunity to make sure wetland extent is not lost, but maintained, preferably a net gain, or at least better quality even if similar in extent. 	<p>TCC supports enhancing the ability for wetland construction, and avoiding restrictions or complex consenting pathways associated with artificial wetlands and drained pasture areas.</p> <p>TCC supports providing for 'no net loss' of natural inland wetlands as a way to achieve an improved environmental outcome.</p>
23.	What will be the impact of removing the requirement to map wetlands by 2030?	Mapping of wetlands has potential to facilitate more informed decision making. However, it also has potential to be resource intensive. Critical areas where mapping could be prioritised to assist in planning are urban growth and other known development areas.	TCC supports removing the requirement for councils to map natural inland wetlands within 10 years. However, a requirement for regional councils to complete mapping should be kept, and consideration should be given to prioritising mapping to support planning for urban growth and other known development areas.

Q #	Question	Discussion/Issue	Relief Sought
24.	Could the current permitted activity conditions in the NES-F be made clearer or more workable?	Where 'wetland construction' is Permitted, there could be a requirement to notify the regional council.	Where 'wetland construction' is Permitted, there should be a requirement to notify the regional council. Possible wording for notification could be: 'No less than two weeks prior to the construction of the wetland, the owner of the constructed wetland must notify the regional council with: <ul style="list-style-type: none">• their contact details• the location of the constructed wetland• confirmation that they have checked and meet all the relevant permitted activity conditions.'

6.8 Simplifying the wetlands provisions - Specific comments

	Matter for comment	Discussion/Issue	Relief Sought
6.8.1	'No further loss' should be replaced by 'no net loss'	TCC previously submitted in 2022 on the NPS-FM/NES-F 2020 to say: NPS-FM Policies 6 & 7: wetlands & rivers "the directive language of 'no further loss' should be replaced by 'no net loss', and the 'functional need' test for specified infrastructure should be replaced with 'operational need'." TCC's view remains that an improved environmental outcome would be achieved by the NPS-FM adopting a 'no net loss' approach for the extent and values of freshwater bodies. This would enable areas assessed as being of lower ecological value, or marginal wetland areas (for example boggy grass areas, or modified watercourse drains) to be developed on the proviso that this would necessarily be offset by the establishment and enhancement of freshwater bodies such as wetlands and/or rivers. This provides the opportunity for development to utilise land efficiently,	There is <u>no net loss</u> of extent of natural inland wetlands, their values are protected, and their restoration is promoted. There is <u>no net loss</u> of river extent and values.

	Matter for comment	Discussion/Issue	Relief Sought
		<p>while ensuring no net loss, and preferably a net gain, in the extent and values of the respective wetland or river/modified watercourse. Hence TCC seeks amendments to Policy 6, 7 and NPS-FM sections 3.22 and 3.24 for no net loss.</p> <p>TCC previously submitted on the gateway test of 'no practicable alternative location', and instead sought that this be replaced with Best Practicable Location (as defined in option 3 in MfE's 'Report, recommendations and summary of submissions' showing the analysis of submissions to the 'Discussion Document – Managing our wetlands', May 2022).</p>	
6.8.2	Definition of wetland construction	<p>TCC agrees that the definition of 'natural inland wetland' in the wetland regulations is too complex, and that its exclusion of wetlands dominated by pasture has led to complex ecological assessments being necessary to determine whether the regulations apply.</p> <p>TCC agrees that induced wetlands should be excluded from Inland Natural Wetlands – except where they have been identified as regionally significant.</p>	<p>TCC supports the pasture exclusion being removed from the definition of a 'natural inland wetland'.</p> <p>TCC supports the new definition for induced wetlands and their exclusion from the definition of a 'natural inland wetland' - except where they have been identified as regionally significant.</p>
6.8.3	<p>Activities related to wetland construction</p> <p>Permitted activity standard</p> <p>Consenting pathway</p>	<p>Where 'wetland construction' is Permitted, there could be a requirement to notify the regional council.</p>	<p>Where 'wetland construction' is Permitted, there should be a requirement to notify the regional council.</p> <p>Possible wording for notification could be:</p> <p>'No less than two weeks prior to the construction of the wetland, the owner of the constructed wetland must notify the regional council with:</p> <ul style="list-style-type: none"> • their contact details • the location of the constructed wetland • confirmation that they have checked and meet all the

	Matter for comment	Discussion/Issue	Relief Sought
			relevant permitted activity conditions.'
6.8.4	Encouraging wetland construction and edge-of-field mitigations New objective and/or policy in the NPS-FM	TCC supports enhancing wetland construction and avoiding restrictions or complex consenting pathways.	TCC supports enhancing wetland construction, and avoiding restrictions or complex consenting pathways.

6.9 Simplifying the fish passage regulation

6.9.1 With the exception to question 28 below, no relief sought on these issues by TCC at this time. TCC may have comments to make once further details are provided in the exposure document.

Q #	Question	Discussion/Issue	Relief Sought
28.	Have you encountered similar issues with any other policy or regulation within the NPS-FM or NES-F (eg, rules or gateway tests about river reclamation)?	Note that TCC is aware of the recreated stream necessary for Tauriko West urban growth area; and that NPS-FM Clause 3.24 Rivers requires regional plans to state that the: <i>'The loss of river extent and values is avoided, unless the council is satisfied that:</i> <i>(a) there is a functional need for the activity in that location; and</i> <i>(b) the effects of the activity are managed by applying the effects management hierarchy.'</i> There may be situations where operational and/or functional needs must be catered for and cannot practicably be provided for elsewhere.	Instead of avoiding loss of extent, it would be preferable for a 'no net loss' approach. And add 'operational need for the activity in that location' in addition to functional need.

6.10 Including mapping requirements for drinking water sources – Response to questions

Q #	Question	Discussion/Issue	Relief Sought
31.	Do you think that requiring regional councils to map SWRMAs for applicable drinking	By mapping 'source water risk management areas' (SWRMAs), regional councils can identify zones that pose a risk to drinking water sources and subsequently take appropriate measures to mitigate contamination risks. This proactive approach helps protect urban water supplies and	Yes. Map SWRMAs to protect the source water for urban water supply and ensure that the risk of

Q #	Question	Discussion/Issue	Relief Sought
	water supplies in their regions will improve drinking water safety?	ensures that source water is managed with a focus on contamination prevention.	contamination at source is addressed.
	Should councils be required to publish SWRMAs?	Yes. This helps protect the source water for urban water supply, and ensures that the risk of contamination at source is addressed.	Yes. Publish SWRMAs to protect the source water for urban water supply and ensure that the risk of contamination at source is addressed.
32.	Do you think that three zones should be required for each SWRMA, or is one zone sufficient?	<p>Mapping 'Source water risk management areas' (SWRMAs) helps protect the source water for urban water supply and ensures that the risk of contamination at source is addressed.</p> <p>A three-zone model is proposed:</p> <ol style="list-style-type: none"> 1. Zone 1 – Immediately around the intake (high contamination risk) 2. Zone 2 – Area contributing water over short timeframes (manages microbial risks) 3. Zone 3 – The wider catchment or recharge zone (for persistent contaminants) <p>Whether all three zones are needed depends on the characteristics of the water source and the contaminants of concern. TCC supports mapping SWRMAs in the first instance, followed by site-specific risk assessments to determine which zones are necessary. This ensures tailored, proportionate protections for each drinking water source.</p>	TCC supports mapping SWRMAs in the first instance, followed by site-specific risk assessments to determine which zones are necessary. The three risk aspects should be addressed through mapping where the respective risks are present. This ensures tailored, proportionate protections for each drinking water source.

7. Conclusion

- 7.1 TCC welcomes the opportunity to submit on Package 3 and generally supports the proposed amendments. Our submission sets out the specific changes to provide clarity, efficient and effective implementation of the RMA.

5 CLOSING KARAKIA