

Appendix 1 - Christchurch City Council detailed submission on Package 1: Infrastructure and development

	Policy or Clause	Topic	Submission	Relief sought	Reasons
National Policy Statement – Infrastructure					
1	General comments	<p>We are generally supportive of the intention of the proposed NPS-I, subject to the changes proposed below. We also support the NPS-I including the consideration of climate change, resilience to natural hazards, risk management and emissions reduction in planning decisions.</p> <p>While we recognise the enabling purpose of the NPS-I, we believe there needs to be a balance struck between enabling infrastructure and being proactive, whilst managing adverse impacts. Our concerns with the current proposal are that infrastructure will be built in cases where the social and environmental cost is too high. We are concerned that the current wording weighs the balance in favour of infrastructure. We would like the NPS-I to be clearer on when environmental adverse effects are too high, i.e. an environmental bottom line.</p> <p>We would also welcome a greater focus in the NPS-I on management planning, renewal planning or lifecycle planning. We see this as a gap that needs to be addressed nationally, and the NPS-I could be an opportunity to encourage consistent asset management activities.</p> <p>We note that the definition of ‘infrastructure’ differs from the definition proposed in the NPS-NH, and this may cause inconsistencies and conflicts in applying both instruments – clarification is sought on how to use these instruments together and how to manage conflicts.</p>			
2	D1	Definition of ‘additional infrastructure’	Amend and clarify	<p>(1) Include and define ‘green infrastructure’ in the definition</p> <p>(2) Clarify in the definition whether parks and reserves, and libraries and recreation areas, and other community facilities</p>	<p>(1) ‘Green infrastructure,’ such as parks, sand dunes, wetlands and street trees should be included in the definition of ‘additional infrastructure.’ Green infrastructure improves resilience and advances social, economic, and environmental outcomes. ‘Green infrastructure’ is mentioned in the definition of ‘stormwater network’ in D20, but we suggest that it is also explicitly stated in D1 so that the importance of green infrastructure is recognised up front. This</p>

				<p>(museums, galleries etc) are included in the definition of 'additional infrastructure'</p> <p>(3) Include coastal protection works within definition</p>	<p>approach aligns with the outcomes sought in the Christchurch Biodiversity Strategy. There is a definition of 'Green infrastructure' in the National Planning Standards that could be used.</p> <p>(2) The discussion document notes that the scope of the NPS-I also intends to cover parks (as a type of social infrastructure), but parks and reserves are not explicitly mentioned in D1 (or any other definition). We note that 'parks' could be covered under the definition of 'green infrastructure.'</p> <p>Social infrastructure can also be interpreted as being wider than the 7 categories of infrastructure proposed in D1 – so we are seeking a more exhaustive list of what is within the scope of the NPS-I.</p> <p>(3) We suggest this to support the Council's role in delivering infrastructure as part of adaptation to sea level rise.</p>
3	D9	Definition of 'infrastructure supporting activities'	Clarify	Clarify what is considered an 'infrastructure supporting activity'	The current definition is broad and vague (except for quarrying). Many commercial and industrial activities could be argued as being 'infrastructure supporting.'
4	D10	Definition of 'maintenance and minor upgrade'	Clarify and amend	(1) Reconsider the scope of minor and major upgrade	(1) The definition of minor upgrade is very broad; it might have the effect that very few projects would be caught by the 'major upgrades' definition. The scope of minor upgrade should be reconsidered to address this.

				<p>(2) Is the definition of minor upgrade measured at a network or project scale?</p> <p>(3) Suggest including adverse effects during construction in D10(d)</p>	<p>(2) We seek this clarification because some works, like a new bridge, could be significant on a site-specific level, but minor within the wider network.</p> <p>(3) Many of the effects of infrastructure are during the construction phases, but the current provision only refers to adverse impacts on the environment after the upgrade is complete.</p>
5	D11	Definition of 'major upgrade'	Clarify	Provide further detail on what is considered a major upgrade	The current definition of major upgrade (anything that is not a minor upgrade) may lead to difficulty in interpretation and implementation. Please also clarify in the definition if a major upgrade includes repairs to increase resilience.
6	D17	Definition of 'resilience'	Clarify	Reconsider whether the definition should also allow for capacity to increase	We acknowledge that the definition in D17 is based on the DPMC definition of 'critical infrastructure resilience'. However, resilience can in many cases increase capacity – for example, stormwater infrastructure will need increased capacity to more resilient against shocks. This would be consistent with the reasons supporting the definition, which state <i>“that this might not mean maintaining the status quo in terms of asset or process.”</i>
7	D20	Definition of 'stormwater network'	Amend	Define 'green infrastructure' in the definition of stormwater network	The term 'green infrastructure' is not currently defined in D20 or elsewhere in the NPS-I. Per comment 2 above, there is a definition of 'green infrastructure' in the National Planning Standards which could be used.

8	D21	Definition of 'strategic planning document'	Amend	Include sector-specific infrastructure development plans or master plans	This provides consistency with P3, which specifically references master plans.
9	OB1	Objectives	Amend	<p>OB1(a) '- Wellbeing' should be expanded to <u>social, cultural, economic and environmental</u> wellbeing</p> <p>OB1(b) – change 'provides' to 'optimises' national, regional or local benefits.</p> <p>OB1(d) – amend to 'well-functioning, <u>sustainable</u> and resilient'</p> <p>OB1(f) – change 'managing' to 'minimising' adverse impacts on the environment</p> <p>Suggest adding a new clause that infrastructure "supports development of integrated and interconnected networks between different infrastructure types"</p> <p>Consider benefits of infrastructure improving</p>	<p>OB1(a) – currently the objectives do not adequately reflect the importance of infrastructure on the different dimensions of wellbeing.</p> <p>OB1(b) – this wording recognises the need to balance competing benefits.</p> <p>OB1(d) and OB1(f) – the objectives should promote the sustainability of long-term infrastructure decisions.</p> <p>Adding integrated and interconnected networks – this would achieve greater alignment with P1(3)(c) which discusses the independent or interconnected nature of infrastructure networks.</p> <p>Blue/green infrastructure – this recognises that certain types of infrastructure can support environmental outcomes.</p>

				environmental outcomes, e.g. blue/green infrastructure by adding “provides benefits by improving environmental outcomes”	
10	P1	Providing for the benefits of infrastructure	Amend	<p>P1(1)(a) – Wellbeing’ should be expanded to <u>social, cultural, economic and environmental</u> wellbeing</p> <p>P1(2) – add that benefits of infrastructure should be ‘weighed up’ against local adverse impacts</p>	<p>P1(1)(a) – refer to reasons for same changes in OB1 in comment 9.</p> <p>We have concerns that P1(2) could lead to local adverse effects on the environment being ignored in infrastructure planning decisions. In the ‘Reasons’ section, we note the intention is to ‘adequately weigh’ the benefits of infrastructure relative to local adverse effects. We would suggest amending P1(2) to similarly reflect that the benefits of infrastructure should be weighed up against local adverse impacts.</p>
11	P2	Operational need or functional need of infrastructure to be in particular environments	Amend	<p>(1) Include additional considerations in the policy to manage adverse environmental effects</p> <p>(2) Amend P2(1)(e) to <i>“locate where the services are required <u>and there is a specific operational need</u>”</i></p> <p>(3) Clarify interaction between P2 and the NZCPS</p>	<p>(1) We support the intention of P2 but would like to see a greater balance in the provision in relation to managing adverse environmental effects.</p> <p>(2) We would like this amendment as the current wording of this subclause appears to override any spatial planning mechanism or lack thereof.</p> <p>(3) For the case of coastal defences, P2 could be viewed as contrary to the NZCPS outcomes, which seek to discourage hard infrastructure in the coastal environment (policy 25(e) of the NZCPS). Some direction on the interaction between the two policies</p>

					would be appropriate, especially due to the proposed changes to the NZCPS.
12	P3	Considering spatial planning	Support	N/A	We support the requirement for decision-makers to have regard to spatial and strategic plans for infrastructure.
13	P4	Enabling the efficient and timely operation and delivery of infrastructure activities	Amend	<p>P4(2)(b) – clarify how to manage conflicting standards and include local or infrastructure provider specific standards.</p> <p>P4(2) – new subclause “take into account environmental effects”</p>	<p>P4(2)(b) – national or regional standards do not necessarily provide guidance for all infrastructure types equally – we would also welcome clarification on how to manage conflicts between different standards and which standards should prevail in case of conflict.</p> <p>P4(2) – to manage potential adverse environmental impacts when making planning decisions.</p>
14	P5	Recognising and providing for Māori rights and interests	Amend and clarify	<p>P5(1)(a) – amend provision to make it clear that account is to be had of the outcome of engagement with tangata whenua in strategic planning documents: <i>“taking into account the outcome of any engagement with tangata whenua on a resource consent, notice of requirement, or request for a private plan change <u>or strategic planning document</u>”</i></p>	<p>We support the intention of P5, but the wording itself does not seem to reflect the reasons for the policy.</p> <p>P5(1)(a) does not require consideration of the outcomes of engagement with tangata whenua, associated with the development of a plan for the specific infrastructure or infrastructure programme, or other strategic planning documents. It is important that tangata whenua are engaged in the development of these strategic plans and their interests are considered early in the planning cycle and in doing so, that potential effects are not deferred until the consenting phase (i.e. it is too late to be engaging at the consenting/decision-making phase).</p>

				We also query whether P5(1)(d) will need to be amended given after the RMA replacement legislation	<p>We also note that P5(1)(a) only requires the views of Māori to be “taken into account”, which is a lower threshold than “recognise and provide for”.</p> <p>P5(1)(d) references s58L of the RMA, but we have not seen the replacement legislation and we do not know whether a similar provision will be included.</p>
15	P6	Assessing and managing effects of proposed infrastructure activities on the environment	Clarify	P6(1)(e) – clarify ‘proportionate and cost effective’	We are seeking clarity on the interpretation of this provision – we seek to understand whether ‘proportionate’ includes high costs that are proportionate to a significant environmental impact. For example, higher cost mitigations are required for managing the impact on an endangered species and/or lakes and rivers, or if there’s a long-term impact on the community or natural heritage. We do not support an interpretation where the cost of mitigation can be used as a reason for not requiring it because it is not considered proportionate or cost effective.
16	P7	Operation, maintenance and minor upgrade of existing infrastructure	Amend	Remove ‘where practicable’	We are concerned with the use of ‘where practicable’. This lowers the bar for asset owners to manage their impacts on people and the environment. Deciding what is and is not practicable is likely to lead to different assessments and may result in inconsistent application. It may also result in a point of conflict/litigation needing to be resolved at the local level.
17	P8	Managing the effect of new infrastructure and	Clarify and amend	(1) Remove ‘where practicable’	(1) Per comment 16 above, we have concerns with the use of ‘where practicable’ and would like this wording in the provision to be removed.

		major upgrades on environmental values		(2) Use RMA definition of 'environment' instead of 'environmental values'	(2) We seek clarity on whether the drafters are intentionally using the term 'environmental values', which is different to the RMA definition of 'environment', which includes people and communities. If so, we would want the RMA definition of 'environment' to be used instead.
18	P9	Planning for and managing the interface and compatibility of infrastructure with other activities	Amend	<p>(1) Expand P9(2)(1) so that there can be appropriate separation between proposed infrastructure and sensitive activities</p> <p>(2) Amend P9(1) to "<i>...existing, consented and planning infrastructure (noting that not all infrastructure can be spatially identified in advance) ...</i>"</p>	<p>(1) Under the policy as written, quarrying, as an infrastructure supporting activity, that has either a functional or operational need to be located in an area, may be allowed closer to sensitive areas than desired. The Council has concerns about quarrying and industrial activities being located near existing residential and other sensitive activities, and the impact of dust, noise and vibrations. To avoid conflict, we would like P9 to explicitly provide for the consideration of distance separation (setbacks) between proposed infrastructure and sensitive activities.</p> <p>(2) As not all infrastructure can be spatially identified in advance, it would be helpful for the policy to recognise this when managing the interface between current and planned infrastructure.</p>
National Policy Statement – Renewable Energy Generation					
19	General comments	We generally support the objective of the NPS-REG. However, we note that there is no consideration of environmental well-being in the amended objectives and would like to see this included.			

		<p>We support the changes to clarify the importance and benefits of renewable energy (Policy A) and support the emphasis on renewable energy generation near to locations of demand and existing electricity networks – this promotes optimisation of the energy generated and efficient use of existing infrastructure.</p> <p>We support enabling small scale and community energy (Policy F) and the inclusion of upgrading and repowering of existing renewable energy infrastructure (P4). Improving the output and efficiency of facilities within the same footprint will have benefits for communities.</p>			
20	P2	Enabling REG activities	Amend	Remove ‘where practicable’	Per comment 17, we are concerned with the use of ‘where practicable’ and this should be removed from the provision.
21	Policy B	Considering cumulative gains and losses of renewable energy generation	Support with amendments and clarifications	<p>Suggest amending clause 1(a) to reflect that there are locations where it is not appropriate to have renewable energy:</p> <p><i>“...enabling cumulative increases of REG output at any scale and any locations outside areas identified for significant values under s6 of the RMA and areas of high natural character, including small-scale and community-scale REG activities”</i></p>	We are supportive of most of this provision, but we have concerns about enabling renewable energy at ‘any location’, as not every location will be suitable or acceptable. We suggest some qualifications – for example, avoiding areas of high natural character and high cultural and recreational values.
National Policy Statement – Electricity Transmission					
22	General comments	We support the inclusion of electricity distribution within the scope of the NPS-ET. This would provide national consistency for an important network. We support references to resilience to natural hazards and climate impacts, and emissions reduction.			

23	P3	Policies relating to Māori rights and interests	Amend	Remove 'where practicable'	Per comment 17, we are concerned with the use of 'where practicable' and would this to be removed from the provision.
24	P6	Enabling routine EN activities	Amend	Remove 'where practicable'	Per comment 17, we are concerned with the use of 'where practicable' and would this to be removed from the provision.
25	P9(2)(b)	EN activities within urban environments and servicing new development	Support	N/A	We agree that developers should be required to consult with electricity distribution providers before a resource consent for land development is granted – this would be beneficial and would help identify issues early on.
26	P12	Electric and magnetic fields	Support	N/A	We support updating references to modern guides and standards around protecting people from electro-magnetic fields.
National Environmental Standard – Electricity Network Activities					
27	General comments	<p>We generally support provisions that enable undergrounding of the electricity network, provided they do not interfere with other underground facilities, such as water supply, wastewater, stormwater, fibre and telecommunications networks.</p> <p>We agree that the proposed National Grid Yard and Subdivision Corridor rules would be effective in restricting inappropriate development and subdivision underneath transmission lines.</p> <p>We also agree with the introduction of provisions for the electricity distribution network (i.e., protection and routine works for the existing network, and construction of new distribution network assets)</p> <p><u>Enabling installation of EV charging infrastructure</u></p> <p>We support in-principle the proposed changes to enable more EV charging infrastructure by making EV charging a permitted activity. A national approach would provide consistency and individual territorial authorities would not need to introduce their own rules. The Council is supportive of people being able to use on-street EV chargers to charge their vehicles outside their</p>			

		<p>properties, particularly due to the removal of carparking requirements under the National Policy Statement on Urban Development. These changes will benefit people living in the inner city and areas of medium to high density.</p> <p>In general, we support EV charging in the transport corridor as a permitted activity on the basis that a number of the variables associated with a permitted activity are within the control of the Road Controlling Authority.</p> <p>We support EV chargers adjacent to residential properties subject to standards to manage bulk and location of charging units. This control is required to manage adverse effects on the surrounding environment.</p> <p>We seek clarification that the permitted activity standards apply to EV chargers only, and any EV chargers that contain advertising, whether static or digital, would be subject to existing District Plan rules for signage.</p> <p>In relation to the land transport network, we support charging for large trucks, on the basis that permitted activity standards need to ensure the safe functioning of the transport network. More comprehensive standards than those that have been proposed are necessary for heavy vehicles, for example access and noise.</p> <p>We also note that the NES does not provide direction on the management of EV chargers through its whole life cycle – e.g. replacement, maintenance, and renewal.</p>			
28	Regulation 25	Permitted activities	Support	Support cost-recovery if management plans are used	If management plans are used, the RMA and legislation replacing the RMA would need to continue to provide for cost-recovery associated with receipt and monitoring of compliance with the plans.
29	R9	Alteration, relocation and replacement of existing EDN assets	Amend	Include considerations of climate change adaptation when relocating EDN assets. For example, an additional matter of control where resource consent is required to consider effects arising	There is currently no reference to climate change and the potential need to relocate lifelines away from risks.

				from climate change including the appropriate location for any relocated asset	
30	New R16(1)	Installing new EV charging infrastructure is a permitted activity – Private use	Support	Support provisions for private EV charging	We support the proposed provisions to make private EV charging and associated infrastructure a permitted activity at home or work, on the basis that the infrastructure must comply with relevant zone rules.
31	New R16(2)	Installing new EV charging infrastructure is a permitted activity – Land transport corridor	Support with amendments	<p>Support the intention but request the following amendments:</p> <ul style="list-style-type: none"> - Include standards regarding the size and location of chargers. - The NES needs to make clear that all variables associated with the permitted activity are within the control of the RCA. 	<p>While we support installing new EV chargers in the land transport corridor a permitted activity, we would like to see standards for bulk and location for EV chargers, particularly where adjacent to residential properties, i.e. we support EV chargers adjacent to residential properties as a permitted activity subject to these standards.</p> <p>We also support this provision on the basis that all variables associated with the permitted activity are within the control of the RCA – i.e. whether the EV charger can be accommodated within the corridor is a separate matter within the control of the RCA. We note that for telecommunications facilities in the road reserve, facilities are only permitted if their effects can be reasonably managed by the RCA.</p>
32	New R16(3)	Installing new EV charging infrastructure is a permitted activity –	Support with amendments	Support but request that the installation outside residential properties still require consent	We do not think it is appropriate for public EV chargers to be located outside residential properties as a permitted activity due to potential effects, i.e. should require a consent. These effects include visual clutter, blocking pedestrian access, impact on other road

		ancillary to primary activity			infrastructure. Please see our feedback above in comment 31.
National Environmental Standard – Telecommunication Facilities					
33	General comments	<p>We support in-principle the simplification of the permitted activity standards, particularly the provision for facilities of specified maximum height and width within the road reserve, and consistency between rules for existing and new poles. The current regulations, which permit differing dimensions based on height and width of existing poles, are complex to administer. The proposed changes will also assist with managing public expectations around the nature and size of facilities allowed.</p> <p>Notwithstanding, we submit that the proposed provisions do not appropriately manage adverse effects of telecommunication facilities in the road reserve adjacent to residential zones (see comment 38). While we are concerned by additional height of poles in residential and other sensitive areas, the Council urges central government to encourage providers to co-locate poles and to explore options like centralising telecommunication facilities where possible to reduce the demands on public space and to minimise impacts on residents.</p> <p>The proposed NES also does not appear to regulate new, or replacement poles located within the residential zone itself. This means that such poles will fall to District Plans to control. It would be preferable for the NES to cover all telecommunications facilities, including those in residential zones, for consistency and ease of administration.</p>			
34	Regulations 27(5) and 29(4)	Pole height rules for new or existing poles in the road reserve	Support and clarify	Support Option 1 and clarify criteria for the additional 5m pole height	<p>Option 2 would have greater visual impacts.</p> <p>Proposed changes to regulations 27 and 29 would allow an additional 5m pole height over and above the permitted height where two or more operators are co-located on the same pole.</p> <p>It is unclear for the additional 5 m pole height to be permitted of whether both operators must co-locate on the pole from the outset or can a pole suitable for co-location be installed with only one operator initially.</p>

35	Regulations 27(7) and 29(2)(b)	Headframe rules for new or existing poles in the road reserve	Support	Support Option 1	We prefer option 1 as we do not support headframes being permitted on the road reserve adjacent to residential zones, having regard to the potential effects on residential environment
36	Regulations 32 and 33	New or existing poles outside of the road reserve and not in a residential zone	Support and amend	Support the inclusion of height-in-relation-to-boundary standards for poles in local centre, mixed-use and neighbourhood centre zones, and suggest extending this to other zones (e.g. open space, special purpose, industrial, and other commercial zones not specifically mentioned) where poles may be permitted adjacent to sensitive activities	<p>We propose this amendment to ensure effects are managed appropriately in all potential scenarios.</p> <p>If the reference to baseline pole height is to be retained in Regulation 33, the definition of baseline pole in Regulation 6 of the NES-TF will need to be amended.</p>
37	Regulations 44 to 52	Temporary facilities in an emergency	Support	N/A	We support the new provision for temporary facilities in emergencies and for events.
38	Discussion question 53	Do the proposed provisions appropriately manage any adverse effects (such as environmental, visual or cultural effects)?	<p>The proposed provisions do not appropriately manage adverse effects of telecommunication activities in the road reserve adjacent to residential zones. The 20m permitted height and 0.9m permitted pole width, plus flange, will enable bulky, visually dominant structures outside residential properties.</p> <p>It is generally not effective to mitigate visual effects through conditions, so a controlled activity status is not practicable or effective in controlling the effects of such facilities.</p>		

			There is also a lack of provision for protecting the coastal environment – existing Regulation 51 only protects the coastal marine area itself. Landscape values associated with the coast should also be protected, for example by permitting facilities only on the landward side of a road adjacent to the coast.
39	Discussion question 54	Do the proposed provisions place adequate limits on the size of telecommunication facilities in different zones?	<p>The proposed permitted pole width of 0.9m (plus flange) in the road reserve adjacent to residential zones will result in bulkier structures and increased visual effects on residential properties than currently permitted under the existing regulations.</p> <p>We do not support the total exclusion of the flange from measurement of pole width as proposed under regulation 7, or the statement that there is no discernible visual effect from the flange. The width at pedestrian/street level is a key factor in the quality of streetscape amenity for pedestrians and the immediate outlook of neighbouring properties. The width of the flange should be included in the measurement or at least limited.</p> <p>There appears to be inconsistency between rules regarding the more sensitive zones in which smaller dimensions are required. Some rules (e.g. pole height) require smaller dimensions for facilities on road reserve adjoining residential, local centre and neighbourhood centre zones. Other rules also include open space (e.g. regulations 33 and 35) and mixed-use (regulations 27 and 29) zones.</p>
40	Discussion question 55	Should a more permissive approach be taken to enabling telecommunication facilities to be inside rather than outside the road reserve?	We suggest only allowing a more permissible approach in suitable locations, for example in industrial zones which are well separated from sensitive zones such as residential zones and open spaces.
41	Discussion question 56	Do you support the installation and operation of fewer	Similar to our response in comment 40, we suggest that this occur only in suitable locations that are well separated from sensitive zones. The visual effects of such facilities are generally inappropriate in residential environments. Outside of residential and other sensitive environments, we support co-

		larger telecommunication facilities to support co-location of multiple facility operators?	location by multiple operators, which we recognise may give rise to taller facilities to accommodate them.		
National Environmental Standard – Granny Flats					
42	General comments	<p>We generally support the proposed NES-GF, as it would achieve national consistency without requiring costly plan changes. We have proposed some changes to make the interpretation and implementation of the NES-GF clearer for users and applicants.</p> <p>We would also like to reiterate our concerns about development contributions from our submission on the <i>Building and Construction (Small Stand-alone Dwellings) Amendment Bill</i>. Territorial authorities need to be able to levy development contributions for all developments that put increased demand on their infrastructure. The Council is concerned these proposals for minor residential units may hinder the ability to receive payment of the development contribution requirement. Under the current Building Act, a territorial authority can withhold the issue of a code compliance certificate or certificate of acceptance until the development contribution has been paid. The Council foresees the risk that many would be able to avoid paying development contributions for this non-consented dwelling type under the proposed Bill. If not paid, the burden of funding infrastructure required to service demand associated with these developments will be picked up by ratepayers.</p> <p>We also reiterate our position that, for record keeping, the responsibility should not be on the territorial authority to monitor the completion of the work and the owner must notify the territorial authority within 2 years of the issue of the Project Information Memorandum if the building work is not going to proceed.</p>			
43	Title	Using granny flats in the title	Amend	Change the name of the NES from “Granny Flats” to just “Minor Residential Units”	The term “granny flats” does not reflect the wide range of people who can be housed in these small residential units.
44	PAS 1	Maximum internal floor area	Clarify or amend	Clarify if the 70m ² floor area includes: - An attached garage	We are seeking clarifications on the permitted activity standards to make implementation and interpretation clearer for users and applicants. We assume decks attached to units are excluded, but

				<ul style="list-style-type: none"> - An accessory building (non-attached) - Decks (we assume excluded) <p>Alternatively, use the National Planning Standards definition of “net floor area” in the NES-GF</p>	<p>stating this in the standards upfront will avoid confusion in implementation.</p> <p>Alternatively, the NES references ‘internal floor area’, which is different from the term ‘net floor area’ being used in the proposed amendment to the <i>Building Act</i>. For consistency between these legislative instruments, we suggest using the term “net floor area” per the National Planning Standards.</p>
45	PAS 2	Number of minor residential units per site and relationship to principal residential unit	Clarify	Clarify whether the MRU can be built at the same time as the principal unit, or does the principal unit have to be there first	We are seeking clarification on the permitted activity standards to make implementation and interpretation clearer for users and applicants.
46	PAS 3	Maximum building coverage per site	Amend	It is suggested that the standards align the maximum building coverage in rural zones with existing District Plan standards for rural zones i.e. the zone standard applies	The proposal of no maximum building coverage limit could affect the use of sites for primary production while also impacting on the anticipated character of rural zones.
47	PAS 4	Minimum building setbacks from boundaries	Amend	Suggest including setbacks from waterways	The proposed provisions do not require consideration of waterway setbacks i.e. how far MRUs should be set back from waterways – reference back to the District Plan could appropriately address this.
48	R1	Leniency of rules	Support	N/A	We support District Plans being able to have more lenient standards than the NES for minor residential units.

49	R2	Matters council cannot apply to MRUs	Amend	<p>Review the lack of considerations of onsite amenity</p> <p>Suggest removing access as being a matter Council cannot apply to MRUs</p>	<p>Lack of consideration of onsite amenity, such as outdoor living provision, may lead to substandard conditions for occupants. We recommend a review of this position, even if only a small outdoor area is required (similar to the balcony/terrace provisions in the MDRS).</p> <p>Access can have safety and operational issues for the transport network that require appropriate standards to manage any such issues. One way to manage this could be requiring the MRU and principal unit to share the same access.</p>
50	R3	Where a development does not meet one or more of the permitted activity standards	Support	N/A	We support the provision that District Plan rules apply if there is a non-compliance with one or more of the standards as it would be easier to administer, noting NES standards would be a permitted baseline.
51	Discussion question 58	Do you support the proposed permitted activity standards for minor residential units?	<p>Additional to the feedback already provided on the permitted activity standards, we would suggest standards related to the location of the MRU on the site and that the principal unit needs to maintain compliance with District Plan rules for outdoor living, landscaping, windows to street etc. It is unclear whether compliance of the principal unit with District Plan rules must be maintained with the addition of the new unit. We suggest the MRU should not adversely affect the principal unit, but it should still comply with MDRS standards at a minimum.</p>		
52	Discussion question 60	Should the proposed NES-GF align, where appropriate, with the complementary building consent exemption proposal?	<p>Aligning standards would be clearer for members of the public but please refer to our submission on the <i>Building and Construction (Small Stand-alone Dwellings) Amendment Bill</i> for our submission on whether these exemptions should be provided.</p> <p>In the case of Christchurch City Council, new connections to the reticulated networks are triggered through the building consent process. If this was no longer the case, we would want to see the introduction and implementation of alternative regulatory processes to manage new connections.</p>		

			<p>We also note that new connections to the public stormwater network may require onsite mitigation for water quality and quantity.</p> <p>The proposed NES is also unclear as to how works within contaminated land will be managed i.e. relationship with the NES on contaminated land, as well as how the avoidance of building over/near public infrastructure within private property will be managed.</p>			
National Environmental Standard - Papakāinga						
53	General comments	<p>We support this new proposed NES-Papakāinga (NES-P) and more enabling pathways for developing papakāinga. One of the key moves in the Greater Christchurch Spatial Plan is the prosperous development of kāinga nohoanga. The Christchurch District Plan is enabling of many different types of development on Māori land and does not have any limitations on the scale or number of units, provided they meet standards including internal boundary setbacks, road boundary setbacks, building heights, recession planes, building coverage and water supply for firefighting.</p> <p>We are aware that some sites identified within the scope of Māori ancestral land may be in areas not suitable for long-term residential use due to the risk of impacts from natural hazards. Guidance in the NES on how to balance any tension between enabling papakāinga where District Plan provisions seek to prevent development on hazard prone land would be useful. Christchurch City Council will continue to partner with mana whenua on these issues.</p> <p>We note that the NES-P should be complemented by changes outside the planning and resource management system, particularly in relation to lending. Lending and financing for papakāinga continues to be a significant barrier for mana whenua when developing papakāinga.</p>				
54	PAS1	Maximum building coverage	Amend	Consider more nuanced coverage related to size of rural land in zones for rural purposes	We query whether there should be a more nuanced to the maximum levels of coverage, as 50% of land coverage for rural properties could be quite large, given the size of some land parcels. On the other hand, we are aware that rural parcels of land may not always be large, and more restrictive coverage may not be consistent with the purpose of the NES-P.	

55	PAS2	Minimum setbacks from site boundaries	Amend	Suggest setbacks that recognise the rural context in zones for rural purposes	We suggest setbacks to account for rural properties (noting rural roads generally have higher speed limits). We query whether the NES-Papakāinga should align with the MRU setbacks for same reason.
56	Discussion question 66	What additional permitted activity standards for papakāinga should be included?	We are seeking clarification of what is meant by “ancillary” for all the listed activities, as this is important for managing effects.		
57	Discussion question 67	Which, if any, rules from the underlying zone should apply to papakāinga developments?	We support the list of rules under PAS3. Additionally, we would suggest rules controlling height in relation to boundary, transport and access and outstanding natural landscapes are included - although we suggest these not to prevent papakāinga development, but to mitigate any impacts.		
58	Discussion question 68	Should local authorities have restricted discretion over papakāinga on Treaty settlement land?	<p>Yes, we agree that local authorities should have restricted discretion over papakāinga on Treaty settlement land. One area that should still be an area of discretion is water supply and wastewater servicing, due to the potential environmental and network impact.</p> <p>We would also like to see more matters of discretion that relate to papakāinga which are not a permitted activity, e.g. oversized commercial activities, or listed activities that are not directly associated with the residential activities of the papakāinga. The current suggested matters of discretion are not tied to effects that could be of concern, such as climate and natural hazard risk (as discussed in comment 53).</p>		
59	Discussion question 69	What alternative approaches might help ensure that rules to enable papakāinga on general land are not misused (for	We do not believe that ‘misuse’ is the right term. We are supportive of mana whenua being able to develop papakāinga for their needs and purpose, reflecting their own internal structures and guidance. Additionally, the proposed provisions do enable the development of ancillary activities, such as commercial ventures, so it is not “misuse” if the papakāinga is being used for commercial activities.		

		private/commercial use or sale)?	Our suggestion would be to better define ancillary activities, through a definition or guidance around the necessary relationship between the activity and the housing element. This would help understanding of when an activity stops becoming “ancillary”, for example, would a commercial lease be allowed? Or private-hapu partnerships? Matters of discretion where there is a non-compliance should maintain some flexibility given the purpose of the zone.
60	Discussion question 70	Should the NES-P specify that the land containing papakāinga on general land cannot be subdivided in future?	<p>We recommend that this question should be addressed through engagement with mana whenua as we cannot speak to the potential ramifications of subdivision (or not) on mana whenua and the aspirations they have for developing their land. We note that there could potentially be ramifications from a lending perspective, as lending is often one of the biggest barriers to developing papakāinga.</p> <p>From a water and wastewater perspective, future subdivision could impact the servicing standards that are applied, and this would need to be known upfront.</p>
National Policy Statement – Natural Hazards			
61	General comments	<p>We are generally supportive of the new NPS-NH and see it as a positive step in having greater national consistency around natural hazard management. Christchurch City Council, as well as many other Councils, already consider and manage risks associated with natural hazards. While we welcome the new NPS-NH, we would like to see greater central government direction for risk management and support for local government taking a precautionary stance. This has been reflected in our detailed comments below.</p> <p>Overall, there should be further consideration of scale – for example, it may be acceptable to enable development in an at-risk area if only a couple of houses need to be raised e.g. rural environment, but it would be a very different scenario if hundreds or thousands of properties were involved e.g. a residential environment. Not only is there the risk of residing in a hazardous location, but there would also implications from servicing these communities.</p> <p>We also note that many of the proposals here will have resourcing implications for Council. If councils were required to model, process, publish and store a large amount of scenarios this would impose a significant financial and resourcing cost to our Council.</p>	

62	D1	Definition of 'Significant risk from natural hazards'	Support with amendments and clarifications	<p>(1) Clarification on how risk levels are mapped to 'significant risk'</p> <p>(2) Clarification on protracted repair and restriction of use</p> <p>(3) Suggest considering aligning terminology between new S106A RMA and the NPS</p> <p>(4) Clarify 'damage to land'</p>	<p>We support having a definition and consistent language and thresholds for very high, high, medium and low risk.</p> <p>(1) We question whether medium risk should be included as "significant" and would prefer a clearer differentiation between high and very high risk. This would allow more stringent management of these higher risks, whereas medium risk is more about the management of hazards. For example, a minor consequence that is possible is treated as "medium" – this makes it a "significant" risk using the matrix, but we are not sure this reflects the degree of risk.</p> <p>(2) In reference to consequence levels, we seek clarification on protracted repair/restriction of use. This was the criteria used for the Christchurch Residential Red Zone, but we may wish to avoid this in the future, e.g. if a section of land has only one access which is at catastrophic risk, but the land itself is not.</p> <p>(3) Section 106 and the new proposed section 106A of the RMA require assessment of the 'material damage to land' that would result from natural hazards, whereas the NPS-NH definition of 'Significant risk from natural hazards' refers to damage to land being severe, major, moderate etc. We would suggest aligning terminology, if possible, between national direction, so it is clear where 'material damage' sits. Otherwise, we would suggest providing guidance on how the NPS-NH levels relate to the RMA terminology.</p>
----	----	---	--	---	---

					(4) We also seek clarity on what constitutes 'damage to land,' to help Councils make assessments using the risk matrix.
63	Application	Definition of Infrastructure and primary production	Clarify	Clarify definition of ancillary activities	We would like further clarification on what ancillary to infrastructure and primary production means – for example, could a residential unit be considered ancillary?
64	D2	Definition of 'new development'	Clarify	<p>Clarify if 'rebuilding' is included in the reference to 'Replacement', and if so, would this enable natural hazards to be considered for a replacement building, as opposed to existing use rights prevailing?</p> <p>Would the definition extend to new buildings that are on land with other existing buildings? (i.e. not extension of existing building but additional)</p>	<p>We would like to clarify whether the intent is that 'rebuilding' comes within the definition of 'replacement.' 'Rebuilding' is mentioned in the 'Reasons' section but not in the actual wording of the provision.</p> <p>If rebuilding is included within the definition of 'replacement', would this allow natural hazards to be considered, as opposed to existing use rights prevailing – the ability to consider natural hazard risks and associated management for new builds would be beneficial in at risk areas, but would require a change to s10 of the RMA, as otherwise existing use rights can prevail.</p> <p>We would like to clarify whether additional buildings are considered as a new development, as these buildings will also have the same natural hazard risks.</p>
65	P4	Best available information	Support	N/A	We support the intention of P4. However, Council notes that the ability to consider 'best available

					information' would only be possible when a resource consent is required as a discretionary or non-complying activity. The construct of both MDRS and the NPS-UD is that any non-compliance is limited to a restricted discretionary activity status. Considering that almost all metropolitan urban areas have now applied MDRS and Policy 3 of the NPS-UD, it is questionable how effective such a direction will be as there will be limited circumstances where the activity status is discretionary or non-complying in order to require the information otherwise sought.
66	IMP1	Implementation timeframes	Support	N/A	We support not prescribing a required timeframe to 'give effect' to the NPS in plan changes (although they will apply to plan changes, including private changes after gazettal).
67	Discussion question 71	Should the proposed NPS-NH apply to the seven hazards identified and allow local authorities to manage other natural hazard risks?	We are supportive of this approach, on the basis that the provision retains the ability of the Council to manage other natural hazard risks. We recommend adding groundwater rise, wildfire and drought and heat.		

68	Discussion question 72	Should the NPS-NH apply to all new subdivision, land use and development, and not to infrastructure and primary production?	<p>We suggest it should apply to all the activities, not just new subdivision, land use and development. Infrastructure required to service development is important for enabling development, so consideration of risks to service provision is important when assessing risks to the use of the land.</p> <p>If it only applies to new subdivision, land use and development, we recommend that new infrastructure is assessed against climate risks and does not enable vulnerable growth or development in locations at risk or future risk of climate impacts.</p> <p>It would be helpful to have clarity on when it is appropriate for more stringent management to apply for different classes of activities.</p> <p>We note that the NPS-NH uses the RMA definition of infrastructure, which is different to the NPS-I that expands on the RMA definition. The NPS-I includes stormwater infrastructure in the definition. Clarification is sought if the NPS-NH uses the RMA definition of whether stormwater infrastructure is excluded or included? We are seeking this clarification as it is important that stormwater and flood management infrastructure be excluded, as stormwater infrastructure often has a functional need to be in areas of flooding.</p>
69	Discussion question 73	Would the proposed NPS-NH improve natural hazard risk management in New Zealand?	<p>The proposed NPS-NH is a good start at standardising risk. For councils, this would improve natural hazard risk management, but for others it only reinforces what we are already doing. The Council already taking a risk-based approach and the District Plan manages land use, subdivision and development proportionate to the level of risk.</p> <p>Therefore, for our purposes, the current proposal is not directive enough, and it is unclear how the proposed provisions will help us to make difficult calls, such as restricting development in highest risk areas. This would assist Council in its work on a change to the District Plan (Proposed Plan Change 12) to manage risks associated with coastal hazards.</p> <p>The requirement of 'no exacerbation' is positive, but the meaning of 'proportionately manage' is unclear.</p>

70	Discussion question 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, we support P1. There might be lot of data to process to undertake risk assessments, so we suggest some nuance in application to various hazards. Risk assessment considerations should also include current risks and review potential of future risks
71	Discussion question 75	How would the proposed provisions impact decision-making?	The various metrics set across the proposed NPS will require additional reporting to make a determination on the risk profile of a proposed activity or change in land use controls. There will be additional costs, but this work will likely to lead to a more appropriate, sustainable, growth pattern.
72	Discussion question 78	Should the risks of natural hazards to new subdivision, land use and development be managed proportionately to the level of natural hazard risk?	<p>Yes, we support this approach but note that the current draft does not provide much direction. In particular, 'managed proportionately' needs greater clarity and direction. It would be helpful if there was national direction on the level of risk that is unacceptable for development i.e. what was considered too significant a risk that it is unacceptable.</p> <p>National direction on the types of activities that are appropriate as non-complying or prohibited, having regard to risk levels, nationally would be helpful too. We also suggest the consideration of both present and future risks (especially if lower risks areas become higher risk), as well as timeframes for assessment.</p>
73	Discussion question 79	How will the proposed proportionate management approach make a	In many cases, the proportionate management approach is already being taken by councils. In cases where it is not being done already, it would allow for more nuanced and locally appropriate rules and restrictions to be applied.

		difference in terms of existing practice?	<p>In its current drafting, P3 does not provide enough direction on what proportionate management is, so there is a risk that it becomes complex in practice and will lead to different assessments of what is considered proportionate. This may make implementation difficult for councils as each decision could potentially trigger debate and litigation.</p> <p>We note also section 106 of the Resource Management Act already provides the means to address natural hazard risk for subdivision. The NPS-NH could help to support and validate what councils are currently doing and reduce conflict with owners and developers.</p>
74	Discussion question 82	What additional support or guidance is needed to implement the proposed NPS-NH?	<p>Without seeing the non-statutory guidance:</p> <ul style="list-style-type: none"> • We would like to see more directive guidance in relation to the issues we've raised previously in this section. • Of most benefit would be legislative direction and powers for local government to assist in avoiding post-natural hazard situations where services are being provided to residents remaining in hazardous locations. • P2 (climate change timeframes) is helpful for national consistency, but we need further direction on climate scenarios due to multiple projection pathways. Assessing 100 years into the future would require multiple projections to be assessed and debated. • We would also welcome guidance on how the NPS-NH interacts with sections 71-74 of the <i>Building Act</i>, and what it means for building consents processing and conditions of hazard notices on building consents. Different instruments could result in confusion and frustration at the building consents stage. • More direction from central government around the use of Existing Use Rights when a severe threshold of natural hazard risk is met.