



Christchurch City Council SUPPLEMENTARY AGENDA

Notice of Meeting:

An ordinary meeting of the Christchurch City Council will be held on:

Date: Wednesday 10 April 2024
Time: 9.30 am
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

Membership

Chairperson	Mayor Phil Mauer
Deputy Chairperson	Deputy Mayor Pauline Cotter
Members	Councillor Kelly Barber
	Councillor Melanie Coker
	Councillor Celeste Donovan
	Councillor Tyrone Fields
	Councillor James Gough
	Councillor Tyla Harrison-Hunt
	Councillor Victoria Henstock
	Councillor Yani Johanson
	Councillor Aaron Keown
	Councillor Sam MacDonald
	Councillor Jake McLellan
	Councillor Andrei Moore
	Councillor Mark Peters
	Councillor Tim Scandrett
	Councillor Sara Templeton

8 April 2024

Principal Advisor

Mary Richardson
Interim Chief Executive
Tel: 941 8999

Katie Matheis
Democratic Services Advisor
941 5643

Katie.Matheis@ccc.govt.nz
www.ccc.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. If you require further information relating to any reports, please contact the person named on the report.

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11. Resolution to Include Supplementary Reports Te Whakataunga Whakauru Pūrongo āpiti

1. Background Te Horopaki

- 1.1 Approval is sought to submit the following reports to the Council meeting on 10 April 2024:
 - 12. Council submission on Fast-Track Approvals Bill
 - 13. Appointments to the New Zealand Agricultural Show Investment Trust
- 1.2 The reason, in terms of section 46A(7) of the Local Government Official Information and Meetings Act 1987, why the reports were not included on the main agenda is that they were not available at the time the agenda was prepared.
- 1.3 It is appropriate that the Council receive the reports at the current meeting.

2. Recommendation Te Tūtohu

- 2.1 That the reports be received and considered at the Council meeting on 10 April 2024.
 - 12. Council submission on Fast-Track Approvals Bill
 - 13. Appointments to the New Zealand Agricultural Show Investment Trust

12. Council submission on Fast-Track Approvals Bill

Reference Te Tohutoro: 24/443472

Responsible Officer(s) Te Pou Matua: Mark Stevenson, Manager Planning

Accountable ELT Member Pouwhakarae: Jane Parfitt, Interim General Manager Infrastructure, Planning and Regulatory Services

1. Purpose and Origin of the Report Te Pūtake Pūrongo

- 1.1 The purpose of this report is to seek approval of the draft Council submission on the Fast-track Approvals Bill (the Bill), which was introduced on 7 March 2024 and referred to the Environment Committee for its consideration.
- 1.2 The Environment Committee is calling for public submissions of the Bill. The deadline for lodging submissions is Friday, 19 April 2024.

2. Officer Recommendations Ngā Tūtohu

That the Council:

1. Delegate authority to [insert named Councillors] to approve any further changes to the draft Council submission on the Fast-track Approvals Bill (Attachment A and Attachment B to this report).
2. Note that the decision in this report is of low significance concerning the Christchurch City Council's Significance and Engagement Policy.

3. Executive Summary Te Whakarāpopoto Matua

- 3.1 The Environment Committee is inviting submissions on the Fast-track Approvals Bill.
- 3.2 The Fast-track Approvals bill is an omnibus bill that would enable a fast-track decision-making process for infrastructure and development projects that are considered to have significant regional or national benefits.
- 3.3 A draft Council submission has been prepared for consideration (Attachment A and Attachment B).
- 3.4 Subject to approval, the draft submission will be lodged to the Environment Committee.

4. Background/Context Te Horopaki

Summary of submission content

- 4.1 As a key infrastructure provider for Ōtautahi Christchurch, the submission acknowledges the potential of the Bill in supporting the Council to respond to and manage growth by enabling the efficient delivery of large infrastructure and development projects.
- 4.2 While the submission agrees that there is a need to ensure the efficient delivery of these significant projects, it also expresses concern that the process does not require robust evaluation and as a result has the potential to result in significant detrimental impacts to the wider environment if not resolved.

- 4.3 The following details key points outlined in the Council's draft submission (Attachment A).
- 4.3.1 Need to ensure appropriate balance: the submission encourages a more appropriate balance between enabling efficient delivery of significant infrastructure and development projects and managing effects on the environment. It specifically raises concerns at the lack of reference to environment objectives in the purpose of the Bill.
 - 4.3.2 Appropriate recognition of Te Tiriti o Waitangi: the submission expresses concern regarding the lack of consideration of Te Tiriti or the principles in the decision-making process.
 - 4.3.3 Extent and discretion of Ministerial power: the submission makes comment on the level of Ministerial power afforded in both the referral and substantive decision-making processes. The submission seeks amendments to ensure that the process allows for robust evaluation of projects and that decision-making is transparent, fair and even-handed.
 - 4.3.4 Key implications for Council: the submission raises potential implications for Councils, such as managing impacts on infrastructure and alignment with local planning processes. It also seeks amendments to allow for councils to be appropriately involved in the process.

- 4.4 The following related memos/information were circulated to the members of the meeting:

Date	Subject
28 March 2024	Draft Council submission on Fast-track Approvals Bill circulated to Mayor and Councillors (Attachment A)

- 4.5 The following related closed information session/workshops have taken place for the members of the meeting:

Date	Subject
2 April 2024	Council submission on Fast-track Approvals Bill

Options Considered Ngā Kōwhiringa Whaiwhakaaro

- 4.6 The only reasonably practicable option considered and assessed in this report is that the Council prepares a submission on the Bill to the Environment Committee.
- 4.7 The Council regularly makes submissions on proposals which may significantly impact Christchurch residents or Council business. Submissions are an important opportunity to influence thinking and decisions through external agencies' consultation processes.
- 4.8 The Bill proposes a significant shift in environmental legislation, setting a new pathway for approval of infrastructure and development projects that have national or regional benefits and would otherwise be subject to resource consent and/or notice of requirement (for designations such as the airport, electricity transmission corridors, schools) processes prescribed in the Resource Management Act and approvals process under other legislation. It is therefore important that through a submission the Council can seek to influence the direction of the Bill and provide suggestive amendments to ensure that the Bill is fit for purpose for local authorities and the residents we serve.
- 4.9 The alternative option would be to not submit on the Bill. This course of action is not recommended in this case as making a submission is a valuable opportunity to influence thinking of the Bill.

5. Financial Implications Ngā Hīraunga Rauemi

Capex/Opex Ngā Utu Whakahaere

	Recommended Option	Option 2 – Not submit
Cost to Implement	Met from existing operational budgets.	No cost
Maintenance/Ongoing Costs	As above	No cost
Funding Source	Existing operational budgets	No cost
Funding Availability	Available	N/A
Impact on Rates	No impact on rates as met from existing operational budgets	N/A

6. Considerations Ngā Whai Whakaaro

Risks and Mitigations Ngā Mōrearea me ngā Whakamātautau

6.1 The decision to lodge a council submission is of low risk.

Legal Considerations Ngā Hīraunga ā-Ture

6.2 Statutory authority to undertake proposals in the report:

6.2.1 The opportunity to lodge a submission on the Fast-track Approvals Bill is open to any person or organisation.

6.3 Other Legal Implications:

6.3.1 There is no legal context, issue, or implication relevant to this decision. The Legal Services team will provide a review of the submission before it is finalised.

Strategy and Policy Considerations Te Whai Kaupapa here

6.4 The required decision:

6.4.1 Aligns with the [Christchurch City Council's Strategic Framework](#).

6.4.2 Is of low significance in relation to the Christchurch City Council's Significance and Engagement Policy. This recognises that while there may be community interest in the Bill, the specific decision (to approve the draft submission) is of a lower level of significance.

6.4.3 Is consistent with Council's Plans and Policies.

6.5 This report supports the [Council's Long Term Plan \(2021 - 2031\)](#):

6.6 Strategic Planning and Policy

6.6.1 Activity: Strategic Planning, Future Development and Regeneration

- Level of Service: 17.0.1.1 Advice to Council on high priority policy and planning issues that affect the City. Advice is aligned with and delivers on the governance expectations as evidenced through the Council Strategic Framework. - Triennial reconfirmation of the strategic framework or as required.

Impact on Mana Whenua Ngā Whai Take Mana Whenua

6.7 The decision to lodge a council submission on the Bill is not a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Mana Whenua, their culture and traditions.



- 6.8 The decision involves a matter of interest to Mana Whenua, however the decision to submit on the Bill will not impact on our agreed partnership priorities with Ngā Papatipu Rūnanga.
- 6.9 Staff have engaged with Te Rūnanga o Ngāi Tahu and Ngā Papatipu Rūnanga through the development of the draft submission and have sought alignment where possible.



Climate Change Impact Considerations Ngā Whai Whakaaro mā te Āhuarangi

- 6.10 The decision to lodge a council submission does not have any direct climate change impacts.

7. Next Steps Ngā Mahinga ā-muri

- 7.1 Subject to approval, the draft submission (Attachment A and Attachment B) on the Bill will be lodged to the Environment Committee.

Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
A 	Draft Council submission on fast-track approvals bill	24/550642	9
B 	Draft Appendix 1 - Detailed Council submission on fast-track approvals bill	24/550655	14

In addition to the attached documents, the following background information is available:

Document Name – Location / File Link
Not applicable

Signatories Ngā Kaiwaitohu

Authors	Helaina Gregg - Principal Advisor Policy Mark Stevenson - Manager Planning Brent Pizzey - Senior Legal Counsel
Approved By	John Higgins - Head of Planning & Consents

DRAFT FOR COUNCIL CONSIDERATION

19 April 2024

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

Christchurch
City Council 

03 941 8999

53 Hereford Street
Christchurch 8013

PO Box 73013
Christchurch 8154

ccc.govt.nz

Email: en@parliament.govt.nz

Christchurch City Council submission on the *Fast-Track Approvals Bill*

Introduction

1. Christchurch City Council (the Council) thanks the Environment Committee for the opportunity to submit on the Fast-Track Approvals Bill (the Bill).
2. The Council acknowledges the intent of the Bill to create a 'one-stop-shop' to support the efficient delivery of infrastructure and development projects with significant regional and national benefits. While we agree that there is a need to ensure the efficient delivery of these significant projects, we have serious concerns that the process does not require robust evaluation and has the potential to result in significant detrimental impacts to the wider environment if not resolved.
3. As a key infrastructure provider for Ōtautahi for projects that have significant regional benefit we see that the Bill has the potential to be advantageous in supporting us to respond to and manage growth by enabling the efficient delivery of large infrastructure and development projects.
4. The key focus areas of the submission below are:
 - the need to ensure an appropriate balance between enabling efficient delivery of significant infrastructure and managing significant effects on the environment.
 - appropriate recognition of Te Tiriti o Waitangi
 - the discretion and extent of Ministerial power afforded in both the referral and substantive decision-making processes.
 - key implications for Council including, managing impacts on Council infrastructure, ensuring alignment with local strategic direction, and allowing for sufficient opportunity to be involved in the process.

Submission

Purpose of the Bill

5. The purpose of the Bill is to *'to provide a fast-track decision making process that facilitates the delivery of infrastructure and development projects with significant regional or national benefits.'* We note the intentional omission of any references to environmental objectives from the purpose of the Bill.
6. The Council is concerned by the lack of reference to environment objectives – noting that this is a fundamental shift in environmental legislation, setting a clear direction that environmental impacts are subordinate to delivering economic growth.

7. We see that environmental objectives, such as responding to and managing effects from climate change (noting international obligations), reducing emissions, protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna and managing water quality, should be an important part of any environmental legislation in Aotearoa. We are very concerned by the lack of reference to these objectives in the purpose of the Bill, and as a consequence a lack of consideration of adverse environmental impacts through the decision-making process. Therefore, while we agree that there is benefit in having a process that facilitates efficient delivery of significant projects and drives economic growth, this should not be at the expense of achieving good environmental outcomes.
8. Specific amendments regarding both the purpose of the Bill and the recognition of environmental objectives more broadly are detailed in Appendix 1.

Joint Ministers

9. The lack of environmental focus is further reflected in the 'joint ministers' responsible for decision-making under the Bill. Unlike the COVID-19 Recovery (Fast-track Consenting) Act 2020, the Minister for the Environment has been excluded from the Ministers responsible for making decisions on projects. We have significant concerns regarding this exclusion, and see considerable risks associated with this.
10. We request that the Bill is amended to include the Minister for the Environment along with the other joint ministers responsible for decision-making.

Te Tiriti o Waitangi

11. Persons acting under the Fast-track Bill, must do so in a manner that is "consistent with obligations under Treaty Settlements". The Bill therefore does not require the expert panel or Ministers to consider Te Tiriti o Waitangi or the principles in decision-making. We are concerned by the lack of recognition of Te Tiriti in the Bill and that this may result in approvals or consents, which are inconsistent with Te Tiriti.
12. We are similarly concerned that Schedule 4, subclause 12(1)(g)(i) excludes section 8 of the Resource Management Act (RMA) 1991. To ensure consistency with the RMA, we request that this subclause is amended to include section 8 of the RMA.

Project eligibility

Schedule 2A – listed projects

13. As Schedule 2A has yet to be populated, it has been difficult to comment on the appropriateness of Schedule 2A. We request that there is adequate engagement with the public, including local authorities, on Schedule 2A through the Parliamentary process.
14. Notwithstanding this, the Council wishes to put forward a programme of works in the Ōtākaro Avon River Corridor (OARC) that deliver on the vision of the Ōtākaro Avon River Corridor Regeneration Plan, which emphasises a restored natural environment and strengthened connections between people, the river and the land. The delivery of the OARC Regeneration Plan is being delivered in partnership with Ngāi Tūāhuriri as mana whenua, who have indicated early support for including this programme in a Fast Track consent process. The programme comprises land stabilisation and enhancement, stop banks to mitigate flood hazards, and stormwater management areas to improve water quality and subsequent ecological restoration to return the area to a delta environment. In doing so, it facilitates the regeneration of the area and outcomes defined by Te Ngāi Tūāhuriri, the Crown and Council, which are of significance for the region. Further information will be submitted as part of a formal request.

Schedule 2B – referred projects

15. We support the need for criteria to determine the eligibility of referred projects – noting that it is essential to provide a clear framework and process for decisions. However, as drafted the proposed criteria for determining project eligibility are very broad – affording the Ministers a significant degree of discretion when selecting what projects are referred.
16. Of particular note is how ‘*significant regional or national benefits*’ has been defined. While Clause 17(3) provides direction on what may be considered when determining significant regional or national benefits, there is significant discretion afforded to the Ministers to determine what projects meet this threshold, having regard to the reference to “may consider” and broad scope of the criteria.
17. We seek that amendments are required to ensure that assessment of project eligibility is transparent, fair and even-handed. Specific amendments detailed in Appendix 1.

Decision-making process

18. The final decision to grant or decline any applications sits with the Ministers after considering the Expert Panel’s (the Panel) recommendations. Ministers can also ask the Panel to reconsider any recommendations, commission additional advice or seek further comments from affected parties. This is a notable change from the COVID-19 Recovery (Fast-track Consenting) Act 2020, where it was the role of the Panel to decide applications.
19. Our key concern with the substantive decision-making process is the ability for the Ministers to overturn the Panel’s recommendations with what appears to be limited justification. For example, the drafting of subclause 25(4) states that the Ministers ‘*must not decide to deviate from a Panel’s recommendations unless they have undertaken analysis of the recommendations and any conditions included in accordance with the relevant assessment criteria*’. This provides the Ministers with significant discretion to overturn the Panel’s recommendations without necessarily needing appropriate evidence or justification as to why.
20. The Bill should be specific about what analysis and/or evidence the Ministers must have to undertake to deviate from the Panel’s recommendations, particularly if there will be significant environmental effects. We are of the view that Ministers should only be able to deviate from the Panel’s recommendations in extenuating circumstances where specific criteria or rationale have been met, including appropriate technical input. We seek amendments to the Bill to provide clearer parameters around when and how the Ministers can overturn the Panel’s recommendation.
21. This would be supported by Ministers being required to provide reasons for their decisions – this is both in relation to the substantive decision-making process as well as the referral process discussed above. By Ministers having to clearly articulate the rationale for their decisions in a report, it not only ensures greater transparency but also provides clear documentation as to why decisions were made.

Implications for Council

Timeframe for providing comments on projects

22. The proposed process enables Councils to provide comment on both listed and referred projects. While supportive of this, we are concerned at the 10-working day timeframe for Councils to make comment on projects. These projects are likely going to be of large scale and have substantive technical evidence that will require considerable staff time to assess and provide commentary, and co-ordinate an all-of-Council response.
23. We seek that the timeframe to provide comments is amended to 20 working days. This more appropriately reflects the time required for Councils, and other persons under Schedule 4, clause 20(3), to give due

consideration and respond.

Cost recovery provisions

24. The Council strongly supports the proposed cost recovery provisions. The Bill provides for local authorities to recover costs from the Environmental Protection Agency for supplying information in relation to current or anticipated applications (Schedule 4, clause 9), and from the applicant for Schedule 3 and 4 processes (Schedule 3, clause 14). The inclusion of these cost recovery provisions in the primary legislation are necessary and welcomed.

25. For completeness, we recommend that the cost recovery provisions are also extended to enable local authorities to recover any costs from an applicant for pre-engagement required under clause 16.

Alignment with local strategic direction and planning processes

26. While every application must provide an assessment of the activity against any relevant provisions in any plan or proposed plan (Part 1, clause 12(1)(h)), there is no requirement that the decision-maker must consider these. This raises an issue around the integration of existing strategies, policies and plans, set at a local level, and the potential for misalignment in strategic direction.

27. We are concerned that the fast-track process will be able to override local direction and enable developments that are inconsistent with the direction sought through robust local planning processes. This could have significant unintended consequences, particularly around where growth occurs, and the relevant infrastructure necessary to support the growth.

28. In Christchurch, for example, the Greater Christchurch Spatial Plan (GSCP) sets the direction on where future growth and infrastructure should be focused. It provides clear direction on areas where, as a sub-region, we would anticipate growth occurring, particularly through intensification. If an approval or consent through the fast-track pathway was granted that was inconsistent with this direction, such as a large-scale development outside the areas identified, it could significantly impact on the delivery of the GSCP and the desired direction of growth for the sub-region and the city and take investment away from areas intended for growth.

Managing impacts of fast-track development on Council infrastructure

29. Approvals and consents under the fast-track process could have significant implications on Council infrastructure – both now and in the future. It is therefore fundamental that in both the referrals process and the substantive decision-making process that decision-makers must consider the impacts of proposals on Council infrastructure – both in terms of serviceability and standard.

30. The Bill should provide greater attention as to whether the proposal can in fact be reasonably serviced in the eligibility criteria and in the assessment of applications. It should also consider whether the proposal aligns with local infrastructure planning identified in plans such as the GSCP. There is a considerable risk that the fast-track process could result in proposals being approved in areas that cannot be reasonably serviced or do not align with infrastructure planning at the local level.

31. For example, in Christchurch a major wastewater constraint has been identified within parts of Aranui, Shirley and Prestons areas. This significantly limits development potential as the vacuum sewer systems that service these areas are at or near capacity. There are no immediately feasible alternative options to service greater intensification of these areas. If a development was approved through the fast-track process in any of these areas, it would have major consequences for the Council in terms of service provision. This may be beyond an extension or localised upgrade and may require replacement of the system. This example demonstrates the necessity to consider if, and how, projects will be serviced as a key part of the eligibility process and the assessment of applications.

32. Where it has been determined that fast-track developments can be reasonably serviced or are consistent with local direction, we would still seek that any infrastructure required for fast-track developments that will vest in or be managed by the Council must be built to standards required by the Council. This can be achieved if the conditions of consent require those assets to be constructed to the Council's standards. If local authorities do not have this discretion and infrastructure is not built to Council standards, this could have significant implications and costs for councils both in the short and long term.

Conclusion

33. The Council appreciates the opportunity to submit on the Fast-Track Approvals Bill. We look forward to further discussion with Government and its agencies around the implementation of the Bill.

For any clarification on points within this submission please contact Mark Stevenson, Manager Planning (mark.stevenson@ccc.govt.nz)

Yours faithfully

Phil Mauger
Mayor of Christchurch

Appendix 1 - Christchurch City Council detailed submission on Fast-track Approvals Bill

Clause	Topic	Submission
General comment	Conflict of interest	There should be a requirement for Ministers to not be involved if they have a conflict – for example, the Minister who has responsibility for the utility subject to a notice of requirement application.
General comment	Compatibility with underlying zoning	It is in the interests of the fast-tracked developments, once consented, that the underlying zoning in the District and Regional Plans is amended to be consistent with the approved development. We consider there needs to be a process to resolve any misalignments with District Plans resulting from approvals under the fast-track process. We recommend that where a consented development results in a plan misalignment, if there is agreement from the relevant local authority, a streamlined approach to re-zoning should be available. The costs of any re-zoning resulting from the misalignment must be recoverable for local authorities.
General comment	Lapsing and staging	Projects such as implementation of the Ōtākaro Avon River Corridor Regeneration Plan in Christchurch are delivered in stages over several decades. There ought to be provision for a single approval process to allow those stages, without lapsing of stages that have not been implemented.
General comment	Monitoring and reporting	The Act should include a requirement for the Ministries to monitor the benefits, costs, and effects of project implementation under the Act.
6	Te Tiriti	Should require acting consistent with Te Tiriti (the same submission applies to all clauses that refer to “Treaty settlements”).
16	Consultation before applicants’ lodge referral applications	We support the requirement for applicants to consult with local authorities but there should be provision for councils to charge applicants for that.
17(2)	Eligibility criteria	Specify whether the list is exclusive. Are they “considerations” or “criteria”? There should be clear prioritisation among the considerations – achieving “significant regional or national benefits” should be a paramount requirement, not just one consideration among 5. It is unclear whether they all need to be satisfied, or one only, or a mix. As Ministers must decline an application if the application “does not meet the criteria in section 17”, these need to be clear objective criteria, not discretionary considerations.
17(3)(c)	Eligibility criteria for “significant regional or national benefits”	Item (c) being “will increase the supply of housing, address housing needs” is too broad. It is unclear what scale of development would be considered to have significant regional or national benefits.
19(5)	Providing comments to Ministers about applications	10 working days is unworkable. These will be complex applications with extensive detail. It should be at least 20 working days.

21(2)	Ministers' discretion to decline applications	The discretion includes if "the project may have significant adverse effects on the environment". This attention to significant adverse environmental effects should be elevated to an amended purpose section that strikes a better balance between providing for development and managing adverse effects for current and future generations.
"	"	Add a requirement to decline the application if the project hinders achieving the nation's emissions targets.
21(3)	Ministers declining applications before getting full information	The ability for Ministers to decline applications before getting reports, inviting comments and seeking further information should be deleted. The current approach does not support good decision making.
23(1)(b)	Ministers' ability to give directions when they accept applications	It is premature for the Ministers to have the ability to set restrictions at this stage prior to the Panel considering the application.
25(4)	Ability for Ministers to depart from the Panel recommendations	Council supports the bar on the Ministers' ability to deviate from the Panel's recommendations unless they have undertaken analysis of the recommendations and any conditions in accordance with the relevant criteria. However, there should be increased constraint on their ability to depart from the Panel's recommendations. There should be requirements (rather than it being discretionary) for the Ministers to seek further comment from the Panel, commission additional advice, and seek comments from any affected people.
25	Absence of requirement for Ministers to give reasons for decisions	There ought to be an express requirement for Ministers to produce decision reports that record their reasons for approval, approving in part, or declining.
27(7)	Joining as a party to appeals on point of law	10 working days for joining as a party is too short. It should be 15 working days.
Schedule 3 Expert Panel		
3	Membership of Panels	Support 1 being appointed by local authorities and 1 by iwi authorities
4	"	Support Chairperson being a planner/lawyer.
10	Panel procedure	Support that it be "without procedural formality", and that the Panel can appoint advisors.
		Support that the Panel may appoint special advisors and technical advisors; however, applicants and people who make comments should be able to see and comment on the advice from the Panel's advisors.
		There ought to be express provision that Panel members avoid conflicts of interest.
14	Local authority cost recovery from the applicant	Supported.
Schedule 4 RMA approval process		

2(3)	Change or cancellation of conditions	This unduly limits the ability to change or cancel conditions by requiring that to be with a new application under this Act, rather than under standard RMA process. That is a barrier to making changes to address changed circumstances.
12(d)	Information in consent applications	Requires names of “adjacent” owners and occupiers. Clarify whether “adjacent” means solely adjoining boundaries, or whether it goes wider.
12(g)	Assessment against purpose of the RMA	Should include section 8 of the RMA – principles of the Treaty.
13	An application’s assessment of effects on the environment	There should be an express requirement that this includes emissions and other climate change considerations. Item (g) regarding natural hazards should include the risk to the proposed activity itself, not solely the hazard that the proposed activity creates for the environment around it.
16	Notices of Requirement for Designations	There is no requirement for an assessment of adverse effects on the environment. There should be.
20	The requirement for the Panel to invite written comments	We support the Panel being required to invite comments from local authorities and iwi authorities on listed projects and referred projects; however, the same submission point as above regarding inviting comments from those “adjacent”.
21	10 working day limit for providing written comments	10 working days is inadequate given the complexity and magnitude of the likely listed and referred projects. It should be at least 20 working days.
23/24	Hearing not required	The discretion for the Panel to decide whether to hold a hearing should be removed if at least some parties request a hearing – eg if requested by the local authority or iwi authority.
24(4)	EPA giving a minimum of 5 working days’ notice of a hearing	This is insufficient. It should be 10 working days.
32	Panel’s (and Ministers’) consideration of listed matters with “weight” in accordance with the order of the list	It is unclear how this will work and be applied in light of well-established caselaw on weight under the RMA. With appeals only being on point of law to the High Court, if this is not better clarified now in the legislation, there will be appeals to the High Court to resolve it. There is inadequate weight on environmental impacts, especially endangered species and significant natural areas
“	“	Greater weight should be accorded to strategic direction set in regional and district policy statements and plans.

37 & 40	Conditions	The Act should provide the ability for the Council to determine the standards for any parts of a project that are to be vested in the Council. Councils have design standards for utilities. These ensure that they are constructed to an adequate standard and do not shift undue costs from developers onto ratepayers. If projects involve services that are intended to be vested in the Council – roads, parks, wastewater, stormwater, reticulated water – then conditions for approvals should be set to the council’s standards.
38(2)	Panel inviting comments on consent conditions	Support the requirement that the Panel allow people who made comments the opportunity to comment on the Panel’s draft consent conditions. The Bill allows the Panel to set a date for that. We submit that the Panel ought to provide at least 10 working days for comments on conditions.
39(3) and (4)	The deadline for the Panel to make recommendations to the Ministers	No later than 25 working days after the date for receiving comments under clause 21 – this is too short for good decision making and discourages Panels from holding hearings. That timeframe should be longer to allow a meaningful opportunity to arrange and hold hearings, followed by deliberations. Panels will be likely to inevitably use subsection (4) to extend it by another 25 working days – but that is still too short for a good systematic hearing process.
39(9)	Approvals lapse in 2 years	This is too short for big projects (is 5 years in the RMA) and there is nothing that says that the RMA provision that allows consent holders and councils to extend lapsing dates applies.
Schedule 6 Wildlife Act Approvals		
1(2)	Allows “compensation” for wildlife loss	Compensation is not possible, or appropriate, for impacts on wildlife that cannot be mitigated.

13. Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987.

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items listed overleaf.

Reason for passing this resolution: good reason to withhold exists under section 7.

Specific grounds under section 48(1) for the passing of this resolution: Section 48(1)(a)

Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority.”

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

ITEM NO.	GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	SECTION	SUBCLAUSE AND REASON UNDER THE ACT	PLAIN ENGLISH REASON	WHEN REPORTS CAN BE REVIEWED FOR POTENTIAL RELEASE
14.	APPOINTMENTS TO THE NEW ZEALAND AGRICULTURAL SHOW INVESTMENT TRUST	S7(2)(A)	PROTECTION OF PRIVACY OF NATURAL PERSONS	TO PROTECT THE CANDIDATES' REPUTATION.	FOLLOWING THE CONCLUSION OF THE INDEPENDENT MEMBER APPOINTMENT PROCESS.