
Finance and Performance Committee

SUPPLEMENTARY AGENDA

Notice of Meeting:

An ordinary meeting of the Finance & Performance Committee will be held on:

Date: **Wednesday 26 June 2024**
Time: **9.30 am**
Venue: **Council Chambers, Civic Offices,
53 Hereford Street, Christchurch**

Membership

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

24 June 2024

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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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- Part A Matters Requiring a Council Decision
Part B Reports for Information
Part C Decisions Under Delegation
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18. Resolution to Include Supplementary Reports Te Whakataunga Whakauru Pūrongo āpiti

1. Background Te Horopaki

- 1.1 Approval is sought to submit the following report to the Finance and Performance Committee meeting on 26 June 2024:
 19. Council submission on Resource Management (Freshwater and Other Matters) Amendment Bill
- 1.2 The reason, in terms of section 46A(7) of the Local Government Official Information and Meetings Act 1987, why the report was not included on the main agenda is that it was not available at the time the agenda was prepared.
- 1.3 It is appropriate that the Finance and Performance Committee receive the report at the current meeting.

2. Recommendation Te Tūtohu

- 2.1 That the report be received and considered at the Finance and Performance Committee meeting on 26 June 2024.
 19. Council submission on Resource Management (Freshwater and Other Matters) Amendment Bill

19. Council submission on Resource Management (Freshwater and Other Matters) Amendment Bill

Reference Te Tohutoro:	24/951637
Responsible Officer(s) Te Pou Matua:	Mark Stevenson, Acting Head of Planning and Consents Brent Pizzey, Senior Legal Counsel Helaina Gregg, Principal Advisor Policy
Accountable ELT Member Pouwhakarae:	John Higgins, General Manager Strategy, Planning & 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 Resource Management (Freshwater and Other Matters) Amendment Bill (the Bill), which was introduced on 23 May 2024 and referred to the Primary Production Committee for its consideration.
- 1.2 The Primary Production Committee is calling for public submissions on the Bill. The deadline for lodging submissions is Sunday, 30 June 2024.

2. Officer Recommendations Ngā Tūtohu

That the Finance and Performance Committee:

1. Approves lodging the Council submission on the Resource Management (Freshwater and Other Matters) Amendment Bill (Attachment A) to the Primary Production Committee.
2. Notes that the decision in this report is assessed as low significance based on the Christchurch City Council's Significance and Engagement Policy.

3. Executive Summary Te Whakarāpopoto Matua

- 3.1 The Primary Production Committee is inviting submissions on the Resource Management (Freshwater and Other Matters) Amendment Bill (the Bill).
- 3.2 The Bill proposes targeted changes to the resource management system. The intent of the proposed changes is to reduce regulatory burden while more widespread amendments are prepared.
- 3.3 A draft Council submission has been prepared for consideration (Attachment A)
- 3.4 Subject to approval, the draft submission will be lodged to the Primary Production Committee.

4. Background/Context Te Horopaki

Summary of proposed changes

- 4.1 The Government has announced that it intends to progress reforms of the RMA in three phases. This bill is part of the second phase of reform and addresses particular issues the Government considers time sensitive. The Government has indicated that it intends to propose more comprehensive reform of the RMA to Parliament in due course.
- 4.2 Changes proposed by the Bill will:

- 4.2.1 Exclude the hierarchy of obligations in the National Policy Statement for Freshwater Management (NPS-FM) from resource consenting.
- 4.2.2 Repeal the contentious low slope map and associated requirements from stock exclusion regulations, reducing costs for farmers.
- 4.2.3 Repeal the permitted and restricted discretionary activity regulations and associated conditions for intensive winter grazing from the National Environmental Standards for Freshwater (NES-F).
- 4.2.4 Align the provisions for coal mining with other mineral extraction activities under the National Policy Statement for Indigenous Biodiversity (NPS-IB), NPS-FM and NES-F.
- 4.2.5 Suspend for three years, requirements under the NPS-IB for councils to identify new Significant Natural Areas (SNAs) and include them in district plans. The Bill also extends some SNA implementation timeframes to 31 December 2030.
- 4.2.6 Speed up and simplify the process for preparing and amending national direction, including national environmental standards, national planning standards, national policy statements and the New Zealand Coastal Policy Statement.

Summary of submission content

- 4.3 The submission acknowledges the intent of the proposed changes and commends the Government's efforts to provide more clarity to local authorities and consent applicants ahead of wider reforms to the resource management system.
- 4.4 Notwithstanding this, the submission raises reservations around the practical implementation of certain changes and makes recommendations to ensure the proposed changes are fit-for-purpose and can be delivered effectively by councils.
- 4.5 The following details key points are outlined in the Council's draft submission (Attachment A).

NPS-FM 2020 hierarchy of obligations excluded from consideration in resource consent applications

- 4.5.1 Hierarchy of obligations: given that the hierarchy of obligations must still be given effect through plan-making, and for consent application decision making to have regard to those plans, we recognise that the intent of Te Mana o Te Wai will still be achieved. Notwithstanding this, we support Te Mana o te Wai and its inclusion in all aspects of decision-making around fresh water and consider it should be upheld.

Delaying the obligations under the NPS-IB for councils to identify and map new Significant Natural Areas

- 4.5.2 Timeframes and resourcing: we seek that timeframes are amended to allow councils adequate time to identify, assess and consult on new SNAs.
- 4.5.3 Funding: we request that funding support from central government be made available to support the completion of identifying new SNA sites.
- 4.5.4 Alignment with other requirements under RMA: to ensure alignment, and avoid unnecessary costs and resourcing for local authorities, the RMA should be amended to provide dispensation from implementation of the National Planning Standards under section 58I and/or the timeframes required by section 58J, and the requirement for Councils to review their District Plan every 10 years under section 79(1), until the wider reforms to the resource management system have progressed.

Speeding up the process to prepare and amend national direction

4.5.5 Appropriate testing of national direction: we consider that there are risks with the proposed process of amending or developing new national direction in that it does not allow for appropriate testing of new national direction, prior to it being gazetted.

4.6 The following related memos/information were circulated to the meeting members:

Date	Subject
14 June 2024	Draft submission circulated to councillors for their feedback

Options Considered Ngā Kōwhiringa Whaiwhakaaro

- 4.7 The only reasonably practicable option considered and assessed in this report is that the Council prepares a submission on the Bill to the Primary Production Committee.
- 4.8 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.
- 4.9 The Bill proposes a shift in environmental legislation, introducing targeted changes to the resource management system and the setting of national direction. 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.
- 4.10 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 the thinking of the Bill.

5. Financial Implications Ngā Hīraunga Rauemi

Capex/Opex Ngā Utu Whakahaere

	Recommended Option - submit on Bill	Option 2 – Not submit on Bill
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 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 assessed as low significance based on 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 through the development of the draft submission.



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) on the Bill will be lodged to the Primary Production Committee.

Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
A  	Draft Christchurch City Council submission on Resource Management (Freshwater and Other Matters) Amendment Bill	24/1069959	10

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

Document Name - Location / File Link
Not applicable

Signatories Ngā Kaiwaitohu

Author	Helaina Gregg - Principal Advisor Policy
Approved By	Mark Stevenson - Acting Head of Planning & Consents John Higgins - General Manager Strategy, Planning & Regulatory Services

DRAFT FOR COUNCIL CONSIDERATION

27 June 2024

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Christchurch City Council submission on the *Resource Management (Freshwater and Other Matters) Amendment Bill*

Introduction

1. Christchurch City Council (the Council) thanks the Primary Production Committee (the Committee) for the opportunity to make a submission on the Resource Management (Freshwater and Other Matters) Amendment Bill (the Bill).
2. The Council acknowledges the intent of the proposed changes and commends the Government's efforts to provide more clarity to local authorities and consent applicants ahead of wider reforms to the resource management system. Notwithstanding this, we raise reservations around the practical implementation of certain changes and make recommendations to ensure the proposed changes are fit-for-purpose and can be delivered effectively by councils.

Submission

NPS-FM 2020 hierarchy of obligations excluded from consideration in resource consent applications

3. The proposed change to exclude the hierarchy of obligations in the NPS-FM from consideration in resource consent applications does not affect requirements for local authorities to prepare plans in accordance with the hierarchy, or for consent application decision making to have regard to those plans. Given that the hierarchy of obligations still must be given effect through plan-making, we recognise that the intent of Te Mana o Te Wai will still be achieved.
4. Notwithstanding this, we support Te Mana o te Wai and its inclusion in all aspects of decision-making around fresh water. If the hierarchy of obligations is not upheld in all cases, this has the potential to lead to further degradation of our waterways. Additionally, requiring the hierarchy of obligations to be considered in resource consent applications safeguards the life supporting capacity of waterways in the interim until plans incorporate the obligations.

Delaying the obligations under the NPS-IB for councils to identify and map new Significant Natural Areas Timeframes and resourcing

5. While the obligations for councils to identify and notify any change to their District Plan to include new Significant Natural Areas (SNAs) using the NPS-IB assessment criteria are proposed to be suspended for three years, we still have reservations regarding the 5-year timeframe in clause 4.2 of the NPS-IB. As expressed in our previous submission on the NPS-IB, the process to identify, assess and consult on SNAs is highly time consuming and is anticipated to require a number of years.

6. In Christchurch, there are upward of 500-700 potential SNAs covering more than 20,000 hectares that would need to be assessed by suitably qualified ecologists, which we know there are a limited number of. Additionally, councils would need to undertake consultation and collaboration with landowners. This process with landowners requires significant time, recognising that landowners may have concerns about the impacts of their property being identified as a potential SNA site that need to be discussed.
7. We had previously submitted that the five years to complete the identification and notification of SNAs was unrealistic for councils unless they were able to rely primarily on desktop assessments and had requested that the timeframe be extended. We again request that the NPS-IB be amended to extend the timeframes in clause 4.2 to more appropriately reflect the time that councils require to complete the identification and notification of SNA sites. If timeframes aren't amended, it will be extremely difficult for councils to meet their statutory obligations under the NPS-IB to identify and notify new SNAs.

Funding

8. Delivering the requirements under the NPS-IB, particularly when considering the truncated timeframes, will require significant resource and cost to councils. In our previous submission on the NPS-IB, we had requested funding support from central government be made available to support the completion of identifying SNA sites. We reiterate this point and urge the Government to consider what funding support can be given to councils. This assistance will be critical to ensure the successful implementation of the NPS-IB.

Potential for misalignment in how indigenous biodiversity is managed

9. The NPS-IB requirements relating to indigenous biodiversity outside of SNAs still need to be implemented by 2028. Splitting the issue of managing indigenous biodiversity into two stages has the potential to add unnecessary complexity and risk inconsistencies.
10. Additionally, the Bill does not suspend the requirement for existing objectives and policies in plans to be reviewed to ensure that they give effect to the NPS-IB except as specified under clause 78(3). Similar to above, this has the potential to result in inconsistencies and unnecessary complication to how indigenous biodiversity is considered. We submit that it would be more appropriate for all aspects of indigenous biodiversity to be considered together.

Alignment with other requirements under the RMA

11. Further consideration should be given to the implications of the NPS-IB and wider reforms to the RMA, for Councils in meeting their statutory requirements under the RMA for District Plan reviews and implementation of National Planning Standards. To ensure alignment, and avoid unnecessary costs and resource to local authorities, the RMA should be amended to provide dispensation from implementation of the National Planning Standards under section 58I and/or the timeframes required by section 58J, and the requirement for Councils to review their District Plan every 10 years under section 79(1), until the wider reforms to the resource management system have progressed.

Clarification on 'SNA' definition

12. Proposed sections 78(4) and (5) seem to undermine the effectiveness of the other provisions in section 78 that specify that some SNA requirements of the NPS-IB do not apply. Subsections (4) and (5) provide that councils can, and should, under the NPS-IB identify and seek to protect areas of significant indigenous vegetation in proposed plans, but that these are "not to be treated as an SNA". That seems to enable provisions in proposed plans to protect those values that are as restrictive or more restrictive than the provisions that would apply to SNAs under the NPS-IB, provided that they are not exactly the same as the SNA requirements. We seek clarification of whether this was the intent – noting that while we do not oppose the outcome, it could be an outcome of the proposed provisions that may be unintended.

Speeding up the process to prepare or amend national direction

13. While the proposed changes to establish a more streamlined and efficient pathway to create and amend national direction under the RMA has merit from an efficiency perspective, we consider that this process should provide for more testing of proposed new national direction so as to reduce the risk of unintended poor outcomes.
14. The current process enables and provides for appropriate testing of new national direction, prior to it being gazetted. This provides a valuable opportunity to gain input from those who implement national direction at a regional and local level and ensure that national direction is fit-for-purpose and workable from an implementation perspective. We are concerned that if the Minister can change national direction without going through the normal process, that this removes this opportunity and has the potential to result in changes that are impractical or have consequences that were not intended.

Limiting the local voice

15. We are also concerned that the proposed process to create a more streamlined approach will have the effect of limiting the local voice and public participation more broadly. Local authorities, as organisations who implement national direction through plans and resource consents, should have the ability to input into the process of amending and developing new national direction. As expressed above, local authorities, have valuable insights into how national direction is applied in practice, which can be used to better outcomes and produce robust and well-considered national direction.

Other matters

16. Changes proposed by the Bill have the potential to result in increased carbon emissions. We reiterate the importance of reducing our carbon emissions, which is not only necessary to address the impacts of climate change but also ensure that we are meeting our emissions targets – both at a national and local level.

Conclusion

17. The Council appreciates the opportunity to submit on the Bill. We look forward to further discussion with Government and its agencies on reforms to the resource management system.

For any clarification on points within this submission please contact Mark Stevenson, Acting Head of Planning and Consents (mark.stevenson@ccc.govt.nz)

Yours faithfully

Phil Mauer
Mayor of Christchurch