

26 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 Mauger
Mayor of Christchurch