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Christchurch City Council submission on updating RMA national direction

Introduction

1. Christchurch City Council (the Council) thanks the Ministry for the Environment for the opportunity to make a submission on the proposals to update resource management national direction.
2. The Council acknowledges the Government's intention to provide more clarity and guidance to regulators and users through the proposed changes to national direction. We recognise that, in many areas of the resource management system, clear and directive national guidance delivers benefits.
3. This cover letter provides our key submission points across all three packages, and summarises our general positions. Our detailed feedback and recommendations can be found in the attached appendices. Where possible, we have made suggestions which we think will help the new national policy instruments to be fit-for-purpose, and capable of being interpreted and implemented effectively by councils and users.

Submission

General

4. The changes to national direction support the Government's priorities of enabling growth and development - unlocking land capacity for housing and business, supporting primary sector expansion, and facilitating infrastructure delivery.
5. We appreciate the Government's proposals to integrate greater considerations of climate change and resilience to natural hazards into national direction. This is an area in which local government has requested greater central government direction. We also recognise that a more enabling resource management system can unlock significant benefits including economic growth. Our submission supports a number of the proposed changes to national direction, which we believe would benefit Christchurch City Council and its residents.
6. Notwithstanding this, we raise reservations around the balance in the proposed changes to national direction:
 - a) The proposed changes to create more enabling pathways for specific activities comes at the expense of local councils' discretion to set rules in their localised context; and
 - b) We are concerned the elevated focus on growth and expansion will come at the expense of achieving good environmental outcomes – particularly in relation to freshwater management and biodiversity.

7. It is widely recognised that the current suite of national direction contains issues with conflict across instruments, which has been a source of frustration and litigation over the years. We agree that these reforms are an opportunity to address these issues and improve consistency between pieces of national direction – however we are not convinced that the proposed changes will resolve all these tensions.
8. Additionally, given the breadth of national direction to be amended or introduced—and the absence of drafting for some proposals— there also remains a significant risk of unintended conflicts arising from the proposed changes. The lack of drafting for certain proposals has also made it challenging for us to fully assess the practical implications, feasibility, and potential areas of conflict across all changes.

Package 1 – Infrastructure and development

9. We broadly support the proposals in Package 1, acknowledging the opportunities they present to enhance efficiency and deliver improved outcomes across the relevant policy areas. However, we have identified issues related to both the interpretation and implementation of these proposals. To ensure these instruments are fit-for-purpose, both for regulators and users, we request amendments are made. These are found in Appendix 1.
10. We support the intention of the new National Policy Statement for Infrastructure (NPS-I) but we have concerns over the current balance between growth and enablement, and managing adverse impacts. We also note the proposed inclusion of quarrying as an infrastructure supporting activity. Further policy guidance is necessary, including distance separation (setbacks), to manage the effects of quarrying and industrial activities on residential and other activities. We are proposing changes to the draft NPS-I provisions to better support environmental outcomes, as well as support clearer interpretation and implementation alongside the planning system.
11. We support the introduction of new National Environmental Standards for Papakāinga (NES-P), noting that the Christchurch District Plan rules for papakāinga/kāinga nohoanga Zones are already highly enabling of any form of residential activity, minor residential units and kaumātua units. While the new NES-P removes consenting barriers to developing papakāinga, we encourage the Government to take further action on addressing the other key barriers to papakāinga development, especially funding and financing barriers.
12. We support the introduction of the new National Environmental Standards for Minor Residential Units (NES-GF), but reiterate our concerns around the Council recovering development contributions. Our submission seeks several clarifications and amendments for consistency between the proposed changes to the *Building Act 2004* and the NES-GF.
13. We support, in-principle, the proposed changes to the National Environmental Standards for Electricity Network Activities to enable the installation of EV charging infrastructure. We agree that creating more enabling pathways for EV charging infrastructure will encourage uptake of low and zero-emissions vehicles and removes the need for each council to set standards. We support the installation of these chargers in the land transport corridor as a permitted activity – these changes will benefit EV owners living in the inner city/medium density areas, who do not have a car park associated with their dwelling and want to charge their EVs outside their property. With the removal of minimum car parking requirements under the National Policy Statement on Urban Development and increasing intensification, we anticipate that the demand for on-street EV charging will grow.
14. We support EV charging in the land transport corridor as a permitted activity, on the basis that the Council as road controlling authority will be able to control a number of the associated variables, but seek that compliance is required with noise limits as a permitted activity standard to manage effects on amenity.

15. We are supportive, in-principle, of the proposed simplification to the National Environmental Standards for Telecommunication Facilities. However, the Council is concerned that the proposed provisions do not appropriately manage adverse effects of poles in the road reserve adjacent to residential zones. To minimise the number of new poles installed, and reduce impact on residents, the promotion of centralised telecommunication facilities needs to be considered.
16. We support the introduction of a new National Policy Statement on Natural Hazards (NPS-NH). We agree with the intention of the instrument and are supportive of more central government direction in this space. However, Christchurch City Council is already taking a risk-based approach to our planning and asset management and our main concern is that the NPS-NH, as drafted, does not provide us with the direction to make difficult calls. Therefore, we reiterate the urgent need for greater central government direction and seek more directive guidance and further detail on definitions and concepts in the NPS-NH than what is currently provided.

Package 2 – Primary Sector

17. Our main submission in relation to Package 2 is that the balance between growth and good environmental management is not right. While we acknowledge that there are changes that can be made in the planning system to unlock innovation and economic activity, many of the proposed changes are removing the controls in place to enable sustainable growth and the management of our limited natural resources.
18. We are concerned about the impact of these proposals on biodiversity and our wetlands. In the Christchurch District, the percentage of remaining natural wetlands in the Plains is significantly less than 10% (the average across New Zealand). Any increased pressure or potential impact on these areas would be significant. The proposed changes to the Stock Exclusions Regulations and the mining and quarrying changes could lead to further degradation of our waterways and limited natural wetlands. We believe the current balance is more appropriate.
19. We are also concerned about the proposal to repeal Regulation 6(4A) in the National Environmental Standards for Commercial Forestry (NES-CF), which gives councils discretion to set more stringent rules in relation to afforestation than the existing NES-CF rules. In particular, we are concerned that the repeal of this Regulation would make it harder for us to manage the pressing issue of wildfire risk.
20. Managing wildfire risk is an important priority for Christchurch City Council. We have already incurred significant costs on fire recovery following successive fires in the Port Hills. The firefighting costs in relation to the 2017 and 2024 fires alone came to a combined total of \$9.8 million. In relation to the 2017 Port Hills fires, insured losses were around \$17.7 million. The cost to Council following the 2024 Port Hills fires was \$1.15 million.
21. Following the Port Hills fire in February 2024, Christchurch City Council, alongside Environment Canterbury and Selwyn District Council wrote to the Minister of Forestry to express our concern that the NES-CF did not include the requirement for wildfire risk management plans to be provided in connection with afforestation and replanting proposals. We noted in this letter, that without a revision of the NES-CF, there remains no ability to review consents for existing forestry and the risk of wildfire occurring in areas such as the Port Hills in the future remains. The proposed changes now would have the impact of making it even harder to manage this risk.
22. We support, in-principle, the removal of LUC 3 from the definition of Highly Productive Land (HPL), but note that we have not seen the criteria for Special Agricultural Areas. We are supportive of enabling growth, but in a way that retains adequate productive land for Christchurch and New Zealand. We do not support the proposal

to extend the timeframes for mapping of HPL or suspend requirements until further direction is provided on the upcoming replacement RMA legislation.

23. Instead, we request that the inclusion of the mapping into the Canterbury Regional Policy Statement progresses according to the original timeframes. Ongoing reliance on the transitional HPL classifications creates challenges and delays for applicants, especially where it fails to account for local context. While the removal of LUC 3 land may provide benefits in other areas, in the Christchurch context, there would be greater benefits in the mapping of HPL being advanced through a statutory process by Environment Canterbury.

Package 3 – Freshwater

24. We are opposed to the proposed options regarding rebalancing Te Mana o te Wai and the hierarchy of obligations. We reiterate our position from [our submission](#) to the Primary Production Committee on 26 June 2024 on the *Resource Management (Freshwater and Other Matters) Amendment Bill* – we support Te Mana o te Wai and its inclusion in all aspects of decision-making around freshwater.
25. Our strong preference is to keep the hierarchy with only one objective. Having multiple objectives that do not operate as a hierarchy will make it more difficult to balance objectives. We do not think it is possible to provide for these matters equally within our planning documents as some of these objectives may naturally conflict and will need to be traded off against one another. While removing this hierarchy may increase flexibility, this will increase the complexity of decision-making (which reduces efficiency), weakens national direction and would not improve water quality and waterway health.
26. We also do not support the three options provided on rebalancing Te Mana o te Wai, and our recommendation is to retain the current framework from 2020. We do acknowledge that the hierarchy does introduce some uncertainty, but think that this can be resolved through targeted amendments, which we set out in Appendix 3. Staying with the current framework would provide continuity and regulatory stability.
27. We also note that the preferred option in the Regulatory Impact Statement, which did not end up being an option in the final discussion document, proposed retaining all three components of the 2020 NPS-FM concept, with amendments to provide clarity about its meaning and how it operates. We would like the Government to strongly reconsider this option.
28. While our strong preference is to keep the 2020 framework, our preferred option out of the three provided in the discussion document would be Option 1 (removing the hierarchy of obligations).
29. We note that the Te Mana o te Wai framework from 2020 was developed in partnership with mana whenua, and involved collaboration with local government, sector experts, and communities. This framework has a strong mandate and is the framework that best safeguards the long-term health of our vital waterbodies and the freshwater invertebrates that are part of this ecosystem. As Christchurch District's water supply comes from our aquifers, we are committed to protecting the health of our freshwater.
30. In relation to the proposals to simplify wetland provisions, we support a new permitted activity standard for activities related to wetland construction. This will provide a more enabling framework for stormwater management facilities in new growth areas and in doing so, facilitate development.
31. We were not able to provide detailed feedback in response to a number of the discussion document questions because these provisions have not yet been drafted. We understand that there will be a second phase of consultation with more detailed proposals, and we will make another submission at this stage.

Implementation

32. With broader reforms upcoming, the timing of national direction implementation must be a key consideration to avoid any unnecessary burden or costs for councils. While national direction will have immediate effect in resource consenting decisions, we request that councils are provided flexibility in updating plans to give effect to the new national direction. We request that councils are not required to undertake any unnecessary additional work ahead of more substantive changes to the system (i.e. Phase 3 of the RMA reforms). We also anticipate that the proposed national direction changes will have resourcing implications, especially in training staff to understand and interpret the new rules, and ensuring we are able to gather required data to support decision-making.
33. In recent years, there has been repeated change to freshwater regulation. The NPS-FM was replaced in 2014, amended in 2017, replaced again in 2020, and further amended in 2022, and in 2024. This constant change results in reduced certainty and increases costs for all stakeholders and councils, while often delaying improved outcomes for the environment.
34. In considering the timing for any amendments to freshwater regulation, we would prefer to not have to manage changes both now, and again when the NPS and NES are changed to align with new legislation. To avoid this, we recommend that if any amendments are made to the NPS-FM and NES-F that these are made under the upcoming replacement RMA legislation. This avoids the potential for any misalignment with the new legislative purpose and framework.

Providing advice before seeing the replacement RMA legislation

35. Our submission is based on how the national direction fits within the existing legislative framework, as the proposed package is framed within the context of the current RMA purpose. Therefore, one of the significant uncertainties in writing this submission is understanding how the proposals will fit within the context of the new replacement legislation.
36. While the Government has indicated that the changes are expected to align with the forthcoming replacement of the RMA, we question the extent to which this is achievable. In particular, we are aware that the new replacement RMA legislation may not have an equivalent Treaty obligations section, which is a significant change that would impact the feedback we have provided.
37. Therefore, the sequencing of the national direction changes raises the risk of further changes after the RMA replacement legislation is passed and we seek further clarification as to how Phase 2 will be embedded within the new RM system.

Other matters

38. Consistent with our recent submissions to Government across a number of different legislative proposals, we are concerned at the growing erosion of local decision-making. We believe that there needs to be an appropriate balance between national direction and local decision-making and we believe that local authorities have valuable insights into how national direction is applied in practice.
39. We also note the engagement and participation in developing these proposals – this is most visible in the difference in approach between developing the 2020 NPS-FM and Te Mana o te Wai and the freshwater package. We would like to see greater involvement of local authorities and mana whenua in the next phase of the freshwater proposals.

Conclusion

40. The Council appreciates the opportunity to submit on the proposals to update resource management national direction. 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, Head of Planning and Consents (mark.stevenson@ccc.govt.nz)

Yours faithfully,



Phil Mauger
Mayor of Christchurch