

## **ENVIRONMENTAL COMMITTEE AGENDA**

**FRIDAY 20 DECEMBER 2013**

**AT 9AM**

**IN COMMITTEE ROOM 1, CIVIC OFFICES, 53 HEREFORD STREET**

**Committee:** Councillor Phil Clearwater (Chairperson)  
Councillors Jimmy Chen (deputy Chairperson), Pauline Cotter, David East and Tim Scandrett

**General Manager**  
**City Environment (Acting)**  
Terry Howes  
Telephone: 941-8608

**Committee Adviser**  
Lucy Halsall  
Telephone: 941-6227

- PART A - MATTERS REQUIRING A COUNCIL DECISION**
- PART B - REPORTS FOR INFORMATION**
- PART C - DELEGATED DECISIONS**

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**ENVIRONMENTAL COMMITTEE 20. 12. 2013****1. APOLOGIES****2. DECLARATION OF INTEREST**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

**3. DEPUTATIONS BY APPOINTMENT**

- Justin Prain on behalf of Noble Investments Ltd, regarding item 4
- Brian O'Malley, local resident, regarding item 4
- Colin Stokes, architectural designer, regarding item 4
- Mark Thomas, Avonhead Community Group, regarding "Environmental concerns re Notification of Area 3 North-West Review area as a Priority Greenfield Business Zone in the LURP".



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### 4. NOBLE VILLAGE SUBDIVISION

		Contact	Contact Details
<b>General Manager responsible:</b>	General Manager, City Environment Group	N	
<b>Officer responsible:</b>	Acting Unit Manager, Asset and Network Planning	Y	Ron Clarke, DDI: 941 5009
<b>Author:</b>	Acting Team Leader, Transport Network Planning	N	

#### 1. PURPOSE OF REPORT

1.1 To provide the Environmental Committee with the Road Safety Audit and Legal Review reports requested by the Council on 25 July 2013.

1.1.1 Extract from Christchurch City Council Meeting (25 July 2013)

- (a) *That the Council initiate an independent safety audit of the road network layout in the Nobel Subdivision, including the intersection with Yaldhurst Road.*
- (b) *That the Council engage an independent barrister to investigate how Yaldhurst Road intersection development was permitted to go over private land and increased commercial development was allowed without public notification.*
- (c) *That the Council does not accept vesting of the roading network within the Nobel Subdivision until the safety audit is completed and the independent legal advice has been received. If any issues are highlighted in the safety audit they must be corrected before vesting occurs.*

#### 2. EXECUTIVE SUMMARY

2.1 The Noble Village has been approved by way of two resource consents by an Independent Barrister acting under delegated authority. Road safety concerns relating to the design of elements of the subdivision have been raised.

2.1.1 As a result of Community Board concerns highlighted to the Council in July 2013 in relation to the Noble Subdivision, a Road Safety Audit has been undertaken by an independent Road Safety Auditor.

2.1.2 Given the concerns expressed at the Council meeting in July 2013, Council officers provided a scope of works to the independent consultant and a contract was initiated based on their methodology.

2.1.3 The independent consultants have now completed their Road Safety Audit and it is presented to the Community Board (along with a Legal Review). In view of the complexity of issues raised in the Road Safety Audit, and in order to ensure continued independence Council officers will seek advice from another independent consultant in order to best respond to the issues identified.

#### 3. BACKGROUND

##### 3.1 Resource Management Act Process/Consenting Information

3.1.1 Noble Village has been approved by way of two primary resource consents – subdivision and land use for the commercial area. Both of these consents were considered and determined by an independent barrister acting under delegated authority. These decisions were made with the benefit of independent planning and traffic assessments.

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- 3.1.2 It is important to note that the developer is legally entitled to rely on these consents to carry out the development. They can only be overturned by the High Court under judicial review or reviewed by the consent authority under section 128 of the Resource Management Act in limited circumstances.
- 3.1.3 Since the consents were issued, various concerns have been raised, primarily relating to the width of the spine road. The concerns have over time widened to include a broader range of matters.
- 3.1.4 Over the last two years the issues have been in front of the elected Council on a number of occasions, culminating in the resolution detailed above requesting a Legal Review and a Road Safety Audit (**attached**).

### 3.2 Transport and Road Safety Audit Process

- 3.2.1 In general, a Road Safety Audit is normally undertaken at various stages as part of the design process. A Road Safety Audit is a process where a road design is peer reviewed by a recognised Safety Auditor, who highlights any potential road safety concerns to the designer.
- 3.2.2 The designer responds to the Road Audit by way of a "Designers Response", either by committing to undertaking design changes to reflect the concerns of the Safety Auditor, or by indicating why the design changes are not possible. In instances where there is not agreement between the Safety Auditor and the Designer then the issues are reported to the "client" who can choose either to direct the Designer to amend the design to reflect the Safety Auditor's concerns, or alternatively to accept the residual safety risk occurring as a result of not addressing the issues in the Safety Audit.
- 3.2.3 With any safety audit it is important that the level of independence is maintained between the safety auditor, the designer and the client. The designer and "client" cannot change the safety audit report, and the designer only responds to the Safety Audit findings.
- 3.2.4 It is important to note that, in relation to the Noble subdivision, the Council is neither the safety auditor, the designer nor the "client", and as indicated above that the Noble Subdivision has already obtained a consent. As such, it would not be normal for the Council to undertake a Road Safety Audit in such circumstances, with the Council instead reviewing safety (and other transport issues) through the Subdivision Consent process. A Road Safety Audit has been undertaken in this instance at the specific request of the Council.
- 3.2.5 However, in circumstances where the Council undertakes a Road Safety Audit, the normal process is as follows:
- Selection of experienced and recognised transport safety auditor through the Christchurch City Council Transport Panel Procurement process based on safety audit expertise and experience.
  - To ensure independence the safety auditors (who are independent consultants) must have no involvement in any works for that particular road or roads being audited.
  - A comprehensive scope of work prepared for the consultants to undertake the audit work plus all approved plans and designs and current reports are provided to the safety auditors.
  - The safety auditors prepare their independent report on all the aspects of safety relating to the road or roads in terms of design and function and rate the road safety audit concerns as minor, moderate, significant, and serious.

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- The safety auditors make a recommendation for each concern they find and rank it as above.
- This report is then referred to the design engineer for comment as part of the established engineering process.
- The design engineers have the opportunity to comment on the safety audit team's recommendations which are sent back to the auditor team.
- The Safety Auditor comments back on the design engineer's response.
- Where there is disagreement between the Safety Auditor and the Design Engineer matters are reported to the Client for a decision as to whether further changes by the Design Engineer are required or whether the client accepts a residual safety risk resulting from not adhering to the recommendations of the Safety Auditor.
- Actions taken to remedy safety concerns to be implemented are listed.
- Finally there is a sign-off by the road controlling authority representative.
- Monitoring of the actions taken to ensure the works are funded and completed.

3.2.6 The safety audit report for the Noble Subdivision is appended to this document for information, and highlights the findings of the Safety Auditor. These findings highlight a number of issues for consideration, something which is entirely normal when Road Safety Audits are undertaken.

3.2.7 As indicated above, in a normal Road Safety Audit process these findings would be responded to by the "Designer". However, given that the Council is not the "Designer" in the traditional sense, and the Safety Audit for the Noble Village Subdivision has not been undertaken as part of the traditional Council Safety Audit procedure, then the "Designers Response/s" will not be completed by staff. Instead, and in order to maintain continued independence, a further independent consultant will be employed by the Council to provide a "Designers Response" to the issues raised through the Safety Audit. Once the "Designers Response" is added to the Safety Audit report the updated version will be forwarded to the Community Board.

#### 4. COMMENT

4.1 Council offers will seek advice from another independent consultant in order to best respond to the issues identified in the Road Safety Audit. Once these responses are available they will be forwarded to the Community Board.

#### 5. FINANCIAL IMPLICATIONS

5.1 The financial implications of the above relate to the employment of another independent consultant to undertake production of the "Designers Response" to the Road Safety Audit.

#### 6. LEGAL IMPLICATIONS

6.1 The legal review by Dr Royden Somerville QC describes the legal matters arising.

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**7. STAFF RECOMMENDATION**

It is recommended that the Environmental Committee:

7.1 Note receipt of the Road Safety Audit report and Legal Review regarding the Noble Village Subdivision and await the production of a "Designers Response" to the issues highlighted in the Road Safety Audit.

7.1.1 Endorse the proposal to engage a separate independent consultant to respond to the Road Safety Audit recommendations to determine the measures necessary to mitigate or reduce the safety issues identified.

**8. RICCARTON/WIGRAM COMMUNITY BOARD RECOMMENDATION**

8.1 That it be recommended to the Council:

8.1.1 That a report be prepared by Dr Shane Turner indicating where the designer (TDG) and safety auditors, facilitated by the independent designer, agree and disagree on options to address safety concerns raised.

8.1.2 That an independent designer reviews areas of disagreement and makes recommendations to address safety issues back to the Council via the Riccarton/Wigram Community Board.

8.1.3 That the independent designer's report be presented to elected members and staff concurrently and be available for the Board's first ordinary meeting in February 2014.

8.2 Further to the Board's recommendations to the Council detailed in Clause 1.3 (Part A) of the Riccarton/Community Board Minutes of 28 November 2013, the Board also **decided**:

8.2.1 To note the following decisions made by the Council on 25 July 2013:

(a) *That the Council initiate an independent safety audit of the road network layout in the Noble Subdivision, including the intersection with Yaldhurst Road.*

(b) *That the Council engage an independent barrister to investigate how Yaldhurst Road intersection development was permitted to go over private land and increased commercial development was allowed without public notification.*

(c) *That the Council does not accept vesting of the roading network within the Noble Subdivision until the safety audit is completed and the independent legal advice has been received. If any issues are highlighted in the safety audit they must be corrected before vesting occurs.*

8.2.2 That the Road Safety Audit from Beca Ltd dated 17 October 2013 and the Legal Report and Addendum from Dr Royden Somerville QC dated 25 and 27 November 2013 respectively regarding the Noble Village Subdivision, be received.

8.2.3 To specifically note that at its meeting on 25 July 2013, the Council resolved '*That the Council does not accept vesting of the roading network within the Noble Subdivision until the safety audit is completed and the independent legal advice has been received. If any issues are highlighted in the safety audit they must be corrected before vesting occurs.*'

**4 Cont'd**

8.2.4 To request that a report be presented to the Riccarton/Wigram Community Board on the option and costs of returning the spine road to the wider boulevard as determined in the judgement of the Environment Court in 2006.

**9. STAFF INFORMATION**

Refer to a memo that will be separately circulated.



## ENVIRONMENTAL COMMITTEE 20. 12. 2013

## 5. SUBMISSION ON PROPOSED AMENDMENTS TO NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2011

		Contact	Contact Details
<b>General Manager responsible:</b>	General Manager, Strategy and Planning		
<b>Officer responsible:</b>	Manager, Natural Environment and Heritage Unit	Y	PA Amanda Poore, x8812
<b>Author:</b>	Diane Shelander, Senior Policy Analyst	Y	Diane Shelander, x8304

## 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Environment Committee of proposed amendments to the National Policy Statement for Freshwater Management 2011 (Freshwater NPS) and to seek agreement on a Council submission on the proposal.

## 2. EXECUTIVE SUMMARY

- 2.1 The Ministry for the Environment and the Ministry for Primary Industries have jointly released a proposal to amend the Freshwater NPS.

- 2.2 Proposed amendments include:

2.2.1 accounting for all water takes and contaminant discharges

2.2.2 national framework for setting freshwater objectives

2.2.3 explicit recognition of tangata whenua values

2.2.4 ecosystem health and human health (recreation contact) as compulsory values in regional plans

2.2.5 introduction of national "bottom lines" for ecosystem health and human health

2.2.6 provision of exceptions to "bottom lines".

- 2.3 A draft submission prepared on behalf of the Council (**Attachment 1**) makes the following key points.

2.3.1 The Council supports the addition of new section CC for freshwater takes and contaminant loads in the Freshwater NPS.

2.3.2 The Council supports an amendment to the Freshwater NPS to establish the National Objectives Framework (NOF) and supports the addition of section CA, Appendix 1 and Appendix 2 subject to the exceptions noted below:

- the Council recommends that the value "Contact recreation" is removed from Appendix 2 as it is not a compulsory value
- the Council recommends that the Government give further consideration to at least one groundwater-related compulsory attribute, as signalled in the table in section 4.2 (page 21) of the discussion document.

2.3.3 The Council supports in principle the establishment of national bottom lines for attributes of compulsory values, as proposed in new section CA of the freshwater NPS. The Council also supports the establishment of a policy (proposed Policy CA3) that enables a regional council to set objectives below national bottom lines under certain conditions.

2.3.4 The Council supports the inclusion of Te Mana o te Wai in proposed Appendix 1 to the Freshwater NPS.

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2.3.5 The Council does not oppose the inclusion of Te Mana o te Wai in Objective A1, but cautions that its addition should be made in such a way as to avoid making natural form and character a third compulsory value.

2.4 Submissions close 4 February 2014.

### 3. BACKGROUND

3.1 The Government signalled the intention to amend the Freshwater NPS early in 2013, with a release of a discussion document *Freshwater reform 2013 and beyond*. The Council's Submission Panel, appointed with the authority to make submissions on behalf of the Council, made a submission on behalf of the Council concerning that discussion document on 5 April 2013.

3.2 The Submission Panel reported on its submission at the 30 May 2013 Council meeting. The Council resolved to receive the submission.

### 4. COMMENT

4.1 The current regulatory framework in place for managing water resources in New Zealand, includes the Resource Management Act 1991 (RMA), Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007, Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, and the Freshwater NPS.

4.2 A national policy statement is a planning document under the Resource Management Act 1991 (RMA) that gives central government direction for making resource management decisions. Councils must ensure that their policy statements and plans give effect to national policy statement.

4.3 The Freshwater NPS was gazetted on 12 May 2011 and came into effect on 1 July 2011. It is intended to provide national consistency in local, regional and national resource planning. It requires regional councils to set limits in relation to water quantity and water quality.

4.4 On 7 November 2013 the Ministry for the Environment and the Ministry for Primary Industries jointly released proposed changes to the Freshwater NPS in a discussion document, *Proposed amendments to the National Policy Statement for Freshwater Management 2011*.

4.5 Submissions on the proposed amendments close 4 February 2014.

4.6 The key changes proposed to amend the Freshwater NPS are as follows.

4.6.1 **Accounting for all water takes and contaminant discharges.** Under the amendments to the Freshwater NPS, regional councils will be required to gather information about both water quantity and water quality. Although most regional councils are accounting for water takes, the extent to which this is accomplished varies. Accounting for water quality is less developed. The intent of the amendments is to improve the consistency and robustness of data on water takes and water quality.

4.6.2 **National objectives framework.** The establishment of a national framework for setting freshwater objectives is intended to avoid redundant scientific and technical work across the regions and allow regions to focus discussion on community values rather than on debating technical aspects of how the values are measured and levels to set contaminants that could affect those values.

## 5 Cont'd

- 4.6.3 **Explicit recognition of tangata whenua values for fresh water.** Proposed changes to the Freshwater NPS are intended to clearly articulate tāngata whenua values. Tāngata whenua values are also part of the National Objectives Framework so they must be considered as part of decisions on managing fresh water. For example, regional councils will need to consider whether water bodies should be suitable for mahinga kai.
- 4.6.4 **Ecosystem health and human health (recreation contact) as compulsory values in regional plans.** Currently the Freshwater NPS doesn't clarify the level at which objectives provide for a community's values. The proposed amendments require that regional plans include community values, for which there are attributes (measurable physical, chemical and biological characteristics of fresh water). Two values are proposed as mandatory values to be included in regional plans: ecosystem health and human health (recreation contact). For example, one attribute proposed for ecosystem health is total phosphorous levels in lakes. Regional plans may include other values that are included in the proposed amendment, or may include values not listed in the proposed amendments but they must include the two compulsory values. The current amendments propose two attributes for human health (recreation contact) and seven attributes for ecosystem health. None of the attributes proposed in the discussion document apply to groundwater. The discussion document states that the "science around ecosystem health is in its early stages" and that controls for groundwater will be through its effects on ecosystem health of lakes and rivers. Potential attributes, which may be added in future amendments to the Freshwater NPS, are also listed in the discussion document, signalling that future amendments, with additional values and attributes, are likely.
- 4.6.5 **National bottom lines for ecosystem health and human health.** The Freshwater NPS already requires that regional councils maintain or improve water quality in their regions. In addition to proposing ecosystem health and human health (recreation contact) as compulsory values, the amendments propose four states – A, B, C, D -- for each attribute, with a national bottom line set for each attribute at the boundary of the C and D states. For example, for total phosphorous the attribute states are:
- A: annual median less than 10 milligrams per cubic metre
  - B: annual median between 10 and 20 milligrams per cubic metre
  - C: annual median between 20 and 50 milligrams per cubic metre
  - National Bottom Line: 50 milligrams per cubic metre
  - D: annual median greater than 50 milligrams per cubic metre.
- The states identified for the attributes listed in the proposed amendments were developed through a series of scientific and technical reports that were assessed by expert panel members and the Science Review Panel. The intent of the national bottom lines is to provide certainty about the minimum levels at which ecosystem health and human health are provided.
- 4.6.6 **Exceptions to national bottom lines.** The discussion document proposes that under certain circumstances a regional council or the Government could set a freshwater objective below a national bottom line. The specific limitations have not been incorporated in the draft amended Freshwater NPS. Examples of when an exception "might apply" could be where the freshwater is contaminated from natural processes or where the freshwater has been subject to historical activities that created impacts on water quality that may not be reasonably reversible "even in the long term". Additional exceptions, which are proposed to be decided by the Government, are where water quality is affected by significant existing infrastructure. Public consultation would be involved for exceptions to national bottom lines.
- 4.7 The proposed amendments will directly affect regional councils and their regional policy statements and plans.

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- 4.8 There are four key areas concerning the proposed amendments on which the Council is commenting in the submission (**Attachment 1**):
- 4.8.1 water quality and water quantity accounting;
  - 4.8.2 National Objectives Framework;
  - 4.8.3 national bottom lines;
  - 4.8.4 Tāngata whenua values.
- 4.9 Environment Canterbury is preparing policy analysis on the Freshwater NPS. While it is unlikely to change the substance of the Council's submission it may provide additional supporting analysis.

**5. FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications with respect to submitting on the proposed amendments to the Freshwater NPS.
- 5.2 There may be indirect financial implications for the Council in the future, depending upon the final form of the amendments to the Freshwater NPS and the manner in which Environment Canterbury gives effect to the amendments in its regional policy statement and regional plans.

**6. STAFF RECOMMENDATION**

It is recommended that the Environmental Committee recommend that the Council:

- 6.1 Endorse the draft submission on the amendments to the Freshwater National Policy Statement (Attachment 1).
- 6.2 Request staff to update the draft submission as necessary following receipt of Environment Canterbury's policy analysis on the Freshwater National Policy Statement.
- 6.3 Approve the submission at the Council meeting scheduled for 30 January 2014.

20 December 2013

Freshwater Reform  
Ministry for the Environment  
PO Box 10362  
Wellington 6140

watersubmissions@mfe.govt.nz

Dear Minister Adams

**RE: Proposed Amendments to National Policy Statement for Freshwater Management 2011**

**1.0 Introduction**

- 1.1 Christchurch City Council (the Council) thanks the Ministry for the Environment and the Ministry for Primary Industries for the opportunity to make a submission on the discussion document *Proposed amendments to the to National Policy Statement for Freshwater Management 2011*.
- 1.2 There are four key areas on which the Council is commenting.
- Water quality and water quantity accounting
  - National Objectives Framework
  - National bottom lines
  - Tāngata whenua values.
- 1.3 Should you require any further information, please contact Ms Helen Beaumont by telephone at 03 941 5190 or by email at helen.beaumont@ccc.govt.nz.

**2.0 Background**

- 2.1 Earlier this year Ministry for the Environment and the Ministry for Primary Industries signalled changes to the National Policy Statement for Freshwater Management 2011 (Freshwater NPS) in the discussion document *Freshwater reform 2013 and beyond*.
- 2.2 The Council's submission on that discussion document included the following points.
- The Council supported a consistent national framework for freshwater values, while cautioning that local conditions may mean that communities could find that meeting limits for some attributes is difficult.
  - The Council recommended consideration of a national bottom line for human health relating specifically to groundwater.
  - The Council recommended that the Government actively engage with territorial authorities as future water management approaches are identified, and allow for adequate time for consultation with affected stakeholders.

### 3.0 Submission

#### ***Accounting for all water takes and contaminant sources***

- 3.1 In order to manage a resource it is critical that it is measured, to both understand the scope of any strengths and deficiencies of any management scheme and to assess progress in meeting targets and objectives. In order to ascertain the extent to which the Freshwater NPS is meeting its intent to “to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits”, robust information about water takes and contaminant sources is needed.
- 3.2 The proposed amendments will require regional councils to account for all water takes and contaminant sources in accordance with the new section CC Accounting for freshwater takes and contaminant loads.
- 3.3 The Council supports the addition of new section CC Accounting for freshwater takes and contaminant loads in the Freshwater NPS.

#### ***National Objectives Framework***

- 3.4 Changes are proposed for the Freshwater NPS to establish a National Objectives Framework (NOF) as a new section CA, Appendix 1 National values and uses for freshwater and Appendix 2 Attribute tables. The NOF will provide a set of national freshwater values with associated attributes. Each attribute will have numeric measures that correspond to each of four states, A through D. For each attribute the minimum acceptable level for a freshwater objective in a regional plan is the boundary of the C and D states.
- 3.5 In section 4.3 (page 23) of the discussion document two compulsory values are identified that regional councils must use in setting freshwater objectives in their regional plans:
- Ecosystem health with seven attributes for lakes and/or rivers
  - Human health (secondary contact recreation) with two attributes for lakes and rivers.
- 3.6 The Council considers that nationally consistent values and attributes, at least for those designated as compulsory, will assist regional councils in setting freshwater objectives for the water bodies in their regions.
- 3.7 The Council supports an amendment to the Freshwater NPS to establish the NOF and supports the addition of section CA, Appendix 1 and Appendix 2 subject to the exceptions noted below.
- 3.8 Appendix 2 is inconsistent with the text in section 4.3. It lists ecosystem health and human health (secondary contact recreation) as discussed in section 4.3, but adds a third value and attribute (page 73):
- Contact recreation (value) and Suitability for Recreation Grade (attribute).
- This is confusing. The explanation in the body of the discussion document indicates that Appendix 2 is intended to list the two compulsory values and their attributes, as well as providing proposed bottom lines for each of the attributes for the two compulsory values. Contact recreation is not specified a compulsory value, so it is unclear why it has been included in Appendix 2.
- 3.9 The Council recommends that the value “Contact recreation” is removed from Appendix 2 as it is not a compulsory value.
- 3.10 The discussion document explains the absence of any attributes for groundwater in the current proposed amendments on the basis that “the science around ecosystem health for groundwater is in its early stages”. However, the Council notes that the science on human health and drinking water quality with respect to groundwater is well understood, and should therefore be considered in the development of attributes for groundwater.

- 3.11 The Council recommends that the Government give further consideration to at least one groundwater-related compulsory attribute, as signalled in the table in section 4.2 (page 21) of the discussion document.

#### ***National bottom lines***

- 3.12 The proposed amendments define minimum acceptable levels for each of the attributes of the two compulsory values. Regional councils must, with few exceptions, set freshwater objectives that are a least equal to, if not better than, these minimum acceptable levels, or national bottom lines.
- 3.13 The Council agrees that setting national bottom lines provides clarity and consistency on the minimum levels required, and can reduce costs associated with the preparation of regional plans.
- 3.14 As noted in the Council's earlier submission on freshwater reform, there is some concern that local conditions might mean that meeting absolute numeric limits for an attribute could be unrealistic. The Council considers that in some instances it may be necessary to temporarily set a freshwater objective below a national bottom lines, as allowed by proposed Policy CA3.
- 3.15 The Council supports in principle the establishment of national bottom lines for attributes of compulsory values, as proposed in new section CA of the freshwater NPS. The Council also supports the establishment of a policy (proposed Policy CA3) that enables a regional council to set objectives below national bottom lines under certain conditions.

#### ***Tāngata whenua values***

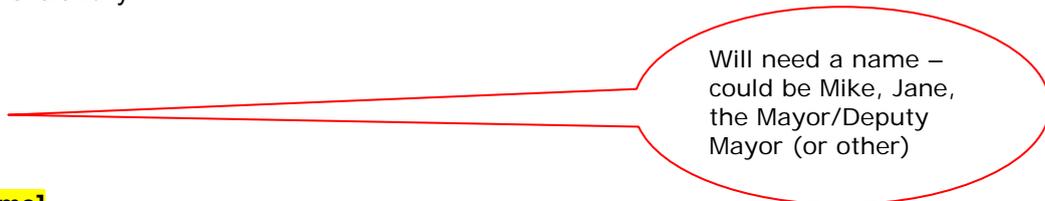
- 3.16 The proposed amendments explicitly include tāngata whenua values, in particular in the description of national values in proposed Appendix 1. The Council considers that the approach suggested in the discussion document greatly strengthens the expression of Te Mana o te Wai in the Freshwater NPS.
- 3.17 The Council supports the inclusion of Te Mana o te Wai in proposed Appendix 1 to the Freshwater NPS.
- 3.18 The discussion document asks whether Te Mana o te Wai should be included in Objective A1. It notes that this would have the likely effect of making natural form and character a third compulsory value. It is the Council's view that while it is important for regional councils and communities to consider natural form and character in the development of objectives for freshwater resources, it may not be appropriate to make this a compulsory value. For example, there may be water bodies that are not "natural", such as reservoirs created for hydroelectricity generation or water supply, for which the value may not be appropriate. The Council considers that regional councils and communities should have the ability to determine whether the natural form and character value is an appropriate value to be used in setting objectives for a freshwater body in their region.
- 3.19 The Council does not oppose the inclusion of Te Mana o te Wai in Objective A1, but cautions that its addition should be made in such a way as to avoid making natural form and character a third compulsory value.

## **4.0 Concluding Remarks**

- 4.1 In summary, the Council makes the following submission.
- The Council supports the addition of new section CC Accounting for freshwater takes and contaminant loads in the Freshwater NPS.
  - The Council supports an amendment to the Freshwater NPS to establish the NOF and supports the addition of section CA, Appendix 1 and Appendix 2 subject to the exceptions noted below.
    - The Council recommends that the value "Contact recreation" is removed from Appendix 2 as it is not a compulsory value.

- The Council recommends that the Government give further consideration to at least one groundwater-related compulsory attribute, as signalled in the table in section 4.2 (page 21) of the discussion document.
  - The Council supports in principle the establishment of national bottom lines for attributes of compulsory values, as proposed in new section CA of the freshwater NPS. The Council also supports the establishment of a policy (proposed Policy CA3) that enables a regional council to set objectives below national bottom lines under certain conditions.
  - The Council supports the inclusion of Te Mana o te Wai in proposed Appendix 1 to the Freshwater NPS.
  - The Council does not oppose the inclusion of Te Mana o te Wai in Objective A1, but cautions that its addition should be made in such a way as to avoid making natural form and character a third compulsory value.
- 4.2 If you require clarification of the points raised in this submission, or additional information, please contact Helen Beaumont, Natural Environment and Heritage Unit Manager, phone 03 941 8812, email [helen.beaumont@ccc.govt.nz](mailto:helen.beaumont@ccc.govt.nz).

Yours faithfully



Will need a name –  
could be Mike, Jane,  
the Mayor/Deputy  
Mayor (or other)

**[Name]**

**[Title]**

**On behalf of CHRISTCHURCH CITY COUNCIL OR Christchurch City Council**

**6. RESOLUTION TO EXCLUDE THE PUBLIC**

Attached.



20. 12. 2013

## ENVIRONMENTAL COMMITTEE

## 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 item(s) 7 and 8.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

ITEM NO.	GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
PART A 7.	AWARD OF CONTRACTS FOR CONSTRUCTION OF THE AKAROA WATER TREATMENT PLANT AND RETICULATION PIPEWORK (CONTRACTS 13/14-34 AND 13/14-51 RESPECTIVELY)	) GOOD REASON TO ) WITHHOLD EXISTS ) UNDER SECTION 7	SECTION 48(1)(a)
PART A 8.	APPOINTMENT OF VBASE AS THE BOTANIC GARDENS CAFÉ AND EVENT CENTRE SERVICE SUPPLIER		

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.	REASON UNDER ACT	SECTION	PLAIN ENGLISH REASON	WHEN REPORT CAN BE RELEASED
7.	Prejudice commercial position	7(2)(b)(iii)	Commercial negotiations yet to be completed with the preferred tenderers.	When the tender process has been completed and tenderers have been advised of the outcomes.
8.	Commercial activities	7(2)(h)	Withholding the information is necessary to enable the Council to carry out, without prejudice or disadvantage, commercial activities.	Following the successful appointment of a supplier to the Botanic Gardens Centre.

**Chairperson's**

**Recommendation:** That the foregoing motion be adopted.

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