

## MEETING OF THE REGIONAL PLANNING COMMITTEE

TO THE CHAIRPERSON AND MEMBERS OF THE  
COMMITTEE

### MEMBERSHIP OF THE COMMITTEE

Cr R A Budd (Chairperson)

Cr T K Burke	Cr A G Neill
Cr A S Carroll	Cr M E Oldfield
Cr E H Cunningham	Cr J F Slee
Cr R H M Johnston	Cr N J Wagner
Cr R M Kirk	Cr J M Waters
Cr R I R Little	Cr W E Woods
Cr A R McKay	

A meeting of the Committee will be held on  
**Wednesday, 14 February 2007 at 11.00 a.m.**

**VENUE:** Council Chamber  
First Floor  
Pegasus Building  
Environment Canterbury  
58 Kilmore Street  
CHRISTCHURCH

**BUSINESS:** As per Order Paper attached

Dr Bryan Jenkins  
**CHIEF EXECUTIVE**

**RECOMMENDATIONS IN REPORTS ARE NOT TO BE TAKEN  
AS COUNCIL POLICY UNTIL ADOPTED BY COUNCIL**

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## COMPLIANCE WITH LOCAL GOVERNMENT ACT 2002 DECISION-MAKING REQUIREMENTS

Except as below, a statement of compliance and a completed decision checklist is required for any agenda item on a council committee or the council recommending that a decision be made. This will be the responsibility of the person signing off the agenda item.

### The compliance statement and checklist will not be used for:

- Recommendations that information be received or that the Council make a decision.
- Decisions taken under the Resource Management Act 1991 or the Biosecurity Act 1993 in relation to resource consents, decisions required when following the procedures set out in Schedule 1 of the Resource Management Act 1991, other permissions, submissions on plans, or references to the Environment Court.
- Decisions taken to proceed with enforcement procedures under various primary or secondary legislation or regulations, including procedures under the Resource Management Act 1991, the Biosecurity Act 1993, the Local Government Act 2002, and Environment Canterbury Bylaws.
- Administrative and personnel decisions that are entirely internal to Environment Canterbury.
- Other decisions where the procedures to be followed are set out in Legislation.

### COMPLIANCE STATEMENT

The council committee (or the council) must formally certify that:

- (a) It is satisfied that it has sufficient information about the options and their benefits and costs, in terms of the region's social, economic, environmental and cultural well-being and the effects on community outcomes, bearing in mind the significance of the decisions.
- (b) It is satisfied that it knows enough about and has given adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decision.

### INFORMATION CHECKLIST

(a)	A Statement of the Proposed Decision
(b)	A Statement of the Objective of the Proposed Decision and the Issue or Problem being addressed
(c)	A list of all reasonably practicable options, (including doing nothing).
(d)	For each option in (c): An evaluation of the Benefits and Costs, in terms of the region's social, economic, environmental and cultural well-being.
(e)	For each option in (c): A statement of the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner.
(f)	For each option in (c): A statement of the Impact, if any, on Environment Canterbury's capacity to undertake its statutory responsibilities
(g)	If the Proposed Decision is a significant decision in relation to land or a body of water, a statement of how Maori values have been taken into account
(h)	A Statement of significant inconsistencies, if any, with any Existing Policy, Plan or Legislation arising from the Proposed Decision.
(i)	A statement how the views and preferences of affected or interested persons have been given adequate consideration during the definition of the problem or issue, the objective, the assessment of options and the development of the proposed decision, including the particular contribution of Maori to the decision-making process.

#### Notes:

The significance of proposals and decisions determines how much time, money and effort is put into exploring and evaluating options and obtaining the views of affected and interested parties. The significance of proposals and decisions is determined through reference to criteria contained in the policy on significance.

The policy on significance together with Section 76 of the Local Government Act 2002 set out the Council's requirements in relation to decisions. Some decisions can only be made through the Long-Term Council Community Plan, or after the Special Consultative Procedures set out in the Act have been used, (refer to the policy on significance and the Act).

All decisions of Environment Canterbury are subject to the decision-making requirements of section 76 of the Act unless inconsistent with specific requirements of other legislation.

**ENVIRONMENT CANTERBURY**  
**REGIONAL PLANNING COMMITTEE**  
**ORDER PAPER**

1. APOLOGIES
2. MINUTES OF MEETING – 6 OCTOBER 2006
3. MATTERS ARISING
4. DEPUTATIONS AND PETITIONS

**MATTER FOR RECOMMENDATION TO COUNCIL**

5. CANTERBURY REGIONAL POLICY STATEMENT REVIEW
  
6. NOTICES OF MOTION
7. EXTRAORDINARY AND URGENT BUSINESS
8. QUESTIONS
9. NEXT MEETING – 14 MARCH 2007

**ENVIRONMENT CANTERBURY**  
**REGIONAL PLANNING COMMITTEE**

MINUTES OF THE MEETING OF THE REGIONAL PLANNING COMMITTEE HELD ON  
WEDNESDAY 11 OCTOBER 2006 IN THE COUNCIL CHAMBER, FIRST FLOOR,  
PEGASUS BUILDING, 58 KILMORE STREET, CHRISTCHURCH  
FROM 9.30 A.M.

**CONTENTS**

1. APOLOGIES
2. MINUTES OF MEETING – 13 September 2006
3. MATTERS ARISING
4. DEPUTATIONS AND PETITIONS

**MATTER FOR COUNCIL DECISION**

5. REVIEW OF THE CANTERBURY REGIONAL POLICY STATEMENT
6. NOTICES OF MOTION
7. EXTRAORDINARY AND URGENT BUSINESS
8. QUESTIONS
9. NEXT MEETING

**PRESENT**

Crs R A Budd (Chair), T K Burke, A S Carroll (from 9.34am), E H Cunningham, R H M Johnston, R M Kirk, R I R Little, A R McKay, A G Neill, J F Slee, J M Waters (from 9.36am) and W E Woods (from 9.34am)

**MANAGEMENT AND STAFF PRESENT**

B R Jenkins (Chief Executive), J D Talbot (Director Policy and Planning), R Ball (Coasts, Biodiversity and Pests Policy Manager) and L M McDonald (Administration Officer).

**1. APOLOGIES**

Cr M E Oldfield (attending the New Zealand Water & Wastes Association Conference).  
Cr N J Wagner.

**2. MINUTES OF MEETING – 13 September 2006**

**Resolved**

*That the minutes of a meeting held 13 September 2006 be taken as read and confirmed as a correct record of proceedings, and be adopted.*

Cr McKay/Cr Cunningham

Crs Carroll and Woods arrived at 9.34 am.

### **3. MATTERS ARISING**

CHRISTCHURCH GROUNDWATER SYSTEM – PROPOSED VARIATION TO CHAPTER 4 NRRP

Councillors were advised that comments on the land threat matrix could be forwarded to Jeff Page by 20 October for inclusion in his report.

A request was made for information on the sewerage system at the public toilets at the new Waimakariri Regional Park

Cr Waters arrived at 9.36 am.

### **4. DEPUTATIONS AND PETITIONS**

There were no deputations or petitions.

## **MATTER FOR RECOMMENDATION TO COUNCIL**

### **5. REVIEW OF THE CANTERBURY REGIONAL POLICY STATEMENT**

Richard Ball introduced this report and explained that the recommendation was to receive rather than adopt the Canterbury Regional Policy Statement Scoping Report as it was anticipated that some changes would be made as the review of the Policy Statement progresses. Councillors will be informed of any issues that arise.

Mr Ball advised that a key issue will be the timing of the consideration of issues, and gave the example of water that would benefit from awaiting the outcome of Central Government's Sustainable Water Programme.

Councillors provided the following comments on the Scoping Report:

- The acknowledgment of the lack of ability to judge the effects of climate change regionally and the need to concentrate on how people manage uncertainty.
- In relation to climate change the use of the word "impacts" can have a negative implication and the term "environmental effects" is preferred.
- The interface with Urban Development Strategy and other plans including city plans and the NRRP.
- Cross boundary issues for some Waitaki constituents are more than just administrative issues.
- The need to recognise the work already done by Territorial Authorities on landscape issues.
- The issue of land tenure and the role of the Department of Conservation.
- Include the relationships with volunteer groups like the Avon Heathcote Estuary Ihutai Trust and how the Council works with these groups.
- The relationship with Tangata Whenua and the value of councillors participating in consultation with Tangata Whenua as part of the review.
- Noting the reference to riverbeds suggested also including reference to lakebeds.
- The need to revisit the issue of versatile soils and the wider issues of soils, land use and settlement.

The issue of reviewing the effectiveness of the existing Regional Policy Statement was raised. It was agreed that a copy of the legal report (referred to on page 15 of the agenda) would be circulated to Councillors and the larger evaluation report would be made available in the Councillors' Lounge.

**Recommended**

*That the Committee recommends that the Council receive the Canterbury Regional Policy Statement Scoping Report.*

Cr McKay/Cr Little

**6. NOTICES OF MOTION**

Nil.

**7. EXTRAORDINARY AND URGENT BUSINESS**

Nil.

**8. QUESTIONS**

Nil.

**9. NEXT MEETING – 8 November 2006**

The meeting closed 10.40 a.m.

CONFIRMED

DATE \_\_\_\_\_ CHAIRPERSON \_\_\_\_\_

<b>AGENDA ITEM NO:</b> 5	<b>SUBJECT MATTER:</b> Canterbury Regional Policy Statement Review
<b>REPORT:</b> Regional Planning Committee	<b>DATE OF MEETING:</b> 14 February 2007
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> <b>PROJECT:</b> 070400 CRPS Review <b>OUTPUT:</b> Reviewed CRPS
<b>REPORT BY:</b> Andrew Willis, Senior Policy Analyst Senior Policy Analyst	<b>ENDORSED BY:</b> John Talbot, Director Policy & Planning

### **PURPOSE:**

The purpose of this report is to update the Council and seek the Council's approval to undertake further consultation and work on the following issue areas as part of the Canterbury Regional Policy Statement review project:

1. Natural hazards;
2. Settlement and built environment, transport and versatile soils; and
3. Natural features and landscapes.

### **ATTACHMENTS:**

1. CRPS Review Flow Diagram;
2. Policy position paper on natural hazards;
3. Policy position paper on settlement and the built environment, transport and versatile soils; and
4. Policy position paper on natural features and landscapes.

### **BACKGROUND:**

#### STATUTORY BACKGROUND

Section 79(1) of the RMA requires regional councils to review their regional policy statements every ten years. In accordance with this Environment Canterbury began the review of the Canterbury Regional Policy Statement (CRPS) in 2006. The review must consider all the provisions in the CRPS, decide whether to retain, amend, or delete existing provisions, or add new provisions.

#### THE REVIEW PROCESS

Environment Canterbury has embarked on a consultation-led review process as indicated in the diagram attached in Attachment 1. For the three issue areas covered in the attached reports the process is at the second step, i.e. consultation papers to RPC.

#### CONSULTATION TO DATE

Staff have identified that Territorial Authorities are our key partners in the review process given that they have to give effect to the CRPS under the RMA. Staff have also identified other key stakeholders including statutory consultees who have a range of interests in the CRPS and its review.

Initial general consultation meetings were undertaken with Mayors, Chief Executives and senior planning staff of all District Councils within Canterbury from February to May of 2006. Subsequently, general consultation meetings with other key stakeholders occurred.

Consultation was also undertaken on Environment Canterbury's s35 report and scoping report (see next section below). Consultation on specific issue areas (including those which are the subject of this report) occurred with territorial authority planning staff in mid to late 2006.

The results of this consultation has helped guide the redrafting of the scoping report, s35 report and policy position papers discussed in this Council report.

#### REPORTS AND PAPERS PREPARED TO DATE

To date the CRPS project team has prepared two reports on the whole CRPS. These are titled:

- CRPS Scoping Report: A report on the issues and approach to the review of the Canterbury Regional Policy Statement
- Our Changing Environment: An Evaluation of the 1998 Canterbury Regional Policy Statement

Various policy papers for discussion with stakeholders have also been prepared.

#### PURPOSE OF THE ATTACHED POLICY POSITION PAPERS

The purpose of the attached papers is to outline the preferred policy positions on the issue areas covered in order to begin the next phase of consultation. This is illustrated in the flow diagram attached in Attachment 1.

#### **THE PROPOSAL:**

That the Council approve for consultation the policy options and recommendations set out in the three attached policy papers.

#### **CONSIDERATION OF OPTIONS:**

In terms of process, a consultative process was previously established in the Council-endorsed scoping report. As such there are no process options to consider.

In terms of policy options, these are assessed in each of the individual policy papers attached.

#### **CONSISTENCY WITH EXISTING POLICY, PLANS OR LEGISLATION**

Where relevant this is assessed in each of the individual attached policy papers.

## **VIEWS OF AFFECTED AND INTERESTED PARTIES**

As indicated in each of the attached policy papers.

### **8. FINANCIAL:**

N.A.

### **9. CONCLUSIONS:**

The attached policy papers were developed on the basis of staff analysis of the effectiveness and efficiency of the existing CRPS provisions and consultation with key stakeholders. It is considered that the recommended policy options proposed in each of the papers is the most appropriate, based on the analysis and consultation to date. The recommended further work and consultation will refine these options prior to the RPS being redrafted and notified for formal consultation.

### **10. RECOMMENDATIONS:**

*That the Council approve for consultation the policy options and recommendations contained in the attached reports:*

- (a) Review of the Canterbury Regional Policy Statement: Natural Hazards Policy Paper;*
- (b) Review of the Canterbury Regional Policy Statement: Settlement and the Built Environment, Transport and Versatile Soils Policy Paper; and*
- (c) Review of the Canterbury Regional Policy Statement: Natural Features and Landscapes Policy Paper.*



## **Review of the Canterbury Regional Policy Statement: Natural Hazards settlement and the built environment**

### ***Purpose***

The purpose of this paper is to outline the options and preferred policy direction in the review of the natural hazards provisions of the Canterbury Regional Policy Statement (CRPS).

### ***Background***

In accordance with section 79(1) of the RMA Environment Canterbury has begun its review of the CRPS. The review must consider all the provisions in the CRPS, decide whether to retain, amend, or delete existing provisions, or add new provisions. Prior to developing specific changes to the CRPS, consultation and decision is being sought on the proposed policy direction.

### **Statutory Context of the CRPS and Natural Hazards**

The role of the CRPS is to achieve the purpose of the RMA, and specifically to provide an overview of the significant resource management issues of the region and the policies and methods to achieve the integrated management of the natural and physical resources of the whole region (section 59). Work done to date in reviewing the natural hazards chapter of the CRPS<sup>1</sup> indicates that the effects of natural hazards and their management is a significant resource management issue for the region. Furthermore, it is an issue that can benefit from integrated and coordinated management as both Environment Canterbury and territorial authorities have responsibilities for natural hazards under the RMA. Indeed the CRPS is required under the RMA (s62) to delineate the responsibility for the control of the use of land for natural hazard management among regional and territorial authorities.

The RMA also prescribes Environment Canterbury a number of functions relating to the management of natural hazards. These include:

1. *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region (section 30(1)(a))*
2. *the preparation of objectives and policies in relation to the actual or potential effects of the use, development, or protection of land which are of regional significance (section 30(1)(b))*
3. *the control of the use of land for the purpose of ... (iv) the avoidance or mitigation of natural hazards (section 30(1)(c)).*
4. *in respect of any coastal marine area in the region, the control of ... (v) any actual or potential effects of the use, development or protection of land, including the avoidance or mitigation of natural hazards (section 30(1)(d)).*
5. *in relation to any bed of a water body, the control or introduction or planting of any plant in, on, or under that land for the purpose of ... (iv) the avoidance or mitigation of natural hazards (section 30(1)(g)).*

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<sup>1</sup> Includes analysis of the issue, its coverage in the current CRPS, an assessment of environmental and legislative changes since 1998, and consultation with stakeholders.

6. *the strategic integration of infrastructure with land use through objectives, policies, and methods (section 30(1)(gb))<sup>2</sup>.*

Work done to date on the review indicates that the above statutory functions of Environment Canterbury would benefit from policy support in the CRPS.

### Existing CPRS Provisions

Objectives, policies and methods relevant to the management of natural hazards are found principally in Chapter 16 (Natural Hazards) of the CRPS, however natural hazards are also covered in Chapters 12 (Settlement and the Built Environment), and 11 (The Coastal Environment).

Within Chapter 16 there are two objectives identified as follows:

#### **Objective 1**

*Avoid or mitigate the actual or potential costs of loss or damage to life, property, or other parts of the environment from natural hazards.*

#### **Objective 2**

*Avoid or mitigate significant adverse effects on the environment as a result of methods used to manage natural hazards. This applies especially to habitat and amenity values, heritage places, mahinga kai, and other taonga.*

Policies within this chapter specifically seek to:

- use hazard management measures that deliver the greatest net benefit;
- delineate responsibilities amongst local authorities;
- adopt precautionary approaches to hazard management;
- apportion costs of mitigation measures proportionately to those who benefit;
- promote a general state of disaster preparedness; and
- avoid remedy or mitigate adverse effects from natural hazard management.

Within Chapter 12, Objective 4 and Policy 6 relate to natural hazards. They seek to avoid the costs of natural hazards to the community by discouraging the use of land for urban development where there are significant effects from natural hazards.

Within Chapter 11 reference is made to the issue of natural hazard occurrences such as coastal erosion and salt water inundation. The chapter refers the reader to Chapter 16.

The effectiveness and efficiency of the current approach in Chapters 16, 12 and 11 is largely difficult to determine for three reasons:

1. The provisions are expressed at the level of 'principles' rather than at a level of specificity that allows clear understanding of the outcomes required
2. As currently pitched, the interpretation of a number of the policy provisions is subject to debate
3. The key policies and methods are discretionary (i.e. use of the words "should" and "should consider").

That said, the analysis does indicate that the current management of natural hazards appears to be largely ad hoc, variable, and certainly not comprehensive (with the focus being

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<sup>2</sup> This function did not exist at the time the current CRPS became operative.

largely river-based flooding). Furthermore there are inconsistencies in risk management across the region.

**Possible Policy Options**

Based on the analysis undertaken to date it is clear that the CRPS must include a statement on natural hazards (s62 RMA). Irrespective of statutory requirements the CRPS should cover natural hazards as their effects and management represent a significant resource management issue in Canterbury, and one where the CRPS can add value through co-ordinating agency responses.

What is unclear is the level of risk management the CRPS should pitch at – specifically are different approaches and outcomes in each district appropriate or should there be more uniformity across the region? In addition, the current CRPS provisions do not adequately address the impacts and required adaptation to climate change.

Policy options (not mutually exclusive) therefore are:

- A. Retain the status quo;<sup>3</sup>
- B. Give guidance on climate change;

For example, this could potentially involve the CRPS giving guidance on preparing and adapting for the following climate change projections; for example;

- Sea level rise of X metres to 2100,
- Increased flood hazard [as indicated by MfE table]
- Increased drought risk in parts of Canterbury [possibly insert table with different parts of the region, different increase of incidence, increase intensity, increased duration etc to 2030’s & 2080’s]

- C. Provide a clearer delineation of responsibilities between the territorial authorities and Environment Canterbury for the control of the use of land for natural hazard mitigation and avoidance to achieve s62 RMA and to achieve integrated management;

For example a table such as the following could be used:

	Responsibility for Developing Objectives	Responsibility for Developing Policies	Responsibility for Developing Rules	Responsibility for Providing Hazard Information	Responsibility for Developing & Implementing Hazard Mitigation Plans
Coastal Marine Area	ECan	ECan	ECan	ECan	ECan
Beds of Lakes and Rivers	ECan	ECan	ECan	ECan	ECan

<sup>3</sup> Feedback on the CRPS review scoping report indicates that this is not a preferred option.

Other Land	ECan* TA	ECan* TA	ECan TA*	ECan TA*	ECAN TA*
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\* denotes primary responsibility

D. Use stronger / more precise policies;

For example, rather than stating at a high level that that TAs and ECan should adopt a precautionary approach to modify natural hazard occurrences and susceptibility to damage the CRPS could state that development shall not be permitted in an identified hazard area unless it can be demonstrated that:

- All habitable floor levels are protected from specific hazard events,
- Access to buildings is maintained, and
- Structures within the identified hazard area do not worsen or accelerate the hazard.

E. Address risk management more directly in the CRPS by specifying levels of risk to avoid;

For example the CRPS could state that houses should not be built where a 1% AEP flood hazard occurs unless protected, rather than leaving it to the TAs to determine what level of AEP is acceptable.

A brief analysis of the strengths and weaknesses of these policy options is set out in Appendix 1.

**Conclusion**

Option A cannot be supported as it has been shown to be inefficient and effective in the review analysis. In addition, stakeholders do not support this option.

Option B is supported as adaptation to climate change is an issue that needs coverage in the CRPS as it is a significant resource management issue and one that would benefit from integrated management.

Option C is supported because it provides certainty on who will do what to ensure effective and efficient natural hazard management, thereby avoiding gaps and duplications.

Option D is supported because it provides more clarity on outcomes sought and therefore greater certainty of issue resolution.

Option E is supported because is provides regional direction on the level of risk to be managed and therefore some certainty on and to what extent natural hazards will be managed. It provides clear direction but still leaves some discretion with district councils.

Recommendation: Proceed with Options B, C, D and explore E.

**Appendix 1: Analysis of Policy Options**

*Option A: Retain the status quo*

	<b>For</b>	<b>Against</b>
<b>Purpose of the RMA</b>		<ul style="list-style-type: none"> <li>• Shown to be ineffective and inefficient</li> </ul>
<b>Issue resolution</b>	<ul style="list-style-type: none"> <li>• Retains flexibility of risk management for local solutions</li> </ul>	<ul style="list-style-type: none"> <li>• Shown to be ineffective and inefficient</li> </ul>
<b>Integrated management</b>		<ul style="list-style-type: none"> <li>• Shown to be ineffective and inefficient</li> </ul>
<b>Carrying out functions</b>	<ul style="list-style-type: none"> <li>• Can achieve ECan's functions in part</li> </ul>	<ul style="list-style-type: none"> <li>• Does not offer ideal support and clarity for achieving ECan's functions</li> </ul>
<b>Consultation views</b>		<ul style="list-style-type: none"> <li>• Omits climate change issue</li> <li>• Provides insufficient certainty over various responsibilities</li> <li>• Provides insufficient certainty of the outcomes required</li> </ul>
<b>OVERVIEW</b>	This policy option is ineffective and inefficient.	

*Option B: Address climate change*

	<b>For</b>	<b>Against</b>
<b>Purpose of the RMA</b>	<ul style="list-style-type: none"> <li>• Recognises and complies with recent changes to the RMA.</li> <li>• Covers an issue which will impact on the sustainable management of natural and physical resources</li> </ul>	<ul style="list-style-type: none"> <li>• Science is uncertain</li> </ul>
<b>Issue resolution</b>	<ul style="list-style-type: none"> <li>• Provides a process to advance the resolution of this issue</li> </ul>	<ul style="list-style-type: none"> <li>• Science is uncertain</li> </ul>
<b>Integrated management</b>	<ul style="list-style-type: none"> <li>• Provides a mechanism to achieve integrated management of the issue</li> </ul>	<ul style="list-style-type: none"> <li>• Potentially difficult with uncertainty</li> </ul>
<b>Carrying out functions</b>	<ul style="list-style-type: none"> <li>• Can support achievement of ECan's functions</li> </ul>	
<b>Consultation views</b>	<ul style="list-style-type: none"> <li>• General support for coverage of this matter</li> </ul>	
<b>OVERVIEW</b>	This policy option addresses a new s7 RMA matter and a significant resource management issue in Canterbury	

*Option C: Provide a clearer delineation of responsibilities between the TAs and ECan*

	<b>For</b>	<b>Against</b>
<b>Purpose of the RMA</b>	<ul style="list-style-type: none"> <li>• Meets the s62 RMA requirement to determine responsibilities</li> <li>• Helps achieve the purpose of the Act</li> </ul>	<ul style="list-style-type: none"> <li>• Reduces flexibility as to which agency responds</li> </ul>
<b>Issue resolution</b>	<ul style="list-style-type: none"> <li>• Provides certainty on who will do what to resolve issues</li> </ul>	
<b>Integrated management</b>	<ul style="list-style-type: none"> <li>• Avoids gaps and duplications in natural hazard management</li> </ul>	<ul style="list-style-type: none"> <li>• May result in changes to current practice</li> </ul>
<b>Carrying out functions</b>	<ul style="list-style-type: none"> <li>• Will support achievement of ECan's functions</li> <li>• Will clarify ECan and TAs functions</li> </ul>	
<b>Consultation views</b>	<ul style="list-style-type: none"> <li>• Provides a greater level of certainty</li> </ul>	
<b>OVERVIEW</b>	This policy option supports integrated management and the issue resolution	

*Option D: Use stronger / more precise policies*

	<b>For</b>	<b>Against</b>
<b>Purpose of the RMA</b>	<ul style="list-style-type: none"> <li>Provides more certainty that the RMA is being implemented</li> </ul>	<ul style="list-style-type: none"> <li>Could result in overly burdensome required outcomes if not pitched at right level.</li> </ul>
<b>Issue resolution</b>	<ul style="list-style-type: none"> <li>Provides more certainty of issue resolution</li> </ul>	
<b>Integrated management</b>	<ul style="list-style-type: none"> <li>More likely to achieve this with greater clarity and precision</li> </ul>	
<b>Carrying out functions</b>	<ul style="list-style-type: none"> <li>Can help achieve ECan's functions.</li> <li>More easily monitored</li> </ul>	
<b>Consultation views</b>	<ul style="list-style-type: none"> <li>Provides clarity and support for environmental outcomes</li> </ul>	<ul style="list-style-type: none"> <li>May curb flexibility at the local level for local solutions</li> </ul>
<b>OVERVIEW</b>	This approach will help achieve efficiency and effectiveness	

*Option E: Address risk management more directly*

	<b>For</b>	<b>Against</b>
<b>Purpose of the RMA</b>	<ul style="list-style-type: none"> <li>Provides regional direction on the level of risk to be managed, the extent of risk avoidance and reduction, and achievement of the purpose of the Act</li> </ul>	<ul style="list-style-type: none"> <li>Reduces flexibility for local solutions</li> <li>May result in less than optimal results in specific situations</li> </ul>
<b>Issue resolution</b>	<ul style="list-style-type: none"> <li>Provides regional direction on the level of risk to be managed and therefore some certainty on and to what extent issues will be resolved</li> </ul>	<ul style="list-style-type: none"> <li>May be overly prescriptive and unduly onerous in some situations if not pitched at the right level</li> </ul>
<b>Integrated management</b>	<ul style="list-style-type: none"> <li>Helps to achieve similar outcomes across the Canterbury Region</li> </ul>	
<b>Carrying out functions</b>	<ul style="list-style-type: none"> <li>Can help achieve ECan's functions</li> </ul>	<ul style="list-style-type: none"> <li>Potentially goes beyond an RPS's 'overview' role</li> </ul>
<b>Consultation views</b>	<ul style="list-style-type: none"> <li>Provides a greater level of certainty and consistency</li> </ul>	<ul style="list-style-type: none"> <li>May curb flexibility at the local level for local solutions</li> <li>May be overly prescriptive</li> </ul>
<b>OVERVIEW</b>	This approach will help achieve efficiency and effectiveness	

# **Review of the Canterbury Regional Policy Statement: settlement and the built environment, transport and versatile soil**

## ***Purpose***

The purpose of this paper is to seek direction on the approach to be used to review the settlement and built environment (Chapter 12), transport (Chapter 15) and versatile soil (part of Chapter 6) provisions of the Canterbury Regional Policy Statement (CRPS). The paper brings together the current thinking on the review of these CRPS provisions. It outlines the options and preliminary approaches to be used in the review. Prior to preparing specific wording changes, confirmation is sought on the way ahead, including the policy approach(es) to be further developed and consulted upon.

For the reasons outlined in this paper it is proposed to make a structural change to the CRPS by integrating the transport and versatile soil provisions into the settlement and built environment chapter.

## ***Background***

Environment Canterbury has begun its review of the CRPS. The review must consider all the provisions in the CRPS, decide whether to retain, amend, or delete existing provisions, or add new provisions.

## **Statutory context**

The role of the CRPS (to achieve the purpose of the RMA) is to provide an overview of the resource management issues of the Region and the policies and methods to achieve the integrated management of the natural and physical resources of the whole Region (section 59).

The RMA prescribes Environment Canterbury a number of functions relating to the management of settlement and the built environment, transport and versatile soil. These include:

1. *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region (section 30(1)(a))*
2. *the preparation of objectives and policies in relation to the actual or potential effects of the use, development, or protection of land which are of regional significance (section 30(1)(b))*
3. *the control of the use of land for the purpose of soil conservation (section 30(1)(c)(i))*
4. *the control of the use of land for the purpose of the avoidance or mitigation of natural hazards (section 30(1)(c)(iv))*
5. *the strategic integration of infrastructure with land use through objectives, policies, and methods (section 30(1)(gb))<sup>1</sup>.*

## **Existing CRPS provisions**

Settlement and environment, transport and versatile soil provisions are found in Chapter 12 (Settlement and Built Environment), Chapter 15 (Transport) and Chapter 7 (Soils and Land Use) of the CRPS.

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<sup>1</sup> This function did not exist at the time the current CRPS became operative.

Within Chapter 12 there are six key threads, being:

1. avoiding, remedying or mitigating adverse effects of settlement, including:
  - a. promoting settlement and transport patterns and built environments to achieve the efficient and effective use of resources<sup>2</sup>
  - b. discouraging the use of land for urban development and the physical expansion of settlements, and that the adverse effects of network utility use and provision are minimised, where such development would result in a loss or threat to resources<sup>3</sup>
2. not adversely affecting the efficient operation, use and development of identified key infrastructure<sup>4</sup>
3. the maintenance of the rural character of land in the proximity of Christchurch and Christchurch's rural-urban contrast
4. avoidance or mitigation of the actual and potential costs of natural hazards
5. enabling people and communities in rural areas
6. establishment of papakainga and marae.

Overall, Chapter 12 (Settlement and Built Environment) integrates the CRPS provisions relating to the management of the growth and development of settlements. Notwithstanding this, relevant provisions are found in most chapters of the CRPS. In particular, Chapter 15 (Transport) provides specific provisions in relation to transport and transport infrastructure, relating to:

1. protecting Canterbury's existing transport infrastructure and future options to develop this infrastructure
2. avoiding, remedying or mitigating adverse effects on the environment from transport use and provision.

The versatile soil provisions are found in Chapter 7 (Soils and Land Use). These relate to the issue of irreversible effects on land compromising versatile soil that foreclose future options that benefit from the use of that soil.

### ***Relationship of the CRPS review with Urban Development Strategy process***

Currently, the settlement and built environment provisions of the CRPS are generally not geographically based, but rather relate to specific natural and physical resources. As such, the current

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<sup>2</sup> Efficient and effective use of resources (particularly energy), rate of use of non-renewable energy sources, emissions from the use of motor vehicles and building heating, energy efficient approaches to building.

<sup>3</sup> Contamination of the drinking water, flows and levels of water bodies, natural character, natural features and landscapes, recreation values, amenity values, heritage values, significant indigenous vegetation and habitats of indigenous fauna, ancestral land water and sites, mahinga kai, wahi tapu and wahi taonga.

<sup>4</sup> road infrastructure, Christchurch International Airport, Timaru Airport, Port of Lyttelton, Port of Timaru, telecommunication facilities, military establishments for defence purposes, rail networks and other network utilities.

provisions apply equally to settlements within and outside of the Greater Christchurch Urban Development Strategy (UDS) area<sup>5</sup>.

The UDS project is preparing a strategy to manage the predicted growth of the Greater Christchurch area. The draft strategy has been released for the purposes of public consultation. The project timeline envisages that the strategy will be finalised in April 2007. It is apparent that the CRPS will, in the first instance, be changed to provide for the UDS outcomes. It is anticipated that as a result of the UDS process a change to the CRPS will be publicly notified in the second half of 2007.

While still being subject to discussion, the preliminary indications are that the UDS initiated change will be to introduce a new chapter (Chapter 12A) into the CRPS. Chapter 12A is likely to be designed to provide further direction within the confines of the existing policies found within the CRPS, and in particular Chapter 12. This direction may include:

1. defined urban limits
2. areas identified for intensification
3. policy on the sequencing of new development, tied to the provision of infrastructure
4. minimum density of development to be achieved at different locations.

The upcoming UDS does not result in a full review of the settlement and built environment provisions in the CRPS for the greater Christchurch area. Therefore, the review must consider the application of the CRPS both with, and outside of, the UDS area. The interrelationship between the UDS change to, and the full review of, the CRPS will need to be carefully managed as the UDS change advances.

### ***Resource management issues***

Subject to the statutory requirements of the RMA, the appropriate policy approach to be used in the review of the CRPS settlement and built environment, transport and versatile soil provisions is dependent on the specific resource management issues being addressed. Within the CRPS there are seven resource management issues identified in relation to settlement and built environment, transport, and versatile soil. In addition, consultation and issue mapping indicates that a further two issues warrant inclusion within the CRPS.

The existing seven resource management issues in the CRPS, together with recommended changes, are:

1. The versatile soil issue (Chapter 7 Issue 2) is incorporated within Chapter 12, Issue 1, and deleted from Chapter 7.
2. Chapter 12, Issue 1 (adverse effects of urban and other development) is retained but amended to create a demarcation between the current issue and a new recommended issue relating to the strategic integration of infrastructure with land use (see below).
3. Chapter 12, Issue 2 (Christchurch's urban/rural contrast) is reviewed once the content of the UDS change to the CRPS is known.
4. Chapter 12, Issue 3 (communities meeting their needs) is amended to focus solely on the protection of communities from natural hazard events.
5. Chapter 12, Issue 4 (the needs of tangata whenua) is retained subject to the outcome of consultation with tangata whenua.

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<sup>5</sup> The UDS project is a collaborative initiative involving the Christchurch City Council (including the former Banks Peninsula District Council) Selwyn and Waimakariri District councils, Environment Canterbury, Transit New Zealand and a cross-section of local leaders drawn from community, business and government organisations.

6. Chapter 15, Issue 1 (effectiveness and efficiency of transport infrastructure) is retained but moved to form part of a new issue (strategic integration of infrastructure) in Chapter 12.
7. Chapter 15, Issue 2 (adverse effects of transport) is retained but moved to form part of Chapter 12, Issue 1.

In addition, the two new resource management issues recommended are:

1. Chapter 12, New Issue (strategic integration of infrastructure and land use) is introduced.
2. Chapter 12, New Issue (adverse effects of dispersed development outside of urban areas) is introduced.

An analysis of the relevance and significance of these nine issues is set out in Appendix 1.

### ***Effectiveness and efficiency of the current CRPS provisions***

The effectiveness and efficiency of the current policies and methods in the CRPS was evaluated in *Our changing environment: An Evaluation of the 1998 Canterbury Regional Policy Statement*<sup>6</sup>. Below is a summary of the findings contained within that report.

Common to the current 'settlement and built environment' and 'transport' provisions of the CRPS is that the objectives, policies and methods are all expressed at the level of a principle -- that is, the outcomes sought for the resource in question are expressed but the means, and/or level of protection necessary, to achieve these outcomes are not specified. A range of implementation methods are identified. However, experience to date indicates that the primary implementation mechanisms are district plans<sup>7</sup> and the Canterbury Regional Land Transport Strategy (and associated strategies and studies)<sup>8</sup>.

The effectiveness and efficiency of the current approaches in Chapters 12 and 15 is low. This is evidenced from a number of court decisions. The most blunt court decision found that the CRPS contains no meaningful direction on settlement and built environment matters. There are three primary reasons for this low effectiveness and efficiency:

1. the provisions in Chapters 12 and 15 are expressed at the level of 'principles' rather than at a level of specificity that allows clear understanding of the land use outcomes required
2. as currently pitched, the interpretation of a number of the policy provisions is subject to debate
3. the key methods are discretionary (i.e. use of the words "should" and "should consider").

Further, a series of Environment Court decisions indicates that the versatile soil provisions are also not effective or efficient.

Notwithstanding this, it must be recognised that in response to their own functions (and the CRPS), all territorial authorities within Canterbury have included within their district plans provisions (including rules) to manage the growth and development of settlements and the built environment and transport. In addition many district plans include versatile soil provisions. However, the CRPS no longer provides an overview, nor advances the achievement of integrated management, in relation to these district plans.

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<sup>6</sup> Environment Canterbury (2007), still in final draft form

<sup>7</sup> settlement and built environment, transport and versatile soil

<sup>8</sup> transport only

## ***Policy approaches to be used in the CRPS review***

### ***Settlement and built environment and transport***

There is a strong relationship between the settlement and built environment and transport provisions in the CRPS. This is not surprising given that transport and transport infrastructure are a consequence of human settlement. This is now reinforced by the 'strategic integration of infrastructure with land use' function of regional councils<sup>9</sup>. Consequently, at the outset it is proposed to combine the settlement and built environment and transport provisions in the CRPS.

Broadly speaking, there are three approaches<sup>10</sup> available for the review of the settlement and built environment and transport provisions of the CRPS in order to improve effectiveness and efficiency:

1. Maintain the current level of detail in the CRPS - review the provisions within Chapters 12 and 15 to determine whether the policy direction provided remains appropriate, but maintain the current level of detail.
2. Introduce new work programme methods into the CRPS – review the provisions within Chapters 12 and 15 maintaining the current level of detail within the policies, but introduce investigation and design specific methods requiring the development of detailed responses to these policies<sup>11</sup>. Such methods may include the development of structure plans, servicing plans, and the like.
3. Introduce greater level of direction in the CRPS - as part of the review of Chapters 12 and 15 for the Region, in anticipation of the UDS change examine each settlement outside of the UDS area, incorporate into the CRPS provisions to strategically manage development that are specific to that settlement. These provisions may include; geographical limits, development sequences, density, preconditions for zone changes and review requirements.

A brief analysis of the strengths and weaknesses of these three approaches is set out in Appendix 2. Overall, outside of the UDS area approach 2 is recommended. It provides a framework and direction for the resolution of the resource management issues associated with settlement within the region while allowing local solutions to be developed in appropriate time-frames.

### ***Versatile soil***

Again there is a strong relationship between the settlement and built environment and versatile soil provisions in the CRPS. This is not surprising given the focus of the current versatile soil provisions in the CRPS - foreclosure of land use options benefiting from versatile soil<sup>12</sup>. Therefore, if the current approach to the management of versatile soils is retained in the reviewed CRPS it is proposed to incorporate this within the settlement and built environment provisions.

There are four policy options for any future CRPS relating to versatile soil, being:

1. Remove the versatile soil provisions in the CRPS - this option involves all references to versatile soil in the CRPS being deleted. Versatile soil would no longer be an issue or a resource identified in the CRPS.

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<sup>9</sup> section 30(1)(gb)

<sup>10</sup> The option of removing the current settlement and built environment and transport provisions outside of the UDS area was considered and discarded. This reflects the outcomes from preliminary consultation undertaken with individual territorial authorities. It also recognises the purpose of the CRPS.

<sup>11</sup> It may be argued that to a large degree the district plans currently provide this.

<sup>12</sup> This relationship is further reinforced by the introduction of a definition of soil conservation within the section 2 of the RMA. This definition is to exclude the current approach in relation to versatile soil from regional councils soil conservation function.

2. Provide policy in the CRPS to have regard to the value of versatile soil for rural production when considering how to control the use of land - this option involves identifying the management of versatile soil as an issue of significance for Canterbury. The provisions would identify that the resource has value for production and should be managed as such. These provisions would provide generic support for any provisions addressing versatile soil retained in district plans.
3. Focus on the physical destruction of versatile soil in the CRPS - this option involves focusing any provisions on the physical destruction and permanent loss of versatile soil. These provisions would recognise that the value of the versatile soil is only lost when buildings and/or hard-standing areas remove or cover the soil. Other examples of the physical destruction of versatile soil include significant earthworks, quarrying and mining activities.
4. Retain current focus in the CRPS on not foreclosing land use options benefiting from versatile soil but amend provisions to address the criticisms of the courts - this option involves retaining the current focus within the CRPS on not foreclosing future land use options that benefit from versatile soil. However, the provisions would be rewritten to remove the uncertainty inherent with its current drafting and to reflect the current definition of soil conservation in the Resource Management Act 1991. The likely outcome would be provisions that are more definite. Consequently, the provisions are likely to be strengthened providing greater direction, removing some of the balances between versatile soil and other values.

A brief analysis of the strengths and weaknesses of these four approaches is set out in Appendix 2. Overall approach 2 is recommended. It provides support for the current district plan provisions. This provides flexibility for local approaches to the management of this resource. In recognition of the threat to the productive potential of versatile soil, it is further recommended that versatile soil is incorporated in Chapter 12 (Settlement and Built Environment).

### **Concluding comments**

Given the findings in relation to the effectiveness and efficiency<sup>13</sup>, the feedback on Environment Canterbury's scoping report<sup>14</sup>, and the consultation responses to date<sup>15</sup>, it is recommended that the review proceeds as follows:

1. Retain, but combine, the settlement and built environment and transport provisions.
2. Review the specificity of the current settlement and built environment and transport provisions in order to provide greater certainty and direction.
3. Where appropriate in the current settlement and built environment and transport provisions, include greater guidance and direction in the implementation methods.

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<sup>13</sup> Environment Canterbury (2007) *Our changing environment: An Evaluation of the 1998 Canterbury Regional Policy Statement*. Still in draft form

<sup>14</sup> Environment Canterbury (2006) *Canterbury Regional Policy Statement Scoping Report: Report on the issues and approach for review of the Canterbury Regional Policy Statement*

<sup>15</sup> This paper builds on the paper<sup>15</sup> prepared for, and discussed at, the territorial authorities and Environment Canterbury officers meeting at Rolleston on 20 November 2006. Overall, the feedback on the paper at the 20 November 2006 meeting was:

- of the review of the settlement and built environment provisions should be integrated with the wider CRPS review
- a greater level of specificity is desirable within the policies of the settlement and built environment chapter, particularly in relation to infrastructure, transport, landscape and above adversity
- replicating the possible approach to be used in the UDS change is not warranted outside of the UDS area

4. Remove those provisions demonstrated to be ineffective and that do not assist in the resolution of resource management issues within the CRPS.
5. Broaden the settlement and built environment provisions to focus adverse effects of dispersed development outside of urban areas that are of significance within the region.
6. Include consideration of versatile soil as part of Chapter 12, (Settlement and Built Environment), and delete it from Chapter 7 (Soils and Land Use).

**Appendix 1: Review of resource management issues**

**Existing issues:**

<b>Issue</b>	<b>Relevance</b>	<b>Significance</b>	<b>Recommendation</b>
<p><u>Chpt 7, Issue 2:</u> Land use activities which reduce the availability of land which can be identified as comprising versatile soils, thereby foreclosing future land use options that benefit from being located on such soils.</p>	<p>Relevance is subject to question. There are a number of decisions of the Environment Court that go to the heart of this matter. The foreclosure of rural productive land use options is in the most persuasive versatile soil issue. A number of district plans recognise a form of this issue.</p>	<p>Remains significant. However, it is clear that at a regional level the management of the versatile soil resource cannot easily and effectively be raised above one of a number of competing considerations when considering development proposals.</p>	<p>Amend this issue and include within Chpt 12, Issue 1.</p>
<p><u>Chpt 12, Issue 1</u> Adverse effects of urban development, physical expansion of settlements and the use and provision of network utilities on the environment.</p>	<p>Remains relevant. This is a common issue addressed in all district plans. Currently the issue is confined by the definition of "urban development" in the CRPS. Experience and consultation indicates that the issue is of equal relevance for smaller, more isolated and/or human occupation (for example, small lot subdivision within a sensitive rural environment).</p>	<p>Remains significant. Urbanisation and human occupation proposals are a common cause of resource management conflict within the Region.</p>	<p>Retain the issue. Create a demarcation between this issue and a new issue for Chpt 12 (strategic integration of infrastructure).</p>
<p><u>Chpt 12, Issue 2</u> Loss of rural character of land on the outskirts of Christchurch.</p>	<p>Relevance unclear. The issue is primarily derived from the landscape and amenity qualities of what is commonly known as the 'green belt' associated with Christchurch.</p>	<p>Significance unclear.</p>	<p>Review once UDS change is known</p>
<p><u>Chpt 12, Issue 3</u> Land uses or land use patterns which constrain future populations and communities in urban areas and settlements from meeting their needs.</p>	<p>Remains partly relevant. There are two components to this issue. The first relates to the protection of communities from natural hazards. This matter is still highly relevant. The second relates to the well-being of rural communities. The relevance of this, in resource management terms, is less clear.</p>	<p>Remains partly significant. The protection of communities from natural hazards is of importance. While the well-being of rural communities is also of importance, it is unclear how the CRPS can assist in its resolution.</p>	<p>Retain the natural hazards, and delete of the well-being of rural communities, component of the issue.</p>

<p><u>Chpt 12, Issue 4:</u> The need for Tangata Whenua to be able to exercise their cultural relationships in respect of settlement in urban and rural areas.</p>	<p>Remains relevant.</p>	<p>Remains significant.</p>	<p>Retain the issue, but review following consultation with tangata whenua.</p>
<p><u>Chpt 15, Issue 1:</u> The use, development or protection of land and associated natural and physical resources can cause adverse effects on the ability of the transport infrastructure to efficiently and effectively present and future regional, inter-regional and national transport needs. For example:</p> <ul style="list-style-type: none"> <li>(i) resource development resulting in transport demands which exceed the capacity of existing infrastructures or are incompatible with present uses, for example, forestry.</li> <li>(ii) land use which impedes the development of transport infrastructure, for example, by foreclosing opportunities for the future expansion of airports or sea ports or impeding the upgrading of the road network.</li> <li>(iii) aquatic development near airports which may compromise operational safety, for example, due to the risk of bird strike.</li> <li>(iv) retail developments on arterial routes which impair their efficiency and safety by creating traffic conflicts.</li> <li>(v) buildings or trees on the flight paths at airports.</li> <li>(vi) developments which impede access to seaports for larger vehicles.</li> </ul>	<p>Remains relevant. The issue is primarily a result of conflict between different forms of human occupation (including urban development) with often competing, and mutually exclusive, requirements.</p>	<p>Remains significant. This issue is a common cause of resource management conflict within the Region.</p>	<p>Retain the issue, but combine into a new issue in Chpt 12 (strategic integration of infrastructure).</p>

<p><u>Chpt 15, Issue 2</u></p> <p>Adverse effects on the environment are caused by the provision of transport infrastructure and the use of transport. These effects include:</p> <ol style="list-style-type: none"> <li>(1) air pollution.</li> <li>(2) noise and vibration.</li> <li>(3) contaminated run-off from roads discharging into water or onto or into land.</li> <li>(4) loss of public amenity including effects on visual amenity, natural character and areas of significant indigenous vegetation and significant habitats of indigenous fauna.</li> <li>(5) effects on ancestral lands, sites and other taonga of value to Tangata Whenua.</li> <li>(6) spread of noxious weeds from road verges.</li> <li>(7) loss of land to roads and to the parking of vehicles.</li> <li>(8) effects on sites, buildings, places or areas of heritage value.</li> </ol>	<p>Remains relevant. This issue is already incorporated within Chpt 12, Issue 1.</p>	<p>Remains significant. However, the current CRPS lacks clear linkages between the issue and the resulting objectives, policies and methods.</p>	<p>Retain the issue, but combine into Chpt 12, Issue 1. Rework the resulting objectives, policies and methods to improve linkages.</p>
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**New issues:**

Issue	Relevance	Significance	Recommendation
<p><u>Chpt 12:</u> The adverse effects on strategic infrastructure resulting from poor integration with land use.</p>	<p>Highly relevant. In part the relevance is derived from section 30(1)(gb). The CRPS already contains provisions relating to this matter. These relate to the adverse effects of settlement on infrastructure such as airports and ports. Further, it is common for district plans to also have provisions relating to this issue.</p>	<p>Highly significant. This issue is a common cause of resource management conflict within the Region.</p>	<p>Create a new issue, and move current related provisions in the CRPS to this issue.</p>
<p>Adverse effects of dispersed development outside of urban areas</p>	<p>Highly relevant. Experience and consultation indicated that natural and physical resources are being adversely affected that by smaller, isolated and spasmodic development.</p>	<p>Highly significant. This issue is a common cause of resource management conflict within the Region.</p>	<p>Create a new issue, primarily focussed on: servicing (e.g. onsite sewage disposal), regional identity (e.g. landscape) matters and reverse sensitivity effects.</p>

**Appendix 2: Analysis of policy approaches: settlement and built environment and transport**

Option 1: Maintain the current level of detail in the CRPS

	<b>For</b>	<b>Against</b>
<b>Purpose of the RMA</b>		<ul style="list-style-type: none"> <li>• Shown to be ineffective and inefficient</li> </ul>
<b>Issue resolution</b>	<ul style="list-style-type: none"> <li>• Retains flexibility for local solutions</li> </ul>	<ul style="list-style-type: none"> <li>• Shown to be ineffective and inefficient</li> </ul>
<b>Integrated management</b>		<ul style="list-style-type: none"> <li>• Shown to be ineffective and inefficient</li> </ul>
<b>Carrying out functions</b>	<ul style="list-style-type: none"> <li>• Can achieve Environment Canterbury's functions</li> </ul>	
<b>Consultation views</b>		<ul style="list-style-type: none"> <li>• Provides insufficient certainty of the outcome required</li> </ul>
<b>OVERVIEW</b>	This approach is ineffective and inefficient.	

Option 2: Introduce new work programme methods into the CRPS

	<b>For</b>	<b>Against</b>
<b>Purpose of the RMA</b>	<ul style="list-style-type: none"> <li>• Provides a clearer framework for decision making through regional and district plans</li> <li>• Allows local decision making in response to specific circumstances</li> </ul>	<ul style="list-style-type: none"> <li>• Creates uncertainty until such time as the necessary work is undertaken and district plan changes made</li> </ul>
<b>Issue resolution</b>	<ul style="list-style-type: none"> <li>• Provides a process to advance the resolution of issues</li> </ul>	<ul style="list-style-type: none"> <li>• Relies upon future work, principally by the territorial authorities</li> </ul>
<b>Integrated management</b>	<ul style="list-style-type: none"> <li>• Ensures process to achieve integrated management</li> </ul>	<ul style="list-style-type: none"> <li>• May result in different solutions across the region</li> </ul>
<b>Carrying out functions</b>	<ul style="list-style-type: none"> <li>• Can achieve Environment Canterbury's functions</li> </ul>	
<b>Consultation views</b>	<ul style="list-style-type: none"> <li>• Reinforces linkages between different natural and physical resources</li> </ul>	<ul style="list-style-type: none"> <li>• Provides insufficient certainty of the outcome required</li> </ul>
<b>OVERVIEW</b>	This approach may be effective and efficient, but relies upon future work undertaken by Environment Canterbury and territorial authorities.	

Option 3: Introduce greater level of direction in the CRPS

	<b>For</b>	<b>Against</b>
<b>Purpose of the RMA</b>	<ul style="list-style-type: none"> <li>Provides regional direction on the achievement of the purpose of the Act</li> </ul>	<ul style="list-style-type: none"> <li>Reduces flexibility for local solutions</li> </ul>
<b>Issue resolution</b>	<ul style="list-style-type: none"> <li>Provides certainty on how issues will be resolved</li> </ul>	<ul style="list-style-type: none"> <li>Relies upon work being done in front of the CRPS review</li> </ul>
<b>Integrated management</b>	<ul style="list-style-type: none"> <li>Ensures common solutions across the Canterbury Region</li> </ul>	
<b>Carrying out functions</b>	<ul style="list-style-type: none"> <li>Can achieve Environment Canterbury's functions</li> </ul>	<ul style="list-style-type: none"> <li>Can be seen to going beyond an 'overview'</li> </ul>
<b>Consultation views</b>	<ul style="list-style-type: none"> <li>Provides a greater level of certainty</li> </ul>	<ul style="list-style-type: none"> <li>Potential compliance costs for territorial authorities (giving effect to the direction in district plan)</li> <li>Seen as one size fits all solution</li> </ul>
<b>OVERVIEW</b>	This approach may be effective and efficient at the scale of the Canterbury Region, but produce less than optimum local outcomes.	

**Appendix 2: Analysis of policy approaches: versatile soil**

Option 1: Remove the versatile soil provisions from the CRPS

	<b>For</b>	<b>Against</b>
<b>Purpose of the RMA</b>	<ul style="list-style-type: none"> <li>• Can be achieved</li> </ul>	
<b>Issue resolution</b>		<ul style="list-style-type: none"> <li>• Fails to recognise the most significant loss of productive capacity of versatile soil</li> </ul>
<b>Integrated management</b>		<ul style="list-style-type: none"> <li>• Provides no recognition of importance of versatile soil at a regional level</li> </ul>
<b>Carrying out functions</b>	<ul style="list-style-type: none"> <li>• Appropriate if no resource management issue for the region</li> </ul>	
<b>Consultation views</b>	<ul style="list-style-type: none"> <li>• Reflects court decisions</li> </ul>	<ul style="list-style-type: none"> <li>• Removes support for current district plan provisions</li> </ul>
<b>OVERVIEW</b>	This approach is appropriate if a view is formed that there is no issue for the CRPS to address	

Option 2: Provide policy in the CRPS to have regard to the value of versatile soil for rural production when considering how to control the use of land

	<b>For</b>	<b>Against</b>
<b>Purpose of the RMA</b>	<ul style="list-style-type: none"> <li>• Provides recognition of importance of versatile soil</li> </ul>	
<b>Issue resolution</b>	<ul style="list-style-type: none"> <li>• Allows issue to be resolved a local level'</li> </ul>	<ul style="list-style-type: none"> <li>• Relies upon district plans to resolve issue</li> </ul>
<b>Integrated management</b>	<ul style="list-style-type: none"> <li>• Ensures that versatile soil a consistent 'factor' in decision making</li> </ul>	<ul style="list-style-type: none"> <li>• May result in different solutions across the region</li> </ul>
<b>Carrying out functions</b>	<ul style="list-style-type: none"> <li>• Can achieve Environment Canterbury's functions</li> </ul>	
<b>Consultation views</b>	<ul style="list-style-type: none"> <li>• Provides support to current district plans</li> </ul>	<ul style="list-style-type: none"> <li>• Provides insufficient certainty of the outcome required</li> </ul>
<b>OVERVIEW</b>	This approach may be effective and efficient support current district plan provisions	

Option 3: Focus on the physical destruction of versatile soil in the CRPS

	<b>For</b>	<b>Against</b>
<b>Purpose of the RMA</b>		<ul style="list-style-type: none"> <li>Loss unlikely to be of a scale and extent that warrants intervention</li> </ul>
<b>Issue resolution</b>		<ul style="list-style-type: none"> <li>Fails to recognise the most significant loss of productive capacity of versatile soil</li> </ul>
<b>Integrated management</b>		<ul style="list-style-type: none"> <li>Fails to recognise the most significant loss of productive capacity of versatile soil</li> </ul>
<b>Carrying out functions</b>	<ul style="list-style-type: none"> <li>Reflects new definition of 'soil conservation'</li> </ul>	
<b>Consultation views</b>		<ul style="list-style-type: none"> <li>Does not address perceived issue</li> <li>Removes support for some current district plan provisions</li> </ul>
<b>OVERVIEW</b>	This approach is unlikely to be necessary to address a regional resource management issue	

Option 4: Retain current focus in the CRPS on foreclosing land use options benefiting from versatile soil but amend provisions to address the criticisms of the courts

	<b>For</b>	<b>Against</b>
<b>Purpose of the RMA</b>		<ul style="list-style-type: none"> <li>Concerns expressed by the courts (in Canterbury context) are wider than wording of current provisions.</li> </ul>
<b>Issue resolution</b>	<ul style="list-style-type: none"> <li>Provides direction of issue and appropriate response</li> </ul>	<ul style="list-style-type: none"> <li>Difficulty in substantiating what the issue is</li> </ul>
<b>Integrated management</b>	<ul style="list-style-type: none"> <li>Ensures common solutions across the Canterbury Region</li> </ul>	
<b>Carrying out functions</b>	<ul style="list-style-type: none"> <li>Can achieve Environment Canterbury's functions if 'issue' established</li> </ul>	
<b>Consultation views</b>		<ul style="list-style-type: none"> <li>Significant justification required if this approach is to be successful</li> <li>No an issue for growth of city and towns</li> </ul>
<b>OVERVIEW</b>	This approach may be effective and efficient if the issue can be substantiated - the level of justification required is high	

# Review of the Canterbury Regional Policy Statement: Natural Features and Landscapes settlement and the built environment

## **Purpose**

The purpose of this paper is to outline the options and preferred policy direction in the review of the natural features and landscape provisions of the Canterbury Regional Policy Statement (CRPS).

## **Background**

In accordance with Section 79(1) of the RMA, Environment Canterbury has begun its review of the CRPS. The review must consider all the provisions in the CRPS, decide whether to retain, amend, or delete existing provisions, or add new provisions. Prior to developing specific changes to the CRPS, consultation and decision is being sought on the proposed policy direction.

### Statutory Context of the CRPS and Natural Features and Landscape

The role of the CRPS is to achieve the purpose of the RMA, and specifically to provide an overview of the significant resource management issues of the region and the policies and methods to achieve the integrated management of the natural and physical resources of the whole region (Section 59). Work carried out to date in reviewing the natural features and landscape provisions of the CRPS<sup>1</sup> indicates that the inappropriate use and development of natural features and landscapes is a significant resource management issue for the region. Furthermore, it is an issue that can benefit from integrated and coordinated management as landscapes cross authority boundaries.

The RMA also prescribes Environment Canterbury a number of functions relating to the management of natural features and landscapes. These include:

1. *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region* (section 30(1)(a))
2. *the preparation of objectives and policies in relation to the actual or potential effects of the use, development, or protection of land which are of regional significance* (section 30(1)(b))

In addition, under Section 6 RMA ECan is required to: *recognise and provide for the following matters of national importance... (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.* Under Section 7 RMA Ecan is to: *have particular regard to... (c) the maintenance and enhancement of amenity values.*

Work done to date on the review indicates that the above statutory functions of Environment Canterbury would benefit from policy support in the CRPS.

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<sup>1</sup> Includes analysis of the issue, its coverage in the current CRPS, an assessment of environmental and legislative changes since 1998, and consultation with stakeholders.

### Existing CPRS Provisions

Objectives, policies and methods relevant to the management of natural features and landscapes are found in Chapters 8 (Landscape, Ecology and Heritage), 10 (Beds of Rivers and Lakes and their Margins), 11 (Coastal Environment) and 12 (Settlement and the Built Environment). The objective and policy direction of these chapters is outlined below.

Reference is also made in Chapter 9 (Water) to natural features and landscapes.

### **Chapter 8 - Landscape, Ecology and Heritage**

Within Chapter 8 there is one objective that covers natural features and landscape directly:

#### **Objective 2**

*Protection or enhancement of the natural features and landscapes that contribute to Canterbury's distinctive character and sense of identity, including their associated ecological, cultural, recreational and amenity values.*

There is one policy under this objective which seeks to: protect natural features and landscapes from the adverse effects of use, development, or protection of natural and physical resources and promote their enhancement. This policy refers the reader to sub-chapter 20.4(1) and (2) to determine which natural features and landscapes in Canterbury meet the tests of regional significance and additionally, which effects are regionally significant.<sup>2</sup>

### **Chapter 10 - Beds of Rivers and Lakes and their Margins**

Within Chapter 10 there is one objective that that covers natural features and landscapes:

#### **Objective 1**

*With respect to land use and development within the beds and margins of lakes and rivers, protection, and where appropriate, enhancement of: ...(c) significant natural features and landscapes.*

There is one policy under this objective which seeks to: identify areas within the beds of lakes and rivers and their margins that have significant natural features and landscape conservation values. Prior to this identification, the effects of land use activities on natural features and landscapes within beds and margins of lakes and rivers should be avoided or mitigated.

### **Chapter 11 - Coastal Environment**

Within Chapter 11 there is one objective covering outstanding natural features and landscapes as follows:

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<sup>2</sup> The 2003 RMA amendments changed the focus of what RPSs should cover. Now the Act emphasizes that RPS should cover significant resource management issues for the region rather than ECan functions and other issues.

### **Objective 1**

*Provide for appropriate use and development of the coastal environment while protecting and where appropriate enhancing:...(b) Outstanding landscapes and natural features including:*

- (i) historic, archaeological and geo-preservation sites of importance;*
- (ii) coastal landforms and landscapes, submerged platforms and seascapes that are regionally, nationally or internationally representative or unique.*

There is one policy under this objective which seeks to: avoid, remedy or mitigate the adverse effects of land uses or activities inland or within the coastal marine area where they would significantly effect natural character (including associated natural processes), outstanding natural features and landscapes.

## **Chapter 12 - Settlement and the Built Environment**

Within Chapter 12 there are two objectives relating to natural features and landscapes as follows:

### **Objective 1**

*Enable urban development and the physical expansion of settlements and the use and provision of network utilities to occur while avoiding, remedying or mitigating adverse effects on the environment, including in particular effects on: ...(e) natural features and landscapes that meet the criteria of sub-chapter 20.4.*

### **Objective 3**

*Maintain the rural character of land in the proximity of Christchurch where that land has significant landscape or ecological values, including amenity values, and maintain Christchurch's urban-rural contrast.*

There are two policies (Policy 2 and Policy 5) in this Chapter which seek to implement these objectives. They both discourage the use of land for urban development where such use would adversely affect natural features and landscapes.

The effectiveness and efficiency of the current approach to natural features and landscapes in Chapter 8 is difficult to determine. This is for three reasons:

1. The policy and key methods are discretionary (i.e. use of the words "should" and "should consider").
2. The policy does not clearly indicate which natural features and landscapes should be protected from inappropriate use and development;
3. The district councils (rather than ECan) are primarily responsible for implementation of the objective and policy where they relate to land management. ECan has very little monitoring data on this matter.

What is clear is that this approach has led to natural features and landscapes being identified and protected to varying degrees across the region (as evidenced by differing district plan provisions and the pattern of development over the last 10 years). This disparity occurs because there are different landscapes, values and threats across the region, but also because territorial authorities are implementing the CRPS provisions (and s6(b) of the RMA) differently. Consultation carried out to date indicates that there are instances where the

landscape and natural features protection and enhancement envisaged by s6(b) RMA and the CRPS is not being achieved.

It is considered that the existing policy guidance within the CRPS provides little more guidance than already exists in the RMA. Rather than providing a regional overview of Canterbury's natural features and landscapes, their values and threats, it relies on case-by-case assessments against listed complex regional significance criteria (Chapter 20.4) and policy criteria (Policy 3). As such, the CRPS provides little added value to the management of this significant issue in Canterbury.

### ***Possible Policy Options***

The inappropriate use and development of natural features and landscapes is clearly a significant resource management issue in Canterbury. Furthermore, the evidence suggests that there are cross-boundary differences in how and to what extent landscape is managed. As such, this matter should be covered in the CRPS. Feedback received on this issue indicates that its resolution is important, urgent and likely to be controversial.

Options available include:

- A. Replace the current policy with a general policy reflecting Part II of the RMA.

For example, the proposed policy could simply state that all persons exercising functions and powers under the RMA shall recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.

- B. Status quo

In this option it is left to district plans (and resource consent processes), albeit with some guidance from CRPS criteria, to determine the outstanding and significant natural features and landscapes in their districts, and to determine their values, threats and what constitutes inappropriate subdivision, use and development.

- C. More comprehensive issue coverage

This option involves a range of policy and method options on a continuum from limited CRPS intervention (with correspondingly more district council autonomy) to detailed and comprehensive CRPS intervention (with correspondingly less district council autonomy). The following options indicate the continuum of approaches that could be adopted:

- (I) Use of mandatory and clearer language

Wording changes would be made to the policy to include mandatory (e.g. 'shall' instead of 'should') and clearer language to ensure that objectives and policies are given effect to by district councils. It would still be up to district councils to identify outstanding and significant natural features and landscapes, their values, threats and what is inappropriate subdivision, use and development.

- (II) Identification, in broad terms, of Canterbury's outstanding natural features and landscapes within the CRPS.

This option would involve, for example, incorporating maps or words in the CRPS that identify in broad terms outstanding natural features and landscapes (derived largely from various existing studies), and a description of their values. It would be up to District Councils to determine the outstanding natural features and landscape values in detail at a local level, their threats and what is inappropriate subdivision, use and development.

- (III) Option (II) above but include consideration of significant or other identifiable and distinctive natural features and landscapes.

- (IV) Identification in detail outstanding and significant natural features and landscapes, their values, threats, what is inappropriate, etc within the CRPS.

This option would involve, for example incorporating maps in the CRPS that identify in detail outstanding / significant natural features and landscapes (derived largely from various existing studies), a comprehensive description of each identified landscape, why it is outstanding, its values, its threats, an explanation of what is inappropriate subdivision, use and development, and tools to aid resource consent application assessments.

A brief analysis of the strengths and weaknesses of these policy options is set out in Appendix 1.

### **Conclusion**

Option A would not address the concerns expressed regarding adverse effects of land use changes on natural features and landscape values at a regional level, nor would it help achieve integrated management of the issue. Furthermore, stakeholders do not support this option.

Option B is roughly the current policy, which has been assessed as partly ineffective. The majority of stakeholders do not support this option.

Option C represents additional policy intervention. It is considered that, as a minimum, sub-options I and II would need to be implemented to achieve meaningful benefits over the current CRPS wording and approach. All sub-options can be expected to attract controversy and the relative costs and benefits of pursuing one sub-option in preference to another are still being investigated. It is noted that until this further work is completed sub-options (III) and (IV) cannot be ruled out.

Recommendation: Proceed with exploration of option C.

**Appendix 1: Analysis of Policy Options**

*Option A: Restate Part II RMA*

	<b>For</b>	<b>Against</b>
<b>Purpose of the RMA</b>	<ul style="list-style-type: none"> <li>Recognises and reinforces s6(b)</li> </ul>	<ul style="list-style-type: none"> <li>Less effective than status quo at achieving the RMA</li> </ul>
<b>Issue resolution</b>	<ul style="list-style-type: none"> <li>Allows local solutions</li> </ul>	<ul style="list-style-type: none"> <li>Likely to be ineffective and inefficient</li> </ul>
<b>Integrated management</b>		<ul style="list-style-type: none"> <li>Likely to be ineffective and inefficient</li> </ul>
<b>Carrying out functions</b>	<ul style="list-style-type: none"> <li>Very minimum required to achieve ECan's functions</li> </ul>	<ul style="list-style-type: none"> <li>Does not offer support and clarity for achieving ECan's functions</li> </ul>
<b>Consultation views</b>		<ul style="list-style-type: none"> <li>Contrary to stakeholder comments</li> </ul>
<b>OVERVIEW</b>	This policy option is very likely to be ineffective and inefficient.	

*Option B: status quo*

	<b>For</b>	<b>Against</b>
<b>Purpose of the RMA</b>	<ul style="list-style-type: none"> <li>Covers an issue which will impact on the sustainable management of natural and physical resources</li> </ul>	<ul style="list-style-type: none"> <li>Ineffective and inefficient</li> </ul>
<b>Issue resolution</b>	<ul style="list-style-type: none"> <li>Acknowledges the issue and aims to resolve it</li> </ul>	<ul style="list-style-type: none"> <li>Ineffective and inefficient</li> </ul>
<b>Integrated management</b>		<ul style="list-style-type: none"> <li>Falls short of achieving this</li> </ul>
<b>Carrying out functions</b>	<ul style="list-style-type: none"> <li>Provides some support for ECan's functions</li> </ul>	<ul style="list-style-type: none"> <li>Offers only limited support and clarity for achieving ECan's functions</li> </ul>
<b>Consultation views</b>	<ul style="list-style-type: none"> <li>Some TAs consider that landscape is predominantly a TA matter.</li> </ul>	<ul style="list-style-type: none"> <li>Contrary to majority of stakeholder comments</li> </ul>
<b>OVERVIEW</b>	This policy option will be ineffective and inefficient.	

*Option C: Additional policy intervention*

	<b>For</b>	<b>Against</b>
<b>Purpose of the RMA</b>	<ul style="list-style-type: none"> <li>In accordance with the requirements for policy statements.</li> <li>Helps achieve the purpose of the Act</li> </ul>	<ul style="list-style-type: none"> <li>May reduce flexibility for case-by-case decision making at the district level</li> </ul>
<b>Issue resolution</b>	<ul style="list-style-type: none"> <li>Can provide more clarity and certainty of the issue and its resolution depending on the sub-option chosen</li> </ul>	<ul style="list-style-type: none"> <li>May reduce flexibility for case-by-case decision making at the district level</li> </ul>
<b>Integrated management</b>	<ul style="list-style-type: none"> <li>Can provide more certainty of issue resolution across the region, depending on the sub-option chosen</li> </ul>	
<b>Carrying out functions</b>	<ul style="list-style-type: none"> <li>Will support achievement of ECan's functions</li> </ul>	
<b>Consultation views</b>	<ul style="list-style-type: none"> <li>General support for more comprehensive policy intervention in the CRPS. Divergence as to extent of additional coverage needed.</li> </ul>	<ul style="list-style-type: none"> <li>TAs generally wish to retain some flexibility to make local decisions.</li> </ul>
<b>OVERVIEW</b>	This policy option supports integrated management and issue resolution	