

137th MEETING OF THE REGIONAL PLANNING COMMITTEE

TO THE CHAIRPERSON AND MEMBERS OF THE
COMMITTEE

MEMBERSHIP OF THE COMMITTEE

Cr R M Kirk (Chairperson)

Cr T K Burke	Cr B S Murray
Cr J T Demeter	Cr A G Neill
Cr C J Evans	Cr M E Oldfield
Cr P C R Harrow	Cr E M Sage
Cr J M Kane	Cr D P Sutherland
Cr R I R Little	Cr R M G Tindall
Cr A R McKay	

A meeting of the Committee will be held on
Wednesday 10 February 2010 at 9.00 am

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

BUSINESS: As per Order Paper attached
Agendas are available on our website three days prior to the date of the meeting -
<http://ecan.govt.nz/news-and-notice/minutes/Pages/Default.aspx>

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. CONFLICT OF INTEREST
3. MINUTES OF MEETING – 11 NOVEMBER 2009
4. MATTERS ARISING
5. DEPUTATIONS AND PETITIONS

MATTER FOR INFORMATION

6. REVIEW OF ENVIRONMENTAL FLOWS PROGRAMME

MATTER FOR RECOMMENDATION TO COUNCIL

7. CHANGES TO THE REGIONAL COASTAL ENVIRONMENT PLAN
8. NOTICES OF MOTION
9. EXTRAORDINARY AND URGENT BUSINESS
10. QUESTIONS
11. NEXT MEETING – 10 March 2010

ENVIRONMENT CANTERBURY

REGIONAL PLANNING COMMITTEE

**MINUTES OF THE MEETING HELD IN THE COUNCIL CHAMBER,
ENVIRONMENT CANTERBURY, 58 KILMORE STREET, CHRISTCHURCH
ON WEDNESDAY 11 NOVEMBER 2009 AT 11.55 AM.**

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7. DRAFT REGIONAL POLICY STATEMENT REVIEW – CONSULTATION UPDATE
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REGIONAL POLICY STATEMENT: LEGAL ADVICE
10. NOTICES OF MOTION
11. EXTRAORDINARY AND URGENT BUSINESS
12. QUESTIONS
13. NEXT MEETING – 2010

PRESENT

Cr R M Kirk (Chair), Crs T K Burke, J T Demeter, C J Evans, P C R Harrow, R I R Little, A R McKay, M E Oldfield, E M Sage, D P Sutherland, and R M G Tindall.

MANAGEMENT AND STAFF

Bryan Jenkins (Chief Executive), Andrew Willis (Regional Policies and Effectiveness Manager), Marcus Langman (Project Leader RPS Review), and Louise McDonald (Administration Officer).

For part of the meeting: Jill Atkinson (Director Regional Programmes), John Glennie (Natural Resources Planning Manager) Lynda Weastall (Principal Planning Advisor), Ilana Batchelor (Senior Policy Analyst), Frank Stewart (Senior Policy Analyst), and Herb Familton (Senior Resource Management Planner)

Jeff Page - Consultant

1. APOLOGIES

Crs J M Kane and A G Neill
Cr M E Oldfield for early departure

2. CONFLICT OF INTEREST

Cr Little advised that his experience of a number of issues included in draft chapters of the Regional Policy Statement was why he was elected to the Council, but this experience could also be considered as a conflict of interest. His view was that his experience did not prevent him from participating in consideration of those draft chapters.

Cr Harrow advised that he was in a similar situation to that described by Cr Little.

The point was made that this item was for Councillors to declare a conflict of interest, but increasingly was being used to declare a non-interest. It was requested that the matter of declaring conflicts of interest be debated at a Council meeting.

3. MINUTES OF MEETING – 13 October 2009

Resolved

That the minutes of the meeting held on 13 October 2009, as circulated, be confirmed as a true and accurate record and be adopted.

Cr Sage /Cr Demeter

4. MATTERS ARISING

There were no matters arising.

5. DEPUTATIONS AND PETITIONS

No deputations or petitions had been requested.

Item 9 was taken at this time

9. PUBLIC EXCLUDED

Resolved

That the public be excluded from the following part of the proceedings of this meeting, namely:

9.1 Regional Policy Statement Review – legal advice

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution 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:

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<i>Regional Policy Statement Review – legal advice</i>	<i>That good reason exists for not discussing the matter with the</i>	<i>Section 48(1)(a)</i>

public present and is not outweighed by the public interest.

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 7 of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting public are as follows:

Maintain legal professional privilege – Section 7 (2) (g)

And that Jill Atkinson, John Glennie, Andrew Willis, Ilana Batchelor and Marcus Langman remain at the meeting to provide advice to the Committee.

Cr Kirk/Cr Demeter

Crs Kirk and Harrow declared an interest in item 9.1 and withdrew from the meeting at 12.16 pm.

The meeting went into public excluded session from 12.16 and 12.28 pm

9.1 REGIONAL POLICY STATEMENT REVIEW

Resolved

That the recommendation regarding the Regional Policy Statement Review be confirmed in open meeting.

Cr Sage/Cr Evans

Recommended to the Council

That staff work towards notifying a reviewed Regional Policy Statement not later than August 2010.

Cr McKay/Cr Burke

Crs Kirk and Harrow returned to the meeting at 12.29 pm

The meeting adjourned for lunch between 12.29 and 1.13 pm. Crs Oldfield and Sage left at this time.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

6. DRAFT REGIONAL POLICY STATEMENT WATER CHAPTER – APPROVAL FOR CONSULTATION

Cr Kirk advised that in addition to the draft water chapter attached to the agenda for approval for consultation, a copy of the draft chapter showing tracked changes made following consideration of the previous version at a workshop held on 28 October 2009 had been circulated.

Ilana Batchelor then explained the changes made as shown in the tracked changes version. The Committee made the following requests for further changes:

- Micro organisms to be shown as two words (page 5).
- Include freshwater in the reference to the Ecosystems and Indigenous Biodiversity Chapter.
- Add the word “may” before the words 'compromise water quality' (top of page 6).

- Review the wording of paragraph 3 (page 6).

Cr Sage returned at 1.28 pm.

- Retain the word 'exacerbated' in paragraph 3 (page 7)
- Amend wording of the heading for Issue 3 to read: 'Exercise stewardship and kaitiakitanga' (page 8).
- Remove the words 'better', 'further' and 'more' from paragraph 2 (page 9)
- First paragraph of the explanation of issue 1, move drinking water up the list (page 5).

The use of the word 'valued' in Objective 1 was questioned as it could cause confusion with the use of the noun 'value', and was potentially restraining in (1) (b) (i) on page 9.

Recommended to the Council

That the wording of objective 1 (b) (i) in the draft Regional Policy Statement water chapter be amended by deleting the words 'where they are valued because they are' so that the objective reads:

***(b) 'for wetlands, lakes rivers and their margins;
(i) in a natural state, preserving their natural character and safeguarding their mauri/life-supporting capacity.'***

Cr Demeter/Cr Sage

Further amendments were requested:

- Reword the second paragraph of the explanation to objective 2 to clarify that the decisions are made at the appropriate level (page 10).
- Amend method 1.2 (3) (c) of policy 1 to read 'Where appropriate promote high levels of efficiency in water use in relation to existing permits' (page 12).
- Replace the words 'including implementing' with 'take into account and developing appropriate co-governance structure' in method 1.2 (2) (e) (page 12)
- Retain the description 'The regional council and territorial local authorities' in Policy 1 method 1.5 (page 13) and in other relevant parts of this chapter.
- Replace the word 'incentives' with 'processes' in method 1.2 (4) (a) (page 12)
- Policy 2, method 2.1 (4) add reference to 'region-wide strategies' (page 15)
- Policy 2, first paragraph remove the words 'by human activity' (page 14).
- Policy 1, method 1.3 (2) replace 'facilitating' with 'consider developing varying or changing' (page 12).
- Policy 3 (1) (c) (iii) delete 'where they are valued' (page 15).
- Noting that the policy on the transfer of water consents had yet to be considered, it was requested that the word 'facilitating' be replaced with 'where appropriate allowing' in method 3.2 (7) (page 17).

The Committee discussed the use of the term 'community supply' in the list of priorities in the explanation following the methods for Policy 3 on page 17. It was noted that 'community supply' can include a range of water uses including drinking water, fire fighting, irrigation, and garden watering. There was concern that there was no effective definition for this range of uses.

Proposed Cr Demeter, seconded Cr McKay

That the description 'community supply' be replaced with 'drinking water and stock water'.
The motion was put and LOST

The wording of policy 5 'Reliable Water for Abstraction' was discussed (page 20).

Proposed Cr Little, seconded Cr McKay
That the following be added to Policy 5 (1):
(c) include for duration decisions provision for a level of certainty for applicants.
The motion was put and LOST.

Recommended to the Council

That the wording of Policy 5 be amended:

(1) (a) 'immediately achieved as a requirement of any new water permit'

(2) (c) add the words: 'while protecting flow variability'

(2) (d) add the words: 'improves flow regimes'.

Cr Sage/Cr Demeter

It was agreed not to change the wording of Policy 5 (2) (f) at this stage but to note in the consultation document a request for feedback on the issue of water storage and power generation in relation to reliability and efficiency.

- Explanation for Policy 5 use the term 'efficient use of water' rather than 'efficiency of water use' (top of page 22).
- Consider adding a reference to water pressure in Policy 6 (page 22).
- Anticipated outcomes: add 'and outcomes' to (2); and 'and enhancement' to (7) (page 23) and combine (3) and (5) into one statement.

Proposed Cr Sage, seconded Cr Burke

That it be recommended to the Council

(a) That the draft Regional Policy Statement water chapter, as amended, is adopted for the purpose of consultation.

(b) That the pre-notification consultation period for the water chapter is extended to include February 2010.

An amendment was proposed by Cr Harrow, seconded proforma by Cr Evans

That the draft Regional Policy Statement water chapter, as amended, is supported for the purpose of consultation.

The amendment was put and LOST.

The substantive motion was then put and CARRIED

That it be recommended to the Council

(a) That the draft Regional Policy Statement water chapter, as amended, is adopted for the purpose of consultation.

(b) That the pre-notification consultation period for the water chapter is extended to include February 2010.

Cr Sage/Cr Burke

The meeting adjourned between 3.30 and 3.46 pm. Crs Evans and Harrow left at this time.

Item 8 was taken next.

8. OUTDOOR BURNING IN RESIDENTIAL AREAS; POLICY AQL4/RULE AQL29 AND EMERGENCY PROVISIONS

Lynda Weastell introduced this item, which had previously been considered by the Committee and the Council in September 2009 regarding proposed Natural Resource Regional Plan Chapter 3 (Air Quality) Variation 15 (Outdoor Burning in Residential Areas) and Plan Change 1 (Christchurch, Kaiapoi and Ashburton: Emergency Provisions) and Variation 16 (Rangiora: Emergency Provisions). As there was a

requirement to report to the Environment Court in March 2010 that that the variation has been notified, it was proposed that any proposed changes following consultation with statutory agencies would be reported directly to the Council meeting scheduled for December 2009.

A map indicating the rural residential/rural living and residential zoning boundaries around Christchurch was requested for the December Council meeting.

Concern was expressed by Cr Little regarding Method AQL4A(c), the provision that in residential areas without kerbside recycling or recycling depots, the burning of vegetation, paper and untreated wood will be managed as a restricted discretionary activity.

Herb Familton provided an update on progress on the consent memorandum to be lodged with the Environment Court on agricultural spraying, and a good result from mediation on the Rangiora appeals to Variation 12.

Recommended to the Council

That the proposed variations and plan changes to Proposed Natural Resource Regional Plan Chapter 3 (Air Quality):

- ***Variation 15 (Outdoor Burning in Residential Areas),***
- ***Plan Change 1 (Christchurch, Kaiapoi and Ashburton: Emergency Provisions, and***
- ***Variation 16 (Rangiora: Emergency Provisions)***

be approved for public notification under the First Schedule to the Resource Management Act, subject to any changes resulting from the First Schedule consultation, which will be reported to Council in December 2009.

Cr Burke/Cr Sage

Crs Little and McKay requested their votes against this recommendation be recorded.

7. DRAFT REGIONAL POLICY STATEMENT REVIEW– CONSULTATION UPDATE

Marcus Langman introduced this item that included an update on the consultation with territorial authorities and major stakeholders. Attached to the agenda were the following draft chapters:

- Landscape
- Ecosystems and indigenous biodiversity
- Beds of lakes and rivers and their riparian margins
- Soils
- The coastal environment

Following concerns raised by the Territorial Authorities regarding the Landscape chapter a collaborative approach to identifying Outstanding Natural Landscapes was recommended. Disquiet was expressed regarding the regional council's role in the identification of outstanding landscapes, when some councils had already gone through a thorough and expensive process to identify these in their own District Plans.

Cr Sage left at 4.55 pm.

Resolved by the Committee

- (a) That the Regional Planning Committee notes the summary of stakeholder comment received and approve the draft chapters to proceed to peer review and legal review.***

- (b) That the Regional Policy Statement be brought back to the Regional Planning Committee in March 2010 as whole document for work- shopping.*
- (c) Where possible, staff provide feedback to stakeholders on the consultation undertaken.*
- (d) Councillors can provide comments to staff on the draft chapters by 5 working days from 12 November 2009.*

Cr Tindall/Cr Demeter

10. NOTICES OF MOTION

There were no notices of motion.

11. EXTRAORDINARY AND URGENT BUSINESS

There was no extraordinary or urgent business.

12. QUESTIONS

There were no questions.

13. NEXT MEETING – 2010

The meeting closed at 5.05 pm.

CONFIRMED

DATE

CHAIRPERSON

ENVIRONMENT CANTERBURY

REGIONAL PLANNING COMMITTEE

MINUTES OF PART OF A MEETING OF THE REGIONAL PLANNING COMMITTEE
HELD WITH THE PUBLIC EXCLUDED IN THE COUNCIL CHAMBER, ENVIRONMENT
CANTERBURY, 58 KILMORE STREET, CHRISTCHURCH,
WEDNESDAY 11 NOVEMBER 2009 AT 12.16 PM.

CONTENTS

REGIONAL POLICY STATEMENT – LEGAL ADVICE

PRESENT

Crs E M Sage (Deputy Chairperson), T K Burke, J M Demeter, C J Evans, J M Kane, R I R Little, A R McKay, D P Sutherland and R M G Tindall.

MANAGEMENT AND OFFICERS PRESENT

Bryan Jenkins (Chief Executive), Jill Atkinson (Director Regional Programmes), John Glennie (Natural Resources Planning Manager), Andrew Willis (Regional Policies and Effectiveness Manager), Marcus Langman (Project Leader RPS Review), Ilana Batchelor (Senior Policy Analyst) and Louise McDonald (Administration Officer).

APOLOGIES

Crs J M Kane and A G Neill

Crs R M Kirk and P C R Harrow had declared an interest in this item and had withdrawn at 12.16 pm.

9.1 REGIONAL POLICY STATEMENT – LEGAL ADVICE

Marcus Langman introduced this item and the legal advice attached to the agenda regarding the notification of the Canterbury Regional Policy Statement.

Recommended to the Council

That staff work towards notifying a reviewed Regional Policy Statement not later than August 2010.

Cr McKay/Cr Burke

Resolved

That the meeting come out of public excluded session.

Cr Sage/Cr Evans

The meeting moved out of public excluded session at 12.28 am.

CONFIRMED

DATE _____ CHAIRPERSON _____

AGENDA ITEM NO: 6.	SUBJECT MATTER: REVIEW OF ENVIRONMENTAL FLOWS PROGRAMME
REPORT: Regional Planning Committee	DATE OF MEETING: 10 February 2010
FILE REFERENCES:	PORTFOLIO: Water PROJECT: Environmental Flows Review OUTPUT: Update on Environmental Flows projects
REPORT BY: Gaynor Smith Project Leader Planning	ENDORSED BY: Lynda Weastell Principal Planning Advisor

PURPOSE

To provide an update to the Regional Planning Committee on Environmental Flow projects.

BACKGROUND

A monthly update on the Environmental Flow and Allocation Regime reviews is provided in the RPC Agenda for information. The update provides a summary on the current status and next steps in each project. The dates for public meetings or community advisory group meetings are shown in bold.

RECOMMENDATION

That the information be received

Catchment	Current Status	Next Steps	End of FY Goal	On Track (Yes / No)	Comments
Conway	<ul style="list-style-type: none"> • Pre-hearing occurred in December 2009 • Additional technical work currently undertaken. 	<ul style="list-style-type: none"> • Second pre-hearing scheduled for the end of March when results of additional technical work are available. Points of agreement and outstanding issues will be identified for hearing. 	Variation heard and recommendation to Council.	Yes	
Ellesmere	<ul style="list-style-type: none"> • Planning for Upper Selwyn underway. • Project planning and outline of a flow plan being developed. • Additional technical work requirements have been identified and briefs let. • Consultation strategy being developed. 	<ul style="list-style-type: none"> • Additional technical work completed. • Community consultation programme starting in April/May 09 	Notified flow plan July 2010	No	<ul style="list-style-type: none"> • This FY Goal was base don stetting min flows in lower Ellesmere tribs only. • Shift in focus to water management throughout the catchment means some delay while technical work in Upper Selwyn is completed (previously a separate project); and to allow for the broader scope of community consultation required.

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					<ul style="list-style-type: none"> Aiming for plan notification end 2010.
Orari	<ul style="list-style-type: none"> Technical work continuing. Website live providing conduit for regular updates to community. 	<ul style="list-style-type: none"> Receive and review technical reports due Feb 2010. 	Notified Flow Plan July 2010.	Yes but delay in technical reports means timetable being actively managed – still waiting for low flows for IFIM work.	<ul style="list-style-type: none"> Community advisory group has agreed not to meet until after technical reports and IFIM analysis and received.
Pareora	<ul style="list-style-type: none"> Hydrology work completed. Economic assessment occurring now. Draft flow plan being written with first cut due to Principal Planning Advisor by 08 Feb 2010. 	<ul style="list-style-type: none"> Council workshop with flow plan options scheduled for end of March 2010. 	Notified Flow Plan – July 2010	Yes	

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Catchment	Current Status	Next Steps	End of FY Goal	On Track (Yes / No)	Comments
Waiau	<ul style="list-style-type: none"> Mainstem community advisory group meetings finished discussing A & B block allocations, and storage options. Economic assessment underway. Website live to provide conduit for regular community updates. 	<ul style="list-style-type: none"> Planning for community advisory group meetings for tributaries. Consultation due to start Mar 2010. 	Notified Flow Plan – July 2010	Yes	
Waihao	<ul style="list-style-type: none"> Hydrology review completed. 	<ul style="list-style-type: none"> Drafting of plan change with presentation to Council scheduled for end of April 2010. 	Decisions released on Variation or flow plan notified.	Close – possibly 2 to 3 month delay but notification before end 2010.	The number of flow plans coming through to RPC/Council means there will be some delay in getting all flow plans workshopped and approved.
Waimakariri	<ul style="list-style-type: none"> Plan Change notified 08 Aug 2009. Summary of submissions notified. Hearing Panel appointed. 	<ul style="list-style-type: none"> Officers' report being prepared. Hearing in March 2010. 	Plan change completed.	Yes	

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Waimakariri Tributaries	<ul style="list-style-type: none">• Report to RPC 14th October 2009	Plan change to address surface & ground water issues, to be investigated 2010-2011 FY.	Complete	Yes	

Catchment	Current Status	Next Steps	End of FY Goal	On Track (Yes / No)	Comments
Waitohi	<ul style="list-style-type: none"> • Technical panel reports received 	<ul style="list-style-type: none"> • Incorporate Waitohi into Flow regime for Hurunui 	As for Hurunui	Yes	
Hurunui	<ul style="list-style-type: none"> • Review of Variation Occurring 	<ul style="list-style-type: none"> • Identification of next steps required taking WCO into consideration 	Variation completed or flow plan notified July 2010	Yes	<ul style="list-style-type: none"> • Delay in progress due to need for taking into consideration WCO and CWMS issues. • Timing to release Waiau sand revamped Hurunui flow plans together.
Kaikoura	<ul style="list-style-type: none"> • Pre-hearing occurred in December 2009 • Updating of hydrological data has occurred. • Currently determining whether nay merit in second prehearing meeting or straight to hearing. 	<ul style="list-style-type: none"> • Hearing March 2010. 	Variation 5 heard and recommendation to Council.	Yes	

AGENDA ITEM NO: 7.	SUBJECT MATTER: CHANGES TO THE REGIONAL COASTAL ENVIRONMENT PLAN
REPORT: Regional Planning Committee	DATE OF MEETING: 10 February 2010
FILE REFERENCES:	PORTFOLIO: Coastal PROJECT: Coastal Plan Changes OUTPUT:
REPORT BY: David Gregory, Principal Planner (Coastal)	ENDORSED BY: Don Rule Director Resource Planning & Consents

PURPOSE

To seek approval to proceed with three Changes to the Regional Coastal Environment Plan. The three areas are identified below:

- Plan Change 3 to the Coastal Hazard Lines, redrawing the lines where necessary to include the more accurate positioning made possible by longer term monitoring and better knowledge of coastal conditions; and
- Plan Change 5 to the science basis of the water quality standards; and
- Plan Change 6 in relation to Rules covering vehicles on beaches where these Rules have proved to be unworkable and unenforceable.

It is proposed to run these Plan Changes together under the assumption that, at some point, the process for some of the Plan Changes will, of necessity, run slower. In particular, the work on Plan Change 5 is complex and is unlikely to be completed this financial year. Each Plan Change can proceed without the process hindering the others.

ATTACHMENTS OR DOCUMENTS PREVIOUSLY CIRCULATED

Nil

BACKGROUND

The Regional Coastal Environment Plan (RCEP) was originally drawn up in 1995 and, with considerable Variations, became Operative in November 2005. Although not due for a full Review until 2015, an internal efficiency and effectiveness review has been carried out under s35 of the RMA. The review was originally intended to integrate with the release of the Proposed New Zealand Coastal Policy Statement (NZCPS) in regard to determining the need for changes to the RCEP. However, the situation currently is:

- The proposed NZCPS is subject to ongoing delay and there is currently no published timetable for its release
- The NZCPS could have significant implications for the RCEP and therefore there is a desire to minimise the risk of needing to rework any prior changes we might choose to make as a result of the efficiency and effectiveness review

- Despite this there are the urgent changes listed above that are considered to require immediate attention and are unlikely to be invalidated by the proposed NZCPS.

This interim programme of plan changes is proposed to address the three areas for the following reasons:

- **Plan Change 3 to the Coastal Hazard Lines in Chapter 9 of the RCEP.**

The Coastal Hazard Lines and the Zones set by these lines require redrawing in some areas where necessary to include the more accurate positioning made possible by longer term monitoring and better knowledge of coastal conditions. In some situations the lines will move further inland. In others the lines will move seaward of their current positions. In the case of coastal hazards originating from erosion of the coastline, the RCEP has been written to cover a larger area than the statutory basis of Regional Coastal Plans required by the RMA. This form of Plan was adopted by ECan to ensure a whole-of-region approach to the issue of coastal erosion along the whole of the Region's coastline.

- **Plan Change 5 to the science basis of the water quality standards in Chapter 6 of the RCEP.**

In this case some of the elements and factors that the RCEP sets with regard to water quality standards have been superseded by newer and more relevant methods. This has rendered parts of the Rules covering water quality inoperable. Parts of the Rules require modernising to enable them to be effective in maintaining water quality in the coastal area and to meet the Councils responsibilities under the RMA.

- **Plan Change 6 in relation to Rules covering vehicles on beaches in Chapter 8 of the RCEP.**

The current Rules in the RCEP have proved to be unworkable and unenforceable. This is particularly the case where the Rules regarding vehicles on beaches have been applied to the upriver sections of a braided river. The issue here is that the Coastal Marine Area (over which the Rules apply) is extremely difficult to define and can change on a daily basis. It is therefore almost impossible to define if and when an offence has taken place. Examination of the situation in other parts of New Zealand has shown that RMA based Rules have not proved workable and that local bylaws are more appropriate and effective for situations such as this. Such bylaws are currently being developed for the most critical areas, with responsibility to be shared between the Region and Districts.

THE PROPOSAL

To seek approval to proceed with these three Changes to the Regional Coastal Environment Plan.

CONSIDERATION OF OPTIONS

Each of the Plan Changes are discussed below in relation to:

- Options; and
- Benefits and costs; and
- Community outcomes; and
- Statutory responsibilities; and
- Effects on Maori.

Plan Change 3 to the Coastal Hazard Zones in Chapter 9 of the RCEP

(a) Option 1 – Do nothing

Leaving the Hazard Lines and the associated Zones unchanged will mean that some areas that are judged to be affected by long-term coastal erosion will not be included within the Zones. This will allow development which may be at risk in the future to continue to locate there. In addition, some areas now judged not to be at risk will remain in the Zones, restricting development. As an additional factor, the government is working on an NES on sea-level rise. This may well have a significant affect on planning for the coastal area and might suggest that waiting for this NES is part of a do-nothing option. However, the timing of this NES is uncertain and it is not considered reasonable to delay this programmed proposed Plan Change on this basis.

Option 2 – Proceed with the Plan Change

Policy 9.1 and Method 9.3 of Chapter 9 of the RCEP, “Coastal Hazards” call for regular updating on changes to coastal hazards and the provision of that information. The proposed Plan Change will incorporate more accurate Hazard lines and meet the Policy requirements.

(b) Benefits and costs

For proposed Plan Change 3, the option of doing nothing has effects on social and economic well-being. Proceeding with the Plan Change will clarify what areas are considered to be affected by future erosion, using the latest possible information and thereby reducing uncertainty.

(c) Community outcomes

There are benefits to economic, social and cultural well-being as a result of preventing development within coastal hazard zones. However, the cost of complying with consent conditions for activities in coastal zones could adversely affect the economic well-being of some individuals and businesses.

(d) Statutory responsibilities

For Plan Change 3, the do nothing option is not considered to meet the requirements of Section 30(1)(iv) of the RMA or the RCEP and could lead to development being located in areas which, in future, will be at risk from coastal erosion. There may be some liability issues in this instance. Conversely, it will also lead to areas being subject to control when they are not deemed to be at risk.

The Proposed Plan Change will include areas which are not currently subject to control, but will also release some areas from control.

(e) Effects on Maori

It is considered that there are no direct effects.

Plan Change 5 to the science basis of the water quality standards in Chapter 6 of the RCEP

Option 1 – Do nothing

This is not considered a reasonable option at this point as it would leave parts of the RCEP inoperable.

Option 2 – Proceed with the Plan Change

Incorporating the most recent methods and measurements in relation to determining water quality will increase the efficiency and effectiveness of the RCEP and is recommended.

(b) Benefits and costs

For proposed Plan Change 5, proceeding with the Plan Change will increase the effectiveness of the RCEP and have positive, if indirect effects, on the region’s social, economic, environmental and cultural well-being by ensuring better water quality for all

users. The option of not proceeding with the Plan Change (do nothing) will have negative impacts.

(c) Community outcomes

There are benefits to social, economic, environmental and cultural well-being as a result of improving coastal water quality.

(d) Statutory responsibilities

For Plan Change 5, the Plan Change will meet the Councils statutory responsibilities under the RMA in relation to water quality.

(e) Effects on Maori.

For This Plan Change, it is considered that making the standards and Rules relating to water quality more effective will help to enhance the cultural use of the CMA by Maori.

Plan Change 6 in relation to Rules covering vehicles on beaches in Chapter 8 of the RCEP

(a) Option 1 – Do nothing

This is not considered to be a viable option as it would continue the present unsatisfactory situation. In addition, if the current Rules remained, they will hinder the application of the bylaws which are currently being developed for the effected areas.

Option 2 – Proceed with the Plan Change

Removing the current ineffective Rules regarding control of vehicles on beaches will open the way for locally appropriate bylaws which will make education and enforcement more effective. This option is recommended.

(b) Benefits and Costs

For proposed Plan Change 6 the do nothing option will compound the present unsatisfactory situation by preventing the effective use of the bylaws which are being developed. Proceeding with the Plan Change will remove an unworkable part of the RCEP and allow more effective control and enforcement through bylaws.

(c) Community Outcomes.

There are benefits to social, environmental and cultural well-being as a result of effective controls on vehicles on beaches.

(d) Statutory Responsibilities.

For this Plan Change, the do nothing option will not meet the Councils statutory responsibilities with regard to activities in the CMA, whereas the Plan Change will enable those responsibilities to be carried out more effectively. Control of vehicles in those areas identified in the Northern Pegasus Bay Strategy will be more effective subsequent to the Plan Change.

(e) Effects on Maori

Effective control of vehicle impacts in the CMA is considered to enhance the ability of Maori to make use of the coastal area.

CONSISTENCY WITH EXISTING POLICY, PLANS OR LEGISLATION

The three recommended Plan Changes are consistent with maintaining the effectiveness of the RCEP.

VIEWS OF AFFECTED AND INTERESTED PARTIES

The views of affected and interested parties will be included in the informal and formal process of consultation set out under the First Schedule RMA.

In the case of all the proposed Plan Changes the views of ECan staff have been sought and have been incorporated in the proposals.

In the case of Plan Change 6, the proposed Plan Change has also been discussed by the Steering Group for the Pegasus Bay Strategy and considerable research has gone into the development of effective bylaws.

FINANCIAL

The Proposed Changes are included in current budgets.

CONCLUSIONS

It is concluded that the most reasonable option in relation to the proposed Changes to the RCEP is to proceed with the First Schedule process and, where that is possible, work towards formal notification of the Changes this financial year.

RECOMMENDATION

That the preparation of Plan Changes 3, 5 and 6 to the Regional Coastal Environment Plan be recommended to Council for approval to proceed.