

1. NON-STATUTORY MANAGEMENT PLAN FOR THE AVON-HEATHCOTE ESTUARY

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The purpose of this report is to confirm the Council's preferred approach to the production of a non-statutory management plan for the Avon-Heathcote Estuary.

BACKGROUND

Agreement has been reached, through the Joint Christchurch City Council/Canterbury Regional Council Committee to proceed with a non-statutory management plan for the estuary, which ensures that all interest groups and the wider community have opportunities for input.

There have been several discussions at staff level between the two authorities, and subsequent reports to the joint committee, outlining possible approaches. However, it has become evident that there is a fundamental difference in preferred approaches between the two authorities. This matter will be raised again at the next joint meeting on 16 February. This Committee's views are sought prior to the meeting.

THE TWO APPROACHES

The Canterbury Regional Council favour a strategy that originates from a community developed charter (see diagram in Attachment A) and is driven by community aspirations. The Christchurch Estuary Association represented by Les Bachelor and Professor Emeritus, Kevin O'Connor, and supported by the Canterbury Regional Council presented a "ten point estuary charter" to the Joint Christchurch City Council/Canterbury Regional Council Committee at its meeting on 16 June 1999. A summary of the charter is included as Attachment B. Subsequent to this meeting, CRC staff briefed first-year MSc Resource Management students at Lincoln University, under the guidance of their examiners Ken Hughey and Roy Montgomery, to use the "ten point charter" as a case study for a research project. The brief, as set out in their report, was to:

1. *Take the ten points of the charter and turn them from passive statements to active statements.*
2. *Look at the **resource management** issues and how these relate to the charter (objectives).*
3. *Taking the activated statements (objectives) of the ten points of the charter, see how they relate to the statutory plans, including identifying gaps in the charter and, if possible, align the policies of the statutory documents to the objectives.*
4. *Prepare a digest of those parts of the statutory plans that relate to estuary management.*

Their final report, entitled “The Estuary: Where Policy and Charter Meet”, was made available at the November meeting of the Joint Christchurch City Council/Canterbury Regional Council.

The City Council approach, as promoted by the Environmental Policy and Planning Unit, and presented to the Joint Committee on 16 June 1999, also involves community input.

However, it is proposed that the strategy originates from a framework of data already adopted through statutory requirements. This would include policies, objectives and zoning relating to the estuary from the Proposed City Plan, as well as similar information from other relevant complementary documents such as the Regional Policy Statement (prepared by the Canterbury Regional Council), the New Zealand Coastal Policy Statement (prepared by the Department of Conservation) and the Canterbury Regional Council Regional Coastal Environment Plan. All of these documents have been formulated under statutory requirements imposed by the Resource Management Act 1991. They have also been through a rigorous public participation process which is on-going, with appeals still to be resolved.

Once this framework is established, it is suggested that the next step is to formulate an “issues and options” document, that will form the basis for community consultation (see diagram in Attachment C). The Planning Policy Unit produced a document in November 1991, entitled “The Estuary and its Environment: Issues and Opportunities.” This could be updated relatively easily because many of the issues remain the same while some of the opportunities, such as the current work on the “Green Edge” along the western margins of the estuary, have already been realised.

Following community consultation, and input from all sectors of the community, including the Estuary Association, the non-statutory management plan could be completed by the team of officers from both the City Council and Canterbury Regional Council.

THE MAIN REASONS FOR THE PREFERRED APPROACH

These can be summarised as:

- (a) It acknowledges the statutory responsibilities of both authorities as set out in the Resource Management Act.
- (b) If the proposed and adopted plans produced under the RMA are used as a framework, it provides a realistic and tested platform on which to build a management plan. Any attempts to change these plans, outside the statutory process, can be legitimately challenged.

- (c) The process still allows and encourages community involvement and participation, while setting realistic guidelines.
- (d) It builds on information and reports already available.

However, a community driven process, based on the ten point estuary charter, as outlined in Attachment A, and detailed in Attachment B, would pose several problems, including:

- (i) The Estuary Association, despite its wide membership, does not represent all parties who have an interest in the estuary. Three noticeable omissions, as noted in the report carried out by the Lincoln students, are tangata whenua, industry and commerce. Statutory bodies, although represented on the Association, do not have voting rights.
- (ii) There is insufficient evidence to show that all interest groups have been involved in, and unanimously support, some of the “points” raised in the charter. There are 16 “ad hoc” residential and special interest groups currently registered as members of the Christchurch Estuary Association, including several yacht clubs, the New Brighton Power Boat Club Inc, the Canterbury Windsurfing Association Inc, Royal Forest and Bird Protection Society Inc and several residents associations. It is unlikely that all of these groups would unanimously support some of the “points” raised in the charter.
- (iii) The charter suggests that an independent “body” should be established to set policies, carry out work and “have precedence over conventional or statutory division of powers and responsibilities”, as well as being funded by both the Christchurch City Council and the Canterbury Regional Council. Apart from the fact that this would create a duplication of expertise and resources, the RMA does not make provision for such an “authority”, outside existing statutory responsibilities, to exist as suggested.
- (iv) The process, without any realistic or pragmatic guidelines, could result in demands for changes to the statutory documents already approved, as well as unrealistically raising the expectations of those taking part as to the level of influence they could have in the outcome.

- Recommendation:**
1. That the Council endorse the process, as illustrated in Attachment C, as the basis for the non-statutory management plan of the Avon-Heathcote Estuary.
 2. That the report be referred to the next meeting of the Joint Christchurch City Council/Canterbury Regional Council for its information.