

### 3. CONSULTATION OF DRAFT REGIONAL POLICY STATEMENT CHAPTERS ON SOILS AND BEDS OF RIVERS

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#### PURPOSE OF REPORT

1. The purpose of this report is to provide the Council with an overview of the issues arising in draft chapters of the Canterbury Regional Policy Statement (CRPS), currently being reviewed by Environment Canterbury (ECan), and to gain the Committee's support on recommendations for feedback to ECan with regard to the draft chapters on Soils and Beds of Rivers and Lakes and their Riparian Zones.
2. This is a non-statutory process which allows for consultation at an early stage of the review. It replaces the ECan seminars and workshops previously held for the Council. Instead, the Committee will be provided with a number of draft CRPS chapters, a Committee report, and staff recommendations for feedback to ECan. The Council has already provided comments on the draft Heritage, Energy and Air Chapters in November 2008, and draft Waste Minimisation and Management, Contaminated Land and Hazardous Substances Chapters in September 2008. The formal (RMA) consultation process will take place next year when the entire draft CRPS is completed and notified as a Proposed Policy Statement.
3. The Council is requested to confirm the comments presented in the grey boxes in each draft chapter attached (separately circulated).

#### EXECUTIVE SUMMARY

4. The CRPS provides an overview of the resource management issues for the Canterbury region and is prepared to meet RMA 1991 requirements. The policies it contains affect the way the Council manages its District Plan as the Council will have to give effect to the CRPS (as required under s. 75 of the RMA). ECan is currently reviewing the CRPS and is seeking input from the Council as part of the review.
5. Draft Chapter 7 Soils and draft Chapter 10 Beds of Rivers and Lakes and their Riparian Zones (see **Attachments 1 and 2** - separately circulated) discuss issues with regard to induced soil erosion (erosion that is in excess of natural rates and can be attributed to human activities) and loss of soil quality in Canterbury, and issues relating to beds of rivers and lakes and their riparian zones, respectively. Staff have prepared proposed comments and recommendations on each chapter.
6. The ECan review of the current Chapter 7 Soils and Land Use concludes that soil and its degradation and erosion is a significant management issue in Canterbury and the CRPS should have policies addressing this issue. Council staff support the need for provisions on soil management in the CPRS and believe it is appropriate that the other important soil management issues are raised in the other CRPS Chapters. ECan has suggested investigation and monitoring of soil quality as one of the CRPS Methods to achieve Policy 7.4.1. Council staff suggest that a timeframe is needed to ensure an investigation and monitoring programme is prepared once the CRPS is adopted. In addition, Council staff also suggest that a monitoring programme be prepared in order to investigate the effectiveness of the proposed education programmes that will be used to achieve Policies 7.4.1, 7.4.2, 7.4.3. The results of the monitoring programmes could be used to evaluate the effectiveness of regional plans and the education programmes. The results could also provide the support for Rules in the National Resources Regional Plan (NRRP) Chapter 8 Soil Conservation, should they be required (at present NRRP Chapter 8 has no Rules). Detailed comments on the draft Soils Chapter are located throughout **Attachment 1** (separately circulated).

7. The ECan review of the current Chapter 10 Beds of Rivers and Lakes and their Margins has identified the need to redraft the chapter to more succinctly express the issues, objectives and policies. Council staff support the need for clear guidance on protecting and managing the region's rivers, lakes and beds and their riparian zones and ensuring public access where appropriate. Council staff generally support the proposed chapter and have suggested minor changes to the text to improve clarity. They also suggest that the concept of "integrated catchment management" should be introduced in Section 10.1 Introduction (at present it is mentioned in the Explanation under Policy 10.4.1). It is also recommended that the term "integrated catchment management" be changed to "integrated management", as the NRRP Chapter 4 Water Quality and the Council use "integrated catchment management" to refer to stormwater catchment management. Detailed comments on the draft Beds of Rivers and Lakes and their Riparian Zones Chapter are located throughout **Attachment 2** (separately circulated).

#### **FINANCIAL IMPLICATIONS**

8. The CRPS could result in additional resources being required to amend planning documents in order to give effect to the CRPS. Giving effect to the final CRPS will be achieved through a variety of mechanisms including the Christchurch City Plan and Banks Peninsula District Plan and the LTCCP. The extent of any resources required is unclear at this stage, however it is expected that they will be covered by the existing Strategy and Planning operational budget.

#### **Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?**

9. The cost of preparing and participating in the CRPS review is covered by existing unit budgets.

#### **LEGAL CONSIDERATIONS**

#### **Have you considered the legal implications of the issue under consideration?**

10. The RMA provides for the Regional Council (ECan) to prepare Regional Policy Statements and review them. The Council is participating in the ECan consultation process in the preparation of the proposed Chapters. The Council will also have the opportunity to influence and shape the proposed CRPS through the formal submission process which is scheduled for mid 2010.

#### **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

11. The chapters support the draft LTCCP objectives that aim to ensure that the health of the city's land and soil is maintained, and to provide Christchurch's community with waterways that are protected and enhanced, where possible, through the management of the city's growth and development.

#### **ALIGNMENT WITH STRATEGIES**

12. The recommendations support the Urban Development Strategy, the Council's proposed Surface Water Strategy (in preparation), and the land management provisions relating to soils and surface waters in the Christchurch City Plan and the proposed Banks Peninsula District Plan.

#### **Do the recommendations align with the Council's strategies?**

13. As above.

#### **CONSULTATION FULFILMENT**

14. Not applicable.

## **STAFF RECOMMENDATION**

That the Council provide feedback to Environment Canterbury on draft chapters seven and ten of the Canterbury Regional Policy Statement.

## **COMMITTEE RECOMMENDATION**

That the staff recommendation be adopted with the following amendments to draft chapter seven of the Canterbury Regional Policy Statement (Soils):

- (a) Clarify differences in urban and rural land use in the Explanation section.
- (b) Capitalise "Landuse Capability" and further clarify the concept by referencing the New Zealand Land Resource.

And draft chapter ten (Beds of Rivers and Lakes and their Riparian Zones):

- (c) Re-cast draft Council comments on 10.2 (Issues) in a positive sense.
- (d) Acknowledge the use of exotic flora in the Explanation section.
- (e) Provide greater explanation of "integrated management" which also deals with stormwater issues.

## **BACKGROUND**

- 15. The CRPS became operative in 1998 and is required to be reviewed within ten years of it becoming operative. ECan is responsible for the review of the CRPS and is consulting with all Canterbury territorial authorities throughout the review process.
- 16. This review is a separate process to the preparation of Proposed Change No. 1, which introduces a new Chapter 12A, (Development of Greater Christchurch). Chapter 12A sets out land use distribution, particularly for areas available for urban development, the household densities for various areas, and other key components for consolidated and integrated urban development. It also identifies land which is to remain rural for resource protection and enhancement, and other reasons.
- 17. ECan began discussions over the review of the CRPS with District Councils in late 2006. ECan has consulted with Territorial Authority (TA) Officers on the review process, issues and options papers and draft chapters of each CRPS chapter. Discussions have taken place (and will continue to) at the officer level through workshops and meetings and at the councillor level through Council and Committee meetings.
- 18. The current CRPS consists of 14 Chapters which discuss various regional issues (e.g. water, soil and landscape) and provide objectives, policies and methods with regards to these issues. During the review process it was decided that some issues would be better dealt with in new chapters (e.g. contaminated land which was previously dealt with in Chapter 7 Soils and Land Use) or better dealt with in conjunction with other issues (e.g. the proposed Settlement Chapter will also have transport provisions as well as deal with issues regarding versatile soils).
- 19. This section of the report summaries ECan's review of current Chapters 7 Soil and Land use and Chapter 10 Beds of Rivers and Lakes and their Margins.
- 20. The "Soils" Chapter (see Attachment 1 - separately circulated) is a rewrite of the current Chapter 7 Soils and Land Use (which deals with land degradation as a result of land use, loss of versatile soils, soil contamination and land use effects on water quantity and quality). At present there are several documents (Environment Canterbury Land and Vegetation Regional Management Plan, the Canterbury Regional Council Transitional Regional Plan and Soil Conservation and Rivers Control Act 1941 bylaws which control ground cover on steep slopes and vegetation on riparian margins) that provide regional rules with regard to soil conservation. The CRPS policies for land degradation form the basis of Chapter 8 Soil Conservation of the Natural Resources Regional Plan (NRRP).

21. The ECan review of the CRPS Chapter, however, found that on the whole the issues have not been effectively dealt with through the provisions of this Chapter, as the land use activities which affect soil management are dealt with in other chapters. For example, the major part of the issue of the loss of versatile soils is one of settlement, including developments and subdivisions which affect the availability of productive land. The current Chapter 7 by itself has also not been effective in dealing with the issues of discharges and management of contaminated land. With regard to the issue of land use effects on water quantity and quality, the Chapter has no objectives, policies or methods and refers to the chapter on water.
22. The ECan review of the current Chapter 7 Soils and Land Use concludes that soil and its degradation and erosion is a significant management issue in Canterbury and the CRPS should have policies addressing this issue. The review recommended that policies dealing with soil degradation be maintained (perhaps with some modification) and that reference should be made to the versatility of soil, soil contamination and land use effects on water management in the proposed chapter on soils and that the chapter highlight the appropriate chapters (the Urban and Rural Development, Development of Greater Christchurch, Hazardous Substances, Contaminated Land and Water Chapters) of the CRPS that deal with these management issues. It was also recommended that the new chapter be renamed "Soils" (previously "Soils and Land Use").
23. The current CRPS Chapter 10 Beds of Rivers and Lakes and their Margins deals with four groups of issues relating to the management of Canterbury rivers, lakes and their associated riparian zones. The first deals the adverse effects of a number of land use activities on a large group of values including natural character, tangata whenua and indigenous flora and fauna. The second deals with the effects of land uses and the accumulation of plants and material on the flood carrying capacity of rivers. The third issue deals with the effects of land uses on the essential structures within river beds and margins and the fourth issues deals with public access needs and conflicts between different users of this environment.
24. The ECan review has identified the need to redraft the chapter to more succinctly express the issues, objectives and policies. The chapter as presently written does not provide policies, objectives and methods that can be achieved without first involving the completion of a large body of work (the inventory of significant sites for protection in Policy 1), the preparation of which may also create issues when attempting to prioritise sites. The review suggests that Issue 2 would be better expressed if more succinctly written while Issue 4 as presently written is confusing as it deals with three separate sub-issues that are often in conflict with each other. The review notes that Issue 3 is straightforward.
25. ECan's review recommends that Chapter 10 Beds of Rivers and Lakes and their Riparian Zones (see Attachment 2 - separately circulated) clearly states the Regional Council's and TAs' responsibility in managing the control the use of river and lake beds (ECan) and the control of land use that would affect riparian zones (TAs). The review also suggests that the terms "bed", "margin" and "riparian zone" are clarified. It also suggests that the Policies requiring ECan to identify and protect important conservation areas be replaced with a Policy which provides more general protection of conservation values.