

4. CONSULTATION ON DRAFT REGIONAL POLICY STATEMENT CHAPTERS ON LANDSCAPE, ECOSYSTEMS AND INDIGENOUS BIODIVERSITY AND THE COASTAL ENVIRONMENT



General Manager responsible:	General Manager Strategy and Planning Group, DDI 941-8281
Officer responsible:	Programme Manager- Healthy Environment
Author:	Melissa Renganathan, Policy Analyst – Strategy and Planning Group

PURPOSE OF REPORT

1. The purpose of this report is to provide the Regulatory and Planning Committee 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 Council's support on recommendations for feedback to ECan with regard to the draft chapters on "The Coastal Environment", "Ecosystems and Indigenous Biodiversity" and "Landscape".
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 for discussion at a Regulatory and Planning Workshop, a report and staff recommendations for feedback to ECan. The Council has already provided comments on the draft "Waste Minimisation and Management", "Contaminated Land" and "Hazardous Substances" chapters in September 2008, the draft "Heritage", "Energy" and "Air" Chapters in November 2008, and the draft Soils" and "Beds of Rivers and Lakes and their Riparian Zones" in July 2009. The formal Resource Management Act (RMA) consultation process will take place next year when the entire draft CRPS is completed and notified as a Proposed Policy Statement.
3. The Committee is requested to confirm the comments (presented in the grey boxes in each draft chapter attached) on the proposed draft chapters.

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 section 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 XX Landscape, Draft Chapter 8A Ecosystems and Indigenous Biodiversity and Draft Chapter 11 The Coastal Environment (see **Attachments 1, 2 and 3**) discuss issues with regard to: landscape management; natural ecosystems and indigenous biodiversity; and the coastal environment. The Council's proposed comments and recommendations are also found in each chapter.
6. The ECan review of current provisions concluded that landscape provisions in the CRPS should be more comprehensive in regard to fuller explanations of terminology, and provide greater guidance in identifying outstanding natural features and landscapes within Canterbury. The 2009 Canterbury Regional Landscape Study Review up-dates the 1993 Canterbury Landscape Study and has also informed the review of the CRPS landscape provisions. A separate chapter was therefore proposed for landscape. The need for a separate chapter, which takes into consideration current information and requirements, and the proposal to strengthen and clarify current provisions is supported. Minor changes to the text are suggested to improve clarity. The Chapter provides a definition of landscape, although it is recommended that the definition be placed in the "glossary of terms". The proposal to move Objective 4 and Policy 6 to the proposed Chapter Heritage, is supported but it is recommended that the links between the two chapters are made clear in the text. Although staff are supportive of the outcomes of the draft 2009 Canterbury Regional Landscape Study Review, to date they have only been presented with a draft document. Therefore, comments regarding Policy 1 and its Methods can only be taken into account in relation to the draft Review. Detailed comments on the draft Landscape Chapter are located throughout Attachment 1.

7. Draft Chapter 8A Ecosystems and Indigenous Biodiversity is a rewrite of the current Chapter 8. The ECan review of the current Chapter considered that CRPS provisions are needed to protect indigenous biodiversity (RMA Sec. 6) and that these provisions be clear as to what indigenous biodiversity should be protected from. The review also concluded that the CRPS should not include provisions that go further than what is required by section 6 (i.e. maintenance or enhancement of biodiversity). A CRPS chapter on Ecosystems and Indigenous Biodiversity is supported as there have been changes to legislation (RMA amendments) and greater strategic guidance provided at a national (The New Zealand Biodiversity Strategy) and regional level (Regional Biodiversity Strategy). However it is difficult to provide feedback on the draft chapter in its current state as it is lengthy and fragmented. The initial feedback provided to ECan in July 2009 detailed similar comments, however the draft chapter has not been revised significantly and no explanation has been provided. Detailed comments on the draft Ecosystems and Indigenous Biodiversity Chapter are located in Attachment 2.
8. The ECan review of the current Chapter 11 The Coastal Environment highlighted a number of changes at the national level, for example changes to the RMA and the notification of the proposed New Zealand Coastal Policy Statement 2008 (NZCPS), which will affect CRPS environmental planning provisions. The intent of the draft Chapter which seeks to ensure that natural coastal processes are maintained is generally supported. It is however difficult to provide comments on the draft Chapter as it is lengthy and fragmented, in that there are several instances of repetition of sentences and issues, Objectives and Explanations are not presented clearly and in some cases, the intent to show links to the NZCPS is not achieved. There are sections of the proposed NZCPS presented as policy verbatim rather than presented within a Canterbury context. The initial feedback provided to ECan at the Rolleston TLA meeting in December 2008, does not seem to have been taken into consideration, however, no explanation has been provided. Detailed comments on the draft The Coastal Environment Chapter are located throughout Attachment 3.

FINANCIAL IMPLICATIONS

9. 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 and will need to be considered in subsequent LTCCP or Annual Plan processes.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

10. 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?

11. 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

12. The chapters support the LTCCP 2009-19 objectives that aim to ensure that the city's environment, biodiversity, heritage and important landscapes are maintained and that the effects of the city's growth and development is managed to ensure protection of the coastal environment.

ALIGNMENT WITH STRATEGIES

13. The recommendations support the Council's Biodiversity Strategy, Public Open Space Strategy (in preparation), and the provisions relating to biodiversity, landscape and the coastal environment in the Christchurch City Plan and the proposed Banks Peninsula District Plan.

Do the recommendations align with the Council's strategies?

14. As above.

CONSULTATION FULFILMENT

15. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Regulatory and Planning Committee recommend that the Council provides feedback to ECan on draft chapters attached XX, 8A and 11, of the Draft Regional Policy Statement.

BACKGROUND

16. 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.
17. 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.
18. 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.
19. 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).
20. The following sections of the report summarises ECan's review of current Chapters: XX Landscape, 8A Ecosystems and Indigenous Biodiversity and 11 The Coastal Environment.
21. The CRPS current landscape provisions are found in a number of chapters including 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.
22. Current Chapter 8, 10 and 11 have one Objective that directly covers natural features and landscape and one Policy each that relates to the Objective. Current Chapter 12 has two Objectives and Policies that cover natural features and landscapes. The ECan review concluded that it is difficult to assess the effectiveness of the current provisions as the current CRPS provisions are discretionary, the natural features and landscapes to be protected from inappropriate development are not identified and that District Councils, rather than ECan are responsible for the implementation of the Objectives and Policies where they relate to land management. This approach has led to varying degrees of identification and protection taking place across the region as there different landscapes, threats and values which are managed in a number of ways by District Councils. The review also considers that the existing provisions provide little more guidance than that provided by the RMA and therefore recommend that greater coverage of the issues surrounding landscape management, as well as a range of policy and methods options, was needed.
23. Provisions for indigenous biodiversity are found primarily in the current Chapter 8 Landscape, Ecology and Heritage. Related provisions are also found in current Chapters 9 Water, 10 Beds of Rivers and Lakes and their Margins, and 11 Coastal. The ECan review of Chapter 8 shows that biodiversity provisions are found throughout the chapter and are often addressed alongside other matters or in context of other matters. This approach has resulted in a difficult chapter to use. Although some biodiversity and ecosystem matters are provided (for example wetlands), the current chapter does not meet the requirements of the RMA in terms of content regarding biodiversity as it does not specify which local authority is responsible for specifying objectives, policies and methods for the control of the use of land for the maintenance of biodiversity. The review also concluded that the current CRPS provisions to determine regional significance are ineffective as the criteria are complex and ambiguous.

24. The current Chapter 11 has five issues, although the last two simply point to other parts of the CRPS. Issue 1 is broad and identifies a number of adverse effects of different human activities on a number of coastal values. There are two Policies that relate to Issue 1. Issue 2 is concerned with public access, while Issue 3 is concerned with the adverse effects of recreational crafts and vehicles in the coastal environment. Each has one related Policy. Issues 4 and 5 refer to discharges outside the coastal marine area and coastal erosion and salt water inundation respectively. References are made to Chapter 9 Water and Chapter 16 Natural Hazards, however neither Issue have related Policies in Chapter 11.
25. The ECan review of the current Chapter 11 The Coastal Environment highlighted a number of changes to the RMA (for example, with regard to aquaculture, occupation and allocation of coastal space) and the notification of the proposed NZCPS which will affect CRPS environmental planning provisions. The review also noted that a proposed chapter on the coastal environment would also need to take into account the proposed NZCPS (for which a decision on the final document has not yet been released). The review recommended that rather than waiting for the decision on the NZCPS, the current Chapter should be revised taking into account relevant parts of the proposed NZCPS. A definition of the coastal environment would be prepared based on that of the proposed NZCPS. A new Policy dealing with the maintenance of the coastal environment, and method to achieve that Policy would be prepared. Policy 1 would be amended to take into account national priorities set out in the NZCPS. The method under Policy 3 for district plans would be rewritten to be more directive. Issues 4 and 5 would be replaced with references to Chapters 9 and 16 in the introduction to Chapter 11. Policy 4 would be expanded to include commercial as well as recreational activities.