

### 33. DRAFT REGIONAL POLICY STATEMENT - COUNCIL REVIEW COMMENTS



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#### PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval to submit additional review comments on the Draft Regional Policy Statement (RPS), during the public consultation phase, to Environment Canterbury (ECan).
2. This is a non-statutory process which allows for review prior to formal notification of the RPS.
3. The opportunity to provide comments on an "informal" draft follows encouragement to ECan by the Christchurch City Council (the Council) and others to release such a draft. It also reflects the fact that while the city has made exclusive comments on individual sections of the RPS it has not yet had a chance to comment on the document in its entirety. The opportunity to make additional comment ahead of the draft being formally proposed is welcomed.

#### EXECUTIVE SUMMARY

4. The RPS provides an overview of the resource management issues for the Canterbury region and sets policies and methods to achieve integrated management of the natural and physical resources of the region. The RPS is prepared under section 60 the Resource Management Act 1991 (the Act). The policies it contains affect the way the Council manages its District Plan as Council will have to give effect to the RPS (as required under section 75 of the RMA). A brief summary of the RPS chapters is provided in **Attachment 1** to this report.
5. ECan is currently reviewing the RPS and is seeking input from territorial authorities, other organisations, and the public, before it is notified. The RPS became operative in 1998 and is required to be reviewed within ten years of it becoming operative.
6. The review comments provided in **Attachment 2** of this report are consistent with and support previous wide ranging review comments provided by the Council staff and from decisions of the Council based on recommendations of the Regulatory and Planning Committee, concerning chapters from previous draft versions of the RPS. The draft RPS has since been further revised and the current comments are based on the latest version which is out for public comment, prior to formal notification.
7. The key policy matters addressed in the review comments of the RPS (Attachment 2 of this report) are, land-use and infrastructure, ecosystems and indigenous biodiversity, beds of rivers and their riparian zones, natural hazards, and landscape matters. The majority of the Council's review comments are on land-use and infrastructure (Chapter 6 of the RPS), and focus on mainly on design, location, and function of development, sustainability issues and transport matters.
8. The review process started in 2006, with the Council being actively and positively involved in the review since then. The Council continues to be involved with the development of the RPS and to take appropriate opportunities to help ensure its interests are recognised and fairly addressed in the RPS. It is for this reason that the Council has prepared further review comments during this current period of public consultation. The Council will also review the RPS once notified and if appropriate, make a formal submission and further submissions, along with preparing evidence for hearings.
9. Overall, the Council is satisfied with the progress made by ECan on the development and review of the RPS and the recognition given to a wide variety of matters raised by the Council.

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10. The RPS is likely to be notified in March or April 2011, following submissions, further submissions and hearings, a decision is likely in late 2012, with the policy statement most probably becoming operative in early 2013. Due to legislative requirements under the ECan (Temporary Commissioners and Improved Water Management) Act 2010, any appeals on the final decision will only be able to be made on points of law to the High Court. In essence, the Council will not be able to appeal the decision on its merits, which is the principal basis of most appeals to the Environment Court. Appeals can only be made where the decision has erred in law.
11. The current review of the RPS is a separate process to the preparation of Proposed Change No. 1, which introduces a new Chapter 5 - *Development of Greater Christchurch*. Chapter 5 will set out, amongst other matters, land distribution, particularly for areas for urban development, the household densities for various areas and other key components for consolidated and integrated urban development. It also identifies land that is to remain rural for resource protection and enhancement and other reasons.

#### BACKGROUND

12. In late 2006, ECan began discussions on the review of the RPS with Canterbury's territorial authorities. ECan has consulted with territorial authority staff on the review process, issues and options papers and draft chapters.
13. During August and September 2010, Council staff took part in a workshop review of the RPS with ECan and other Canterbury territorial authority staff. The review was undertaken over a seven week period (16 days) and involved an intensive 'chapter by chapter' review, resulting in a greatly improved document, in terms of technical content and readability. The workshop review was chaired by an independent facilitator who provided valuable objective advice and direction.
14. Since 2006, discussions have also taken place at staff level through workshops and meetings, and at the Councillor level through Council meetings, committee meetings and seminars.
15. Since October 2008, Council staff have presented five reports to the Council detailing progress with the review and development of various RPS chapters. These reports were presented to the Council on 30 October 2008 (waste minimisation and management, contaminated land, and hazardous substances), 27 November 2008 (energy, historic heritage, and air), 23 July 2009 (soils, and beds of rivers and lakes and their riparian zones), 26 November 2009 (landscape, ecosystems and indigenous biodiversity, and coastal environment), and 16 April 2010 (water). These reports gave the Council an overview of the issues, as identified by Council staff, arising in the various draft chapters being reviewed by ECan at that time. Overall, Councillors have been supportive of the report recommendations and approved them for their subsequent submission to ECan.
16. The RPS was released for comment in October 2010. Once operative, it will replace the current operative RPS, which has been in place since 1998. The RPS consists of 19 chapters, which discuss a wide range of regional issues, for example, water, land-use and infrastructure, natural hazards, soils and hazardous substances.
17. Irrespective of the Council's active involvement in the review of the RPS to date, the Council should take this current public consultation opportunity to provide further feedback before the RPS is formally notified.
18. Once operative, the RPS is likely to result in the need for amendments to the City and District Plans, and future consequential changes to other statutory and non-statutory documents, including the Natural Resources Regional Plan (NRRP). Plans and other documents are required to give effect to the operative RPS.
19. In parallel to the review of the RPS, ECan has also developed the Canterbury Water Management Strategy (CWMS). The CWMS provides a vision to achieve sustainable water management, but the detail of how the CWMS proposals will work in practice, is yet to be fully developed and tested. The draft RPS Water Chapter refers to and repeats some sections of the CWMS, however the interaction between the two documents needs further clarification.

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20. ECan has also prepared the Natural Resources Regional Plan (NRRP), of which parts of the Air Chapter are currently operative. The decision on Chapters 4 to 8 of the NRRP was released in October 2010 and are currently under appeal to the High Court. It is possible that the NRRP will become operative in late 2012. The NRRP must give effect to the RPS, and for this reason, the NRRP, once operative will need to be reviewed.

#### SUMMARY OF REVIEW COMMENTS

21. Attachment 2 provides review comments on ten of the 19 chapters. Some of the Council's comments are very specific, while others are more general in nature. It is expected that ECan will request the Council to, during the remainder of the current public consultation phase, further discuss some of these review comments and those of other submitters.
22. The majority of the Council's comments are on Chapter 6 - *Land-use and infrastructure*, and specifically concern transport related matters. Although transport matters were considered during earlier review processes, input from specialist transport planners has now been provided on the latest version of the draft RPS. For completeness of the RPS, the inclusion of more detailed transport development and planning information is considered critical by Council staff.
23. The key policy matters addressed in the review comments (Attachment 2) on chapters 6, 8 -15, and 19 of the RPS are:

##### Chapter 6: Land-use and infrastructure

- (i) The need for careful management of the design, location, and function of development.
- (ii) The need to consider transport infrastructure when making decisions on the use, development or protection of land and natural and physical resources.
- (iii) Recognition of the adverse effects on the environment of transport infrastructure and use of transport, and the domination of cars impacting on the social, economic and cultural well-being of communities.
- (iv) Relationship of the Urban Development Strategy, and rural and rural residential development, to sustainable settlement patterns.
- (v) The specific measures required to ensure development is high-quality, robust and resilient.
- (vi) Servicing development for potable water, and sewage, and stormwater disposal, and in particular issues of efficiency, cultural matters, public health matters, and upgrading networks.
- (vii) Potential impact of development on strategic land transport networks and arterial roads, and the need to clearly identify strategic land transport networks.

##### Chapter 8: The coastal environment

- (i) Management of activities in the coastal marine area, and specifically the terminology used.

##### Chapter 9: Ecosystems and indigenous biodiversity

- (i) Respective roles, responsibilities and functions of ECan and the Council.
- (ii) Priorities for protecting ecosystems and indigenous biodiversity.
- (iii) Recognition of the dynamic nature of wetlands, their significance in the local natural environment, and the difficulty of creating/restoring wetlands that function well ecologically.

##### Chapter 10: Beds of rivers and their riparian zones

- (i) Greater recognition of Canterbury's rivers in terms of habitats for native plants and birds, and native aquatic macrophytes and plants that live in water.
- (ii) The need to identify areas within beds of rivers where there are values that need to be protected from the removal of vegetation and bed materials.

##### Chapter 11: Natural hazards

- (i) Addressing the risk to existing development and infrastructure from natural processes/hazards.

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- (ii) Avoidance of some types of development in areas of high risk from natural processes/hazards.

## Chapter 12: Landscape

- (i) Management methods for outstanding natural features and landscapes, and the clearer explanation of these.
- (ii) Better recognition and management of 'important', and not only 'outstanding', landscapes.

## Chapter 13: Historic heritage

- (i) Protection of landscapes that express cultural and heritage values.

## Chapter 14: Air quality

- (i) Consistent terminology between the RPS and the Canterbury Land Transport Strategy on emissions from the use of solid and liquid based fuels.

## Chapter 15: Soils

- (i) The protection and preservation of natural soils in undisturbed sites

## Chapter 19: Waste minimisation and management

- (i) Clarification of the roles, responsibilities and functions of ECan and the Council with respect to the management of solid waste.

24. During and subsequent to the August - September 2010 final review workshop, comprehensive discussions have been had with ECan on, in particular, landscape, historic heritage, transport, and natural hazard matters, areas in which the Council has significant experience and expertise. These discussions were successful in ensuring ECan had an improved understanding of these matters, and the implication of the RPS policies on Council roles, responsibilities and functions.
25. Appreciatively, many of the comments and suggestions made by the Council during the review process have been adopted by ECan. Despite the draft RPS being a lengthy document, Council staff are confident that the document has been thoroughly prepared, is comprehensive, and provides the Council with clear and practicable policy direction on regional resource management matters.

**FINANCIAL IMPLICATIONS**

26. The RPS could result in additional resources being required to amend planning documents in order to give effect to the RPS. Giving effect to the final RPS will be achieved through a variety of mechanisms including the Christchurch City Plan review, and the Long Term Plan. The extent of any resources required is unclear at this stage and will need to be considered in subsequent LTP or Annual Plan processes.
27. The cost of preparing and participating in the RPS review is covered by existing budgets. Future review and submissions on the RPS will also be covered by proposed budgets.

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

28. The RMA provides for regional councils to prepare Regional Policy Statements and review them. The Council is participating in the ECan public consultation process in the preparation of the draft RPS. The Council will also have the opportunity to influence the proposed RPS through the formal submission process which is scheduled for March or April 2011.

**33 Cont'd****ALIGNMENT WITH STRATEGIES**

29. The recommended review comments support the Council's Biodiversity Strategy 2008-2035 (2008), Water Supply Strategy 2009-2039 (2009), Surface Water Strategy 2009-2035 (2009), Climate Smart Strategy 2010-2025 (2010), and the Public Open Space Strategy 2010-2040 (2010).

**CONSULTATION FULFILMENT**

30. Extensive internal consultation, with technical experts, has been carried out throughout the review process. Earlier drafts of individual chapters have been presented to Council's Regulatory and Planning Committee for their comment.

**STAFF RECOMMENDATION**

It is recommended that the Council provides the review comments on the draft RPS, as set out in Attachment 2 to this report, to ECan.