

40. COUNCIL'S FURTHER SUBMISSION ON THE PROPOSED CANTERBURY REGIONAL POLICY STATEMENT

General Manager responsible:	General Manager, Strategy & Planning Group
Officer responsible:	Programme Manager - Healthy Environment, Strategy and Planning Group
Author:	Peter Kingsbury, Principal Adviser - Natural Resources, Strategy and Planning Group

PURPOSE OF REPORT

1. The purpose of this report is to seek retrospective adoption by the Council of the attached further submissions (**Attachment 1**) on the Proposed Canterbury Regional Policy Statement (RPS). The submission was lodged with Environment Canterbury (ECan) on 14 November 2011.
2. Council can adopt the submission in whole or in part, or can decide to withdraw the whole submission, or parts thereof.

EXECUTIVE SUMMARY

3. The RPS provides an overview of the resource management issues for the Canterbury region and sets policies and methods to achieve integrated management of natural and physical resources.
4. ECan started a review of the RPS in 2006 culminating with notification of the RPS on 18 June 2011. The Council has been actively involved in the review since 2006 through regular reports to the Regulatory and Planning Committee and Council. Council involvement in the review is currently continuing through the further submission, and hearing stage starting in January 2012.
5. Overall, council staff are satisfied with the progress made by ECan on the development and review of the RPS and the fair recognition given to a wide variety of matters raised by the Council.
6. The key policy matters addressed in the Council's further submission (**Attachment 1**) are:

Chapter 5: Landuse and infrastructure - social and environmental outcomes, and strategic environmental policy, requirements of the Resource Management Act 1991 (RMA), and landscape and natural character thresholds.

Chapter 7: Fresh water - irrigation and integrated approach to water management, water quality, consistency with the National Policy Statement on Freshwater Management (NPSFM), community drinking water supplies, and water use efficiency.

Chapter 8: Coastal environment - coastal environment definition, amenity value, access, water quality, consistency with the New Zealand Coastal Policy Statement (NZCPS), and landscape values.

Chapter 9: Ecosystems and indigenous biodiversity - voluntary actions by landowners, people and ecosystems, ecosystem service concepts, functional aspects and naturalness, criteria thresholds, terminology, vegetation clearance rules, and wetlands and indigenous ecosystems.

Chapter 12: Landscape - protection of outstanding natural landscapes and features, terminology, landscape values, amenity landscapes, RMA requirements, and landscape management outcomes.

Chapter 13: Historic heritage - terminology, historic heritage values, historic and cultural heritage landscapes.

Chapter 15: Soils - erosion.

Chapter 16: Energy - consistency with the National Policy Statement on Renewable Energy (NPSRE), application of principles of the RMA, renewable energy, and terminology.

40 Cont'd

Chapter 19: Waste minimisation and management - education, cultural impacts, regional waste disposal and recycling facilities, and waster reduction targets.

Further discussion on the Council's further submissions is given in the Background section of this report.

7. This report recommends that Council endorse the further submission on the proposed RPS.

FINANCIAL IMPLICATIONS

8. The RPS could result in additional resources being required to amend planning documents in order to give effect to the provisions it contains. Giving effect to the RPS will be achieved through a variety of mechanisms including the Christchurch City and District Plan reviews and the Long Term Plan (LTP). The extent and timing of any resources required is unclear at this stage and will need to be considered in subsequent LTP and annual plan processes.
9. The cost of preparing and participating in the RPS review is covered by existing budgets.

LEGAL CONSIDERATIONS

10. The RMA requires regional councils to prepare RPS and review them every 10 years (sections 60 and 79(1) of the RMA). The process includes: notification of the proposed RPS; submissions; a notified summary of submissions and an opportunity to lodge further submissions (First Schedule, Part 1 (6)) in support or opposition to other submissions; followed by a hearing.
11. Further submissions cannot introduce new material, and can only 'support', 'oppose' or 'support in part' any initial submissions.
12. The Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 (section 66) provides that no submitter can appeal to the Environment Court on the merits of a decision on the proposed RPS. Appeals are solely to the High Court on points of law. The proposed RPS will be operative when any appeals to the High Court on a point of law have been resolved.

ALIGNMENT WITH STRATEGIES

13. The Council's further submissions support and are consistent with 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). The submission is also consistent with the objectives of the Urban Development Strategy.

CONSULTATION FULFILMENT

14. Internal consultation has been carried out throughout the review and submission processes. A presentation on the RPS was made to council staff on 27 May 2011, and to community board members and councillors on 10 June 2011. The purpose of the presentations was to provide a background to the review process, to highlight the key changes to the RPS as a result of the public consultation phase and to outline the formal submission process.
15. On 28 July 2011 the Council received and endorsed the Council's initial submission on the RPS.
16. Drafts of individual chapters, prepared between 2006 and mid-2008 were presented to Council's Regulatory and Planning Committee for their comment during the document's development with formal feedback approved by Council.

STAFF RECOMMENDATION

17. It is recommended that Council endorse the further submissions on the Proposed Canterbury Regional Policy Statement as set out in Attachment 1 to this report.

40 Cont'd

BACKGROUND

18. The Council made 273 further submissions over nine of the 20 RPS chapters. Of the 273 submissions, 175 oppose, 77 support, and 21 'support in part', other submitter's submissions. The Council's further submissions are in response to initial submissions from 56 (out of 99) individual submitters.
19. A summary of some of the key policy matters addressed in the Council's further submissions and the Council's general response to them is given below. More detailed information and explanation is given in Attachment 1 to this report.

Chapter 5: Landuse and infrastructure - social and environmental outcomes, and strategic environmental policy, requirements of the RMA, and landscape and natural character thresholds.

Overall, the Council's further submissions on Chapter 5 are generally in support of other submissions. The Council's support relates to the need for a broader range of planning provisions to acknowledge and encourage positive aspects of development that support social and environmental outcomes. The Council also supports submissions encouraging more efficient vehicles and a reduction in the reliance on fossil fuels.

Chapter 7: Fresh water - irrigation and integrated approach to water management, water quality, consistency with the NPSFM, community drinking water supplies, and water use efficiency.

The Council's further submissions on Chapter 7 generally oppose other submitter's submissions. The submitters, mostly irrigation companies and power companies, have proposed changes to the RPS that are not consistent with the integrated approach to the management of water as promoted in the NPSFM. Furthermore, some of the submissions attempt to entrench the 'first in line' and 'last in, first out' approaches to water allocations. The Council believes that this approach puts the sustainable management of the region's water resources at risk.

Chapter 8: Coastal environment - coastal environment definition, amenity value, access, water quality, consistency with the NZCPS, and landscape values.

The Council's further submission on Chapter 8 is a mix of submissions in support and in opposition to those of other submitters. Clear definition of the coastal environment, and that the responsibility for decisions making should be with the local council, is supported by the Council. Several submissions of the Council support specific recommendations to retain various 'Issues' in the RPS as these are considered by the Council to help meet the provisions of the NZCPS.

Chapter 9: Ecosystems and indigenous biodiversity - voluntary actions by landowners, people and ecosystems, ecosystem service concepts, functional aspects and naturalness, criteria thresholds, terminology, vegetation clearance rules, and wetlands and indigenous ecosystems.

The Council's 47 further submissions on Chapter 9 are a mix of submissions in support and in opposition to those of other submitters. Most of the Council's further submissions provide explanation and information to assist others in better understanding the concepts of ecosystems and biodiversity, and how they should be managed.

Chapter 12: Landscape - protection of outstanding natural landscapes and features, terminology, landscape values, amenity landscapes, RMA requirements, and landscape management outcomes.

40 Cont'd

About one third of the Council's further submissions are on Chapter 12. Significant effort has been made by ECan and the territorial local authorities to develop this chapter. However, there are still divergent views on many aspects, and in particular landscape values, definitions and terminology. The key submissions that the Council opposes are those of power companies, farming organisations, irrigation companies and transport agencies. Most of the submissions from these organisations attempt to dilute what is considered to be well established and accepted landscape management best practice.

Chapter 13: Historic heritage - terminology, historic heritage values, historic and cultural heritage landscapes.

The Council's further submissions on Chapter 13 are a mix of submissions in support and in opposition to those of other submitters. Retention and clarification of various terms like 'landscape' and 'historic and cultural heritage landscapes' has been identified as important by the Council. More significantly, a key thrust of the Council's further submissions is the need to retain key objectives and policies as they relate to historic and cultural heritage landscapes. Several large construction and development companies have sought the deletion of key objectives and policies.

Chapter 15: Soils - erosion.

The Council's further submissions on Chapter 15 propose that existing and new activities causing significant soil erosion should not be allowed or the activity modified to prevent erosion taking place.

Chapter 16: Energy - consistency with the NPSRE, principles of the RMA, renewable energy, and terminology.

The Council's further submissions generally support the submissions of others because they are consistent with, and support the provisions of the NPSRE. Suggested amendments to the RPS by submitters in relation to the role that central government should have, are supported by the Council. The Council also supports proposed amendments to policies that promote greater energy efficiency and new generation capacity.

Chapter 19: Waste minimisation and management - education, cultural impacts, regional waste disposal and recycling facilities, and waste reduction targets.

The Council's further submissions on Chapter 19 are a mix of submissions in support and in opposition to those of other submitters. The Council opposes a recommendation that the chapter should be deleted as it deals with resource and land related issues beyond the scope of the Waste Minimisation Act 2008 (WMA). Furthermore, the Council notes in its further submission that more local (Canterbury region) concerns are addressed than that provided for in the WMA. The Council also supports several submissions for the need to consider cultural impacts of waste disposal and management. Waste reduction targets, as recommended by a submitter, are considered by the Council to be difficult to establish and achieve, with the Council preferring clear policy supported by strong and sustained interventions.