

Review of the Canterbury Regional Policy Statement: Natural Features and Landscape

Purpose

The purpose of this paper is to outline the options and preferred policy direction in the review of the natural features and landscape provisions of the Canterbury Regional Policy Statement (CRPS).

Background

In accordance with Section 79(1) of the RMA, Environment Canterbury has begun its review of the CRPS. The review must consider all the provisions in the CRPS, decide whether to retain, amend, or delete existing provisions, or add new provisions. Prior to developing specific changes to the CRPS, consultation and decision is being sought on the proposed policy direction.

Statutory Context of the CRPS and Natural Features and Landscape

The role of the CRPS is to achieve the purpose of the RMA, and specifically to provide an overview of the significant resource management issues of the region and the policies and methods to achieve the integrated management of the natural and physical resources of the whole region (Section 59). Work carried out to date in reviewing the natural features and landscape provisions of the CRPS¹ indicates that the inappropriate use and development of natural features and landscapes is a significant resource management issue for the region. Furthermore, it is an issue that can benefit from integrated and coordinated management as landscapes cross authority boundaries.

The RMA also prescribes Environment Canterbury a number of functions relating to the management of natural features and landscapes. These include:

1. *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region (section 30(1)(a))*
2. *the preparation of objectives and policies in relation to the actual or potential effects of the use, development, or protection of land which are of regional significance (section 30(1)(b))*

In addition, under Section 6 RMA ECan is required to: *recognise and provide for the following matters of national importance... (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.* Under Section 7 RMA Ecan is to: *have particular regard to... (c) the maintenance and enhancement of amenity values.*

Work done to date on the review indicates that the above statutory functions of Environment Canterbury would benefit from policy support in the CRPS.

¹ Includes analysis of the issue, its coverage in the current CRPS, an assessment of environmental and legislative changes since 1998, and consultation with stakeholders.

Existing CPRS Provisions

Objectives, policies and methods relevant to the management of natural features and landscapes are found in 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). The objective and policy direction of these chapters is outlined below.

Reference is also made in Chapter 9 (Water) to natural features and landscapes.

Chapter 8 - Landscape, Ecology and Heritage

Within Chapter 8 there is one objective that covers natural features and landscape directly:

Objective 2

Protection or enhancement of the natural features and landscapes that contribute to Canterbury's distinctive character and sense of identity, including their associated ecological, cultural, recreational and amenity values.

There is one policy under this objective which seeks to: protect natural features and landscapes from the adverse effects of use, development, or protection of natural and physical resources and promote their enhancement. This policy refers the reader to sub-chapter 20.4(1) and (2) to determine which natural features and landscapes in Canterbury meet the tests of regional significance and additionally, which effects are regionally significant.²

Chapter 10 - Beds of Rivers and Lakes and their Margins

Within Chapter 10 there is one objective that that covers natural features and landscapes:

Objective 1

With respect to land use and development within the beds and margins of lakes and rivers, protection, and where appropriate, enhancement of: ... (c) significant natural features and landscapes.

There is one policy under this objective which seeks to: identify areas within the beds of lakes and rivers and their margins that have significant natural features and landscape conservation values. Prior to this identification, the effects of land use activities on natural features and landscapes within beds and margins of lakes and rivers should be avoided or mitigated.

Chapter 11 - Coastal Environment

Within Chapter 11 there is one objective covering outstanding natural features and landscapes as follows:

² The 2003 RMA amendments changed the focus of what RPSs should cover. Now the Act emphasizes that RPS should cover significant resource management issues for the region rather than ECan functions and other issues.

Objective 1

Provide for appropriate use and development of the coastal environment while protecting and where appropriate enhancing:...(b) Outstanding landscapes and natural features including:

- (i) historic, archaeological and geo-preservation sites of importance;*
- (ii) coastal landforms and landscapes, submerged platforms and seascapes that are regionally, nationally or internationally representative or unique.*

There is one policy under this objective which seeks to: avoid, remedy or mitigate the adverse effects of land uses or activities inland or within the coastal marine area where they would significantly effect natural character (including associated natural processes), outstanding natural features and landscapes.

Chapter 12 - Settlement and the Built Environment

Within Chapter 12 there are two objectives relating to natural features and landscapes as follows:

Objective 1

Enable urban development and the physical expansion of settlements and the use and provision of network utilities to occur while avoiding, remedying or mitigating adverse effects on the environment, including in particular effects on: ...(e) natural features and landscapes that meet the criteria of sub-chapter 20.4.

Objective 3

Maintain the rural character of land in the proximity of Christchurch where that land has significant landscape or ecological values, including amenity values, and maintain Christchurch's urban-rural contrast.

There are two policies (Policy 2 and Policy 5) in this Chapter which seek to implement these objectives. They both discourage the use of land for urban development where such use would adversely affect natural features and landscapes.

The effectiveness and efficiency of the current approach to natural features and landscapes in Chapter 8 is difficult to determine. This is for three reasons:

1. The policy and key methods are discretionary (i.e. use of the words "should" and "should consider").
2. The policy does not clearly indicate which natural features and landscapes should be protected from inappropriate use and development;
3. The district councils (rather than ECan) are primarily responsible for implementation of the objective and policy where they relate to land management. ECan has very little monitoring data on this matter.

What is clear is that this approach has led to natural features and landscapes being identified and protected to varying degrees across the region (as evidenced by differing district plan provisions and the pattern of development over the last 10 years). This disparity occurs because there are different landscapes, values and threats across the region, but also because territorial authorities are implementing the CRPS provisions (and s6(b) of the RMA) differently. Consultation carried out to date indicates that there are instances where the

landscape and natural features protection and enhancement envisaged by s6(b) RMA and the CRPS is not being achieved.

It is considered that the existing policy guidance within the CRPS provides little more guidance than already exists in the RMA. Rather than providing a regional overview of Canterbury's natural features and landscapes, their values and threats, it relies on case-by-case assessments against listed complex regional significance criteria (Chapter 20.4) and policy criteria (Policy 3). As such, the CRPS provides little added value to the management of this significant issue in Canterbury.

Possible Policy Options

The inappropriate use and development of natural features and landscapes is clearly a significant resource management issue in Canterbury. Furthermore, the evidence suggests that there are cross-boundary differences in how and to what extent landscape is managed. As such, this matter should be covered in the CRPS. Feedback received on this issue indicates that its resolution is important, urgent and likely to be controversial.

Options available include:

- A. Replace the current policy with a general policy reflecting Part II of the RMA.

For example, the proposed policy could simply state that all persons exercising functions and powers under the RMA shall recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.

- B. Status quo

In this option it is left to district plans (and resource consent processes), albeit with some guidance from CRPS criteria, to determine the outstanding and significant natural features and landscapes in their districts, and to determine their values, threats and what constitutes inappropriate subdivision, use and development.

- C. More comprehensive issue coverage

This option involves a range of policy and method options on a continuum from limited CRPS intervention (with correspondingly more district council autonomy) to detailed and comprehensive CRPS intervention (with correspondingly less district council autonomy). The following options indicate the continuum of approaches that could be adopted:

- (I) Use of mandatory and clearer language

Wording changes would be made to the policy to include mandatory (e.g. 'shall' instead of 'should') and clearer language to ensure that objectives and policies are given effect to by district councils. It would still be up to district councils to identify outstanding and significant natural features and landscapes, their values, threats and what is inappropriate subdivision, use and development.

- (II) Identification, in broad terms, of Canterbury's outstanding natural features and landscapes within the CRPS.

This option would involve, for example, incorporating maps or words in the CRPS that identify in broad terms outstanding natural features and landscapes (derived largely from various existing studies), and a description of their values. It would be up to District Councils to determine the outstanding natural features and landscape values in detail at a local level, their threats and what is inappropriate subdivision, use and development.

- (III) Option (II) above but include consideration of significant or other identifiable and distinctive natural features and landscapes.

- (IV) Identification in detail outstanding and significant natural features and landscapes, their values, threats, what is inappropriate, etc within the CRPS.

This option would involve, for example incorporating maps in the CRPS that identify in detail outstanding / significant natural features and landscapes (derived largely from various existing studies), a comprehensive description of each identified landscape, why it is outstanding, its values, its threats, an explanation of what is inappropriate subdivision, use and development, and tools to aid resource consent application assessments.

A brief analysis of the strengths and weaknesses of these policy options is set out in Appendix 1.

Conclusion

Option A would not address the concerns expressed regarding adverse effects of land use changes on natural features and landscape values at a regional level, nor would it help achieve integrated management of the issue. Furthermore, stakeholders do not support this option.

Option B is roughly the current policy, which has been assessed as partly ineffective. The majority of stakeholders do not support this option.

Option C represents additional policy intervention. It is considered that, as a minimum, sub-options I and II would need to be implemented to achieve meaningful benefits over the current CRPS wording and approach. All sub-options can be expected to attract controversy and the relative costs and benefits of pursuing one sub-option in preference to another are still being investigated. It is noted that until this further work is completed sub-options (III) and (IV) cannot be ruled out.

Recommendation: Proceed with exploration of option C for the purposes of further exploring the roles of Local Authorities.

Appendix 1: Analysis of Policy Options

Option A: Restate Part II RMA

	For	Against
Purpose of the RMA	<ul style="list-style-type: none"> Recognises and reinforces s6(b) 	<ul style="list-style-type: none"> Less effective than status quo at achieving the RMA
Issue resolution	<ul style="list-style-type: none"> Allows local solutions 	<ul style="list-style-type: none"> Likely to be ineffective and inefficient
Integrated management		<ul style="list-style-type: none"> Likely to be ineffective and inefficient
Carrying out functions	<ul style="list-style-type: none"> Very minimum required to achieve ECan's functions 	<ul style="list-style-type: none"> Does not offer support and clarity for achieving ECan's functions
Consultation views		<ul style="list-style-type: none"> Contrary to stakeholder comments
OVERVIEW	This policy option is very likely to be ineffective and inefficient.	

Option B: status quo

	For	Against
Purpose of the RMA	<ul style="list-style-type: none"> Covers an issue which will impact on the sustainable management of natural and physical resources 	<ul style="list-style-type: none"> Ineffective and inefficient
Issue resolution	<ul style="list-style-type: none"> Acknowledges the issue and aims to resolve it 	<ul style="list-style-type: none"> Ineffective and inefficient
Integrated management		<ul style="list-style-type: none"> Falls short of achieving this
Carrying out functions	<ul style="list-style-type: none"> Provides some support for ECan's functions 	<ul style="list-style-type: none"> Offers only limited support and clarity for achieving ECan's functions
Consultation views	<ul style="list-style-type: none"> Some TAs consider that landscape is predominantly a TA matter. 	<ul style="list-style-type: none"> Contrary to majority of stakeholder comments
OVERVIEW	This policy option will be ineffective and inefficient.	

Option C: Additional policy intervention

	For	Against
Purpose of the RMA	<ul style="list-style-type: none"> In accordance with the requirements for policy statements. Helps achieve the purpose of the Act 	<ul style="list-style-type: none"> May reduce flexibility for case-by-case decision making at the district level
Issue resolution	<ul style="list-style-type: none"> Can provide more clarity and certainty of the issue and its resolution depending on the sub-option chosen 	<ul style="list-style-type: none"> May reduce flexibility for case-by-case decision making at the district level
Integrated management	<ul style="list-style-type: none"> Can provide more certainty of issue resolution across the region, depending on the sub-option chosen 	
Carrying out functions	<ul style="list-style-type: none"> Will support achievement of ECan's functions 	
Consultation views	<ul style="list-style-type: none"> General support for more comprehensive policy intervention in the CRPS. Divergence as to extent of additional coverage needed. 	<ul style="list-style-type: none"> TAs generally wish to retain some flexibility to make local decisions.
OVERVIEW	This policy option supports integrated management and issue resolution	