

# **Review of the Canterbury Regional Policy Statement: Natural Hazard Provisions**

## ***Purpose***

The purpose of this paper is to provide a basis for preliminary consultation with territorial authority officers on the review of the natural hazard provisions of the Canterbury Regional Policy Statement (CRPS). The objective of the preliminary consultation is to provide the opportunity for territorial authorities to provide views and influence the approach Environment Canterbury takes.

In order to provide a focus for the consultation, this paper provides information on the background to the natural hazards provisions, key policy options that are available and desired outcomes from this consultation.

## ***Background***

Sections 30 and 31 of the RMA give both regional and district councils the authority to address natural hazards. The CRPS is required under the RMA (s62(1)(i)(i)) to delineate the responsibility for natural hazards of regional and territorial authorities (the current CRPS indicates that hazard management will be delineated along the lines of authority existing at 1994).

### Current CRPS Contents and Outputs

The current CRPS chapter specifies objectives and policies to avoid or mitigate the costs of loss or damage to life, property or the environment from natural hazards and natural hazard mitigation measures. This is to be implemented primarily through regional plans, district plans, service provision and advocacy, promotion and co-operation.

A number of regional plans cover natural hazards, however this coverage principally relates to flooding, earthquakes and resultant subsidence (NRRP) and sea-water inundation and coastal erosion (Regional Coastal Environment Plan). All district plans cover these plus some cover additional natural hazards in varying detail such as: fire; earthquake; climactic extremes; subsidence; tsunami; and slope failure.

A number of ECan's strategies and management plans rely on this chapter for statutory support (however many plans/strategies were developed prior to the CRPS), as do Environment Canterbury's river control works and advocacy functions to a lesser degree.

### CRPS Effectiveness

In terms of the CRPS's effectiveness, this is difficult to determine given the range of natural hazards covered and the sharing of responsibilities among local authorities. This inability to monitor effectiveness is an issue which needs addressing as part of the review.

Contrary to its stated intention the chapter does not provide strategic and integrated natural hazard management. This is difficult to achieve when the CRPS only requires territorial authorities to "consider" including provisions that implement this chapter's natural hazard policies. Consideration alone will not achieve comprehensive and coordinated natural hazard management (as indicated in the methods), nor the anticipated environmental outcomes the CRPS is seeking.

The chapter's high-level policies do not provide meaningful assistance when specifying natural hazard outcomes and what level of risk is to be managed. As such, it is difficult to determine whether and to what extent they aid in the achievement of the anticipated environmental results.

### Legislative and Environmental Changes

Since the CRPS was made operative (1998), there have been changes made to the RMA. Notably the addition of RMA Section 7(i) – “Other matters ... the effects of climate change”. This has high significance for the natural hazards provisions of the CRPS. In addition, the passing of the Civil Defence Emergency Management Act 2002 has implications for the management of this issue in the CRPS, in terms of coordination.

There have been more coastal developments/ settlements and intensification of use in rural areas, including floodplain areas. This has increased community exposure / risk to natural hazards and the consequential effects. This, coupled with the potential effects from climate change, reinforces the need for the CRPS to consider risk more closely.

### Examples of Other RPS Approaches

#### *Taranaki Regional Council*

The TRC RPS clearly spells out what Regional and Territorial authorities will do. It does not specifically address what and how risk is to be managed (e.g. specify minimum floor levels etc).

#### *Auckland Regional Council (see Appendix A for relevant excerpts)*

The ARC RPS specifies levels of risk to avoid for flooding. The RPS specifies that natural hazard management will be integrated and coordinated between RA and TAs. The methods give explicit and detailed instruction on who will do what.

#### *Environment Waikato (see Appendix B for relevant excerpts)*

The EW RPS spells out RA and TA responsibilities. It does not specifically address what and how risk is to be managed.

#### *Northland Regional Council*

The NRC RPS outlines explicit tasks (in the methods) and who implements these to achieve each policy. It does not specifically address what and how risk is to be managed.

#### *Greater Wellington Regional Council (see Appendix C for relevant excerpts)*

The GWRC RPS includes a section on responsibilities which explicitly details who has responsibility for developing objectives policies and rules and where. It does not specifically address what and how risk is to be managed.

#### *West Coast Regional Council*

The WCRC RPS is similar to ECan's RPS in that it indicates that work will be undertaken to determine responsibilities. It does not specifically address what and how risk is to be managed.

## **Policy Options**

Section 62 of the RMA requires the CRPS to include a statement on natural hazard responsibilities. Irrespective of statutory requirements the CRPS should cover natural hazards as this is a significant resource management issue in Canterbury, and one where the CRPS can add value by co-ordinating the management of natural hazards across the region. Clearly delineating responsibilities for natural hazards under the RMA between local and regional authorities will help avoid fragmentation, duplication and gaps occurring in natural hazard management.

What is unclear is the level of risk management the CRPS should pitch at. Are different approaches and outcomes in each district appropriate or should there be more uniformity across the region?

Policy options (not mutually exclusive) are:

1. Retain the status quo.<sup>1</sup>
2. Address climate change (covering what risk we are managing for).
3. Provide a clear delineation of responsibilities between the territorial authorities and Environment Canterbury.
4. Use stronger / more precise policies to reinforce plan policies and rules (especially in the absence of a natural hazards regional plan).
5. Address risk management more directly in the CRPS by specifying levels of risk to avoid, and in doing so determine a balance between competing resource management values e.g. natural hazard risk reduction versus increased adverse amenity effects.

## ***Desired Outcomes***

The outcomes desired from this initial contact are:

1. Identification of the level of involvement sought from territorial authorities;
2. Identification of other parties whose involvement is desirable;
3. Feedback on the identified issues;
4. Feedback on the proposed policy approaches;
5. Identification of alternative policy approaches;
6. Agreement on desired outcomes of the issue review;
7. Agreement of a process and path forward to review the natural hazard provisions;
8. Identification of information requirements to advance any review.

---

<sup>1</sup> Feedback on the CRPS review scoping report indicates that this is not a preferred option.

## Appendix A – Excerpts from Auckland Regional Council’s Proposed Change 10 to its Regional Policy Statement

### 11.4.1 Policies

3.4. Development shall not be discouraged permitted in the 1% AEP flood plain flood hazard zones unless it can be demonstrated that:

a. ~~a~~All habitable floor levels are protected from the 1% AEP flood level,

b. Access to buildings is maintained, and ~~that~~

c. ~~s~~Structures within the 1% AEP flood plain level do not divert overland flows onto neighbouring properties, worsen or accelerate the hazard.  
(See Appendix D for the definition of AEP)

4.5. Development shall not be permitted if changes in stormwater runoff quantities in events with AEPs of 1% or more are ~~it is likely to~~ accelerate, worsen or result in flooding inundation of other property, unless it can be demonstrated that the adverse effects can be avoided or mitigated.

### 11.4.2 Methods

[The following Methods have been re-ordered from the Operative 1999 version and some Methods have been combined.]

1. ~~15.~~ The ARC will gather information and undertake or commission research at a regional scale on natural hazards and their risks and impacts. of natural hazards, particularly those that are Regionally significant, and make this information This information shall be made available to TAs and the general public through a natural hazards database. This will include volcanic, tsunami, earthquake, cyclone, and coastal hazards including the effects of sea level rise and climate change.
2. TAs will gather information and undertake or commission research on natural hazards, their risks and impacts at a district/city scale, and make this information available to all persons through a natural hazard database. This will include flooding, land instability, coastal hazards and active faults.
3. ~~16.~~ The ARC, in consultation with relevant parties, will establish monitoring programmes for natural hazards of Regional significance, and make this information available to TAs and the general public.
4. ~~17.~~ The ARC will ~~investigate undertake research on~~ methods to avoid, ~~or~~ mitigate or respond to natural hazards and make this information available to TAs and the general public.
5. ~~3.~~ The ARC and TAs will jointly advocate through the Auckland Civil Defence and Emergency Management Group methods to avoid, ~~remedy,~~ or mitigate the adverse effects of natural hazards on the environment.
6. ~~4.~~ The ARC will co-ordinate the management of natural hazards throughout the Region by ~~setting standards developing guidelines and strategies,~~ and ensuring consistency among TAs, by co-ordination of action in respect of natural hazards which extend across local boundaries, and by co-ordination of action with the appropriate regional council in respect of natural hazards which extend across regional boundaries.
7. ~~6.~~ TAs will give effect to these policies by including objectives, policies and methods of implementation within district plans to control any actual or potential effects of the use, development or protection of land for the avoidance or mitigation of natural hazards.
8. ~~10.~~ The ARC will implement objectives, policies, ~~and~~ rules and other methods with respect to any actual or potential coastal hazards arising from the use, development or protection of land in the coastal marine area environment, through the provisions in the Regional Plan - Coastal, which will encourage ~~subdivision,~~ use and development in the coastal environment to locate in appropriate areas.

See also Chapter 7 - Coastal Environment.

9.12. TAs will implement objectives, policies and rules with respect to coastal hazards through provisions in district plans, including the use of esplanade reserves and strips for the purpose of avoiding, or mitigating natural hazards.

See also Chapter 18 - Esplanade Reserves and Strips.

10.7. TAs will ensure that flooding instability and coastal hazards are assessed management plans are prepared before any new areas are rezoned in ways which that enable intensification of use, or where development is likely to cause adverse effects. This may should be done as part of a wider planning process or structure planning process (as described in Appendix A).

11.4. The ARC will e.g. by advocacy and through Regional Plan provisions) promote a comprehensive catchment-wide approach to flood management.

12.2. The ARC will regulate diversions and discharges of stormwater in order to avoid or mitigate adverse effects of flooding and erosion, through the Regional Plan provisions and resource consent process.

13.5. The ARC will, where appropriate, transfer TAs will undertake day to day flood management functions. These functions may include (but need not necessarily be limited to): monitoring of flows and water levels, issuing warnings to the public and alerting civil defence, operation of floodgates, and infrastructure maintenance such as clearing of debris from culvert inlets and other hydraulic structures; powers and duties to TAs.

14.9. Within the 1% AEP flood plain hazard zone TAs will control infilling and storage of materials likely to be moved by flood events, and ensure that development within the area zone is located in such a manner as to limit the restriction of flood flows.

15.8. The ARC and TAs, through the resource consent process, will ensure that any required-lawfully established hazard mitigation works are undertaken, and that they are is adequately constructed and maintained.

16.14. The ARC and TAs will develop and carry out consistent educational strategies aimed at providing the general public with a greater understanding of natural hazards, their associated risks, associated with natural hazards, and how these risks are being addressed and how to be prepared for an emergency throughout the Region.

17.18. The ARC and TAs will co-ordinate activities and provide for planning related to support for Civil Defence emergency management across the areas of reduction, readiness, response and recovery to avoid or mitigate in planning and implementing measures to guard against, prevent, reduce or overcome the effects of natural hazards.

## **Appendix B – Excerpts from Environment Waikato’s Regional Policy Statement**

### **Implementation Methods:**

1) The Waikato Regional Council (Environment Waikato) will:

- i) develop specific objectives, policies, rules and/or other methods in regional plans for the avoidance or mitigation of natural hazards in the coastal marine area and in the beds of rivers and lakes
- ii) take a lead role in the collection, analysis, storage and communication of natural hazard information to territorial authorities
- iii) prioritise risks from natural hazards across the Region for further investigation, in consultation with territorial authorities and the Region’s community
- iv) develop, in conjunction with territorial authorities and the wider community, hazard specific mitigation plans for managing the risks associated with natural hazards
- v) implement those aspects of mitigation plans that are relevant to Environment Waikato’s functions
- vi) co-ordinate responses to regionally significant natural hazard events with those of territorial authorities, network utility operators, government departments and other relevant agencies
- vii) support the development and implementation of environmental education programmes related to specific natural hazards.

2) Territorial authorities will:

- i) develop specific objectives, policies, rules and/or other methods in district plans that control the use of land (except for in the beds of lakes and rivers and the coastal marine area) for the avoidance or mitigation of natural hazards
- ii) deliver environmental education programmes on local natural hazards to their communities
- iii) implement relevant hazard specific mitigation plans through building consents and other regulatory and non-regulatory methods
- iv) provide information on the presence of natural hazards at specific sites through land information memoranda and project information memoranda where such information is known by the territorial authority
- v) work in partnership with the Waikato Regional Council (Environment Waikato) and their communities to ensure efficient and effective response and recovery to natural hazard events including planning for emergencies.

3) Local authorities will advocate that other agencies such as network utility operators and neighbouring regional councils work with territorial authorities and the Waikato Regional Council (Environment Waikato) for the management of  
3.8 Natural Hazards 112  
natural hazards through the development of partnership agreements and memoranda of understanding.

4) Local authorities will advocate that all the roles and responsibilities identified above are implemented through strategic plans, annual plans, district and regional plans, civil defence plans and partnership agreements within three years of this Regional Policy Statement becoming operative.

## Appendix C – Excerpts from Greater Wellington’s Regional Policy Statement

### 11.7 Responsibilities

The responsibilities for **developing objectives, policies and rules for the control of the use of land** for the avoidance or mitigation of natural hazards are shown in table 11. In this table "land" has been divided into three types: the coastal marine area, the beds of lakes and rivers, and all other land.

**Table 11 : Responsibilities for the Control of the Use of Land for the Avoidance or Mitigation of Natural Hazards**

	Responsibility for Developing Objectives	Responsibility for Developing Policies	Responsibility for Developing Rules
Coastal Marine Area	WRC	WRC	WRC
Beds of Lakes and Rivers	WRC	WRC	WRC
Other Land	WRC* TA	WRC* TA	WRC TA*

**Key**

WRC = Wellington Regional Council

TA = Territorial authorities

- = Primary responsibility
- 

The table shows that **the Regional Council has the primary responsibility** for the control of the use of land for the avoidance or mitigation of natural hazards. For land other than land in the coastal marine area and the beds of lakes and rivers, the Regional Council will carry out this responsibility through this Regional Policy Statement and through the development of objectives and policies in regional plans. It will not write regional rules for this purpose, **unless** any relevant regional objective or policy is not able to be achieved through rules in district plans.

**Territorial authorities** therefore have primary responsibility for writing rules for the control of the use of land (other than in the coastal marine area and the beds of lakes and rivers) for the avoidance or mitigation of natural hazards, but these rules must not be inconsistent with either the Regional Policy Statement or the relevant objectives and policies in a regional plan.

The responsibilities shown in table 11 apply **only** to the development of objectives, policies and rules for the control of the use of land for the avoidance or mitigation of natural hazards, and do not affect any other responsibilities set out in s. 30 and 31 of the Act.