

***Canterbury, its people, its resources:
Regional Policy Statement Review***

CRPS

Scoping Report

**A report on the issues and approach to the review of the
Canterbury Regional Policy Statement**

Canterbury Regional Council
58 Kilmore Street
PO Box 345
Christchurch

October 2006

Table of contents

1. Introduction.....	3
2. What is an RPS?	4
3. Nature of the Review Process	5
4. Strategic Resource Management Issues for the Canterbury Region.....	7
Integrated Management of Natural and Physical Resources.....	7
Strategic Integration of Infrastructure with Land Use	7
Response to Climate Change	8
Urban Growth (including the Urban Development Strategy and region-wide settlement and transport policies)	8
Water	9
Wintertime Air Quality	10
Landscape	11
Indigenous Biodiversity	12
Versatile Soils	12
5. Other matters for the review	14
Specific Provisions for Tangata Whenua	14
Contaminated Sites.....	14
Wetlands and Beds of Rivers and Lakes and their Margins	15
Heritage	15
Coastal Environment.....	15
Air	16
Energy.....	16
Natural hazards.....	17
Hazardous substances	17
Solid and hazardous waste management.....	18
Co-ordination and Cross-boundary Issues.....	18
Regional Significance	19
Anticipated Environmental Results and Indicators.....	19
Language	20
Appendix 1. Overview of Intended Work Programme.....	21
Appendix 2. Triennial Agreement.....	23

1. Introduction

The first Canterbury Regional Policy Statement (CRPS) was made operative by the Canterbury Regional Council in 1998. It is now being reviewed and updated to make any improvements necessary, reflect changes that have occurred since 1998, and to meet requirements under the Resource Management Act (RMA).

The purpose of this report is to outline the nature and scope of the CRPS review. It discusses the issues and contains recommendations on the approach and priorities for the review.

Section 2 of this report provides a brief overview of the purpose of regional policy statements and where they fit in the resource management planning hierarchy. Section 3 contains comment on the nature of the review, including process matters relating to the Triennial Agreement. The strategic resource management issues identified for Canterbury are outlined in Section 4, along with discussions and recommendations on the approach to these issues. Section 5, discusses other significant matters to be addressed in the review process. Section 6 shows the preliminary scheduling and milestones for the review process.

Readers wanting more detailed background information on the issues may want to refer to the following two technical reports which have been prepared as part of this review:

- *CRPS Court Decisions and Legislative Changes*. This report reviews the legal context covering relevant case law and changes in legislation.
- *Our Changing Environment: An Evaluation of the 1998 Canterbury Regional Policy Statement*. This contains an analysis of the existing 1998 CRPS and provides a more detailed context for the review. It outlines what has been done to implement the 1998 CRPS, the outcomes to date, an assessment of the effectiveness and efficiency of the policies and methods, relevant contextual changes that have occurred since 1998, and detailed recommendations for possible changes. The recommended changes have been summarised for inclusion in this report.

2. What is an RPS?

The purpose of a Regional Policy Statement (RPS) is:

“... to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.” [s.59, Resource Management Act 1991]

The Resource Management Act 1991 (RMA) requires an RPS to be prepared. The place of the RPS in the RMA hierarchy is shown in Figure 1. It is a resource management document that has a direct influence on district plans, regional plans and resource consents. The 2005 amendments to the RMA now require regional and district plans to “give effect to” the RPS¹ and for regional and district councils to agree on the consultation process for its review². A number of other policy documents, such as the Regional Land Transport Strategy and the Regional Pest Management Strategy, are required to be “not inconsistent with” the RPS.

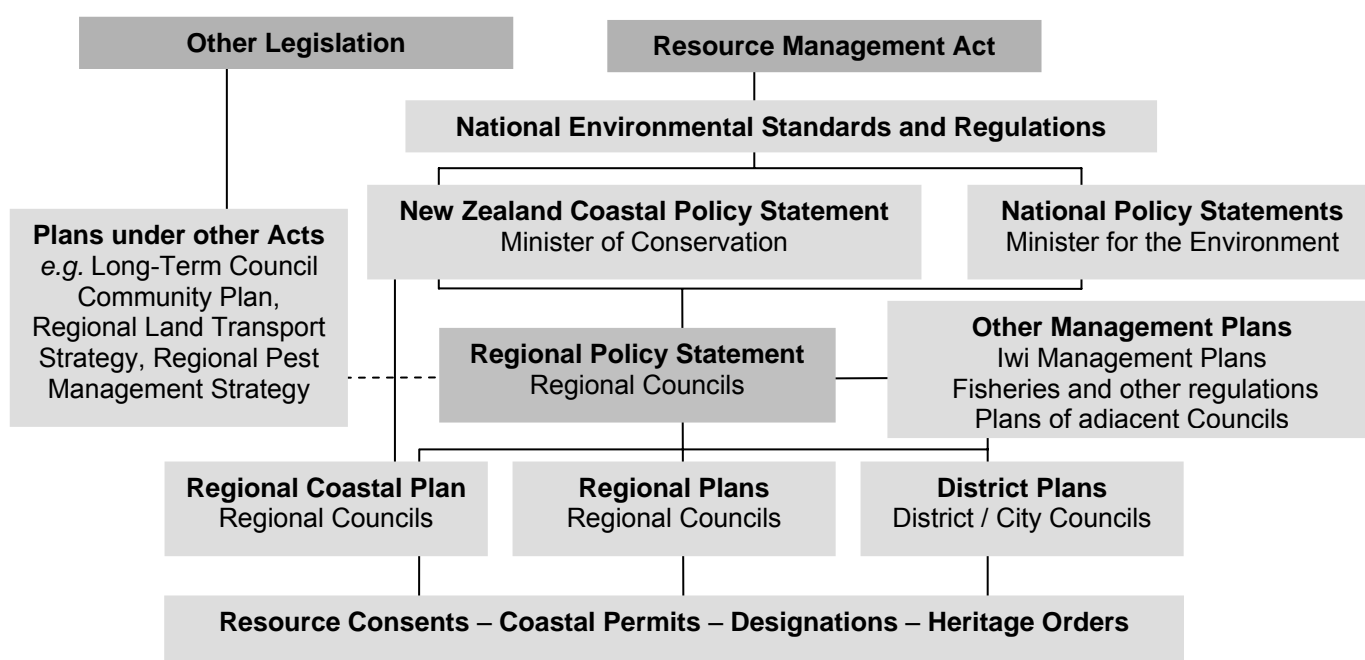


Figure 1: The hierarchy of RMA planning documents and other relevant considerations

¹ Subsections 67(3)(c) and 75(3)(c) of the RMA

² Schedule 1 of the RMA

3. Nature of the Review Process

It is the intention of Environment Canterbury to undertake this review as a collaborative process. Particular emphasis is being given to working with territorial authorities due to the change in legislation that requires them to give effect to the CRPS through district plans.

Much of the existing CRPS remains relevant today. There are instances where further developments have occurred since the CRPS became operative in 1998 (such as new policy, amendments to the RMA, court decisions, and the like). There are also other policy processes currently underway to address some of the issues and concerns identified as pertinent to this review. Obvious examples include urban growth, water management, air quality and biodiversity. It is intended that this review will build on and utilise these existing policy developments, rather than duplicate or replace them.

The existence of existing policy processes, and differing levels of urgency and complexity, may mean that the process will consist of a series of updates, rather than a single all-encompassing review. This will consist of:

- Amendments to the settlement components, including the urban development strategy (UDS). These will be notified ahead of the full review so they are incorporated within the CRPS before local government elections in 2007. Legally, this will be a change to the existing 1998 CRPS, rather than part of a reviewed CRPS.
- The notification of a new, reviewed CRPS, which will include amendments to all chapters.
- Any subsequent variations or changes to the reviewed document. This is expected as there are some issues that will take several years to resolve or are dependent on the outcomes of other processes.

Triennial Agreement and consultation with territorial authorities

The RMA requires that affected local authorities include an agreement on the consultation process to be used for a change or review of the regional policy statement within the Triennial Agreement (under the Local Government Act 2002). If agreement can not be reached this will be determined either by mediation or by the Minister for the Environment.

It is proposed that a new clause be added to the current Triennial Agreement indicating that the existing Agreement, particularly the consultation components, shall apply to any changes, variations or review of the CRPS. (Refer to Appendix B for the proposed Triennial Agreement to be used for this CRPS review.)

More detailed consultation processes can supplement the Triennial Agreement and be tailored to specific issues. Examples are: in addressing hazardous waste issues, the established Canterbury Hazardous Waste Working Party could be used; for biodiversity there is an existing Regional Biodiversity Strategy Advisory Group; it would be appropriate for the Regional Land Transport Committee to be consulted during the revision of the transport chapter of the CRPS. All of these groups have representatives from a range of relevant organisations including territorial authorities. This does not preclude briefings or updates to councils as required, or through other channels. If a consultation framework established more informally and outside the explicit provisions of the Triennial Agreement is found to be inadequate, the Triennial Agreement can be reconsidered at any time.

In general it is proposed that Environment Canterbury will prepare discussion papers and convene staff working groups to discuss issues with territorial authorities. Where possible consensus shall be sought. Preliminary reporting to Environment Canterbury’s Regional Planning Committee (RPC) would then occur, prior to more widespread consultation at the political level. This consultation could take a variety of forms depending on the issue. Following consultation recommendations would be made to Environment Canterbury via the RPC.

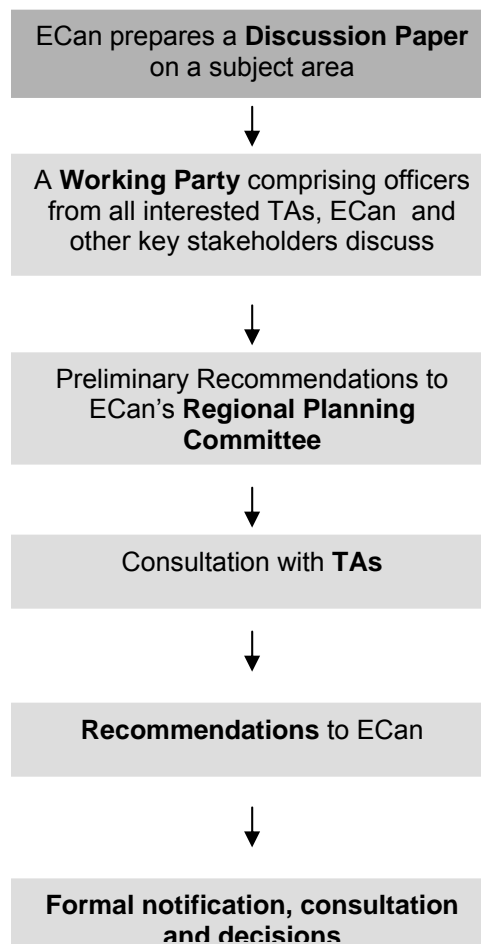


Figure 2: Indicative Structure for Consultation with Territorial Authorities and Other Key Stakeholders

4. Strategic Resource Management Issues for the Review

This section outlines the key resource management issues requiring consideration through this review process. The first four issues sit outside the chapter framework of the current CRPS, and will need to be addressed in a number of chapters as part of an integrated policy framework.

Integrated Management of Natural and Physical Resources

Issue:

The purpose of an RPS is to “achieve the integrated management of the natural and physical resources of the whole of the region”³. For example, water allocation can impact on water quality, biodiversity, renewable energy targets and landscape, as well as a range of other environmental, economic, social and cultural values.

Discussion:

Although several parties raised this issue through consultation, only one party suggested a means to achieve this. This was to include an overview chapter highlighting the links between issues. However, this is the purpose of the existing CRPS Chapter 3. It is not immediately apparent that revising this chapter will add value. This could be re-visited later in the review process.

In addition to this, it is suggested that:

- An “issue mapping” exercise is carried out early in the process. This would consist of identifying and documenting the issues facing the region, and the potential relationships with the natural and physical resources (linking it to the chapter structure). This work will then feed into the preparation of each reviewed chapter to ensure a consistent and comprehensive policy framework.
- The proposed collaborative approach is continued to ensure all of the related matters are raised and addressed when considering issues within individual chapters.
- The management of the process includes peer reviews and having staff work across several chapters, rather than individual staff being assigned to a chapter.

Recommendations:

- That issue mapping and other methods be used to ensure integrated management.
- That the role and content of Chapter 3 be reconsidered later in the review process.

Strategic Integration of Infrastructure with Land Use

Issue:

Regional councils have a new RMA function for “the strategic integration of infrastructure with land use”⁴. This reinforces the purpose of an RPS to “achieve the integrated management of the natural and physical resources of the whole of the region”⁵.

Infrastructure includes transport (such as roads, rail, ports, airports), water (such as water supply, sewerage and stormwater), energy (generation and transmission) and community

³ Section 59 of the RMA

⁴ Subsection 30(1)(gb) of the RMA

⁵ Section 59 of the RMA

infrastructure (such as town centres, community facilities, open space and parks and network utilities).

Discussion:

This new function will need to be taken into account for several chapters. The suggested approach is that the issues mapping process be used to identify a) infrastructure that may require strategic integration, b) what issues relate to this infrastructure, and c) what value might be added by the CRPS. This framework can then help inform any changes to the relevant chapters of the CRPS.

Recommendation:

- That the strategic integration of infrastructure be incorporated into the issues mapping process and subsequently incorporated into the relevant chapters.

Response to Climate Change

Issue:

The potential effects of climate change range from sea level rise to more extreme weather events (including drought) to increased biosecurity risks associated with a warmer climate. Amendments to the RMA require councils to have particular regard to the effects of climate change⁶.

Discussion:

The diverse effects of climate change mean that it will potentially impact on a number of sections of the CRPS. The suggested approach to this issue is that a study be done to identify the likely effects and appropriate responses with a view to incorporating this into policy changes for the relevant chapters of the CRPS.

Recommendation:

- That the potential effects of climate change and appropriate responses be identified in a comprehensive report, and then incorporated into the issues mapping exercise, and into relevant chapters as each chapter is reviewed.

Urban Growth (including the Urban Development Strategy and Region-wide Settlement and Transport Policies)

Issue:

The urban development of greater Christchurch is an issue of regional importance. It reflects a number of issues such as Environment Canterbury's new RMA function relating to the integration of land use and infrastructure⁷, as well as groundwater management, efficient use of resources, natural hazards, and so on. Similar issues exist on smaller scales in other centres throughout the region and reflect the need for integrated management of natural and physical resources.

Since 1998 there have also been significant changes in transport policies at the national and regional levels. These also need to be considered in the review of these sections.

Discussion:

The Urban Development Strategy (UDS) is currently seeking to address this issue for greater Christchurch. It is intended that the key components of the UDS will be

⁶ Subsection 7(i) of the RMA

⁷ Subsection 30(1)(gb) of the RMA

implemented through changes to the CRPS and the Canterbury Regional Land Transport Strategy (RLTS). This will mean adding a new chapter to the CRPS that applies only to the greater Christchurch area and reflects the outcomes, policies and methods of the UDS.

It will also require consequential changes to policies in other chapters, particularly the settlement and transport chapters. It is an opportunity to take a fresh look and enhance the effectiveness of all provisions addressing urban growth and the built environment across the region.

The preferred timing for this amendment is for it to be approved for notification as a proposed change prior to the local government elections in 2007. It would not be possible to have a fully reviewed CRPS ready within this short timescale, therefore the proposed changes will be notified as a change to the existing CRPS, rather than as part of the reviewed CRPS. It is acknowledged that this will have implications for the reviewed CRPS and may result in some of these matters being re-litigated in the reviewed document. This is regarded as an acceptable risk given the huge advantages of updating the urban growth provisions as quickly as possible.

At the national and regional level, transport policies have also put increasing emphasis on travel demand management and the integration of transport and land use.

Recommendations:

- That UDS policies be incorporated into and approved for notification as a proposed change to the CRPS before October 2007.
- The changes to settlement, transport and other related policies for other centres be developed and approved for notification as a proposed change before October 2007.

Water

Issue:

The need to sustainably manage water resources is well recognised as a strategic resource management issue for Canterbury. This includes issues of water quality and quantity; surface water and ground water; in-stream values versus out-of-stream uses; and the integration of land use and water policy.

Discussion:

There are a number of existing initiatives currently underway to address the region's water issues, including:

- The Government's Sustainable Water Programme of Action
- Environment Canterbury's Proposed Natural Resources Regional Plan (PNRRP)
- The Strategic Water Study (being overseen by the Canterbury Mayoral Forum)
- The Integrated Regional Aquifer Protection Study (IRAP)
- A raft of other initiatives and 'on-the-ground' programmes by both industry and regulatory bodies.

The Sustainable Water Programme of Action includes consideration of National Policy Statements and National Environmental Standards. If, or when, these are notified the CRPS must comply with them. There are policy questions, such as whether and how to implement water charging, that are being considered in the Sustainable Water Programme of Action and are appropriately addressed at the national level.

The PNRRP is a key instrument for implementing the CRPS in relation to water and has been drafted to provide the regulatory framework envisaged in the CRPS. Resolution of many of the current concerns regarding water requires more detailed regulatory or on-the-

ground responses that have been identified and are being addressed through the PNRRP. Unless there is a clear need to do so, amending the CRPS policies prior to decisions being made on the PNRRP, would be counter-productive to resolving the water issues currently facing Canterbury. It is important to note that this relates to the timing of the processes rather than the content. The CRPS should and does guide regional plans. It is currently considered that the CRPS gives appropriate policy guidance for the PNRRP. If deficiencies are identified these will be considered in the CRPS process.

With these work programmes for water currently underway, there appears to be little additional value (and some considerable risk) in undertaking a major review of the CRPS water policies at this stage. Other than some relatively minor changes, the preferred approach is to piggy-back on these other initiatives and make appropriate consequential changes as conclusions emerge. This approach acknowledges the importance of sustainable water management in Canterbury, but also recognises that existing work programmes have been put in place to resolve these issues. Reviewing the water provisions at this stage would unnecessarily duplicate these other processes and programmes. The existence of these other programmes makes the review of the water chapter important but less urgent than other aspects of the process.

Amendments to the RMA make it clear that rules in regional plans can allocate water to particular activities⁸. Relevant strategic matters, such as the utilisation of existing hydro-electricity infrastructure, are already given consideration in the CRPS. A review of relevant allocation policies can be made following the outcomes from the Sustainable Water Programme of Action but any specific allocation is best done on a catchment or groundwater zone basis.

Recommendation:

- That the revision of the CRPS provisions relating to water management be given a low priority until decisions are made through the Sustainable Water Programme of Action and other policy processes.

Wintertime Air Quality

Issue:

Wintertime air quality regularly exceeds national environmental standards in towns throughout Canterbury. The pollutant of primary concern is suspended particulate. Home heating is the major source of this pollutant.

Discussion:

The improvement of wintertime air quality has been and will continue to be the focus of several of Environment Canterbury's work programmes. The CRPS has provided a framework for this work. Further policy development has occurred and is reflected in Chapter 3 of the PNRRP and the introduction of National Environmental Standards (NES). A variation to the PNRRP will be needed to achieve these standards in many towns outside of Christchurch.

In general the policy direction outlined in the CRPS remains robust. However, it could be updated to reflect the specific outcomes, policies and methods that have been developed to address the NES. This work is regarded as relatively straightforward but is not considered urgent given that the issues are being addressed through the PNRRP. (Other

⁸ Subection 30(4) of the RMA

aspects of Chapter 13 (Air) are discussed later in this report and include recommendations for some other substantial changes.)

Recommendation:

- That the current policy direction remain but the CRPS be updated to reflect current thinking and actions on wintertime air quality following the release of decisions on the PNRRP.

Landscape

Issue:

The protection of outstanding landscapes is a matter of national importance under s.6 of the RMA. The existing policy within the CRPS provides little guidance. Widespread concern was expressed about the adverse landscape effects from new settlements and other land use changes. In some instances, the provisions of district plans are regarded as inadequate to manage these effects.

Discussion:

Feedback received on this issue indicates that its resolution is important, urgent and likely to be controversial. The options available include:

- Option 1 Replace the current policies with general policies reflecting Part II of the RMA.
- Option 2 Identify criteria for regional significance and allow district councils to address the issue.
- Option 3 Identify in broad terms the landscapes of regional importance (largely based on previous studies) and strengthen the policies around these.
- Option 4 Undertake an inventory to identify in detail the landscapes and the values within those landscapes to be protected and have clear policies to protect these.

Option 1 would signal that Environment Canterbury is not interested or concerned with landscape issues. This would not address concerns expressed regarding adverse effects of land use changes on landscape values at a regional level.

Option 2 is roughly the current policy, which is regarded as largely ineffective.

The proposed approach is to review landscape provisions with a view to strengthening them. This means pursuing Options 3 or 4. The preference for this approach is based on:

- the issue is of national importance
- it is an issue that is not effectively addressed in the current CRPS
- there are existing concerns regarding inappropriate subdivision, use and development of outstanding landscapes and, based on the experiences elsewhere, the profile of this issue will increase rather than diminish.

Further exploration of Options 3 & 4 is currently being undertaken. Either option can be expected to attract controversy and the relative costs and benefits of pursuing Option 3 versus Option 4 are still being investigated. Option 4 is similar to what was indicated would be done in the 1998 CRPS and could address landscape issues that cross district boundaries. The time, cost and effectiveness will largely depend on the amount and quality of the consultation undertaken.

Recommendations:

- That the landscape provisions of the CRPS be strengthened.
- That options for achieving this be further investigated and consulted on.

Indigenous Biodiversity

Issue:

The continuing decline of indigenous biodiversity is another issue of increasing concern. At both a national and regional level there are examples of rare and threatened species and habitats. Since the current CRPS became operative in 1998 biodiversity has been given greater prominence through amendments to the RMA⁹ and the development of a national biodiversity strategy.

Discussion:

Indigenous biodiversity is recognised in the CRPS but the existing provisions are regarded as being of limited effectiveness. Despite this there are some notable success stories (as well as examples of poor practice) within the region. Enhancing the understanding of biodiversity remains an important key challenge. A recent survey (Opinions, 2006) indicated that without prompting only 13 percent of rural landowners understood the term “biodiversity”, but when provided with a definition 90 percent regarded it as important or very important.

Like landscape, a range of options are available for the CRPS review, ranging from withdrawing from the issue through to undertaking a thorough inventory of indigenous biodiversity values of regional significance. Unlike landscape, the full inventory approach is not regarded as feasible or effective. Instead, an approach that specifies the outcomes sought and contains a robust monitoring strategy is suggested. The methods to achieve the outcomes could be less prescriptive so long as they can be shown to be effective.

Environment Canterbury is also in the process of developing a regional biodiversity strategy. While this is a non-statutory strategy, it may clarify future policy needs and direction for biodiversity.

Recommendation:

- That the policy provisions relating to indigenous biodiversity be reviewed with a view to increasing their effectiveness
- That options for policy development be further investigated and consulted on, in conjunction with the development of a regional biodiversity strategy.

Versatile Soils

Issue:

The versatile soil provisions in the 1998 CRPS have not been consistently upheld by the Environment Court, and Policy 6 was eventually found to be impossible to apply. These provisions are now ineffective.

Discussion:

Environment Canterbury undertook a significant amount of work on the versatile soil provisions of the CRPS in the period of 2003/2004. The result of this was a Council resolution to refocus the issue on versatile soil loss due to coverage by buildings and hard-standing areas. However, the advice received at the time raised questions about whether the rate of loss of versatile soil from these activities is sufficient to warrant intervention. Expressed in another way, the limiting of the issue draws into question whether the issue is

⁹ Subsection 30(1)(ga) of the RMA

of regional significance, and therefore warrants coverage in the CRPS. The review will consider all causes of soil loss or degradation, including farm practices.

In the review of the CRPS it is suggested that a choice needs to be made to either strengthen the versatile soils policy to make it effective and relevant, or remove the versatile soils policies from the CRPS.

Recommendation:

- Review the versatile soils policies in the CRPS to determine whether this is an issue of regional significance, and if so, to include a robust policy framework to address the issue.

5. Other matters for the review

This section outlines other matters that will need to be considered for this review. Although some of these may be regarded as technical issues, they are significant in terms of improving the effectiveness of the CRPS or overall style of the document.

Specific Provisions for Tangata Whenua

Issue:

Detailed consultation with iwi is yet to be completed but preliminary assessments suggest that these chapters require updating.

Discussion:

Chapters 5 & 6 remain highly relevant and contribute towards meeting RMA requirements, particularly sections 6(e), 7(a), 8 and 62(1)(b)(i). The proposed approach is to work with individual Rūnanga to further clarify any issues of concern. This may overlap with iwi input to the review of other chapters. Changes already identified include:

- Expanding Section 5.7 (Matters of Resource Management Significance to Rūnanga within their Individual Rohe) to include issues for Moeraki Rūnanga.
- Updating the chapter to take account of various documents including Iwi Management Plans, The Ngāi Tahu Act 1996 and The Ngāi Tahu Settlement Act 1998.
- Consideration of policy development that has occurred through the Regional Coastal Environment Plan and Chapter 2 of the PNRPP.

It is proposed that the Council's Maori Advisory Committee take a lead role in consultation with Maori.

Recommendations:

- That chapters 5 & 6 be updated as outlined above.
- That there is on-going consultation regarding other chapters as they are developed.

Contaminated Sites

Issue:

Changes are needed to reflect Environment Canterbury's new function of identifying and monitoring contaminated land (s.30(ca)).

Discussion:

Contaminated sites are a matter of significance within New Zealand. Government policy is to implement remediation or management programmes for all high-risk contaminated sites by December 2015. The Government has also been working on National Environmental Standards for contaminated sites.

Within Canterbury, mainly as a result of historic land use, there are a number of known contaminated sites and other possible contaminated sites that are yet to be formally identified. The provisions for contaminated sites also need to be updated to reflect legislative changes in regional council functions in this area.

Recommendation:

- That the CRPS provisions related to contaminated sites are reviewed in light of the new functions specified in Section 30(1)(ca) of the RMA, current practice and any outcomes from the National Environmental Standard process.

Wetlands and Beds of Rivers and Lakes and their Margins

Issue:

Some updating of these chapters is required. Currently, however, the CRPS provisions in these areas are being implemented through, and provide a focus for, the PNRRP. Any changes must be considered in the context of the PNRRP process.

Discussion:

The changes sought to these chapters are mainly technical amendments. The exception to this is the redrafting of Policy 1 and Policy 2 of Chapter 10 (Beds of Rivers *etc*) to acknowledge that important conservation values will be protected but not through an inventory of sites or areas.

Both of these topics are considered low priorities given the PNRRP process and its role in implementing the current CRPS.

Recommendation:

- No substantive changes be made for Beds of Rivers *etc* (Chapter 10) or the wetland provisions in Chapter 8 at this point.

Heritage

Issue:

Some updating of these chapters is required. Currently, however, the CRPS provisions in these areas are being implemented through District Plans.

Discussion:

During the consultation stages some territorial authorities recommended that the heritage provisions be strengthened. This should be considered when the chapter is reviewed but is regarded as a low priority because territorial authorities are addressing heritage matters effectively.

Recommendation:

- That the heritage provisions in Chapter 8 be reviewed but that this work be given a low priority.

Coastal Environment

Issue:

The current review of the New Zealand Coastal Policy Statement (NZCPS) provides an important context for this review, as the CRPS must give effect to the NZCPS. Any substantive amendments should be delayed until the NZCPS review is completed. There are also other matters, such as the growth of aquaculture, consideration of coastal occupation charges, pressure for coastal development, and the protection of regional infrastructure (such as ports), that need to be considered in this review.

Discussion:

There is no obvious urgency to review this chapter.

Recommendation:

- That no substantive changes be made to the coastal environment Chapter 11 until the NZCPS review is completed.

Air**Issue:**

Wintertime ambient air quality is a strategic resource management issue for the Canterbury Region and is discussed in Section 4 above. There are however other substantive changes to be considered as a result of changes in legislation and other contextual matters.

Discussion:

The general direction provided by this chapter for ambient and local air quality provisions remain relevant but require updating to reflect subsequent policy development, including National Environment Standards. There are however other significant changes required to this chapter, as outlined below.

Policy 2 is a specific area of weakness. It has not been effective in addressing emissions from carbon based fuels from transport, industry or domestic heating. It is suggested that this policy be reviewed and possibly deleted.

Policy 6, which relates to landfills, needs to be reviewed in the light of the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxins) Regulations 2004 (NES) (Regulations 25 to 27).

The management of greenhouse gases and ozone depleting substances typically occurs at the national level, making Objective 3 redundant. The Resource Management (Energy and Climate Change) Amendment Act 2004 makes it clear that local authorities are not to consider the effects of discharges to air on climate change. Rather, with respect to greenhouse gases, the focus of the RMA is now on having particular regard to: the efficiency of the end use of energy; the effects of climate change; and the benefits to be derived from the use and development of renewable energy.

The primary management measure with respect to ozone-depleting substances is the Ozone Layer Protection Act 1990. Management that has occurred in the Canterbury Region is a result of hazardous substance management, primarily by the territorial authorities (though facilitated by Environment Canterbury).

Recommendations:

That the following changes are considered following the release of decisions on the PNRRP Chapter 3 Air:

- Review Policy 2 (emissions from carbon based fuels) and Policy 6 (emissions from landfills)
- Remove Objective 3 and related provisions.

Energy**Issue:**

A thorough review of the role and content of this chapter is required. The policies and methods contained in this chapter have been of limited effectiveness. There have also been significant changes in relevant legislation and national policy.

Discussion:

The core rationale for having energy in the CRPS is virtually unchanged from a decade ago, with several energy issues now having a much higher profile and urgency than earlier. There have also been changes to the RMA in relation to considering the benefits of renewable energy, end-use efficiency of energy and the strategic integration of infrastructure with land use (discussed in Section 4 above).

This review should consider the respective roles of Environment Canterbury, territorial authorities and others in addressing these energy issues. Over the next 12 months work currently being undertaken to: develop the Regional Energy Strategy and the National Energy Strategy; review the National Energy Efficiency and Conservation Strategy (NEECS); and progress amendments to the Building Act, could all provide a foundation for this work.

Further work is required to address the strategic integration of energy infrastructure with land use.

Recommendation:

- That this chapter be comprehensively reviewed in conjunction with the Regional Energy Strategy and Government policy programmes.

Natural Hazards

Issue:

Both regional and district councils have responsibilities for the management of natural hazards risks. The current CRPS Chapter 16: Natural Hazards does not provide the necessary clarity of functions and overall policy guidance to effectively manage the risks from natural hazards.

Discussion:

The importance of this issue to the region and the deficiencies in the CRPS suggest a significant re-write of this chapter is required. This could commence at any time but will need considerable input from territorial authorities. The changes to be considered include:

- More precise policies to guide risk management, including, if possible, guidance on what constitutes acceptable levels of risk
- A clear delineation of the responsibilities between territorial authorities and Environment Canterbury
- The inclusion of a section on climate change
- Guidance on the balance between risk reduction measures and any adverse effects from these measures.

Recommendation:

- That this chapter be comprehensively reviewed.

Hazardous Substances

Issue:

The RMA requires the CRPS to specify the roles and functions of Environment Canterbury and territorial authorities in relation to the control or use of land to prevent or mitigate

adverse effects relating to hazardous substances (see RMA s62(1)(i)(ii)). There is a need to update this chapter to reflect current thinking and actions on this matter.

Discussion:

The demarcation of responsibilities as set out in the CRPS has not been achieved in practice. While the review and the PNRRP may be an opportunity to reinforce these roles, there are considered to be some practical problems with its implementation.

There is overlap with the contaminated site provisions (within Chapter 7) and Solid and Hazardous Waste Management (Chapter 18). Consideration should also be given to dealing with these substances in a more integrated manner.

Recommendation:

- That this chapter be updated, including clarification of the respective roles and responsibilities of the regional and district councils in relation to hazardous substances.

Solid and Hazardous Waste Management

Issue:

With the completion of Kate Valley regional landfill, and significant changes in waste management practices, the relevance of some matters in this chapter is reduced.

Discussion:

A reduction in the volume of waste being landfilled remains a regional environmental issue. Gains made in this area since 1998 need to be reinforced at all policy levels, to achieve further gains and ensure public commitment. Therefore the CRPS has a key role in promoting the 5 R's philosophy (reduce, re-use, recycle, recover, residual). It also has a key role in promoting this philosophy for hazardous waste wherever that is practicable.

The CRPS also has a role to play in establishing co-ordination of waste management for the region. This is particularly true of hazardous waste, which is seen by most districts as a regional matter, addressed through the Canterbury Hazardous Waste Working Party. This also includes the issue of meeting the cost of disposal.

This chapter currently includes a policy framework for both new and historic landfills. Neither of these matters are considered to be of regional significance in themselves. Historic landfills are a type of contaminated site, and should be addressed through that policy framework. Consenting processes, including monitoring for discharges, can control the effects of operational landfills. The adverse effects of any new landfills should be evaluated and considered at the consenting stage, in the same manner as other industrial activities.

Recommendations:

- That this chapter is refocused on the 5 R's and related matters.
- That specific reference to landfills be removed.

Co-ordination and Cross-boundary Issues

Issue:

During initial consultation, the concept of having a separate chapter for the Waitaki District, common to both the Canterbury and Otago regional policy statements was raised.

Discussions with territorial council staff have identified consent processes as an area for possible inclusion in this section. Where an activity requires a resource consent from both regional and district councils, the need for better coordination of consent processes was raised as an issue. Secondly, where an activity required multiple consents (even from only one authority) there was a desire for all of the consents for that activity to be considered together, so that the environmental impacts can be considered together rather than incrementally.

Discussion:

Discussions and analysis suggest the inclusion of a Waitaki District chapter would be extremely problematic. The preferred alternative is to enhance and agree processes for resolving cross boundary issues, such as those faced by Waitaki District.

The consent issues can be investigated further, although these are primarily administrative issues and it is likely they can be best resolved without amending the CRPS.

Recommendations:

- That processes are developed to address cross boundary concerns but that no separate chapter is developed for the Waitaki District.
- Any other coordination and cross-boundary issues are considered when this section is reviewed.

Regional Significance

Issue:

This section of the CRPS attempts to clarify how the term “regional significance” is to be applied. In practice the application of 20.4 creates considerable uncertainty.

Discussion:

Section 20.4 works in conjunction with other policies in the CRPS, in order to clarify what may be regarded as an issue of regional significance and, therefore, within the functions of Environment Canterbury. It addresses both “matters” of regional significance and “effects” of regional significance. It has been found that having policies that define these issues in relation to specific resources provides much greater clarity. This is the preferred approach.

Recommendation:

- That Section 20.4 be reviewed in the context of specific resources, with a view to removing this section if possible.

Anticipated Environmental Results and Indicators

Issue:

Throughout the document, significant amendments are required to improve the specification of the Anticipated Environmental Results and the indicators associated with them. A lack of clarity regarding the outcomes being sought and the lack of appropriate monitoring data hampered the analysis of the effectiveness and efficiency of the current CRPS. Related to this is a need to ensure the indicators specified are incorporated into work programmes through the Community Plan process, or through other agencies who may collect the relevant data. The failure to develop and implement the monitoring strategy, as outlined within the current CRPS, is regarded as a significant shortcoming.

Discussion:

Although it does not require changes in policy, there is a considerable amount of work required to address this issue. In deciding on appropriate indicators, choices and priorities will need to be determined for the implementation of monitoring programmes.

This work can be undertaken with other agencies, such as territorial authorities, who face similar challenges in monitoring and reporting on both district and community plans.

Recommendation:

- That the Anticipated Environment Results, and indicators associated with them, be reviewed along with the work programmes required to effectively monitor the outcomes of the CRPS.

Language

Issue:

Environment Court decisions have highlighted the need to have clear and direct language if the CRPS is to have any legal effect. It is also noted that the change in legislation requiring regional and district plans to “give effect to” the CRPS appears to rest on the use of mandatory language. Therefore detailed drafting and choice of language will be of critical importance to the implementation and effectiveness of the CRPS.

Discussion:

None.

Recommendation:

- That the language be made clear and directive to ensure policies are effective.

Appendix 1. Overview of Intended Work Programme

The intended work programme will consist of several overlapping stages. These are outlined below. Further variations or changes may be added after notification of the reviewed CRPS but are not shown here.

Stage 0: Project Scoping Stage

Objective: To clarify and agree the issues, approach, timing and resources for the review.

Start: November 2005

Finish: December 2006

Key milestones:

July 2006: Release of Preliminary Scoping Report and associated material

October 2006: Finalisation of Scoping Report

December 2006: Approval of Triennial Agreement by local authorities

Principle parties: ECan with input and consultation from TAs and other stakeholders.

Stage 1: Settlement and Related Infrastructure

Stage 1a

Objective: To have approved for notification prior to local government elections in 2007, proposed Changes to the existing 1998 CRPS, incorporating a new chapter for the UDS and other necessary changes to other CRPS settlement and related policies.

Start: UDS already underway. Review of CRPS settlement and related policies to commence late October.

Finish: By Oct 2007.

Key milestones:

October 2006: UDS released for consultation

March 2007: Finalisation of UDS

September 2007: Approval for notification of Proposed CRPS changes

Principle parties: UDS team (for UDS component)
Environment Canterbury, TA, Transit

Stage 1b: There shall be an on-going process after notification to progress this Change through the first schedule process. The RMA states that the regional policy statement must be made operative within 2 years of being notified as proposed.

Stage 2: The RPS Review Proper

Objective: To have approved for notification a reviewed CRPS by July 2009.

Start: August 2006

Finish: July 2009

Key milestones:

August 2006:	Commencement of technical changes to all chapters
October 2006:	Commencement of report on climate change impacts for Canterbury Commencement of work on issues mapping, natural hazards, landscape, hazardous substances and solid waste. (Note: this will initially be combined with work on settlement and related policies such as transport and versatile soils.)
Various times:	Work on contaminated sites, energy, biodiversity, coast, air, water, wetlands and the beds of lakes & rivers, commences as other processes and available resources allow.
June 2009:	Notification of reviewed CRPS

Principle parties: ECan & TAs with other parties involved depending on the nature of the issue.

Stage 3: First Schedule Process

Objective: To have the reviewed CRPS made Operative.

Start: Jul 2009

Finish: Jul 2011

Key milestones: Too early to put dates on.

Principle parties: ECan

Appendix 2. Triennial Agreement

The Canterbury Triennial Agreement is outlined below, with an additional clause for the CRPS. This is proposed to comply with the consultation requirements for Regional Policy Statements as outlined in s.3A, Schedule 1 of the RMA.

Canterbury Local Authorities triennial agreement

1. PURPOSE

All local authorities within each region must enter into a triennial agreement containing protocols for communication and co-ordination amongst them during the period until the next triennial general election of members (Section 15, Local Government Act, 2002 – the Act).

This triennial agreement will seek to ensure appropriate levels of communication and co-ordination are maintained between the local authorities of the Canterbury region.

2 AGREEMENT

The parties:

Ashburton District Council
 Banks Peninsula District Council
 Canterbury Regional Council
 Christchurch City Council
 Hurunui District Council
 Kaikoura District Council
 Mackenzie District Council
 Selwyn District Council
 Timaru District Council
 Waimakariri District Council
 Waimate District Council
 Waitaki District Council

agree to work in good faith together for the good governance of their localities and the region.

As signatories to this agreement each local authority will ensure:

- early notification to affected local authorities party to his agreement through the distribution of draft documentation, of major policy initiatives or proposals which may have implications beyond the current geographic boundaries (or for constituent authorities) of the decision-making authority;
- opportunities for involvement by affected local authorities in the development of policies or plans that have inter-jurisdictional or cross boundary implications;
- the application of a “no surprises” policy whereby early notice will be given of potential disagreements between local authorities
- that where practicable, processes for engaging with communities and agencies in order to identify community outcomes, and prioritise these outcomes, are undertaken jointly or in a collaborative manner.

NEW REGIONAL COUNCIL ACTIVITIES

Section 15 (2) of the Local Government Act requires the inclusion in this agreement, the process for consultation on proposals for new regional council activities. The process to be followed is:

- Any new significant activity, as defined in Section 16 (1) of the Act, proposed by the Canterbury Regional Council, will be advised to the appropriate meeting of the Canterbury Mayoral Forum, in addition to any Section 16 (1) requirement.
- Any new activity proposed by the Canterbury Regional Council not considered to be significant will be advised to the appropriate territorial authorities in the Canterbury Region.

COMMUNICATION AND CO-ORDINATION

Co-ordination and communication in relation to this agreement will be primarily through, but not limited to, the Canterbury Mayoral Forum (the Forum). The Forum will meet three-monthly and operate in accordance with its agreed Charter of Purpose (attached).

The Forum will be supported by:

- Meetings of the Chief Executives within the region;
- Other regional and sub-regional forums as required;
- Meetings between staff as necessary.

AGREEMENT TO REVIEW

The parties to the triennial agreement may meet and agree to amendments to the agreement at the next available Forum meeting following a request from any one or more authorities party to this agreement in writing to the Secretary of the Forum, received at least two weeks prior to the meeting date.

This agreement will be placed on the Forum agenda at the final Forum prior to a triennial election to review, with the purpose of recommending changes (if any) to the incoming councils.

Other Agreements

This agreement does not prevent local authorities entering into other agreements amongst themselves or outside the region to facilitate their responsibilities. Any other such agreement should not be contrary to the purpose of this agreement.

[Regional Policy Statement Review

This Triennial Agreement will apply to any change, variation or review of the Canterbury Regional Policy Statement.]

Authority

This agreement is signed on this -----day of-----200[6] by the following on behalf of their respective authorities.

