



Submission
on

**A Joint
Christchurch City Council
and
Environment Canterbury**

**Planning and Consents Protocol
for
Surface Water Management**

from
Sustainable Otago Christchurch

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Executive Summary

1. Sustainable Otautahi Christchurch [SOC] congratulates Environment Canterbury and the Christchurch City Council for the development of a draft protocol for Surface Water Management.
2. SOC developed this submission through collaboration with members who have hands-on involvement in the processes covered by the protocol. This was refined by further distribution and comment of the draft from SOC members to produce this final submission.
3. The **aims of Sustainable Otautahi Christchurch** are:

Recognising Te Tiriti O Waitangi/The Treaty of Waitangi, to actively contribute within Otautahi/Christchurch to opportunities and means for achievement of long-term sustainability. In doing so, to seek to ensure that all people have their basic needs satisfied, so that they can live in dignity, in healthy communities, while having the minimum adverse impact on natural systems, now and in the future.

SOC's appreciation of the meaning and process of Strong Sustainability is outlined in Appendix 1.

4. A fundamental premise for our submission to the recent Urban Development Strategy is that Greater Christchurch's development is on an unsustainable pathway, and urgent action is required to turn this around. Capturing the vision of citizens for a more sustainable future will enable a change of direction from the present unsustainable path.
5. SOC is committed to ensuring **social, cultural, environmental and economic aspects** of future urban development in the Greater Christchurch area are all addressed. This submission therefore represents an effort to enhance the processes implied by the protocol in terms of administrative matters, while seeking to ensure that any impacts of the protocol on broad sustainability issues are subjected to appropriate public scrutiny and properly directed.
6. SOC strongly supports the Surface Water Management Protocol. We believe that the Protocol needs some refinement, and greater evidence of buy-in by officers of the authorities is anticipated. However overall we see the Protocol as a useful document that will lead to improved co-ordination in the sustainable management of the regional surface-water resource.



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Commentary on the Draft Protocol

Supporting the Protocol Concept

SOC considers that this joint approach with an Integrated Catchment Management focus is a real step forward for the city and eventually the wider Region. In an ideal world the Integrated Catchment Management Plans [ICMPs] and Area Plans would have been prepared prior to the current City Plan being prepared. We strongly support the approach being taken, and encourage the Councils to take an holistic view, and to understand the carrying capacities of our catchments.

In clause 3.2, the Auckland Regional Council statement presents a well-balanced objective that includes.

"... Human activities need to be managed so as to minimise the risk to public health and safety and disruption to our natural systems and native flora and fauna..."

SOC supports this statement as presenting a well-balanced basis for the management of water resources among wider sustainable human development needs.

In the third paragraph on page 25

The purpose of an ICMP is to say how a surface water catchment is to be managed and protected, and if possible enhanced, in the face of anticipated future development and land use change.

We would observe that - with scarce resources to apply to management and protection - the Protocol should strive for no more 'enhancement' than is necessary to preserve sustainable options for the future. With such a wide scope and virtually endless workload the creation and maintenance of ICMPs can be expected to consume a significant portion of the available resources. They must be spent wisely, with the programme of essential works taking precedence over enhancement, except in the worst cases.

The next paragraph.

"The ICMP will focus on more than just surface water,..."

states unequivocally that the consideration of water issues will provide "the foundation of good land use planning."

While supporting the Protocol process, SOC believes that when the complex structure of issues and considerations raised by the recent Urban Development Strategy proposal is considered, it must be apparent that Water issues form only a part (but never the less an important part) of such a foundation.



Methods for Achieving ICMP and Area Plans

SOC supports the approach, with the observation that the development of consent conditions must be within the context of viable methods to monitor and where needed to remedy or mitigate any subsequent non-compliance. Already ECan water consents include monitoring conditions that are not able to be implemented using existing installed technology.

For example a common condition requires monitoring of a waterway "...within 72 hours of a rainfall event of not less than 30 minutes duration." While it may be possible to notice (by chance) such a rainfall event, there is no technology currently installed in Christchurch that gives a consent holder the necessary notice of such an event. Such conditions are not viable, and the anticipated environmental outcomes cannot be monitored, let alone guaranteed.

This performance leads to a real risk of degraded water quality from new developments. Such systematic deficiencies can only be remedied by post-development expenditure - usually by the territorial authority that has taken over the consent.

Relates to: Clause 3.4.6 The Methods of Achieving the ICMP and an Associated Area Plan.

Regarding Pre-emption of Resource Management Act Process

The final paragraph in Clause 1.2 notes that

"...The Protocol acts as a precursor of the requirements contained in the PNRRP..."

It is understandable and sensible that the Protocol is a viable system that is consistent with other operative Plans and Rules. It is important however that the Protocol does not attempt to impose Policies or Rules on the community that have not been properly exposed to public scrutiny and if necessary legal challenge.

The processes defined by the Resource Management Act [RMA] represents a well established 'protocol' for developing and administering important rules relating to the way Christchurch functions. While the Rules of the Proposed Regional Plan [PRP] and the Proposed Natural Resources Regional Plan [PNRRP] may have merit, these rules have not completed their passage through the RMA processes. Until they have it would be inappropriate to use this Stormwater Management Protocol as a method of prematurely imposing these Policies and Rules on either the environment or on the ongoing development of the Christchurch urban area.

In saying this we are not suggesting that the proposed Policies and Rules in the PRP and the PNRRP are inappropriate, or that they would not lead to better outcomes. We are simply expressing a concern that until these Policies and Rules have completed their



passage through the RMA processes, the Storm Water Management Protocol should not attempt to impose these on the city prematurely.

The RMA processes ensure that the full width of urban development environment considerations are properly canvassed and concluded prior to implementation. While we appreciate this opportunity to comment on the Protocol, we do not discern any rights of review, or judicial appeal in the Protocol development process.

SOC has some concern that the plans identified in this protocol (such as ICMPs and Area Plans) may not be subjected to sufficient community scrutiny and due diligence. These will become 'strong' documents, but not necessarily 'correct' in terms of wider sustainability views.

Relates to: Protocol Generally, Clause 1.3 and Appendix 2

Figure 1.1 figure shows a swath of what are termed as City-wide Strategies. Linkages are shown drawing from the Regional Policy Statement, then 'feeding' both the Christchurch City Plan and the Surface Water Planning Process Protocol.

It is essential that the RMA hierarchy of priority in the establishment of important community Policies and Rules is preserved. To this end the links should be redrawn to show two loops extending from each of the Regional Plans and the City Plan boxes through the City-wide Strategies and back into the Regional and City Plans.

Relates to Figure 1.1

Clause 2.3.2, Principle 4 states that the Protocol will mirror the requirements of the PNRRP '...prior to the PNRRP becoming operative.' (our emphasis). As we have noted above, we are concerned that this represents a usurpation of the RMA process. We are most concerned that the processes involved in bringing the NRRP to an operative condition may lead to significant changes in emphasis towards developing a more sustainable society. It is not possible at this stage to define what changes this may entail to the development or protection of social and natural resources. Thus we see the adoption of the PNRRP's requirements in an un-contestable document as inappropriate, and possibly leading to the loss of sustainable development and environmental options in the interim.

Relates to: Clause 2.3.2, Principle 4

Clause 2.4.2 states:

Agreed Practice:

Actions taken under the governance of this Protocol shall as far as possible reflect the rules and related policies of the PNRRP (in accordance with Principle 5 of this protocol). (Our emphasis)



As discussed above (re clause 2.3.2 and elsewhere) regarding the relationship between this protocol and the PNRRP, we do not see that there should be any flexibility allowed in the Protocol's compliance with the Operative NRRP.

If such looseness is to be tolerated, then the Protocol is simply creating a further layer of law-making outside both the Resource Management Act and Local Government Act processes. While the protocol is presented as a means of facilitating these processes, it frequently presents as having an ad-hoc rule-making capability in its own right. This is inappropriate, and possibly illegal. The Protocol must confine itself to creating enabling processes to support the Management of Surface water - recognising only legally Operative (including Transitional) planning documents.

Relates to: Clause 2.4.2.

Process

SOC believes that the Draft Protocol requires a further refinement process once Christchurch City Council and Environment Canterbury have approved in principle

Submissions on the current draft have been invited at a stage where both the administering agencies do not appear to have taken ownership of the document. This is evidenced by the lack of any introductory comments from either agency in the document itself and from the position and lack of attendance by ECan staff at the recent public meeting. It also appears that staff input to the draft may not be complete.

We see it as important that these agencies take the information gained through the current submission process into consideration in arriving at their positions, but the process as outlined prevents the public from commenting on the positions (with full staff input) of each agency in their fully "owned" draft. Therefore it is seen as essential, in the interests of achieving the best outcome and in conducting a transparent process, that the finalised CCC (with Banks Peninsula District Council?) and ECan owned draft is subject to a further submission process.

We have genuine concern that this process is going to be officer-driven, without adequate community involvement or buy-in.

Broader Social View required to permit full examination of options for develop Sustainable Christchurch

The supporting objectives are strongly focussed on surface water management to the exclusion of wider social and urban form views.

The objectives include:

"* To ensure that investments in water quality and quantity controls are targeted to ensure the best returns for the environment."



We would see it as important that the "environment" is seen to include the society of people that it contains. Regardless of the desire to sustain and promote general environmental qualities, there may be wider urban development objectives that require some compromise to facilitate wider desirable social outcomes. At the end of the day we see that the Council's must support Sustainable Living by People as well as environmental protection.

Relates to Clause 1.3 Objectives

In the second paragraph in Clause 1.4.2 under Rezoning Process:

...The risk is that land, inappropriate for development because of surface water management issues, could be developed without adequate assessment and a discharge permit obtained later as a mere formality.

The Protocol needs to provide a more balanced view that includes the possibility that land 'inappropriate for development because of surface water management issues..' may possibly be appropriate for development when viewed from a city or regional-wide vantage point. The protocol should at least ensure decisions will be made with better information and understanding than at present.

The protocol should not become a law of its own. This effect will be prevented by ensuring that any Policy or Rule in the Protocol conforms to the content of Transitional and Operative Regional and District Plans, not with Proposed ones.

Relates to Clause 1.4.2 The Current Planning and Consents Process

Protocol's Purpose.

The document states (1.2, second last para.p.2).

"The purpose of this protocol is to clarify the roles and facilitate the relationships required to achieve integrated land and water management"

We wonder - how successfully does it actually achieve this?

We feel that the draft protocol may succeed at the "higher level" by providing useful and important background and references for politicians, managers etc on the proposed NRRP and City Plan - and this is an important function that should not be underestimated.

However, the protocol is disappointing - and may not yet be adequate - because it does not yet provide the useful interim guidance on how to address the more immediate and practical issues currently being faced, given that the ICMPs are not going to be in place in the immediate future.



For example some subdivision consents in Banks Peninsula may be processed and approved under the BPDP without triggering a referral to ECan. But these activities could have significant impacts through stormwater disposal and construction methods on receiving waters and their biota. Similar issues could arise with some hills subdivisions in Christchurch City.

So, will these more operational issues be addressed in the Protocol, or in a separate document?

Relates to: Clause 1.2

Monitoring

This paragraph identifies that the monitoring required by the PNRRP is a 'Major issue' for the Protocol. We support this view, and anticipate that the monitoring requirements of the Operative NRRP will be appropriately incorporated into the Protocol (whether they are more or less onerous than those in the PNRRP). But in the mean time the Protocol has to include monitoring requirements that reflect the present legal status of the NRRP and the Transitional Regional Plan.

Relates to Page 6 - Monitoring. Last paragraph.

Coverage of Protocol - Other Territorial Local Authorities

We anticipate that the Protocol will create a model that will be adopted by all other TLA's involved in the Greater Christchurch Urban Development Strategy processes.

We note that this is a Ecan/CCC protocol - but this may soon need to include Banks Peninsula as part of Christchurch City.

Fifteen days after the closing date for submissions on the protocol we will know the outcome of the current Banks Peninsula Abolition Poll and whether the City will be enlarged. The Lyttelton Harbour Issues Group signalled the need for improved co-operation between Banks Peninsula District Council and ECan to address current issues (especially subdivision but also others) in its area some years ago. The group has been told it will be involved in developing suitable protocols and then, more latterly, that the work being done by CCC/ECan on this Protocol will be adopted or used as a model in this process.

It may be pertinent at this stage to note that while some of the ECan/CCC issues are relevant to Banks Peninsula, many are different - due to different administrative resource issues, plans etc as well as the natural resource and biodiversity issues

Relates to: Clause 1.5 Other Related Legislation, Plans and Strategies.



Pre application advice

The co-ordination of pre-application advice and the handling of Requests for Further Information must be transparent and consistent across all areas and all development proposal formats and styles.

Relates to: Principle 6: Compliance with rule WQL7 of the PNRRP.

Sequence of ICMP Development

This is a prioritised list of integrated Catchment Management Plans. We urge that those areas that present the highest threats to potable water supplies for human consumption be placed at the top of the ranking for attention. We do not dispute the need to protect the aquatic environmental qualities of the waterways of the urban area. However the scarcity of resources to apply to preparing these ICMPs must lead us to looking after the **health and well being of the people of the district** as a priority for funding and action. Experience elsewhere with the development of plans similar in nature to the proposed ICMPs confirms the difficulties and lengthy timeframes that can be reasonably anticipated in arriving at conclusions. Drinking water quality must come first.

Relates to: Table 2.1 (Page 15)

Flexibility

With the anticipated climate-change relating to the Canterbury Plains is considered, some flexibility in a number of standards should be also factored into the baseline information.

For example, aquifer recharge and supplementation of surface water flows of may lead to alterations in sustainable water quality standards. Likewise the anticipated reduced frequency and increased intensity of rainfall events is likely to lead to lowering quality of first-flush flows. While the annualised quality may be similar, the instantaneous quality may be significantly lower than can be expected at present.

Relates to: Clause 3.4.2 Page 27

Environment must include Human Society and its People

Area Planning needs to be not just about a Sustainable Environment as a picture viewed in isolation, but rather about creating and maintaining an environment within which people may live in balance with the environment in a strongly sustainable manner.

The Green-Print concept seems to place a limited sub-set of 'sustainability' and 'environment' as a non-negotiable choke-stone into the wider process. This approach prematurely limits options for wide sustainability outcomes.



The implications of such an approach are not clearly identified, and without community understanding of the process, the Green Print approach could become marginalised.

Relates to: Protocol Generally and Appendix 2

Six Values

To promote viable community responses to waterway management, the CCC Six Values must be pre-conditioned by a primary value, viz.:-

The Health and Wellbeing of the People of the District.

Relates to: Appendix 2 Other Related Legislation, Plans and Strategies Clause 1.6.1 CCC Six Values

Consultation

SOC is vitally concerned that any outcomes from the preparation of ICMPs are the result of consensus planning. It is essential that the entire affected community is seen as a stakeholder in the preparation of the plan, and in the ongoing achievement of the social and environmental outcomes the plan anticipates.

We understand that ECan has developed a robust model for community participation in complex resource allocation issues with the work done on water allocation areas. SOC believes that with similar levels of sensitive education and promotion the citizens of urban areas can be helped to understand that they too enjoy finite resources. If genuine progress is to be made towards developing a sustainable city, then these urban natural resources (including water) will require careful husbanding. With strong community buy-in to the ICMPs and their surrounding Area and District Plans the likelihood of successful outcomes is significantly enhanced.

Relates to: Clause 3.4.8 Consultation Requirements

Joint hearings

Sustainable Otautahi Christchurch strongly supports the use of joint hearings for all urban development matters (including surface water). Such hearings should be conducted by appropriately experienced and qualified commissioners and/or Councillors.

Relates to: Clause 2.2.1 Introduction

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SOC Appendix 1

Sustainability Context

A description of sustainability SOC uses is:

1) **Living within resource limits** - avoid 'hitting the wall' when demand outstrips supply, (e.g. of fresh water, fuels) or of an ecosystem's ability to process our wastes (toxic accumulation in estuary, groundwater, air, etc). The long term target would be zero waste production and also restoration of ecosystems. Carbon emissions would be reduced to about 40% of present level.

This would reduce our ecological footprint - require use of less land space, water, local and distant natural resources. This includes but is much more than 'eco-efficiency', as it is about the total impact of the city not just smaller 'per person' impacts. To help achieve this the Precautionary Principle may usefully apply, as some natural system impacts may be irreversible once thresholds are passed, such as species extinctions, salt-water intrusion to groundwater, or soil erosion. Another aspect is full-cost environmental accounting or other ways to include 'public externalities' in new projects and policy-making.

2) **Maintain valued quality of life**, for future generations (as well as the means of survival), i.e. inter-generational equity. An equitable society has cohesion, builds 'social capital', has capacity to cope when under stress (e.g. if disaster such as flood, earthquake or epidemic hits) and values wisdom as well as being smart.

3) **Achieve economic viability** within the context of an acceptable society, which itself exists within ecological constraints (= strong sustainability, not a trade-off process between the three, which has typically been environmental or social losses, for economic gains, going mostly to the proponents of development. If you draw a diagram of 'strong sustainability' it is three concentric circles like a target, not three slightly-overlapping circles like ears on a face.)

Australian Professor Ian Lowe seeks a 'Humane, Eco-centric Approach, on a Long Time Horizon, Informed, Efficient and Resourced for a managed transition (the useful acronym = HEALTHIER).

Weak sustainability (the basis of most current environmental policy in NZ) works on the assumption that science and technology will resolve any problems that we create and enable us to overcome resource shortages and provide ecological services. From this viewpoint, the Economy is the primary sector of interest, and other sectors (Society, Environment) are dependent upon it.



A strong sustainability model, on the other hand, is based on physics and sustainability science and makes it clear that there are real and unavoidable limits to the substitutability of resources that cannot be overcome. A strong sustainability model does not rely on science and technology alone to resolve unsustainable practices. It accepts that there are limits to resources and wants to furnish the future with a richer inheritance rather than the need to clean up after us.

From a strong sustainability perspective, the economy is a subset of society, and that in turn is totally dependent upon its surrounding environment. Technological fixes such as pollution control and eco-efficiency sometimes remedy conditions in the short term and give the impression that the constraints are being overcome. However they do not address the fact that we are seriously depleting the resources needed for life on earth.

Transition to a sustainable Greater Christchurch will take determined visioning, planning and laborious changes in attitude and behaviour. Most of all, however, it would mean a change away from the current dominant world view (short-term, linear, consumerist, utilitarian) and set of ethical principles we now use in planning. Critically, it requires systems thinking on complex problems. Such a change is critical, towards a state where sustainability, not population growth, economic growth or infrastructure development, is the key driver. Sustainability needs to be the goal, regardless of current or future population growth.

Different measurements (such as Genuine Progress Indicators) will need to be applied in tracking the success of development than just simply looking at GDP or economic growth. The challenge is to create an ecologically viable and sustainable society existing within increasingly severe economical constraints.

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