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by Felicity Boyd

# Lincoln Planning Review





New Zealand's specialist land-based university

Lincoln Planning Review is prepared by Lincoln University students with staff assistance and the views expressed in this publication are those of the individual writers. While Lincoln University may or may not agree with the views expressed, the University is proud to support the work being done by LPR to raise, discuss and debate important planning issues.

# Lincoln Planning Review

Volume 2, Issue 1

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## Lincoln Planning Review

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Lincoln Planning Review is the journal of the Lincoln University Planning Association (LUPA) and is an online publication produced twice each year and primarily edited by students. It is also a Land Environment and People Research Centre outreach publication and operates through the Environmental Management and Planning Research Theme.

The ambitious vision is “to be the pre-eminent source of information on planning issues, research and education in and affecting the Central and upper South Island”.

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Front cover:  
‘Water drop’ by Neil Dawson  
photo: Suzanne Blyth

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## One year on...and a new name!

You may have noticed that the name of our journal has changed from Lincoln University Planning Review to Lincoln Planning Review. This is not a misprint, but reflects a requirement from the marketing office of Lincoln University to ensure that its new branding is applied to all publications of the University. The word "University" is reserved for official publications of the University which must strictly comply with the "brand". This is to ensure that anyone picking up a publication will be able to tell immediately whether or not the publication is an "official" publication. In other words, that there should be no confusion of unofficial with official.

The editorial board did not want an academic journal to become confused with marketing brochures and wished to retain control over layout, design, and content. We have therefore followed the example set by Harvard Law Review and, more locally, The Canterbury Law Review and Lincoln Ventures Limited and dropped "University" from our title, while retaining Lincoln. Such geographic place-name branding is common and it saves on print and typing, which has to be good for the planet and our health.

The renaming issue is just one of many challenges that the students involved in the journal have faced over the first year. Skills have been honed in administrative processes, registering and obtaining an ISSN, copyright, establishing peer review processes, finding content, developing processes for peer review, proof reading and publishing. They have documented and archived the work and have written policies and processes to ensure each new editorial team is not starting from scratch.

And the journal has been successful – our readers' feedback has been unanimously positive. At the official launch of LUPR in September 2009 I was able to report that the first volume had been circulated directly to at least 120 email addresses, it is distributed to school career advisors by the University marketing office, and the actual readership was probably closer to 500 throughout the world. Twenty-five staff and students have contributed in editorial/production or writing roles, and a further eight "outsiders" had also contributed. About sixty percent of articles submitted were published.

It is hard voluntary work, but I am confident the dedicated people involved will always look back on volume one with pride. Their future employers will benefit from the professional skills and experience developed through LUPR. Long may LPR (formerly LUPR) live!



Hamish G. Rennie, Editor-in-Chief (and a staff member to Lincoln University)

## Editorial

Welcome to Volume 2 Issue 1 of the Lincoln Planning Review (LPR). As we enter our second year we also enter a new phase in our development, and with this we introduce some changes to our style and content. We are also pleased to welcome several new members to our editorial team, extending the range of skills and experience of the group.

You will notice that the appearance of LPR has undergone a complete overhaul since its days as LUPR; this is thanks to the hard work of production team who have put many long hours over the past few weeks. There are also new sections in this issue: peer reviewed articles; staff planning-relevant research publications; and student book reviews.

While all articles go through a quality assurance process, we are particularly pleased to include our first blind peer reviewed article: *A new start for fresh water: allocation and property rights* by Rob Makgill. A particular thanks goes to the peer reviewers and to all those involved in getting the articles ready for publication. In future issues of LPR we hope to not only publish more peer reviewed articles, but also include regular contributions from Rob, who is a lawyer specialising in environmental law.

To complement the list of recently completed student theses and dissertations included in Volume 1 Issue 2, this issue introduces a section on recent staff research publications from the Faculty of Environment, Society and Design at Lincoln University. One of our objectives is to provide a platform for Lincoln University planning students. In line with this we are including a number of different student-written articles on very diverse subjects, by the undergraduate students of SOCI 314 and the postgraduate Master of Environmental Policy students. New for this issue are student book reviews, also from the students of the 2009 SOCI 314 class.

This is a dense issue with a large variety of topics covered, but we feel that this diversity perfectly illustrates the nature of planning. The articles included reflect the various types of planning: from issues faced by the New Zealand Defence Force to the controversy that surrounds small owner-operated brothels. The many degrees of formality involved in planning are also represented. At one end of the spectrum we have articles written by professional planners such as Robert Woods who work for a statutory agency; at the other, an article by Golda Varona who works for a community group that aims to promote sustainable practices via non-statutory means.

You may have noticed an increase in the size of this issue compared to previous issues, a point that we acknowledge. A huge plus of being an online publication is the flexibility it brings, and we have therefore been able to accommodate this change relatively easily. The reason for the increase is not only the number and diversity of contributions, but also that we have relaxed our criteria on length and referencing style for some of the articles. In particular, we felt that Rob Makgill's extremely topical look at water justified a longer article and different style of referencing. Similarly, the Rennie and Lomax article on Water Players and Programmes needed extra length to cover the complex web of actors and organisations involved in water



management in Selwyn and Christchurch.

Lincoln Planning Review is a new endeavour and will continue to evolve issue by issue; we will attempt to maintain the flexibility that has allowed us to include such interesting and useful contributions. We would also like to hear from you, our readers. Please don't hesitate to send your thoughts and comments to us as we are keen to make this a two way interaction. All comments are welcome, be they on the layout, size, or the contents of the Review. Alternatively you may have a question for the Planning Pains section (see page 42), or wish to submit an article. Finally, if you have recently joined our mailing list, we would also like to welcome you on board.

Sarah Edwards, Suzanne Blyth, Adrienne Lomax

*Suzanne and Adrienne are in the final semester of the Master of Environmental Policy degree and Sarah is writing a thesis for the Master of Resource Studies.*

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## LEaP

### Susanne Becken\*

Congratulations to the LPR team.



The Land Environment and People (LEaP) Research Centre at Lincoln University was established in 2008 and has attracted much interest. It is a highly interdisciplinary and integrative research centre that links different aspects of sustainability within Lincoln and with partners outside Lincoln within New Zealand and internationally.

Creating and sharing knowledge is one of the cornerstones of LEaP's mission and that is why I am excited about the early success of the Lincoln Planning Review (LPR). This publication provides interesting, up-to-date information on relevant issues, as well as the latest news about events at Lincoln University. While it is 'at home' in the Environmental Management and Planning theme of LEaP, it is also of interest to other themes and their audiences, for example recreational planners, landscape architects and environmental advocates.

I wish to congratulate the team of LPR on their good effort and their contribution to LEaP and Lincoln University and I wish them all the best for the future. We are all looking forward to future editions of LPR.

*\* Susanne Becken is the Director of the Land Environment and People Research Centre (LEaP) at Lincoln University.*

## Lincoln University Planning Association Update

Like any organisation, Lincoln University Planning Association (LUPA) is a product of the people who belong and contribute to it. With such a flurry of activity in the first semester (see LUPR Vol1(2) for details), the second semester of 2009 was a little more low-key, with many people head-down in study and assignments.

Fortunately, despite heavy workloads, this period was not completely devoid of activity. We were able to gain support for a gathering and formally celebrate the launch of Lincoln University Planning Review (now renamed Lincoln Planning Review), the Journal of LUPA. It was fantastic to acknowledge the hard work and success of those who had contributed to, edited and produced the publication. Special thanks go to the Land Environment and People research centre (LEaP) and the Faculty of Environment, Society and Design of Lincoln University for funding this event.



Photo: LUPR Editorial Team 2009

Back row: Bailey Peryman, Hamish Rennie, Sarah Edwards, Nick Williams

Front row: Abby Hamilton, Kelly Fisher, Adrienne Lomax, Suzanne Blyth, Genevieve Hilliard

As we begin the new academic year we are welcoming back our existing members and recruiting new students with an interest in the planning profession. We look forward to 2010 and hope to continue to successfully promote the planning profession and establish new relationships within the planning community.

Abbie Bull  
Chairperson  
LUPA

*\* Abbie has recently returned to studying full time for her final year of the Master of Environmental Policy degree.*

## A New Start for Fresh Water: Allocation and Property Rights

Robert Makgill\*

### INTRODUCTION

Water is used for a number of competing activities in New Zealand, which contribute to economic, social and cultural well-being. Yet demand for use has grown to the point where it is expected that “the majority of the catchments that support New Zealand’s main population centres and agricultural production ... [will] be fully allocated by 2012”<sup>1</sup>

Hydroelectric generation followed by irrigation are by far the largest users of water in New Zealand.<sup>2</sup> Hydro is considered to be a non-consumptive use because the water re-enters the river system down stream. Irrigation is considered to be a consumptive use because the water does not re-enter a water body. Water allocated for irrigation has been estimated to be as much as 77 percent of water allocated for consumptive uses.<sup>3</sup>

Competition for allocation is fierce and often litigious. The main competition not surprisingly occurs between hydroelectric power schemes and irrigation, or between irrigators themselves. This has been in evidence on the Waitaki River where Meridian Energy Limited’s Project Aqua hydroelectricity application and numerous irrigation applications prompted a Ministerial call-in, which was followed by special legislation requiring the promulgation of a water allocation plan.<sup>4</sup>

Meridian subsequently shelved Project Aqua and lodged new applications to take up to 260 cumecs of water for the North Bank Tunnel Project. This proposal was recently granted provisional consent by the Environment Court.<sup>5</sup> Meanwhile, decisions on some 160 irrigation related applications in the lower and upper Waitaki River have yet to be made.

This is a source of contention amongst those irrigators whose applications predate the North Bank Tunnel Project. These applicants point to a priority decision made by Canterbury Regional Council in 2007 confirming that many of the irrigation

applications had priority over Meridian’s North Bank Tunnel project.<sup>6</sup>

Yet it is argued in some quarters that the national importance of securing renewable electricity supplies outweighs the economic and social value of further irrigation. According to this argument even though irrigation applications may have priority they do not represent the most valued use of the water resource to society.

This is the basis of the present government’s approach to water allocation under its New Start for Fresh Water (NSFW) strategy, which was initiated in June 2009. That is, faced with a growing scarcity of supply, water should be allocated to its most valued use.

The degree to which permit holders exercise property rights over water may also assist “most valued use” outcomes. Research undertaken by various government departments has indicated that providing water permit holders with rights to put their allocation to another use, or sell an interest in their allocation, would enable water to be put to more valuable uses as new opportunities present themselves. In response, another policy direction promoted by the government, under the NSFW, is to increase the flexibility and transferability of water permits.

The purpose of this article is to consider water allocation and property rights as presently governed under the Resource Management Act 1991 (RMA), canvass the key problems associated with the present regime and then discuss the manner in which these problems might be addressed in Phase Two of the amendments to the RMA.

### WATER ALLOCATION UNDER THE RMA

Regional councils (and unitary authorities) have the power to establish rules in regional plans to allocate the taking and use of water under the RMA.<sup>7</sup> Generally, regional plans allocate water by establishing minimum flows and the maximum amount of water that can be taken from the water body.<sup>8</sup>

<sup>1</sup> Bright, J; Rout, R and Rouse, H. Sustainable Freshwater Management – Towards an Improved New Zealand Approach (August 2008), Report prepared for the New Zealand Business Council for Sustainable Development, at pages 1 to 2.

<sup>2</sup> Ministry for the Environment: Water Programme of Action – Water Allocation and use, Technical Working Paper, June 2004, at page 4.

<sup>3</sup> Ministry for the Environment: Information on water allocation in New Zealand, report prepared by Lincoln Environmental for the Ministry for the Environment, April 2000, at page 8.

<sup>4</sup> Resource Management (Waitaki Catchment) Amendment Act 2004.

<sup>5</sup> Lower Waitaki River Management Society Incorporated v Canterbury Regional Council, unreported, Environment Court, (C80/2009).

<sup>6</sup> Decision of Commissioner Skelton on Waitaki Catchment Priority Issues, dated 8 April 2008. It is noted that irrigation and hydroelectric generation should not be in competition for water allocation in the Waitaki River as Rule 6 of the Waitaki Catchment Water Allocation Regional Plan makes separate allocation for these activities. However, Rule 6 allocates hydroelectricity generation all water not allocated to other activities, except for water required to maintain minimum environmental flows. During the priority hearing irrigators essentially argued that the large volume of water sought by Meridian would render their applications for water allocated to irrigation under Rule 6 in breach of minimum environmental flows. In essence irrigators claimed that determining the NBTC application first was putting the horse before the cart.

<sup>7</sup> RMA, s 30(1)(fa).

Councils may also establish rules that allocate water among different types of activities.<sup>9</sup> For example, the Waitaki Catchment Water Allocation Regional Plan makes separate annual allocations for a number of different activities including town supply, agriculture and hydro-electricity generation.<sup>10</sup>

In cases where regional plans establish minimum flows and maximum takes, water permits are generally granted subject to conditions that require the maintenance of water flows in the water body, a limit on the volume of water that can be abstracted and relative priority amongst permits holders when there is insufficient water for all to take their full allocation.<sup>11</sup>

### First-in, first-served

While the power to establish rules in plans enables regional councils to regulate flows and volumes, these rules generally do not regulate how water is to be allocated between applicants competing for access to the same resource. Rules that regulate allocation between different types of activities are an exception.<sup>12</sup> However, even where these rules are present different activities may still find themselves in competition.<sup>13</sup> Moreover, these rules clearly do not assist where there is competition between the same types of activities.<sup>14</sup>

Allocation between competing applications for the same resource is presently determined by the first-in first-served rule established in the Court of Appeal's decision in *Fleetwing Farms Ltd v Marlborough District Council*.<sup>15</sup> This case involved two applications for coastal permits to establish mussel farms in the same area of water. Granting consent for one proposal would necessarily exclude the other.

The Court of Appeal found that the consent authority was required to decide each application on its merits "without regard" to any competing application. The Court stated that if the sustainable management purpose of the RMA is satisfied in a particular case:<sup>16</sup>

<sup>8</sup> For an example of minimum flow and maximum take rules refer to Rules 2 and 6 of the Waitaki Catchment Water Allocation Regional Plan.

<sup>9</sup> RMA, s 30(4)(e).

<sup>10</sup> Waitaki Catchment Water Allocation Regional Plan, Rule 6, table 5: Annual allocations to activities.

<sup>11</sup> Priority conditions usually specify different bands of water flows between which consent holders will be able to take water. For example, A band consent holders will be able to take water at a lower flow than B band consent holders.

<sup>12</sup> For example, see the Waitaki Catchment Water Allocation Regional Plan, *Supra*, footnote 9.

<sup>13</sup> *Supra*, footnote 6.

<sup>14</sup> For example, where there is competition between irrigators, as opposed to competition between hydroelectric generation and irrigation.

<sup>15</sup> [1997] 3 NZLR 257 (CA).

<sup>16</sup> [1997] 3 NZLR 257 at 264 per Richardson P (CA).

... there is nothing in the Act to warrant refusing an application on the ground that another applicant would or might meet a higher standard than the Act specifies ... if another application remains undecided, that does not justify comparing one against the other and failing to give a timely decision on the first application on its merits without regard to the other.

Rather, the Court of Appeal held that "where there are competing applications in respect of the same resource before the council, the council must recognize the priority in time."<sup>17</sup> The Court ventured that "receipt and/or notification" of an application by the consent authority appeared to be the "critical time" for determining priority between competing applications, but preferred not to make a conclusive ruling in the absence of extended argument.<sup>18</sup>

The Court of Appeal was required to return to the issue of priority between competing applications in *Central Plains Water Trust v Ngai Tahu Properties Ltd*.<sup>19</sup> In this case Central Plains had applied for a "water take", but processing of the application was deferred by the regional council pending applications for additional "water use" consents required for the proposal.<sup>20</sup> Some four years later Ngai Tahu applied for consent to take a smaller volume of water from the same river. This application was also deferred pending the receipt of additional applications. Ngai Tahu's applications for the additional consents were lodged three months prior to Central Plains' applications for additional water use consents.

The Court of Appeal was required to determine which application should have priority. Ngai Tahu argued that it should be accorded priority because it had been first to lodge all the additional consents, which meant that its application was first ready for notification. Central Plains pointed out that the consent authority had confirmed that its water take application was sufficient to be notifiable, and this had not been contested. Central Plains argued that receipt by the council of the water take application was the more appropriate test for priority.

The Environment Court and High Court had ruled in favour of Ngai Tahu citing *Geotherm Group Limited v Waikato Regional Council*<sup>21</sup>, an earlier the High Court decision that held that the point at which an application became notifiable established priority. The minority decision of the Court of Appeal concurred with this approach reasoning that councils and the public ought to have the benefit of all relevant information before such applications go to hearing.<sup>22</sup> However, the majority reversed the decisions of the lower courts.<sup>23</sup> Looking to the statutory pur-

<sup>17</sup> [1997] 3 NZLR 257 at 267 per Richardson P (CA).

<sup>18</sup> [1997] 3 NZLR 257 at 268 per Richardson P (CA).

<sup>19</sup> (2008) 14 ELRNZ 61 (CA).

<sup>20</sup> Pursuant to s 91 of the RMA.

<sup>21</sup> [2004] NZRMA 1 per Salmon J (HC).

<sup>22</sup> (2008) 14 ELRNZ 61 at 104 per Robertson J (CA).

<sup>23</sup> Baragwanath J and Hamond J.



pose of the RMA the majority determined that priority between applications should be decided in a way that achieves sustainable management:<sup>24</sup>

[59] There is an obvious public interest that the law should not frustrate a proposed development in the course of undergoing the statutory processes. At least where the whole resource being sought is the subject of an application, there should be no risk of a major development being trumped or significantly interfered with by later, smaller, simpler inconsistent proposals that are able to be made comprehensively without needing to be processed in stages.

The majority went on to find that this was not a case where an insubstantial application should be brushed aside in favour of a later more comprehensive application.<sup>25</sup> Bearing these matters in mind the majority decided that a large application to take water, although requiring subsequent use applications, takes priority over a smaller application filed later in time albeit complete in itself.<sup>26</sup> Some commentators have observed that, in practical terms, the majority decision means that the initial step of lodging an application to take water (even without the accompanying use applications) may well be sufficient to secure priority over another application which relates to the same resource.<sup>27</sup>

### The arbitrariness of first-in, first-served

The Court of Appeal's decision in *Central Plains* has been described as an attempt to provide "a neat and tidy response" to the practical question as to which application should have priority when consent authorities are required to decide competing applications regarding access to freshwater resources.<sup>28</sup> However, both the majority and minority decisions have been criticised for the level of arbitrariness involved in picking winners based on a particular conception of first-in first-served.<sup>29</sup> To be fair this is not actually a criticism of the Court of Appeal's decisions, but rather the priority rule itself upon which the Court heard extensive argument from both parties. The limitations of the priority rule are indeed referred to in the majority decision:<sup>30</sup>

[91] The differences in point of view which have emerged may well be thought to be a salutary reminder of the difficulties which can be created by an unduly doctrinaire approach to a problem which is highly contextual, and which may require a more nuanced yardstick. Indeed the problem is one which may be thought to require rethinking, in a more fundamental way.

<sup>24</sup> (2008) 14 ELRNZ 61 at 79 per Baragwanath J (CA).

<sup>25</sup> (2008) 14 ELRNZ 61 at 81 per Baragwanath J (CA).

<sup>26</sup> (2008) 14 ELRNZ 61 at 85 to 86 per Baragwanath J (CA).

<sup>27</sup> Crawford, J and Moynihan, R. *Fleetwing Revisited*, August 2009 RMJ at page 11.

<sup>28</sup> Whata, C and Minhinnick, D. *The Issue of Priority Re-emerges*, August 2008 RMJ at page 11.

<sup>29</sup> Whata, C and Minhinnick, D. *The Issue of Priority Re-emerges*, August 2008 RMJ at pages 11 to 12.

<sup>30</sup> (2008) 14 ELRNZ 61 at 88 per Hamond J (CA).

[92] This is not the place to undertake that task. And we do not have a distinct proposition, let alone argument on it, in front of us. I would however observe that what is essentially a "bureaucratic" solution to the problem is problematic ...

To put it another way, the present priority rule employs procedure to make substantive decisions about who gets access to allocation of water resources and who does not. However, the purpose of procedural law is to provide the means by which substantive law is administered. While procedure is a good way to maintain administrative order, it wholly fails to provide a satisfactory basis upon which to answer substantive questions of law which involve value based decisions. Despite stating that this decision was not the place to rethink the priority rule, the Court of Appeal felt compelled to go on and observe that:<sup>31</sup>

[97] My short point is that this priority issue is one which it may be thought will unlikely be solved by a simplistic bureaucratic yardstick such as "first in, first served".

Judicial disquiet about the first-in first-served rule was given further voice when the Court of Appeal's decision was appealed to the Supreme Court in *Ngai Tahu Properties Ltd v Central Plains Water Trust*.<sup>32</sup> Here the Supreme Court ruled that it was not bound by the decisions of the lower courts in *Fleetwing Farms Ltd* and *Geotherm Group Ltd*. On this basis it indicated a wish to hear argument on "whether priority should be decided by a rule or through the exercise by consent authorities of a discretion and, if the latter, on what principles should the discretion be exercised." Argument on these points was never put to the Court because the principal parties reached agreement on the matters subject to the proceedings.<sup>33</sup> Nevertheless, the Supreme Court's decision reflects a judicial unease in using procedure to determine substantive matters.

One commentator has described the current dilemma as resulting from the fact that while there are "traffic" rules under the RMA to determine the order in which applications should be considered based on "receipt and/or notification", there are no substantive rules under the RMA to determine the basis on which competing applications should be decided.<sup>34</sup> In Californian statute this is solved by making provision for a public interest approach where priority is based on substantive criteria such as the benefit to the applicant, economic effect of the activity, opportunity cost and ability of the applicant to complete the project.<sup>35</sup>

<sup>31</sup> (2008) 14 ELRNZ 61 at 89 per Hamond J (CA).

<sup>32</sup> [2009] NZSC 24.

<sup>33</sup> Crawford, J and Moynihan, R. *Fleetwing Revisited*, August 2009 RMJ at page 12.

<sup>34</sup> Daya-Winterbottom, T. *New Zealand Sustainability Laws and Freshwater Management*, Paper delivered at the New Zealand Environmental Law Centre Conference 2009: *Property Rights and Sustainability: The evolution of property rights to meet ecological challenges*, 16-18 April 2009, The University of Auckland, at page 28.

<sup>35</sup> Sax, J. *Our precious water resources: learning from the past, securing the future* [2009] *Resource Management Theory & Practice*, at pages 42 to 43.

The previous government recognised that there are problems with the first-in first-served system and in 2003 the Sustainable Water Programme of Action (SWPA) was established. Work undertaken during this initiative found that where there is insufficient water for all demands, the first-in first-served system does not guarantee that water is allocated to the greatest environmental, social, cultural or economic values. Further, the first-in first-served system can also make it difficult to manage the cumulative effects of numerous small water takes or discharges to water bodies. When the amount of water already allocated from a catchment comes close to the allocation limit, there is the potential for "gold-rush" situations which exacerbate the aforementioned problems.<sup>36</sup>

### **Phase Two reforms likely to remove first-in, first-served**

The work under the SWPA has been carried on by the present government through the NSFV strategy. Water allocation under that strategy is prioritised in the following order:

- setting ecological bottom lines;
- making allocation to public purposes (including Treaty considerations); and
- maximising the economic return from the remaining water available for consumptive use.<sup>37</sup>

Cabinet papers on the strategy indicate that allocation beyond ecological bottom lines is likely to involve a two stage model. The first stage will provide for public values through a planning based process. The second stage will look to use other tools (such as economic instruments) to enable allocation and transferability of the remaining water to its most valued uses.<sup>38</sup> The "most valued use" approach seems likely to result in the removal of the first-in first served-rule as the mechanism for determining priority to water allocation. Indeed, cabinet has already signalled that work undertaken on better allocation regimes will focus on alternatives to the first-in, first served-rule,<sup>39</sup> and that there is likely to be legislative change.<sup>40</sup>

Work on the government's water strategy is being undertaken in hand with Phase Two of the resource management reforms. This is a collaborative process whereby work by the Land and Water Forum (a stakeholder group) and a Technical Advisory Group (representing key government departments) will feed into the Phase Two work stream directed at implementing a fairer and more efficient water management system.<sup>41</sup> Neither

<sup>36</sup> Ministry for Environment, Water Programme of Action: Water Allocation and Use – Technical Working Paper, June 2004, at page 9.

<sup>37</sup> Cabinet Office, New Start for Fresh Water, at paragraph 26.e.ii.

<sup>38</sup> Cabinet Office, New Start for Fresh Water, at paragraph 37.

<sup>39</sup> Cabinet Office, Implementing the New Start for Fresh Water: Proposed Officials' Work Programme, at paragraph 37.

<sup>40</sup> Cabinet, Implementing the New Start for Fresh Water: Proposed Officials' Work Programme, Appendix 1: Likely deliverables from projects.

<sup>41</sup> Cabinet Office, Setting the direction for phase two of the resource management reforms, paragraph 41 to 42. Cabinet Office, Progress of phase two of the resource management reforms, paragraph 84.

the Land and Water Forum nor the Technical Advisory Group (TAG) is due to report to the government until July 2010, and there is presently little information on the exact direction that "most valued use" legislative change might take.

Nevertheless, it seems reasonably clear from recommendations made by the TAG set up to work on aquaculture reforms that the days of the first-in, first-served rule are numbered. The TAG has recommended that where councils are faced with high levels of demand that they be provided with a power to temporarily suspend applications, and the ability to use allocation mechanisms other than first-in first-served. The suggested choice of mechanisms includes preferential allocation, combining applications to hear them together, tendering and balloting.<sup>42</sup> It is unlikely that policy on these issues is fermenting in isolation. Indeed the mix of regulatory based approaches and economic instruments recommended by the aquaculture TAG reflects strategies recommended under both the SWPA<sup>43</sup> and NSFV.<sup>44</sup> It is therefore likely that its report foreshadows work being undertaken by the TAG working on water allocation.

### **PROPERTY RIGHTS IN WATER UNDER THE RMA**

#### **The rights conferred under water permits**

The degree of certainty that the holder of a water permit enjoys is crucial because it enables investment decisions to be made about expenditure on such things as increased production or improved efficiency. At one end of the spectrum, certainty of allocation will help decide whether new plant will pay for itself, while at the other, a permit may serve as security against loans for further investment. This brings into question the rights that are conferred under a water permit and what certainty exists that those rights are free from the claim of a third party.

In simple terms, a water permit confers a right to take, use, dam and/or divert water subject to the availability of water.<sup>45</sup> It does not constitute ownership of, or property rights in, the resource.<sup>46</sup> Nevertheless, when we consider the nature of resource consents that confer rights of allocation and use under the RMA, we find a number of characteristics that we would otherwise identify as belonging to the bundle of private property rights including (amongst others) the right to possess, use and transfer.<sup>47</sup>

<sup>42</sup> Report of the Aquaculture Technical Advisory Group, Re-Starting Aquaculture, 15 October 2009, at pages 40 to 41.

<sup>43</sup> Ministry for the Environment: Water Programme of Action – Water Allocation and use, Technical Working Paper, June 2004, at pages 20 to 22.

<sup>44</sup> Cabinet Office, New Start for Fresh Water, at paragraph 37.

<sup>45</sup> Clearly water cannot be taken if it is not available. In most circumstances this situation will present itself where the minimum flow of the river is lower than a minimum flow condition in a water permit.

<sup>46</sup> RMA, s 122(1).

<sup>47</sup> Makgill, R. Public property and private use rights: Exclusive occupation of the coastal marine area of New Zealand, Paper delivered at the New Zealand Environmental law Centre Conference 2009: *Property Rights and Sustainability: The evolution of property rights to meet ecological challenges*, 16-18 April 2009, The University of Auckland, at pages 25 to 26.

The “right to possess” is the right under which one may exercise control over something to the exclusion of all others.<sup>48</sup> In *Aoraki Water Trust v Meridian Energy Limited*<sup>49</sup> Aoraki sought a declaration that water permits, held by Meridian entitling it to the full allocation of water from Lake Tekapo, did not operate as a legal constraint on the ability of the regional council to grant others consents to the same water under the RMA. However, the High Court held that where a resource is already fully allocated in a physical sense to a permit holder, a consent authority cannot lawfully grant another party a permit to use the same resource unless specifically empowered by the RMA.<sup>50</sup>

The Court found that Aoraki’s argument overlooked the fact that a water permit confers a right to use the subject resource. Indeed the fact that Meridian’s consents were of considerable value was seen as explicable only on the basis that such value derives from the holder’s right to use the property in accordance with its permit. It followed that granting a permit to Aoraki would reduce Meridian’s ability to make full use of the water thereby devaluing its grant. The Court held that:<sup>51</sup>

The principle of non-derogation from grant is applicable to all legal relationships which confer a right in property.

The Court held that the principle of non-derogation is based on an implied obligation on a grantor not to act in such a way as to injure property rights granted by the grantor to the grantee. It considered that Meridian must have assumed that the council would not take any steps during the term of the consents to interfere with, erode or destroy the valuable economic right which the grants had created. Granting Aoraki consent to the water “would either frustrate or destroy the purpose for which Meridian’s permits were granted.”<sup>52</sup>

The principle that consent holders should be able to hold an economic right free of derogation is further enshrined in the recently introduced sections 124A to 124C of the RMA, which create priority for renewal applications for existing permits.

Nevertheless, the economic right of consent holders is not sacrosanct under the RMA and existing consents may be reviewed and adjusted to reduce allocations. The general position is that a consent cannot be reviewed unless there is a review clause in the conditions of consent.<sup>53</sup> In the case of water, however, the RMA enables councils to review the conditions of consent where a plan is made operative which sets minimum levels or flows.<sup>54</sup> This has led regional councils to warn irrigators to use

<sup>48</sup> Blacks Law Dictionary (8th ed, 2007) at 1201.

<sup>49</sup> [2005] 2 NZLR 268 per Chisholm and Harrison JJ (HC).

<sup>50</sup> [2005] 2 NZLR 268 at 282 per Chisholm and Harrison JJ (HC).

<sup>51</sup> [2005] 2 NZLR 268 at 279 per Chisholm and Harrison JJ (HC).

<sup>52</sup> [2005] 2 NZLR 268 at 280 per Chisholm and Harrison JJ (HC).

<sup>53</sup> RMA, s 128(a)(i).

<sup>54</sup> RMA, s 128(b).

their full allocation or risk losing it under review, a situation commonly referred to as “use it or lose it”.

## Lack of flexibility and transferability

Irrigation permits tend to include specific conditions that impose constraints on things such as irrigation type and location. These are normal mechanisms for limiting the adverse effects of irrigation on the environment. However, a report prepared for the previous government found that these types of condition may also introduce constraints on change to land uses that use less water, and the transfer of water to more valuable uses.<sup>55</sup>

The report looked at the case of land being converted from pasture to vineyards. Changing the specified use requires a variation or even a new consent, and opens the existing consent up to review as to allocation. It found that in some areas this was managed by the landholder extending pastoral irrigation to elsewhere on the property. This was achievable in these cases because the consent was rarely sufficient to irrigate the whole property. However, the report observed that in properties where most of the available land is irrigated extra land to manage the change may not be available.

The report raised the concern that in the long run lack of alternative irrigable pasture could distort moves into alternate higher value land uses that have lower water use (i.e. vineyards), because this would result in loss of a water right that could not be regained. In support of this concern the report cites an example of where the combination of “use it or lose it” conditions of consent, an over allocated resource and the desire by the council to claw back a large proportion of allocations appeared to be encouraging landholders to irrigate where otherwise they may not in order to retain use rights.

Concerns have also been raised as to barriers to the transfer of water rights. Water permits do not run with the land but are personal to the consent holder at the specified site. They may be transferred to a new owner or occupier of the site on application by the consent holder. However, the extent to which the water can be transferred to another person depends on the terms of an irrigator’s consent.

Furthermore, transfer of water to another site also depends on whether the transfer is expressly allowed by a regional plan.<sup>56</sup> The provision to expressly allow the off-site transfer of water permits had not been included in the vast majority of plans at the time of the last government report, and such transfers had only been allowed in a limited number of circumstances.<sup>57</sup> In addition, claw back provisions in regional plans had caused irrigators to be suspicious of councils’ desire to encourage transferability.<sup>58</sup> This led to a situation whereby spare capacity

<sup>55</sup> Report Prepared for MAF Policy and Ministry for the Environment, Property Rights in Water: A Review of Stakeholders’ Understanding and Behaviour, Harris Consulting, The AgriBusiness Group, November 2003, page 23.

<sup>56</sup> RMA, s 136(2)(b).

<sup>57</sup> Ministry for Environment, Water Programme of Action: Water Allocation and Use – Technical Working Paper, June 2004, at page 8.



in the water system (e.g. from unused allocation) had not been transferred or reallocated. Rather, irrigators tended to hold on to their allocation leaving question marks over whether the resource is being put to its most valuable use.

## Phase Two reforms may increase flexibility and transferability

There are signs that legislation will be introduced under Phase II of the reforms that will: increase flexibility as to the use of allocation under water permits; and make the use and transfer of water permits more flexible, so that the most efficient use of allocation is encouraged. Admittedly, the NSFW is largely silent on the issue of flexibility and transferability. However, as discussed above, the strategy does focus on maximising the economic return from water available for consumptive use.<sup>59</sup>

Furthermore, the NSFW specifically envisages providing for the allocation and transfer of water to its most valued use.<sup>60</sup> As with the NSFW's approach to priority, this is consistent with work undertaken by the previous government under the SWPA. This is because the SWPA looked towards introducing greater flexibility to the use and transfer of water rights in order to facilitate allocation to most valued uses. Flexibility and transferability were recommended as mechanisms for providing for such things as a financial incentive for greater technical efficiency.<sup>61</sup> The rationale is that irrigators are more likely to improve efficiency of use if value can be derived from water savings.

Once again the report of the aquaculture TAG can be used as a barometer of the government's direction. For example, the aquaculture TAG has recommended that regional plans enable flexibility of consent use (e.g. the ability to apply for a variation to change species, technology or respond to changing environmental requirements).<sup>62</sup> It is not too difficult to imagine similar recommendations to enable flexibility for different irrigation uses under water permits. This is particularly the case where the environmental effects of such changes in use are no greater than the consented use. It is worth noting that transferability issues do not seem to have arisen in respect of aquaculture. This may be because aquaculture is dependent on the occupation of space, whereas irrigation generally involves extraction and use of the resource in different locations.

## CONCLUSION

Regional councils control water allocation by establishing rules concerning minimum flows and allocation limits. Allocation between competitors for the water available under those rules

<sup>58</sup> Report Prepared for MAF Policy and Ministry for the Environment, Property Rights in Water: A Review of Stakeholders' Understanding and Behaviour, Harris Consulting, The AgriBusiness Group, November 2003, page 24.

<sup>59</sup> Cabinet Office, New Start for Fresh Water, at paragraph 26.e.ii.

<sup>60</sup> Cabinet Office, New Start for Fresh Water, at paragraph 37.

<sup>61</sup> Ministry for Environment, Water Programme of Action: Water Allocation and Use – Technical Working Paper, June 2004, at pages 31 to 32.

<sup>62</sup> Report of the Aquaculture Technical Advisory Group, Re-Starting Aquaculture, 15 October 2009, at page 35.

is presently determined by those first in time. This system of allocation does not enable an application for allocation to be refused on the basis that a later proposal meets higher environmental or economic standards. The government is signalling that the first-in first-served approach is to be replaced by a system that enables water to be allocated to its most valued uses. This looks likely to include a market based system for allocation.

Research has shown that a lack of flexibility over allocation and transfer has discouraged efficient water use. Irrigators, for example, are fearful that moving to more efficient forms of irrigation will result in the loss of water rights. This is because restrictions on the kinds of use, and location of use, make it difficult to use water for other purposes under existing consents. Restrictions over use and location similarly make it difficult to transfer water rights to other parties either in full or for short periods of time.

Work undertaken by successive government departments has indicated that greater flexibility and transferability of water rights would provide a strong financial incentive for greater efficiency. The NSFW says little about flexibility and transferability, but the government is committed to maximising the economic return from water. Considering this policy background and current recessionary environment it is likely that reforms to flexibility and transferability will be introduced in order to both encourage more efficient water use and stimulate new economic activity.

There is presently little detail on how any of the potential changes to water allocation and property rights might work. The Land and Water Forum and water TAG are to report to the government on this by the middle of 2010. It is unclear at this stage whether there will be an opportunity for public submissions prior to the report being delivered. This is because the Land and Water Forum is supposed to represent all key stakeholders. However, the NSFW does anticipate wide public consultation before major policy decisions are made. It is worth noting in this vein that the aquaculture TAG's initial report was open to public submission. In any case, there will be an opportunity for wider public submissions once any proposed legislative reforms reach the select committee stage.

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## Acronyms, acronyms everywhere...

### Water players and programmes in the Selwyn/Christchurch area

Hamish G. Rennie and Adrienne Lomax\*

**Disclaimer:** Due to the temporary nature of website locations, the LPR editorial team cannot guarantee the functionality of all [hyperlinks](#) in the following articles, beyond the date this issue was released.

The interface of traditional town planning and the “new” environmental planning is potentially problematic and this is especially apparent in the integrated and sustainable use of water resources in Canterbury. It is easy to find yourself drowning in a flood of watery acronyms and programme names when you engage with water planning issues. This article explains the key acronyms in the management of our water resources, provides a practical outline of planning instruments affecting water use/decisions, sets out who is managing and planning for water in the Christchurch City and Selwyn District Councils (Fig. 1) and concludes with a comment on the major planning implications for the profession and academia. Ecosystem restoration programmes, not necessarily engaged with water, are not addressed here, nor are several research projects or groups with advocacy as their primary focus.

#### Key organisations

The key agencies/groups working with water in this area are: the [Canterbury Regional Council](#) (aka Environment Canterbury (ECan)), [Te Runanga o Ngai Tahu](#) (TRoNT), the [Christchurch City Council](#) (CCC) (which includes the former Banks Peninsula District Council), the [Selwyn District Council](#) (SDC), the [Waihora Ellesmere Trust](#) (WET), the [Avon-Heathcote Estuary Ihutai Trust](#), [Fish and Game New Zealand](#) (F&GNZ), the [Ministry for the Environment](#) (MfE), the [Department of Conservation](#) (DoC), the [Ministry of Fisheries](#) (MFish), the [National Institute for Water and Atmospheric Research](#) (NIWA), [Landcare Research](#), [Lincoln University](#) (LU) and its [Land Environment and People Research Centre](#) (LEaP), [Canterbury University](#) (UC), [Lincoln Ventures Ltd](#) (LVL), the [Ministry of Agriculture and Forestry](#) (MAF). Surprisingly, despite its mandate, the [Canterbury Aoraki Conservation Board](#) plays a very limited role in water management issues in this part of its region.

#### National instruments and activities

The [National Environmental Standard \(NES\) for Sources of Human Drinking Water](#) came into effect in June 2008 with the intention of reducing the risk of contamination of drinking water sources such as groundwater and rivers. It requires regional councils to ensure that effects on drinking water are considered in regional plans and when making decisions on resource consents.

The MfE has also produced a discussion document outlining a proposed [NES on Ecological Flows and Water Levels](#), which is intended to promote consistency in the way decisions are made around the country.

A [Proposed National Policy Statement: Freshwater](#) (PNPSFW), prepared under the Resource Management Act 1991 (RMA) by the MfE, was released for public consultation in September 2008. The change in Government since the PNPSFW may mean significant revisions and possibly another round of consultation. We wait with bated breath for the recommendations of the Board of Inquiry to be released and the Government to finalise the policy.

In 2004, as part of the Sustainable Water Programme of Action (2003-2008) (SWPoA), the MfE published the [Water Bodies of National Importance](#) (WoNI) report. This report identifies potential freshwater bodies that are of national importance for recreation.

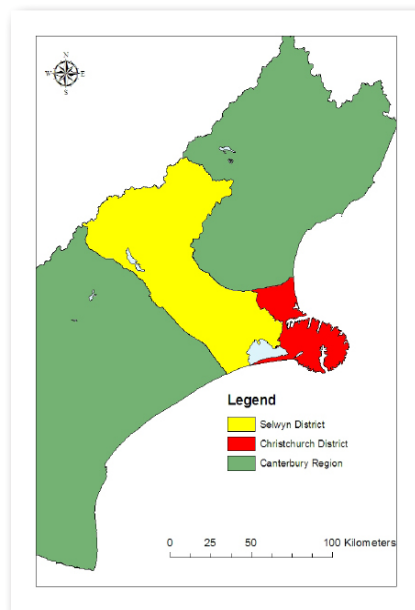


Figure 1. The Christchurch City and Selwyn District.  
Source, Mark Burgess.

The current government’s ‘[New Start for Freshwater](#)’ (NSFW) work programme includes the Land and Water Forum (LWF), announced at the Environmental Defence Society (EDS) Conference in June 2009. This Forum has been developed from the Sustainable Land Use Forum (SLUF), established in 2008, with expanded membership, now including iwi representatives, industry representatives and members of the Turnbull Group (a forum convened by Water New Zealand). The LWF aims to report back to government by July 2010 recommending goals and long term strategies for freshwater management.

The [National Water Conservation Order \(Lake Ellesmere\) 1990](#) (WCO) recognises the outstanding wildlife habitat of Te

Waihora/Lake Ellesmere and affects its management, allowing for the application of resource consents for the opening and closing of the lake within certain times and lake levels and preventing further damming, stopbanking or drainage below a certain level. The existing resource consents expire in 2011. Another WCO, the [National Water Conservation Order \(Rakaia River\) 1988](#), recognises the Rakaia for its outstanding natural character as a braided river and its value for wildlife, fisheries and recreation.

## Local government and Ngai Tahu instruments and activities

Operating under the RMA, the Regional Policy Statement (RPS), Transitional Regional Plan (TRP), Selwyn District Plan, Christchurch City Plan, and Banks Peninsula District Plan each have sections or chapters relevant to water issues and their management. The Long Term Council Community Plans (LTCCP), prepared under the Local Government Act 2002 (LGA) and associated annual plans, asset management plans and rating schemes (targeted and general) drive and fund much of the water management activity by local government bodies. A Ngai Tahu/DoC [Joint Management Plan \(JMP\) for Te Waihora/Lake Ellesmere](#) (prepared under the Conservation Act 1987), and the non-statutory [Te Runanga o Ngai Tahu Freshwater Policy \(1999\)](#), also have weight in statutory decision-making processes. The Treaty of Waitangi (Ngai Tahu Claims Settlement Act 1998) needs to be considered when looking at water issues. It is not explored further here other than to note that Ngai Tahu claims to water have yet to be addressed and there are ongoing behind-the-scenes negotiations, with considerable interest in the Waikato River co-management arrangements apparent. In the absence of resolution of these claims, Ngai Tahu continues to have to argue, more than one would expect, for its planning documents to be considered in planning and management of water resources.

## Programmes, processes and actors

The following briefly outlines the more directly influential programmes, activities, and processes directly affecting water that are underway in the area.

The [Canterbury Regional Policy Statement](#) (CRPS) provides an overview of the resource management issues of Canterbury: chapter 9, Water, addresses competing demands, and land use effects on water flows and levels and discharge of contaminants; chapter 10 covers Beds of Rivers and Lakes and their Margins. It became operative in 1998 and is currently under review. A revised chapter 10 has been approved for consultation and will be restricted to the beds of lakes and rivers, with issues concerning water margins to be covered by the new biodiversity chapter. The revised Chapter 9 has yet to be drafted but will no doubt be strongly aligned to the recently released Canterbury Water Management Strategy (CWMS).

The [Proposed Natural Resources Regional Plan](#) (PNRRP) prepared by ECan under the RMA is a laudable attempt to have one fully integrated regional plan for the natural resources of Canterbury. As such, it probably presents an argument against such holistic, integrated approaches as it has been very hard to

work through the plan processes. Activities cannot have effects that contravene a rule in the regional plan and consequently its rules constraining water use and activities that affect water have been fought hard by those whose (potential) activities might be affected by the plan. The length of time taken for the PNRRP to move through the process is part of the reason that Canterbury has been criticised for not having a regional water plan – and the resulting race for water rights. Key chapters on water are: 4. Water Quality; 5. Water Quantity; 6. Beds and Margins of Lakes and Rivers; and 7. Wetlands.

Chapter 5 of the PNRRP includes standards for defining the oft-mentioned proposed “red” zones: those areas where ECan considers groundwater has been fully-allocated (i.e. permission has been granted to take more groundwater than the estimated allocation limit; most would consider this over-allocated and unsustainable). Smaller catchment statutory plans are also under preparation.

The [Canterbury Water Management Strategy](#) (CWMS) is a work in progress by the Canterbury Mayoral Forum (which includes the Mayors, the Chair of ECan and Chief Executives of each council in the Canterbury region). It commenced as a means to identify suitable sites for new infrastructure (dams, water races, etc.) to capture and relocate water to farming activities in the region. As work progressed, the need to take a broader, integrated approach was recognised and by the end of 2009, after significant public consultation, the strategy was finalised. It is effectively a structure plan on a grand scale, also providing a strategic environmental assessment of options for creating “new” water and ensuring its sustainable use. As a non-statutory strategy it will need to be implemented through regional and district plans and LTCCPs, or through new legislation which could potentially duplicate the existing RMA and LGA provisions. To be fully implemented it is likely to be dependent on gaining central government funding for the significant front-end restoration and environmental objectives. It proposes new layers of collaborative governance comprising Zone Water Management Committees (ZWMCs; these zones are not integrated catchments due to overlapping groundwater and relocated waters), a Regional Water Management Committee (RWMC; for inter-zonal issues), and a National Tripartite Forum (for issues beyond the regional, such as Waitangi Treaty water claims). A semi-autonomous Water Executive based in ECan will manage implementation of the CWMS. A public/private partnership Water Infrastructure and Services Entity is being investigated with a view to it having large infrastructure design, building, financing and operating responsibilities. The details of these arrangements are still to be resolved, but at present there are four ZWMCs in the SDC and CCC area, only one of which (Banks Peninsula ZWMC), is entirely within just one of these councils.

In 2003 the CCC and SDC established the [Central Plains Water Trust](#) (CPW) to facilitate sustainable development of Canterbury's water resources. Central Plains Water Ltd (CPWL) was subsequently formed, with around 400 shareholders, to raise funds and obtain consents for a water supply scheme. In April 2009 commissioners signalled that they would probably reject the initial proposal which included a 55m dam in the Waianiwani Valley. The scheme was revised and resubmitted and

has received interim approval to take water from the Waimakariri and Rakaia Rivers for irrigation, with a final decision to be made in 2010. "Central Plains Water" is a phrase that may be used to describe the project or either of the organisations, and the scale of the project provided an intense focus to water issues in Canterbury.

The [Christchurch City Surface Water Strategy](#) (CCSWS) was released and consulted on by Christchurch City Council and adopted in late 2009. It updates CCC's 1999 Natural Asset Management Strategy, but marks a significant shift away from that strategy's narrow focus on drainage to a more holistic vision. The CCSWS is primarily focused on integrating water asset management to achieve improved water quality, ecosystem health, recreation amenity, and reduced flooding hazards in Christchurch City, which now includes the former Banks Peninsula district. It uses Integrated Catchment Management Plans (ICMPs) as its primary coordination method in response to the CRPS; but, despite the use of "catchment" in the name, these are really just areas that are treated similarly. One ICMP, for instance, covers the headwaters of the Heathcote and Halswell Rivers, but not their lower reaches, and these rivers are not connected to each other. The CCSWS also emphasise supporting the role of community organisations in water management issues.

The [Five Waters Management Strategy](#) (FWMS) was prepared and finalised by the SDC in 2009. It is essentially an asset management plan that seeks to improve water quality and reduce water inundation risks. The five waters are: water supplies (urban and rural); wastewater schemes; water races; land drainage; and stormwater.

The [Waihora Ellesmere Trust](#) (WET) aims to restore the ecosystems and biodiversity of Te Waihora/Lake Ellesmere, to educate people about the lake, and to promote better management practices through partnerships with landowners, community groups and statutory agencies. WET has organised two Living Lake Symposiums (I and II) held at Lincoln University in 2007 and 2009<sup>1</sup>. These bring together the latest information on the 20-25,000ha Lake Ellesmere/Te Waihora and its catchment, providing excellent information and a forum for cross-disciplinary and interagency/community dialogue.

One of the outcomes of the first Living Lake Symposium was the establishment of the Statutory Agencies Group (SAG), comprising Ngai Tahu, ECan, CCC, SDC, F&GNZ, (North Canterbury Region), MFish, DoC and WET (who also facilitate the group). SAG was formed in 2008 as a means to achieve greater integration of programmes and actions to improve the management and health of Lake Ellesmere.

[Waihora Ellesmere Catchment Riparian Restoration Programme](#) (WECRRP) is a WET programme with funding primarily from MAF's Sustainable Farming Fund (SFF) and the MfE's Sustainable Management Fund (SMF). It is also significantly supplemented by ECan and SDC funding and in-kind assistance, and various other partnerships where practicable. The programme involves riparian restoration, but includes a significant monitoring programme in partnership with LEaP to

assess the effectiveness of its programme.

[Living Streams](#) is an ECan approach to building partnerships with "the community" to improve water quality and the health of waterways. It is run by the Resource Care team at ECan, who provide advice and assist individual landowners and community groups to collate local and scientific knowledge, obtain funding, and take actions to restore degraded streams. It has produced excellent handbooks and environmental education materials and works closely with the other councils.

The [Avon-Heathcote Estuary Ihutai Trust](#) was formed in 2002 by community members and is supported by CCC and ECan. Their objectives include the preservation of the natural and historic resources of the estuary; they seek to involve individuals, community groups and statutory agencies in a number of different programmes, such as advocacy, management, monitoring and education.

The [Lyttelton Harbour Issues Group](#) (LHIG) and the [Akaroa Harbour Issues Working Party](#) (AHIWP) are community volunteer groups facilitated by ECan's Resource Care team. Both groups celebrated their tenth anniversary in December 2009. One of the main issues they are concerned with is the improvement of water quality in the harbours which requires improved catchment management, including better erosion and sediment control during subdivision developments. Both groups provide volunteers to carry out community water monitoring in the summer months as part of the Safe Water Information Monitoring programmes known as SWIM (in Lyttelton Harbour) and SWIMA (in Akaroa Harbour; the A stands for Akaroa). The volunteers collect water samples that are analysed by ECan and provide data on water quality in many popular swimming spots in the Harbours.

A number of community trusts, such as the [Travis Wetland Trust](#) and the [Styx Living Laboratory Trust](#), are also active in the Christchurch area.

[Waterwatch](#) (Kaitiaki Wai), a programme of the Isaac Centre for Nature Conservation based at Lincoln University, involves schools and community groups in scientific monitoring of streams and rivers as part of environmental education. It has collected an extensive water quality database of streams at places often not covered by other monitoring programmes. ECan and DoC also work with school groups in Canterbury, increasing understanding, and helping with local monitoring and restoration programmes.

[State of the Takiwa](#) (SoT) is a Ngai Tahu programme for monitoring and reporting on the cultural health of natural resources, including water resources, as part of the Ki Uta Ki Tai, Mountains to the Sea, Natural Resources Management Framework. In 2007 the report [State of the Takiwa: Te Ahuatanga o Te Ihutai](#) (Cultural Health Assessment of the Avon-Heathcote Estuary and its Catchment) was produced for ECan as part of a wider research project.

*The Protocol for Opening and Closing Lake Ellesmere/Te Waihora* (2005) is managed by ECan in consultation with a number of organisations, or parties to the protocol: Lake Settlers Asso-

<sup>1</sup> See article on page 49 of this issue (Ed.)



ciation, TRoNT, Te Taumutu Runanga, WET, F&GNZ (North Canterbury Region), DoC, Lake Ellesmere Commercial Fishermen's Association, SDC, and Banks Peninsula District Council (now CCC). To meet a condition on the resource consent for the mechanical opening of Lake Ellesmere, ECan convenes regular meetings of these stakeholder organisations and consults with all parties when a specific opening is proposed. Any of the parties can request that a meeting be called with regard to a proposed opening of the Lake, but the final decision on opening the Lake remains with ECan.

[Selwyn Water Allocation Liaison Group](#) (SWALG) is a group of stakeholders comprising primarily those farmers extracting water from the Selwyn aquifers and was formed and facilitated by LVL as part of a Foundation for Research, Science and Technology (FRST) funded research programme. It primarily involved a series of meetings where scientists updated and exchanged information with farmers who are water extractors.

In 2008 the [Rakaia Selwyn Cluster Groups](#) were established by ECan in five separate areas, based on similarities in water issues. They are groups of consent holders whose consent conditions are under review. The intention was to enhance communication between the consent holders and ECan. The aims of the review, which is still underway in early 2010, is to reduce the effects of water abstraction in the Rakaia-Selwyn zone on lowland streams and improve security of supply for consent holders.

There are also five drainage rating districts administered by ECan which are at least partly in Selwyn District and four within Christchurch City (ECan have no involvement in the Avon or Heathcote Rivers in Christchurch or LII in Selwyn) where landowners pay targeted rates to partially fund river control and drainage objectives that are agreed between ECan ([River Engineering Group](#)) and representatives of each rating district. The details of such work programmes are usually set out in asset management plans available on request from ECan and prepared under the LGA. The River Engineering Group also addresses regional gravel management issues and river control works for utility operators. Its professional staff is engineers.

## Comment

A review of the above programmes shows several significant features. First, there has been a lack of national direction. This reflects the ongoing tensions between central and local government and the move in the neo-liberal 1980s to set up systems where "big" government did not interfere with the market or with local communities and consequently sought to shift decision-making, accountability and costs to the individual and communities. The emerging attempts to introduce national mechanisms to direct and override local decision-making commenced with the 1999 Labour Government and is being continued and strengthened by the National-led Government. So there is a consensus at national level that local government and neo-liberal approaches have failed in relation to water management, even if this is not something New Zealand governments would publicly admit. Local government is accepting of this new interference/direction to some degree as it finds the costs (especially legal and environmental) of achieving sustainable

use of water resources are too great without central government support, either legislative or financial.

Second, Ngai Tahu's integral connection with the water resources will be played out over the coming years in the form of co-management agreements which may not integrate well with strategies and approaches that have not been driven by an understanding of Te Ao Marama (natural world).

Third, there is a locally-led evolution away from single statute "silo" approaches, to finding mechanisms that integrate across narrowly-defined statutory roles and responsibilities. Local community organisations, facilitated especially by ECan, are playing significant roles in this, but there are also significant intra-governmental efforts despite public political posturing.

Fourth, there is a move towards integrated water or integrated catchment management. The two are not the same. Local government's major involvement is driven by requirements to provide water, drainage and sewage infrastructure (under the LGA) and they may develop integrated water management infrastructure (asset) plans that are inconsistent with integrated catchment management (e.g., the CWMS and CCSWS). These approaches pragmatically eschew natural catchments because of the flat, highly modified topography, overlapping and modified water systems and the capacity to mechanically shift water between catchments and uphill.

Fifth, local community groups have tended to form around identifiable aquatic bioregional water bodies (a lake, harbour or estuary) that gives them their identity. They then evolve towards catchment management approaches as they gain greater knowledge and understanding and recognise the importance of land use impacts on the water bodies of original concern.

## Conclusion

Thus we have a move towards catchment management, driven by local communities, that is concurrent with, but may be contrary to, council moves to build or integrate water infrastructure management. The unifying interest is (implicit) understanding of the failure of a laissez-faire approach to water and land use and recognition of the need to integrate wider land use management and planning with water resource planning and management. Co-management (collaborative governance) approaches, particularly with Ngai Tahu, are emerging to dominate the arena. For planners then, achieving sustainable use of Canterbury's water resources requires integrating the expertise of environmental planners and managers with that of traditional town planning and infrastructure design.

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# Environmental Management and Planning in the New Zealand Defence Force – An Overview

Rob Owen\*

“... seven small towns, three major airfields, a port/shipyard complex, 75,000 ha of iconic mountain and coastal landscape and numerous other smaller facilities throughout New Zealand. If you are looking for something different, we probably have it...”

So reads the introductory text to the advertisements we use when recruiting staff to the Environmental Services section of Property Group. What the ad doesn't say, but which will be assumed from the nature of the organisation, is that some of the activities carried out in those places are, to say the least, a little different from the norm. Yet when in casual conversation you mention that your job is environmental management in the New Zealand Defence Force (NZDF), the response is often puzzlement and along the lines of “What does the military need environmental management for?” This overview attempts to answer that question and provide an insight to some of the planning issues we deal with.

The Defence Estate comprises the properties from which the NZDF operates to support defence activities. Most of the estate was originally developed in the mid 20th Century during and after the Second World War and has been periodically upgraded or redeveloped since. It has a 2008 replacement value of about \$2.3 billion. The estate includes:

- A total area of 75,000ha including 62,000ha at the Army Training Group Waiouru and 8,100 ha at the Military Training Area, Tekapo
- Nine main camps and bases
- Three military airfields
- One Naval Base, and
- Over 5,000 buildings including 2,500 service houses.

## Property Group

The Property Group responsibilities encompass a diverse range of activities extending from building maintenance through to major construction works and land stewardship. Property Group is an NZDF Headquarters organisation but has staff located at each of the nine main camps and bases.

Environmental Services (ES) is one of four business units within the Property Group and provides technical and policy support and guidance so that NZDF activities are environmentally sustainable and compliant with statutory and policy requirements. The Environmental Services team also undertake land management activities and the development and delivery of some specialist environmental project works such as wastewater treatment or water supply facilities.

The remainder of Property Group comprises the Business Services, Infrastructure Projects and Facilities Management business units.



*Remains of fortification at Waiu Pa in the Waiouru Training area.*

ES comprises eight professional staff with qualifications in a variety of relevant disciplines including environmental science, ecology and environmental engineering. Currently we do not have anyone with formal planning qualifications – but that's not for lack of trying! Staff are distributed between Wellington (4), Devonport Naval Base (2), Waiouru Training Area (1) and Burnham Camp (1).

Within ES workload is structured in portfolios around the principal issues we face. Each staff member holds one or more portfolios and is responsible for issue recognition and response as required. The sixteen current portfolios are:

- Air Discharges
- Biodiversity/Sustainable Land Management
- Biosecurity
- Coastal
- Compliance
- Contaminated Sites
- Environmental Management System/Auditing
- Hazardous and Controlled Substances
- Heritage
- Promotion/Training/Advocacy
- Reverse Sensitivity
- Statutory Planning
- Stormwater
- Waste Management
- Waste Water
- Water Supply

A closer look at any of those portfolios would reveal issues of interest to students of environmental management and planning; the challenge here is to select just a few to illustrate the breadth and depth of the work we do. I have done that by just lightly touching on current issues in several portfolios and going into detail in just one. The issues mentioned are current, therefore details that would identify a particular location or local authority have been omitted.

## Statutory background

The Resource Management Act (RMA) 1991 and the Biosecurity Act 1993 are the primary statutes driving the activities of ES but the following are also significant:

- Marine Pollution Regulations (MARPOL 73/78)
- Hazardous Substances and New Organisms Act 1996
- Building Act 2004
- Health and Safety in Employment Act 1992
- Ozone Protection Act 1996
- Local Government Act 2002



*Quarry development to supply aggregate for development of the LAV Moving Target Range and roading in the north of Waiouru Training Area.*

Statutory documents including Regional Plans, Plant & Animal Pest Strategies and, to a much lesser extent (see discussion below concerning designations), District Plans provide detailed and site specific controls.

Land use activities on most Defence sites are authorised by a Designation placed in the District Plan. To ES designations appear to be a planning tool poorly understood by many practitioners in Councils and consultancies. I have very recently had a senior consultant advise that "... designations can be tricky things...". This is in the context of applying definitions contained in a District Plan to the processing of an Outline Plan under s176a RMA. I can only disagree. A designation is a simple thing and has the three simple effects, set out in s176

RMA:

- S9(3) RMA does not apply to activities properly complying with the designation.
- Nothing can be done in relation to the land that would hinder the public work authorised by the designation.
- The provisions of a District Plan do not apply to activities properly complying with the designation.

Similarly, many practitioners appear to misunderstand the function of an Outline Plan under s176a RMA. An Outline Plan is not an application for approval; it is a notification of intent to exercise an existing approval (the relevant designation). Its purpose is twofold:

- To give the District Council an opportunity to contest that the proposed work is within the scope of the designation.
- To give the District Council an opportunity to request changes to address actual or potential adverse effects.

We commonly encounter District Council planning staff handling Outline Plans as if they were consent applications and have even received requests for additional information under s92 RMA.

Many Defence designations are very general, simply authorising any land use that is for "Defence Purposes". That situation may change over time as District Plans are reviewed and designations renewed. Notwithstanding that District Plan provisions do not apply to activities properly complying with a "Defence Purposes" designation, NZDF is still bound by s16 and s17 RMA. That, in combination with internal policy, drives respect for and compliance with District Plan provisions where that is practicable. Overall, in terms of the statutory background, ES places a heavy emphasis on management of the environmental interactions (and compliance requirements) addressed through s12 – 17 RMA, and that is where portfolio structure is primarily focused.

## Portfolios:

### Air discharges

Air discharges generally relate to workshop and maintenance activities but each Base or Camp also uses coal or gas fired boilers to provide hot water for space heating. Some workshop activities produce fumes that require scrubbing or other special handling. A current issue involves a Council attempting to use conditions on a newly granted resource consent to vary conditions on an earlier unrelated consent. An approach we do not agree with!

### Biodiversity and Sustainable Land Management

The Biodiversity and Sustainable Land Management portfolio covers a vast sweep of activity focused mainly but not exclusively on the two large training areas at Waiouru and Tekapo. Defence occupancy of those lands has effectively protected them from development and grazing for long periods. As a result significant biodiversity values, including endemic plant and animal species, exist at both sites. Potential threats to those values include not only the obvious ones arising from



military training (use of munitions, vehicles, excavation for fortifications) but less obvious threats such as wildfire and grazing by animal pests such as rabbits, hares, possums and (at Waiouru) feral horses.

Responsibility for management of the training areas is shared by the military organisations responsible for training and by ES. ES provides a Land Manager responsible for the ecological side of the equation (including pest management) and promotes sustainable management of the land through a Sustainable Land Management Strategy at each location.

## Biosecurity

Biosecurity involves activities as diverse as control of weed trees such as *P. contorta* in training areas to management of contractors conducting mosquito surveillance at “ports of first entry” such as the Devonport Naval Base.

## Coastal

Obviously, activities in the Coastal portfolio are focused around the Devonport Naval Base and include management of occupation of and discharges to the coastal marine area. A major activity is the ongoing investigation of the risks of and, if necessary, remediation options for the area of contaminated seabed immediately offshore at the Naval Base. The contamination arises from operation of the dry dock prior to 1990. The dry dock was owned and managed by the Auckland Harbour Board from 1888 until 1987 when ownership of the dry dock was transferred to NZDF.

## Compliance

Compliance management is a current focus of development and improvement for ES after recent audits showed a large number of compliance failures (fortunately mostly of a minor nature!). ES intends to establish a computer based system which will be aware of all the requirements and responsibilities and will proactively use automated email to remind site managers and others of upcoming requirements.

## Contaminated sites

Contaminated sites are an inevitable legacy of long term occupation of any site simply because in years gone by management and disposal practices for what we now regard as hazardous materials were less careful. As a result ES puts significant effort into identification and ongoing management of contaminated sites on the Defence Estate. Quite recently development of a single site revealed old munitions, archaeological remains and significantly contaminated soil. All are now being managed as business as usual within ES with the appropriate authorisations in place.

## Environmental Management and Auditing System

Development of an Environmental Management and Auditing System is underway incrementally. An NZDF specific audit methodology has been developed and is producing valuable

results which will help drive improvements in management and reporting systems. A Risk Register and the compliance management system referred to above will be significant components of the EMS.

## Heritage

The Defence Estate includes a significant number of heritage sites; from fortified pa and associated earthworks to one of the sites used for observation by the Royal Society’s 1874 Transit of Venus expedition to the Victorian era drydock at Devonport and many more conventional structures.

Until recently heritage structures on the Defence Estate were managed in a somewhat ad hoc fashion. In 2008 NZDF funded development of Heritage Management Plans for all listed sites and the protection and ongoing maintenance of Heritage sites is now on a much more proactive and informed basis.

## Promotion / training / advocacy

ES has taken on a promotion, training and advocacy role to support NZDF environmental policy which calls for environmental factors to be considered in decision making processes in the organisation.

Reverse Sensitivity.

Reverse sensitivity is a term familiar to planners and involves ES in statutory planning and other activities to avoid constraints on NZDF training activities arising from sensitivity of new land uses locating in proximity to NZDF facilities. Almost universally the issue is noise from training activities impacting new rural/residential lifestyle subdivision and development.

## Statutory Planning

There is a constant stream of changes to the many statutory plans and policies affecting NZDF lands and the Statutory Planning portfolio holder manages the organisations response to those. Currently there are four major District Plan changes, two Regional Plan Changes and two Regional Policy Statement changes underway. As above, one of the ongoing issues that arise in relations with the statutory planning community in District Councils is the tension generated by resentment or misunderstanding of the purpose and function of the Defence Purposes designations that authorise Defence activities at most sites.

## Waste management

Waste management is a current focus within ES with a major project reviewing current practice having been completed in June 2009. Recognition and implementation of opportunities for improvements in practice without adding significantly to costs is now underway.

## Wastewater

Wastewater treatment and disposal at five NZDF sites is carried out under the terms of discharge permits obtained and managed by ES. Where the need for new permits had driven a need for treatment system upgrades then ES has taken the lead in

those projects. Currently under action is a system upgrade and new discharge permit for disposal of wastewater from the military and civilian communities at Waiouru.

## Case Study:

### Reverse Sensitivity – Military Noise

Reverse sensitivity is well established in case law and there are many differing definitions or explanations of the concept. The NZDF view of reverse sensitivity is primarily derived from consideration of noise effects on adjacent land – primarily noise from shooting and explosives use and noise from fixed and rotary wing aircraft operations.

NZDF primarily encounters two situations in which reverse sensitivity arises:

1. Incremental development of noise sensitive activities (generally residential) within the terms of long established development controls.
2. Changes (or proposed changes) to development controls which will provide for establishment or increased density of noise sensitive activities.

The first of these is more difficult to manage and therefore is the more likely to lead eventually to constraints on training activities. This situation arises where long established controls provide inadequate protection to the existing, established training facility and where changing land use patterns see permitted, sensitive activities gradually establishing closer to the noise source.

That existing controls do not provide adequate protection to the established training facility might be because when those controls were established NZDF did not recognise the risk and did not use the statutory processes available to protect its interests. Alternatively it may be that NZDF engaged in the statutory process but was unable to persuade the territorial authority that noise based reverse sensitivity justified protective development controls.

The probability that the territorial authority will ignore or play down the potential for reverse sensitivity effects is increased where the territorial authority is not supportive of the continued presence of the Defence facility and the Defence designation.

Irrespective of how it comes about this situation tends to result in conflict as new arrivals in the rural/residential environment find their expectations of a quiet environment are not met. The reality of the rural environment is that it is not quiet. It is a working, productive environment and a variety of significant noise sources exist. Expectations of quiet are often unrealistic and unreasonable.

When changes to existing development controls are proposed, through the Schedule 1 process of the RMA, the situation is simpler. In this case the proposed change is effectively a proposal to change the nature and sensitivity of the receiving environment for noise. ES believes it is the responsibility of the proponents of change to address and cater for reverse sensitiv-

ity issues relating to established users.

In both the situations referred to above one of the key questions relates to the expectations of the affected residents. Urban dwellers relocating into a rural environment often expect a quiet environment and are disappointed when they find that agriculture, horticulture and other production systems and rural land uses are at times quite noisy. Military noise is often particularly unexpected and, by its nature, often perceived as more intrusive than similar noise levels from more conventional sources. As reverse sensitivity issues arise more often NZDF may need to adopt strategies, such as higher profile signage at training facilities, to ensure that the nearby presence of the facility is brought to the attention of intending property purchasers.

The RMA, and s16 in particular, requires that noise emitted from activities on land will not exceed a reasonable level. To date the practice at District and Court level has been to assess “reasonable” in terms of what has been assessed as the legitimate expectations of the affected party. ES believes that interpretation can be challenged. Is it “reasonable” to build a house, or to subdivide land, close to a long established military training area (or any other obviously noisy activity) and expect to enjoy a quiet environment?

That question is likely to be raised in Court within the next 12-18 months and the answer will determine strategies followed by NZDF in management of reverse sensitivity at numerous sites throughout the country.



*Green gecko at the Ardmore Training Area – (uncommon but not rare or threatened) discovered during ecological survey at the site of an upcoming rifle range redevelopment project.*

*\* Robert Owen BSc (Hons) and MSc (geography) is the Team Leader of Environmental Services (ES), Property Group, and Joint Logistics Support Organisation Head Quarters (JLSO), Trentham. Robert joined the New Zealand Defence Force in 2001 and currently holds the EMS/Auditing, Compliance and Statutory Planning portfolios. His responsibilities include leadership of the ES team, technical oversight of ES activities and product, advice to Group Manager Property and Commander Joint Logistics and Support Organisation.*



# Waihora Ellesmere Trust

## Golda Varona \*



Lake Ellesmere/Te Waihora is New Zealand's 5th largest lake and its largest coastal lagoon, home to 167 species of bird and 40 generations of human history. The Lake is an internationally recognized wetland, and is known for its biodiversity. Given the complexity of Lake Ellesmere/Te Waihora and its tributary system, a co-operative process is seen as possibly one of the most efficient, effective and equitable of approaches to attending to issues and concerns involving the Lake.

Waihora Ellesmere Trust (WET) was formed in September 2003 after extensive public consultation. WET is a charitable trust, organised to educate people about the values of Lake Ellesmere/Te Waihora and to promote better management practices to improve the health and biodiversity of the Lake and the wider catchment. In partnership with other local organizations, government agencies, and interested parties, the Trust enacts a Community Strategy for the future management of Lake Ellesmere/Te Waihora and its tributaries (see <http://www.wet.org.nz/wp-content/uploads/2009/10/WETCommunityStrategy.pdf>, or send an email to [admin@wet.org.nz](mailto:admin@wet.org.nz) to request a hard copy of the Community Strategy).



WET is currently active on three fronts:

- Restoring the ecosystem in and around the Lake and improving water quality through involvement in local riparian

and wetland projects;

- Enhancing understanding and awareness of the value of the Lake through education programmes, newsletter publications, and field days;
- Promoting best management practices through public seminars and symposia, and by partnering with private landowners, community groups and government agencies.

At present, the Trust continues to implement its programme of restoration planting throughout the catchment and lake environs. Approximately 17,000 native plant species have been planted in 2009. Restoration planting for autumn 2010 is fully subscribed and will see the Trust meeting its target of around 40,000 plants before 30 June 2010. Priority catchments for restoration planting include the following: Hororata, L2/L1/Liffey, Waikekewai, Kaituna, Johnsons Road, Waianiwaniwa, Silverstream, and Leeston.



The Trust is also pro-actively involved in environmental education programmes in cooperation with several local schools and the local marae in Taumutu; in the National Library's programme of enabling on-line searches of past newspapers such as the "Ellesmere Guardian"; and in community events such as the annual Kidsfest, Restoration Field Days, and World Wetland Day.

Waihora Ellesmere Trust has more than 100 members and volunteers. The Trust continues to welcome individuals, families and groups who have an interest in the Lake, its tributaries, and any or all of WET's associated activities and projects. To join WET, download a membership form from <http://www.wet.org.nz/membership/> and send it to [admin@wet.org.nz](mailto:admin@wet.org.nz), or PO Box 198, Tai Tapu 7645, Canterbury. Membership is renewable annually and runs from 01 November of the previous year to 31 October of the following year.

*\* Golda Varona at the time of writing was the administrator for WET. She holds an MAppSc (leisure and urban studies) from Lincoln University.*

*All photos reproduced with permission of WET*

In the second semester of 2009 the third year Bachelor of Environmental Management and Planning students taking the Professional Practice course (SOCI 314) were set an assignment to write a short, topical article of local interest. This related directly to the content of the course SOCI 314, which provides a critical study of issues in the provision of professional services in environmental planning, design, social sciences, tourism, sport and recreation. As part of the assessment the articles were subject to the LPR review processes and those written by Felicity Boyd, Shaun Coffey, and Sean Garlick are included here.

## SOOBs In Christchurch: Go Or Whoa?

Felicity Boyd

### Introduction

Small owner-operated brothels (SOOBs) are a reality for any city in New Zealand. They are defined by the Prostitution Reform Act 2003 (PRA) as places where not more than four sex workers work and where each sex worker retains control over their own earnings (PRA, 2003). Gathering statistics on these establishments is nearly impossible due to their discreet nature. Many clients prefer the inconspicuous environment of a SOOB over the notorious, well-advertised brothels in the city centre. SOOBs have long been a controversial planning issue for the Christchurch City Council (CCC), but perhaps the period 2003-2009 has proved to be the most contentious.

### Christchurch city brothels (location and signage) bylaw 2004: a timeline

The PRA came into effect in New Zealand on 28 June 2003 (Knight, 2005). As a result of this legislation, territorial authorities were given certain regulatory powers regarding the location and signage of brothels within their district. Councils all across New Zealand began the process of drafting bylaws, and CCC was no different. A PRA Subcommittee, made up of Councillors Helen Broughton, Alister James, Lesley Keast, Ingrid Stonhill and Sue Wells, was formed and on 19 December 2003 recommended that CCC introduce a bylaw limiting the location of brothels to an area within the central city (see Figure 1) and restricting signage advertising commercial sexual services (Mitchell, 2003; The Press, 2003). This bylaw effectively gave Christchurch's SOOBs two choices: move their operations to the city centre (where rents are considerably higher than the suburbs) or shut down their operations altogether.

The Council received 1500 submissions during the public consultation period, and heard 52 submitters over the three days 1-3 December 2003 (PRA Subcommittee, 2004). Of the submitters, 61% felt that brothels should only be allowed within the Central Business District (CBD), while another 17% felt brothels should be allowed in other industrial or commercial zones (PRA Subcommittee, 2004). Overall, submitters were strongly opposed to brothels being located in residential areas, particularly when situated near schools, places of worship, or any places where children may be exposed to brothels (PRA Subcommittee, 2004). Relating to the signage portion of the bylaw, 71% of submitters felt that signage and advertising outside a brothel in the CBD should be very discreet with no explicit pictures or words, and no neon or flashing lights, while 25% felt there should be no signage at all (PRA Subcommittee, 2004). Suburban brothels, however, it was felt should have no signage (PRA Subcommittee, 2004). One notable opponent to the bylaw was Anna Reed, regional coordinator for the New Zealand Prostitutes Collective (NZPC), who claimed the bylaw would drive the sex industry in Christchurch under-

ground, putting sex workers in danger as their ability to work from home was severely compromised (Crean, 2004). The submissions received by the Council were clearly reflected in subsequent amendments to the draft bylaw. Members of the public were largely in support of the provisions of the bylaw, which was then approved by CCC at a special meeting on 19 December 2003 (PRA Subcommittee, 2004).

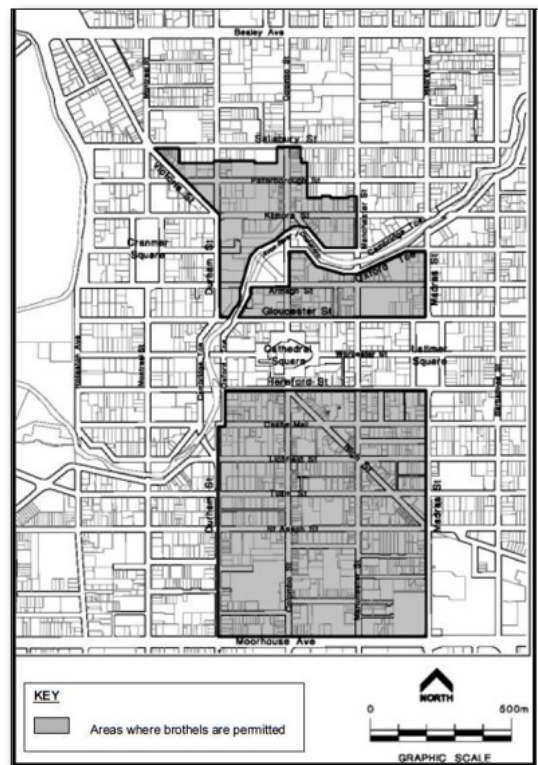


Figure 1. Brothel permitted areas under CCC Prostitution Bylaw 2004 (in 2005 these area controls were overturned) (<http://resources.ccc.govt.nz/files/ChChCityBrothelsLocationAndSignageBylaw2004-bylaws.pdf>)

On 7 July 2004, the Christchurch City Brothels (Location and Signage) Bylaw 2004 came into effect (Knight, 2005). From this date forward, brothels were only permitted to operate within a specified area of the city (Map 1), and a number of restrictions were placed on signage for commercial sexual services. It was pointed out in the months following the introduction of the bylaw that the CCC would find it highly difficult to police this bylaw, due to their lack of powers regarding entry or seizure – simple reports by neighbours of brothels alleged to be operating outside the zone would not be sufficient evidence of commercial sex services (New Zealand Herald, 2004).

The bylaw was quickly challenged by a key player in New Zealand's sex industry: Terry Brown and the Willowford Family Trust ("the Trust"), with which he is associated. Terry Brown currently operates a number of brothels within Christchurch and, in association with the Trust, planned to operate a brothel outside the zone identified in the bylaw (One News, 2005). Gerard McCoy QC, on behalf of the Trust and Terry Brown, argued that the bylaw was



both unreasonable and repugnant (One News, 2005; [Willowford Family Trust v Christchurch City Council 29/7/05, Panckhurst J, HC Christchurch CIV-2004-409-2299](#)). On 29 July 2005 Judge Panckhurst ruled in favour of Terry Brown and the Trust, quashing the location provisions of the bylaw on the grounds that they effectively denied the existence of SOOBs, which was contrary to the intentions of the PRA (New Zealand Herald, 2005, [Willowford Family Trust v Christchurch City Council 29/7/05, Panckhurst J, HC Christchurch CIV-2004-409-2299](#)). The signage and advertising provisions of the bylaw were deemed acceptable, and so this portion of the bylaw remained intact ([Willowford Family Trust v Christchurch City Council 29/7/05, Panckhurst J, HC Christchurch CIV-2004-409-2299](#)). CCC initially appealed the decision, however after a similar bylaw in Auckland was also quashed by the High Court, CCC made the decision not to pursue the matter any further, accepting the Court's decision (Green Party, 2006). Consequently, the CCC Bylaw no longer contains provisions controlling the location of SOOBs, just the signage.

### The Hamilton City Council prostitution bylaw 2004

After the PRA was passed, it soon became clear that there was considerable ambiguity in the terms of the legislation. The Judge in the Christchurch case interpreted the PRA as stating that SOOBs are a constituent component of prostitution business – therefore, CCC's bylaw was prohibitive rather than regulative (Maxim Institute, 2006). However, the Judge in a Hamilton case interpreted this section of the PRA differently. In her opinion, the PRA did not recognise SOOBs as constituent parts of prostitution and therefore SOOBs were to be subject to the provisions of the Hamilton bylaw ([Conley v Hamilton City Council 19/7/06, Ellen France J, HC Hamilton CIV-2005-419-1689](#); Maxim Institute, 2006).

In terms of provisions, the Hamilton bylaw and the Christchurch bylaw were very similar. Both aimed to restrict the locations of brothels to specific areas of the city and tightly control the use of advertising and signage outside brothels. It must be noted that the area identified for the location of brothels in the Hamilton bylaw (see figure 2) is significantly larger than that identified in the Christchurch bylaw. While CCC attempted to limit brothels to two small areas of the CBD, the Hamilton City Council identified a number of areas around the city where brothels would be permitted, including, but not restricted to, an area of the CBD. It is perhaps this difference between the two bylaws that led to the seemingly contradictory decisions made in the High Court. The areas identified by CCC were overly restrictive due to the size, the high cost of property and the number of permanent establishments (such as the Christchurch Town Hall) within the areas. Conversely, the area chosen by the Hamilton City Council made it possible for brothels to continue to operate within the city limits without facing significant difficulty or being solely restricted to the CBD.

The case of the Hamilton bylaw sends an important message to other councils around the country. Clearly decisions relating to prostitution bylaws are highly dependent on the individual circumstances of each case. It is difficult to predict how bylaws will be treated in the High Court in the future as the context of each case will be critical.

### The bylaw today

As per the Local Government Act 2002 (LGA) all bylaws must be reviewed within five years of their commencement date (LGA, 2002). At the end of 2008 the CCC Brothels Location and Signage

Bylaw Subcommittee (BLSBS) was formed to manage this review. A series of meetings concluded that CCC was only permitted to regulate certain signage under the PRA in certain situations (BLSBS, 2009). It was noted that while SOOBs generally operated in areas where signage advertising sexual services would be deemed incompatible with the character of the area, there had been no indication that SOOBs desired to have such signage (BLSBS, 2009). CCC proposed to revoke the current bylaw, and opened the proposal for submissions between 30 July and 4 September 2009.

Between 5 – 9 October 2009, public hearings were held where written submissions were considered and oral submissions heard by a panel of Councillors (CCC, 2009a). The outcome of these hearings and the proposal of the panel were reported back to the Council for its decision at the CCC meeting of 10 December 2009. The current bylaw only regulates signage for commercial sex services which is not often used by SOOBs. The proposed revocation of the bylaw would result in signage being regulated by pre-existing instruments, such as the Resource Management Act 1991 (RMA) and the city plan.

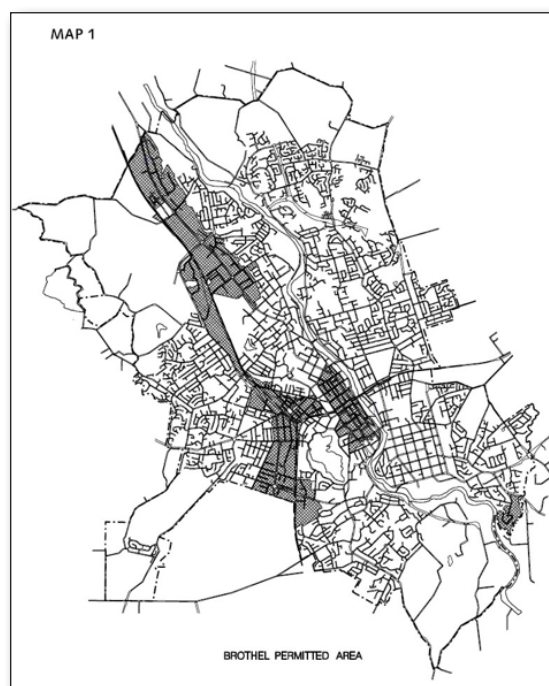


Figure 2. Brothel permitted areas under Hamilton City Council Prostitution Bylaw 2009 (<http://hamilton.co.nz/file/fileid/15638>)

The hearing committee unanimously supported revoking the current bylaw and allowing any signage concerns to be dealt with via the RMA and other means (CCC, 2009b). At the Council meeting on 10 December 2009, it was decided by Councillors that CCC staff would be asked to develop a revised bylaw regarding the advertisement of commercial sex services before the current bylaw lapsed on 7 July 2011 (CCC, 2009b). The current bylaw will be revoked on 6 July 2011 (CCC, 2009b). This decision was somewhat contrary to the recommendation of the hearing committee due to the nature of the submissions received on the revocation (CCC, 2009c). The submissions by members of the public were strongly against revoking the bylaw (CCC, 2009c). The Council's decision regarding the location of brothels was much clearer. As is currently the case, CCC will not control the location of brothels, despite the support through submissions for some kind of control (CCC, 2009c).

In reaching these decisions, the Council utilised a table prepared

by Terence Moody which compiled information regarding other council SOOB bylaws throughout the country (Moody, 2009). Moody's report can be found as an attached document to the agenda for the Council meeting, pages 139-143.

## A planning perspective

The RMA established effects-based planning in New Zealand nearly two decades ago now. It is under this legislation that regional and district plans are developed. If an activity is legal, planners must only be concerned with the environmental effects of the activity. While prostitution, and therefore brothels, are now legal in New Zealand, the moral debates continue to rage. It is often difficult for territorial authorities to regulate these activities due to the highly political nature of the issue.

Based on RMA criteria, SOOBs have insignificant to less than minor effects on the environment. While not explicitly stated, SOOBs in Christchurch are categorised as "Other Activities" in the district plan in residential areas. "Other Activities" are any non-residential activities in living zones which are not specifically provided for, and covers a wide range of activities such as at-home hairdressing or beauty therapy. As long as SOOBs adhere to the rules in the plan, they are a permitted activity in Living Zones. While many Christchurch residents find the idea of SOOBs in suburban areas (particularly when close to churches and schools) highly offensive, the reality is that the biophysical environmental effects of SOOBs are less than minor. With regards to the physical environment, it cannot be concluded that there are any significant effects of SOOBs on the local environment. However, a recent decision makes it clear that councils need to consider section 15 of the PRA and whether a SOOB is offensive to the character of its neighbourhood (Mt Victoria Residents Association Inc v Wellington City Council [2009] NZRMA 257). Offensive SOOB signage may be dealt with in similar fashion to other offensive signs, but most SOOBs value discretion and choose not to advertise through visual media such as signage.

In an economic sense, SOOBs can be seen to be positively contributing to the economy of the area by providing employment opportunities and a desired service within the community. Most members of the public are primarily concerned with the social and cultural effects of SOOBs in residential areas; prostitution is often regarded as an anti-social behaviour due to the long-standing moral issues present in this line of work. The act of prostitution is also contrary to the beliefs of a number of popular religions within New Zealand, particularly Christianity. Brothels are repeatedly labelled immoral or corrupt, hence the public's insistence that these activities are kept well separated from sensitive areas such as schools and places of worship. These concerns are often unjustified, as many SOOBs are run in a very discreet, quiet manner due to the wishes of their clients. In some cases, it is impossible to judge whether or not a SOOB is operating from certain premises.

It follows that policing rules on SOOBs can be nigh impossible. The most pertinent rules relating to SOOBs are scale, site size, hours of operation and traffic generation. Clearly the hours of operation restriction is going to be of most concern to SOOBs, as prostitution is not generally considered a day-time activity. How would a council realistically police this restriction? SOOBs, under the PRA, are not required to hold an operator certificate, meaning there is no central register of these establishments (PRA, 2003). A council would first have the problem of identifying whether a property was actually a SOOB. Without powers of entry and search, it is highly doubtful that enough evidence could be gath-

ered in order to prove a rule was being broken. As has been noted, by nature SOOBs are generally quiet and discreet. Most do not use any kind of signage, relying on social networks and advertisements in the classified section of the local newspaper. Moreover, it appears that the PRA does not provide for consideration of whether an activity is moral (see Cheyne (2009) for a discussion of this).

## The future of SOOBs

It will be interesting to see how CCC manages this situation in the coming months; however, for SOOBs it is likely to be 'business as usual'.

When considering the planning issues involved in this matter, the 'solutions' seem fairly straight forward. Brothels are legal, and have little effect on their surrounding environment; therefore there is no need to regulate them further. However, prostitution has proved to be a hotly debated moral issue among residents, assuring that any decisions regarding brothels will not be without scrutiny.

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## The Mount John Observatory 'Space Park'

Sean Garlick

### Introduction

When we think of conservation we often think of waterways, mountains and endangered native species. However, we seldom consider conserving the night sky. New Zealand is often considered at the forefront of both conservation and astronomy. In an attempt to marry these two concepts, Margaret Austin, Alan Gilmore and the New Zealand Starlight Reserve Committee (NZSRC) presented their case for the creation of



*The McNaught comet passing through the night sky over Mt John. Photo taken by Pam Kilmartin in 2007 (Gilmore, 2009).*

new conservation zones called starlight reserves at a United Nations Educational, Scientific and Cultural Organisation (UNESCO) conference in Paris in 2009. Starlight reserves is a

concept idea in conservation being pushed by several major observatories worldwide of which the Mt John observatory is New Zealand's proposed site. The NZSRC wishes to preserve the night sky and the heritage associated with it at the Mt John Observatory in Tekapo (Austin, Hearnshaw & Murray, 2009). The argument is that New Zealand should recognise the importance of the night sky, not only due to its significance to Maori, but also its significance to Pakeha settlers. For instance, in 1769 Captain James Cook first came to the Pacific to observe the transit of Venus and then to New Zealand to map it as part of the search for the Great Southern Continent and make astronomical observations determining longitude and latitude (Flagler, 2009). For this reason New Zealand can claim that astronomy was a major motivation behind its founding and its settlement by Europeans (Austin in Flagler, 2009).

### Background

The observatory at Mt John was originally set up via a grant given to the University of Pennsylvania who were looking to set up a post to view the southern skies in 1960. New Zealand was chosen due to it being located further south of other observatories in South America and Australia. The Tekapo site was chosen due to its high amount of clear nights and for having little light pollution from the town in 1963, and the University of Pennsylvania struck a deal with Canterbury University to co-develop the site. The observatory then opened on the 10th July 1965. By 1975 the University of Pennsylvania had passed over the observatory to Canterbury University's Physics and Astronomy Department (Gilmore, 2009).

One of the main driving factors behind the concept of starlight reserves is that expansion of towns and cities and the streetlight that accompanies it creates 'light pollution' that is quickly eating up our ability to stargaze. This is an issue often overlooked when compared to bigger problems that seem 'closer to home' such as climate change and species extinction. As humans we have gazed at the stars for thousands of years wondering what they are and what else is out there, as yet, undiscovered. We used stars as a form of navigation to track migrating animals, to understand the rise and fall of seasons and to traverse the oceans, although not so much now in the age of technology (Hall, 2004). We have a connection to the stars that I believe many of us have now forgotten. However, the night sky is arguably still of immense cultural significance to us all with the Southern Cross depicted on the New Zealand national flag.

The starlight reserve concept is for observatories to work hand in hand with governments and UNESCO in areas of significant interest to astronomers and establish rules which protect the starlight from light pollution created by nearby towns and cities (Personal communication: Alan Gilmore and Margaret Austin, 30/09/2009). The Mt John Observatory is one of the case studies being suggested to the UNESCO board and is currently still only a potentiality, but the movement is gaining momentum. Margaret Austin, chairwoman of the NZSRC, is hoping for UNESCO to accept the starlight reserve idea into their current heritage protection schemes within the next year (Personal communication: Margaret Austin, 30/09/2009).

The proposed starlight reserves will be composed of three zones in order to reduce human effects on the night sky. These are core,

buffer and external zones. Core zones have little to no lighting or human settlement, with any adverse effects mitigated. Buffer zones also have extensive protection from light through lighting ordinances similar to those already in place at Tekapo village. Finally, the external zones are zones with some human settlement and light pollution, but where mitigation of effects is still possible (Personal communication: Margaret Austin, 15/12/2009).

## Issues in planning

As Mt John Observatory is relatively close to the Tekapo township the creation of a starlight reserve at the observatory as a conservation scheme could have significant impacts on planning in the area. However, the Mackenzie District Council and Canterbury University came to an agreement in the 1970's to establish ways of reducing light pollution in the Tekapo area (Personal Communication: Margaret Austin, 15/12/2009). The Mackenzie District Plan recognises the Mt John area as both a site of natural significance and a scenic viewing area (Mackenzie District Plan, 2004). Section 11 of the Mackenzie District Plan (2004) states that increases in outdoor lighting will affect the ability to undertake research at the Mt John Observatory station and so rules limiting how much lighting and when it can be used have been put in place. There are also rules in regard to shielding lights to reflect light back towards the ground. The provisions of these rules are set out in great detail in Section 11, Part 12 stating that outdoor lighting is a permitted activity under the plan as long as it meets shielding and filtering requirements. All new subdivisions must also comply with these standards (Mackenzie District Plan, 2004).

The Waitaha people that have inhabited the Tekapo area for around 1000 years also have a distinct interest in preserving the night sky and have kept records of the stars for many years. So the night sky can also be considered to be protected by the District Plan under the provisions on areas of significance to Maori under the principles of the Treaty of Waitangi (Austin, 2009).

An example of how significant the night sky was to the Waitaha people can be seen in their teachings. The star group Te Kūpunga a Te Ao (Orion) was considered to be the main indicator of safe travel in New Zealand and the arrival of Matariki (Pleiades) in the eastern skies, around June, signalled the beginning of the Maori new year and indicated when to plant new crops for the following harvests (Austin, 2009). Maori were known by early European settlers to be extremely good navigators over land and water and much of this navigation was by the stars (Austin, 2009, Personal communication: Te Marino Lenihan, 06/08/2009).

## Conclusions

The starlight reserve concept is one that should be of interest to planners. Lake Tekapo and an observatory in Austria are the only two mixed site observatories, an observatory which has human settlement nearby, currently involved in pushing for the creation of starlight reserves. All other observatories interested in creating starlight reserves are situated well away from human settlements (Personal Communication: Margaret Austin, 15/12/2009). This means that New Zealand has an opportunity to be at the forefront of planning and mitigating effects. In the Lake Tekapo case study, rules have already been set in place to

protect the night sky. The main issue for planning may arise if the idea of starlight reserves spread. It would be a mammoth task to change our current outdoor lighting and install new lighting with shielding and low intensity bulbs. It could also incur large costs and provide new challenges for planners. However, the benefits may far outweigh the consequences, not just for the night sky but also for long term costs. Reducing light pollution adds to the arguments for upgrading to more efficient low intensity lighting, actually helping in our efforts to become a cleaner, greener New Zealand. Starlight reserves might also boost tourism and offer greater diversity in community open space facilities. We have learnt a lot from the stars throughout human history and there is still much to learn. Arguably we all have a right to stargaze and starlight reserves are probably the best way to maintain an unpolluted night sky in areas such as Mt John observatory. As Richard Hall remarked in his book 'How to gaze at the Southern Stars';

Human beings are not something separate from the rest of the universe; we are part of it.... Raised to a level of consciousness, we are the universe looking at itself.

With New Zealand's ecotourism buzz beginning to die perhaps 'astrotourism' is the next step for New Zealand's tourism economy. Currently UNESCO has asked for a thematic study on the potential impacts of spaceparks to be conducted by involved parties. This is set to be completed by February 2010 and then UNESCO is looking to make a decision on whether or not to go ahead with accepting starlight reserves into its current heritage protection programmes (Personal Communication: Margaret Austin, 15/12/2009). With the challenges and would-be opportunities these reserves will create I therefore believe starlight reserves could hold great benefit for New Zealand's future, and interesting challenges for its planners.

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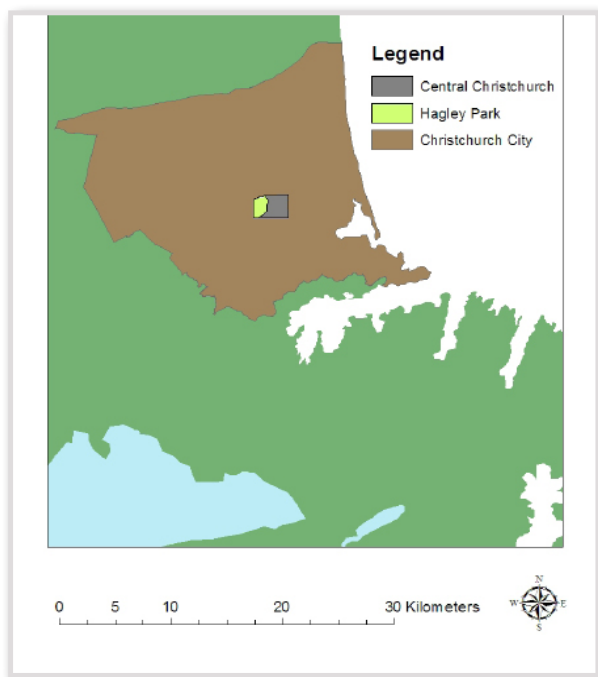
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# Hagley Oval: Canterbury's Future Home of Test Cricket?

Shaun Coffey

## Introduction

The provision of recreational facilities is among the more important functions of local government. Their scale and location are often controversial as they can have significant positive and adverse effects on a community. Cricket is traditionally New Zealand's summer game, often televised and contributing to the culture of the nation through the deeds of its top players (including Sir Richard Hadlee, a Cantabrian who was knighted for his services to cricket), and controversies like the under-arm bowling incident (Australia vs NZ, 1981). It should therefore come as no surprise that seeking a new home for test cricket in Christchurch has created significant debate and been a subject of great interest for planners. This article places the issue in historical context and briefly reviews the range of options considered before evaluating the final choice based on the relevant planning matters.



*Hagley Park location map in relation to Central Christchurch and Christchurch city proper.*

*Source: Mark Burgess*

## Background

January 1930 was the first occasion that test cricket was played in Canterbury, with England beating New Zealand by eight wickets at Lancaster Park (Cricinfo, n.d.). Since this time, Lancaster Park (more recently known as Jade Stadium and AMI Stadium) has been the one and only home of test cricket in the area. However, since 2007 New Zealand cricket has opted to allocate test matches solely to smaller, more open and user-friendly grounds (such as Wellington's Basin Reserve, Napier's McLean Park, Hamilton's Seddon Park, and Dunedin's University Oval). This decision is based on dwindling support for the longer form of the game and the embarrassing television pictures which often highlight empty stadiums. Canterbury Cricket's search for a more appropriate venue for test matches dates back to well before 2007 (Longley, 2008). This search has been somewhat ad hoc, with no apparent formal evaluation process. Several possibilities have

been identified, each with their own strengths and weaknesses, but a final decision has now been made.

## The major contenders

Canterbury Agricultural Park (Curletts Road) became the location of choice for the previous Canterbury Cricket Chief Executive Richard Reid (Longley, 2009a). The proposal involved developing a completely new cricket ground within a facility that is currently used for livestock and horse sales and the Canterbury A&P Show. The major downfall of the proposal however was the estimated \$10million required to carry out the project (Longley, 2009b)

- The Village Green (QEII) is currently Canterbury Cricket's primary home ground for all forms of the game (Longley 2009a). This location was known to be the preferred choice of the Christchurch City Council (CCC) as recently as 2008 (CCC, 2008). The mix of modernised clubrooms and an open and relaxed atmosphere made the Village Green a strong candidate; however issues surrounding its small field size and location in relation to QEII Stadium (likely to create traffic congestion and limited parking during simultaneous events) were very apparent.
- Without doubt, Hagley Park (as a whole) is Canterbury's busiest and most important cricket ground with its first use dating back to the early 1850s (Wilson et al., 2005). The premier cricket facility in Hagley Park is Hagley Oval which has been used since the 1860s. It has hosted nearly every form of the game with levels ranging from junior cricket right up to international tour matches. Major strengths of this location are the existing facilities at the ground, the relatively cheap conversion cost, and the history and relaxed atmosphere it encompasses. The most talked about planning issues relate to parking, traffic, the right of the public to use the park, the building of permanent structures/landscape alterations, and effects on the three cricket clubs currently based on the Oval (Longley, 2009a; Longley, 2009b; Longley, 2008).
- The idea to develop the Christ College grounds directly opposite to Hagley Oval became popular in 2003 (McConnell, 2003). Other areas of South Hagley Park were also thrown up as possibilities but the major downfalls of these ideas were cost and size (Longley, 2008).

## The final choice

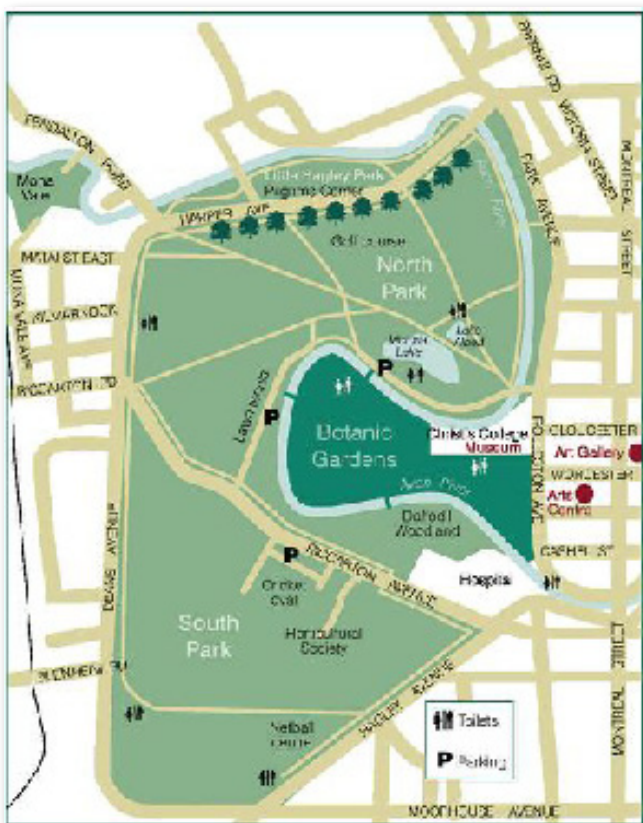
Released in 2009, the Christchurch City Council Long Term Council Community Plan 2009-2019 (LTCCP) was the first major planning document released by the CCC showing consensus support for the development of Hagley Oval. The LTCCP allocates a total of \$954,000 (\$49,000 for 2009 and \$905,000 for 2010) towards the development of the Oval (CCC, 2009). It is expected that this figure will have to be at least matched by the Canterbury Cricket Trust to make proposed designs possible (Longley, 2009b). This represented a significant change in stance by CCC and Canterbury Cricket. Hagley Oval therefore appears to be a compromise solution, but one with strong arguments in its favour.



## Relevant planning documents

The planning issues associated with the ground might appear to be significant limiting factors; however these planning issues are given little regulatory effect in the relevant statutory planning documents.

Hagley Oval, along with the bulk of Hagley Park, is zoned under the Christchurch City Plan as Open Space 2, a zone set aside for areas of 'district recreation and open space'. On the face of it, such zoning might appear anathema to a major test venue, but the move from stadia to more open, family friendly test venues enables the concept to fit the zoning. Also, with very few specific rules relating to the Open Space 2 zone in the plan, and the full backing of the CCC (through the LTCCP), the major aspects of the proposal are likely to cause little concern (despite consents possibly being required depending on the final design). These include renovating the existing Old Boys' Collegians Cricket Club clubrooms, construction of new toilet facilities, laying a new wicket block, the creation of a small raised grass embankment, the generation of traffic, and putting in place temporary fencing and seating for the duration of matches (Longley, 2009a). The public however may have a different view on things, especially if there are diggers and trucks continually shifting equipment, undertaking earthworks, and other construction activity (concerns that were expressed during the LTCCP submission process).



Hagley Park. Source: [http://resources.ccc.govt.nz/files/hagley\\_park-popularparks.pdf](http://resources.ccc.govt.nz/files/hagley_park-popularparks.pdf)

The other most relevant planning document is the Hagley Park Management Plan 2007, which is prepared under the Reserves Act 1997. This Plan outlines the goals and intended uses of the different areas of Hagley Park. One of the major components of

this document is the emphasis placed on ensuring public access to the park is kept to the maximum. However, the Plan does also recognise the important use of Hagley Oval for organised and recreational sporting activities (CCC, 2007).

## Negative aspects

It appears the most significant planning issue that requires further attention is the lack of availability of parking and the subsequent generation of traffic in surrounding areas. The Hagley Park Management Plan 2007 clearly outlines that the Park has insufficient car parks to meet demand, especially when sports or special events are held. Despite efficient public transport being available, the shortage of car parking areas is well known to create high levels of 'indiscriminate' parking and serious impacts on traffic flow (CCC, 2007).

In an article written by Geoff Longley (2009a), CCC manager of sports and recreation John Filsell stated that CCC parking buildings would help cater for cars on the day. This is despite crowd numbers being expected to reach 5000-7000 (Longley, 2009b). Filsell's comments are interesting when you consider that the two parking buildings most likely to be used (Hospital and Rolleston Avenue car parks) have a combined total of 464 available spaces to the general public (and work force) as a whole (CCC, n.d.). Even when combined with the onsite Hagley Oval and Canterbury Horticulture Centre car parks (a total of 235 parks likely to be allocated to players, match managers, corporate guests, and so on), the Botanic Gardens car park (350 spaces), the United car park (200 spaces), and nearby on-street parking (which there is a considerable lack of), the supply is still well short of the possible demand (CCC, 2007). It must be stressed that the car parks mentioned are already at or near capacity on a regular basis.



Hagley Oval. Source: CCC, 2007

The Hagley Park Management Plan makes mention of investigations into developing new permanent parking facilities on Hagley Park land. However, the Christchurch City Council (Reserves) Empowering Act 1971, and a strong body of public support for this Act, has ensured such proposals have not been developed and are not likely in the future (CCC, 2007). No mention has been given to providing parking on grassed areas, a concept that makes many North Hagley events (with crowd numbers well in excess of what is being proposed here) possible. The extent to which such parking on South Hagley would detract from the open space and general public use appears not to have been researched in any depth. However, there appears to be general acceptance of on-grass parking for other events such as the annual Ellerslie Flower Show (North Hagley).



## Positive aspects

Despite its shortcomings, there are many aspects of the Hagley Oval proposal that make it very appealing to both players and spectators alike. Not the least of these is the enforced recognition Hagley Oval will receive as the home of cricket in Canterbury. After a match played between Canterbury and a touring England team at Hagley Oval in 2002, it was reported that, "It defies logic, and the best intentions of the city planners who designated Hagley Park for the community's recreation, that there is no place for a possible representative venue at the Park" (McConnell, 2002).

Hagley Oval is currently the permanent home of two cricket clubs (St. Albans and Riccarton) and the secondary home of another (Old Boys' Collegians), each with their own pavilion on the ground. The Christchurch City Plan and the Hagley Park Management Plan allow for the development of such facilities that may have exclusive and/or specialist use. These agreements are formalised through a lease or licence and are subject to imposed conditions. Support from these parties has been achieved through assurances that the development and use of the Oval as a test match facility will in no way impact on the club cricket schedule or their rights to the facilities (Longley, 2009a; Longley, 2009b; Longley, 2008). Along with the full time caretaker (who lives on the Oval perimeter), the on-site clubs have ensured that the facilities of the Oval are maintained to a high standard, making conversion costs relatively cheap compared to that of other venues (Longley, 2008).



*The historic Canterbury Cricket Umpires Pavilion on Hagley Oval – built in 1864 it is believed to be the oldest remaining sports building in New Zealand. Source: Adrienne Lomax*

## Comment

Is the best of a bad lot good enough in this situation? This is the question the major players have to ponder in regard to this proposal. As a mad cricketer who has clung to a bat ever since I was strong enough to lift one, I believe you would be hard pressed to find majority support within the cricket fraternity for any ground other than Hagley Oval. Despite this, the planner inside me also raises serious questions about the feasibility of this venue. While central locations are home to many major

sporting grounds worldwide, the majority of these grounds survive through much more highly used public transport networks or well designed private transport infrastructure. As outlined above, Hagley Oval is definitely not conducive to major private transport based events. However, it appears the final decision has been made by CCC and we can expect to see test cricket played at the oval in the near future.

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# The state of environmental reporting: The best way forward for environmental reporting in New Zealand

Summary prepared by Genevieve Hilliard and Tim Breese

This is an abridged version of a report prepared for the ERST 635 Group Case Study, as part of the Master of Environmental Policy degree at Lincoln University in 2009. The focus of this study was to analyse the current state of environmental reporting in New Zealand.

The authors of the full report are Tim Breese, Sharleen Gargiulo, Genevieve Hilliard, Arian Lemal and Jessica Ross.

## Introduction

Prior to the 2008 election the National Party indicated that New Zealand's environmental reporting system required improvements. This report assesses the proposal put forward by the National Party 'A Bluegreen Vision for New Zealand' as well as potential alternatives for the future of environmental reporting in New Zealand. Options were developed following a review of theoretical perspectives, international influences and current national environmental reporting in New Zealand, including environmental legislation and the role of agencies. From an understanding of the research, a set of criteria reflecting good environmental reporting practice was established. This provided the basis for our evaluation of the options.

## Current situation

Under the 1986 Environment Act two new bodies were given primary responsibility of managing New Zealand's environment, the Parliamentary Commissioner for the Environment (PCE) and the Ministry for the Environment (MfE). However, at no point in the Act does it charge either body with reporting on the environment. As there was no legislative requirement for any specific programme of environmental reporting, each government department was responsible for reporting on its own area. Thus any form of environmental reporting was ad hoc, fragmented and not specifically included in any assessment of the state of the nation's environment. However, the MfE did undertake their very first "State of New Zealand's Environment" report in 1997, where they found that the country's "environmental information needs considerable upgrading if the state of the nation's environment is to be accurately described" (MfE, 1997, ch.10, p.3).

Following a 2006 directive, the MfE was tasked with confirming a set of national environmental indicators, producing the second national state of the environment (SoE) report, and establishing a National Environmental Reporting Programme (NERP). The second national state of the environment report, *Environment New Zealand 2007*, was released on 31 January 2008. The report found that it was slightly constrained in determining whether certain elements of the environment were improving or deteriorating as the 1997 report did not make use of indicators. This meant there were limited benchmarks against which they could monitor environmental change. Thus the data they had could not necessarily be used to analyse trends.

## Reporting in practice

According to the MfE, environmental reporting draws together information and data on the current state of the environment, on environmental trends and on the effects of human activities, or 'pressures,' on the environment (MfE, 2009, p.3). The MfE undertake their reporting role by performing a series of tasks designed to provide clear, realistic information on the state of the environment, as set out in the NERP. Secondly, in between these five yearly periods, they produce "regular" report cards based on those indicators along with technical reports and surveys regarding specific elements of the environment. These reports are designed to be accessible to all New Zealanders and are updated when "new data becomes available".

Environmental reporting is carried out at national, regional and local levels. The MfE has limited environmental monitoring capability and thus depends on various agencies' input for its SoE reporting process. As there is no standardised approach to monitoring and reporting, the information gathered from these agencies is inconsistent. Therefore, the MfE is tasked with the challenging role of coordinating and comparing information from different parts of the country and aggregating it at the national level.

Due to the poorly defined roles and responsibilities of national environmental reporting in New Zealand, leading to a fragmented reporting process, the National Party put forward 'A Bluegreen Vision for New Zealand' prior to the 2008 election. This proposed a more systematic reporting process, assigning primary responsibility for national environmental reporting to the Parliamentary Commissioner for the Environment (National Party, 2006).

## Environmental reporting options

To determine the best way forward for environmental reporting in New Zealand a number of options were considered by our group. These options were developed following a review of theoretical perspectives, international influences and current national environmental reporting in New Zealand including environmental legislation and the role of agencies. The options identified are as follows:

- Retain status quo;
- Adopt the Bluegreen proposal;
- The MfE retains their reporting role, but with the PCE taking on an auditing role;
- Establish an independent environmental reporting agency; and
- Devolve environmental reporting responsibility solely to local government.

## Best Practice Criteria

Based on our understanding of the theoretical literature of "best

practice” environmental reporting, we established a set of criteria to evaluate the options. It is our recommendation that environmental reporting in New Zealand should:

- Clearly define the purpose of environmental reporting through a clear set of commonly agreed goals, objectives and targets. This should include what is defined as ‘environment’
- Help to Inform users about:
  - What is happening to the environment
  - Why is this happening
  - Where there are gaps in our knowledge
  - What is being done to address the state of our environment
  - Has this made a change
  - How do we compare over time and space and with others
  - What can be done in the future
- Be supported by scientific and credible environmental information
- Be directed at a range of user needs. A ‘layered’ system is recommended that would include a succinct overview in a readily accessible format with links to more detailed technical information
- Support decision-making and feed into policy and planning cycles. In particular, the frequency and timing should link with the state budget
- Clearly define reporting roles and responsibilities, including, specific legal mandates that prescribe these roles and responsibilities
- Be supported with appropriate capacity and skill
- Be objective and unbiased. It is our recommendation that for maximum credibility the SoE reporting unit should be independent of policy, but maintain links for effective environmental assessment in policy development
- Involve vertical and horizontal coordination, both within and among, agencies involved (including protocols and systems for producing, disseminating and accessing information)
- Include a review process of the reporting system, in terms of its efficiency, effectiveness and relevance towards meeting user needs
- Be seen as a “work-in-progress” that will continue to evolve as information and methodologies are reviewed, but still delivers results

## Conclusions

Throughout the course of our research it has become clear that the current environmental reporting system in New Zealand has a series of flaws that affect the MfE’s ability to provide quality environmental reporting data. The most pronounced drawbacks relate to the MfE’s reporting unit’s perceived lack of independence from policy makers, the lack of a specific legal mandate for any national level environmental reporting, and the inconsistent provision of environmental data from regional to national level. The National Party has sought to address these concerns by proposing an Environmental Reporting Act that hands the responsibility for environmental reporting to the PCE, whilst downsizing the MfE into a small policy advisory unit, and expanding the Environmental Risk Management Authority (ERMA) into an Environmental Protection Authority (EPA). However, Prime Minister John Key further stated (when he was the leader of the opposition) that there would be no expansion of existing bodies, and no extra bureaucrats. It would arguably be difficult for the PCE to improve SoE reporting without a major increase in staffing and financial resources. Also, as our interviews found,

giving the PCE a reporting role would compromise their ability to maintain an independent auditing role.

Thus, we felt it necessary to consider a range of alternative options that might better address the flaws in the current system. One such option involves the devolution of responsibility to the regional level. This would better engage local communities in the environmental reporting process, and allow for the utilisation of local knowledge and information. However, it would fail to address many of the concerns of environmental reporting such as: regional inconsistencies of environmental data, the importance of an independent agency objectively reviewing the processes involved and multi-scale environmental problems.

A further option involves the creation of an Environmental Reporting Act that gives a mandate to the MfE to keep their reporting role whilst ensuring that the PCE take on the role of independent auditor. The auditing role would require them to review environmental reporting processes and make recommendations to policy makers based on the MfE’s reports. This would address the problem of a lack of political mandate, and a perceived lack of independence inherent in the current system. It also appears to be politically and economically feasible, as it would not involve any major institutional restructuring, and retains the current knowledge gained by those involved in the existing reporting system. However, this option would also retain the current system’s limitations, specifically, a lack of widespread participation and regional coordination and would not provide the capacity to significantly improve current national level environmental reporting.

This leaves the option of the creation of an independent Environmental Reporting Agency, given a mandate to be responsible for environmental reporting under an Environmental Reporting Act. After measuring the options against our criteria of best environmental reporting, and ranking the options against each other, we believe this option to be the most desirable. Under this option most of the flaws inherent in the present system would be addressed by new institutions and legislative mandates, thus making it a more satisfactory system for environmental reporting. However, creating an independent reporting agency would entail significant restructuring of the current system. Such an initiative would therefore require a major input of resources, such as time, staff and finances. This would appear to be the one significant drawback of the option, particularly due to the current economic downturn and the new government’s reluctance to provide extra resources to the environmental sector.

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## Empowering Communities

Doug Craig\*



Planning at local government level has increasingly become a sterile mode of formalised proposal and reaction. The Resource Management Act 1991 (RMA), as enabling legislation, has enabled a privileged form of development, characterised by rules based planning, technical and legal argument and well funded council and developer projects. The community has often suffered from the process and the outcome.

Large areas of coastline and scenic lakeshore are witness to the ability of developers to change the nature of “place” from that which generations of settlers, residents and visitors valued for its quiet and peaceful environment. Reports by the Parliamentary Commissioner for the Environment (*Working together in Thames-Coromandel: Guidelines for community planning*, November 2005), and the Environmental Defence Society (*Castles in the Sand: what’s happening to the NZ coast*, Raewyn Peart 2009) have detailed the long term impacts of such development but still it continues. Why is it still happening? What can existing communities do to halt the onslaught?

I believe it is because communities do not have the opportunity to decide for themselves how they will relate to that landscape and to each other as an identifiable “living place”.

Their roles are largely limited to that of objection and opposition and are often criticised as NIMBY (not in my backyard). Sometimes they do not even get the opportunity to object because planning instruments have eliminated that right! For example, in my immediate neighbourhood, new cell phone towers are springing up ready for the Rugby World Cup in 2011, and the Department of Corrections are planning a large new community correctional facility next to a residential area. All permitted within existing zoning and without consultation.

Similarly, with the myriad of proposed wind and hydro power schemes on South Island rivers and grandiose plans by irrigation enterprises to capture the fresh water resources in Canterbury, small communities are left to mount defences against large well-funded and resourced corporations to retain their valued lifestyles and places. The recent decision of the Environment Court in the Meridian Project Hayes Central Otago Wind Farm case is a rare victory for community-organised rearguard action.

The Long Term Council Community Plan (LTCCP) process under the Local Government Act 2002 should have given some cause for optimism that community aspirations would be taken into account. Yet again Councils have promoted their own agendas and communities are limited to commenting on Council-derived proposals. In Christchurch, community and school pools have been closed because of lack of funding and school children

bussed around the city (with the resulting CO2 emissions) to meet the demands of a Council community facilities strategy. Neighbourhood planning has been reduced (along with local Community Board input) to street upgrades and beautification schemes.

But there may be some hope for communities with the rise of initiatives for community transitions and resilience. This is grassroots planning that brings together residents to develop a vision of a more sustainable community that functions to meet the needs of local people now and into the future, when resources such as water and oil may run short. In Canterbury, Transition Towns such as Lincoln (through the Lincoln Envirotown Trust) and Lyttelton (Project Lyttelton) are delivering community sponsored programmes with the aid of committed volunteers and small amounts of grants. In Lincoln, there is a well used Community garden, and Lyttelton boasts a renowned Farmers Market, Midwinter festival and a Timebank. This positive community development approach focuses on:

- Building neighbourhood support through meetings and events
- Skills and resource sharing
- Defined small neighbourhood projects
- Social get-togethers to build trust and appreciation for local efforts.

In Roimata, where I live, the Heathcote (Ōpāwaho) River forms a defined boundary and a valued community asset for residents. This is becoming the focus for some of the neighbourhood and plans are being developed for restoration of the river and riverside. A positive approach to neighbourhood planning, skill building and information for good management, can be complemented by Council and ECan input and infrastructure planning.

I have seen how this can work through a community based initiative in West Auckland (Project Whau) that I co-founded and co-ordinated as a community based planner from 2000 to 2004. In 5 years, the community group that I and others organised

- planted 5000 trees on 4 public reserves
- advised and worked with homeowners on the care of the small streams that ran through their backyards
- participated in monitoring of industrial water discharges
- ran water quality monitoring groups at 9 schools through the catchment
- involved churches, community and sporting groups in regular planting and clean-up events
- produced a very popular booklet about the river and its tributaries and an award winning video
- and, most importantly, encouraged people to see their local river as not just dirty, brown and polluted but as a valued “place” for community interaction and recreation

All this happened with the assistance of local council and some local businesses.

Community planning is possible, but it requires recognition and support from local authorities. Through joint action, it can help bring about a renewed sense of place-making, community ownership and pride as the community identifies with its local history and landscape. It suggests that this is what makes up our profound local sense of place. It needs to be encouraged.

*\* Doug Craig is a Community Planner based in Christchurch. Photo thanks to Katie Nimmo.*



# A flash in a watery pan? A comment on the Canterbury Water Management Strategy

Hamish G. Rennie

There have been a lot of knives out for Environment Canterbury (ECan) of late. Indeed, it is hard to believe that ECan and the Mayors in the Canterbury region could possibly work together for the benefit of Canterbury given some of the recent events. But, somewhat behind the scenes, there have been some very positive joint projects. It is to be hoped that these will not suffer serious setbacks as individual political agenda, genuinely held or otherwise, come to the fore.

Among the most genuine advances has been the Canterbury Water Management Strategy (CWMS), driven by the Canterbury Mayoral Forum, which included the then chair of the regional council and the Mayors of the Territorial Local Authorities. The Strategy sets out a programme for creating 'new' water through management practices that improve the efficiency of water use and develop new storage and (re-)distribution infrastructure while proactively restoring degraded water ecosystems, quality and quantity. This will come at a price and will require all players to stay the course. The Canterbury community may play a key role in ensuring there is no backsliding for short term political goals.

It will surprise those in other regions if Canterbury can pull this off. For many years, people in more watery northern parts of the country have looked askance at Canterbury. This is a rainshadow region, largely dependent on water-intensive agriculture which potentially threatens the lifeblood of the nation's second largest city. Surely it would be among the first to develop a rational means of husbanding its precious water, its most valuable resource?

For those outside Canterbury, the failure to develop regional water plans in the early 1990s suggested a regional council with no grip on reality, a region that had no sense of the vulnerability of its economic, social and cultural well-being. This failure was often blamed on farmer domination of the regional council. It was not helped by the council's approach to planning. By attempting a fully integrated regional plan, the urgent needs of particular vulnerable, critically important resources were overlooked. The resultant glacial pace of the passage of the Proposed Natural Regional Resources Plan (PNRRP) left the region open to the ravages of first-in, first-served grabs for water. Individual water catchment plans were not developed and court battles became the norm. The Strategy seeks to rectify this failure.

This is not to suggest that those who sought, and still seek, rights to take or pollute water are bad people. They are making individually-rational, financial decisions in the absence of community-rational mechanisms to allocate water. Community-rational mechanisms ostensibly address the imperfections of short term market places and the complexities of environmental systems.

Canterbury's water reality is one of complex, multiple overlapping systems. The aquifers that provide water for lowland streams, the city and irrigation schemes, lie in easy-to-access, but difficult to assess, layers of soil and stone. At some levels the water moves more freely than through others. Pollutants from the surface leach through to the groundwater. Layers of less

permeable soils create barriers slowing the vertical movements of water. This creates a nesting of aquifer above aquifer. The less permeable layers are punctured by drills for domestic and commercial water. It is difficult to assess the extent to which water trickles downwards, or is pushed upwards by changes in water pressure, as a result of the removal of upper levels of water, or the punctures. This creates real problems for those making decisions on case by case applications for water.

Scientists can not yet, if ever, provide unambiguous solutions for decision-makers. Such problems have led to calls for a precautionary approach to water management through national water policies. The Government has yet to deliver such policies and they would need to be implemented through Resource Management Act (RMA) plans. Instead, the RMA provides litigious and adversarial fora for allocating rights to water. The worst excesses of this approach can be avoided through regional water plans. The lack of such plans has brought the RMA into undeserved disrepute.

The Canterbury Water Management Strategy could have been developed through the RMA processes and it will ultimately rely on the RMA and provisions of the Local Government Act to be delivered. The latter mechanisms are as politically vulnerable as are those of the RMA. The Strategy provides a mechanism that transcends and should survive the vagaries of such specific legislation.

The Canterbury Water Management Strategy is an example of collaborative commitment and of the Cantabrians involved working as a community. It bridges the artificial barrier that is sometimes constructed between the interests of urban and rural people. It is not perfect. It will take time to come to fruition, and it will depend on support from the community, funding from central government, and be underpinned by the Natural Regional Resources Plan (NRRP), but it is the only vehicle moving in the direction of a better integrated water future for all. It deserves recognition and support from the community and the Mayoral Forum should be congratulated for the initiative.

However, even while it was being finalised, the Mayors of the Territorial Local Authorities in the region co-authored and signed a letter to the Minister of Local Government which included calling the regional council "dysfunctional". If the territorial authorities cannot work with the regional council, then how can others in the community, and how can the CWMS be expected to deliver for the Canterbury region? The very existence of Canterbury as a region or a concept is now in question, and the future may see competing unitary authorities trying to work together to manage shared water resources. The situation is ripe for a bad water future for all.

The Strategy and the collaborative effort that has gone into its development need to be demonstrably more than just another fleeting, flash in the pan. Otherwise, the funding that might have helped solve our water problems may well be diverted into less productive administrative restructuring and court battles.

# The Challenge for Passenger Transport in Greater Christchurch towards 2061 and Beyond

Robert Woods\*

In 2006 the population of the greater Christchurch area was around 415,000 people. A medium/high projection for the year 2061 puts the population at a little over 600,000 people and possibly a lot more. The 70,000 people or so now over the age of 60 will more than treble by 2061, to around 190,000. So, there'll be more of us and we'll be older. We'll also be spread across an area of some 1,400 square kilometres, with a dispersed set of origins and destinations for work, shopping, education and leisure. Whilst we can be fairly confident in such population projections, we cannot be so certain about the external drivers that will ultimately determine how and how well, we get around in the future. At the moment we have private cars as the dominant form of transport in our system, but will this always be the case? Certainly, there are many reasons why we should and do strive to exchange some of this dominance of the car for more travel by foot, bike and public transport. However this is primarily in the name of such aims as reducing growth in congestion, improving public health, or reducing the rate at which we have to invest scarce public funds in building more roads. Something that isn't well documented as an aim in our policies and plans at the moment is the growing realisation around the world of impending energy supply and demand issues. This concept popularly known as "peak oil", we are told, is approaching fast. Whilst we are doing the right thing by moving towards a more sustainable land use pattern that will reduce travel distances over time, there will always be a large amount of travel demand in the greater Christchurch area that cannot be met on foot and by bike. This leaves cars and public transport as the main people movers, but how sustainable (in the broadest sense) will they be in a challenging energy environment if they are still reliant on petrol and diesel? How will a larger and older population get around easily and affordably with fuel prices so high?

Some think technology and electric cars will come to our rescue and while it may save those who will be able to afford to buy them, I suspect it will remain too expensive for a long time to come for most people, leaving the majority of us exposed to rising and fluctuating petrol and diesel prices. Some also say significant investment in electricity generation would be needed to support any mass conversion to electric vehicles. Perhaps rather than relying on technology to save the private car, we turn this challenge into an opportunity, and plan now for a high class, grid connected public transport system with the capacity for mass movement of people. Currently in greater Christchurch our public transport system is dominated by a diesel powered fleet of modern, low floor, comfortable and attractive buses; and whilst buses will always play a part in the public transport system (eventually perhaps electric ones or a mix of new technologies), there will come a point in time where the demand along particular growth corridors will outstrip what can be practically and affordably catered for by any form of bus.

These drivers of energy and future demand present somewhat of a conundrum when planning for the future. Do we invest

in the lead infrastructure ahead of demand (a supply led approach) so as to develop resilience to future energy shocks, or do we take a demand led approach, riding the peaks and troughs of future energy price volatility and take a reactive approach to developing public transport? In the context of the current economic situation and the transport funding challenges facing government and local authorities, I am sure a long term planned approach is preferable to an ad hoc, unplanned and ultimately economically painful and damaging head in the sand approach.

There is a need to gain acceptance from the community and business that energy is a major challenge to our future lifestyles and prosperity, and that change will happen soon. Once we have that acceptance, we need to use our planning and political processes to determine a planning approach that positions the greater Christchurch transport system on a path towards a resilient future that is capable of meeting people's needs in an affordable way.

The Regional Transport Committee, with political and community representatives, has recently embarked upon just such a process, with a new 30 year transport strategy under development between now and mid-2011. The first step is to define the issues the region's transport system will face over the next thirty years and what people will need from it. Currently the Committee is receiving views from the community and this will be taken into account as work proceeds towards evaluation of strategic options and the development of a draft strategy for public consultation around early 2011. Once finalised the strategy will form the blueprint for all regional and local transport planning that takes place in Canterbury and, subject to national priorities, will be an influential document for transport investment from central government. It is important therefore that a thorough evaluation of future energy challenges and our response to it is captured during its development, so that national, regional and local transport funding can be aligned with the preferred direction.

The Greater Christchurch Urban Development Strategy also has a role to play. Its vision for a sustainable and vibrant urban form is entirely consistent with a high class public transport system, however it is important that all planning documents pull in the same direction so that our transport system is optimally funded and effectively achieves both transport and urban growth objectives.

*\* Robert Woods is Programme Manager of Transport at the Canterbury Regional Council. His responsibilities include strategic regional land transport planning and its integration into regional council activities and across the transport plans of central government, local government and the private sector.*

## The Community Law Canterbury Resource Management Service



*Mission: We are a Community Law Centre. Our services provide quality, free legal help to people in Canterbury who face barriers to accessing justice.*

In 2009 Lincoln University re-established its ties with Community Law Canterbury. Now over a dozen students from Lincoln University are on the voluntary caseworker roster. Marisha Dorrance is the solicitor who coordinates the Resource Management Service and manages the volunteers. Here's what she had to say about the service.

“Community Law Canterbury is a non-profit charitable organisation situated at 281 Madras Street, Christchurch. It offers free legal advice on general law as well as specialist areas of law. One of the specialist areas of law is resource management. Community Law Canterbury runs a free Resource Management Advice Service on a Tuesday evening by appointment.

### How the Resource Management Service Operates

A client books in for a 45 minute session with a voluntary Resource Management Advisor who is usually a Resource Management Lawyer or a Planner. The Advisor assesses the concern and provides the advice to the client. A voluntary caseworker attends the appointment to record the details of the query and the advice given. Caseworkers are students at Lincoln University and the University of Canterbury. If a client requires further assistance they are referred to resource management advisors.

The Resource Management Service allows individuals and community groups to access free initial advice on a variety of resource management issues. These issues can include resource consent applications, oppositions and process, plan interpretation, easements, court processes, trees and property, and the Local Government Act.

Caseworkers are exposed to current resource management issues in a supportive and learning structure and are introduced to resource management advisors in Canterbury.

Community Law Canterbury currently has sufficient caseworkers for the Resource Management Service. As the need arises, it will provide induction training for new intakes.”

To contact the staff at Community Law Canterbury you can visit, phone, fax or e-mail them at:  
281 Madras Street, P.O. Box 2912, Christchurch, New Zealand  
Telephone 03 366 6870  
Facsimile 03 371 3817  
Email: [staff@comlaw-chch.org.nz](mailto:staff@comlaw-chch.org.nz)

## Proposed Waterwatch Developments 2010 Kelvin Nicolle\*

During 2009 an informal review of the Waterwatch programme was undertaken by the chairperson Dr Jonet Ward and the programme manager Kelvin Nicolle. Dr Sue Jarvis was also brought into this process as she has expertise in secondary school teaching and the development of school curricula.

The rationale behind this informal review came from the Ministry of Education release of the “new” school curriculum that is scheduled to be implemented in 2010. The Waterwatch programme for primary and secondary schools has therefore been adjusted to fit with the new curriculum.

The review process also gave the Waterwatch team the opportunity to re-assess its provisions for senior secondary students who must work towards gaining NCEA (National Certificate of Educational Achievement) credits. In the past the Waterwatch team have been frustrated that schools tend not to use Waterwatch with their NCEA classes. It was realised that this was because of the many constraints within the Achievement Standards (AS) system of assessment that most schools use. To try to address this situation, over the past few months Sue Jarvis has gone through a series of AS assessment tasks in order to determine which could be used directly or modified for use with the Waterwatch programme. It was decided that Waterwatch would fit in with standards in the following subject areas at NCEA levels 1, 2, and 3: Biology, Geography, Education for Sustainability, and Agriculture. Sue has prepared many modified AS documents accordingly.

At a Biology teachers' meeting (16<sup>th</sup> November 2009) hosted by Lincoln University, some of these draft AS documents were made available to attendees. After 20 minutes most copies had been taken, indicating an interest and an appreciation that the Waterwatch team were providing a “package” that could be utilised by teachers of NCEA classes.

To date, two schools have already booked Waterwatch for 2010 using these AS resources. Waterwatch will work with the schools to adapt the draft AS resources to meet their specific requirements.

\* *Kelvin Nicolle is the manager of the Waterwatch programme based at Lincoln University.*

**The Lincoln University Outreach programme seeks to engage with stakeholder groups in the community and also to promote educational opportunities for school students and other community groups.**

Further information on the Outreach programme as a whole (including Waterwatch) can be found at: <http://www.lincoln.ac.nz/About-Lincoln-University/outreach/>

The following Department of Environmental Management staff are prepared to speak at schools on environmental, transportation and planning issues:

Geoff Kerr, Roy Montgomery, Ken Hughey, Jean-Paul Thull.

Please contact Jean-Paul Thull [Jean-Paul.Thull@lincoln.ac.nz](mailto:Jean-Paul.Thull@lincoln.ac.nz) to arrange for speakers from the Department.



## NZPI's New Education Policy and Accreditation

Hamish G. Rennie and Ali Memon\*

In December 2009, despite concern expressed by Lincoln and other universities, the New Zealand Planning Institute (NZPI) Council approved a new Education Policy. The Policy is interesting in that it moves in a different direction to that being taken in Australia and does not fit with the direction of the Bologna Convention on education and the direction being taken in Europe. In some respects, it signifies a shift of the pendulum back towards Town Planning and away from regional and environmental planning. A Bachelors degree must comprise four years study to meet the new NZPI policy and the three year plus one model (acceptable previously and still accepted in Australia) does not fit the new NZPI Policy.

NZPI accreditation of planning programmes enables a student completing that programme to enter the NZPI as a Graduate member. After a further three years of professional work experience, they are eligible to apply for full membership.

Lincoln University has given the new policy considerable thought. In doing so, it has considered the value attributed by employers to its multidisciplinary Bachelor of Environmental Management and Planning (BEMP) programme and the flexibility it allows students to diversify into planning or other related aspects of environmental management and to join a range of professional bodies.

It has decided:

- not to seek re-accreditation of the BEMP degree for the time being. The undergraduate programme is accredited until 2012 provided graduates complete a fourth year of prescribed courses in 2013. Planning will continue to be taught within the existing BEMP degree but Lincoln will not seek re-accreditation by the NZPI under the current circumstances. Therefore the current 2010 first semester intake of students into the accredited undergraduate programme will be last to be able to meet the requirements of NZPI through Lincoln University without an MEP degree.
- to concentrate Lincoln's resources on offering a new NZPI accredited two year masterate degree in Planning, alongside or in place of the existing Master of Environmental Policy degree. Admission to the planning masterate would be open to graduates from a variety of disciplines.
- to work closely with Canterbury planning practitioners during the process of developing and delivering the Master of Planning degree.

While it recognises that not offering an accredited undergraduate degree in planning at Lincoln after 2012 may disadvantage South Island local authorities in terms of staff recruitment, the University's decision has been endorsed by the Lincoln University Planning Advisory Board at its inaugural December 2009 meeting. The undergraduate accreditation option could be revisited in the future if circumstances change.

The decision also means that Lincoln BEMP students will continue to have a range of other options available to them for professional careers in environmental management and planning

(e.g. the Environment Institute of Australia and New Zealand (EIANZ) and the New Zealand Association of Resource Management (NZARM)).

The NZPI is considering introducing a new class of provisional membership that would provide a pathway to full NZPI membership for students who completed the BEMP, but who did not complete the two year accredited post graduate qualification. This would mean that such BEMP graduates would have a seven year post-completion period before being eligible for full membership.

*\* Ali Memon is Professor of Environmental Management, Department of Environmental Management, at Lincoln University and is a member of the New Zealand Planning Institute*

## Landscape Architecture Building Opening

Michelle Flanagan\*

It has been a year of milestones for the School of Landscape Architecture at Lincoln University. The University, or Lincoln College as it was then, was the first New Zealand institution to offer a professional qualification in landscape architecture. From modest beginnings in 1969 the School has expanded with the recognition and growth of the discipline and in November 2009 celebrated its 40th anniversary. Anniversary celebrations included a workshop on Urban Ecology and Ecological Design, a landscape research symposium, reunions, garden tours and a formal dance.

A highlight of the 40th Anniversary was an art auction to raise funds for a sculpture to complement the new building. Original works by 40 artists, including well known New Zealand artists such as Gretchen Albrecht, Barry Cleavin, Andrew Craig, Neil Dawson, Ralph Hotere, Sandra Thompson, Philip Trusttum and Bianca van Rangelrooy, amongst others, were auctioned alongside pieces by emergent artists and current students. The auction generated a high level of interest, and in 2010 a sculptor in residence will commence design and production of the new sculpture.

Coinciding with the anniversary and art auction was the opening of the new landscape building. Where the first intake of five students was housed in a small prefab building, the current 150 students now occupy a new purpose built facility adjacent to the Stewart Building and Ivey Hall. The new studio facilities within the building are designed to allow for open teaching and student interaction and emulate a professional office environment. The building was formally opened by the Minister for Economic Development and Leader of the House of Representatives, the Hon. Gerry Brownlee in November 2009 during the anniversary celebrations.

As a further honour, the new landscape building, designed by Sheppard & Rout Architects Ltd and Royal Associates Architects, was recognised in the 2009 Canterbury Architecture Awards winning the Public Architecture Award. The judges praised the inclusive learning environment created, and described the facility as a "ground breaking education building".

*\* Michelle Flanagan is doing a Master of Landscape Architecture at Lincoln University.*

# IUCN at Lincoln University

Ann Brower\*

The International Union for Conservation of Nature and Natural Resources (IUCN) is an international organisation dedicated to natural resource conservation. Founded in 1948, its headquarters is located near Geneva. The IUCN brings together 83 states, 108 government agencies, 766 non-governmental organisations and 81 international organisations and about 10,000 experts and scientists from countries around the world. For more information about IUCN's outreach programmes, see <http://www.connect2earth.org/> and for more info about IUCN itself, see <http://www.iucn.org>.

New Zealand member organisations are organised into a national executive committee consisting of one delegate from each of the following: Department of Conservation, New Zealand Conservation Authority, Landcare Research, Royal Forest and Bird Protection Society, New Zealand Ecological Society, WWF New Zealand, Environment and Conservation Organisations of New Zealand, International Federation of Landscape Architects and Lincoln's very own Faculty of Environment, Society and Design.

IUCN's mission is to influence, encourage and assist societies all over the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable. The Union has three components: member organisations, six scientific commissions and a professional secretariat in Geneva. IUCN membership unites both states and non-governmental organisations. They set the policies of the Union, define its global programme of work and elect its global governing council at the IUCN World Conservation Congress. Member organisations organise themselves nationally and regionally.

There are six commissions that assess the state of the world's natural resources and provide the Union with scientifically credible technical and policy advice on conservation issues. These commissions are:

- Commission on Ecosystem Management
- Commission on Education and Communication
- Commission on Environmental, Economic and Social Policy
- Commission on Environmental Law
- Species Survival Commission
- World Commission on Protected Areas

The Faculty of Environment, Society and Design has been a member of the International Union for the Conservation of Nature for well over a decade now. Last year for the first time, the Faculty made several initiatives to get students more involved in IUCN. First, we started a student club affiliated with IUCN. This new club, called the Lincoln International Friends of the Environment (LIFE), now has members, an executive committee, meeting times, and an ever-growing agenda. We even have our own logo!

In its first semester of existence, LIFE accomplished quite a bit – contributing to Conservation Week, inviting several notable speakers to campus and making submissions about conservation policy in New Zealand. Speakers we hosted spoke of collabora-

tion with local indigenous communities in conservation (Aroha Mead, global chair of the IUCN Commission on Environmental, Economic and Social Policy), protected area development and conservation in deepest darkest Himalayan valleys and beyond (Bruce Jefferies, NZ vice-chair of World Commission on Protected Areas) and the tried and true effects of climate change on biodiversity (Dr Dave Kelly from Canterbury University). Next year, we're planning more speakers and maybe even a field trip or two. LIFE is a proxy member of the Commission on Education and Communication.

The Faculty also established two summer studentships for research related to the mission of IUCN. The studentships proved a popular option for keen advanced undergraduate students to apply for, so competition was fierce. The recipients of the First Inaugural Lincoln University IUCN Summer Research Studentships (FILUIUCNSRS for short) are Shaun Coffey and Bailey Peryman. Over the summer break they have been researching and writing reports on the Australian experience of collaborative governance of natural resources and how it relates to water management in Canterbury and the prospect of biodiversity offsets in New Zealand.

In sum, IUCN is becoming more active and important in the life of Lincoln University. We welcome one and all to join LIFE. To join, please email our very own 'Captain Planet' at [lfe.club.lu@gmail.com](mailto:lfe.club.lu@gmail.com)

\* *Ann Brower is a Lecturer of Public Policy in the Department of Social Science, Parks, Recreation, Tourism and Sport, Lincoln University. A profile of Ann is included in this issue on pg. 37.*

## LUPAB Established!



The inaugural meeting of the Lincoln University Planning Advisory Board (LUPAB) took place 14 December 2009 at the offices of *Davie, Lovell Smith and Partners*. The Advisory Board is intended to be a key body assisting the Department of Environmental Management in understanding the educational, professional and research needs of professional planners. It provides support, comment and advice on a broad range of current activities and future developments. Its members represent a cross-section of experienced professionals from planning and associated disciplines within the Canterbury region. Those at the first meeting were: Kim Seaton (Chair), Ivan Thomson, Dean Chrystal, Bob Batty, Malcolm Douglass, Geoff Kerr, Hamish Renne and Ali Memon.

# Lincoln University – New Zealand’s specialist land-based university

Anna Jemmett\*

At the launch of the new Lincoln University brand in July last year, Vice-Chancellor Roger Field explained how and why the University had made the decision to position itself within the New Zealand tertiary education sector as New Zealand’s specialist land-based university:

“We have long recognised the value derived from land and the imperative to protect and manage many forms of land, whether it is for its cultural or ecological significance, productive capacity or as an environment where we live and work. We undertake research and educate students in specialist fields that transform land, people and economies.”

Lincoln University has been known for its connections with the land since it was established back in 1878 as a School of Agriculture. Over time the definition of what ‘land’ means has evolved as the University’s areas of teaching and research have developed to meet the needs of a changing world. Now we perceive the definition of land based as: “how people responsibly interact with, create value from and utilise the land for commercial, scientific and environmental purposes”.

This is a much more far-reaching definition than most people might have of land. It not only encompasses the areas we are acknowledged in, for example, agriculture, it also takes in the range of disciplines that have now become part of what we offer.

The idea of not just being connected with the land, but actually being land-based came out time and time again in a series of consultations and a great number of conversations with Lincoln University’s stakeholders. Land is an area that distinctively illustrates what makes Lincoln University’s programmes special. Land also underpins New Zealand’s economic and social wellbeing – it links much of what we do and trade. Both here and beyond our shores, issues around land such as its use, value, protection and productivity, are becoming more and more important.

The decision to be a specialist gives us a unique positioning and demonstrates our commitment to focus on what we see as the real world issues where Lincoln University really can make a difference. Such a decision to be proud of our focus and our expertise in specific areas also sets us apart from other New Zealand universities which have a more general cross section of courses and research.

It’s also practical. This University does not have the resources to offer every course to everybody. So we have concentrated on growing our expertise in those areas where we believe we do offer real value. By stating that we are a specialist University, we are openly saying that we are not trying to attract everyone to study here. In other words, we are not just chasing volume. Instead we want the people who choose to come to this University to be looking for a specialist education which will focus on real issues and put them in good stead for a career in an area they are passionate about.

The Department of Environmental Management fits perfectly with the land positioning from a local, nationwide and world-wide perspective. People the world over are dealing with issues

such as resource depletion, air and water pollution and global warming. These issues all relate to how people interact with the land and their environment.

Environmental management is also a specialist area, which means the people coming into the environmental programmes are focused on making a difference. By choosing our specialist university, those with an interest in environmental management can be assured they will be taught by specialist lecturers and be given a specialist research-led education that stands them in good stead for the future.

Lincoln University has made two other commitments publicly which relate to our land-based credential.

The first is that we have said we are 100% committed to transforming land, people and economies. In other words, the University wants to play its part in helping this country, and others, steer a responsible course that balances social, environmental and economic responsibilities. We are keen to roll up our sleeves and through initiatives such as our research programmes, step in and get involved.

Lincoln University also aims to lead the conversation on land. Our experts in environmental management, whether they are staff, graduates or students, have the opportunity to lead the dialogue and debate around land-based environmental issues. We also have a responsibility as a University to help raise the wider definition of land and to highlight the interplays between our activities and our definition, so that people come to see many more activities and sectors as being land-based. We need to help people think of ‘land’ as an urban as well as a rural concept, for example. We need to consider and reflect on different cultural attitudes to land and its significance.

It is heartening to see that this publication is already well down that path. Reading through previous issues, the majority of articles relate to what we would define as land-based issues – whether it be the Central City Revitalisation Project in Christchurch (Chris Kissling) or dealing with waste in an urban environment in Seoul, Korea (Chul Sohn).

By positioning Lincoln University as land-based we also open doors for more multi-disciplinary teaching and research with a common focus. Areas such as agriculture and environmental management are clearly linked in many ways and our land-based branding encourages this relationship with common goals around New Zealand’s (and the world’s) economic and social well being.

It should also be clear that the ‘New Zealand’s specialist land-based university’ philosophy is here to stay. There will no doubt be some changes in the yearly marketing campaigns to encourage students to enrol but our pride in being New Zealand’s land-based university will only increase over time.

We believe Lincoln University has a vital and important role to play within the University sector. Our hope now is that the University’s stakeholders will embrace the opportunities that this position offers all of us, and that we will work together not just to ensure that land-based vocations are respected and rewarded but that land itself, as we have defined it, becomes the wider subject of conversation that it deserves to be, both on campus and beyond.

\* Anna Jemmett is Marketing and Brand Manager at Lincoln University.



# Student and Staff Profiles

## Compiled by Sarah Edwards

### Hugh Logan



Since completing an MA (first class honours) at Canterbury University, Hugh Logan has spent nearly 30 years working in the public sector. His many and varied roles have included running what is now Antarctica NZ (previously the Antarctic Division of DSIR) from 1988 to 1991, Director General of DOC from 1997 to 2006, and CEO of MfE (Secretary of the Environment) from 2006 to 2008.

Hugh recently decided to return to University and undertake study for a PhD. He chose the Department of Environmental Management at Lincoln because he wanted to study at an institution that had connections to environmental management and land based issues. His thesis, entitled “Servants, stewards or slaves? How do forces within government influence the effectiveness of New Zealand’s environmental agencies?”, seeks to explore the multitude of internal factors that affect environmental management practices in this country.

Hugh will be examining a suite of environmental issues and investigating how they have fared over time. Policies are shaped by wider forces in society and worked on through political processes. The very nature of the political system, however, means there are forces within government itself which have their own effect. The intention of this study is to illuminate the effect of these internal forces in order to help the formulation of successful environmental policy and action in the future. On a personal level, Hugh hopes that his research will also give him an opportunity to reflect on his experience in public environmental management and, more importantly, to measure this against the large body of theory and literature.

### Dr Ann Brower



Ann Brower is a senior lecturer of public policy in the Faculty of Environment, Society and Design. She currently teaches undergraduate classes on New Zealand government and policy, environmental policy, and policy and legislation for recreation.

Ann studies natural resource politics; more specifically, she studies the politics, law, and administration of publicly-held natural resources. At present she is working on a project focused on the comparative politics of state-owned land in the United States, New Zealand, and Australia. Together with a property law lecturer at the University of New England, Australia, she has co-authored a recent paper called “The Cowboy, the Southern Man, and the Man from Snowy River: the symbolic politics of property in the US, NZ, and Australia”. Ann is also researching the politics of property law reform in China with a property law lecturer at Sun Yat-sen University in Guangzhou, China.

Before moving to New Zealand Ann studied at a number of universities in the United States. She completed a Bachelors of Arts in political science and French literature at Pomona College; a Masters of Forest Science at Yale University; a Masters of Arts in political science at the University of California, Berkeley; and a PhD in environmental science, policy and management, also at Berkeley. Ann came to New Zealand on a Fulbright grant to undertake post-doctoral research on the law, politics, and economics of New Zealand South Island high country tenure review.

Despite her extensive academic experience Ann maintains that her best jobs have been next to the water: first lifeguarding at Eastwood Lake in North Carolina and then as swim coach for the Strawberry Canyon Aquatic Masters team in Berkeley, California.

### Del Ibabao



Rhodella Ibabao (Del) has travelled from the Philippines to New Zealand for the purpose of PhD study because of the strong Environmental Management programme at Lincoln. Her prior studies have resulted in a BA in Sociology and Psychology from the University of the Philippines, Visayas-Miag-ao and an MA in Urban and Regional Planning from the University of the Philippines, Diliman. She has also

worked in various aspects of planning, including Environmental Impact Analysis and Traffic Management.

The title of Del’s PhD thesis is “Informal strategies and spaces: Radical planning theory in Iloilo City, Philippines”. In her study she seeks to critically examine the formal and informal planning strategies used by civil society groups in Iloilo City, Philippines and their utilisation of spaces to advance their collective interests. Del contends that new forms of governance can be linked to new ways of thinking about informal strategies and that these strategies are played out in spaces in ways that influence the decision-making processes.

This study is the first of its kind to be undertaken in the Philippines. It will accord more attention to informal modes of participation; this will increase the opportunities for civil society groups to participate in the planning process, which are currently limited to formal strategies. It will also demonstrate the vital relationship between governance and the provision of better public spaces. Hopefully this will strengthen the public and private collaboration in the revitalisation of public spaces using participatory approaches.

Del also works as a course tutor and as a research assistant to her supervisor. She is keen to hear about any other projects that may be related to her own research as these will enhance her overall planning experience whilst in New Zealand.

# Awards

## Citation for Fellow Award

### Malcolm Douglass

by Kim Seaton\*

From time to time the New Zealand Planning Institute invites members to become Fellows of the Institute. Criteria for the Fellow Award include having been a full member of the Institute for at least 10 years and the candidate having rendered conspicuous service to the planning profession. The invitation to become a Fellow was only introduced by the Institute in very recent years and to date few members of the profession have received the prestigious invite.

In June 2009, Christchurch-based consultant Malcolm Douglass received a Fellow Award. His citation described Malcolm as strongly deserving of the Fellow Award, easily satisfying the award criteria in a number of different facets. He has had a long and varied career in the planning profession and has been a member of the New Zealand Planning Institute since 1971.

Malcolm came to the planning profession as a highly experienced traffic engineer, before moving into the planning field. Malcolm has practiced at all levels of the profession from District Plan work with the consulting firm of Gabites Porter, to the pioneering work that he did with the Waikato United Council before becoming the Chief Executive of the Canterbury United Council in 1984 and keeping that same role for the Canterbury Regional Council when local government reform established the new organisation. Malcolm led and managed the amalgamation of thirty-three Councils and Boards into a single unit to serve the new functions of this regional organisation in a single year. In 2001 Malcolm set up his own planning practice and has since worked for a range of Central and local government clients in the strategic, transportation, community and resource management planning areas. He still guest lectures at Lincoln University.

In the many years that Malcolm has worked he has always been a strong advocate for planning, as long as it was practiced with the correct and dedicated degree of professionalism that he demonstrated in his own practice. Above all Malcolm has always been a very 'gentlemanly' man who has shared his knowledge and experience broadly and with many young, and not-so-young, planners and still passionately believes in the value of and the need for planning. A more deserving Fellow would be hard to find.

*\* Kim Seaton is Chairperson of the Canterbury/Westland Branch of the New Zealand Planning Institute*

## New Zealand Geographical Society Award

### Professor Harvey Perkins

The New Zealand Geographical Society has awarded Professor Harvey Perkins the 'Graduate research supervision in Geography' award. Harvey is in Lincoln University's Department of Social Science, Parks Recreation, Tourism and Sport and among his many contributions to planning in New Zealand he was co-editor (with Professor Ali Memon) of two of the leading books

on environmental planning in New Zealand and numerous articles on aspects of urbanisation. Among his current taught courses are 'the Living City' and advanced 'Qualitative Research Methods'. His current research focus is on Rural and Urban Transformations with recent book chapters and articles in leading international planning journals on housing, real estate and rural landscapes.

## Awards for Lincoln Students

### Tim Breese

Tim Breese has been awarded the 2009 John Hayward Memorial Prize. This prestigious prize is awarded to the most outstanding Master of Environmental Policy student who has completed the degree, based mainly on academic performance in all the core/compulsory subjects of the degree. It was created after the death of John Hayward (in 1991), who was the founder, and for a long time director, of the Centre for Resource Management and of the Masters of Science (Resource Management) degree, the precursor of the Master of Environmental Policy. Tim also completed the required electives which enable him to become a Graduate Member of the NZPI. Congratulations, Tim!

### Adrienne Lomax

Adrienne Lomax has won the Thomson Reuters Academic Prize for 2009. This prize (formerly the Brooker Prize) is offered by Thomson Reuters, the major publisher of legal materials relevant to planning and environmental management in New Zealand. It offers awards to planning/planning law students at universities throughout the country and the criteria varies from university to university. At Lincoln the prize is awarded each year to the student who has gained the best grades when completing the required core set of first year MEP courses: ERST 630, ERST 631, ERST 632, ERST 633 & MAST 603. Adrienne is a part-time MEP student who completed the core courses in 2009 and will complete her MEP in 2010. She has also been a key member of the Editorial Team for every issue of LPR/LUPR and is a student member of the NZPI. Congratulations, Adrienne!

### Jess Corkran and Josh Thompson

Congratulations to Jess Corkran and Josh Thompson, two third and fourth year Bachelor of Landscape Architecture students from Lincoln University who jointly won the Ministry of Transport (MoT) Award for the Best Student Research Project/Paper up to Master's Level 2009, at the 2009 Chartered Institute of Logistics and Transport (CILT) Awards. Their project was completed as part of the required course work for the Introduction to Transport and Logistics paper taught by Dr Jean-Paul Thull at Lincoln University. Lincoln students have had particular success at these awards in recent years with Kerstin Rupp receiving the CILT award for the Top Student in a Post-graduate Diploma or Degree Course in 2008.

Jess and Josh's project was a Woolston Revitalisation Proposal based on the idea of shifting major logistics operations from Woolston into the airport noise protection zone west of the city. This would allow for the revitalisation of the Woolston area as a residential area close to the city, beaches and the recreational Port Hills area.

## Adjunct Lecturers Join Department of Environmental Management

Three adjunct lecturers joined the Department of Environmental Management at the end of last year: Dr Lin Roberts (adjunct senior lecturer), Leo Fietje (adjunct lecturer), and Dr Sue Jarvis (adjunct lecturer).

**Dr Lin Roberts** has worked in a number of academic, government, and non-government roles.



She currently teaches an MBA course at the University of Canterbury and has developed Masters courses for Lincoln University and Deakin University. Since 1994 she has been director of a consultancy dedicated to sustainable development. Lin will be teaching ERST 620 Advanced Environmental Management Systems this year and is developing research projects in sustainable food systems and sustainability in tertiary institutions.

**Dr Sue Jarvis** will be known to many staff and students as



the front person of the Lincoln Envirotown Trust (LET), of which she has been an initiator and is the Chair. She has also been involved with EnviroSchools and Lincoln University's Waterwatch programme. The wealth of experience that Sue has gained, both in her role with LET as well as that of a teacher and careers advisor at Lincoln High School, will be of great value to a range of staff,

departmental activities and efforts, including those aimed at integrating sustainability in courses and degrees, at advancing sustainable practices within the department, and the promotion of our degrees at high schools.

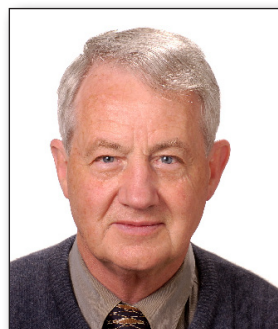
**Leo Fietje** is already well-known to many Lincoln University postgraduate students as he has contributed to many departmental activities over the years. This includes teaching (ERST621 Principles of Environmental Impact Assessment and ERST631 Environmental Sciences in Environmental Policy), as an advisor to postgraduate research students, and because of his position in the New Zealand Chapter of the Environment Institute of Australia and New Zealand. Leo will continue in these roles this year.



## Retirements Compiled by Ton Buhrs\*

### Chris Kissling

From January this year, Professor Chris Kissling has retired from Lincoln University. Chris came to Lincoln University in 1990 to co-ordinate the development and introduction of the Bachelor of Resource Studies. In 1993, when the University created a Chair in Transport Studies, he was appointed as professor. In the twenty years of his service to Lincoln University, Chris has been a highly valued teacher (in 2009, he was awarded 'Teaching in Geography (in all settings)' award by the NZ Geographical Society), and an indefatigable advocate for Transport Studies, bringing his extensive experience and high standing in the Transport and Logistics profession to his teaching, research and many contributions to course development (of on- and off-campus courses). His presence, many talents and contributions will be sorely missed by the department and the wider university.



### Jane Swift

Jane Swift, a member of the secretarial support staff of the Faculty of Environment, Society and Design, has indicated her intention to retire in April this year. Jane joined Lincoln University in 1998 to become the PA of the then Director of the Department of Resource Management, Professor Ian Spellerberg, until 2002 when, as the result of a restructuring, she became a Divisional secretary. Jane has been a crucial pillar in a whole range of things, including the administration of Postgraduate applications, the maintenance of staff research records (Research Master), and the allocation of office space to PG students. For many PG students in the Department of Environmental Management, Jane has been the first point of contact and advice, and she developed and maintained a warm relationship with many of the students. Her departure will leave a big gap.



\* Ton Buhrs is Head of Department - Department of Environmental Management, and a Senior Lecturer in Environmental Policy at Lincoln University.



# Staff Planning-relevant Research Publications in 2009

Compiled by Hamish G. Rennie and Felicity Boyd (with assistance from Jane Swift)

Good planning is largely dependent on research and a, possibly the, key measure of the success of a university and of an academic in New Zealand is the ability to produce research outputs. Every six years the Government of New Zealand measures the performance of each university academic staff member, primarily on the basis of their research outputs, then uses this to fund universities. This is the Performance Based Research Funding system. Although individual staff ratings are not made public the performance of universities in particular areas are published. That is how Lincoln University can claim to be the top-ranked university in Architecture, Design and Planning. So next time you think your lecturer is lucky having to spend so little time teaching in classes, think again – they, and their Post Graduate students, are probably working into the wee hours doing the research on which they base their lectures, gain external research funding and add to the knowledge of society. It is up to professional planners to apply the research to address planning issues.

Unfortunately, members of the planning profession often do not have time to keep abreast of staff research. Consequently, starting in this issue, LPR will each year bring you a list of staff publications that we think are relevant to planners. Planning, especially environmental planning, is so broad that choosing what is relevant to it is difficult. Researchers also publish a wide range of material, from book reviews to books. The following list is the compilers personal selection. In deciding what to include we restricted the staff covered to those in the Faculty of Environment, Society and Design and the publications to those published in 2009. We include articles that were on research undertaken on overseas issues because these are of interest to our international readers, including overseas alumni planners, and enable us to bring learning from overseas back to New Zealand. Book reviews and articles that are of an extremely technical nature (e.g., on marine hydrography computer GIS) have been omitted, but some short newsletter style articles/discussion on topical planning issues have been retained. Newspaper opinion pieces have been excluded.

Lincoln's strength lies in its multidisciplinary approach, and its graduates have particular policy planning strengths in environmental and resource management, transportation, landscape planning, recreation, tourism and parks. These are well reflected in the publications list, and that many are co-authored with students is indicative of a positive collegial approach to research. Perhaps the international academic highlight this year, however, is Ton Buhrs's new book on collaborative governance, which is beautifully counterbalanced by an exemplar of collaborative applied research, on Lake Ellesmere/Te Waihora, edited by Ken Hughey and his ECan co-author. Rather than list the publications in categories, we have chosen a simple alphabetical ordering of the authors. Enjoy!

- Annear, M. J., Cushman, J. G. & Gidlow, R. G. A. (2009). Leisure time physical activity differences among older adults from diverse socioeconomic neighbourhoods. *Health & Place*, 15(2), 482-490.
- Bowring, J., Egoz, Y. S. & Ignatieva, M. (2009). "As good as the west": two paradoxes of globalisation and landscape architecture in St Petersburg. *Journal of Landscape Architecture*, 1, 6-15.
- Bowring, J., Egoz, Y. S. & Ignatieva, M. (Eds.). (2009). *Landscape review: globalisation in landscape architecture*. Wellington, NZ: Whitireia Publishing.
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- Buhrs, A. J. A. (2009). *Environmental integration: our common challenge*. USA: State University of New York Press.
- Buhrs, A. J. A. (2009). Environmental space as a basis for legitimating global governance of environmental limits. *Global Environmental Politics*, 9(4), 111-136.
- Campbell, H. R., Burton, R., Cooper, M., Henry, M., Le Heron, E., Lewis, N., Pawson, E., Perkins, H. C., Roche, M., Rosin, C. & White, T. (2009). From agricultural science to biological economies? *New Zealand Journal of Agricultural Research*, 52(1), 91-97.
- Egoz, S. & Merhav, R. (2009). Ruins, ideology and the other landscape: the case of Zippori National Park, Israel. *Journal of Landscape Architecture*, 2, 56-69.
- Gidlow, R. G. A., Cushman, J. G. & Espiner, S. R. (2009). *Recreational hunters, fishers and divers in North Canterbury: outdoor enthusiasms in social contexts*. Lincoln, New Zealand: LEaP @ Lincoln University.
- Hughey, K. F. D. & Taylor, K. W. (2009). *Te Waihora/Lake Ellesmere: state of the lake and future management*. Christchurch, NZ: EOS Ecology.
- Ignatieva, M. & Stewart, G. H. (Eds.). (2009). *Historical landscapes in the modern era, St Petersburg, USSR, June 2009*. St Petersburg, USSR: St Petersburg State Polytechnic University.
- Ignatieva, M. & Stewart, G. H. (2009). Homogeneity of urban biotypes and similarity of landscape design language in former colonial cities. In M. J. McDonnell, A. K. Hahs & J. H. Breuste (Eds.), *Ecology of cities and towns* (pp. 399-421). New York, US: Cambridge University Press.
- Jacobson, C. L., Hughey, K. F. D., Allen, W., Rixecker, S. & Carter, R. W. (2009). Toward more reflexive use of adaptive management. *Society and Natural Resources*, 22(5), 484-495.

- Kartikasari, S. N., Rixecker, S. & Espiner, S. R. (2009). Seeing the forest as more than its trees: local stakeholders' perceptions of natural forest benefits in Gorontalo, Indonesia. *International Journal of Management and Decision Making*, 10(3/4), 214-230.
- Kissling, C. C. (2009). In search of a process for central city revitalization: the example of Christchurch. *Lincoln University Planning Review*, 1(2), 5-11.
- Lamb, D. (2009). Worldwide pedestrian perspectives of the urban walking experience. *International Federation of Parks and Recreation Administration*, June, 6-8.
- Memon, P. A. (2009). How to harness the full potential of integrated catchment management as a pathway to sustainability. *Lincoln University Planning Review*, 1(2), 16-20.
- Pawson, E. & Perkins, H. C. (2009). Commentary: changing places. *New Zealand Journal of Forestry*, 54(1), 7-8.
- Rennie H. G., White R. & Brabyn L. (2009). Developing a conceptual model of marine farming in New Zealand. *Marine Policy*, 33(1), 106-117
- Rennie, H.G and Memon, A. (2009) 'The' Re-presented Core of New Zealand Professional Planning Education in 2009 ANZAPS 2009 28-30 August, *Abstracts and Papers*, (Pp1-13) Brisbane: ANZAPS
- Rennie, H.G. (2009). Will the new NZCPS adequately protect the coast? *Reform in Paradise, Auckland, June 2009*. (pp. 1-14) Auckland: Environmental Defence Society. [www.edconference.com/speakers.cfm](http://www.edconference.com/speakers.cfm).
- Rennie, H. G (2009). Aquaculture management areas – an example of why we should not rush to ditch the RMA's effects-based approach. *Planning Quarterly*, 174, 14-16.
- Rennie, H. G. (2009, August). Two GIS-based approaches to aquaculture planning? *The Grower*, 9.
- Safa, M., Samarasinghe, S. & Mohssen, M. A. W. (2009). Modelling fuel consumption in wheat production using neural networks. *Joint 18th International Mathematics and Computer Science (IMACs) Conference and International Modelling and Simulation Congress MODSIM 2009, Cairns, Australia, June 2009*. (pp. 775-781).
- Scarfe, B. E., Healy, T. R. & Rennie, H. (2009). Sustainable management of surfing breaks: case studies and recommendations. *Journal of Coastal Research*, 25(3), 684-703.
- Scarfe, B. E., Healy, T. R., Rennie, H. & Mead, S. T. (2009) Research-based surfing literature for coastal management and the science of surfing – a review. *Journal of Coastal Research*, 25(3), 539-557.
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- Shone, M. C. (2009). Changing paradigms: the case of tourism and development in the Hurunui District, New Zealand. *Proceedings of the 18th Tourism and Hospitality Education and Research Conference: CAUTHE 2009 See Change – Tourism and Hospitality in a Dynamic World, Fremantle, Western Australia, February 2009*. (pp. 1-29).
- Skellern, M., Rennie, H. & David, M. (2009). Working towards the protection of surf breaks. *Planning Quarterly*, 172, 12-15.
- Stewart, G. H., Ignatieva, M., Meurk, C. D., Buckley, H. L., Horne, D. B. & Braddick, T. (2009). Urban Biotopes of Aotearoa New Zealand (URBANZ) I: composition and diversity of temperate urban lawns in Christchurch. *Urban Ecosyst*, 12(3), 233-248.
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- Stiftel, B.; Demerutis, J.; Frank, A.I.; Harper, T.; Inkoom, D.K.B; Lee, L.-M.; Lima, J. J.; Memon, A.; Milstead, T.; Mironowicz, I.; Nnkya, T.; Paris, D.; Silver, C.; Sipe, N. G.. (2009). Planning education. In B. C. Arimah, I. Jensen, N. D. Mutizwa-Mangiza & E. A. Temeru (Eds.), *Planning Sustainable Cities: Global Report on Human Settlements 2009* (pp. 185-201). London, United Kingdom: Earthscan.
- Stiftel, B.; Demerutis, J.; Frank, A.I.; Harper, T.; Inkoom, D.K.B; Lee, L.-M.; Lima, J. J.; Memon, A.; Milstead, T.; Mironowicz, I.; Nnkya, T.; Paris, D.; Silver, C.; Sipe, N. G.. (2009). Planning education. In B. C. Arimah, I. Jensen, N. D. Mutizwa-Mangiza & E. A. Temeru (Eds.) *Planning sustainable cities: policy directions (abridged edition)* (pp. 68-75). London, United Kingdom: Earthscan.
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## Report from ANZAPS

Ali Memon

### 1. What is ANZAPS and what does it do?

The acronym ANZAPS stands for the **Australia and New Zealand Association of Planning Schools**. ANZAPS is a network of planning educators covering New Zealand and Australia. It serves as a forum for the exchange of information between academics and planning programs in the two countries. Another way to describe ANZAPS is as an *informal* community of planning scholars down-under. Comparable organisations exist in other global regions such as Europe, Africa, North America and Asia but these tend to operate in a more structured fashion.

Information about ANZAPS is available on its website: [www.anzaps.org](http://www.anzaps.org). The two main activities of ANZAPS are as follows:

a. A free web-based mailing list [replan@mailists.uwa.edu.au](mailto:replan@mailists.uwa.edu.au). This mailing list is used extensively by academics and PhD research students within the region to circulate information on a range of topics related to teaching, forthcoming conferences of interest to planners and academic career opportunities.

b. The annual ANZAPS conference. Planning schools in Australia and New Zealand take turns to organise the annual conference. Registration for the conference is free to encourage staff and senior post-graduate students to participate and present papers relating to teaching and research in the discipline of planning.

Apart from being a forum for informal networking, the conference also provides an opportunity to discuss issues of interest related to the well-being of the planning discipline on both sides of the Tasman ditch (see brief report on the 2009 conference below).

The ANZAPS conference in 2010 will be hosted by Lincoln University and will be held back-to-back with the joint Planning Institute of Australia/New Zealand Planning Institute conference in April. Visit the conference website at <http://www.lincoln.ac.nz/news--events/conferences/anzaps20101/>

ANZAPS is one of the members of the GPEAN (Global Planning Education Association Network). Very briefly, GPEAN is the global counterpart of regional associations such as ANZAPS. A key activity of GPEAN is to convene the five yearly World Planning Schools Congress. The next GPEAN conference will be held at the University of Western Australia in Perth in 2012. The website for GPEAN is [www.gpean.org](http://www.gpean.org). Currently, Ali Memon (Lincoln University) and Jo Rossier (University of the Sunshine Coast) act as the ANZAPS representatives on the GPEAN Coordinating Committee and the Conference Steering Committee.

GPEAN also edits the annual *Dialogues in Urban and Regional Planning* series published by Routledge and undertook a global study of planning education for the UN Habitat *Global Report* published in 2009 (Stiftel et al 2009 in research publications list in this LUPR issue)

### 2. The 2009 ANZAPS conference

The 2009 conference was jointly organised by the planning schools in Queensland and held at the QUT in Brisbane in August. About twenty papers, both refereed and non-referred, were presented during the first one and a half days by academics and postgraduate students on a broad range of themes. The abstracts and some of the papers can be downloaded from the ANZAPS website.

The last half day of the conference was allocated to discussing two general issues:

a. ranking of planning journals for the Australian equivalent of the five yearly exercise undertaken in New Zealand by the Tertiary Education Commission to rank all academics on strength of their publication record. This recently completed exercise has major implications for funding of academic disciplines in Australian universities and it is pleasing to note that ANZAPS was asked to undertake this exercise on behalf of the Australian planning schools. Hopefully, this is a precursor to what may transpire in New Zealand in the near future.

b. PIA/NZPI/ANZAPS Education Policy/Accreditation. Both PIA and NZPI are in the process of adopting new education policies and accreditation procedures. One of the issues this raises is divergence between the two institutes in this arena and implications for reciprocal membership. It was felt that ANZAPS should play a stronger role in this area.

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## Planning Pains? Don't Panic!

Questions about planning issues.

*N.B. all advice given here should be considered as opinion only. LPR and the authors of the content take no responsibility for any actions taken or not taken based on the advice provided.*

**Questions** - I am an expert witness in an RMA hearing. My client is settling out of court and has asked me to agree to not provide evidence for any other party. The client also says I could not act for any other party in anyway, as I would be conflicted due to my provision of professional services to my client in this case. I have been approached by another party to appear for them.

Is it appropriate for a client to demand that an expert witness not be available to other parties as part of an out of court settlement of an appeal? Second, how could my expert advice to a client prevent me from giving expert advice to another client in the same case?

**Response** - A number of lawyers and clients insist that expert witnesses they employ cannot appear for other clients in the same proceedings. Some experts believe the same.

However, the client does not have property in a witness. The



expert witness is a friend of the court, there to aid the court, not the client. The witness could not be prevented from appearing for another client if the witness was prepared to do so. It is also worth noting that if the client has settled out of court then there is unlikely to be any conflict because the former client is no longer involved in the case.

An out of court settlement between an appellant and a defendant that contained a clause ostensibly preventing a court from hearing a witness for the other side would not prevent the witness from doing so. It is worth recalling that a witness can be subpoenaed regardless of any such agreements. The expert opinion would not have changed because of a change in client, unless new information led to some change in the opinion.

With regard to the second question, some lawyers take the view that the witness, especially planning witnesses, play such a key role in case preparation that they are inherently compromised. However, if the witness has played a key role in deciding how the case should be run such that it would lead him to be compromised as an expert witness for another party, then the witness is also compromised as an expert witness for the original client. The opinion of an expert witness should not be influenced by the nature of how a case is to be argued, rather they provide their expert opinion as advice to the lawyer.

Show me an expert witness who says they cannot appear for a party because they are already appearing for another party and I would suggest that in reality you are showing me a 'hired gun', not an expert witness.

Having said this, depending on your contractual relationship with your original client, it would not necessarily be appropriate for you to present material and analysis that had been paid for by your original client. Here you need to tread warily and many would advise against further involvement in the case. The original client might claim ownership of source material and there could be a question of partiality. Although the witness has an overriding responsibility to the Court, there is a secondary obligation to the former client in relation to the information collected/collated.

A number of situations arise where clients do some 'bulk shopping', essentially buy up all the expertise in a particular field critical to a case, and then suppress that information by not calling the witness or not funding research beyond that which the client considers is in its best interests. Under the Environment Court's Code of Conduct for Expert Witnesses, not being able to conduct a full range of tests or samples should be divulged to the hearing if it might affect your evidence or opinion.

Some companies may have longstanding relationships with particular clients and not wish to offend them by allowing their staff to appear for opposing parties in a case. In such situations your contractual relationship with your employer becomes significant, but will not prevent you from being subpoenaed. Note that you can be subpoenaed by council hearings under the RMA, not just at the Environment and higher Courts. If clients and suppliers of expert services 'lock up' experts, we may see increasing use of subpoena.

## Choice Modelling Experts Workshop

Geoff Kerr\*

In November, Lincoln University, under the direction of Associate Professor Geoff Kerr, hosted the fourth Australasian Choice Modelling Experts Workshop at the Heritage Hotel in Christchurch. Choice modelling is a technique used by environmental economists to measure the values, often in money terms, of environmental and landscape attributes. The technique is also extremely useful for predicting behavioural changes, having particularly important applications in transport modelling.

While non-market valuation has not been widely employed in New Zealand environmental decision making, the recent Environment Court decision on Project Hayes clearly signalled the Court's desire for application of these types of methods.

[624] Given that [the witness] had identified that there are recognised non-market valuation methods of placing a value on these [largely landscape] environmental impacts, it is disappointing that Meridian's principal expert failed to utilise them. Accepting that neither [of the witnesses] may have particular expertise in such methods, Meridian could have engaged someone with appropriate expertise to provide what estimates they could using such methods. (Decision No. C 103/2009 Maniototo Environmental Society Incorporated & others (Appellants) vs Central Otago District Council and Otago Regional Council (Respondents) and Meridian Energy (Applicant & Appellant)).

The workshop was capped at 40 attendees, a limit that was easily reached. This far surpassed attendance at previous workshops, signalling increased interest in this type of analysis. Part of the broader appeal was attendance of 14 PhD students at the workshop, facilitating transfer of knowledge to and amongst future practitioners and experts. Expansion from environmental interests to transport, food, and health domains was also pleasing, providing an opportunity for cross-disciplinary fertilisation. Half of the participants travelled from Australia. Keynote addresses were provided by Professor David Hensher, Institute of Transport and Logistics Studies, University of Sydney and Professor Jordan Louviere, Centre for the Study of Choice, University of Technology Sydney.

For further information on choice modelling or the workshop contact Geoff Kerr [Geoffrey.Kerr@lincoln.ac.nz](mailto:Geoffrey.Kerr@lincoln.ac.nz)

\* Geoff Kerr is Associate Professor Environmental Economics, Department of Environmental Management, at Lincoln University.

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## NZPI CEO Resigns

Keith Hall, the NZPI CEO has announced he is returning to North America to re-involve himself in professional transport planning in Toronto. In his 30 months as CEO he has had a significant impact on the NZPI. He brought a passion for improving the standing of the profession, tightening the standards for membership admission while encouraging more people to join and enhancing communication among members. He will be a hard act to follow.

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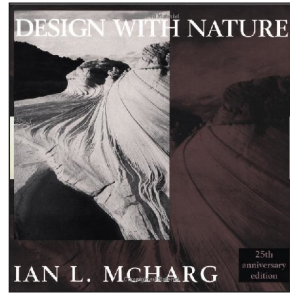
# Student Book Reviews

In the second semester of 2009, SOCI 314 Professional Practice students were required to write a book review as an assignment to help illustrate and understand the range of planning literature. This involved reading at least one planning book thoroughly and discussing them in class. The range of coverage was broad with contemporary to planning classics (like McHarg's) being covered. Some of the students thought there were some that were worth publishing and so did LPR; they are published below. Here are the book reviews of *Design with Nature* by Ian McHarg, *The Unsung Profession* by Caroline L. Miller, *Fuzzy Planning* by Gert DeRoo and Geoff Porter and *Digital Land* by James L. Sipes and Mark S. Lindhult.

## Design with Nature

Ian McHarg. The Natural History Press, New York, NY, 1969.

Review by Ashleigh Grose



The current urban design, planning and sustainability paradigms have their beginnings in the work carried out by author Ian McHarg. The book, *Design with Nature*, published in 1967 is a culmination of his experience and knowledge of planning and landscape design. It was truly ground breaking at the time of publication and is widely recognised as a classic for modern planners and landscape architects. McHarg's childhood was spent growing up in Glasgow. This experience aided an early appreciation for the need for cities to incorporate and accommodate the qualities of the natural environment. McHarg left Scotland and later received an education at Harvard and was awarded degrees in landscape architecture and planning.

*Design with Nature* covers an extensive range of ideas and is the type of book that needs to be read several times to gain a full understanding of the content covered. I believe one of the key messages McHarg expresses is that there needs to be human cooperation and a concern for the natural environment and ecology when dealing with urban design. McHarg explores the relationship between the built environment and nature, using this to illustrate how both can be used to their full potential without having detrimental effects on each other. This can only be achieved through a willingness to recognise the importance of ecology in urban landscapes.

*Design with Nature* was ground breaking due to the scale and complexity of the issues it attempted to deal with in detail. Upon reading the book, it appears McHarg has a close spiritual relationship with the physical environment. This is reflected in the following quote "this book is a personal testament to the power and importance of sun, moon and stars, the changing seasons, seedtime and harvest, clouds, rain and rivers, the oceans and the forests, the creatures and the herbs" (p5). The style of writing is a merger of philosophical and ecological ideas and reflects a deep connection to the physical world. It is also very apparent that McHarg has a distaste for the city, at times referring to it as "... God's Junkyard", "bedlam", and "dead grey tissue encircling the nation" (p23).

The only real criticism I would have of this book is that it reflects the general conviction by academics during the sixties who believed that suburban sprawl was the principal threat to the natural environment. It falls short of the contemporary design perspective, by mainly focusing on patterns of land use. This is evident because McHarg accepts cars as permanent fixtures of the environment, as he discusses how highways can be better suited to the surrounding environment. This attitude contrasts with current efforts to reduce the amount of cars on the road

through design strategies such as New Urbanism and incentives to use public transport. Criticisms aside, McHarg was a pioneer of urban design and of the environmental movement; his work has contributed to and influenced, among many others, environmental impact assessment, coastal zone management, river corridor planning and ideas about sustainability and regenerative design.

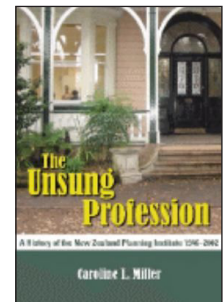
During the sixties the environment played a small role in planning, due to the lack of ability to quantify and display spatial information in a meaningful way. This is also due to the intellectual and philosophical perspective on planning at this time. The overlay system which McHarg developed facilitated the development of Geographic Information Systems (GIS).

I would recommend this book to anyone who will have an involvement in the landscape architecture or planning disciplines. This book is the key stone to the way contemporary urban design, planning and sustainability is practiced.

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## The Unsung Profession: A History of the New Zealand Planning Institute 1946-2002

Caroline L. Miller. Dunmore Publishing Ltd, Wellington, New Zealand, 2007.



Review by Felicity Boyd

Planning in New Zealand is undertaken by a diverse range of people in a variety of different locations and settings. A large number of professional planners are members of the New Zealand Planning Institute (NZPI). The NZPI of today is a publicly recognised professional organisation with international stature. While it may seem as though this has long been the case, Miller's enlightening history of the NZPI reveals this has been a fairly recent development. *The Unsung Profession* tracks the progression of the Institute alongside the profession since the beginning of the 20th Century and clearly shows the trials and tribulations both NZPI and its individual members have faced in order to become the self-sustaining organisation we have today.

Each chapter of *The Unsung Profession* addresses a different decade, allowing the reader to understand the general theme of each decade as well as the overall picture of how the NZPI has developed over time. From its humble beginnings as a small, tight-knit group operating under the Royal Town Planning Institute of Britain, it is clear the NZPI has grown considerably since its inception. In each chapter, Miller comments on a number of professional aspects of the NZPI, including membership, education, and professional development. NZPI matters are discussed in detail, and related to the wider community through

explanations of the economic, political and legislative climates of the time which had various impacts on professionals. The NZPI has clearly been on a tumultuous journey throughout the 20th Century, from initial optimism about the future in the 1960s and 1970s to the difficult economic circumstances of the 1980s and further instability of the profession in the 1990s. *The Unsung Profession* provides a logical, comprehensive account of the history of the NZPI that recognises the dedication of a large number of volunteers who have battled throughout the years for recognition and status on both the New Zealand and international stage.

As noted in the preface of the book, *The Unsung Profession* aims to provide a less critical account of the NZPI and planning than in many texts. It is an opportunity for both members and non-members to reflect on the progression of both the Institute and the planning profession throughout the 20th Century and into the 21st Century. While Miller does not hesitate to outline the Institute's shortfalls over this time, the overall feel of the book is that of pride and accomplishment in turning planning into a recognised career. This history of the NZPI outlines the development of a profession, from its beginnings as a small, informal group to the large self-sustaining body it is today. Many aspects of this development are covered, such as the continuing debates within the Institute's Council on issues of membership and qualification. *The Unsung Profession* is a book which allows NZPI planners to bask in the success of their predecessors in establishing a recognised, respected professional organisation despite the many obstacles they faced.

*The Unsung Profession* provides a comprehensive history of the NZPI from 1946 to 2002. The information presented in this book has been gathered from a wide variety of sources; it is invaluable to have this information recorded together in a historical account. Miller's writing style is engaging - because of this, the book takes on a story-like flow which is easy to read and understand. Despite the many positive aspects of this book, it must be noted that Miller's account often projects the issues of the NZPI onto the wider planning community. It is important to remember that there are, and have always been, a number of planners working in the community who are not members of the NZPI. While it may be true that all planners have faced similar issues over time (such as the restructuring of local government, the introduction of new legislation and difficult economic times) I feel it is unwise to generalise the feelings and issues of the NZPI to the entire planning profession. There are also a noticeable number of errors within the book, suggesting a lack of thorough editing.

It is unfortunate, but perhaps unsurprising, that South Island planning is largely ignored by Miller. Auckland has long held a dominant position in the training and employment of professional planners; however it is important to recognise the work done by smaller, less conspicuous areas of the country, particularly in a historical account such as *The Unsung Profession*. Lincoln University's Ali Memon is barely mentioned, despite his enormous contribution to New Zealand planning. The planning schools at Lincoln and Otago universities are also largely ignored in this history. Miller gained her first qualification through Auckland University and is currently a senior lecturer at Massey University. This bias towards the North Island may be due to the personal background of the author, or it may simply reflect the nationwide imbalance throughout planning history in New Zealand.

*The Unsung Profession* is a book I would recommend to any person interested in planning, particularly future or existing

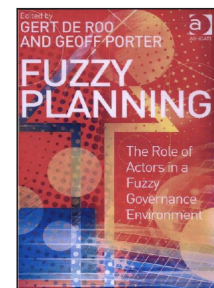
members of the NZPI. It provides a concise history of the NZPI and explanations for the way the Institute functions today. There is also a significant amount of general information on the challenges the planning profession as a whole has faced since 1946. *The Unsung Profession* is not a long or arduous read, and is perfectly able to be read over a number of sittings, making it a book that can be easily incorporated into busy lives.

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## Fuzzy Planning: The Role of Actors in a Fuzzy Governance Environment

Gert De Roo and Geoff Porter.  
Ashgate, Burlington, VT, 2007.

Review by Daniel Andre Tulkens



Speaking personally, my short and lively academic career has exposed many planning concepts which appear fraught with uncertainty, paradox, and perpetual semantic conjecture. It is the uncertain nature of planning which the book addresses, with particular regard to doctrines of 'sustainability' and 'compact city' which are widely accepted yet lacking in clarity. The 'fuzzy' nature of contemporary planning tends to result in implementation impotence, and dually serves as an agent of conflict.

In this situation the end result of planning may be minimal or counter productive. The authors of *Fuzzy Planning* propose a method of 'actor-consulting', which is based on assessment and analysis of actor motives, perceptions and contributions, in order to address the differences in understanding of concepts such as 'sustainability' and leading to the ability to differentiate between the reality and the rhetoric of planning scenarios. The ultimate aim of an actor-consulting decision-making model is to address the subjective nature of fuzzy notions and concepts in planning, to create a common understanding among actors, and to unravel underlying mechanisms that determine actor behaviour.

The authors posit that the 'actor-orientated' approach moves beyond the concepts of participation strategies, collaborative planning and communicative action, by providing information on actors' motivation, perception and behaviour. This premise is founded upon the notion that the actions of actors are determined by their own beliefs, desires and capabilities, and the institutional setting in which they act. In this sense actor-consulting strategies serve as a means to tackle actor-related fuzziness in planning. The premise of an actor-consulting model focuses on identifying political actors and establishing their 'desired contributions', 'present contributions' and 'potential contributions' to any given environmental issue. In doing so, policy and plan makers are able to clarify the obligatory level of involvement of each acting group and allow these groups to conceptualise their own environmental goals which exposes how fuzzy planning enigmas such as 'sustainable development' can be achieved.

Among the numerous case studies entailed in *Fuzzy Planning*, those based on the Dutch Province of Drenthe prove the most illuminating in order to illustrate the value of the actor-consulting mode. One such planning issue was creating policy in Drenthe for the reconstruction of post-war neighbourhoods to reverse the trends of decreasing occupancy in urban regions, where the



quality of housing was failing to match expectations. The results of the research show that the actor-consulting methodology was successful in uncovering thoughts, opinions, and expectations about sustainable development in a scenario typified by actor uncertainty. This method also identified shared meanings, identified barriers to sustainable development and gained consensus on opportunities and obligations for action. While the exercise does not clearly define what sustainable development is, it does however illustrate how identifying motives, desires and expectations realistically manifest in action.

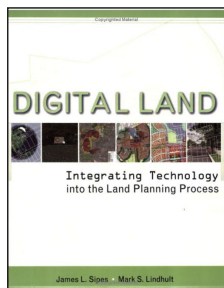
In summary, the book is refreshing in its acceptance of the uncertain and equivocal nature of planning. Through acknowledging the existing semantic discord which saturates planning rhetoric the authors admirably embrace fuzzy theories and illustrate how the actor-consulting model is able to find a place alongside existing communicative doctrines. It also offers a more realistic insight to actor motive, and levels of contribution. It is this aspect of the actor-consulting model which appeals to me personally as communicative-deliberative models can be reduced to mere lip-service; where they can identify issues but are unable to expose the likelihood of actors to engage through the implementation steps. At the very least the actor-consulting model attempts to identify what is to be expected of actors at various stages of the policy making cycle which adds a sense of certainty to what will always be a 'fuzzy' planning discipline.

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## Digital Land: Integrating Technology into the Land Planning Process

James L. Sipes and Mark S. Lindhult. John Wiley & Sons, New Jersey, 2007.

Review by Shaun Coffey



In recent years the use of new technologies by decision makers in the land planning arena has increased immensely. Applications such as computer-aided design (CAD) and geographical information systems (GIS) now play a fundamental role in the sustainable management of natural and physical resources worldwide. The emergence of a home-user GIS database on most Council websites throughout New Zealand provides clear evidence of its growing importance. Sipes and Lindhult through consultation with numerous professionals and consultancies have documented in *Digital Land* what tools are being used in practice. Chapter 1 provides a basic introduction to land use planning, concepts of digital data, and the stakeholders commonly involved in land use issues.

To ensure that the use of digital applications produces reliable results, the data must be both appropriate and of high quality. Chapter 2 delves into this idea by exploring the nuts and bolts of what is valid data and how it can be collected. Concepts discussed include metadata, geospatial data, satellite and aerial imagery, adjusting images, searching for data, site surveys and global positioning systems (GPS). A description of common programmes such as Google Earth, NASA's World Wind, and Microsoft Live's Map Search explains the complexities behind these simple applications. One thing that readers will find especially helpful (most relevant to those searching for American data)

is the large list of sources provided from which data can be obtained. This includes both governmental and non-governmental organisations.

Chapter 3 covers the important aspects of sharing, storing, and managing data. Anyone who has any experience of working with digital data will testify to the importance of ensuring data is managed in a well organised way. Sipes and Lindhult discuss a variety of concepts, ranging from managing data on a single home based computer to managing data in large shared networks that can be accessed and modified from offices throughout the world.

Brief explanations of a range of different data processing applications are given in chapter 4. These range from your simple word processors and spreadsheets, to project management software, and the complex CAD and GIS applications. Ideas of how these relate to planning, landscape architecture, architecture, urban design, and historic preservation are given which gives some basic information to those in the relevant professions.

Like several chapters in the book, chapter 5 takes on a very wide scope aimed at outlining the integration of digital data in the decision making process. Much of the information is based on the outputs that can be produced through the digital applications with an emphasis placed on map making and image production. Methods of integrating the related but fundamentally different components of CAD and GIS (an extremely difficult process), and outlining their differences is the second key theme of the chapter. Following on from this is an overall summary and conclusion of some of the main things to take out of the book.

Without doubt one of the greatest strengths of this book is the use of literally hundreds of images. These images have been predominantly acquired from the work of American professionals and provide useful examples of technology in action. I found that this helped to clarify the concepts being explained and rectify some of the confusion created by the authors' writing style. As well as this, a large number of case studies (American based also) provided useful examples of where integration of technology and land based decision making had proven successful.

All the information discussed provides a valuable overview of modern technologies. It should be noted however that this text is not suitable for those who are looking to learn in-depth information about specific applications such as GIS, CAD, computer animation, and so on. Those looking for such specifics would be better suited to text books focused solely on the relevant application, or publications released by software developers. I would also warn anyone planning on reading this book that the amount of topics covered and the brevity in which they are explored can at times make the chapters seem shambolic. This has no doubt occurred due to Sipe's and Lindhult's desire to cover as much territory as possible in so few pages. While to many this will prove useful, to others the constant sight of sub-headings will become highly frustrating.

Despite the lack of specific information given in *Digital Land*, Sipes and Lindhult clearly achieve their objective of providing an understanding of the digital data, tools, and processes relevant and beneficial to the land planning process. This text deserves its place on many bookshelves and is best suited to professionals and decision makers at the exploring stage of considering the possible uses and benefits of technological applications, as well as students and members of the public who have a general interest in this field.

# New Zealand Planning Institute Conference 2009: A young planner's perspective

Clare Sargeant\*

My name is Clare Sargeant, and currently I am the Young Planners' Representative for the Canterbury/Westland branch of the New Zealand Planning Institute (NZPI).

The NZPI 2009 Conference was the 2nd NZPI Conference I have attended, and each has been completely different, primarily due to their theming and location.

In 2009 the location was Rotorua, with the aptly named theme of, "Letting off steam – the pressure issues". Rotorua is regarded as the cultural, tourist and geological centre of New Zealand, and this Conference was much anticipated for its potential hosting capabilities, namely the non-conference activities.



The venue was the Energy Events Centre, and the conference ran to all expectations: awesome welcome drinks; great keynote speakers; stimulating workshops/breakout sessions; fascinating field trips and an excellent conference dinner (all food and drinks are part of the deal!).

From a Young Planner's (YP) point of view the Conference is a great opportunity to mix and mingle with some of the great people in the planning profession, and to re-ignite the passion for academic debate in and of planning. The difference with this Conference is that more North Island planners attended, (as opposed to the 2008 Conference in Greymouth, which many South Island planners attended).

From the keynote speakers, I gained the following insights:

Ronald Wright<sup>1</sup>:

- There has never been a time when the world needs good planning as much as now!
- We should have more centralised planning; and
- Local areas need to be of a high density.

Larry Beasley<sup>2</sup>:

- Planners are, or can become, the greatest artists of 'place-

<sup>1</sup> Ronald Wright is an award winning novelist, historian and essayist. His recent publications include *A Short History of Progress* and *What Is America?* Source: (n.d.) *Ronald Wright*, Retrieved, January 26, 2010 from: <http://ronaldwright.com/>

<sup>2</sup> Larry Beasley is currently the Co-Director of Planning and Director of Current Planning for the City of Vancouver. Source: (n.d.) *Larry Beasley*, Retrieved January 26, 2010, from the City of Toronto website: [www.toronto.ca/planning/bio\\_beasley.htm](http://www.toronto.ca/planning/bio_beasley.htm)

making' and, because of that, planning prowess and planning power must come back to the very centre of a contemporary, forward-looking civic agenda;

- The prime equity is love – if you don't love a place, you won't live there; and
- Planners need to lead the way in designing places that allow for people to spontaneously want to live in a mixed use high density 'place'.

Of the workshop/breakout sessions, I attended the following:

- Experienced planners: Survival Tips – I know this sounds funny, a YP attending this session, but it gave me some inside hints on how to progress my career. The first half of a planner's career is spent in achieving success in their studies, qualifications, training and experience, pursuing career opportunities, promotions and taking on more challenging work and responsibilities. The second half tends to be more focused on those aspects which are vital, important or where choice is available – taking on the projects that are enjoyable/challenging/fulfilling. The key is keeping fresh, knowing where you are heading and reminding yourself why you are in it.
- New urbanism: It's not that new – This was a great presentation that harks back to older planning tools which sharply resemble current planning theories (planned unit development = cul-de-sac and traditional neighbourhood development = grid-like). Are we just reinventing the wheel of planning?
- Land in retreat and the reality of coastal hazards – A great session for those not aware of a council's responsibility in assisting with protection of coastal land in private ownership. Many councils own a lot of land along coastal areas that is adjacent to private property. When this land slips and/ or erodes landowners tend to 'blame' the council. In these instances councils have a reasonable duty to act to support the neighbouring properties. There is not a duty for a council to compensate for acts of nature.
- Confessions of an Independent Hearing Commissioner – I've always wanted to know what exactly it takes to be an Independent Hearing Commissioner, and how they thought! A very interesting talk from experienced planning professionals charged with making some very important decisions (to grant, or not to grant – that is the question!). You may not like the decision but you can respect it because it followed due process.

It was great to see that the Otago Master of Planning students attend the annual NZPI Conference, and next year should see a large Lincoln University crew...why you ask?

In 2010 Christchurch hosts a joint Annual Conference with both the NZPI, and the Planning Institute of Australia. The biggest difference is that in 2010 there is a specific programme for Young Planners, called YPConnect10.

YPCONnect10 allows young planners, both students and graduates, to have a voice at a national scale, participate in professional development specifically targeted at young professionals, and to build successful careers in planning and development professions.

A fabulous programme has been planned for this event, which includes the following:

- Welcome Drinks from the top of Banks Peninsula at night – Gondola ride up
- Great Speakers talking about:
  - o Change in planning – Bob Batty (Planit Associates)
  - o Low Impact Urban Design – Viv Heslop
  - o Landscape Assessment – Frank Boffa (Boffa Miskell)
  - o Artificial Surfing Reefs – Shaw Mead (ASR Limited)
  - o Professional development – career challenges
- Panel discussion from ‘both sides of the ditch’
  - o Working overseas – Experiences in the UK, Canada, USA,

Aust and NZ

- o Planning laws – RMA (NZ) vs. State-based (Aust)
- Conference Drinks

I am looking forward to this fabulous programme and having all our young planners attend this event.

YPCONnect is only \$99, so for those of you who haven't been to a NZPI Conference before, you have to come along to this one. We have so much fun, and all the drinks and food are catered for, so really there aren't too many excuses to not to have fun with your fellow colleagues.

[www.planningpathways2010.com/ypconnect](http://www.planningpathways2010.com/ypconnect)

*\* Clare Sargeant completed a Master of Environmental Policy at Lincoln University in 2008; her current position is as a Planner in Environmental Policy and Approvals, Christchurch City Council.*



**In conjunction with the NZPI / PIA International Congress**

Delegates will engage with some of New Zealand and Australia's leading planning professionals and experts in a forum where students and young planning professionals feel comfortable listening, learning and participating in an environment specifically designed for them.

**YPCONNECT10 | Raising the Bar**  
19-20 April 2010 | Christchurch, NZ

[www.planningpathways2010.com/ypconnect](http://www.planningpathways2010.com/ypconnect)

**YPCONNECT**  
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*"No intimidation, just good fun, valuable networking, motivation and learning."*  
YP Connect delegate

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# Te Waihora/Lake Ellesmere – The 2009 Living Lake Symposium-

Ken Hughey\*

Worldwide, lowland lakes are considered to be huge and ongoing challenges for management. They suffer because they are sinks for all upstream runoff, they frequently contain fisheries in decline, their marginal lands are often under pressure for development purposes, they often have indigenous peoples rights requirements, they contain multiple other values and they are debated over by multiple stakeholders. Te Waihora/Lake Ellesmere has all these characteristics and more – it indeed typifies the enormous challenges faced by all such lakes. It is appropriate therefore that New Zealand's fifth largest lake by area, Te Waihora/Lake Ellesmere, should be subject to much ongoing management attention.

This management attention was realised at the 2007 Living Lake Symposium. At that symposium scientists debated the current health of the lake – it was far from 'dead', indeed many values were thriving, some were at risk, some declining and one, the brown trout fishery, was hugely reduced (see Hughey and Taylor 2009). The challenge posed at that symposium was to look forward to future management prospects and to report on these at a future symposium planned by the Waihora Ellesmere Trust and held over one day in November 2009.

At that symposium the focus was on future management. To that end Environment Canterbury had commissioned, via Lincoln University, John Raffensperger, from University of Canterbury, to produce a computer model of the lake. Changes in the performance of selected values of the lake were related to the lake's opening regime<sup>1</sup>. As part of the model building process much dialogue occurred between the model development team and those with knowledge of a series of the lake's key values, e.g. native birdlife, commercial eel and flounder fisheries, farming, recreational duck hunting, salinity, water level, and risk of algal blooms.

The model was thus presented and validated by the scientists and other experts with relevant expertise. The general view was that the model is a useful first step in understanding some of the key relationships between the lake's values and the way the lake is being managed now and how it might be managed in the future. In particular, the model provided insight into benefits or costs that might occur if a higher lake level operating regime was to be envisaged. Such a regime would likely impose a large range of costs without commensurate benefits. This insight led to further debate about the current regime and how it might be varied to produce a more sustainable set of outcomes – more work is necessary to get to this point.

So, where to from here? It is clear that the lake's future is tied to much more than the lake level management regime. Riparian (willow control, stream edge planting, and stream side fencing) management is clearly necessary now and has started, albeit in a very limited way. More fundamentally the catchment as a whole needs careful management within defined emissions targets,

<sup>1</sup> The lake is opened mechanically to the sea when it reaches trigger levels in winter and summer. The length of time of an opening may vary from hours, typically to weeks, but occasionally to months.

especially associated with nitrogen and phosphorus and with regard to water quantity from the multiple mainly spring fed tributaries. All-in-all these are huge challenges and a suggestion for the next symposium in 2011 was to broaden the discussion to total catchment management – such will indeed be a challenge.

## References

Hughey, K.F.D., Taylor, K.J.W. (eds). 2009. *Te Waihora/Lake Ellesmere: State of the Lake and Future Management*. EOS Ecology, Christchurch. 150pp.

\* Ken Hughey is a Professor in the Department of Environmental Management, Lincoln University

## Upcoming Events

**New Zealand Institute of Landscape Architects' Conference 2010**

15-17 April, (Wellington)

[http://www.nzila.co.nz/conf\\_coming.asp](http://www.nzila.co.nz/conf_coming.asp)

**ANZAPS 2010 (Australian and New Zealand Association of Planning Schools)**

17-19 April, (Christchurch)

<http://www.lincoln.ac.nz/News--Events/Conferences/ANZAPS2010/>

**YPConnect10 Young Planners Group (of NZPI)**

19-20 April, (Christchurch)

<http://www.planningpathways2010.com/ypconnect.html>

**NZPI/PIA (Planning institute of Australia) Planning Pathways to the Future**

20-23 April, (Christchurch)

<http://www.planningpathways2010.com/>

**EDS Growing Green: Environmental Reform and the Green Economy**

2-3 June 2010, (Auckland)

<http://www.edskonference.com/content/docs/programme/Conference%20programme%20091130.pdf>

## NEXT ISSUE

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