

10. CONSULTATION ON DRAFT REGIONAL POLICY STATEMENT CHAPTERS ON ENERGY, HISTORIC HERITAGE AND AIR



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PURPOSE OF REPORT

1. The purpose of this report is to provide the Committee with an overview of the issues arising in draft chapters of the Canterbury Regional Policy Statement (CRPS), currently being reviewed by Environment Canterbury (ECan), and to gain the Committee's support on recommendations for feedback to ECan with regard to the draft chapters on Energy, Heritage and Air.
2. This is a non-statutory process which allows for consultation at an early stage of the review. It will replace the ECan seminars and workshops previously held for Council. Instead, over the next few months, the Committee will be provided with a number of draft CRPS chapters, a Committee report and staff recommendations for feedback to ECan. The Council has already provided comments on the draft Waste Minimisation and Management, Contaminated Land and Hazardous Substances Chapters, last month. The formal Resource Management Act 1991 (RMA) consultation process will take place next year when the entire draft CRPS is completed and notified as a proposed policy statement.
3. Comments were provided by Leonid Itskovich (Energy Manager) who reviewed the Energy draft chapter, Neil Carrie (Principal Advisor Heritage/Urban Design) who reviewed the Historic Heritage draft chapter and Terry Moody (Principal Advisor Environmental Health) who reviewed the Air draft chapter.

EXECUTIVE SUMMARY

4. The CRPS provides an overview of the resource management issues for the region and is prepared to meet RMA requirements. The policies it contains affect the way the Council manages its City Plan as the Council will have to give effect to the CRPS (as required under s. 75 of the RMA).
5. The CRPS became operative in 1998 and is required to be reviewed within ten years. ECan is leading the review of the CRPS and is consulting with all Canterbury territorial authorities throughout the review process.
6. This review is a separate process to the preparation of Proposed Change No 1, which introduces a new Chapter 12A, (Development of Greater Christchurch). Chapter 12A sets out land use distribution, particularly for areas available for urban development, the household densities for various areas and other key components for consolidated and integrated urban development. It also identifies land which is to remain rural for resource protection and enhancement and other reasons.
7. ECan began discussions over the review of the CRPS with District Councils in late 2006. ECan has consulted with Territorial Authority (TA) Officers on the review process, Issues and Options papers and draft chapters of each CRPS chapter. Discussions have taken place (and will continue to) at the Officer level through workshops and meetings and at the Councillor level through Council meetings and committee meetings.
8. The current CRPS consists of 14 Chapters which discuss various regional issues (e.g. water, soil and landscape) and provide objectives, policies and methods with regards to these issues. During the review process, it was decided that some issues would be better dealt with in new chapters (e.g. contaminated land which was previously dealt with in Chapter 7 Soils and Land Use) or better dealt with in conjunction with other issues (e.g. the proposed Settlement Chapter will also have transport provisions as well as deal with issues regarding versatile soils).
9. The three draft chapters attached (see Attachments 1, 2 and 3) discuss energy issues in Canterbury (Energy), management of heritage features (Historic Heritage) and management of air quality (Air Quality). The Council's comments and recommendations are also found in each chapter.

10. The “Energy” Chapter (see Attachment 1) is a rewrite of the current Chapter 14 Energy (which broadly has provisions for dealing with the adverse effects of the use of fossil fuels, encouraging the use of renewable energy and promoting energy conservation and efficiency). Although Canterbury is a major producer of renewable energy within New Zealand, (principally due to the Waitaki electricity generation scheme), the ECan review of the Energy Chapter notes that the use of non-renewable and carbon based energy continues to increase within the region mainly due to the transport sector whose energy consumption has increased by an average of 4% per annum since 1982, and accounts for 57% of the regions’ energy consumption in 2004. Although some environmental outcomes have been achieved (for example the Greater Christchurch Urban Development Strategy has included provision for better use of transport routes and placing population growth nearer to established public transport routes), trends still show that the CRPS energy provisions have been largely ineffective. Drivers for increased energy consumption include dispersed settlement patterns, more vehicles on the roads, larger houses being built, more appliances being used and greater production and consumption across many industries.
11. The ECan review of the current chapter concludes that energy remains a regionally significant resource management issue although the legislative and policy context through which energy issues are addressed has changed in the past decade and some issues, such as the finite nature of fossil fuels and the effects of their use, have received a much higher profile. The 2004 amendments to the Resource Management Act 1991 (RMA) which highlights renewable energy were reinforced in 2007 with central government’s release of the “New Zealand Energy Strategy to 2050” and the “New Zealand Energy Efficiency and Conservation Strategy”.
12. The Regional Energy Strategy (RES) 2004 (of which a draft revised RES has been recently adopted) sets the direction for ECan’s energy related functions. Many energy issues are linked to the management and use of other resources such as water and could therefore be dealt with in these chapters (as is proposed to do with transport energy issues which will be covered under the Urban and Rural Development Chapter). It was decided that the CRPS should still have an energy chapter as removing it would detract from the resource management issues surrounding energy in Canterbury.
13. The Council is supportive of the need for energy provisions in the CPRS and is pleased that transport energy issues are discussed in the Chapter which discusses transport. However as currently written, the proposed Energy Chapter places greater emphasis on issues relating to electricity generation and transmission with Policies 1 – 5 discussing electricity transmission, (electrical) energy generation and efficient use of (electrical) energy. There is little discussion in regard to wider energy issues such as the need to reduce energy use and replacing non-renewable with renewable energy sources. Detailed comments on the draft Energy Chapter are located throughout Attachment 1.
14. The current CRPS Chapter 8 Landscape, Ecology and Heritage contains the Objective and Policy that provide for the protection and management of historic and heritage sites and buildings. Section 20.4 of the CRPS also lists criteria to consider when determining regionally significant sites. Chapter 12 Settlement and the Built Environment also includes provision for the protection of heritage features from the adverse effects of land use. Chapter 6 Provision for the Relationship of Tangata Whenua with Resources includes specific provision for the protection of heritage features such as wāhi tapu.
15. Although heritage features and values are generally well provided for in the region, the ECan review is unable to confirm the effectiveness of heritage provisions in the CRPS as the some provisions provided are vague, for example, one of the provisions provided in Section 20.4 state that although a site may meet the criteria of “regional significance” it may not necessarily be regionally significant. Under the RMA, heritage has also been elevated to Section 6 (matter of national importance) and the CRPS provision therefore needs to reflect this change.
16. ECan’s review has highlighted that provisions need to be strengthened and that the CRPS should reflect the elevated status of heritage as provided for within the RMA. It is therefore proposed that heritage be dealt with under the “Historic Heritage” Chapter (see Attachment 2) and to retain the existing provisions but strengthen and revise them to provide greater clarity and guidance for district councils.

17. The Council supports the need for clear guidance on protecting and managing heritage and is in general supportive of the proposed chapter. The Council is however concerned with the language used in the introduction as although RMA terms are used they are not used in the same context. There is also no mention of the role of the New Zealand Historic Places Trust (NZHPT) or the role of the NZHPT Māori Council in the proposed Chapter with regard to the process of identification of significant features and sites. Detailed comments on the draft Historic Heritage Chapter are located through out Attachment 2.
18. Presently, the CRPS policies relating to air quality are found in Chapter 13 Air. These aim to maintain or improve ambient air quality, avoid or minimise the adverse effects of localised air discharges and reduce Canterbury's greenhouse gas emissions. Related provisions are also found in Chapter 12 Settlement and the Built Environment, Chapter 14 Energy and Chapter 15 Transport.
19. In its review of the chapter ECan notes the many changes at the national and regional level with regard to air quality issues since the preparation of the CRPS. At the national level there is significant focus on the response to climate change, and an amendment to the RMA to focus local authorities on the consequences of climate change. The National Environmental Standards Relating to Air Pollutants, Dioxins and Other Toxins (NESAQ) was prepared in 2004 and prohibits certain discharges and specifies certain air quality standards.
20. A review of the effectiveness of the current CRPS policies concluded that although ambient air quality is generally improving, this is basically a result of the Natural Resources Regional Plan (NRRP) Chapter 3 resource consent processes and ECan's Clean Heat Project in Christchurch. The review concludes that ambient and local air quality continue to be issues in the Canterbury region as no trends were determined in relation to local air quality, and Canterbury's CO₂ emissions continue to increase. Of the nine Policies in Chapter 13, ECan's review considers that Policies 1, 3, 4, 5 and 9 are given effect through the NRRP and resource consents, and can be considered effective although the environmental monitoring datasets are minimal making it difficult to set monitoring programmes. Policy 6 is superseded by the NESAQ while the other three Policies are considered ineffective.
21. The proposed draft Air Chapter (see Attachment 3) attempts to recognise these issues and retains the level of details in relation to ambient and local air quality issues while updating the provisions to include current changes (such as deleting Objective 3 and associated Policies which relate to global emissions).
22. The Council is supportive of the need for a draft Air Chapter, however it is unsure of the additional benefits provided by the Chapter as currently written as it is largely repetitive of the wording in the NRRP Chapter 3. Detailed comments on the draft Air Chapter are located throughout Attachment 3.

FINANCIAL IMPLICATIONS

23. The CRPS could result in additional resources being required to amend planning documents in order to give effect to the CPRS. Giving effect to the final CRPS will be achieved through a variety of mechanisms including the Christchurch City Plan and Banks Peninsula District Plan and the LTCCP.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

24. The cost of preparing and participating in the CRPS review is covered by existing unit budgets.

LEGAL CONSIDERATIONS

Have you considered the legal implications of the issue under consideration?

25. The RMA provides for the Regional Council (ECan) to prepare Regional Policy Statements and review them. The Council is participating in the ECan consultation process in the preparation of the proposed Chapters. The Council will also have the opportunity to influence and shape the proposed CRPS through the formal submission process which is scheduled for mid 2009.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

26. The chapters support the LTCCP objectives that aim to provide efficient community services, protect and manage heritage and safeguard Christchurch and Banks Peninsula's air quality.

ALIGNMENT WITH STRATEGIES

27. The recommendations support the Council's Sustainable Energy Strategy 2008-2018 (2007), the Heritage Provisions in the Christchurch City Plan and the proposed Banks Peninsula District Plan and the transport and development provisions provided under the Urban Development Strategy.

Do the recommendations align with the Council's strategies?

28. As above.

CONSULTATION FULFILMENT

29. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Council provides feedback to ECan on the draft chapters as set out in Attachments 1 to 3.