

5. CONSULTATION ON DRAFT REGIONAL POLICY STATEMENT CHAPTERS ON WASTE MINIMISATION AND MANAGEMENT, CONTAMINATED LAND AND HAZARDOUS SUBSTANCES

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PURPOSE OF REPORT

1. The purpose of this report is to provide the Council 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 Council's support on recommendations for feedback to ECan with regard to the draft chapters on Waste Minimisation and Management, Contaminated Land and Hazardous Substances.
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 the 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 formal (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 the Sustainability Adviser - Healthy Environment Unit, who reviewed the Waste Minimisation and Management draft chapter and the Environmental Projects Adviser- Inspection and Enforcement Unit, who reviewed the Contaminated Land and Hazardous Substances draft chapters. Comments have been amended to include feedback received from Councillors when the report was presented to the Planning and Regulatory Committee on 9 October 2008.

EXECUTIVE SUMMARY

4. The CRPS provides an overview of the resource management issues for the region and is prepared to meet RMA 1991 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 10 years of it becoming operative. 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 officer level through workshops and meetings and at Councillor level through Council meetings, committee meetings and seminars.
8. The current CRPS consists of 14 Chapters which discuss various regional issues (eg 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 (eg contaminated land which was previously dealt with in Chapter 7 Soils and Land Use) or better dealt with in conjunction with other issues (eg 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 solid waste management (Waste Minimisation and Management), management of contaminated land (Contaminated Land) and the management of hazardous substances (Hazardous Substances). The Council's comments and recommendations are also found in each chapter.

10. The "Waste Minimisation and Management" Chapter (see Attachment 1) is a rewrite of the current Chapter 18 Solid and Hazardous Waste Management (which concerns managing the adverse effects of waste disposal). In its review of the current chapter, ECan highlights the many changes that have occurred in waste management practises and public behaviour since the CRPS was prepared. For example, the number of municipal landfills has decreased from 65 in 1996 to three currently in operation, and kerbside collection of recyclables is now available to about 90% of households in the region. However, the amount of residual waste produced per person continues to increase mainly due to increasing consumption.
11. In line with current thinking, which aims towards reducing the generation of waste that begins at the manufacturing stage, the proposed chapter places greater emphasis on waste reduction, the promotion of a hierarchy of waste management (5Rs - waste reduction, reusing, recycling, recovering and when all reusable resources have been recovered, the item enters the waste stream as residual waste) and ensuring that adverse environmental effects are minimised.
12. In general the Council is supportive of the draft Waste Minimisation and Management Chapter. However it is unclear as to what wastes (eg household wastes are different from business wastes which are different from construction activity wastes) the chapter is dealing with as there is no definition provided in the chapter. A definition (and perhaps the use of examples) to clearly define what wastes are being dealt with in the chapter would be helpful. Although the chapter discusses integrated waste management, the Council is of the opinion that waste minimisation should also be integrated and made explicit throughout the chapter. Detailed comments on the draft Waste Minimisation and Management Chapter are located through out Attachment 1.
13. The current CRPS Chapter 7 Soils and Land use deals with four issues; land degradation, loss of versatile soils, soil contamination and land use effects on water quantity and quality. Although a policy framework for the management of contaminated sites is provided for in this current Chapter, it has not been effective in dealing with the issue of contaminated land as land is contaminated usually as a result of an activity (eg hazardous substance use/spill and landfills). In line with the 2005 amendment to the RMA, Regional Councils now have the additional functions to investigate, identify and monitor contaminated land and territorial authorities (TAs) have the additional function to control the effects of the use of contaminated land.
14. Soil contamination issues will therefore be dealt with in the draft Contaminated Land Chapter (See Attachment 2). The current issue statement in Chapter 7 does not fully describe the extent of issues facing the *management* of contaminated land. The draft Chapter proposes two issues. The first issue deals with the management of contaminated land (lack of knowledge, historical contamination and different ways contaminated land is dealt with regionally). The second issue deals with use, storage and transport of hazardous substances and is linked to the Hazardous Substances draft chapter.
15. The Council has provided feedback with regard to its contaminated land management practices to ECan during the review process. However the Council is also involved in an internal review of its own contaminated land management processes. This review is planned for completion by the end of 2008 after which the Council will be in a better position to provide robust feedback to ECan. The draft chapter on Contaminated Land, however, does not take into account the Council management practices already in place. The draft chapter also does not sufficiently acknowledge the regional differences between TA contaminated land management practises. The Council is of the opinion that these are issues that need to be acknowledged within the draft Chapter as has been done with the draft Hazardous Substances Chapter. Detailed comments on the draft Contaminated Land Chapter are located on the last page of Attachment 2.
16. Presently, the CRPS policies relating to hazardous substances management are found in Chapter 17 Hazardous Substances, which seeks to prevent or mitigate the adverse effects of hazardous substances and Chapter 18 Solid and Hazardous Waste Management which deals with disposal of waste hazardous substances. There have been many changes at the national (the Hazardous Substances and New Organisms Act 1996 (HSNO) came into full effect in 2006 and the National Strategy for improving the Workability of Hazardous Substance Provisions of HSNO) and regional (Canterbury Hazardous Waste Management Strategy 2006) levels since the CRPS became operative.

17. It is unclear as to how effective the current Chapters have been in reducing the adverse effects of hazardous substances in the environment. A number of issues have been highlighted during the CRPS review process including the lack of clarity in the role of ECan and TAs with regard to hazardous substances, the lack of integration of hazardous substance management between legislations and organisations, and the substance focused approach in which a single activity may need two consents as both ECan and Council control different substances.
18. The draft Hazardous Substances Chapter (see Attachment 3) attempts to recognise these issues and provide some guidance for TAs. The Council has provided feedback at various stages of the chapter review process and in general the draft Hazardous Substance chapter has taken into account the concerns expressed by the Council with regard to the role of the Regional Council and TAs in hazardous substance management.
19. The Council is generally supportive of the draft Hazardous Substances chapter as ECan has acknowledged the role of TAs in hazardous substances management as it applies to controlling land use for the purpose of preventing and mitigating the effects of storage, transport and disposal of hazardous substances. However, the Council has concerns with regards to the practicality of achieving some of the policies (eg Policy 7 requires information sharing between a number of different agencies which may all collect and store data differently). These issues may need to be discussed with ECan and may need to be acknowledged within the draft chapter. Detailed comments on the draft Hazardous Substances Chapter are located on the last page of Attachment 3.

FINANCIAL IMPLICATIONS

20. The CRPS could result in additional resources being required to amend planning documents in order to give effect to the CRPS. 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?

21. 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?

22. 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

23. The chapters supports several of the LTCCP objectives that aim to manage and minimise Christchurch and Banks Peninsula's residual waste and to investigate or respond to situations that might affect human health or safety.

ALIGNMENT WITH STRATEGIES

24. The recommendations supports work being done for the Christchurch City Council Contaminated Land Management Project and supports the Council's Sustainability Policy 2008, and Waste Management Plan -Towards Zero Waste 2006.

Do the recommendations align with the Council's strategies?

25. As above.

CONSULTATION FULFILMENT

26. 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**.

COMMITTEE RECOMMENDATION

It is recommended that the Council provides feedback to Environment Canterbury on the draft chapters as set out in **Attachments 1 to 3**, subject to minor changes to the tone of the document, as worked through by elected representatives and staff following the meeting.