

10. PROPOSED NATURAL RESOURCES REGIONAL PLAN - VARIATION 15 AND PLAN CHANGE 1/VARIATION 16

General Manager responsible:	General Manager, Strategy and Planning Group, DDI 941 8281
Officer responsible:	Programme Manager - Healthy Environment
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1. The purpose of this report is to seek adoption by the Council of the **attached** submissions on Proposed Variation 15 (Outdoor Burning in Residential and Living Zones) and Proposed Plan Change 1 (Christchurch, Kaiapoi and Ashburton: Emergency Provisions)/Proposed Variation 16 (Rangiora: Emergency Provisions) to the Proposed Natural Resources Regional Plan.

EXECUTIVE SUMMARY

Variation 15

2. Proposed Variation 15 addresses outdoor burning in residential and living zones, and will make the outdoor burning of paper, cardboard, untreated wood and green waste a non-complying activity in residential and living zones where kerbside collection, recycling, or transfer stations exist, and a permitted activity (subject to conditions) where they are not provided.
3. Outdoor burning was discussed by the Council in its review of the Christchurch City Fire Bylaw 2006. Advice was provided that the Council would not have the power under the provisions of the Local Government Act 2002 to control matters of air quality under bylaws. The power in the Local Government Act 2002 to introduce bylaws (under section 146) related to preventing the spread of fire from vegetation alone. It was indicated that burning vegetative and organic waste was inconsistent with the Waste Management Plan 2006.
4. The draft Council submission supports the principle that waste should not be burnt where alternatives, such as collection services, are available and readily accessible.
5. The lodging of a submission provides the Council with an opportunity to take part in the hearing process.

Proposed Plan Change 1/Variation 16

6. Proposed Plan Change 1 (Christchurch, Kaiapoi, Ashburton) and Proposed Variation 16 (Rangiora) provide for a permitted activity rule to allow the use of non-complying or prohibited small scale solid fuel burning devices (including open fires) in the event of an electricity network outage.
7. Section 330 (emergency works provisions) of the Resource Management Act 1991 can not be applied to individual premises operating small scale fuel burning devices when electricity network supply is terminated.
8. Electricity outages are rare, however, if they were to occur, the proposed plan change/variation would enable heating and, in some situations, cooking facilities.
9. The proposed plan change/variation is consistent with, and supports, the four 'R's of emergency management (reduction, readiness, response and recovery) as provided for in the Civil Defence Emergency Management Act 2002, culminating in more resilient individuals and communities.
10. The draft Council submission supports the principle that Christchurch residents should be allowed to use non-complying small scale solid fuel burning devices when there is a planned network disruption of greater than three hours, or the extent is unknown at the time of initial disruption.

FINANCIAL IMPLICATIONS

11. There are no financial implications for the Council for either the variation or the plan change/variation. The variation and plan change/variation will not directly affect Council operations.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

12. The cost of preparing and presenting the submissions is included in existing budgets.

LEGAL CONSIDERATIONS

13. The RMA 1991 (First Schedule, Part 1 (6)) allows the Council to make submissions on a variation and plan change to a regional plan.

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

14. A legal review of the submissions has confirmed that the submissions are clear and appropriate.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. The submission on the variation and plan change/variation supports the LTCCP community outcome of “a city of people who value and protect the natural environment”, and “a safe city”, respectively.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

16. Yes. Refer paragraph 15.

ALIGNMENT WITH STRATEGIES

17. The submission on Variation 15 aligns with the draft Climate Smart Strategy. The submission on Plan Change 1/Variation 16 supports provisions in the Canterbury Civil Defence Emergency Management Group Plan.

Do the recommendations align with the Council’s strategies?

18. Yes. Refer paragraph 17.

CONSULTATION FULFILMENT

19. Not applicable.

STAFF RECOMMENDATION

20. It is recommended that the Council:
- (a) Adopt the attached submission on Variation 15 to the Proposed Natural Resources Regional Plan, and
 - (b) Adopt the attached submission on the proposed Plan Change 1/Variation 16 to the Proposed Natural Resources Regional Plan.