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Hon Pete Hodgson

05 August 2003

Resource Management (Energy and Climate Change) Amendment Bill 2003: First Reading

Mr Speaker, I move that the Resource Management (Energy and Climate Change) Amendment Bill 2003 be now read a first time.

The policy papers that led to this Bill were signed both by me as Convenor of the Ministerial Group on Climate Change and by the Minister for the Environment. This partnership has been very important in the development of the Bill.

The Bill supports the Government's climate change and energy policies through amendments to the Resource Management Act 1991. It recognises the Government's preference for national coordination of controls on greenhouse gas emissions and it gives greater emphasis to climate change and energy matters in RMA planning and decision-making.

The Bill introduces an explicit requirement for those exercising functions and powers under the RMA to have particular regard to a series of new matters. These include:

- energy efficiency;
- the effects of climate change; and
- the benefits to be derived from the use and development of renewable energy.

Accordingly, clause 5 of the Bill amends the RMA by inserting the new matters into section 7 of the RMA.

While some councils are already incorporating such matters in their planning documents and consent decisions, this practice is not consistent across the country.

This Bill provides national direction by ensuring that efficient use of energy, the benefits of renewable energy and the effects of climate change are flagged for the attention of those working with the RMA.

For example, it requires local authorities, when considering proposed wind farming projects, to have particular regard to the benefits of lower greenhouse gas emissions offered by such an energy source.

This does not confer automatic approval on renewable energy proposals, but it requires anyone exercising functions and powers under the RMA to take these matters into consideration.

With respect to climate change, the Bill requires local authorities to consider and plan for associated effects such as changes in typical rainfall patterns, sea level rise, increased risks of flooding and coastal erosion.

This amendment is consistent with the RMA principle that local government is usually best placed to make decisions on local matters.

However the Bill also reflects the fact that some discharges of greenhouse gases are best dealt with using national mechanisms rather than localised RMA decisions.

Clauses 6 and 7 insert new sections which specifically provide that, when making rules and

considering consent applications relating to the discharge into air of greenhouse gases from industrial or trade premises, a regional council must not have regard to the effects of those discharges on climate change.

These amendments do not indicate a lack of concern from the Government about greenhouse emissions. On the contrary, we propose them because greenhouse gas emissions are so important that they should be managed through national mechanisms, namely those in our climate change policies.

There are two exceptions to these exclusion provisions.

First, we want regional councils to be able to consider greenhouse gas emissions when implementing a National Environmental Standard that addresses these matters.

A National Environmental Standard is a potential national mechanism established by regulation under the RMA. While it is set nationally it is administered locally by regional councils.

Accordingly the Bill provides for regional councils to make rules and consider consent applications addressing these matters, but only to implement a National Environmental Standard and only to an extent that is not more or less restrictive than the Standard allows.

The second exception provides that a regional council may have regard to the effects on climate change of an activity involving the use and development of renewable energy, to the extent that it reduces discharges of greenhouse gases. This supports the policies within the National Energy Efficiency and Conservation Strategy and the amendments to section 7 of the RMA that I identified earlier.

Mr Speaker, the last two clauses of the Bill provide transitional provisions.

Clause 8 requires that any resource consent application, designation notice or application to change a consent condition filed prior to the commencement of the Bill shall be completed to the end of any appeals under the RMA as if the Bill had not been enacted.

This provision allows all parties to complete the process under the same rules as they started and accords with natural justice considerations. This is particularly important under the RMA which has significant provisions for public participation throughout these processes.

Clause 9 revokes any existing rule in a regional plan that relates solely to the control of the effects on climate change of greenhouse gas emissions from any industrial or trade premises. This is necessary to give proper effect to the provisions within the Bill.

Mr Speaker, collectively these changes to the RMA will support existing government policy on energy efficiency, renewable energy and climate change. They will provide national leadership, clearer responsibilities and reduced administration, compliance, and participation costs for energy and climate change matters.

At the appropriate time I will move that the Bill be referred to the Local Government and Environment Committee; that the committee report the Bill finally to the House by Tuesday the 25th of November 2003.

Mr Speaker, I commend the Bill to the House.

Resource Management (Energy and Climate Change) Amendment Bill

The Resource Management (Energy and Climate Change) Amendment Bill was introduced to the House of Representatives on 29 July 2003. This bill recognises the Government's preference for national coordination of controls on greenhouse gas emissions and gives greater emphasis to climate change and energy matters in Resource Management Act planning and decision making.

What Does the Bill Do?	Why Do We Need It?
<p>Makes explicit provisions within section 7 RMA for all persons exercising functions and powers under the Act to have particular regard to</p> <ul style="list-style-type: none"> a. the efficient use of energy from minerals and other sources of energy; b. the benefits to be derived from the use and development of renewable energy; and c. the effects of climate change. 	<p>To provide a stronger directive to consider the benefits of efficient energy use and the value of renewable energy so that council planning decisions better reflect the national objectives detailed within the National Energy Efficiency and Conservation Strategy and climate change policies.</p> <p>To give greater weight to considering and planning for the effects of climate change for example changes in typical rainfall patterns, sea level rise, potential flooding.</p>
<p>Stops regional councils, when making rules i'n plans</p>	<p>To give effect to government's decision that control</p>

<p>and considering consent applications, from having regard to effects on climate change from the discharge to air of greenhouse gases from industrial or trade premises, except where necessary to implement a National Environmental Standard (NES).</p> <p>When implementing a NES relating to the discharge of greenhouse gases a council cannot be any more stringent than necessary to implement the NES.</p>	<p>of greenhouse gas emissions is best addressed at the national level. By removing the ability for regional councils to also apply controls potential duplication and unnecessary costs are eliminated as is the potential for local controls to conflict with national objectives.</p> <p>The exception provided for implementing a NES under the RMA (a potential national mechanism) is necessary since although set nationally it is regional councils who administer such mechanisms.</p>
<p>Clarifies that regional councils can consider the effects on climate change of an activity involving the use and development of renewable energy to the extent that it reduces the discharge into air of greenhouse gases in NZ (related to (c) above).</p>	<p>In association with the additional s7 provisions this amendment provides clarity that, while councils can not consider effects on climate change when making rules in plans and developing consent conditions for the discharge to air of greenhouse gases from industrial or trade premises, they can consider the benefits of lower greenhouse gas emissions offered by renewable energy. This reflects the national</p>

	objectives detailed within the National Energy Efficiency and Conservation Strategy and climate change policies.
<p>The transitional provisions require that any resource consent application or designation notice or application to change a consent condition filed prior to the commencement of the bill be completed (to the end of any appeals) under the RMA as if the bill had not been enacted.</p> <p>The transitional provisions also revoke any rules existing on the commencement of the Act that relate to the control of the effects on climate change of greenhouse gas emissions from any industrial or trade premises.</p>	<p>This allows all parties to complete the process under the same rules as they started and accords with natural justice considerations. This is particularly important under the RMA which has significant provisions for public participation throughout these processes.</p>

A copy of the [Resource Management \(Energy and Climate Change\) Amendment Bill \(text file 32 KB\)](#) is available from the Legislation NZ website. For details on progress of the bill see the [timeline](#).

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