

House of Representatives

Supplementary Order Paper

Tuesday, 4 April 2017

Resource Legislation Amendment Bill

Proposed amendments

Eugenie Sage, in Committee, to move the following amendments:

Clause 4

After *clause 4(1)* (page 21, after line 27), insert:

- (1A) In section 2(1), definition of **contaminant**, after “(including gases,”), insert “greenhouse gases,”.

New clause 4AA

After *clause 4* (page 22, after line 11), insert:

4AA Section 3 amended (Meaning of effect)

In section 3(f), replace “.” with “; and”, and after section 3(f), insert:

- (g) in relation to greenhouse gas emissions, the effects of land uses to produce fossil fuels (such as coal mining and oil drilling) and the effects of land uses that discharge greenhouse gases directly.

Clause 5

In *clause 5*, *new section 6(h)* (page 22, line 20), replace “.” with “:”, and after *new section 6(h)* (page 22, after line 20), insert:

- (i) achieving a significant reduction in the discharge into air of greenhouse gases, to help move to a zero-carbon society.

Clause 13

Before *clause 13(1)* (page 25, before line 24), insert:

(1AA) Replace section 32(2)(a) with:

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including any anticipated reduction or increase in greenhouse gas emissions; and

New clauses 44A and 44B

After *clause 44* (page 57, after line 23), insert:

44A Section 70A replaced (Application to climate change of rules relating to discharge of greenhouse gases)

Replace section 70A with:

70A Application to climate change of rules relating to discharge of greenhouse gases

When making a rule to control the discharge into air of greenhouse gases under its functions under section 30(1)(d)(iv) or section 30(1)(f), a regional council—

- (a) must have regard to the effects of such discharges on New Zealand’s greenhouse gas emissions; and
- (b) must have regard to the effects of land uses to produce fossil fuels on greenhouse gas emissions; and
- (c) may have regard to the extent that the use and development of renewable energy enables a reduction in the discharge into air of greenhouse gases, either—
 - (i) in absolute terms; or
 - (ii) relative to the use and development of non-renewable energy.

44B Section 70B amended (Implementation of national environmental standards)

In section 70B, replace “provided the rules are no more or less restrictive” with “provided the rules are no less restrictive”.

New clause 132A

After *clause 132* (page 105, after line 22), insert:

132A Section 104F amended (Implementation of national environmental standards)

In section 104F(b), replace “must be no more or less restrictive than is necessary” with “must be no less restrictive than is necessary”.

Explanatory note

This Supplementary Order Paper amends the Resource Legislation Amendment Bill to respond to public submissions and concern that the Resource Management Act 1991 (RMA) should be amended to help protect our climate. Climate change is the most challenging economic, public health, and environmental issue of our time. Climate pollution in the form of greenhouse gas emissions and the increase in the average global temperature is the major threat to life on our planet.

The RMA is our major environmental and planning law. It regulates activities which use and develop land, water, air, and the coast. If we are to reduce our climate pollution, RMA decision makers must be able to consider the effects of development and other activities in terms of their greenhouse gas emissions. The Supplementary Order Paper amends the bill to enable RMA decision makers to do this.

This Supplementary Order Paper would enable the Minister and consent authorities to consider greenhouse gas emissions and the effects of climate change when deciding applications for discharge consents and marine consents, and developing national environmental standards, regional and district plans, and regulations.

A stable climate is central to the achievement of the RMA's purpose of sustainable management. The impacts of an unstable climate, such as more intense storm events, more frequent and severe floods, more frequent drought, and ocean acidification affect New Zealand's natural and physical resources and life-supporting capacity.

The Supplementary Order Paper amends *clause 13* to add climate change and greenhouse gas emissions to section 32 of the RMA. This section covers the matters which the Minister must consider in doing an evaluation of national environmental standards and aquaculture regulations before these are notified for public submissions, and which councils must consider when doing a similar evaluation before notifying a plan or plan change.

Sections 70A and 104E of the RMA limits consent authorities' consideration of the effects of proposed activities in increasing greenhouse emissions to the extent that the use and development of renewable energy allows a reduction in the discharge of greenhouse gases. *New clauses 44A and 132A* remove these limitations to require greenhouse gas emissions to be assessed and considered as part of the decision about whether the land use, discharge, or other activity should proceed. It will enable conditions to avoid or mitigate emissions to be included in consents granted for land use, water, discharge, and coastal permits.

The Supplementary Order Paper does not alter the current provisions in the RMA which allow decision makers to consider the effects of climate change and the benefits of renewable energy.

The amendment to *clause 4* would make it clear that **contaminant**, as defined in the Act, includes greenhouse gases.

The amendment to *clause 5, new section 6(i)*, adds a new matter of national importance that must be "recognised and provided for" in regional policy statements, plans,

and resource consent decisions: namely, “achieving a significant reduction in the discharge into air of greenhouse gases”.

The amendment to *clause 13* amends section 32 of the RMA to require councils in preparing plans and the Minister in preparing national environment standards to identify and evaluate the benefits and costs of any proposed reduction or increase in greenhouse gas emissions associated with objectives, policies, rules and other provisions in a proposed plan. It replaces the current section 32(2)(a), removing the requirement for councils to identify and evaluate the costs and benefits of plan provisions in providing or reducing economic growth and employment.

New clause 44A repeals section 70A of the RMA to remove the prohibition on regional councils having planning rules that consider the impact of discharging greenhouse gasses into the air. The clause allows councils to continue to consider the extent to which the development of renewable energy allows greenhouse gas emissions to be reduced.

New clause 44B amends section 70B to allow councils to have stronger, more restrictive plan provisions than those in a national environmental standard but not weaker ones.

New clause 132A amends section 104F to allow a consent authority to only apply conditions which are more restrictive than those permitted under a national environmental standard on climate change and greenhouse emissions.