

substances to be "ozone-depleting substances" for the purposes of the policy.

(II) JANDAKOT MOUND

The draft environmental protection policy has been prepared to protect groundwater of the Jandakot Mound, an important public water supply source in the southern Metropolitan Region. The draft policy proposes prevention and controls on the discharge of contaminants (including contaminated fill) and urban, industrial and horticultural development. At the time of writing, a revised draft policy was being prepared which will be referred to the Minister for the Environment for further consultation.

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NZ COASTAL POLICY STATEMENT PROGRESS

Edition 4/1992 of AELN reported on the proposed New Zealand Coastal Policy Statement (NZCPS). When initial submissions on the NZCPS closed, approximately 600 submissions had been lodged, many of which were detailed. They were received from public authorities, a wide range of conservation groups, industrial and other users of the coast, and various members of the public.

Many submissions expressed the following concerns:

- the NZCPS is too general;
- there is insufficient guidance to regional councils;
- the terminology used in the policy differs from that used in the Act;
- the policy fails to balance the issues adequately.

The Board of Inquiry recently made the original submissions available to the public for supporting or opposing cross-submissions. The large number of original submissions has made the preparation of cross-submissions a daunting task for anyone to undertake, particularly in the short period provided. When the cross-submission period closed on May 10 1993, only 40 interested parties had lodged submissions in support or opposition, although multiple submissions were made by some of them.

The Board of Inquiry is meeting in the near future to determine how and when to conduct the hearings around New Zealand, although the key issues will be the subject of hearings in Wellington.

Concerns have been raised over the time pressures placed on regional councils who are required to give effect to the NZCPS in their regional coastal plans which must be publicly notified by 1 October 1993. As the NZCPS seems unlikely to be finalised much before October, steps may be taken to extend the deadline in the Resource Management Amendment Bill.

OZONE LAYER PROTECTION AMENDMENT ACT 1993

The *Ozone Layer Protection Amendment Act 1993* came into force on 12 March 1993. It implements amendments made to the Montreal Protocol in 1990 which strengthen the controls on ozone depleting substances. Additional substances have been added to the banned list of controlled substances, and the phase-out dates for other substances have been brought forward.

CO₂ EMISSIONS AND CLIMATE CHANGE

In June 1992, New Zealand signed the Framework Convention on Climate Change at the Rio de Janeiro Earth Summit. This Convention provided the basis for international measures to stabilise "greenhouse" gas concentrations.

Under this agreement, New Zealand undertook to aim to reduce CO₂ emissions to their 1990 levels by the end of the decade. The Convention has not yet been ratified or incorporated into national legislation. In July 1992, the Government announced an action programme for addressing CO₂ emissions. Under the programme, the Minister for the Environment indicated that proposals which have significant impacts on New Zealand's ability to achieve the 1990 CO₂ emission levels will be considered to be of "national significance" under section 140 RMA (the call-in provision).

The effect of this section is to allow the Minister to take a resource consent application outside the normal planning process by appointing a board of inquiry to recommend to the Minister whether consent should be granted. There are appeal rights to the Planning Tribunal.

The Minister has indicated that he and his ministry will assess all applications involving the emission

of gases totalling 0.1% or more of CO₂. The sort of projects this is likely to affect are thermal power stations and other industries that use substantial amounts of coal or natural gas.

CO₂ GUIDELINES

As part of the Government's initiatives on CO₂, the Ministry for the Environment is drafting guidelines for regional councils and local authorities. The Government is also investigating the effectiveness of economic instruments such as carbon taxes, tradeable CO₂ emissions permits, tradeable carbon absorption duties and energy taxes as an alternate means of reducing CO₂ emissions.

Other matters that may be addressed in the guidelines include:

- the use of alternatives for generating electricity which involve lower CO₂ emissions;
- the location of buildings and sub-divisions so as to reduce energy requirements and therefore CO₂ emissions;
- the effect on CO₂ emissions of proposals for new road and parking facilities which encourage increased private vehicle use.

RESOURCE MANAGEMENT ACT 1991

Under the RMA, controls on discharges into air are the primary responsibility of regional councils. Industrial discharges of CO₂ require discharge permits, unless permitted by a regional rule or regulation. Under the transitional sections of the RMA, scheduled processes licensed under the *Clean Air Act 1972* are now the subject of a deemed discharge permit. Once these permits expire, it will be necessary to seek new consent for discharges.

The regional councils and the Minister for the Environment may be able to use the resource consent process to seek to reduce the amount of CO₂ emissions, or indeed the emission of any greenhouse gas. In addition, some consideration may be given to how to mitigate the effects of the emission. This may include requiring planting to act as a CO₂ "sink", by relying on the power to require financial contributions under section 108(9)(c).

AMBIENT AIR QUALITY GUIDELINES

Last year the Ministry for the Environment released a discussion paper on proposed ambient air quality guidelines for New Zealand. The basic purpose of

these guidelines is to assist regional councils in developing policies and plans on air emissions. Rather than dealing with global issues such as "greenhouse" gases, these guidelines are primarily aimed at reducing air pollution by setting maximum emission levels for particular pollutants such as lead and nitrogen oxide. Ultimately these informal guidelines could become binding national environmental standards under section 43 RMA.

Although the guidelines are not yet in final form, it appears that many councils are referring to the draft paper to assist them in drawing up their plans and policies as a measure against which resource consent conditions may be assessed.

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