

09 January 2018

MEMORANDUM

FROM: Lisa Jenkins

TO: Andrew Parrish

SUBJECT: Recommended changes to be made to the Canterbury Air Regional Plan – Te mahere ā-rohe mō te hau o Waitaha pursuant to Clause 20A of Schedule 1 to the Resource Management Act 1991 (RMA)

The Canterbury Air Regional Plan – Te mahere ā-rohe mō te hau Waitaha (the Air Plan) was made operative on 31 October 2017. It has since been identified that the operative Plan contains a minor error.

The definition of small-scale heating appliance in the operative Canterbury Air Regional Plan is set out below:

Small scale heating appliance: means

- a. An open fire, older-style enclosed burner, low emitting enclosed burner or ultra-low emitting enclosed burner; or*
- b. A stationary petrol, diesel or gas burning device with a net energy output of 40kW or less*

used for the purpose of heating space, or heating liquid for the purpose of heating space

There is an inconsistency with the layout of the definition in the operative Plan and the recommendation of the Hearings Commissioners. The Report and Recommendations of the Hearing Commissioners, at section 8.2 states:

[376] We recommend a revised approach based on adoption of the term “small-scale heating appliance” defined as follows:

Means

- (a) An open fire, older- style enclosed burner, low-emitting enclosed burner or ultra-low emitting enclosed burner;*
- (b) A stationary petrol, diesel or gas burning device with a net energy output of 40kW or less used for the purpose of heating space, or heating liquid for the purpose of heating space.*

Paragraph [376] sets out the Hearing Commissioners recommended format for the definition of ‘small-scale heating appliance. It is clear from this excerpt that the phrase “used for the purpose of heating space, or heating liquid for the purpose of heating space” is a qualification that applies solely to clause (b) of the definition.

The formatting error appeared in Appendix B to the Report and Recommendations of the Hearings Commissioners and was inadvertently carried over to the Operative Plan. The recommendation report is the primary document for determining the final recommendations on the definition.

It is considered appropriate to use Clause 20A to Schedule 1 to the RMA to amend the Canterbury Air Regional Plan – Te mahere ā-rohe mō te hau o Waitaha for the following reasons:

- The recommended change corrects a minor error in the Canterbury Air Regional Plan. The correction reflects the Hearing Commissioners' recommendation, and the correction will not prejudice the rights of any person that made a submission on the provision.

Recommendation

The definition of "small scale heating appliance" in the Canterbury Air Regional Plan – Te mahere ā-rohe mō te hau o Waitaha is corrected to read as follows:

Small-scale heating appliance	means <ol style="list-style-type: none">an open fire, older- style enclosed burner, low-emitting enclosed burner or ultra-low emitting enclosed burner; ora stationary petrol, diesel or gas burning device with a net energy output of 40kW or less used for the purpose of heating space, or heating liquid for the purpose of heating space.
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Delegated Authority: Andrew Parrish, Regional Planning Manager

Signature:



Date: 22 January 2018