

Report 09.306
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Committee Regulatory Committee
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Review of the regional plans

1. Purpose

To provide the Regulatory Committee with an outline of the process to review the regional plans and the development of a second generation regional plan.

2. Significance of the decision

The matters for decision in this report **do not** trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

The purpose of regional plans as set out in the Resource Management Act 1991 is to assist regional councils to carry out their functions under the Resource Management Act.

Greater Wellington has five regional plans. These are:

- The Regional Freshwater Plan (December 1999)
- The Regional Plan for Discharges to Land (December 1999)
- The Regional Air Quality Management Plan (May 2000)
- The Regional Coastal Plan (June 2000)
- The Regional Soil Plan (October 2000).

The Regional Coastal Plan is the only mandatory regional plan; other regional plans are prepared at the discretion of the Council. However, for most of the activities controlled by Greater Wellington, a resource consent needs to be obtained unless there is a rule in a plan expressly allowing activities. This

differs from district plans where land use is permitted, except where it contravenes a rule in a district plan.

Regional plans must give effect to the Regional Policy Statement, national policy statements and the New Zealand Coastal Policy Statement.

When preparing a plan an evaluation has to examine the extent to which each objective is the most appropriate way to achieve the purpose of the Resource Management Act and, having regard to their efficiency and effectiveness the policies rules, or other methods, are the most appropriate for achieving the objectives.

The Resource Management Act requires that regional councils commence a full review of any regional plan within ten years of it becoming operative. The review of our regional plans must therefore commence by December 2009, the tenth anniversary of the Regional Freshwater Plan and the Regional Plan for Discharges to Land.

Since the regional plans were made operative, there have been several changes to the Resource Management Act that can affect what the second generation plan(s) contain. One of these changes is that plans are now only required to have objectives, policies and rules. They are no longer required to include issues or methods other than rules (non-regulatory actions), principal reasons for adopting the policies and methods, or any other information.

Effectiveness reports for each of plan have now been completed (see Regulatory Committee reports 08.480, 08.339, 08.338, and Environment Committee Reports 06.108 and 06.86). These reports highlighted specific issues with the plans and have made preliminary recommendations as to how the current plans could be more effective and efficient.

4. Approach to developing the new regional plan

4.1 Recognising the context has changed over ten years

Much has changed since the development of the first generation regional plans. This means that our approach will be inevitably different from that used to prepare the first set of plans in 1999.

Some of these changes include:

- a greater understanding of the social, economic political complexities of environmental problems and that solutions need to be sophisticated and multi-faceted (We need a range of inter-related and integrated tools in the toolbox);
- increased community awareness of the state of our environment and an expectation that all sectors of the community have a role in improving in environmental quality;

- a greater understanding that environmental issues such as degraded water quality in rural and urban areas frequently are not the result of discrete point source discharges, but the result of cumulative and diffuse activities from legitimate land uses;
- a recognition that in some cases it may be necessary to write rules to control land uses to bring about improved water quality;
- a broader recognition of the critical role that private landowners have in protecting and managing indigenous biodiversity on their land;
- a recognition of the significant impacts of urban stormwater on water quality of streams and harbours;
- increased acceptance by primary industries of the need to “lift their game” by promoting best practice and the resulting development of accords and industry standards and targets aimed at changing behaviours;
- recognition of the need to better integrate resource and land use planning and programme delivery, particularly in a catchment context

Overall, the last ten years has reinforced the understanding of the role that regulation under the Resource Management Act plays in bringing about the sorts of improvements in our environment that the community is seeking. Regulation provides important “bottom lines” and signals to resource users minimum standards of behaviour and determines when resource consents are required. They do not, by themselves however, bring about changes in behaviour and, therefore, improved environmental outcomes.

Recognising this, Greater Wellington delivers, or supports in partnership with other organisations, an extensive suite of programmes that lie outside the provisions of the Resource Management Act that directly contribute to addressing environmental problems. This includes non-regulatory programmes ranging from supporting the Farm Environment Awards through to delivering soil erosion and riparian management works on the ground. It also includes activities carried out in accordance with complimentary legislation such as the Biosecurity Act 1993 and the Soil Conservation and Rivers Control Act 1941.

The new regional plan will be developed recognising the need for its provisions to integrate with other programmes and responsibilities of Greater Wellington, and vice-versa. The model discussed at the Catchment Committee workshop of 26 March is based on this approach and is currently being assessed in detail.

4.2 How we will review the current plans

All the five regional plans are to be reviewed together. Instead of reviewing content of the plans separately, the approach has been taken to cluster together like topics across the plans.

The resulting integrated work streams (in accordance with responsibilities under the Resource Management Act) are:

- Structures, deposition, reclamation disturbance, etc activities in the beds of lakes and river and in the coastal marine area.
- Restrictions on taking damming, diverting or using coastal or fresh water and allocation of fresh water.
- Discharges to coastal or fresh water – including establishing water quality standards.
- Discharges to land.
- Discharges to air from land and the coastal marine area.
- Coastal surface water and foreshore activities, aquaculture and occupation of coastal marine area.
- Use of land for the purpose of soil conservation, water quality in water bodies, maintenance of the quantity of water or ecosystems in water bodies and coastal water.
- Additional matters which we are required to additionally address in order to give effect to the proposed Regional Policy Statement. This includes identification and protection of wetlands, ensuring development is avoided in high hazard risk areas, etc.

4.3 Preliminary timetable and workstreams

The preliminary timetable and the various workstreams covering the review of the existing regional plans and the development of a single second generation regional plan through to notification is as follows:

<p>Issue analysis</p> <p>An assessment of current issues in the plan against our knowledge of the state of the environment.</p>	<p>July 2009</p>
<p>Catchment assessment</p> <p>Assessment of catchments where water quality, quantity, in-stream aquatic health or erosion are at undesirable levels</p> <p>Assessment of the findings of the TCM project findings to date</p>	<p>July 2009</p>
<p>Council workshop</p> <p>A joint workshop for the Regulatory and Catchment Management Committees on the development of the plans and their integration with the rest of the Council's natural resource management delivery.</p>	<p>September/October 2009</p>

<p>Investigation reports</p> <p>Specific reports addressing topic where further investigation is being undertaken as to determine options for management e.g. stock access to water bodies.</p>	February 2010
<p>Gap analysis and assessment of changes required</p> <p>An assessment of findings from investigations and analysis above.</p>	February 2010
<p>Council workshop(s)</p> <p>Council workshop on the direction of recommended changes to content of the plans</p>	March 2010
<p>Consultation and communication plan</p> <p>A consultation and communication plan is prepared for the review of the plans, development of draft then proposed plan</p>	March 2010
<p>Draft Regional Plan</p>	June 2011
<p>Proposed Regional Plan</p>	June 2012

5. **Communication**

This report has been jointly provided to both the Regulatory and Catchment Management Committees.

Internal consultation and informal consultation with interested parties is on-going.

A full Consultation and Communication plan will be prepared when the project is more advanced following the Councillor workshops in March 2010.

6. **Recommendations**

That the Committee:

1. ***Receives the report.***
2. ***Notes the content of the report.***

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