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Committee Regulatory Committee
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Regional Plan reviews

1. Purpose

To advise the Committee of the timing and direction of regional plan reviews.

2. Background

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 purpose of regional plans as set out in the Resource Management Act 1991 (the RMA) is to assist regional councils to carry out their functions under the RMA. The Regional Coastal Plan is the only mandatory regional plan; other regional plans are prepared at the discretion of the Council. Regional plans must give effect to the Regional Policy Statement, national policy statements and the New Zealand Coastal Policy Statement.

The RMA requires regional councils to commence a full review of any regional plan within ten years of it becoming operative. The reviews of our regional plans must be underway by December 1999, the tenth anniversary of the Regional Freshwater Plan and the Regional Plan for Discharges to Land.

3. Contents of our regional plans, and how they work

Our five regional plans follow our functions under the RMA and cover the natural resources of fresh water, air, soil, and the coastal marine area. The restrictions that apply to these resources are set out in Part III of the RMA. For

some resources, any activity affecting the resource requires a resource consent unless it is specifically allowed by a regional rule. For other resources, activities are allowed as of right unless specifically restricted by a regional rule.

The restrictive presumption in the RMA applies to almost all activities that regional councils control. That is, activities in the coastal marine area, activities in the beds of rivers and lakes, and uses of water, including discharges of contaminants to water or to land where the contaminant might enter water. Any person who wants to do anything covered by the restrictive presumption must obtain a resource consent unless there is a rule in a regional plan that allows the activity as a “permitted activity”.

Discharges of contaminants to land and air are only restricted by the RMA if they are from “industrial or trade premises”. Discharges from domestic premises or from vehicles only require a resource consent if a regional rule specifically requires it.

Uses of land such as earthworks, vegetation clearance, drilling, or building or demolishing structures follow the permissive presumption. These are allowed unless specifically restricted, and the restriction may be in regional and/or district plan. Our land use functions relate to soil conservation and maintaining and enhancing water quality or water quantity, whereas district council functions cover all land uses.

Regional rules are therefore the main means of delivering policy in regional plans. They either allow something that the RMA regulates, or restrict something that RMA allows. Regional rules can only be adopted in regional plans; they cannot be adopted in a strategy or any other kind of plan.

4. Opportunities for the upcoming plan reviews

The upcoming reviews of the regional plans provide Greater Wellington with the opportunity to streamline the existing regulatory approach, and improve integration with district plans. We have prepared reports on the effectiveness of each of the regional plans and these reports will be used to determine what could change to make the plans more effective and efficient.

Also, we now have much better technical and scientific understanding than when the “first generation” of plans were prepared. This will help us formulate more specific or targeted rules if that is what is deemed necessary.

4.1 Resource Management Act changes that will affect the reviews

Since the regional plans were made operative, there have been several changes to the RMA that affect regional plan content and preparation. Some key changes are:

- Regional plans are now required to give effect to regional policy statements rather than not being inconsistent with them. Regional plans are

now also required to give effect to national policy statements, including the New Zealand Coastal Policy Statement.

- Regional plans are required to have objectives, policies and rules. They are no longer required to include issues, methods other than rules, the principal reasons for adopting the policies and methods, or any other information.
- Regional councils have a new function to control the use of land for the maintenance and enhancement of ecosystems in water bodies. This means we can now control vegetation clearance and earthworks in wetlands through regional rules.
- Amendments to section 32 of the RMA require us to consider the alternatives, benefits and costs of provisions differently than before.

4.2 A single, well integrated regional plan

The regional plan evaluations showed that all regional plans would benefit from better integration, both across the regional plans and with the region's district plans. The first step in achieving better integration would be to develop one regional plan that covered all resources. This would remove some of duplication that currently exists between the plans, and provide an opportunity to take more of a 'catchment management' approach.

Regional coastal plans must be approved by the Minister of Conservation, so it may be necessary to include a separate module dealing with the coastal marine area. This would allow us to begin the review of the Regional Coastal Plan slightly later than the other regional plans (consistent with its later operative date). This will be desirable because we do not have the resources to review all the regional plans at the same time.

4.3 A regional plan that complements the Regional Policy Statement and focuses on regulation

The current regional plans re-state many of the issues, objectives, policies and methods in the Regional Policy Statement. This helped them to be understood as stand-alone documents, but this approach is no longer necessary because the new draft Regional Policy Statement has taken an approach that links far more closely with the regional and district plans.

Regional Policy Statements can direct the regulatory approach to be followed in regional and district plans, but they cannot contain the rules themselves. Rules can only be included in regional plans. The Regional Policy Statement and regional plans would be better streamlined if all regional plans focused on regional rules and where necessary, specific policy guidance to help with the assessment of resource consent applications.

4.4 Process for the regional plan reviews

We are well positioned now to draw our regional plan reviews together into one coordinated process that follows the Regional Policy Statement preparation. One regional plan would provide a “one stop shop” for resource consent requirements and provide more integrated management of resources that Greater Wellington controls.

The Regional Policy Statement will be ready for public notification by the end of the year. Once staff have completed their recommendations in response to submissions, and completed the analysis of benefits and costs as required by section 32 of the RMA, they can begin work on the regional plan reviews.

While the Regional Policy Statement will still be proceeding through the statutory process of formal submissions, hearings and even appeals, it will provide sufficient direction to commence the review.

5. Communication

No communication is required at this time. When the regional plan review process commences, we will be consulting widely and communicating with all interested parties.

6. Recommendations

That the Committee:

1. ***Receives the report; and***
2. ***Notes the contents.***

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