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Report 01.880
10 December 2001
File: X/7/2/1
[Report 01.880 2001.P&F.MM:sw]

Report to Policy and Finance Committee
from Murray McLea, Section Leader, Policy Development

Changes to Regional Plans

1. Purpose

To obtain approval from the Council to publicly notify five proposed regional plan changes.

2. Background

The Council's five Regional Plans prepared under the Resource Management Act 1991 (RMA) became operative between 15 months and 2 years ago. In addition to these plans, we have the Transitional Regional Plan that is made up of regulatory controls that were in place prior to the commencement of the RMA. It has always been the intention of the Council to withdraw the Transitional Regional Plan once all of the other Regional Plans were operative.

In addition to the withdrawal of the Transitional Regional Plan, it is recognised that other plan changes will be necessary or desirable as we learn from their implementation, as uses of the environment change, and as we gather more information on the environment. The Resource Policy Department Operating Plan 2001-2010 provides for such plan changes.

3. Regional Plan Changes

This year, five Regional Plan changes are proposed. The primary reasons for proposing plan changes are to withdraw the Transitional Regional Plan and to change the rules relating to access to groundwater on the Kapiti Coast. These changes provide an opportunity to make additional changes of a more minor nature.

The plan changes are explained further below. Full details are contained in a separate document that has been enclosed for Councillors and EMT Managers. At the outset, we

propose that all five plan change processes be run concurrently. The Regional Plans User Guide will also be adjusted so that it is consistent with the changes.

3.1 Changes to the Regional Freshwater Plan as a Result of Withdrawing the Transitional Regional Plan

The Transitional Regional Plan will be withdrawn in its entirety. Some changes are also proposed to the Regional Freshwater Plan to help ensure that floodways and flood protection assets are adequately protected.

3.2 Groundwater Bore Construction Rules

Since the Regional Freshwater Plan was made operative, there has been a large increase in demand for groundwater bores on the Kapiti Coast, partly in response to increased restrictions on Kapiti's water supply take and exacerbated by the last dry summer. Hundreds of bores have been drilled in the last two years. A large number of bores were also present prior to the recent increase.

Most of the bores are for domestic use. Their construction and use are permitted activities because they are usually less than 5 metres deep and take less than 20,000 litres of water per day. A rule in the Regional Freshwater Plan allows bore construction up to a depth of 5 metres on the Kapiti Coast without a resource consent, subject to several conditions, including one that requires the driller to supply the Council with a location plan of the bore. Despite this requirement, very few drillers have advised the Council of the location of new bores. There is some uncertainty over whether the condition could be enforced because a permitted activity should be able to be carried out without recourse to the Council.

Lack of knowledge about the location and number of bores has hampered monitoring of the groundwater resource. In response to the lack of knowledge, a targeted investigation of shallow groundwater bores on the Kapiti Coast has gathered information over the last 15 months. The results suggest it is likely that some aquifers are approaching their safe yields. In the future it will be critical that we are able obtain ongoing information on bore locations and numbers so that we can promote the sustainable management of groundwater.

The changes proposed to the Regional Freshwater Plan will require resource consents to be obtained for the construction of all new groundwater bores. In practice this will not require every new bore to obtain a resource consent. The process will be more efficient if drillers obtain "global" consents that allow them to construct bores within identified areas, subject to providing the Council with information about the bores. There have been discussions with drillers on this approach. The drillers who commented on earlier drafts of the changes were positive about them.

3.3 **Other Regional Plan Changes**

The plan changes outlined in 3.1 and 3.2 of this report are an opportunity to include other changes that will improve the plans. The changes fall into the following categories:

- new permitted activity rules for activities that presently requiring resource consents although the activities have less than minor adverse effects;
- changes to permitted activity rules that arise as a result of working with the plans;
- changes that include or update information; and
- minor corrections and clarification that do not change the intent of provisions.

4. **What happens next**

Subject to Council approval, staff will notify the Proposed Plan Changes according to the First Schedule of the Resource Management Act 1991. Public notice and provision of the plan changes to public bodies and other interested people will occur in late January next year. The plan changes will be advertised in newspapers, sent to libraries in the Region, and posted on our website.

The public notice will invite submissions on the plan changes and outline the process for participation. This process includes making submissions, public hearings, Council decisions on the changes, and an opportunity for submitters to refer the decisions to the Environment Court.

5. **Communication**

Earlier this year staff sought and obtained approval to proceed with consultation on these plan changes (Report No. 01.715 to the Policy and Finance Committee). In October we forwarded draft plan changes for comment to central government departments, territorial authorities, iwi, and some key interested parties such as Flood Protection Advisory Committees in the Wairarapa and drillers on the Kapiti Coast. We have met with groups that wanted to discuss the plan changes with us.

There has been a positive response to the draft regional plan changes that were sent out to interested parties for comment. A number of improvements have been made as a result of the comments received. The statutory process for submissions and hearings that follows will provide an opportunity for further consultation and improvements.

6. Recommendation

It is recommended that the Committee:

- (1) *approve public notification of the following proposed plan changes according to the First Schedule of the Resource Management Act 1991;*
- *Proposed Plan Change 2 to the Transitional Regional Plan;*
 - *Proposed Plan Change 1 to the Regional Freshwater Plan;*
 - *Proposed Plan Change 1 to the Regional Plan for Discharges to Land;*
 - *Proposed Plan Change 1 to the Regional Air Quality Management Plan;*
and
 - *Proposed Plan Change 1 to the Regional Soil Plan.*

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Tabled document

1. Proposed Plan Changes