

Report to the Policy and Finance Committee
from Murray McLea, Section Leader, Policy Development, and Kirsten Forsyth, Policy
Advisor

Approval of the Regional Plan for Discharges to Land and the Regional Freshwater Plan

1. Purpose

To approve the Regional Freshwater Plan and the Regional Plan for Discharges to Land.

2. Background to the Regional Plan for Discharges to Land

The Proposed Regional Plan for Discharges to Land was publicly notified in February 1995. Submissions on the Plan were heard in November 1996 and decisions on submissions were publicly notified in April 1997. Seven submitters referred decisions on fifteen different provisions of the Proposed Plan to the Environment Court.

The Council publicly notified a Variation to the Proposed Regional Plan for Discharges to Land on 26 September 1998. Submissions on the Variation were heard on 24 May 1999 and decisions were publicly notified in July 1999. There were no appeals to the Environment Court on the Variation.

Council staff negotiated agreements with some appellants on their references on the Proposed Plan prior to notification of the Variation. The remaining references have been resolved by agreement with appellants since the Variation was notified. The Environment Court has now signed Consent Orders relating to all references and directed the Council to amend the Proposed Plan according to the agreements reached with appellants.

3. Background to the Regional Freshwater Plan

The Proposed Regional Freshwater Plan was publicly notified in January 1997. Submissions on the Plan were heard in December 1998 and decisions on submissions were publicly notified in May 1999.

A single submitter referred one provision of the Plan to the Environment Court. Council staff negotiated an agreement on the reference with the appellant. The Environment Court signed a Consent Order relating to the reference and directed the Council to amend the Proposed Plan according to the agreement reached with the appellant.

4. Approval of the Plans

The process for preparing and changing regional plans is set out in the First Schedule of the Resource Management Act 1991 (“the Act”). Before approving regional plans, the Council must make any amendments that are directed by the Environment Court. The Council may also amend plans without further formality, where such an alteration is of minor effect, and may correct any minor errors.

Staff have made amendments to the Proposed Plans as directed by the Environment Court. Minor amendments have also been made to both Plans that do not affect the wording of provisions. These minor amendments only affect the structure of the Plan and were made to help people use the Plans. The objectives, policies, and rules of the Plans are now grouped together to help people involved in resource consents. As a consequence, other provisions have also been moved, such as the non-regulatory methods, which are now grouped together. These changes have no effect on the provisions of the Plans.

The Council is now able to give effect to the amendments directed by the Environment Court and the other minor changes, by approving the Plans. This is done by affixing the seal of the Council to the Plans.

5. Making the Plans Operative

The Act requires that the Council shall publicly notify the date on which the Plans become operative at least five working days before the date on which they become operative. Time must also be allowed for printing the Plans once they are approved. Staff aim to notify an operative date for the Plans on 13 November 1999 with the operative dates for both Plans being 22 November 1999.

Copies of the Plans will be sent to all the people that the First Schedule of the Act instructs. The Plans will also be available on the Council’s Internet site from the date they become operative.

A User Guide that will help people use all the Council’s regional plans is currently being prepared. It should be available in hard copy form and on the Internet by June 2000.

6. Recommendations

That the Committee recommend that the Council:

1. *Notes that amendments have been made to the Proposed Regional Plan for Discharges to Land and the Proposed Regional Freshwater Plan that give effect to the directions of the Environment Court.*
2. *Notes that minor amendments have been made to both Plans that relate only to the structure of the Plans.*
3. *Approves the Proposed Regional Plan for Discharges to Land and the Proposed Regional Freshwater Plan.*
4. *Authorises the affixing of the seal of the Council to both Plans.*
5. *Notes that the operative date for both Plans will be publicly notified at least five working days before the Plans become operative.*

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