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Committee Te Upoko Taiao - Natural Resource Plan Committee
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Regional Plan review process

1. Purpose

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

2. 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. Hence Council's desire to have other regional plans as well. 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.

The Resource Management Act requires local authorities to commence a review of provisions in any regional plans, if those provisions have not been subject to either a plan change, or review, during the previous 10 years.

Since Greater Wellington's regional plans were made operative, there have been several changes to the Resource Management Act that 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. Previously, plans were required to include issues or methods relating to non-regulatory action, reasons for adopting policies and methods, and any 'other information'.

When preparing a plan, an evaluation is required 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, evaluate how those policies, rules or other methods are the most appropriate for achieving the objectives.

3. Statutory process for the plan development

Schedule 1 of the Resource Management Act sets out the process for the preparation, change and review of policy statements and plans. Clause 2(2) of Schedule 1 states that a regional coastal plan must be prepared in consultation with:

- a) the Minister of Conservation, and
- b) iwi authorities of the region, and
- c) the board of any foreshore and seabed reserve in the region.

Clause 3 of Schedule 1 sets out the consultation requirements for preparing a regional plan, as follows:

3 Consultation

- (1) *During the preparation of a proposed policy statement or plan, the local authority concerned shall consult—*
 - (a) *the Minister for the Environment; and*
 - (b) *those other Ministers of the Crown who may be affected by the policy statement or plan; and*
 - (c) *local authorities who may be so affected; and*
 - (d) *the tangata whenua of the area who may be so affected, through iwi authorities; and*
 - (e) *the board of any foreshore and seabed reserve in the area.*
- (2) *A local authority may consult anyone else during the preparation of a proposed policy statement or plan.*
- (3) *Without limiting subclauses (1) and (2), a regional council which is preparing a regional coastal plan shall consult—*
 - (a) *the Minister of Conservation generally as to the content of the plan, and with particular respect to those activities to be described as restricted coastal activities in the proposed plan; and*

- (b) the Minister of Transport in relation to matters to do with navigation and the Minister's functions under Parts 18 to 27 of the Maritime Transport Act 1994; and*
- (c) the Minister of Fisheries in relation to fisheries management, and the management of aquaculture activities.*

- (4) In consulting persons for the purposes of subclause (2), a local authority must undertake the consultation in accordance with section 82 of the Local Government Act 2002*

Schedule 1 also sets out the process to be followed once a proposed regional plan has been publicly notified. A diagram of this process is set out **Attachment 1** to this report.

4. Communication

The Engagement and Consultation Plan for the review of the regional plans will be presented to the next meeting of this Committee.

5. Recommendations

That the Committee:

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

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Attachment 1: First schedule statutory process