

Report to the Policy and Finance Committee
from Wayne Hastie, Manager, Resource Policy

Adoption of the Proposed Regional Coastal Plan for the Wellington Region

1. Purpose

To adopt the Proposed Regional Coastal Plan for the Wellington Region (the Plan).

2. Background to the Plan

The Proposed Regional Coastal Plan was publicly notified in June 1994. Submissions on the Plan were heard in May 1996 and decisions on submissions were publicly notified in November 1996. Ten submitters made 18 references on the Plan to the Environment Court. One reference was withdrawn.

Council staff negotiated agreements with appellants on 16 of the references. The Environment Court has now signed Consent Orders relating to all 16 of these references and has directed the Council to amend the Plan according to the agreements reached with appellants. Following a hearing, the Environment Court has also reported on the remaining reference and has directed the Council to amend the Plan.

3. Adoption of the Plan for Reference to the Minister of Conservation

The process for preparing and changing regional plans is set out in the First Schedule of the Resource Management Act. The process for a regional coastal plan differs from other regional plans that the Council prepares. The Council is responsible for approving other regional plans whereas the Minister of Conservation approves the Regional Coastal Plan after the Council adopts it.

Before adopting the Plan, the Council must make any amendments that are directed by the Environment Court. The Council may also amend the Plan without further formality, where such an amendment is of minor effect, and may correct any minor errors. Staff have made amendments to the Plan as directed by the Environment Court. Minor amendments have also been made that do not affect the wording of provisions. These amendments only affect the order of provisions in the Plan and

were made to help people use it. The objectives, policies, and rules of the Plan are now grouped together to help people involved in resource consents.

The Council is now able to give effect to the amendments directed by the Environment Court and the other minor changes by adopting the Plan. This is done by affixing the seal of the Council to the Plan. A copy of the Plan is available in the Councillors' lounge and a copy will be tabled at the Committee Meeting.

4. Ministerial Approval of the Plan

As soon as practicable after adopting the Plan the Council must send it to the Minister of Conservation for approval. Prior to approval, the Minister of Conservation may require the Council to amend the Plan. An amendment cannot be required that is inconsistent or in conflict with any direction of the Environment Court, unless the Minister made a submission on the provision concerned when the provision was referred to the Court. Should the Minister require the Council to make any changes, the reasons must be given.

5. Making the Plan Operative

The Act requires that the Council shall publicly notify the date on which the Plan becomes operative at least five working days in advance. Staff will notify an operative date for the Plan once it is approved by the Minister of Conservation and printed.

6. Communication

A thorough process for preparing the Plan means that key coastal users are aware of it or have been involved in its preparation. This process has included opportunities for the public to make submissions on a discussion document, a draft plan and the Plan itself. Copies of the Operative Plan will be sent to all the people that the First Schedule of the Act instructs. All submitters will be advised when it becomes operative. The Plan will be available on the Council's Internet site from the date it becomes operative.

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

7. Recommendations

That the Committee recommend that the Council:

- (1) *Notes that amendments have been made to the Proposed Regional Coastal Plan that give effect to the directions of the Environment Court.*

- (2) *Notes that minor amendments have been made to the Plan that group together the objectives policies and rules, and consequential reordering of other provisions, without changing their wording.*
- (3) *Adopts the Plan.*
- (4) *Authorises the affixing of the seal of the Council to the Plan.*
- (5) *Sends the Plan to the Minister of Conservation for approval.*
- (6) *Notes that the operative date for the Plan will be publicly notified at least five working days in advance.*

Report prepared by:

Approved for submission:

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Attachments: