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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 proceed with public consultation on possible changes to Regional Plans.

2. Background

The Council's five Regional Plans prepared under the Resource Management Act 1991 ("the RMA") became operative between 12 and 18 month 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 a number of Regional Plan changes are proposed. Firstly, we wish to withdraw the Transitional Regional Plan. Secondly, we want to make changes to rules relating to assess to groundwater on the Kapiti Coast. Finally, we want to take the opportunity to make a number of minor changes to improve the plans. At the outset, we propose that all three processes be run concurrently.

Each of these plan changes is described further below. Complete drafts of the plan changes are available in the Councillors' lounge together with a copy of the Transitional Regional Plan. The draft plan changes will also be tabled at the Policy and Finance Committee meeting.

3.1 **Transitional Regional Plan Changes**

Earlier this year, Report 01.242 to the Policy and Finance Committee sought and obtained approval to begin public consultation on withdrawal of the Transitional Regional Plan. We have not yet carried out public consultation, and propose that this be done as part of the package of plan changes presented in this current Report.

The Transitional Regional Plan will be withdrawn in its entirety. Some changes will be made 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 recent 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. The rule in the Regional Freshwater Plan allows bore construction up to a depth of 5 metres 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 year. 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 suggested to the Regional Freshwater Plan will require resource consents to be obtained for the construction of all new groundwater bores. In practice this need 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. Discussions with drillers on this approach have already been held and will continue during the plan change process.

The plan changes suggested are consistent with the management of groundwater bores in other parts of the Region, such as in the Wairarapa. At present, people can find our

rules for bore construction confusing because they differ from place to place and depend on bore depth. The changes are an opportunity to reduce the number of groundwater bore rules from 6 to 1 or 2.

3.3 **Other Regional Plan Changes**

The plan changes outlined above provide 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 are presently captured by rules 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, improvements and clarification that do not change the intent of provisions.

4. **Communication**

We have already carried out consultation within the Council to the point where draft changes have been prepared.

Changes to the Regional Plans will benefit from external consultation. The statutory minimum for consultation is set out in the First Schedule of the Resource Management Act 1991. It requires us to consult with the Minister for the Environment, territorial authorities in the Region, adjacent regional councils, and iwi. We will consult with these groups and others such as drillers, Federated Farmers and Flood Advisory Committees before coming back to the Council to seek approval to notify plan changes.

5. **Recommendation**

That the Council proceed with public consultation on changing the regional plans, including consultation according to the First Schedule of the Resource Management Act 1991.

Report prepared by:

Approved for submission:

MURRAY McLEA
Section Leader, Policy Development

WAYNE HASTIE
Manager, Resource Policy

JANE BRADBURY
Divisional Manager, Environment