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Report to Policy and Finance Committee  
from Nicki Kinghorn, Policy Advisor

## **Approval of the Regional Soil Plan**

### **1. Purpose**

To gain Council's approval of the Regional Soil Plan ("the Plan").

### **2. Background to the Regional Soil Plan**

The Plan was publicly notified in April 1997. Submissions on the Plan were heard in August 1998 and decisions on submissions were publicly notified in September 1998.

Six submitters referred decisions on provisions of the Plan to the Environment Court. Two references were declined a waiver by the Environment Court for late service of notice on the Wellington Regional Council. One of the referrers lodged an appeal against this decision in the High Court and the High Court struck out the appeal on 1 August, 2000.

Council staff negotiated agreements on the remaining four references with the appellants and interested parties. The Environment Court signed Consent Orders relating to the references and has directed the Council to amend the Proposed Plan according to the agreements reached with the appellants.

### **3. Approval of the Plan**

The process for preparing and changing regional plans is set out in the First Schedule of the Resource Management Act 1991. Before finally 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, or may correct any minor errors.

Council staff have made amendments to the Proposed Soil 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 structure, and were made to help people use the Plan. The objectives, policies, and rules of the Plan 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. These changes have no effect on the provisions of the Plan.

The Council is now able to give effect to the amendments directed by the Environment Court and the other minor changes, by approving 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. **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 before that date. Time must also be allowed for printing the Plan once it is approved. Staff will aim to notify the operative date for the Plan on 25 September 2000 with an operative date of 9 October 2000.

#### 5. **Communication**

A thorough process for preparing the Plan means that relevant industry organisations are aware of it, or have been involved in its preparation. The process of preparing this Plan has included opportunities for the public to make submissions on a draft plan and the Proposed Plan. Copies of the operative Plan will be sent to all 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 of the Council's regional plans has been prepared. It will be available in hard copy and on the internet when the Plan becomes operative.

#### 6. **Recommendations**

*That the Committee recommend that the Council:*

- (1) *Notes that amendments have been made to the Proposed Regional Soil 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 of each, and consequential reordering of other provisions, without changing their wording.*
- (3) *Approves the Regional Soil Plan.*
- (4) *Authorises the affixing of the seal of the Council to the Plan.*

- (5) *Notes that the operative date for the Plan will be publicly notified at least five working days before the Plan becomes operative.*

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