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Committee Policy, Finance and Strategy Committee
Author Cr Margaret Shields, Chairperson, Hearing
Committee, Proposed Plan Change 2 to the Regional
Freshwater Plan (Mangatarere Stream)

Decisions on Proposed Plan Change 2 to the Regional Freshwater Plan (Mangatarere Stream)

1. Purpose

To seek the Council's approval of the decisions recommended by the Hearing Committee on Proposed Plan Change 2 to the Regional Freshwater Plan (the Mangatarere Stream).

2. Significance of the decision

The matters for decision in this report **do not** trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

Proposed Plan Change 2 to the Regional Freshwater Plan sets minimum flows and allocation limits for the Mangatarere Stream, in the Wairarapa, and its tributaries.

The Proposed Plan Change was notified in April 2004. Five people made submissions and pre-hearing meetings were held in November 2004 and June 2005. Additional investigations were carried out, and information provided to submitters, as a result of the pre-hearing meetings. No agreement was reached with the submitters as a result of the pre-hearing meetings.

Council staff prepared their report, including recommendations on submissions, and these were circulated to submitters in January 2006. A hearing committee comprising myself and Cr Rick Long was appointed and the hearing was held on 27 February 2006. Following the hearing, attended by three submitters, we released an interim decision on 31 March 2006 for submitters to comment on. Comments were received from the three submitters who attended the hearing.

4. Minimum flows and water allocation

The recommendations of the Hearing Committee for the decision by the Council are attached. They were made after consideration of the submissions, the staff reports, and other relevant matters such as the Resource Management Act 1991.

We have set minimum flows at the Mangatarere Gorge, in the upper reach of the Mangatarere Stream. Most water takes in the catchment must cease when stream flow reaches the minimum flows, but the minimums do not apply to public water supply and water taken by the Carrington water race for people's reasonable domestic needs and the reasonable needs of stock. The water allocated from the Mangatarere Stream is set at different amounts for the upper and lower reaches, in line with current water use.

5. Where to from here

The process for preparing and changing regional plans is set out in the First Schedule of the Resource Management Act. After making its decisions, the Council must send a copy to each submitter. The Council must also publicly notify the fact that it has made the decisions.

Any person who wishes to appeal a decision on their submission to the Environment Court must do so within 15 working days of receiving the decision. If no person appeals a decision to the Environment Court, the plan is made operative at a date to be notified by the Council.

If an appeal is made on the decisions, the matter appealed to the Environment Court can be agreed by Consent Order between the parties or will proceed to the Environment Court.

6. Communication

The Council must take the formal step of publicly notifying the fact that it has made the decisions. Other communication, such as a press release, is not appropriate at this time because the statutory process for the plan change is not yet complete.

7. Recommendations

It is recommended that the Committee:

1. **Approve** the recommended decisions of the Hearing Committee on Proposed Plan Change 2 to the Regional Freshwater Plan; and
2. **Note** the fact of the decisions will be publicly notified.

Report prepared by:

A handwritten signature in black ink that reads "Margaret Shields". The signature is written in a cursive style and is contained within a light gray rectangular box.

Cr Margaret Shields

Chairperson, Hearing Committee, Plan Change 2 to the Regional Freshwater Plan

Attachment 1: Recommended decisions on submissions on Proposed Plan Change 2 to the Regional Freshwater Plan (the Mangatarere Stream)