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Report to the Rural Services and Wairarapa Committee
from Stephen Thawley, Resource Advisor, Planning & Resources

Resolution of Appeals to Environment Court

1. Purpose

To inform the Committee that two outstanding appeals to a resource consent application WAR 990026 by the Operations Department, Wellington Regional Council to extract gravel from the Ruamahanga River system have been resolved through a consent order from the Environment Court.

2. Background to Appeals

The Operations Department applied for a resource consent to extract the sustainable gravel allocation from the Ruamahanga River system (including Lake Wairarapa and its tributaries) in February 1999. The application was notified and 17 submissions were received. A hearing was held to decide on the application on 12 April 1999. The Hearings Committee (with two independent commissioners) granted the application subject to a number of conditions on 27 May 1999.

3. Appeals

Two appeals against the decision were filed to the Environment Court in June 1999 by the applicant (Operations Department) and one submitter – Ngati Kahungunu ki Wairarapa. Rangitaane o Wairarapa and Federated Farmers registered as interested parties to the appeals under section 271a of the Resource Management Act 1991.

As advised by the Environment Court, several mediation meetings were held with all parties to the appeals between November 1999 and April 2000. Significant progress was made in attempting to resolve issues raised in the appeals. This involved developing a Protocol for iwi relationships with the Council and Federated Farmers in relation to the management of gravel resources in the Wairarapa region. There were also a number of minor proposed

changes to the conditions imposed by the Hearings Committee. At that stage, Ngati Kahungunu ki Wairarapa would not commit to signing a memorandum to the Court detailing the resolutions made through the mediation process.

An Environment Court hearing to decide on the resource consent application was held at the Masterton District Court on 30 November and 1 December 2000. A memorandum signed by all parties to the appeals except Ngati Kahungunu ki Wairarapa was provided to the Court, detailing the agreements reached through the mediation process.

Following a change in personnel at Ngati Kahungunu ki Wairarapa, further discussions were initiated with representatives of Ngati Kahungunu ki Wairarapa. As a result of these discussions, the chairperson of Ngati Kahungunu ki Wairarapa signed an additional memorandum to the Court on 25 May 2001 stating that the appeals could now be resolved subject to the proposed conditions including the Protocol developed through the mediation process.

A consent order was formally signed and approved by the Environment Court on 6 June 2001.

A copy of the consent order can be provided on request.

4. Communication

All parties to the appeals have received the decision from the Environment Court. Both the Operations and Planning & Resources Departments are informing the wider gravel industry in the coming weeks about the changes to managing gravel resources within the Wairarapa.

5. Recommendation

That the report be received.

Report prepared by:

Approved for submission by:

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