



Report 07.11
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Committee Policy, Finance and Strategy Committee
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Approval of Plan Change 1 to the Regional Freshwater Plan

1. Purpose

To seek the Council's approval of Plan Change 1 to the Regional Freshwater Plan (the plan change).

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

The plan change was notified in February 2002. The primary reasons for the plan change were to amend rules regarding access to groundwater on the Kapiti coast, to include new minimum flows and water allocation provisions for three rivers in the Wairarapa, and to replace rules in the Transitional Regional Plan which was withdrawn at the same time. A number of other changes of a minor nature were also made to improve the Regional Freshwater Plan.

The plan change was notified alongside changes to four other regional plans. The Policy and Finance Committee made its decisions on submissions to all five plan changes in December 2002 (see report 02.779). A period followed when submitters on the plan changes could make appeals to the Environment Court. No appeals were made on the other four plan changes, and they were all approved by the Council in July 2003. Two appeals on the change to the Regional Freshwater Plan meant that it could not be approved at the same time.

The appeals on the plan change to the Regional Freshwater Plan were made by Transit NZ and John Barton. Transit's appeal, which was on the definition of stormwater, was resolved by negotiation and a consent order was approved by the Court in May 2005. Mr Barton appealed a new rule that restricted the use of heavy vehicles on stopbanks. His appeal was heard by the Environment Court in July 2004 and Greater Wellington appealed the Court's decision to the High Court. We received the final decision of the High Court in November 2006.

4. The plan change can now be approved

The two provisions in **Attachment 1** are the result of the Courts' decisions on appeals. These decisions must now be formally approved by the Council before they can be included in the Regional Freshwater Plan. Plan change provisions that were **not** appealed have been in force since the Council made its decisions in December 2002. It is not necessary to attach these provisions to this report.

To finalise the plan change, the Council must approve the proposed changes and publicly notify the date on which they become operative, which must be at least five working days before the operative date.

5. Communication

The earlier public process of consultation, notification, submissions, hearings and appeals has provided plenty of opportunity to communicate the plan change.

6. Recommendations

It is recommended that the Committee:

- 1. **Approve** Plan Change 1 to the Regional Freshwater Plan.*
- 2. **Make** Plan Change 1 to the Regional Freshwater Plan operative on 17 March 2007; and*
- 3. **Publicly notify** the operative date for Plan Change 1 to the Regional Freshwater Plan on 3 March 2007.*

Report prepared by:

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Attachment 1: Regional Freshwater Plan Provisions that can now be approved following decisions of the Courts