



**Report**                    **03.669**  
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**Committee**            **Rural Services and Wairarapa**  
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## **Applications for Resource Consent to Take Water from Lake Wairarapa and Disturb the Bed of the Mangatete Stream and Lake Wairarapa**

### **1. Purpose**

To seek approval from the Rural Services and Wairarapa Committee for two resource consent applications from S & S Barton take water from Lake Wairarapa and disturb the bed of the Mangatete Stream and Lake Wairarapa, under the Resource Management Act 1991.

### **2. Summary**

Two resource consent applications have been received from S & S Barton to take water from Lake Wairarapa for irrigation purpose and to disturb the bed of the Mangatete Stream and Lake Wairarapa.

The water permit is for the taking of up to 33 litres/sec of water from Lake Wairarapa for irrigating up to 60 hectares of pasture. The land use consent is for maintaining an open water connection between the Mangatete Stream and Lake Wairarapa to ensure that water is taken from the lake and not the stream. This work will involve maintaining an existing channel (using an excavator) between the lake and the abstraction point.

The application was notified under the new 'serve notice' provisions in the Resource Management Amendment Act. Four submissions were received from those who were served notice. Three submissions conditionally supported the applications, provided that minimum lake levels specified in the Lake Wairarapa Management Guidelines were adhered to and best irrigation practices were adopted. Those submitters who requested to be heard at a hearing have withdrawn their right to be heard, subject to the proposed consent conditions being imposed. One submission opposed the application, but the submitter has since signed off on the proposed consent conditions and withdrawn their right to be heard.

It is recommended to grant the application until 30 September 2014, subject to a number of consent conditions that will avoid, remedy, or mitigate any potential adverse effects on the environment. This recommendation is consistent with the purpose and principles of the Resource Management Act 1991, the National Water Conservation (Lake Wairarapa) Order 1989, Regional Policy Statement, and Regional Freshwater Plan.

### 3. Recommendation

*That the Committee, under delegated authority by the Wellington Regional Council pursuant to sections 105 and 108 of the Resource Management Act 1991, grant resource consent applications by S & S Barton, subject to the following conditions and notes:*

#### WAR 030126 water take conditions

1. *This resource consent shall expire on 30 September 2014.*
2. *The location, design, implementation and operation of the works shall be in accordance with the resource consent application WAR 030126 and its associated plans and documents lodged with the Wellington Regional Council on 25 August 2003, unless otherwise specified by a consent condition.*
3. *This consent authorises the taking of water from Lake Wairarapa only at the extraction point. The consent does not authorise the taking of water from the Mangatete Stream upstream of the extraction point.*
4. *The rate of take from Lake Wairarapa at or about map reference NZMS 260 S27: 2702599 – 5996987 shall not exceed 33.5 litres per second, 20 hours per day, 7 days per week, October to April inclusive.*
5. *The consent holder shall adhere to any restrictions and/or rostering as directed by the Manager, Planning & Resources, in order to comply with the target lake levels specified in the Lake Wairarapa Management Guidelines and shown below:*

<b><i>Time period</i></b>	<b><i>Water level (chart datum)</i></b>
<i>1 December to 29 February</i>	<i>10.15 metres</i>
<i>1 March to 31 May</i>	<i>10 metres</i>
<i>1 June to 30 September</i>	<i>9.95 metres</i>
<i>1 October to 30 November</i>	<i>10 metres</i>

*When the mean lake level falls at or below the above target lake levels the take will cease.*

*Note: The mean lake level will be determined following the assessment of long term tracking trends and short term future scenarios, rather than the daily instantaneous lake level. Factors in making this assessment include but are not limited to prevailing weather conditions and future forecasts, flow levels in tributaries entering Lake Wairarapa, and the operation of the Barrage Gates to ensure compliance with conditions of resource consent WAR 930149.*

- 6. The consent holder shall submit a copy of all irrigation design information including pump and irrigation equipment details, prior to the commencement of the water take authorised by this consent.*
- 7. If so requested by the Manager, Planning and Resources, Wellington Regional Council, the consent holder shall record the days and hours of operation, and shall forward a copy to the Wellington Regional Council by 31 May each year for the term of this consent.*
- 8. The consent holder shall install a water meter that measures both cumulative water abstraction and the instantaneous rate of take, and is capable of providing a pulse counter output. The meter shall be calibrated to ensure that the error does not exceed +/- 5%. The meter shall be installed before commencing the water take authorised by this consent and in accordance with the manufacturer's specifications.*
- 9. The water intake shall be screened so that fish cannot enter the intake.*
- 10. The irrigation system shall be designed and maintained so that excess water is not run to waste.*
- 11. The Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within three months of the annual anniversary of the commencement of this resource consent for any of the following purposes:*
  - To deal with any adverse effects on the environment which may arise from the exercise of these consents, and which it is appropriate to deal with at a later stage.*
  - To enable monitoring requirements and potential low flow conditions to be reassessed should environmental information show reassessment is required.*
- 12. The Wellington Regional Council may review conditions 2, 3 and 5 by giving notice of its intention at any time within three months of any changes to:*
  - The National Water Conservation (Lake Wairarapa) Order 1989 to enable consistency with that Order; or*
  - Goal 2.1.2 of the Lake Wairarapa Wetlands Management Guidelines 1991 to enable consistency with the water level regime; or*
  - Policy 6.2.12 of the Regional Freshwater Plan to enable consistency with the water level regime.*

13. *The Wellington Regional Council shall be entitled to recover from the consent holder the costs of the conduct of any review, calculated in accordance with and limited to that Council's scale of charges in force and applicable at that time pursuant to Section 36 of the Resource Management Act 1991.*
14. *The consent holder may apply, at any time, pursuant to section 127 of the Resource Management Act 1991, for the change or cancellation of any consent condition.*
15. *A resource management charge, set in accordance with Section 36(2) of the Resource Management Act 1991 shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under Section 35 (duty to gather information, monitor, and keep records) of the Act.*

**Notes:**

- a) *This resource consent does not guarantee that quantity or quality of water will be maintained or available.*
- b) *The consent holder is encouraged to adopt the best practicable options to ensure the potential effects of the abstraction of water is minimised. This includes but is not limited to:*
  - *Night time irrigation when water demand is lower;*
  - *Establishment of shelter belts to reduce evaporation losses from wind run; and*
  - *Riparian planting on the lake edge; and*
  - *Preventing stock access to Lake Wairarapa and tributaries entering the lake.*
- c) *Please contact the Wellington Regional Council, Consents and Compliance Section, if you plan to make any modifications to the pump or irrigation system. Any significant modifications may require you to apply for a variation of consent conditions.*

**WAR 030126 land use conditions**

1. *The location, design, implementation and operation of the works, located at or about map reference NZMS 260 S27: 2702599 – 5996987, shall be undertaken in accordance with resource consent application WAR 030126 and associated plans and documents lodged with the Wellington Regional Council on 17 September 2003. In particular, works shall be limited to maintaining an open connection between the extraction point and Lake Wairarapa.*
2. *All works under this consent shall be completed to the satisfaction of the Manager, Planning and Resources, Wellington Regional Council.*

3. *The consent holder shall ensure that the open channel allowing water in to the abstraction point follows the natural water channel to Lake Wairarapa and does not cut across the existing bar.*
4. *The consent holder shall ensure that the site is left in a tidy and safe condition following each phase of work.*
5. *The consent holder shall advise the Wellington Regional Council Consents and Compliance Section at least 48 hours prior to the commencement of any work so that compliance inspections can be arranged.*
6. *The consent holder shall pass a copy of the consent, including site plans and attachments, to the operator undertaking any works authorised by this consent.*

### ***Protection of bird and fish life***

7. *The Consent Holder shall take all reasonable steps to identify the location of any nests and avoid disturbance to any nesting wader birds that may be present. This is particularly during the main wader bird nesting season from September to December inclusive.*
8. *The consent holder shall not undertake works in the active flowing channel during the trout spawning period of 31 May to 31 August inclusive.*
9. *The consent holder shall keep all works in the active flowing channel to a practical minimum during the main native fish spawning period of August to November inclusive.*
10. *The consent holder shall ensure that continuous fish passage at the work site is maintained at all times during works.*
11. *The consent holder shall ensure that any fish or shellfish that are stranded during works are placed back in the active flowing channel as soon as practicable.*
12. *The consent holder shall ensure that silt removed during excavation is deposited in a place and manner that does not adversely affect indigenous flora and fauna.*

### ***Suspended sediment***

13. *The consent holder shall take all practical steps to minimise the release of suspended sediment during any works in the active flowing channel. This includes keeping channel crossings to a minimum and to one pathway where possible.*
14. *The consent holder shall keep all works in the active flowing channel to a practical minimum.*

### **Maximising public use**

15. *Public access to the lakebed shall not be restricted for a period greater than necessary to complete the works.*
16. *The consent holder shall not operate on public holidays or weekend days unless the works are essential and unavoidable. The consent holder shall notify the Manager, Planning and Resources, Wellington Regional Council prior to commencing such works.*

### **Handling of fuel and other hazardous substances**

17. *No contaminants (including, but not limited to oil, petrol, diesel, hydraulic fluid) shall be released to water from equipment being used for the activity, and no refuelling of equipment shall take place on any area of lakebed.*
18. *In the event of a spill of fuel, hydraulic fluid, or other potential liquid contaminants, immediate steps shall be taken to remove or contain the spilled material. Secondly, the consent holder shall notify the Manager, Planning and Resources, Wellington Regional Council.*

### **Review of conditions**

19. *The Planning and Resources Department, Wellington Regional Council, may review any or all of the conditions of this consent by giving notice of its intentions to do so under section 128 of the Resource Management Act 1991. A review may occur within three months of the annual anniversary of the grant date of this consent to address adverse effects not previously anticipated, or to review the adequacy of conditions in the event adverse effects are larger or smaller than initially assessed.*
20. *The Consent Holder may apply at any time, under Section 127 of the Resource Management Act 1991, for the change or cancellation of any consent condition, other than condition 1 relating to the term of this consent.*

### **Resource management charge**

21. *A resource management charge, set in accordance with Section 36(2) of the Resource Management Act 1991 shall be paid to the Wellington Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the execution of its functions under Section 35 (duty to gather information, monitor and keep records) of the Act.*

In recommending the above decision including the consent conditions, I believe that the matters identified in section 104 and 104B (detailed in section 4 of Attachment 1 to this report) and all submissions have been appropriately considered and addressed, particularly:

1. Sustainable management of the surface water resources in Lake Wairarapa will be achieved as specified in Part II of the Resource Management Act 1991.
2. All objectives and policies in the Regional Policy Statement have been appropriately considered and addressed by way of consent conditions.
3. All policies in the Regional Freshwater Plan have been appropriately considered and addressed by way of consent conditions. In particular the requirement to maintain minimum lake levels is specified as a consent condition.
4. The decision is consistent with the National Water Conservation (Lake Wairarapa) Order 1989 and Lake Wairarapa Management Guidelines.
5. The Department of Conservation and Rangitane o Wairarapa, who requested to be heard at a hearing, have withdrawn their right to be heard, subject to the consent conditions being applied. The Wellington Conservation Board and Ngati Kahungunu ki Wairarapa did not wish to be heard at a hearing. I believe all matters raised in their submissions have been appropriately addressed through the consent conditions and notes on the resource consent.

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