



**Report**                    **03.668**  
**Date**                      3 November 2003  
**File**                        WAR 930028

**Committee**            **Rural Services and Wairarapa**  
**Author**                **Stephen Thawley, Resource Advisor**

## **Applications for Resource Consent for the Ongoing Operation and Maintenance of Henley Lake, Masterton**

### **1. Purpose**

To seek approval from the Rural Services and Wairarapa Committee for resource consent applications from the Masterton District Council under the Resource Management Act 1991, for the continued operation and maintenance of Henley Lake.

### **2. Summary**

The Masterton District Council has applied for resource consents for the continued operation and maintenance of Henley Lake. Four resource consents have been applied for including a water permit to take water, two discharge permits to discharge water, and one land use consent to disturb a river bed. The applications were notified in accordance with section 93 of the Resource Management Act 1991. Eight submissions were received on the applications. All those submitters who requested to be heard at a hearing, have now withdrawn their right to be heard subject to the proposed consent conditions.

The applicant submitted a 'Assessment of Environmental Effects' (AEE) report with their resource consent applications. Assessment of the applications has been completed against the relevant statutory documents including the Resource Management Act (RMA) 1991, Regional Policy Statement (RPS), and Regional Freshwater Plan (RFP) and the non-statutory Upper Ruamahanga River Water Allocation Plan (May 2000). The assessment is provided in an separate attachment to the Committee agenda.

It is recommended to grant the applications until 9<sup>th</sup> May 2017 subject to a number of consent conditions that will avoid, remedy, or mitigate any potential adverse effects on the environment. The applicant and submitters have agreed to the terms and conditions of the resource consents recommended for granting.

### **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 the resource consents relating to the operation of Henley Lake applied for by the Masterton District Council, subject to the following conditions:*

#### **General Conditions for WAR 930028 (4993), (2333), (2334), and (3492)**

##### **Consent term**

- 1. In terms of section 123(c) of the Resource Management Act 1991, these consents shall expire on 9<sup>th</sup> May 2017.*

##### **Works to be undertaken in accordance with consent application**

- 2. The location, design, implementation and operation of the works shall be in accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 27<sup>th</sup> June 1995, and further information lodged on 18<sup>th</sup> October 2001 (revised Assessment of Environmental Effect report) and 25<sup>th</sup> September 2002 (water quality monitoring information); but subject to any modifications required to comply with any of the conditions of consent.*

*Note: Any change from the location, design concepts and parameters implemented and/or operation may require a change in permit conditions pursuant to section 127 of the Resource Management Act 1991.*

##### **Review conditions**

- 3. The Wellington Regional Council may review any or all conditions of these consents by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within 3 months of the 2<sup>nd</sup>, 5<sup>th</sup>, and 10<sup>th</sup> anniversary of the date of commencement of these consents 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 reassess abstraction rates, restriction levels, minimum flows, and water quality standards to provide for consistency with the Regional Freshwater Plan.*
  - To review the adequacy of any plan(s) prepared for these consents and/or monitoring requirement(s) so as to incorporate into the consents any modification to any plan(s) or monitoring requirement(s) which may become necessary to deal with any adverse effects on the environment arising from the exercise of these consents.*

- *To alter the monitoring requirement(s) in light of the results obtained from any previous monitoring.*
4. *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.*

**Change to consent conditions and transfer of consents**

5. *The consent holder may apply, at any time, for the change or cancellation of any consent condition, other than the condition 1 relating to the term of these consents.*
6. *The consent holder's interest in this consent may be transferred to any owner or occupier of the site pursuant to section 137 of the Resource Management Act 1991.*

**Review of Henley Lake Management Plan**

7. *The consent holder shall complete a review of the Henley Lake Management Plan prior to the second anniversary of the date of commencement of these consents which shall include:*
- *Any measures adopted to minimise any adverse effects on property, amenity values, wildlife, vegetation and ecological values as a result of the operation of consents associated with Henley Lake.*
  - *Any measures adopted to ensure that water is used in an efficient and conservative manner.*
  - *Public communication initiatives on water quality information.*
  - *A review of the grading of Henley Lake assessed against relevant guidelines at that time.*
  - *Investigations into contamination sources into Henley Lake and any measures proposed to mitigate any potential adverse effects of contamination sources. Such investigations shall include but not be limited to assessing the viability of diverting contamination sources away from Henley Lake.*
  - *Investigations into methods of maintenance (e.g. cleaning) that can be employed in order to improve water quality in Henley Lake*
  - *Any other matters relevant to the operation of the consent associated with Henley Lake that ensure compliance with the consents and their conditions.*
8. *The review of the Henley Lake Management Plan identified in condition 7, shall be completed in consultation with Henley Lake user groups, Choice Health, Rangitaane o Wairarapa, Wellington Fish & Game Council, Wellington Conservation Board, and the Department of Conservation.*

9. *The revised Henley Lake Management Plan shall be submitted to the Consents & Compliance Section, Wellington Regional Council, within three months of its completion.*

**Sediment management**

10. *The consent holder shall close the penstock in the intake channel when the flow in the Ruamahanga River at Mt Bruce exceeds 2 metres stage height.*

**Resource management charges**

11. *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.*

**WAR 930028 (4993) – Water Permit to Take Water from Ruamahanga River**

**Maximum abstraction rate**

12. *The maximum rate at which water is taken from the Ruamahanga River for the purposes of supplying water to the Henley Lake at or about map reference NZMS 260 T26: 2736913- 6025864, shall be in accordance with the following table:*

<b>Flow in Ruamahanga River at Wardells Bridge</b>	<b>Maximum take</b>
<i>Greater than 5000 litres/sec</i>	<i>1000 litres/sec</i>
<i>Between 2700 litres/sec and 5000 litres/sec</i>	<i>300 litres/sec</i>
<i>Less than 2700 litres/sec</i>	<i>150 litres/sec</i>

*Note: If there is a serious temporary shortage of water the Wellington Regional Council may issue a water shortage direction under section 329 of the Resource Management Act 1991. This direction may restrict or suspend the taking or use of water for a period of up to 14 days. Such directions may be renewed after that time.*

**Water quantity monitoring**

13. *The consent holder shall install a water flow monitoring site by 31<sup>st</sup> December 2003 to monitor the flow into Henley Lake with a measurement error of no more than +/- 10%. The site shall be located immediately downstream of the intake control structure and to the satisfaction of the Manager, Planning & Resources, Wellington Regional Council.*

14. *The water flow monitoring site shall be installed at a site likely to retain a stable rating, and installed, inspected, operated, and maintained in accordance with the Hydrologists Field Manual (NIWA, 1991).*
15. *A rating curve shall be established for the water flow monitoring site, with a minimum of three gaugings at various flow levels. Any gaugings completed to establish a rating curve shall be carried out by a suitably qualified person in accordance with the Hydrologists Field Manual (NIWA, 1991).*
16. *When the flow in the Ruamahanga River falls below 5000 litres/sec at the Wardells bridge gauging site in any given week (measured from Monday to Sunday inclusive), the consent holder shall record at least one measurement of the flow at the water flow monitoring site for that week based on the rating curve established for the site.*
17. *The consent holder shall provide water quantity monitoring results as outlined in condition 16, by 31<sup>st</sup> July each year for the term of the consent. The results shall be for the period 1<sup>st</sup> July to 30<sup>th</sup> June inclusive for the previous year.*

## **WAR 930028 (2234) – Discharge Permit to Discharge Water into the Ruamahanga River**

### **Discharge location and timing of discharge**

12. *The discharge to the Ruamahanga River from Henley Lake shall be at or about map reference NZMS 260 T26: 2735606- 6024822.*
13. *No water shall be discharged from the Henley Lake directly to the Ruamahanga River when the flow in the Ruamahanga River at the Wardells bridge gauging site falls below 2700 litres/sec.*

### **Receiving water quality**

14. *For the purpose of this permit, reasonable mixing is defined as 30 metres downstream of the discharge outlet to the active flowing section of the Ruamahanga River.*
15. *After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, shall not cause any of the following effects:*
  - *The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.*
  - *Any conspicuous change in the colour or visual clarity.*
  - *Any emission or objectionable colour.*
  - *The rendering of freshwater unsuitable for consumption by farm animals.*
  - *Any significant adverse effects on aquatic life.*
  - *No undesirable biological growths.*

16. *The receiving water after reasonable mixing, shall not be changed by more than 3<sup>0</sup> Celsius, and the temperature in the receiving water is not to exceed 25<sup>0</sup> Celsius as a result of the discharge.*
17. *The concentration of dissolved oxygen in the receiving water (after reasonable mixing) shall not fall below 80% of saturation concentration.*

**Discharge standard**

18. *The water discharged from Henley Lake to the Ruamahanga River shall conform to the following standard:*
  - *For any 12 consecutive samples, no more than two samples shall have an E.coli count greater than 550 cfu/100 ml, unless the monitoring shows that this standard was also exceeded at the intake to Henley Lake on that occasion.*

*Explanatory note: If the water taken from the Ruamahanga River is above 550 cfu/100 ml and the water discharged back to the Ruamahanga is also above 550 cfu/100 ml at that time, then this is not considered an exceedance.*

**Water quality monitoring**

19. *The consent holder shall implement a water quality monitoring programme between October and March inclusive for each year for the term of this consent as described below:*

<b>Parameters</b>	<b>Frequency</b>
<i>Physical and chemical (pH, conductivity, ammonia nitrogen, nitrite nitrogen, nitrate nitrogen, total nitrogen, DRP, total phosphorus, TOC, dissolved oxygen, % saturation, temperature, turbidity, and chlorophyll A)</i>	<i>Monthly</i>
<i>Microbiological (E.coli)</i>	<i>Fortnightly</i>

20. *The monitoring programme shall be completed at the following sites:*
  - *Ruamahanga River at intake*
  - *Intake channel at lake inlet immediately downstream of Te Ore Ore Rd*
  - *Te Ore Ore Stream at lake inlet*
  - *Hiona Stream at lake inlet*
  - *Lake water with 5 metres of main outflow to Ruamahanga River*
  - *Ruamahanga River immediately upstream of main outflow*
  - *Ruamahanga River immediately downstream of 30 metre mixing zone of main outflow*
21. *Any samples collected and analysed under condition 19, shall be completed by a suitably qualified person.*
22. *Monitoring results and a short analysis summary of monitoring results collected under condition 19 shall be submitted to the Consents &*

*Compliance Section, Wellington Regional Council before 30 April each year for the term of this consent.*

**WAR 930028 (2233) – Discharge Permit to Discharge Water into the Ruamahanga River via wetlands.**

**Discharge location**

12. *The discharge to the Ruamahanga River from wetlands surrounding Henley Lake shall be at or about map reference NZMS 260 T26: 2736611 - 6024922 and T26: 2735387 - 6024476.*

**WAR 930028 (3492) – Land Use Consent to Disturb Bed of Ruamahanga River**

**Standard Conditions**

12. *The disturbance of the bed of the Ruamahanga River under this consent shall be limited to activities to maintain or repair the intake to allow the efficient movement of water into the Henley Lake inlet channel at or about map reference NZMS 260 T26: 2736913 – 6025864.*
13. *Works in the active flowing channel shall be kept to a practical minimum and shall not be undertaken during the trout spawning period between 1<sup>st</sup> May and 30<sup>th</sup> September, unless the work is essential and unavoidable.*
14. *The consent holder shall notify the Wellington Fish & Game Council and the Manager, Planning & Resources, Wellington Regional Council prior to undertaking essential and unavoidable works planned between 1<sup>st</sup> May and 30<sup>th</sup> September.*
15. *The consent holder shall ensure that continuous fish passage is maintained at all times.*
16. *The consent holder shall ensure that any fish (excluding pest fish) that are stranded during the dewatering of any part of the active flowing channel are immediately placed back into the active flowing channel.*

*Note: Dewatering is the process whereby the former area of active flowing channel loses water after any new diversion begins to operate.*

17. *The consent holder shall ensure that all practical steps are undertaken to minimise the release of suspended sediment into the active flowing channel.*
18. *Any crossing of the active flowing channel shall be kept to an absolute practical minimum and only to one path, so that sediment disturbance and impact on instream habitats will be minimised.*

19. *Public access to the river bed shall not be restricted for a period greater than necessary to complete each set of works concerned.*
20. *The consent holder shall not undertake any maintenance works at the intake on public holidays, weekend days, or after 5 p.m. in the evening unless the works are essential and unavoidable. The consent holder shall notify the Manager, Planning & Resources, Wellington Regional Council, prior to commencing such works.*
21. *All equipment and surplus materials used for any of the maintenance activities shall be removed from the riverbed on completion of each set of works.*
22. *The consent holder shall minimise the risk of contaminants (including, but not limited to oil, petrol, diesel, hydraulic fluid) entering water by ensuring that:*
  - (a) *No fuel or lubricants are sorted within the riverbed.*
  - (b) *There is no refuelling, cleaning or storing of machinery in the riverbed.*
  - (c) *All machinery is well maintained at all times to prevent leakage of oil or fuel or the spill of other chemicals into the river.*
  - (d) *In the event of a spill of fuel, hydraulic fluid or other liquid contaminants, immediate steps are taken to contain the spilled material. The Manager, Planning & Resources, Wellington Regional Council shall be informed immediately of any such spill.*
23. *The consent holder shall ensure that any erosion of the river bank and damage to access tracks and/or river protection works, that is a direct result of work authorised by this consent, shall be repaired as soon as practicable.*
24. *The consent holder shall take all reasonable steps to avoid disturbance to nesting birds (including but not limited to banded dotterels, black-fronted dotterels, black-billed gulls, pied stilts and variable oystercatchers) when undertaking works authorised by the consent during the months of September to December inclusive.*

#### **Further investigations**

25. *The consent holder shall investigate in consultation with the Wellington Fish & Game Council long term management options for the intake at the Ruamahanga River prior to the second anniversary of the date of commencement of these consents. A summary report shall be submitted to the Consents & Compliance Section, Wellington Regional Council within 3 months of completion of any investigations.*



In recommending the above decision including the proposed consent conditions, I believe that the matters identified in section 104(1) (refer to assessment in separate attachment) and 107 of the RMA and all submissions have been appropriately considered and addressed, particularly:

- Sustainable management of the resources in the Upper Ruamahanga River will be achieved as specified in Part II of the Resource Management Act 1991.
- All objectives and policies in the Regional Policy Statement have been appropriately considered and addressed by way of consent conditions.
- All policies in the Regional Freshwater Plan have been appropriately considered and addressed by way of consent conditions.

Report prepared by:

Report approved by:

**Stephen Thawley**  
Resource Advisor

**Steve Blakemore**  
Manager, Planning & Resources

**Colin Wright**  
Divisional Manager, Wairarapa