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Report to the Rural Services and Wairarapa Committee
from Stephen Thawley, Resource Advisor, Consents & Compliance

Applications for Resource Consent for the Ongoing Operation and Maintenance of the Queen Elizabeth Park 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 operation of the Queen Elizabeth Park Lake.

2. Background

Masterton District Council have applied for resource consents for the continued operation and maintenance of Queen Elizabeth Park Lake. Four resource consents have been applied for including two water permits to take water, one discharge permit 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. No submissions were received.

The applicant submitted an '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 Waipoua River Water Allocation Plan (August 2001). The assessment is given in Attachment 1 to this report.

It is recommended to grant the applications for a 15 year term subject to a number of consent conditions that will avoid, remedy, or mitigate any potential adverse effects on the environment. The applicant has 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 the Queen Elizabeth Park Lake applied for by the Masterton District Council, subject to the following conditions:

For All Consents

1. *In terms of section 123(c) of the Resource Management Act 1991, the period for which these consents are granted is limited to 15 years from date of commencement of these consents.*
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 25 September 2001 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.

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 2nd, 5th, and 10th 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 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.*
5. *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, 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.*
7. *The consent holder shall complete a review of the Queen Elizabeth Park Management Plan prior to the second anniversary of the date of commencement of these consents which shall address at a minimum the following matters:*
 - *Any measures adopted to minimise any adverse effects on property, amenity values, wildlife, vegetation and ecological values as a result of the operations of consents associated with the Park Lake.*
 - *Any measures adopted to ensure that water is used in an efficient and conservative manner.*
 - *Any mitigation measures adopted as a result of monitoring undertaken as part of these consents.*
 - *Any other matters relevant to the operation of the consent associated with the Park Lake that ensure compliance with the consents and their conditions.*
8. *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 010306 (21571) – Water Permit to Take Water from Waipoua River

9. *The maximum rate at which water is taken from the Waipoua River for the purposes of supplying water to the Queen Elizabeth Park Lake at or about map reference NZMS 260 T26: 2734464- 6025628 shall not exceed 75 litres/sec.*
10. *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.*
11. *The consent holder shall record times when the pump is not operating for each calendar year, and shall forward a copy to the Wellington Regional Council by 30 April each year for the term of this consent.*
12. *The water intake shall be screened so that fish species cannot enter the intake.*

WAR 010306 (21572) – Water Permit to Take Water from QE Park Lake

9. *The maximum rate at which water is taken from the Queen Elizabeth Park Lake for irrigation purposes at or about map reference NZMS 260 T26: 2734557-6025182 shall not exceed 2555 cubic metres per week at a maximum rate of 14 litres per second.*

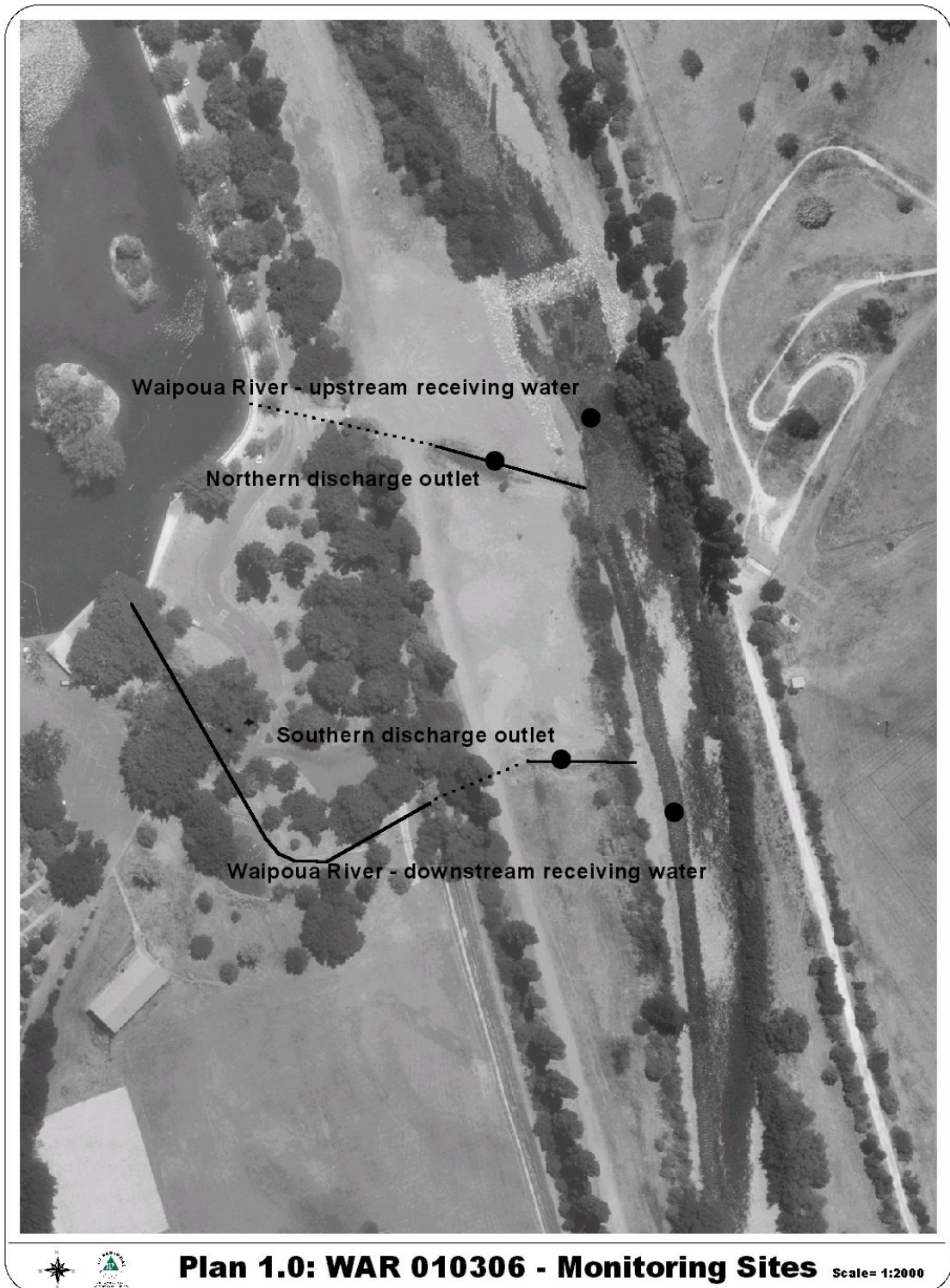
10. *When the flow in the Waipoua River at the Mikimiki bridge gauging site falls below 300 litres per second, the consent holder shall cease the abstraction of water between 0900 hours and 1700 hours, as directed by the Manager, Planning & Resources, Wellington Regional Council.*
11. *When the flow in the Waipoua River at the Mikimiki bridge gauging site falls below 250 litres per second, the consent holder shall cease the abstraction of water as directed by the Manager, Planning & Resources, Wellington Regional Council.*
12. *The consent holder shall maintain an accurate hourly meter at the intake and record the days and hours of operation for each calendar year, and shall forward a copy to the Wellington Regional Council by 30 April each year for the term of this consent.*
13. *The water intake shall be screened so that fish species cannot enter the intake.*

WAR 010306 (21573) – Discharge Permit to Discharge Water into the Waipoua River

9. *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.*
10. *The receiving water after reasonable mixing, shall not be changed by more than 3^o Celsius and the natural temperature to exceed 25^o Celsius.*
11. *The concentration of dissolved oxygen in the receiving water (after reasonable mixing) shall not fall below 80% of saturation concentration.*
12. *The running median of E.coli samples during any given season (October to March inclusive) of the discharge outlets shall not exceed 673.2 cfu/100 ml.*
13. *No single sample of the discharge outlets of E.coli shall exceed 3229.2 cfu/100 ml.*
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 Waipoua River.*
15. *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:*

Parameters	Frequency
<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>	Monthly
<i>Microbiological (E.coli)</i>	Fortnightly

16. The monitoring programme shall be completed at the sites shown in Plan 1.0: WAR 010306:



17. *Any samples collected and analysed under condition 13, shall be completed by a suitably qualified person.*
18. *Monitoring results collected under condition 13 shall be submitted to the Consents & Compliance Section, Wellington Regional Council before 30 April each year for the term of this consent.*

WAR 010306 (21574) – Land Use Consent

9. *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 June and 30 August, unless the work is essential and unavoidable.*
10. *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 June and 30 August.*
11. *The consent holder shall ensure that continuous fish passage is maintained at all times.*
12. *The consent holder shall ensure that any 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 the new diversion begins to operate.
13. *The consent holder shall ensure that all practical steps shall be undertaken to minimise the release of suspended sediment into the active flowing channel.*
14. *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.*
15. *Public access to the river bed shall not be restricted for a period greater than necessary to complete each set of works concerned.*
16. *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.*
17. *Any rail irons used for the intake structure or maintenance purposes shall be made as visible as practicable so that the potential hazard to surface waterbody users is minimised.*

18. *If any part of the intake structure becomes a significant threat to the health and safety of recreational users, the consent holder shall ensure that the structure is appropriately altered as soon as practicable.*
19. *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.*
20. *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 stored 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.*

In recommending the above decision including the proposed consent conditions, I believe that the matters identified in section 104(1) (detailed in section 5 of this report) and 107 of the RMA and all submissions have been appropriately considered and addressed, particularly:

- Sustainable management of the resources in the Waipoua River catchment 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:

Stephen Thawley
Resource Advisor

Approved for submission by:

Steve Blakemore
Manager, Planning & Resources

Colin Wright
Divisional Manager, Wairarapa