

Report 99.252
24 May 1999
File: WAR 930149 (01)

Report to the Rural Services and Wairarapa Committee
from Josh Harrop, Resource Advisor, Consents Management

Resource Consent Application from the Regional Council's Operations Department for the Operation and Maintenance of the Lake Wairarapa Barrage Gates

1. Purpose

To seek approval from the Rural Services and Wairarapa Committee for a resource consent application from the Wellington Regional Council's Operations Department, Wairarapa under the Resource Management Act 1991.

2. Consent applied for

A water permit WAR 930149 (01) to dam and divert water at the Blundell Barrage Gates to maintain lake levels in Lake Wairarapa.

3. Background, Statutory Requirements and Assessment of Effects

See Attachment 2 to report.

4. Negotiation of Consent Conditions

The recommended conditions have been agreed to by both the applicant and all submitters. The Barrage operating regime presently operates in a way that seeks to balance environmental and flood protection concerns. The negotiated changes should result in positive effects by allowing for enhanced fish ecology in Lake Wairarapa. These changes should not compromise the other values connected to the Barrage, such as wildlife enhancement or flood protection.

5. Recommendation

That the Committee, under delegated authority by Wellington Regional Council, grant pursuant to sections 105 and 108 of the Resource Management Act 1991, the following water permit to Operations Department, Wairarapa.

Water Permit WAR 930149 (01) to dam and divert water at the Blundell Barrage Gates to maintain lake levels for a period of twenty years, at or about NZMS 260: S27;934.857, subject to the following conditions:

Standard Conditions

- (1) This consent is subject to all relevant provisions of the Resource Management Act 1991, its amendments and any regulations made thereunder. It is the obligation of the consent holder to comply with all the statutory requirements relating to the exercise thereof.*
- (2) The consent holder may keep all such records as may be reasonably required by the Wellington Regional Council and shall, if so requested, supply this information to the Wellington Regional Council.*
- (3) This consent is subject to the Wellington Regional Council or its servants, or its agents, being permitted access at all reasonable times for the purpose of carrying out inspections, measurements and the taking of samples.*
- (4) The design and maintenance of any works relating to the exercise of the consent must be to a standard adequate to meet the conditions of the consent.*
- (5) An annual charge, set in accordance with section 36(2) of the Resource Management Act 1991, shall be paid to the Wellington Regional Council for carrying out its functions under section 35 (duty to gather information, monitor and keep records) of the Resource Management Act 1991.*

General Conditions

- (6) Subject to all the other conditions of this permit, the Barrage shall be operated as per the first schedule attached to this permit, and as described in the resource consent application and related assessment of effects entitled "Geoffrey Blundell Barrage, Assessment of Environmental Effects, 31 March 1998", together with associated documents lodged with the Wellington Regional Council.*

Note: Any change from the operation may require a change in consent conditions pursuant to section 127 of the Resource Management Act 1991.

- (7) *To allow maintenance to be carried out, the permit holder may raise up to four gates at any one time. This only applies to maintenance as described in the application documents as referred to in condition 6.*
- (8) *To allow for fish passage, the permit holder shall open at least two lateral gates as follows:*
- (a) *for a period of one hour before low tide, if the head difference shows there will be no inflow into the lake, from January to March when fish are migrating out of the lake; and*
 - (b) *for a period of one hour immediately before high tide, if the head difference shows there will be no flow out of the lake, from September to November when fish are migrating into the lake.*
- (9) *The permit holder may open the gates in circumstances additional to those described above where practical. An opening required by this condition shall be waived if the opening is likely to significantly compromise the pursuit of the target lake levels, specified in the first schedule attached to this permit.*
- (10) *The permit holder shall prepare by 29 October 1999 a monitoring programme for determining the effects of the modified gate opening regime on fish passage. This monitoring programme shall be prepared in consultation with the Department of Conservation, Rangitaane o Wairarapa, and Ngati Kahungunu, and shall have the agreement of these parties.*
- (11) *The permit holder shall prepare an annual compliance report that includes, but is not limited to, the following:*
- (a) *a comparison of actual lake levels achieved against target lake levels;*
 - (b) *an explanation for deviations from, or failures to meet, the target levels;*
 - (c) *a discussion of the operation's compliance with conditions 7, 8, 9 and 12 of this permit.*
 - (d) *a record of the number of openings that occurred over the past 12 months that were in accordance with condition 8, and a discussion of the likely effect of these openings on fish passage.*

The annual compliance report shall be provided to the Manager, Planning and Resources, Wellington Regional Council, on the first anniversary of the date of commencement of this permit and annually thereafter.

- (12) *Between 6 and 18 months before each of the review dates outlined in condition 13 of this permit, the permit holder shall invite staff of the*

Wellington Regional Council's Planning and Resources Department, all those who submitted on this consent, and any others deemed appropriate by the permit holder to a meeting to discuss:

- (a) compliance with the conditions of this permit;*
- (b) process and technology upgrades;*
- (c) any new information relevant to the operating regime; and*
- (d) any actions in response to issues raised at the meeting.*

(13) The Wellington Regional Council may review any or all conditions of this permit, as provided for by section 128 of the Resource Management Act 1991 by giving notice of its intention to do so, at any time within six months of the fifth, tenth and fifteenth anniversaries of the date of commencement of this permit for any of the following reasons:

- (a) to consider incorporating any proposed modifications or changes that may arise from the meeting required by condition 12 of this permit; or*
- (b) to deal with any adverse effects on the environment which may arise from the exercise of this permit, and which it is appropriate to deal with at a later date; or*
- (c) to review the adequacy of the monitoring requirements of this permit, for the purposes of requiring additional monitoring or assess impacts or to allow a reduction in the level of monitoring; or*
- (d) to require specific actions to be taken to mitigate and/or remedy any adverse environmental adverse effects arising from the exercise of this permit.*

Report prepared by:

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Approved for submission:

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Manager, Planning and Resources

Colin Wright
Divisional Manager, Wairarapa

Attachments: (2)