

**Appendix I -- Submissions**

**RESOURCE MANAGEMENT ACT 1991**

**SUBMISSION UNDER SECTION 96 OF THE RESOURCE MANAGEMENT ACT**

**TO:** General Manager, Wellington Regional Council

**SUBMISSION:** An application for a water permit to take up to 48 litres per second from Lake Wairarapa, for 23 hours per day, 30 days per month October to April inclusive, for irrigation purposes by M and C Moran.

**NAME:** Director General of Conservation

**ADDRESS:** Department of Conservation  
Head Office  
PO Box 10-420  
WELLINGTON

**STATEMENT OF SUBMISSION BY THE DIRECTOR GENERAL OF CONSERVATION**

Pursuant to section 96 of the Resource Management Act, I, Allan Ross, Conservator, Wellington Conservancy submit the following on behalf of the Director General of Conservation:

1. The application for a water permit to take up to 48 litres per second from Lake Wairarapa, for 23 hours per day, 30 days per month October to April inclusive, for irrigation purposes by M and C Moran will have an effect on the Lake Wairarapa water levels and at times of low lake level, may consequently reduce the **ability** of the operation of the barrage gates to provide for fish passage.
2. Relief sought:

That if the permit is granted the following condition is put in place:

The consent holder shall adhere to any restrictions and/or rostering as directed by the manager, Planning and resources, in order to comply with the target lake levels specified in the Lake Wairarapa Management guidelines and shown below:

Time Period	Target Levels
1 October to 30 November	10.00m
1 December to 29 February	10.15m
1 March to 31 May	10.00m
1 June to 30 September	9.95m

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

3. I wish to be heard in support of my submission.

A copy of the Instrument of Delegation may be inspected at the Office of the Director-General of Conservation.

DATED AT WELLINGTON THIS 25<sup>th</sup> DAY OF OCTOBER 2001.



Allan Ross  
Conservator  
Wellington Conservancy

Acting pursuant to delegated authority  
on behalf of the Director-General  
of Conservation

Address for Service  
Conservator  
Department of Conservation  
PO Box 5086  
WELLINGTON

Ph. (04) 472-5821  
Fax (04) 499-0077

P.O. BOX 6  
MARTINBOROUGH 5954

Ref:R600-01

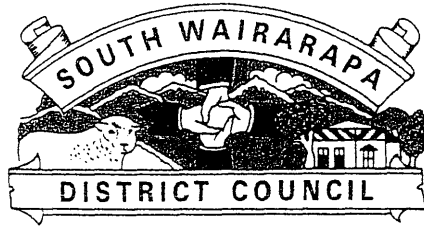
File:

Ross Smith

If calling ask for:

11<sup>th</sup> October 2001

The General -Manager  
Wellington Regional Council  
Wairarapa Division  
P O Box 41  
**MASTERTON**



19 KITCHENER STREET  
MARTINBOROUGH

WELLINGTON REGIONAL  
COUNCIL

12 OCT 2001

RECEIVED

TELEPHONE (06) 306-9611  
FACSIMILE (06) 306-9373  
EMAIL administrator@swdc.govt.nz

	INF	ACT	REP	INT.
ENV MGR				
OPS MGR				
P/RES MGR	✓			
S/SERV MGR				
BIO MGR				
PP				
SF				
ENCL				
FILE: Y/12/2/5				
				7030

**ATTENTION: STEPHEN THAWLEY - RESOURCE ADVISOR**

Dear Sir

**RE: NOTIFIED RESOURCE CONSENT APPLICATION: PUBLIC NOTIFICATION UNDER RESOURCE MANAGEMENT ACT 1991. (1) M & C MORAN - TAKE WATER FROM TAKE FOR IRRIGATION PURPOSES.**

Your letter dated 10<sup>th</sup> October, 2001 reference Y/12/2/5:LAR.

COPY

The Maori Standing Committee generally support this proposal, but request that the Wellington Regional Council in consenting, give consideration to (1) Water run off back to the river, (2) Riparian planting along the lake edge (3) over irrigation (4) night time irrigation.

Yours faithfully

R M Smith  
CORPORATE PLANNING MANAGER

**Appendix II – Resolution of Submissions**



Department of Conservation  
*Te Papa Atawhai*

Our Ref: SAR-05-01-03

**WELLINGTON REGIONAL  
COUNCIL**

Your Ref:

**12** November 2001

**15 NOV 2001**

**RECEIVED**

Stephen Thawley  
Resource Advisor  
Wellington Regional Council  
PO Box **41**  
Masterton

	INF	<	z
QV MGR			
OPS MGR			
P/RES MGR	✓		
S/SERV MGR			
BIO MGR			
ENCL			
FILE:	12/2/5 7214		

Dear Stephen

**Moran Water Take: Lake Wairarapa**

Thank you for your e-mail of 12 November in response to the Departments' submission on the Moran application to take water from Lake Wairarapa.

I am pleased to see that you intend to recommend the attached condition number 3 that was agreed between parties for the other recently granted water takes from the lake. This condition satisfies the Department's submission and on that basis I withdraw my request to be heard.

Please contact Sarah Bagnall at the address below if you have any queries.

Yours sincerely

Jeff Flavell  
Community Relations Manager  
for Conservator

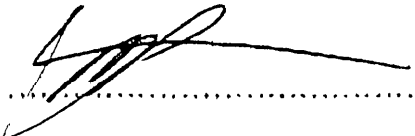
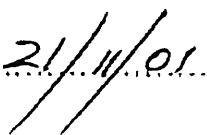
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*caring about you & your environment*

Application by M & C Moran for a water **permit to** take  
water **from** Lake Wairarapa: **WAR 010315**

I/we the undersigned have read the consent conditions proposed by the Wellington Regional Council and am satisfied that a formal hearing is not required to be held.

Name(s):  ..... Date:  .....

Please return this completed form by Thursday 22<sup>nd</sup> November 2001.

## **Appendix III – Relevant Policies in Regional Policy Statement**

Policy 1 To manage the quantity of fresh water so that it is available for a range of uses and values, and:

- (1) Its life supporting capacity is safeguarded; and
- (2) Its potential to meet the reasonably foreseeable needs of future generations is sustained; and,
- (3) For surface water, any adverse effects on aquatic ecosystems are avoided, remedied, or mitigated.

Policy 2 To promote the conservation and efficient use of fresh water.

Policy 10 To manage the quality of water in, and the flows, levels and beds of, waterbodies so that the following values are protected:

- (1) Regionally significant natural features, indigenous vegetation or regionally significant habitats of indigenous aquatic fauna, including those identified in table 4 (includes Lake Wairarapa)
- (2) Scenes or landscapes of regional significance within which water forms an essential component, as identified in table 5.
- (3) Landforms and geological features of regional significance, including those identified in table 6.
- (4) Heritage, recreational, scientific, or other amenity or intrinsic values of regional significance, including those identified in table 7 (includes Lake Wairarapa).

Policy 13 To recognise the cultural relationship of the tangata whenua with rivers, lakes, wetlands, and other water bodies, and to promote the management of fresh water in ways that take into account iwi values and beliefs. In addition, to promote the protection and management of sites of significance to iwi within the beds of water bodies.

Policy 14 To protect the healthy functioning of wetlands and their biological communities from the inappropriate effects of land and water use and to promote the restoration of degraded wetlands and the creation of artificial wetlands.

In assessing the appropriateness of the effects of land and water use, to have regard to the following characteristics of any wetland:

- (1) The degree of modification from a natural state;
- (2) The degree of significance of areas of indigenous vegetation and/or habitats of indigenous fauna;
- (3) The degree of representative importance;
- (4) The biological uniqueness and/or diversity of species, communities, or habitats;
- (5) The amenity values of the wetland (including cultural, recreational, and aesthetic values); and
- (6) The degree to which the wetland provides for the continued functioning of ecological and physical processes.

## **Appendix IV – Relevant Policies in Regional Freshwater Plan**

4.2.10 To avoid adverse effects on wetlands, and lakes and rivers and their margins, identified in Appendix 2 (includes Lake Wairarapa), when considering the protection of their natural character from the adverse effects of subdivision, use, and development.

4.2.11 To avoid, remedy or mitigate the adverse effects of the use and development of water bodies and river and lake beds on aquatic habitats and freshwater ecosystems by having regard to:

- the maintenance of biological and physical processes; and
- the maintenance of habitat for feeding, breeding and sheltering aquatic life; and
- the maintenance of the diversity of aquatic life; and
- the maintenance of the ability of fish to disperse and migrate; and
- the times which will least affect feeding, spawning, dispersal or migratory patterns of fish and other aquatic species; and
- the prevention of irreversible adverse effects.

4.2.15 To avoid, remedy, and mitigate any adverse effects of use and development on the water bodies identified in Appendix 5 as regionally important for their amenity and recreational values, by:

- managing water quality so that Policy 5.2.4 is satisfied; and
- managing the flows and levels of water bodies so that Policies 6.2.1, 6.2.2, 6.2.12, and 6.2.13, whichever is (are) relevant, is (are) satisfied; and
- having particular regard to offsetting adverse effects on amenity and recreational values; and
- having particular regard to the timing of use and development so that, where practicable, adverse effects on amenity values and recreational use are minimised.

4.2.23 To have regard to the benefits arising from any proposal for the use and development of a water body when assessing the proposal.

4.2.24 To have regard to the effects on other established activities when considering any proposal for the use and development of water bodies.

4.2.3 1 To ensure that the process for making decisions relating to the management of fresh water is fair and transparent. In particular, to ensure that as far as practicable, all interested people and communities have the opportunity to be involved in freshwater resource management processes, including significant resource consents.

4.2.36 To provide for those activities which have no more than minor adverse effects on the environment. As a guide, the adverse effects of activities are likely to be no more than minor if the following criteria are met:

- (1) the activity does not require exclusive use of the river or lake bed, and does not preclude lawful public access to, and use of, the river or lake bed (subject to the circumstances listed in Policy 4.2.16 that make restrictions necessary); and
- (2) any adverse effects on plants, animals or their habitats are confined to a small area or are temporary, and the area will naturally re-establish habitat values comparable with those prevailing before commencement of the activity; and
- (3) there are no significant or prolonged decreases in water quality; and
- (4) there are no off-site adverse effects; and
- (5) river bank or lake shoreline stability is not adversely affected; and
- (6) there are no adverse effects on mahinga kai, waahi tapu, or any other sites of special value to tangata whenua; and
- (7) there are no adverse effects on the natural character of wetlands, and lakes and river and their margins.

**5.2.2** To manage water quality in Lake Wairarapa in accordance with the National Water Conservation (Lake Wairarapa) Order 1989 (subject to Policy 5.2.10).

**6.2.6** allocate water for irrigation purposes, subject to Policies 6.2.1 to 6.2.5, up to a maximum rate of 350 m<sup>3</sup>/hectare/week (equivalent to 35 mm of rainfall per week) unless the applicant can demonstrate that a higher rate is efficient and necessary.

**6.2.7** encourage users to take groundwater as an alternative to surface water resources where:

- the groundwater is of sufficient quality and quantity for the prospective use; and
- there are no significant environmental, technical, or financial constraints associated with abstracting groundwater.

**6.2.8** manage water levels in Lake Wairarapa using the minimum water levels for the time periods specified in Table 6.6 below; and

- as soon as practicable, to lower the lake level when the lake level is over 10.3 metres; and
- as far as practicable, to maintain the outflow of water from Lake Wairarapa until the seasonal minimum is reached.

**Table 6.6 Lake Wairarapa Minimum Levels**

Time Period	Water level (chart datum)
1 December to 29 February	10.15 metres
1 March to 31 May	10 metres
1 June to 30 September	9.95 metres
1 October to 30 November	10 metres



6.2.18 have regard to the following when considering an application for a resource consent to take water:

- (1) the amount of water required is reasonable, considering the intended use of the water; and
- (2) the need for accurate measurement of the take from any river listed in Table 6.1 or Method 8.5.5; and
- (3) for any applicant taking water for public supply, the extent of any:
  - demand management programmes; or
  - drought management plans.

**Appendix V - National Water Conservation (Lake Wairarapa) Order 1989**

1989/51

THE NATIONAL WATER CONSERVATION (LAKE WAIRARAPA)  
ORDER 1989

PAUL REEVES, Governor General

ORDER IN COUNCIL

At Wellington this 6<sup>th</sup> day of March 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 20D of the Water and Soil Conservation Act 1967, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

**1. Title and commencement** - (1) This order may be cited as the National Water Conservation (Lake Wairarapa) Order 1989.

(2) This order shall come into force on the 28<sup>th</sup> day after the date of its notification in the *Gazette*.

**2. Interpretation** - In this order, unless the context otherwise requires, -

“Act” means the Water and Soil Conservation Act 1967:

“Lake Wairarapa” means the more or less continuous area of water commonly known as Lake Wairarapa, including the Ruamahanga Cut-off, in Featherston County, the shoreline of which is the outer edge of the area within which the vegetation changes from predominantly aquatic to predominantly terrestrial, except at the outlet of the lake, where the shoreline is the lakeward foot of the barrage gates. For the avoidance of doubt it is declared that the shoreline adjacent to the land known as Lots 1 and 2 on Deposited Plan 4547 (Wellington Land District) is the lakeward foot of the stopbank on that land.

**3. Outstanding features** - It is hereby declared that the wildlife habitat created in part as a consequence of the natural fluctuations of water levels, particularly over the eastern shoreline, is an outstanding feature of Lake Wairarapa.

**4. Prohibition on water rights** - (1) No right to divert any water within Lake Wairarapa shall be granted under section 21 of the Act.

(2) No general authorisation to divert any water within Lake Wairarapa shall be made under section 22 of the Act.

**Water rights and general authorisations** - (1) No water rights shall be granted, and no general authorisation shall be made, in respect of any part of Lake Wairarapa if the effect would be to diminish significantly the outstanding wildlife habitat features of any part of the lake.

(2) Nothing in this order shall be construed as limiting the effect of the second proviso to section 21 (1) of the Act relating to the use of water for domestic needs, for the needs of animals, and for or in connection with fire-fighting purposes.

(3) Nothing in this order shall prevent the renewal of any water right or general authorisation which is current on the commencement of this order.

(4) Subject to subclause (1) of this clause, nothing in this order shall prevent the issue from time to time of water rights in connection with the barrage gates at the outlet of Lake Wairarapa.

MARIE SHROFF,  
Clerk of the Executive Council

#### EXPLANATORY NOTE

*This note is not part of the order, but is intended to indicate its general effect.*

This order declares that the wildlife habitat created in part as a consequence of the natural fluctuations of water levels, particularly over the eastern shoreline, is an outstanding feature of Lake Wairarapa.

The order also includes various provisions to preserve and protect the wildlife habitat.

Issued under the authority of the Regulations Act 1936.

Date of notification *in Gazette*: 9 March 1989.

This order is administered in the Ministry for the Environment.