

18 March 2021

[REDACTED]

[REDACTED]

Response - Official Information Request

I refer to your request for information received on 07/03/2021. Your request has been considered under the Local Government Official Information and Meetings Act 1987 (LGOIMA) and I provide the following information.

“any information held by the council on the scarification, modification, or extraction of material(s) in the Ohau River, over the period between December 20, 2020 and March 7th 2021. This includes any information held by a third party contractor working in or affecting the Ohau River, over that period of time”.

Our consent for the Levin Water Plant allows us to scarify the section of the Ōhau river (stir up the river bed) where our intake is, but not to take any material out of the river.

During the period mentioned in the LGOIMA, two scarifications were carried out. The first on the 21st of December 2020 from 8am to 2pm, and the second on the 10th of February 2021 from 7.45am to 2pm.

During these operations, the river usually looks dirty due to the disturbance to the river bed but this usually clears up shortly after. There was a rain event on the 10th of February during scarification, which had contributed to the river looking dirtier for a longer period than normal.

Please find attached email correspondence – *Levin water intake scarification notification – RC 103322 and Ohau River planned scarification – ATH-2008010962.02*. Also attached is a copy of *Levin WTP Scarification Consent - ATH-2008010962.02 (formerly RC 103322) - Expires 6 May 2043*.

We were notified on a consented activity upstream and downstream of our Levin intake location, to extract gravel from the river by Higgins Contractors. Should you require this information, please contact Horizons Regional Council or Higgins Contractors.

If you have any queries regarding this information, please contact the LGOIMA Officer on 06 366 0999 or email - LGOIMAOfficer@horowhenua.govt.nz

Horowhenua District Council publishes responses to Local Government Official Information and Meetings Act 1987 (LGOIMA) requests that we consider to be of wider public interest, or which relate to a subject that has been widely requested. To protect your privacy, we will not generally publish personal information about you,

or information that identifies you. We will publish the LGOIMA response along with a summary of the request on our website. Requests and responses may be paraphrased.

Yours sincerely,



Lisa Slade
Executive Sponsor - LGOIMA

Horowhenua District Council

to **change the conditions of Land Use Consent 103322 which authorises the operation and maintenance of the existing water supply intake for the Levin Water Treatment Plant and the associated discharge of sediment to water in the Ohau River during any maintenance works** subject to the attached condition schedule

Application Reference: APP-2005011145.01
Variation granted Date: 26 August 2015
Review Date: 1 July 2022 and 2032
Expiry Date: 6 May 2043
Replaces consent: 103322

Application Summary

Application Reference	APP-2005011145.01
Purpose of Application	change the conditions of Land Use Consent 103322 which authorises the operation and maintenance of the existing water supply intake for the Levin Water Treatment Plant and the associated discharge of sediment to water in the Ohau River during any maintenance works.

Background

Consent 103322 authorises a range of activities associated with the operation and maintenance of a water supply intake gallery located in the bed of the Ohau River. This structure is associated with the Levin Water Treatment Plant which supplies the township of Levin with water. Periodically, the intake structure becomes partially blocked with sediment and gravels from the bed of the River which reduces the ability of the gallery to abstract the volume of water required to meet demand. When this occurs, clearing of the river bed is required which is done by loosening the bed material and freeing finer sand and sediment particles that have filled the voids between larger gravel materials. This process is known as scarification. The current consent allows scarification to occur on an unlimited basis between 1 July and 31 August.

The applicant advises that scarification currently occurs two-three times a year, however they have found that there are times outside the consented 1 July – 31 August window where scarification is required. The applicant is applying to extend the window when scarification can occur to ensure adequate water supply to the treatment plant. The applicant is seeking to change condition 2 to enable scarification to occur outside the 1 July – 31 August period and has proposed additional conditions restricting the timing and number of scarification events to mitigate the effects of this change.

Activity Summary

The following summarises the activities that are associated with this Resource Consent to change consent conditions.

Activity Summary	Replaces Consent
Land Use, River & Lake Beds , to change the conditions of Land Use Consent 103322 which authorises the operation and maintenance of the existing water supply intake for the Levin Water Treatment Plant and the associated discharge of sediment to water in the Ohau River during any maintenance works.	103322

Assessment Summary

The application has been assessed against the following:

1.1 Policies, Plans, Objectives & Rules

The application has been assessed against the following Regional Policy Statement and Plan:

Policy, Plan or Rule Name

One Plan, 2014 – Regional Policy Statement

Objectives	Policy
5-2	5-1
5-4	5-2
	5-3
	5-9
	5-23

One Plan, 2014 – Regional Plan

Objective	Policy
17-1	17-1

I have assessed the proposed change to consent conditions against the objectives and policies above and consider that the changes will not be contrary to these objectives and policies.

As the application is for a change of consent conditions, the rules of the One Plan have not been considered. Instead, the application has been processed in accordance with Section 127 of the Resource Management Act 1991.

1.2 Environmental Effects

This application to change conditions of consent has been assessed with regard to actual and potential adverse environmental effects, the following outlines the conclusions and considerations:

Potential Environmental Effects

The proposed change of consent conditions to extend the period available for scarification has been reviewed by Logan Brown, Senior Water Quality Scientist for Manawatu-Wanganui Regional Council.

The intake gallery is located within a reach of the Ohau River identified in schedule B of the One Plan for the following reach-specific values:

- Site of Significance – Aquatic (SOS-A)
- Trout Fishery (other)
- Water supply
- Flood control and drainage
- Domestic food supply

As the application is to change the timing of the scarification activity, the only values potentially adversely affected by the change are the SOS-A and trout fishery values. Mr Brown's assessment focuses on the effects of sediment release from the scarification activity on these values. Below is a summary of Mr Brown's assessment.

Site of significance – aquatic

The site is valued as a SOS-A for Redfin bully, Bluegill bully and Banded kokopu. Mr Brown recognises that the 1 July – 31 August restriction was imposed to protect these species, however considers this approach to be conservative. Mr Brown advises that the highest risk period for fish is during spawning as migrating fish will wait until the activity has ceased or they will move up around the activity (given it does not take up the whole channel). If undertaken during spawning, any eggs present at the time of works will be destroyed. The applicant has proposed that scarification only occur once in the peak spawning season for Redfin and Bluegill bully. Mr Brown notes the following with regards to this limitation:

- The limitation will reduce the risk during peak spawning (although it won't completely eliminate the risk);
- Not all spawning occurs at the same time, so there will be spawning throughout the peak spawning period and instream works may destroy one lot of eggs but it likely that more will be laid depending when in the season the works occur.
- The only other effects would be for those individuals that have taken up residence in the affected reach and are using the habitat that is available. In this case some of the individuals will be lost but this will be no different to what occurs now with the current consented activity.

Mr Brown advises that the spawning of Banded kokopu will not be affected by the change in timing of scarification because they spawn in stream margins rather than in the channel (where works will occur).

In terms of the applicant's proposed changes to condition 2, Mr Brown notes that the condition doesn't only refer to scarification but also other instream works that are allowed to occur under the existing consent. Mr Brown advised that changes to this condition need to be specific that the changes to timing of the works relates only to the scarification activity and not other sediment producing activities authorised by this consent. I agree with this and have recommended additional changes to condition 2 to make this restriction clear.

The applicant has requested the addition of a new condition requiring a one-off payment to the Hei Tini Awa Trust. This condition has been included in new condition 2a under the Augier Principle.

Trout fishery

Mr Brown notes that the reach of the River where these works occur is not recognised for trout spawning. Therefore his assessment focused solely on the effects on native species.

I note that the current consent includes conditions which do not allow sediment release in weekends and restricts major sediment release after 12pm on Fridays. There are also other conditions restricting the timing of certain activities (e.g. backwash from the intake gallery). In my view these conditions adequately protect the trout fishery value and the proposed change to timing of the scarification activity will still meet these conditions (e.g. the applicant is not proposing to undertake scarification on weekends or after 12pm on Fridays).

Domestic food supply

The domestic food supply value is to protect downstream water users who abstract water for vegetable washing purposes. There are no known (consented) vegetable washers within the reasonable mixing zone for this activity. I therefore do not consider the change of consent conditions to adversely affect this value.

Conclusion

Based on the mitigations proposed by the applicant and the technical assessment of Mr Brown, I consider that the actual and potential adverse effects associated with the proposed change of consent conditions will be no more than minor, provided the amended and additional conditions are complied with.

Recommendation

It is recommended that the resource consent application by **Horowhenua District Council** to change the conditions of consent 103322 be granted, subject to conditions, for the following reasons:

- a. the activity has been assessed by Logan Brown, Manawatu-Wanganui Regional Council's Senior Water Quality Scientist. Based on Mr Brown's assessment and the mitigations proposed by the applicant, I am satisfied the proposal will have no more than minor actual or potential adverse effects on the environment;
- b. the activity is not contrary to the relevant Objectives and Policies of the One Plan, 2014; and
- c. the activity is consistent with the purpose and principles of the Resource Management Act 1991.



Gemma Hayes
CONSENTS PLANNER

Decision

The Manawatu-Wanganui Regional Council's Regulatory Manager (under delegated authority), grants resource consent for a change of consent conditions for the reasons stated in the recommendation above, to Horowhenua District Council under section 104, 104B and 127 of the Resource Management Act 1991 to:

Activity Summary

Land Use, River & Lake Beds, to change the conditions of Consent 103322 which authorises the operation and maintenance of the existing water supply intake for the Levin Water Treatment Plant and the associated discharge of sediment to water in the Ohau River during any maintenance works.

for a term expiring on **6 May 2043** subject to the conditions outlined in the applicable condition schedule.



Greg Bevin
REGULATORY MANAGER

26 August 2015

1. Land Use Consent (Misc)

The following details the location, classifications and conditions associated with the activity.

Activity Type	Land Use, River & Lake Beds
Activity Class	Discretionary Activity
Primary Activity Purpose	Infrastructure, Maintenance or Upgrade
Replaces Consent	103322

Location

The following summarises the authorised location for the consented activity.

Activity Location Description	Ohau River, Levin Water Treatment Plant, Gladstone Road, Levin
Valuation Number	n/a riverbed
Legal Description	n/a riverbed
Map References	NZTopo50 BN33:964-958 / E 1796492 N 5495811

Classifications

The following summarises the classifications associated with the application activity.

Water Management Zone	Ohau Catchment, Ohau, Lower Ohau
Estuary Management Zone	Not Affiliated with Coastal Marine Area
Associated River	OHAU RIVER

Condition Schedule

Descriptive Specification

1. The activities authorised by this Land Use consent shall be restricted to:
 - i. use and maintain an existing water intake gallery, including backwashing of the gallery system, periodic scarification of the bed of the Ohau River, periodic removal of logs and river borne detritus in close proximity to the intake gallery, placement of armouring over the gravel filter if necessary to prevent material being eroded by the Ohau River, maintaining the alignment of the Ohau River channel within its existing banks;
 - ii. the temporary and permanent diversion of the flow of the Ohau River and floodflows via the works; and
 - iii. the associated temporary discharge of sediment to the surface water of the Ohau River.

Works shall be undertaken at approximate map reference NZMS: S25:065-575 and in general accordance with the application except as required by conditions of this consent.

Advice Note: This Consent does not allow any bank excavation.

Environmental Standards

2. To avoid the spawning and juvenile migration seasons for Redfin and Bluegill bully and Banded kokopu (regionally rare and threatened native fish species) the Consent Holder shall only undertake the instream works authorised by this consent between **1 July and 31 August** in any given year for the term of this Land Use Consent, except as provided for by Condition 2a below.

Advice Note: Condition **2a** authorises the scarification of the bed of the River between **1 July and 31 August** subject to certain restrictions. The exception provided by condition **2a** only applies to the scarification activity and does not apply to other sediment-producing instream activities that may also be authorised by this consent.

[Condition 2 amended as per variation APP-2005011145.01 dated 26 August 2015]

- 2a. The consent holder shall ensure, for the term of this consent, that scarification of the bed of the Ohau River between **1 September and 30 June**:
- i. Is limited to three (3) occurrences; and
 - ii. Is not undertaken during the peak spawning period for Redfin and Bluegill bully, between **1 September and 31 January**, unless:
 - a. The scarification is limited to a single scarification event during the peak spawning period for Redfin and Bluegill bully; and
 - b. a one off payment of \$13,200 is paid to the Hei Tini Awa Trust.

Advice Note: the one-off payment to the Hei Tini Awa Trust is a single payment, not an annual payment and was offered by the applicant. Accordingly this part of condition **2a** has been included under the Augier Principle.

[Condition 2a added as per variation APP-2005011145.01 dated 26 August 2015]

3. The Consent Holder shall minimise sediment entering surface water as a result of any works other than the back flushing or scarifying activity.
4. There shall be no discharge of contaminants other than sediment and other background contaminants already present in the river, into the river.
5. Subject to condition 2 any discharge of sediment from backwashing of the intake gallery shall only take place when flow in the Ohau River is at or above three times the median flow (which is 11.46 m³/s and measured on the Ohau River at Rongomatane flow recorder).
6. Any materials that come into contact with the water or river bed used in the proposed works shall be necessary for the activity and shall not be toxic to aquatic ecosystems.
7. The activity shall be undertaken in a manner that provides for the safe passage of fish both upstream and downstream, including past any structure.

Operational Restrictions

8. No work shall occur on weekends and no major discharges of sediment shall occur on **Friday afternoons after 12.00 pm.**

9. No excavation of the riverbed shall take place within 500 m upstream or 500 m downstream of any flow-recording site.

Advice Note: This river reach is recognised as a Locally Significant Trout Fishery and has a long term flow recorder site approximately 740 m upstream of the water supply intake gallery.

10. Logs and woody detritus shall only be removed from the River within the vicinity of the gallery and within a stretch 20 m upstream and downstream of the gallery.
11. There shall be no removal of in stream woody debris less than 2 m² in size unless this is required to reduce the risk of flooding or erosion; such debris should be moved to another part of the wetted channel.
12. The Consent Holder shall ensure that all logs and river borne debris removed from the channel are disposed of in a location above flood levels.

Advice Note: No burning of this material is allowed.

13. The Consent Holder shall not realign the river banks as part of the in-channel realignment works.
14. Any materials no longer required as part of the activity, including any temporary structures shall not be stored in or on the river bed and shall be removed after completion of the activity.
15. The Consent Holder shall ensure that:
 - a. no machinery leaking fuel, lubricants, hydraulic fluids or solvents shall work within a watercourse or near a watercourse where runoff may enter water;
 - b. no refuelling of any vehicles, machinery or equipment shall take place within the bed of a watercourse, or in a position where spills may enter water;
 - c. the storage of fuel or contaminants adjacent to a watercourse does not result in any fuel or contaminants entering water; and
 - d. contaminants, including but not limited to, oil, hydraulic fluid, petrol, diesel and other fuels and lubricants, but excluding sediment, are not released to water in a watercourse.

Post-Development Assurance

16. The Consent Holder shall ensure that on completion of any channel realignment work due to maintaining the alignment of the river, no holes, mounds or bunds remain in the channel that could affect upstream water levels or divert the stream flow into an adjacent riverbank causing erosion.
17. If banks are damaged during proposed works, upon completion of works, the banks shall be reinstated to a natural contour and re-vegetated **within 10 days** of the completion of the works.
 - i. In the event of an archaeological site, waahi tapu or koiwi being discovered or disturbed during the activities authorised by this consent, the Consent Holder shall immediately cease further work and inform local iwi (Muaupoko Tribal Authority Inc), the Regional Council's Environmental Compliance Manager. Further work at the site shall be suspended while iwi carry out their procedures for removal of taonga. The Regional Council's Environmental Compliance Manager will advise the Consent Holder when work at the site may recommence.

Advice Note: Muaupoko Tribal Authority Inc representative can be contacted, at the time of granting of this consent, on the following number 06 367 3311.

Advice Note: In the event that human remains are found the police should be contacted immediately and all works shall cease until advice is given that works can recommence.

Monitoring Provision

18. The Consent Holder shall notify Horizons Regional Council's Environmental Compliance Manager **48 hours prior** to any in-channel realignment work or scarifying work being undertaken.

Review

19. The Manawatu-Wanganui Regional Council may, under Section 128 of the Resource Management Act 1991, initiate a review of the conditions of this consents in the month of **July 2011, 2012, 2022 and 2032**. The reviews shall be for the purpose of reviewing the effectiveness of these conditions in avoiding or mitigating any adverse effects on the environment, which may arise as a result of the exercise of this Permit.

The review of conditions shall allow for:

- deletion or changes to conditions of this Permit; or
- addition of new conditions as necessary.

20. Charges, set in accordance with Section 36(1)c of the Resource Management Act 1991, and Section 150 of the Local Government Act 2002, shall be paid to the Manawatu-Wanganui Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of this resource consent and for the carrying out of its functions under Section 35 (duty to gather information, monitor, and keep records) of the Act.

Advice Note: Section 36(1)c of the Act provides that the Manawatu-Wanganui Regional Council may from time to time fix charges payable by holders of resource consents. The procedure for setting administrative charges is governed by Section 36(2) of the Act and is currently carried out as part of the formulation of the Regional Council's Long Term Council Community Plan.

Duration and Lapsing

1. The resource consent will expire on **6 May 2043**

From: Levaai Toremana
Sent: Wednesday, 3 February 2021 9:12 am
To: Regulatory Manager (compliance.shared@horizons.govt.nz); Horizons Regulatory Manager (regulatory.administrator@horizons.govt.nz)
Subject: Levin water intake scarification notification - RC 103322

Good morning,

We are planning a scarification of the Ohau riverbed at our intake location for our Levin supply next week. This is due to low levels at our wetwell restricting flow into our water treatment plant.

Kind regards,

Levaai Toremana

Water Services Engineer | Pūhanga Ratonga Wai

Waea Mahi | (06) 366 0999
Waea Pukoro | 64278095512

126 Oxford Street, Levin
Private Bag 4002, Levin 5540



From: Levaai Toremana
Sent: Wednesday, 16 December 2020 11:38 am
To: Horizons Regulatory Manager (regulatory.administrator@horizons.govt.nz);
Regulatory Manager (compliance.shared@horizons.govt.nz)
Cc: John.Titchmarsh@downer.co.nz; Marcus Coley
Subject: Ohau River planned scarification - ATH-2008010962.02

Good morning,

We are planning a scarification at our intake site in the Ohau river due to low flows and low levels in our wetwell that feeds our water treatment plant. This work is planned for next week when equipment is organized.

Any concerns or questions, please contact me.

Kind regards,

Levaai Toremana

Water Services Engineer | Pūhanga Ratonga Wai

Waea Mahi | (06) 366 0999
Waea Pukoro | 64278095512

126 Oxford Street, Levin
Private Bag 4002, Levin 5540



Horowhenua
DISTRICT COUNCIL

**We are.
LGNZ.**