

26 June 2013

Memo To: Mayor and Councillors

Memo From: Penny Langley

**Subject: COUNCIL – INFRASTRUCTURE – 27 JUNE 2013
LATE ITEM**

1. Tasman District Council Proposed Plan Changes 45 to 48 (Lee Valley Dam)

Document 1541811

A report titled Tasman District Council Proposed Plan Changes 45 to 48 (Lee Valley Dam) is attached to be considered as a major late item at this meeting.

In accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987 and Standing Order 3.7.5, a procedural resolution is required before a major item that is not on the agenda for the meeting may be dealt with.

In accordance with section 46A(7)(b)(i) the reason why the item was not on the agenda is because it came to hand after the agenda had been distributed.

In accordance with section 46A(7)(b)(ii) the reason why discussion of this item cannot be delayed until a subsequent meeting is because a resolution on the matter is required in order to adhere to the timeframes of the Tasman District Council submission process and ensure a Council officer can speak at the hearings.

Recommendation

THAT the item regarding Tasman District Council Proposed Plan Changes 45 to 48 (Lee Valley Dam) be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, in order to adhere to the Tasman District Council submission timeframes and ensure a Council officer can speak at the hearings.

**Tasman District Council Proposed Plan Changes 45 to 48
(Lee Valley Dam)**

1. Purpose of Report

- 1.1 To approve a submission made by Council Officers on Council's behalf.

2. Recommendation

THAT Council approve the submission made by Council Officers to the Tasman District Council Proposed Plan Changes 45 to 48.

3. Background

- 3.1 The Waimea Water Augmentation Committee was established ten years ago in order for the Tasman District Council to address the over allocation of water from the Waimea River. The committee has recommended that Tasman District Council construct a water augmentation dam on the Lee River south of Brightwater.
- 3.2 To make provision for the construction, operation and ongoing maintenance of the proposed dam and establish alternative water allocation limits, should the dam not proceed, the Tasman District Council has developed proposed changes to the Tasman Resource Management Plan.
- 3.3 During the drafting of the proposed plan changes by the Waimea Water Augmentation Committee, Council Officers identified one issue with the proposed plan change, that relating to making the damming of the Roding River a prohibited activity.
- 3.4 This particular rule would create a conflict between the Nelson Resource Management Plan and the Tasman Resource Management Plan should it be adopted. Discussions with the Waimea Water Augmentation Committee lead to the confirmation that this reference would be deleted from the proposal to be submitted to the Tasman District Council.
- 3.5 The Proposed Plan Changes 45 to 48 of the Tasman Resource Management Plan were advertised on the 27 April 2013. Council Officers noted, late in the submission period, that the issue identified with the Waimea Water Augmentation Committee had not been addressed. As the deadline for making submissions to the proposed plan changes was 4pm

on Monday 24 June 2013 there was insufficient time to report the matter to Council and officers took it upon themselves to lodge a submission on Council's behalf addressing the issue (Attachment 1).

4. Discussion

- 4.1 Nelson City Council takes water from the upper reaches of the Roding River as part of the city's potable water supply and pipes it to the water treatment plant at the Tantragee Saddle. As such the water is transferred from the natural catchment through which the river flows and into an adjacent catchment. The point of abstraction is within the Nelson City Council Territorial Authority Boundary and as such is subject to the requirements of the Nelson Resource Management Plan.
- 4.2 The Tasman Resource Management Plan controls activities within the territorial boundaries of the Tasman District and as such does not impact directly on the Nelson City Council abstraction site, which is some distance upstream of the boundary. The proposed Plan Change has the ability to set policies and rules for the lower reaches of the Roding River that can be at odds with the Nelson City policies and rules and lead to conflicts between the Resource Management Plans for a resource that both Councils share.
- 4.3 This would normally only become an issue when Nelson City seeks the renewal of resource consents for taking water for the city supply, or new resource consents should Council wish to pursue the long term option of an enhanced water storage dam on the Roding River.
- 4.4 The following section of the proposed Plan Change 47 identifies the potential issue whereby damming of water on the Roding River is proposed to become a prohibited activity:

2.5 Damming of Fresh Water

31.1.4.2 Controlled Activities (renewal applications)

2.5.1 Add two new matters:

The management of variable flows, including flows that simulate freshes.

Relevant conditions on the applicable water permit to dam.

31.1.4.3 Restricted Discretionary Activities

2.5.2 Add a new matter:

The management of variable flows including flows that simulate freshes

31.1.4.4 Prohibited Activities

2.5.3 Insert new Prohibited Activities rule:

31.1.4.4 Prohibited Activities (Damming of Fresh Water)

Provided that the Council has made a decision by 1 July 2015 in the Long Term Plan (2015 -2025) to provide for the construction of the Lee Valley Community Dam, the damming of water on the main stems of the Wairoa (including the Left or Right Branches) above its confluence with the Lee River, the Lee River below the location of the Lee Valley Community Dam, and the Roding River, is a prohibited activity for which no consent can be granted.

Note: For the purpose of this rule, damming does not include any intake or deflection structure.

- 4.5 The submission lodged by Council Officers requested the proposed rule 31.1.4.4 Prohibited Activities (Damming of Fresh Water) be changed by removal of the words "and the Roding River".

5. Conclusion

- 5.1 Council Officers lodged a submission, on behalf of Council, to protect the Nelson City water supply on the Roding River from a potential conflict between the Tasman Resource Management Plan and the Nelson Resource Management Plan.
- 5.2 Removing the potential conflict will also assist with any applications when Nelson City Council seeks the renewal of resource consents for taking water for the city supply and should Council wish to pursue the long term option of an enhanced water storage dam on the Roding River.
- 5.3 The submission should be formally approved by Council.

Phil Ruffell
Principal Adviser Utilities

Attachments

Attachment 1: Submission to Tasman District Council Proposed Plan Changes 45 to 48 Waimea Water Management and Augmentation (Lee Valley Dam) [1540396](#)

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

Lodging the submission to Tasman District Council supports the purpose of the Local Government Act 2002 "Good quality local infrastructure" by removing conflicts between resource management plans of adjoining unitary authorities that share the management of the Roding River.

Lodging the submission was determined to be the most cost-effective option of responding to a potential conflict between the resource management plans as it would allow for a more efficient resource consent process in the future.

2. Fit with Community Outcomes and Council Priorities

The Roding water supply meets the Community Outcome of "Kind, Healthy, People".

3. Fit with Strategic Documents

The Roding water supply was referred to in the Water Supply Asset Management Plan 2012-22 and the Long Term Plan 2012-22.

4. Sustainability

The Roding water supply meets the Sustainability requirement of "Economic Outcomes" in that the existing dam is the most economic means of abstracting water for the city supply.

5. Consistency with other Council policies

The submission seeks to align the Nelson Resource Management Plan and the Tasman Resource Management Plan provisions for the Roding River.

6. Long Term Plan/Annual Plan reference and financial impact

The requirement to develop the resource consent for the water take from the Roding River is covered in the Long Term Plan 2012-22.

7. Decision-making significance

This is not a significant decision in terms of the Council's Significance Policy.

8. Consultation

No consultation was undertaken.

9. Inclusion of Māori in the decision making process

No consultation was undertaken with Maori.

10. Delegation register reference

Decision of Council.



Submission on a Variation/Change to the Tasman Resource Management Plan

Return your submission by the advertised closing date to:

Manager, Policy
 Tasman District Council
 Private Bag 4, Richmond, Nelson 7050 OR
 189 Queen Street, Richmond, Nelson OR
 Fax 543-9524 OR Email steve.markham@tasman.govt.nz

OFFICE USE

Date received stamp:

Note:

This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.

Initials: _____

Submitter No. _____

 Submitter Name: NELSON CITY COUNCIL

(organization/individual)

 Representative/Contact: Michael Schruer

(if different from above)

Postal Address: _____

PO Box 645 Nelson 7010

Home Phone: _____

 Bus. Phone: 5460309

 Fax: 5460239

 Email: michael.schruer@ncc.govt.nz

 Date: 21 June 2013

Postal address for service of person making the submission:

(if different from above) _____

Signature: _____

(Signature of person making the submission or person authorised to sign on behalf of person making the submission)

 Total number of pages submitted: 2
IMPORTANT – Please state:

 This submission relates to Variation/Change No.: 45 to 48

Variation/Change Title/Subject: _____

Waimea Water Management and Augmentation (Lee Dam)

 I/we wish to be heard in support of my/our submission.

 I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

<p>(1) My submission relates to:</p> <p>Provision No or Planning Map No. <i>(Please specify, e.g. 34.2.20(a)(iii) or Zone Map 25)</i></p>	<p>(2) My submission is that:</p> <p><i>(State concisely the nature of your submission and clearly indicate whether you:</i></p> <ul style="list-style-type: none"> <i>• support or oppose the specific provisions, or</i> <i>• wish to have amendments made, giving reasons)</i> 	<p>(3) I seek the following decisions from the Tasman District Council:</p> <p><i>(Give precise details of the nature of the decision you seek in relation to the variation number and provision/map number given in column (1), e.g. addition, deletion or alteration.</i></p> <p><i>The more specific you can be the easier it will be for Council to understand your concerns.)</i></p>	<p>OFFICE USE Submission No.</p>
<p>Plan Change C47: Changes to Part V - Water</p> <p>Chapter 30: Taking, Using, Damming and Diverting Water</p> <p>Plan Provision: 2.5.3 Prohibited Activity in new rule 31.1.4.4</p>	<p>General: Nelson City Council supports the regional approach to water security on the Waimea Plains and in principle the Lee Valley Dam.</p> <p>There is however one part of the proposed Plan Change that Nelson City Council cannot support, that relating to future dams on the Roding River becoming a prohibited activity.</p> <p>Relief Sought and Reasons: Nelson City Council does not support the prohibition of the damming of water on the Roding River. Our preference is that this rule is changed to delete reference to the Roding River.</p> <p>Reason: Nelson City Council operates a water supply dam in the upper reaches of the Roding River which is used to provide a source of water for the city and Tasman District Council. Making damming of the Roding River a prohibited activity would create a conflict between the Nelson City Resource Management Plan and the Tasman Resource Management Plan regarding the management of the Roding River, a resource that both Council's share. Additionally Nelson City Council understands from discussions with members of the Waimea Water Augmentation Committee that prohibiting the damming of the Roding River is not necessary for the successful development and operation of the Lee Valley Dam.</p>	<p>Amend the text of the proposed rule to read as follows:</p> <p>31.1.4.4 Prohibited Activities (Damming of Fresh Water) Provided that the Council has made a decision by 1 July 2015 in the Long Term Plan (2015 -2025) to provide for the construction of the Lee Valley Community Dam, the damming of water on the main stems of the Wairoa (including the Left or Right Branches) above its confluence with the Lee River, the Lee River below the location of the Lee Valley Community Dam, is a prohibited activity for which no consent can be granted.</p> <p>Note: For the purpose of this rule, damming does not include any intake or deflection structure.</p>	

