

J - 253868

3 October 2012



Rachael Pull
Resource Management Planner
Wanganui District Council
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File ref. RAI 04 07
2012/03866
IL:RJP

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Dear Rachael

WANGANUI DISTRICT PLAN - DESIGNATIONS

Thank you for your recent correspondence in regards to Horizons Regional Council's (Horizons) Designations.

Horizons currently has five Designations in the Wanganui District Plan. These are flood control detention dams as part of the Matarawa Flood Control Scheme.

Horizons wishes for those existing Designations to be rolled over.

As part of the review process we have noted that in some cases the actual legal descriptions pertaining to the current Designations of the detention dams were not truly reflective and have amended those accordingly (Attachment 1). I must stress that nothing has physically changed on the ground.

You will be aware that Horizons has recently carried out flood protection works in the Lower reach of the Whanganui River to provide protection to the Balgownie industrial area. Given the importance of those structures, we believe that it is important that they also be Designated (Attachment 2)

Horizons has also recently taken over the management of the existing stopbank in the vicinity of Kowhai Park which was previously managed and maintained by the Wanganui District Council. This application also includes that area for Designation (Attachment 2).

Yours Sincerely

A handwritten signature in black ink, appearing to read "I. Lowe".

Ian Lowe
COORDINATOR DISTRICT ADVICE

Encls

Attachment 1 – Roll Over of Existing Designations
Attachment 2 – Notice of Requirement

Karanga

Maniototo

Palmerston North

Tairāpiti

Te Kaitiaki

Wanganui

Woodville

REQUEST FOR ROLL OVER OF EXISTING DESIGNATIONS

To Wanganui District Council

Manawatu Wanganui Regional Council (Horizons) gives notice of a requirement for a roll over of existing designations:

The sites to which the requirement applies is as follows:

Matarawa Flood Control Scheme – Detention Dam 1.1

Refer to Annex 1A Legal Description(s) and Site Map

Matarawa Flood Control Scheme – Detention Dam 1.2

Refer to Annex 2A Legal Description(s) and Site Map

Matarawa Flood Control Scheme – Detention Dam 2.1

Refer to Annex 3A Legal Description(s) and Site Map

Matarawa Flood Control Scheme – Detention Dam 3.1

Refer to Annex 4A Legal Description(s) and Site Map

Matarawa Flood Control Scheme – Detention Dam 3.2

Refer to Annex 5A Legal Description(s) and Site Map

The nature of the proposed public work is:

The designations required are for existing structures to provide for flood control purposes, including the on-going maintenance of the works. The structures have been in place for a number of years, many pre-date the existing Wanganui District Plan.

The nature of the proposed restrictions that would apply are:

Any restrictions regarding activities are governed by the permitted activity criteria of Horizons Proposed One Plan Rule 16-13 (Activities undertaken by or on behalf of the Regional Council in rivers with a Schedule AB Value of Flood Control and Drainage) and Rule 16-14. (Activities affecting Schedule AB Value of Flood Control and Drainage). No works can be undertaken by any other party without applying for resource consent.

The effects that the public work will have on the environment, and the ways in which any adverse effects will be mitigated, are:

Flood protection and land drainage are paramount to Horizons role in keeping people safe and are a major part of Council business. Managing rivers through engineering works allows the Council to help prevent floods and provide adequate land drainage when necessary.

This protection is funded through scheme rates based upon the amount of protection benefit each ratepayer receives. To ensure people's needs are met, many things are taken into consideration, including type of use, level of flood protection needed, erosion control, native habitat protection, recreation, and spiritual values.

All activities undertaken by Horizons Operations Group follow the Environmental Code of Practice for River Works aligned to the Proposed One Plan requirements of Rule 16-13.

As part of the ongoing flood protection requirements, river heights and rainfall levels are monitored so that Council can adequately protect our communities. This is done through Council's Waterline automated warning system and River Heights and Rainfall service. The Waterline warning system is a 24-hour, freephone service which provides river height and rainfall information.

These activities provide significant positive effect to the community.

Alternative sites, routes, and methods have been considered to the following extent:

The existing structures have been in place for a number of years, the locations have been determined in response to the necessity for flood protection and land drainage and are managed via a public Scheme process. Alternative sites are not possible as the works are located in specific areas to protect assets and communities.

The public work and designation (or alterations) are reasonably necessary for achieving the objectives of the requiring authority because:

Regional Policy Statement – Policy 6-29 (Activities in rivers or lakes and their beds with a Value of Flood Control and Drainage) states "In reaches of rivers or lakes and their beds with a Schedule AB Value of Flood Control and Drainage, activities in, on, or over the beds of rivers and lakes and on land adjacent to the bed, where the Value is located must be managed in a manner which:

- (a) Enables the level of flood hazard and erosion control existing at the time of Plan notification (31 May 2007) to be maintained or enhanced;*
- (b) Maintains other Schedule AB Values associated with the river or lake and its bed, unless functional constraints make this impractical, in which case adverse effects on other Values must be mitigated or offset compensated by way of financial contribution in Chapter 18".*

Proposed One Plan Objective 10-1 (Effects of natural hazard events) requires that "The adverse effects of natural hazard events on people, property, infrastructure and the wellbeing of the communities are avoided or mitigated".

The following resource consents are needed for the proposed activity and have been applied for:

All structures have been built/installed in accordance with required planning/consent approvals operative at the time of construction. Public notification of the works was undertaken at the time where regional or territorial rules required.

The following consultation has been undertaken with parties likely to be affected:

Consultation regarding works and ongoing Scheme operational requirements is undertaken on an annual basis via various Scheme meetings and reviews. The outcomes and actions required resulting from the Scheme meetings are formally included in the Catchment Operations Committee agenda which is a formal Committee of Council.

Ian Lowe (Coordinator District Advice Horizons Regional Council) attaches the following information required to be included in this notice by the district plan, regional plan, or any regulations made under the Resource Management Act 1991.

Annexes:

- 1A to 5A
- Site Map



Ian Lowe
**COORDINATOR DISTRICT ADVICE
HORIZONS REGIONAL COUNCIL**

Date: 3 October 2012

DESIGNATION FOR FLOOD CONTROL PURPOSES

Site: Matarawa Flood Control Scheme – Detention Dam 1.1

Designation No: D70

Purpose of Designation: Matarawa Flood Control Scheme Detention
Dam 1.1

Location: Matarawa Valley Road

Legal Description(s): Pt Lot 1 DP11797, Lot 21 DP 6840, Lot 1 DP 90611

Area: Dam & Spillway = 1.75ha
Temporary ponding area = 9.7ha

Planning Map: R19

Underlying Zone: Rural

Status: Operative

DESIGNATION FOR FLOOD CONTROL PURPOSES

Site: Matarawa Flood Control Scheme – Detention Dam 1.2

Designation No: D71

Purpose of Designation: Matarawa Flood Control Scheme Detention
Dam 1.2

Location: Matarawa Valley Road

Legal Description(s): Pt Lot 4 DP12277, Lot 1 DP 51868, Pt Lot 5 DP
12277

Area: Dam & Spillway = 1.065ha
Temporary ponding area = 2.55ha

Planning Map: R19

Underlying Zone: Rural

Status: Operative

DESIGNATION FOR FLOOD CONTROL PURPOSES

Site: Matarawa Flood Control Scheme – Detention Dam 2.1

Designation No: D72

Purpose of Designation: Matarawa Flood Control Scheme Detention
Dam 2.1

Location: 171 Waikupa Road

Legal Description(s): Pt Lot 1 DP 2521, Lot 1 DP 20859

Area: Dam & Spillway = 0.75ha
Temporary ponding area = 4.5ha

Planning Map: R19

Underlying Zone: Rural

Status: Operative

DESIGNATION FOR FLOOD CONTROL PURPOSES

Site: Matarawa Flood Control Scheme – Detention Dam 3.1

Designation No: D73

Purpose of Designation: Matarawa Flood Control Scheme Detention
Dam 3.1

Location: Kaukatea Valley Road

Legal Description(s): Pt Sec 243 SO 11160, Pt Sec 368 Blk IV Ikitara SD

Area: Dam & Spillway = 0.8ha
Temporary ponding area = 4.44ha

Planning Map: R19

Underlying Zone: Rural

Status: Operative

DESIGNATION FOR FLOOD CONTROL PURPOSES

Site: Matarawa Flood Control Scheme – Detention Dam 3.2

Designation No: D74

Purpose of Designation: Matarawa Flood Control Scheme Detention
Dam 3.2

Location: Kaukatea Valley Road

Legal Description(s): Pt Sec 242 & Pt Sec 243 Sec 2 SO 442649 Blk IV
Ikitara SD

Area: Dam & Spillway = 0.4ha
Temporary ponding area = 1.8ha

Planning Map: R19

Underlying Zone: Rural

Status: Operative

Matarawa Scheme Dams



Legend

- AMS_Dams
- Railway
- Side Highways

1:20,000
No Point
Prepared by [unclear] Regional Council, Jun 2009
Contains Crown Copyright Information

Notice of Requirement by local authority (Manawatu-Wanganui Regional Council) for designation under Sections 168(1), (2) and 181 and clause 4 of First Schedule, Resource Management Act 1991 (FORM 18)

To: Wanganui District Council
P O Box 637
Wanganui 4540

From: Manawatu-Wanganui Regional Council
Private Bag 11025
Manawatu Mail Centre
Palmerston North 4442

1. **Manawatu-Wanganui Regional Council (trading as Horizons Regional Council) gives notice of a requirement for a designation for a public work namely the**
Balgownie Flood Protection Works.

2. **The sites to which the requirement applies is as follows:**
 - Heads Road to Balgownie Ave Stopbank**
Refer to Annex 2A Legal Description(s) and 1B, 2B, 3B & 4B Site Maps
 - Wharf Street Timber Fence**
Refer to Annex 3A Legal Description(s) and 1B Site Map
 - Wharf Street to Railway Concrete Flood Wall**
Refer to Annex 4A Legal Description(s) and 1B Site Map
 - Gilberd Street Block Flood Wall**
Refer to Annex 5A Legal Description(s) and 1B Site Map
 - Sailing Club Block Flood Wall**
Refer to Annex 6A Legal Description(s) and 2B Site Map
 - Karoro Street Block Flood Wall**
Refer to Annex 7A Legal Description(s) and 3B Site Map
 - Affco Block Flood Wall**
Refer to Annex 8A Legal Description(s) and 4B Site Map
 - Affco Concrete Flood Wall**
Refer to Annex 9A Legal Description(s) and 4B Site Map
 - Gilberd Street Planter Box**
Refer to Annex 10A Legal Description(s) and 1B Site Map
 - Heads Road to Wharf Street Stopbank**
Refer to Annex 11A Legal Descriptions(s) and 1B Site Map

3. The nature of the public work is:

The purpose of the designation is "Flood Control – Lower Whanganui River Scheme Balgownie Flood Protection Works.

The public work is the existing Balgownie Flood Protection Works on the true right bank of the Lower Whanganui River. It is a nearly continuous system of earth stopbanks and concrete flood walls. It also includes works required for installation of temporary flood protection measures. These Works were constructed in 2010 – 2011 by Manawatu-Wanganui Regional Council.

There are three locations where the continuity of the stopbanks and walls are interrupted to allow access to the River and temporary flood protection measures are required. At these sites movable stoplogs and, in one case, a portable flood wall will be installed ahead of flood events when required.

The Works are designed to provide protection from a 200-year return period flood event. The crest height of the stopbanks and walls is calculated to be the flood level in a 200-year return period flood event plus freeboard of 0.5 metre as a contingency for wind and wave effects, aggradation and other hydraulic factors.

Manawatu-Wanganui Regional Council undertakes ongoing repairs and maintenance to ensure the integrity of the Works is sustained.

4. The nature of the proposed restrictions that would apply are:

The Balgownie Flood Protection Works are in existence. The Works were constructed in accordance with:

- Manawatu-Wanganui Regional Council Land Use Consent No: 104659 (27 consent conditions).
- Wanganui District Council Land Use Consent No: RCLU09/0010 (5 consent conditions).

Consent No: RCLU09/0010 is a relevant consideration for this Notice of Requirement. The activity provided for by the Consent is to construct and maintain a stop bank system from 467 Heads Road to 57 Balgownie Avenue, "...subject to the following conditions:

1. *The activity shall be in general accordance with the information and plans submitted in support of this proposal.*
2. *The construction of the stop bank in the Karoro Road and Beach Road area must be between October-February in order to reduce the effect on bird-life.*
3. *No deliberate disturbance of the birds shall occur during construction.*
4. *Replacement of the trees and species to the pre-existing standard in the Karoro Road area must be done with consultation with a Parks Officer of the Wanganui District Council, and carried out during the next planting season following the flood protection work being completed.*
5. *Charges set in accordance with Section 36(1)(c) of the Resource Management Act 1991 shall be paid to the consent authority for the carrying out of its functions in relation to the administration, monitoring and supervision of this resource consent and for carrying out of its functions under Section 35 of the Act.*

Section 36(1)(c) of the Act provides that the Council may from time to time fix charges payable by the holders of resource consents."

It is noted that all conditions, except for condition 5, are either replicated or provided for by conditions in Manawatu-Wanganui Regional Council Consent No. 104659.

It also noted that activities undertaken to repair and/or maintain the Works will be subject to the provisions of relevant regional plans having legal effect in the Manawatu-Wanganui Region. Repair and maintenance of the Works are likely to be in response to normal "wear and tear" or damage done during flood events and may be a permitted activity or require a resource consent application if permitted activity standards cannot be complied with.

5. The effects that the public work will have on the environment, and the ways in which any adverse effects will be mitigated, are:

The scope of this assessment is in accordance with the fact that the Balgownie Flood Protection Works are existing structures. The biggest potential for impact on the environment was during construction. Environmental effects, both positive and negative, were thoroughly evaluated by Manawatu Wanganui Regional Council commissioners and Wanganui District Council during the resource consent process.

The beneficial and adverse effects identified were:

- i. Beneficial effects of protecting the Balgownie area from flood inundation damage – the benefit-cost ratio was extremely favorable;
- ii. Adverse effects of diverting the floodwaters on flood levels in the Whanganui River – this was modeled as 11mm and not measureable in practical terms in the river;
- iii. Disturbance of wading birds – Consent conditions were agreed to mitigate these effects;
- iv. Sediment run-off into the Estuary – Consent conditions were agreed to mitigate these effects;
- v. Effects on archaeological sites – no sites were identified, but consent conditions included standard archaeological discovery (including Waahi Tapu) response conditions.

In granting the application, independent commissioners with delegated authority from Manawatu-Wanganui Regional Council concluded:

"Commissioners are satisfied that the proposed flood protection works will result in long term public and private benefits for the community and the environment of the Balgownie area of Wanganui. Granting the consent will assist the community there to provide for its social and economic wellbeing and health and safety. The project will also sustain the potential of land and resources in the Balgownie area to meet the reasonably foreseeable needs of future generations.

Commissioners are also satisfied that the construction of the proposed works can proceed without compromising the life-supporting capacity of water or the estuary ecosystem and that all foreseeable adverse environmental effects can be mitigated without compromising the efficacy of the flood protection works. The proposal, mitigated by conditions proposed by the applicant and submitters, will be consistent with the relevant objectives and policies of the operative and proposed regional policy statements and plans. The proposal can be considered to be consistent with the sustainable management purpose of the Act."

It is not expected that this Notice of Requirement will result in any changes to those effects already evaluated and dealt with by conditions of Regional Council Resource Consent 104659 and District Council Resource Consent RCLU09/0010 or result in any additional effects in the future.

6. Alternative sites, routes, and methods have been considered to the following extent:

The Balgownie Flood Protection Works are existing structures and therefore it is not practical to relocate to alternative sites or use different methods.

A full evaluation and design was carried out prior to construction.

Alternatives considered for the Balgownie area were:

- i. Flood Protection Works (stopbanks and walls);
- ii. Construction of a weir through the sand spit to the south of the river mouth;
- iii. Construction of a supplementary river mouth; and
- iv. Do nothing.

The Balgownie Flood Protection Works were determined to be the most practicable and cost-effective option. The location and design of the structures were determined as the most effective way of responding to the flood protection needs of the Balgownie area. The Works are funded and managed by the Manawatu-Wanganui Regional Council under the Lower Whanganui River Scheme.

7. The public work and designation (or alterations) are reasonably necessary for achieving the objectives of the requiring authority because:

The Manawatu-Wanganui Regional Council has a statutory mandate to undertake river control and drainage activities to ensure the safety and economic wellbeing of communities in the Region. This statutory mandate is generated from its powers and responsibilities under the Soil Conservation and Rivers Control Act 1941, the Local Government Act 1974, the Land Drainage Act 1908, and the Resource Management Act 1991.

Under the Soil Conservation and Rivers Control Act 1941[s126(1)], it is the Council's function to: "...*minimise and prevent damage within the district by floods and erosion.*"

The Balgownie Flood Protection Works are in existence and the continued integrity of the Works is crucial to them performing as designed, i.e., protecting the Balgownie area from up to a 1 in 200 year flood event. In the event that the Flood Protection Works were to fail, the damage to the Balgownie area is estimated as in excess of \$95 million.

Manawatu-Wanganui Regional Council has two requirements for successful flood protection:

- i. To make timely repairs and maintenance in response to damage of the flood protection structures; and
- ii. To prevent damage by others that may compromise the integrity of flood protection structures.

Designation for the Balgownie Flood Protection Works is a necessary and appropriate mechanism to achieve both these requirements because:

- i. It enables Manawatu-Wanganui Regional Council to undertake activities within the designated area maintain the integrity of the Works, subject to any conditions applied in the designation and in any resource consents from the Regional Council (if required).
- ii. It restricts anyone from carrying out work on the designated land that will adversely affect the integrity of the Balgownie Flood Protection Works, without first obtaining permission from Manawatu-Wanganui Regional Council.

8. The following resource consents are needed for the proposed activity and have been applied for:

The Balgownie Flood Protection Works are existing. No further resource consents are required.

All structures were constructed or installed in accordance with Regional Council and District Council planning/consent approvals operative at the time of construction.

9. The following consultation has been undertaken with parties likely to be affected:

Balgownie Flood Protection Works are existing. Consultation prior to construction of the Works was carried out using the special consultative procedure described in the Local Government Act [s83].

Consultation with landowners affected by the Works was carried out prior to construction. The application for resource consent from Manawatu-Wanganui Regional Council was publically notified in accordance with the RMA and submissions heard in the normal course of the consent process. A number of submitters were heard and responded to, including Wanganui District Council.

Annual meetings are held with ratepayers to review the previous year and consult on the operational and funding requirements of the Works in the next financial year. The outcomes and actions required resulting from these meetings are included in the Catchment Operations Committee agenda which is a formal Committee of the Manawatu-Wanganui Regional Council.

KiwiRail has been advised that Manawatu-Wanganui Regional Council is lodging this Notice of Requirement. KiwiRail has an existing designation on a short section of the Flood Protection Works located at the end of Wharf Street. It is labeled "Railway Flood Wall" on Annex 1B. A Deed of Grant entitled "Agreement for Right to Construct a Flood Wall on Part Railway Land" is held between Kiwi Rail and Manawatu-Wanganui Regional Council in respect of the use of the land for the flood protection wall. No formal response from KiwiRail has been received at the time of lodging this Notice of Requirement.

It is not considered that further consultation on this notice of requirement is necessary.

10. Manawatu-Wanganui Regional Council attaches the following information required to be included in this notice by the District Plan, Regional Plan, or any other regulations made under the Resource Management Act 1991:

- i. Annexes: 2A to 11A
- ii. Site Maps 1B to 4B

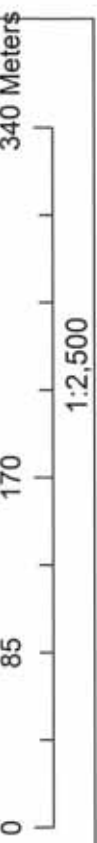
Barry Gilliland
POLICY ADVISOR
HORIZONS REGIONAL COUNCIL

Date: 30 June 2013



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Annex 1B - Lower Whanganui Designations

DESIGNATION FOR FLOOD CONTROL PURPOSES

Site

Heads Road to Balgownie Ave Stopbank

Start NZTM X:1770859 Y:5576335

End NZTM X: 1770925 Y:5576262

Start NZTM X:1770956 Y:5576200

End NZTM X:1771064 Y:5576208

Start NZTM X:1771319 Y:5576062

End NZTM X:1771828 Y:5575859

Start NZTM X:1771923 Y:5575830

End NZTM X:1772259 Y:5575676

Start NZTM X:1772421 Y:5575630

End NZTM X:1773293 Y:5575645

Legal Description(s)

Pt Lot K Right Bank Whanganui River - Wanganui District Council

Pt Section 392 Right Bank Whanganui River – Wanganui District Council

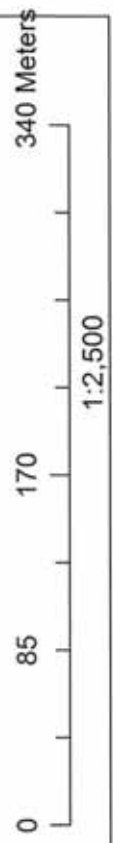
Pt Lot 1 DP 22302 – Wanganui District Council



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 Operations Department, Horizons Regional Council
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Annex 2B - Lower Whanganui Designations



DESIGNATION FOR FLOOD CONTROL PURPOSES

Site

Wharf Street Timber Fence

Start NZTM X:1770622 Y:5576475

End NZTM X:1770713 Y:5576499

Legal Description(s)

Lot 1 DP 51075 – Whanganui District Council

Lot 4 DP 196 – Carlyle, Ronald & Carol

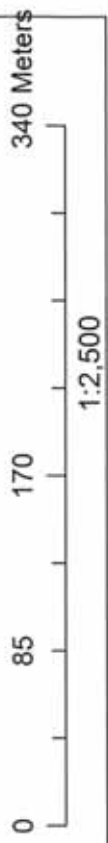
Lot 2 DP 51075 – Whanganui District Council

Lot 1 DP 43948 – Corfe, Anthony

Lot 74 DP 248 – Tulloch, David

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Supplied by:
 Swalesons Department of Water and Flood
 Drawn by: R. Smith, 06/04/2011
 Analysis Date: Summer, 2010/2011
 Sample only. Not for operational use.
 Contact: Crispin Cooper, 06/04/2011



Annex 3B - Lower Whanganui Designations