

Resource Consent Certificate

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Resource Consent: AUTH119762.01.02 (119762)

File Number: 60 25 28A

*Pursuant to the Resource Management Act 1991, the Waikato Regional Council
hereby grants consent to:*

Hauraki District Council
PO Box 17
Paeroa 3640

(hereinafter referred to as the Consent Holder)

Consent Type: Water permit

Consent Subtype: Surface water take

Activity authorised: Take up to 6300 cubic metres of water per day from the Managarata Stream immediately above its confluence with the Waitakaruru River

Location: Mangatarata Stream SH 25 (Suicide Bridge) - Waitakaruru

Map Reference: NZMS 260 S12:191-340

Consent Duration: Granted for a period expiring 1 July 2029

Subject to the conditions overleaf:

CONDITIONS

General

1. The surface water take authorised by this resource consent shall be undertaken in general accordance with:
 - (i) The application for this resource consent; and
 - (ii) The document titled "Plains West Water Supply – Statement of Supporting Information and Assessment of Environmental Effects" by Aecom New Zealand Limited, dated 30 April 2009;
 - (iii) The letter "Applications 119762 – 119772: Response to Requests for Further Information", from AECOM New Zealand Limited, dated 26 June 2009;
 - (iv) The letter "Applications 119762 – 119772: Response to Requests for Further Information", from AECOM New Zealand Limited, dated 7 September 2009; and
 - (v) The memorandum "Waitakaruru Water Supply – Water Take Conditions", from Aecom New Zealand Limited, dated 26 May 2010;

subject to the conditions of this resource consent.

2. The consent holder shall ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.

Operational limits

3. The daily take volume shall not exceed 6,300 cubic metres.
4. The instantaneous rate of take shall not exceed 73 litres per second.
5. Until the third anniversary of the commencement of this consent, the consent holder shall ensure that the exercising of this consent does not result in the flow immediately below the point of abstraction falling below 54 litres per second, and that the abstraction shall cease when the flow immediately above the point of abstraction is less than 54 litres per second.
6. Beyond the third anniversary of the commencement of this consent, the consent holder shall ensure that the exercising of this consent does not result in the flow immediately below the point of abstraction falling below 103 litres per second, except that the abstraction shall cease when the flow immediately above the point of abstraction is less than 103 litres per second.
7. The maximum rate of abstraction of 73 litres per second shall be restricted to times when river flows are more than 176 litres per second as measured at the weir.
8. During the period 1 April to 31 May, if available storage in the reservoir at Steen Road Quarry is greater than 60%, the consent holder shall abstract no more than 50% of the river flow between 103 litres per second and 176 litres per second as measured at the weir.
9. Beyond the seventh anniversary of the commencement of this consent, the consent holder shall ensure that the maximum rate of abstraction of 73 litres per second is restricted to times when river flows as measured at the weir are more than 500 litres per second. The maximum rate of abstraction when river flows are between 103 litres per second and 500 litres per second shall not exceed 10% of the river flow at the weir.
10. The combined annual volume taken from the Waitakaruru River, Mangatarata Stream and Waitakaruru Borefield, in conjunction with consent 119764 and 119772, shall not exceed 2,764,645 cubic metres, where a year is calculated based on the period 1 July to 30 June inclusive. Of this, the maximum combined annual volume of water provided to the Waitakaruru Treatment Plant shall not exceed 1,934,645 cubic metres.

Intake structure

11. The intake shall be screened with a mesh aperture size not exceeding 3 millimetres by 3 millimetres (or 3 millimetre diameter holes).
12. The consent holder shall ensure that the velocity of water through the intake screen does not exceed 0.3 metres per second at all times.
13. The consent holder shall be responsible for the structural integrity and maintenance of the intake structure, and for the provision and maintenance of any erosion control works that may become necessary as a result of the exercise of this consent. Such matters shall be addressed in the Maintenance and Environmental Monitoring Plan prepared in accordance with condition 26 of this consent.

Advice Note: A separate resource consent may be required as a result of the need to undertake erosion control works. Any such consent shall be obtained by the consent holder at their expense prior to any works being undertaken.

14. The consent holder shall be responsible for maintaining the intake structure free of flood debris and other obstructions and for undertaking all such works in accordance with the Maintenance and Environmental Monitoring Plan prepared in accordance with condition 26 of this consent.

Monitoring and reporting

15. A pulsed water measuring device shall record the quantity of water taken from the Mangatarata Stream at the take location on a cumulative basis. The device shall have a reliable calibration to water flow and shall be maintained to an accuracy of +/- 5%. Evidence of the device's calibration to an accuracy of +/- 5% shall be provided to the Waikato Regional Council within three months of the commencement of this consent, and at any other time as requested in writing by the Waikato Regional Council. The calibration shall be undertaken by an independent qualified person and evidence documenting the calibration shall be forwarded to the Waikato Regional Council within one month of calibration being completed.
16. As soon as practicable and no later than the third anniversary of the commencement of this consent, the consent holder shall undertake flow monitoring at the weir for the purpose of determining compliance with the operational limits of this consent, in accordance with the Maintenance and Environmental Monitoring Plan prepared in accordance with condition 26 of this consent.
17. The consent holder shall ensure the flow recorder is calibrated and maintained for the duration of this consent, in accordance with the Maintenance and Environmental Monitoring Plan prepared in accordance with condition 26 of this consent.
18. The water measuring device and flow recorder device referred to in condition 15 and 17 shall be linked by telemetry to the Waikato Regional Council within three years of the commencement of this consent. As a minimum, daily volume, daily average rate of take and maximum daily rate of take, daily average and daily minimum water level and flow, shall be telemetered to the Waikato Regional Council on a daily basis. Alternatively, if the Waikato Regional Council determines that telemetry is not practicable, the consent holder shall, within two years of the commencement of this consent, submit a methodology and include a time frame in which this will be implemented, for the approval Waikato Regional Council (in a certifying capacity) that details:
 - (i) how the information will be transmitted automatically to the Waikato Regional Council and the procedures to be implemented;
 - (ii) the measures to ensure the accuracy and reliability of the data provided. The consent holder shall ensure that no more than 2% of any of the data required in accordance

with this condition are missing on an annual basis. During any times when data cannot be provided automatically a minimum of the daily volume must be recorded.

19. Until automatic recording is installed and operative the consent holder shall provide to the Waikato Regional Council, on a monthly basis, the daily volume taken, maximum daily abstraction rate, average daily abstraction rate, and minimum daily flow at the weir (via electronic means).
20. The consent holder shall undertake an annual biological and water quality sampling programme of the Waitakaruru River and a comparable control river nearby (e.g. Mangatarata Stream). Sampling locations in the Waitakaruru River shall be as detailed in the report "Ecological Assessment of Proposed Abstractions of the Waitakaruru River" (Kessels & Associates Ltd, April 2009) at locations that are wadeable. Sampling shall be undertaken during the low flow period between January and March preceded by a minimum period of two weeks stable flow and in accordance with the Maintenance and Environmental Monitoring Plan prepared in accordance with condition 26 of this consent.

Stream biological sampling shall include as a minimum algal (periphyton) and macrophyte growth, and macroinvertebrate assessment using appropriate metrics (EPT metrics to exclude Hydroptilidae). Diurnal water temperature and dissolved oxygen should be measured continuously above and below the weir over a representative period in summer preceded by a minimum of two weeks stable flow.

The design of the sampling programme shall be included in the Maintenance and Environmental Monitoring Plan prepared in accordance with condition 26 of this consent.

21. The consent holder shall undertake a quantitative fish sampling programme of the Waitakaruru River and a suitable control site once every four years at a time that coincides with the ecological monitoring required by condition 20 of this consent. The first year in which monitoring will be required will be the first summer following commencement of consent. Sampling locations shall be as detailed in the report "Ecological Assessment of Proposed Abstractions of the Waitakaruru River" (Kessels & Associates Ltd, April 2009) and should include either standardised spotlighting or electric fishing methods to obtain relative abundance estimates of fish. The design of the sampling programme shall be included in the Maintenance and Environmental Monitoring Plan prepared in accordance with condition 26 of this consent.
22. The consent holder shall provide a written report and Excel spreadsheets of macroinvertebrate and temperature/dissolved oxygen data to Waikato Regional Council by 1 September each year that details the findings of the monitoring programmes required by condition 18, 19, 20 and 21 of this consent for the year ending 30 June. The report shall analyse the information collected in terms of compliance with the conditions of this consent and actual or potential adverse environmental effects, noting any trends in parameters monitored and an explanation for those trends. With regards to conditions 20 and 21, the report shall include the raw data obtained, sampling methods and locations, and an analysis of the results for sampling undertaken between January and March of that year. Specific details are to be included in the Maintenance and Environmental Monitoring Plan prepared in accordance with condition 26 of this consent.
23. In conjunction with consent 119764, 119766 and 119772, the consent holder shall provide a written report to Waikato Regional Council every five years to explain whether an increase in residual flow and/or variation in the timing or rate of abstraction can be achieved to avoid adverse environmental effects as a result of the surface water take. The minimum information the report should provide is:
 - (i) Whether adverse environmental effects are occurring, or are eminent, in terms of the impacts of the abstraction on aquatic habitat and water quality;
 - (ii) If operational improvements are determined, then the type of improvements considered, the reasons for and against adopting the method(s) considered, any future

issues likely to have significance on the method(s) considered, and the likely time frames for implementing the preferred improvements.

- 24 Within six months of the commencement of this consent, the consent holder shall provide a Riparian Planting Plan (RPP) to the Waikato Regional Council. The purpose of the Riparian Planting Plan is to ensure that riparian vegetation is established and / or maintained on all land immediately adjacent to the Waitakaruru River and Mangatarata Stream that is under the direct control of the consent holder in order that stream shading occurs to the greatest extent practicable. As a minimum, the RPP shall address the proposed planting locations, plant species to be used, processes undertaken to establish plants, implementation timeframes and maintenance requirements and procedures.

In addition to the required riparian planting and fencing on land over which the consent holder has direct control, the consent holder shall, provided land owner agreement is reached, undertake riparian planting and fencing on other (including private) land adjacent to the Waitakaruru River and Mangatarata Stream so that at least \$10,000 worth of additional riparian planting and fencing over and above that undertaken on land under the consent holder's direct control, is completed in each of the first five years of the exercise of this consent up to a total of \$50,000.

The RPP shall include details of discussions with landowners in relation to locating the additional riparian planting and the outcome of these discussions. Details of such additional planting as has been confirmed shall be included in the RPP.

Advice Note: The riparian planting and fencing may be a length either side of the waterway for a width of 5m or it may be a single length on one side of the waterway for a width of 5m.

- 24a. If the consent holder has not been able to reach agreement with landowners in relation to the implementation of all or any of the riparian planting provided for by condition 24, the consent holder shall record this outcome in the RPP.

Failure to reach agreement in relation to planting on private land does not affect the obligations of the consent holder to undertake the planting required on land immediately adjacent to the Waitakaruru River and Mangatarata Stream which is under its direct control.

25. The Riparian Planting Plan required by condition 24 shall be approved in writing by the Waikato Regional Council acting in a technical certification capacity prior to any works authorised by this consent commencing. Should the Waikato Regional Council not respond in writing within 20 working days of receipt of the Riparian Planting Plan, either providing certification of the Riparian Planting Plan or clearly outlining areas of the Riparian Planting Plan that are not accepted, then the Riparian Planting Plan shall be considered to be approved and this condition satisfied.

Maintenance and Environmental Monitoring Plan

26. In conjunction with consent 119763-119772, 121236 and 121237, the consent holder shall provide a maintenance and Environmental Monitoring Plan ("**MEMP**") to the Waikato Regional Council within three months of the commencement of this consent.
27. The MEMP required by condition 26 shall be prepared by a suitably qualified and experienced person who shall be approved in writing by the Waikato Regional Council.
28. The purpose of the MEMP is to set out the specific details of:
- (a) The maintenance regime (planned and in response to one off events) proposed for all infrastructure associated with the activities authorised by consents 119763-119772, 121236 and 121237, such that the reliability of said infrastructure, accords with "best industry practice". For the purpose of this condition, "best industry practice" is defined to mean that operational reliability is of a standard that a prudent

operator, acting responsibly, would be expected to achieve. The maintenance regime prepared in accordance with this condition shall be accompanied by written confirmation from an appropriately qualified and experienced person that it represents "best industry practice".

- (b) All monitoring required by consents 119763-119772, 121236 and 121237, including but not limited to:
- (i) All sampling/monitoring locations, including the rationale for their selection;
 - (ii) The methods of sampling and/or measurement that are to be used, including the rationale for their selection;
 - (iii) The analyses, including statistical analyses, that the data collected will be subject to, together with an explanation of how those analyses will enable the effects of the activities authorised by consents 119763-119772, 121236 and 121237 to be determined and discriminated from natural variability; and
 - (iv) How the monitoring regime will enable the provisions of this consent to be assessed.
29. The MEMP required by condition 26 and shall be approved in writing by the Waikato Regional Council acting in a technical certification capacity prior to any works authorised by this consent commencing. Should the Waikato Regional Council not respond in writing within 20 working days of receipt of the MEMP, either providing certification of the MEMP or clearly outlining areas of the MEMP that are not accepted, then the MEMP shall be considered to be approved and this condition satisfied.
30. All maintenance and monitoring activities shall be undertaken in accordance with the approved MEMP for the duration of the consent.
31. Any changes proposed to the MEMP required by condition 26 shall be confirmed in writing by the consent holder and approved in writing by the Waikato Regional Council acting in a technical certification capacity, prior to the implementation of any changed proposed. Should the Waikato Regional Council not respond in writing within 20 working days of receipt of the proposed changes to the MEMP, either providing certification of the MEMP or clearly outlining areas of the MEMP that are not accepted, then the MEMP shall be considered to be approved and this condition satisfied.

Review

32. Within 12 months of the Crown settling any claim made under the provisions of the Treaty of Waitangi Act 1975 the Waikato Regional Council may, following service of notice on the consent holder, commence a review of the conditions of this consent pursuant to section 128(1) of the Resource Management Act 1991, for the purpose of ensuring that this consent is in alignment with the provisions of any such settled claim, subject to the proviso that any review shall be for a resource management purpose.
33. Within six months of receipt of the five yearly report required by condition 23, the Waikato Regional Council may, following service of notice on the consent holder, commence a review of this resource consent under section 128(1) of the Resource Management Act 1991 for the following purposes:
- (i) to review the residual flow requirements of this consent;
 - (ii) to review the rate and timing of abstraction;
 - (iii) to review whether a flushing flow regime is necessary, and if so, the timing, frequency and magnitude of any flushing flows;
 - (iv) to require the consent holder to adopt the best practical option to remove or reduce any adverse effect on the environment.
34. At any time during the years 2014, 2019, and 2024, the Waikato Regional Council may, following service of notice on the consent holder, commence a review of the conditions of this

resource consent under section 128(1) of the Resource Management Act 1991 for the following purposes:

- (i) to review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent and if necessary to avoid, remedy or mitigate such effects by way of further or amended resource consent conditions; or
- (ii) to review the adequacy of and the necessity for monitoring undertaken by the consent holder.

Advice Note: Costs associated with any review of the conditions of this resource consent will be recovered from the consent holder in accordance with the provisions of section 36 of the Resource Management Act 1991.

Administrative

35. The consent holder shall pay to the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act 1991.

In terms of s116 of the Resource Management Act 1991, this consent commences on 18th July 2011

*Dated at Hamilton this 5th day of **August 2011***

*For and on behalf of the
Waikato Regional Council*



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