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Resource Consent Certificate

Resource Consent: 124252

File Number: 60 59 15A

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: Groundwater

Activity authorised: Take water from a mine shaft for municipal or domestic supply

Location: SH 2 - Karangahake

Spatial Reference: NZTM 1840007 E 5854143 N

Consent Duration: This consent will commence on the date of decision notification and expire on 30 July 2018

Subject to the conditions overleaf:

General Conditions

1. The consent holder shall undertake the activity authorised by this consent:
 - (a) In general accordance with the documentation submitted to the Waikato Regional Council as part of the application (as recorded on the Waikato Regional Council's document recording system numbered 215888); and
 - (b) In accordance with the conditions of this consent.

In the event of any conflict between the application documentation and the conditions of this consent, then the conditions shall prevail.

2. The consent holder shall be responsible for all sub-contracted operations related to the exercise of this consent, and must ensure sub-contractors are made aware of the conditions of this consent.
3. 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.

Limits

4. Except as provided for by condition 7 below, the maximum volume of water taken from the mine shaft shall not exceed 100 cubic metres in total over any 24 hour period.
5. The consent holder shall undertake water meter readings on a thrice weekly basis and maintain a record of the water usage (average total daily volume). Water records shall be forwarded to Waikato Regional Council on an annual basis, by 30 September each year.
6. The maximum abstraction rate shall not exceed 3 litres per second.
7. On and following the 25th day of the eleventh month after the fifth anniversary of the commencement date of this consent, when a flow of 1.6 cubic metres per second or less, is recorded within the Ohinemuri River at the Waikato Regional Council's recorder site at Karangahake, the maximum volume of water taken under this consent shall not exceed 10 cubic metres in any 24 hour period.

Water Management Plan

8. The consent holder shall carry out its water supply operations in general accordance with the Water Management Plan entitled "Paeroa Water Management Plan" dated 15 December 2011 or any subsequent updated version of this document as provided for by condition 9 of this consent.

In the event of any conflict between the Water Management Plan (and any subsequent updated plan) and the conditions of this consent, then the conditions shall prevail.

9. The consent holder may update the Water Management Plan at any time and submit it to the Waikato Regional Council for approval (in a certifying capacity).
10. Approval by the Waikato Regional Council of any updated Water Management Plan shall be limited to an assessment of whether:
 - (a) The plan complies with the information requirements of Part 8.1.2.2 (Water Management Plans) of the Waikato Regional Plan; and
 - (b) The plan is consistent with the conditions of this consent.

11. The consent holder shall provide to the Waikato Regional Council a letter by 30th September each year which details the progress of the long term strategy for water supply to the Karangahake Community.

Water Shortage Condition

12. When a flow of 1.6 cubic metres per second or less, is recorded within the Ohinemuri River at the Waikato Regional Council's recorder site at Karangahake, the consent holder shall initiate measures (being implementation of the Drought Management Plan) seeking to reduce the daily take rate by 15% of the authorised volume as detailed within the approved Water Management Plan.

Review

13. In the 12 months following the completion of a relevant catchment investigation and any consequential change to the Waikato Regional Plan being notified, the Waikato Regional Council may, following service of notice on the consent holder, commence a review of condition 4 of this consent pursuant to s.128(1)(a) of the Resource Management Act, for the purpose of ensuring allocation is consistent with the relevant policy.

Structural Integrity

14. The consent holder shall be responsible for the structural integrity and maintenance of the intake structure/weir and for any erosion control works that become necessary to control erosion as a result of the exercise of this resource consent.

*For and on behalf of the
Waikato Regional Council*

A handwritten signature in black ink, appearing to read 'J. B. Jones', written over a dotted line.

Advice notes

1. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
2. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA).
3. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
4. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.
5. Note that pursuant to s333 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
6. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

Consent Evaluation Report

Applicant :	Hauraki District Council	File Number:	60 59 15A
Address of Site:	Karangahake Water Supply SH 2 - Karangahake	Project Code:	RC10175
Consent Type(s): Water permit	Ground water take	Application Number(s):	124252

1 Introduction

Aecom, on behalf of the Hauraki District Council has re-applied for resource consent to take up to 100 cubic metres of water per day from an abandoned mine shaft located in the Karangahake Gorge.

This is a replacement consent application for resource consent number 105008 which expired on 15 April 2012. This application was made on 13 January 2012 and the Waikato Regional Council exercised its discretion in allowing the District Council to continue to take water from this source until a decision is made on the application.

2 Background and Description of Proposal

This water take is located in an old mine shaft known as Dominion Drive located on Karangahake Mountain and has been in existence since 1992. Access to this water take is via a 4 wheel drive track. In summary the water take comprises of;

1. A 1.8 metre diameter concrete pipe that has been driven into the mine shaft vertically, this pipe supports the roof of the mine shaft;
2. A 1.5 metre weir inside the pipe that allows water to build up behind it;
3. An intake structure located at the base of the weir; and
4. An intake valve located on the intake pipe immediately downstream of the weir which regulates the rate of take.

Access into the mine shaft is via a padlocked 1.8 metre diameter metal grill located at the entrance. The mine shaft is very slowly collapsing.

The water is gravity fed to users. Daily water take data provided by the applicant, that covers the July 2000 to June 2001 period, indicates that the volume of water taken generally averages less than 50 cubic meters per day.

Users supplied by this water take are located on both sides of the Ohinemuri River within the Karangahake Township and all are domestic in nature. The applicant states that there is no farm use on this supply and all users are metered.

Council's long term strategy is to supply the Karangahake Township with water from the Paeroa Water Treatment Plant. It is proposed to abandon this water take within the next four years and provide water via an upgraded Paeroa Water Treatment Plant. Financial assistance for the upgrade at Paeroa is currently budgeted for over the 2013-20115 period.

3 Status of Activities under the Plans

The groundwater take is a discretionary activity under rule 3.3.4.24 of the operative Waikato Regional Plan. The applicant also identifies the activity as discretionary activity under the same rule.

The use of groundwater is permitted under the plan.

4 Consultation/Affected Party Approvals

4.1 Iwi

Three Iwi groups were sent a letter detailing the re-application process. These groups were:

- Te Kupenga O Ngati Hako
- Te Ruunanga A Iwi O Ngati Tamatera
- Ngati Tara Tokanui Management Komiti

Overall, I consider that the Iwi consultation undertaken by the applicant is sufficient and further I do not consider Iwi to be affected parties to this application. In coming to this conclusion I have taken into account the Waikato Regional Council's procedures for consulting with Iwi (Resource Use Group Practice Note B7 "Iwi Consultation Principles and Practices").

4.2 Other Parties

The applicant has consulted with the Department of Conservation; the Fish and Game Council and the landowner – Mr Brian Cotter who has provided affected party approval for the water take.

In addition the District Council has informed its Water and Waste Consultative Committee which comprises of Council staff and elected Council representatives, and representatives from Iwi.

4.3 Reasons for Non-notification

The decision to process this application on a non-notified basis was undertaken prior to the determination of this report on the basis that the effects of the ground water take are no more than minor and no party is considered to be affected by the existing daily take regime to continue for a further four years.

5 Process Matters

The application was placed on hold in order for written approval to be obtained from the landowner, Mr Cotter. This was provided on 25 June 2012. A timeframe extension in which to make a decision was applied with the applicants' approval, in order for discussion on the draft conditions to occur.

6 Statutory Considerations

6.1 Assessment of Environmental Effects

Section 104(1)(a) of the Resource Management Act, 1991 states that when determining a resource consent application, regard shall be had to the actual and potential effects on the environment of allowing the activity. This water source is a spring, although the water is

groundwater, therefore I consider that the main actual and potential effects, from this activity, that should be considered are as follows;

- effects on flow; and
- effects on fauna.

I do not consider there to be any drawdown effects from this water take.

Effects on Flow

This application is for a groundwater take therefore the allocation level within the waterways is not applicable to this assessment.

There remain no consented ground or surface water takes in the immediate vicinity of this water take (within a 1 kilometre radius). The Comstock Stream is a small stream with a catchment area, above the point where the spring water enters the stream, of approximately one square kilometre. The applicant's current average rate of abstraction is 0.9 litres per second with a peak rate of abstraction of 3 litres per second. The bulk of the water is extracted between the hours of 6am and 10pm.

This water take is located on Karangahake Mountain and inputs into the Comstock Stream occur downstream of the intake from groundwater and other small tributaries. The reach of stream likely impacted upon from the loss of this water and associated wetted area is likely to be one or two hundred metres at most. Given this assessment I consider that any adverse effects on the flow of the Comstock Stream as a result of the ground water take are likely to be no more than minor and short term.

Effects on Fauna

The Comstock Stream is classified as Waikato Surface Water Class and is not considered to be a significant trout or native fish habitat. As a result of the location of the water take I consider that there is no loss of fish habitat and no adverse effects on fish passage above the mine shaft entrance.

Downstream of the water take there is some small loss of water and as a result habitat, however given the size of the daily take volume and rate of take I consider any loss within the Comstock Stream is minor and further this effect is considered insignificant beyond the Comstock Stream.

Overall I consider that any potential adverse effects on fish as a result of this water take are likely to be less than minor and short term.

6.2 Policy Statements, Plans and Regulations

6.2.1 National environmental standards

National Environmental Standard for Sources of Human Drinking Water

The National Environmental Standard for Sources of Human Drinking Water commenced on 20 June 2008. This standard is applicable however, it is not considered that this water take will give rise to any increase in any of the stated NES determinants at any downstream point of abstraction for any water supply.

6.2.2 Other regulations

Not applicable as the rate of take is less than five litres per second.

6.2.3 National policy statements

The national policy statement for freshwater management is applicable to this application. Given the short term duration sought by the applicant I consider that this proposal is consistent with this policy statement.

6.2.4 Operative and proposed Regional Policy Statements

The applicant provides an assessment of the application against these policy statements. This assessment is accepted and adopted for this report.

6.2.5 Regional Plan

The applicant provides an assessment of the application against this plan. The applicant's assessment is accepted in its entirety and further I concur with the assessment¹.

However, given the effect of this groundwater take is direct on the stream (in that less water is available) I consider that a connection exists and therefore a water shortage condition should be included in accordance with policy requiring the applicant to seek to reduce the water take by 15% once low flow is reached within the Ohinemuri River and further that a sunset clause be included requiring the Council to reduce down the water taken from this source just prior to its expiry to ten percent of the total daily volume. I note that the reduction in the water take once low flow is reached is technically more restrictive than the policy requires but following discussions with the applicant it is considered that this approach is more easily able to be practically implemented whilst still meeting the applicant's requirements and the current policy direction.

A review condition has been recommended which addresses policy 15 d) should a relevant catchment investigation be completed which provides for a review of the daily volume of water allocated to the water supply if any change to allocation within the catchment is appropriate.

I have not recommended conditions in line with policy 16 a) to e) rather I have recommended conditions in line with 16 f).

6.3 Other Matters

Hauraki Gulf Marine Park Act (2000)

The Hauraki Gulf Marine Park Act 2000 (HGMPA) commenced on 27 February 2000. The HGMPA seeks to integrate the management of natural, physical and historic resources of the Gulf, its islands and catchments and deems the Hauraki Gulf to be a matter of national importance. Section 9 of the HGMPA requires that a consent authority must, when considering an application for a resource consent for the Hauraki Gulf, its islands, and catchments, have regard to sections 7 and 8 of the HGMPA. This application falls within the catchment of the Hauraki Gulf as defined by the HGMPA.

The continuation of the water take for a short duration has been considered in the context of the matters outlined in this act and in my opinion it does not compromise any of these matters.

Hauraki Iwi Environmental Plan (March 2004)

The Hauraki Iwi Environmental Plan (Whaia te Mahere Taio a Hauraki) provides a background to, and identifies key, resource based issues for the Hauraki Whanui. The plan

¹ It is noted that the assessment refers to Proposed Variation No.6 – Water Allocation, this is now chapter 3.3 of the operative Regional Plan however, this minor technicality does not detract from the overall assessment.

sets out Hauraki Whanui's vision statement and identifies central goals for environmental and heritage issues with their rohe (area).

I have assessed this water take against the objectives and outcomes within this plan and overall I consider that the proposal is consistent with this Iwi Environmental Plan.

6.4 Relevant Part 2 Considerations

All resource consent applications must be considered subject to Part 2 (sections 5 to 8) of the Resource Management Act 1991. Each section has been considered in relation to this proposal and overall I consider that the works are consistent with sections 5 to 8 of the Resource Management Act (1991).

7 Discussion/Conclusions

The proposal has been assessed as a discretionary activity and has been assessed in accordance with s104B of the RMA. This proposal will allow the applicant to continue to provide water to the Karangahake Community while the alternative source is constructed and commissioned.

Overall, this application has been assessed against relevant planning documents and it is concluded that the application is not inconsistent with any of these documents. The application has also been considered with respect to Part 2 of the RMA and again it is concluded that the continued water take is not inconsistent with any aspect of Part 2.

I have recommended the duration requested by the applicant – six years.

8 Monitoring

The District Council has received full compliance for this site as part of the monitoring regime associated with the existing authorisation over the years the consent was monitored.

Following the above assessment the following conditions are recommended:

- Maximum daily volume restricted to 100 cubic metres per day
- Rate of take restricted to 3 litres per second
- Water meter readings three times per week
- Reporting of water take data on an annual basis
- A water shortage condition that is more restrictive than the policy with the agreement of the applicant
- A “sunset” clause requiring the District Council to significantly reduce the volume of water taken on a daily basis if this source is to continue to be utilised upon its expiry
- A review clause in line with policy 15 d)

9 Recommended Decision

I recommend that in accordance with s104B resource consent application 124252 be granted in accordance with the duration and conditions prescribed in the attached Resource Consent Certificate for the following reasons:

- The water take will have no more than minor actual or potential adverse effects on the environment
- The water take is not contrary to any relevant plans or policies
- The water take is consistent with the purpose and principles of the Resource Management Act 1991
- The water take will have positive effects for the Karangahake Community by the provision of potable water until 2018



Sheryl Roa
Principal Project Leader - Special Projects

Date 08/08/2012

10 Decision

That the resource consent application is granted in accordance with the above recommendation.



Hugh Keane
Programme Manager, Infrastructure Programme

Date 08/08/2012

Acting under authority delegated subject to the provisions of the Resource Management Act 1991 which at the time of decision had not been revoked.