

Bay of Plenty Regional Council

Resource Consent

Pursuant to section 105 of the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 15 May 2001, **Hereby Grants** to:

ENVIRONMENT B·O·P - OPERATIONS & RURAL SERVICES DEPARTMENT

Environment B·O·P
P O Box 364
WHAKATANE

A resource consent:

- a) pursuant to section 13 (1)(a) of the Resource Management Act 1991 to **Use and Maintain an Existing Intake Structure in the Bed of a Canal from Lake Okareka;** and
- b) pursuant to section 14 (1)(a) of the Resource Management Act 1991 to **Take Water from Lake Okareka;** and
- c) pursuant to section 13 (1)(a) of the Resource Management Act 1991 to **Use and Maintain an Existing Outlet Structure in the Bed of the Waitangi Stream;** and
- d) pursuant to section 15 (1)(a) of the Resource Management Act 1991 to **Discharge Water Into the Waitangi Stream;** subject to the following conditions:

1 Purpose

For the purpose of managing the level of Lake Okareka by taking water from Lake Okareka at a controlled rate of flow, diverting the water through a pipeline, and then discharging to the Waitangi Stream.

2 Location

The intake (point of water take) is located at the western end of Lake Okareka, and the outlet (point of discharge) is located in the Waitangi Stream, as shown in Figure 2 of Environment B·O·P Operations Report 98/18 submitted with the application for this consent, and identified as being BOPRC Plan Number RC 60776.

3 Map Reference

The intake is located at or about map reference NZMS 260 U16 0610 3050, and the outlet is located at or about map reference NZMS 260 U16 0640 3050.

4 Legal Description

Lot 1 DPS 67566 Pt Lot 1 DPS 19175 Block VII Tarawera SD (Rotorua District).

5 Inlet and Outlet Structures

- 5.1 The consent holder shall ensure that the inlet and outlet structures and immediate environments are effectively protected to prevent any erosion that may result from the exercise of this consent.
- 5.2 The consent holder shall ensure that the inlet, outlet and pipeline structure is operated at all times in accordance with the information provided in the consent application dated 9 May 2000.

6 Discharge Quantity

- 6.1 The rate of discharge shall not exceed 239 litres per second.
- 6.2 The consent holder shall ensure that a minimum rate of discharge of 100 litres per second is maintained as far as practicable, to contribute to the base flow of the Waitangi Stream.

7 Discharge Quality

The consent holder shall ensure that, as a result of the discharge, (and disregarding the effect of any natural perturbation that may affect the water body), the receiving water in the Waitangi Stream meets the following water quality standards after reasonable mixing or 30 metres downstream from the discharge point, compared to immediately upstream of the discharge point:

- (a) The concentration of dissolved oxygen in the receiving water shall not exceed 80% of saturation concentration,
- (b) There shall be no increase in colour as assessed by Munsell hue colour units measurement and no decrease in visual clarity as assessed by black disc measurement,
- (c) There shall be no detectable increase in acute chronic toxicity between a water sample above the discharge point and a sample of the discharge diluted with that water 30 metres downstream from the discharge point,

- (d) There shall be no increase in temperature of more than 3°C, and the maximum temperature shall not exceed 25°C,
- (e) The pH of the receiving water shall not be lower than 6.5 or greater than 8.5,
- (f) There shall be no production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials,
- (g) The seasonal maximum cover of stream and river beds by periphyton as filamentous growths or mats (>ca.3mm thick) shall not exceed 40 percent, and/or biomass shall not exceed 100 mg chlorophyll-a /m² of exposed surface area, and any change in bacterial and/or fungal slime growths shall not be conspicuous,
- (h) Aquatic food resources shall not be rendered unsuitable for human consumption, nor water rendered unsuitable for stock watering,
- (i) There shall be no increase in the emission of objectionable odour.

8 Management and Maintenance of the Lake Level Control Structures

- 8.1 The consent holder shall operate the inlet, outlet and pipeline structure to achieve the most effective lake level control for Lake Okareka, within the target range of 353.5 metres minimum lake level (Moturiki datum) and 353.9 metres maximum lake level (Moturiki datum).
- 8.2 The consent holder shall submit a report to the Director Regulation and Monitoring of Environment BOP setting out guidelines that will be followed for the effective day to day management of the inlet, outlet and pipeline structure to achieve optimum control over the target range for the Lake Okareka lake levels. The report shall be forwarded no later than 30 September 2001, and include, but not be restricted to:
- Schedule for regular checking of lake levels; and
 - Schedule for regular checking of screen intake; and
 - Guidelines for setting of valve in response to lake level readings; and
 - Responsibilities for carrying out the day to day management; and
 - Provision for regular review of the day to day operational guidelines.
- 8.3 The consent holder shall ensure that the intake, pipeline, outlet, and associated lake level control structures are maintained in an effective capacity at all times during the term of this consent, and shall undertake any maintenance work required to address any adverse environmental effects as soon as practicable if so directed by the Director, Regulation and Monitoring of the Regional Council or delegate.

9 **Control of Unwanted Pest Species or Organisms**

The consent holder shall set up a Management Plan in conjunction with other relevant authorities for monitoring for, and responding to the presence of unwanted pest species or organisms in Lake Okareka. The Management Plan shall be forwarded to the Regional Council prior to 31 December 2001.

10 **Mitigation**

The consent holder shall prepare a management proposal for the protection of the margins of the inlet canal in conjunction with the landowners of the property and forward a copy of the proposal to the Regional Council prior to 31 December 2001. The proposal shall include funding assistance available under Regional Council policies for the landowners to undertake environmental protection work should they wish to proceed with the protection of the inlet canal from stock grazing.

11 **Monitoring Recording and Reporting**

11.1 The consent holder shall set up a water quality monitoring programme for the inlet canal and present the programme prior to 30 September 2001 for approval by the Director, Regulation and Monitoring of Environment B·O·P. The monitoring programme shall include (but not be restricted to) the following:

- Monitoring of nutrients (nitrogen and phosphorus); and
- Monitoring of bacteria; and
- Monitoring shall be undertaken at suitable regular intervals and will include monitoring during periods of heavy rainfall.

11.2 The results of the monitoring programme shall be summarised and forwarded to the Regional Council prior to 30 September each year, with the first annual report due by 30 September 2002.

11.3 The consent holder shall inform the Regional Council and provide appropriate details as soon as practicable if the following occurs:

- If the rate of discharge falls below the minimum 100 litres per second; and
- If the pipeline has to be closed off for any specific reason; and
- When normal flow through the pipeline resumes.

12 **Review of Conditions**

The Regional Council may, during the month of September in the year 2005, and every three years thereafter, serve notice on the consent holder under section 128(1)(a)(i) or (iii) of the Resource Management Act 1991, of its intention to review condition 11 of this consent. The purpose of the review is to ensure that condition 11 would continue to provide an appropriate monitoring programme for the duration of the consent.

13 **Term of Consent**

This consent shall expire on 31 May 2026.

14 **Resource Management Charges**

The consent holder shall pay the Bay of Plenty Regional Council such administrative charges as are fixed from time to time by the Regional Council in accordance with section 36 of the Resource Management Act 1991.

15 **The Consent** hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

Advice Notes:

- 1 *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractor(s).*
- 2 *The consent holder is responsible for ensuring that all contractors or operators carrying out works, management or maintenance under this consent are made aware of the relevant consent conditions, plans and associated documents.*
- 3 *Notification/advice requirements pursuant to conditions 8, 9, 10 and 11 shall be directed (in writing) to the Principal Compliance Officer, Environment B·O·P.*

DATED at Whakatane this 10th day of March 2003

For and on behalf of
The Bay of Plenty Regional Council

J A Jones
Chief Executive