



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Neil Tyson - Consent Planner

REFERENCE: RM080186, RM080185

SUBJECT: **J D ADVENTURES - REPORT EP08/10/06** - Report prepared for hearing of 13 October

1. NOTIFIED APPLICATIONS

Water Permit (Application RM080186)

To take up to 15 cubic metres of water per day from Benge Creek, of which 5 cubic metres per day will be used for the activities taking place on the subject site and the balance 10 cubic metres per day will be used to supply the Benge Water Scheme (the Scheme). The applicant proposes to use an existing intake structure located on ~~Lot 1 DP 20353~~ Lot 1 DP 347033.

Land Use Consent (Application RM080185)

To establish and maintain an intake structure within the bed of Benge Creek on ~~Lot 1 DP 20353~~ Lot 1 DP 347033.

Note: ~~Strike through~~ and underlining identifies an updating of the original notice and is to correct the legal description at the intake site, which is on land owned by Colin Mathew Benge. Subsequent alterations to the proposed rate of taking under RM080186 are discussed below.

2. BACKGROUND

The original applications lodged with Council have been amended particularly relating to the water supply activities. Initially, two water permit applications were lodged for two cubic metres per day each for:

1. the processing of salmon and café use, and
2. for washing and food preparation in the café.

However, given that a single Scheme intake is involved then a single *take and use* application has been allocated number RM080186.

The latest information relating to present and proposed users and usage of the Scheme is presented in Table 1 below. This is from the *Envirolink* AEE (26 June 2008), which reduces the notified take rate of 15 cubic metres of water per day to 9 cubic metres of water per day.

From this latest AEE, the water supply intake is established in the major branch of Benge Stream and currently supplies three properties including the salmon farm. The AEE states that “..Consent has since been obtained by Mr Benge to supply two lots (Lots 5 and 6) of a seven lot subdivision from a takeoff point below the intake”. The Committee should not be confused by this statement. According to Council records, no resource consent under the RMA currently exists relating to the existing (Benge) Scheme. No consent, means that the Benge Scheme is restricted to taking no more than 5 cubic metres plus stock water requirements.

The latest flow information by *Envirolink* indicates the 5-year low flow above the Scheme intake should be adjusted to 1.5 L/sec (130 cubic metres per day), while the estimated maximum rate that the Scheme reticulation can take (see Section 5 AEE) is 1 L/sec. Again from the AEE, the revised total demand of 9 cubic metres per day represents 7% of the estimated 5 year low flow in the stream at the intake.

Water is presently piped directly to the Anatoki Salmon Farm but the easement granted by the Benges in favour of the applicant includes provision to install a 30,000 litre tank on the Benge property above the Salmon Farm’s house and is to act as a buffer and small reserve. The supply to the cafe will be treated to meet the New Zealand Drinking Water Standards (2005).

The *Envirolink* AEE states in Table 2 that consent is needed because of the Anatoki Salmon Factory and Café supply. This is correct if the stated daily volumes are accurate. Removing the 4 cubic metres of water per day allocated to Anatoki Salmon Factory and Café supply reduces the Scheme take to 5 cubic metres per day, which is the *permitted* activity rate provided under the PTRMP in Takaka. Greater than this rate requires resource consent regardless of the number of properties supplied.

Envirolink state that previous surveys and investigations have shown the Benge Stream should have ample water to supply the application. *Envirolink* are (presumably) referring to the earlier consent NN950300 granted to Bencarri Farm (B Dalley, M Holloway and Mr and Mrs R M Benge) which expired in 2004. NN950300 authorised this same applicant Scheme plus a second intake from the adjacent left branch of the Benge Stream. It authorised taking at a rate of 31.12 cubic metres per day. However, NN950300 was deliberately not renewed owing to the Benges’ ill health and the proposed accommodation and restaurant facility did not proceed. It is surprising that specific reference to this expired consent was not made in the application, as it would have saved the writer time and effort.

Further Information

At the time of writing this report, some further information requested prior to any hearing had not been received. This information is aimed particularly at understanding the water allocation priority between Scheme users and hence their security of supply. Council requested information as follows:

- Confirmation of the ownership of the applicant Scheme and the status of the various stated users including the Benges themselves (on whose land the Scheme is largely located). Benges are presumably an affected party and their written approval regarding this application would be appropriate.

- The application is deficient regarding the adequacy/quality of the requested Scheme plan showing the pipe network relative to the easement location and the location of various off takes supplying the ... users.
- From our discussion with Tony Hewitt, an additional gauging is required at the intake low flow to confirm the residual flow below the Scheme. At the same time, the actual Scheme take rate shall be measured, not just estimated.

Further information regarding the application that is now available includes:

- Council Scientist Trevor James has now inspected the lower reaches of Benge Stream and his comments are appended and his findings are discussed in this report. The available information is now considered sufficient regarding the assessment of fish presence and fish passage issues.
- The take rate is reduced from (the notified) 15 cubic metres per day to 9 cubic metres per day.

These matters are discussed further in this report.

3. SUBMISSION

The application received one opposing submission from M J and L H Dixon. The Dixons state that the proposed take of 15 cubic metres per day (now 9 cubic metres per day) will limit their ability to receive water that they have a legal right to in respect of their domestic and stock requirements.

My understanding is that Dixons bought Bencarri Farm from the Benges in 2004 and they inherited two connections to the Benge water scheme. Bencarri Farm and Café (ie café and stockwater use) are supplied from one of these connections while the Dixon's house is supplied from a Scheme lateral that also supplies the Salmon Farm. What legal access the Dixons enjoy to Scheme water is as yet unclear. Various easements are registered on the various certificate of titles and private contractual agreements or arrangements may exist. This matter has been referred back to the Dixons.

The Dixons rely on the Scheme for their water supply and have no on-site storage. They therefore rely on Scheme pressure to supply water to their property 24/7. The Dixon's supply is vulnerable to pressure reductions including upstream use effects. For example, they lose supply at their house from time to time when the applicant leaves a tap running.

The Dixons question the accuracy of the stated Scheme usage and believe it is greater. As examples, the Benges also take stock water and apparently the applicant takes from the Scheme to supply a salmon smelt rearing operation. Below the McCallum Road culvert, Benge Stream runs down through Anatoki Salmon land before entering Bencarri Farm and eventually discharging to the Anatoki River. It is understood the applicant has a (unused) 32 mm intake from Benge Stream adjacent to the salmon farm, and water is sourced from the Scheme.

The Dixons are aware of eels and koura being present in the Benges Stream and are concerned that increased Scheme use will mean reduced residual stream flow through their property particular regarding the critical summer months.

The Dixon's submission, insofar as the water issue they raise, may be irrelevant to this application for the following reasons:

- Under the RMA, Council's responsibilities relate to the allocation of water and largely end once the water has entered a pipe or reservoir. An exception, relates to the regulation of the use of the water and to require efficient use of water. Therefore, provided the Scheme take and use is authorised under the RMA then internal disputes/problems/issues between users are matters not involving the Council; and
- the Dixon's legal rights in respect of access to Scheme water for their domestic and stock requirements are a civil matter.

What is a relevant RMA matter, is the Dixon's concern that increased taking by the Scheme is likely to reduce the summer flow through their property and impact adversely on instream values.

If the Dixons do not have secure legal access to Scheme water then the reduced summer flow through their property will also restrict their ability to obtain an alternative domestic and stock supply from this source. This is also a relevant RMA consideration. The Dixons are entitled to take as a *permitted* activity (see TRMP Rule 31.1.2) up to 5 cubic metres per day for use on their property plus stock water provided their own taking does not cause the stream flow to cease.

As mentioned, various easements relating to water exist on various property titles. One easement document supplied by the applicant (dated 1 December 2007) suggests that Dixons should be concerned. The easement document states that the Scheme is owned by the landowner (Benges) who have first priority to the water but are restricted to stock and domestic supply. Second priority is to Dissel Limited and third priority is "...any other owner". It is unclear what priority the Dixons have to Scheme water (if any), but it appears on the surface that Dissel Limited's entitlement may be unrestricted in both use or quantity.

4. ASSESSMENT

4.1 Statutory Setting

Section 14 of the Resource Management Act 1991 states that no person may take, use, dam, or divert any water unless expressly allowed by a rule in a regional plan, any relevant proposed regional plan or a resource consent.

Council has a regional water plan covering all Tasman District, including Takaka. Part V of the Proposed Tasman Resource Management Plan (PTRMP) is not yet fully operative but it is considered that any remaining appeals do not apply to this application.

Under Rule 31.1.2 of the PTRMP, landowners may take up to 5 cubic metres per property per day of water from the Takaka Zone as a *permitted* activity. The Scheme's existing and proposed taking and use of water plus exceeds this amount and, under Rule 31.1.6, is a *restricted discretionary* activity.

The Scheme intake structure also requires consent for the (ongoing) use of the riverbed, which is an activity requiring consent under Section 13 of the Resource Management Act 1991 (RMA) unless otherwise authorised under a regional plan. This activity has the status of *discretionary* under the Act but could, in future, become a permitted activity once Part IV of the PTRMP is notified.

Pursuant to the Act, when considering this application Council shall have regard to the matters outlined in Section 104 of the Act and particularly the relevant provisions of the following planning documents:

- (a) the Tasman Regional Policy Statement (TRPS); and
- (b) the proposed Tasman Resource Management Plan (PTRMP).

Most of the objectives and policies contained within the TRPS are mirrored in the PTRMP and the activity is considered to be consistent with the relevant objectives and policies contained in Chapters 30 and 31 of the PTRMP.

4.2 Proposed Tasman Resource Management Plan (PTRMP)

The relevant policies in the PTRMP are as follows:

30.1.9 When assessing resource consent applications to take water, particularly those applications to take water from water bodies where no allocation limit has been established, to take into account actual and potential adverse effects, including cumulative adverse effects of the proposal in combination with any existing authorised takes, on:

- (a) natural character of the water body and its margins;
- (b) associated wetlands;
- (c) cultural and spiritual, amenity and recreational values;
- (d) aquatic habitat, including plants and animals;
- (d) other water users;
- (e) water reserved for other uses;
- (f) hydrological regime of the water body;
- (g) capacity to dilute contaminants;
- (h) uses and values identified in Schedule 30.1

TRMP Policies 30.1.10-11 provide guidance on the appropriate allocation limit for rivers without an allocation limit. The policies state that no more than 10% of the 5 year 7 day low flow should be allocated if the stream has regionally or nationally significant aquatic values. This can increase to 33% if the instream values are not regionally or nationally significant.

Restricted discretionary activities in the PTRMP may be granted subject to conditions or declined by Council under Rule 31.1.6 PTRMP. The writer's assessment is that the stated standards and terms under Rule 31.1.6 are fully complied with. Therefore, if consent is granted conditions of consent are required to fall within the stated matters under Rule 31.1.6(1)-(14) PTRMP of which the following are considered applicable:

1. The quantity, rate and timing of the take
4. Effects on other water users.
5. Information to be supplied and monitoring requirements.
6. The effects of the take, use, or diversion, including takes from groundwater, either by itself or in combination with other existing takes, on aquatic and riparian ecosystems, fish and eel passage and flows in rivers, coastal streams or coastal water, including in estuaries
10. Measures to achieve efficient water use or water conservation, including ... preparation of property water management plans, and measures to monitor water use.
- 10.A The extent to which the need for water has been demonstrated, including an assessment of the alternative water supply or augmentation options for that property
11. Except as provided in (c) above, the duration of the consent as provided for in Schedule 31.1A (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
12. Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).
14. The nature, scale and distribution of beneficial effects resulting from the proposed water take, use or diversion

4.3 Principal Issues (Actual and Potential Effects on the Environment)

The principle issues associated with the proposed activity relate to the following actual and potential effects on the environment:

- (a) any effects of the proposed taking at the site on instream values and habitat and that the proposed taking is likely to comply with future allocation limits;
- (b) that the rate of take is available and sustainable.
- (c) ongoing monitoring of the use of water, ensuring that water taken is and continues to be used efficiently and monitoring actual effects on the environment.

4.4 Actual and Potential Effects (Relating to Water take)

(a) Flow Data

The application is to take from Benge Stream via a 32 mm intake pipe located in the existing intake weir. At low flow, the existing reticulation is observed to take all the stream flow (ie estimated to be 1.0 L/sec) via the (32 mm) intake pipe feeding a 1000 litre sedimentation tank. This tank, when full, overflows with the excess discharging back to the streambed in the vicinity of the waterfall via another 32 mm pipe. This practise of dewatering the streambed even for a short distance is undesirable at low flow as it is likely to adversely affect instream habitat and fish passage and is presumably avoidable.

There are no other consented takes downstream of the applicant site but there may be landowners taking for stock water ie under a permitted activity.

The following are Envirolink's flow data for Benge Stream:

Benge Stream	L/sec
Above intake	1.6
at Intake supply	1.6
Green Culvert	3.3
McCallum Road Culvert	4.3
1:5 yr 7 day Above intake	1.5

(b) Instream Values

Council Scientist Trevor James advises that no actual fish data is recorded for Benge Creek. Incidentally, this was the case in 1995. Trevor James' report advises that the waterway has very good habitat for several fish species and invertebrates for virtually all its length. The following fish species would be expected in this waterway: long-fin eel, koaro, banded kokopu, red-fin bullies. While these species are not rare they are reasonably significant regionally. The stream habitat is characterised by the following features:

- Dominated by pools and riffles
- Deep pools are very likely to hold reasonable quantities of water at low flows and therefore act as habitat refuges for fish in periods of low flows.
- Good variety of substrate size, but particularly small and large cobbles and boulders. Woody debris in the stream is common and provides good cover.
- Interstitial spaces are mostly free of fine sediment
- A canopy of trees covers most of the stream

(c) Allocation Limit

The applicant's AEE by Envirolink states that that the maximum Scheme demand will be 7% of the 5 year 7 day low flow, which is less than the 10% interim allocation limit and complies with the TRMP Policy 30.1.10.

Note: A conservative allocation level is appropriate given the paucity of data on instream values.

The application is silent as to what rationing of the Scheme take will occur when the flow falls naturally below the 5 year 7 day low flow. However, this is a common issue for take consents throughout TDC.

(d) Fish Passage

Trevor James is concerned about fish passage past the existing intake weir but also other impedances within Benge Stream. The applicant's AEE confirms various blockages to fish passage including at the applicant's intake weir.

Fish passage is unlikely to be blocked by the existing natural waterfalls within the stream, but is likely where there the flow is discharged from an overhanging culvert or the intake weir. These blockages are typically reversible by careful placement of appropriately sized rock e.g. at the outlet of the culvert. In some cases, a concreted pathway through the rocks may be required.

An additional blockage to fish passage was also noted at the culvert pipes under the shared right of way on the Dixon property. It is recommended that this blockage to fish passage be remedied and the Dixons advise they have no problem with this.

Similarly, the McCallum Road culvert should be upgraded to ensure fish passage and this can be achieved via a condition of consent RM080185.

It is also recommended that 50% of the stream flow bypass the Scheme intake at all times, which should be practically achievable and will mean permanent stream flow and fish passage. It is also recommended, that any overflow from the Scheme be eliminated.

To monitor and confirm the health of the stream, it is recommended that the applicant provide an ecological assessment of the stream.

(e) Intake Screening

Intake screening is an issue for all surface takes where fish are likely to be present. Means of compliance are stated in Note 2, Rule 31.1.2 in the TRMP, and a consent condition is recommended.

(f) Water Quality

As identified in the AEE, stream water will require appropriate treatment to achieve potable standards under the New Zealand Drinking Water Standards (2005).

(g) Monitoring

The applicant has not volunteered to install a water meter to monitor their take it a recommended consent condition along with weekly meter readings forwarded to Council. Council's definition for water meters, as stated in the PTRMP, requires +/-5% meter accuracy and this is easily achievable and recommended.

5. TERM OF CONSENT

The applicant advises that they accept for RM080186 the common expiry date for Takaka catchment (take) water permits in Schedule 31.1A PTRMP, which is 31 May 2019. Replacement consents are *controlled* activities under the PTRMP, which gives sufficient certainty to consent holders.

RM080185 is granted for the maximum term provided under the Act and shall expire on 31 May 2043.

Neil Tyson
Consent Planner

JD Adventures
Water Take Consent
August 2008

Habitat Value of Benge Creek:

While no fish data is available for Benge Creek, the waterway has very good habitat for several fish and invertebrates for virtually all its length. The following fish species would be expected in this waterway: long-fin eel, koaro, banded kokopu, red-fin bullies. While these species are not rare they are reasonably significant regionally. The stream habitat is characterised by the following features:

- Dominated by pools and riffles
- Deep pools are very likely to hold reasonable quantities of water at low flows and therefore act as habitat refuges for fish in periods of low flows.
- Good variety of substrate size, but particularly small and large cobbles and boulders. Woody debris in the stream is common and provides good cover.
- Interstitial spaces are mostly free of fine sediment
- A canopy of trees covers most of the stream

There is a possibility of some minor habitat damage to the creek from pastoral animals in the reach above the road; however there is reasonable woody vegetation even in this reach.

Concerns:

1. Redesign intake to ensure water is only taken and fed to header tank when the water is needed. A ball valve in the tank could provide this.
2. Fish passage must be supplied at Waterfall. Currently the lip of the pool above the waterfall is modified with cement bags and angle-iron creating an overhang that is most likely a barrier to fish migration. This structure needs to be redesigned to ensure that the slope is less than the least steep slopes of the waterfall. Attention should be paid to ensuring a naturally rough wetted margin each side of the main waterfall as is present in most waterfall.
3. A screen should be provided at the intake that ensures the intake velocity is less than 0.3 m/sec.

Recommendations:

1. Residual flow should be provided at the intake. It is highly likely that if all water takes on this supply are taking at once then all the water in the stream will be used. Storage of all individual supplied should be provided. It is noted that this application provides such storage (30,000 litres) and that is considered sufficient mitigation for this particular take but others fed by this supply should also consider similar storage.

2. The culvert under McCallum Road is currently not considered a barrier for koaro, eel, or banded kokopu. However, there is a likely barrier due to culverts under the right-of-way access to Anatoki Salmon on land owned by Bencarri Farm Park.
3. A water take (32mm pipe with 50mm diameter screen on intake) was observed just downstream of McCallum Road. This could be for the Anatoki Salmon house and appears to be unused. There is no known consent for it.



(DRAFT) RESOURCE CONSENT DECISION

Resource Consent Number: RM080186

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), resource consent is hereby granted to:

J D Adventures Limited
(hereinafter referred to as "the Consent Holder")

Activity authorised by this consent: Take surface water for salmon factory and café use, for domestic and stock water supply.

Location details:

Address of property: 213 McCallum Road, Takaka
Valuation number: 18700014900

Pursuant to Section 108 of the Act, RM080186 is granted for a term expiring on **31 May 2019** and subject to the following conditions:

CONDITIONS

Site and Take Details

- Legal Description at Intake site: Lot 1 DP 347033
Category of Water Source: Surface
Name of Source: Unnamed tributary of Anatoki River
Zone/Catchment: Takaka
Maximum rates of take authorised: 1.0 litres per second
3.6 cubic metres per hour
9 cubic metres per day
72 cubic metres per week
River number: R.593
Location Co-ordinates: Easting: 2490397 Northing: 6035426 (New Zealand Map Grid Datum)**(to be confirmed by Hearing Committee)**

Water Meter Specifications, Maintenance and Readings

- The Consent Holder or their agent shall, at their own expense, install, operate and maintain a water meter to record all water taken under this consent and the meter shall be installed no later than 1 December 2008. The meter shall comply with the Council's *Water Meter Specifications* as stated in the Tasman Resource Management Plan and, furthermore, the meter shall be installed in accordance with the water meter manufacturer's specifications.

3. The Consent Holder is required to record and supply to Council a complete record of their taking of water required under Condition 2 accurate to plus or minus five percent and at no time shall usage exceed the rates authorised by this consent. The Consent Holder shall, as a minimum, record weekly water meter readings during every November to April inclusive and supply these readings weekly during this period by the dates advised by the Council to the Consent Holder each year.
4. The Consent Holder shall pay the reasonable costs associated with the monitoring of this consent including, if and when requested by Council, the full costs associated with water meter calibration to confirm meter accuracy provided that calibration is not more frequent than five yearly.

Intake Screening

5. The (stream) intake shall be screened so as to avoid the entrainment of fish and the screen shall have a mesh size not greater than 5 millimetres and shall be constructed such that the intake velocity at the outer surface of the screen is less than 0.3 metres per second. Furthermore, the screen shall be maintained in good working order and shall, as a minimum, comply with these standards at all times when the water permit is being exercised.

Maintenance Flow

6. At no time, shall the exercising of this consent result in the taking of more than 50% of the instantaneous stream flow and all the remaining stream flow shall pass over the intake weir.

Advice Note: It is relevant that RM080185 Condition 2 requires the Consent Holder to upgrade and modify the intake weir to provide for fish passage, and to ensure a permanent stream flow over the intake weir that is independent of any water abstraction.

7. Council may, for the duration of this consent and within the three month period following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for the purposes of:
 - (a) dealing with any unexpected adverse effect on the environment that may arise from the exercise of the consent including requiring a greater maintenance flow and which is appropriate to deal with at a later stage; and
 - (b) to reduce the quantities and rates of water authorised to be taken if the consent is not fully exercised; and
 - (c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991; and
 - (d) to comply with the requirements of a relevant operative rule in the Proposed Tasman Resource Management Plan or its successor, including maximum or minimum levels or flows or rates of use of water including water rationing, or water metering requirements.

Additional Monitoring

8. The Consent Holder shall keep such other records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. If it is necessary to install measuring devices including a water meter to enable satisfactory records to be kept, the Consent Holder shall, at his or her own expense, install, operate and maintain suitable devices.
9. Council reserves the right to require from the Consent Holder a Scheme Management Plan identifying the location of all Scheme pipelines, turnouts, discharge points, reservoirs and other infrastructure (including their location relative to Council's Road Reserve or other Council assets) and documenting current users, their rates of taking and measures adopted to achieve efficient water use including leak detection programs, repairs and maintenance and measures to achieve full compliance with these consent conditions.
10. This resource consent shall lapse upon not less than three months' notice in writing by the consent authority if the consent remains unexercised without good reason for any continuous period exceeding five years.
11. Within two years of the granting of consent (ie no later than 1 October 2010) the Consent Holder shall provide to the Council's Co-ordinator Compliance Monitoring or his agent, an ecological assessment of the stream with particular focus on native fish ecology, populations and fish passage.
12. Within one month of the installation of the water meter required under Condition 2, the Consent Holder shall supply to the Council's Co-ordinator Compliance Monitoring or his agent (water meter) data confirming the actual instantaneous rate of taking under this consent. The Consent Holder shall apply for a change of conditions of this consent if the actual rate of taking is different from the authorised rate by more than 5%.
13. The use of water under this consent shall be restricted to the following properties and uses:

Table of Benge Stream Use and Users:

User/Owner Name	Prop Valuation	Allocation (m ³ /day)	Priority ranking (from document) <i>ranking</i> <i>easement</i>
Benge house	1870014900	1	1
Benge stockwater	1870014900	5?????	1
Bencarri – house	1870014904	1	?
Bencarri stockwater	1870014904	5?????	?
Anatoki Salmon - house	1870014902	1	2
Anatoki Salmon - factory	1870014902	2	2
Anatoki Salmon - cafe	1870014902	2	2
Benge Lot 5	?	1	3
Benge Lot 6	?	1	3
TOTAL		19??????	

Note: The above table to be completed by the Hearing Committee.

ADVICE NOTE

1. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.
2. This resource consent only authorises the taking and use of water and no discharge from any pipe, reservoir etc was applied for and none is granted. The discharge from the sedimentation tank described in the application (and any other discharge) shall therefore be upgraded and the discharge shall cease. In other words, only water used for the purposes specified in this consent shall be taken.
3. The consent holder is responsible for the accuracy of the data listed in the table under Condition 3 and will need to apply for a change of conditions if and when there are changes for any reason.



RESOURCE CONSENT DECISION

Resource Consent Number: RM080185

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), resource consent is hereby granted to:

J D Adventures Limited
(hereinafter referred to as "the Consent Holder")

Activity authorised by this consent: Use of the riverbed for the purposes of an intake structure.

Location details:

Address of property: 213 McCallum Road, Takaka
Valuation number: 18700014900

Pursuant to Section 108 of the Act, RM080186 is granted for a term expiring on **31 May 2043** and subject to the following conditions:

CONDITIONS

Site and Intake Details

1. Legal Description at Intake site: Lot 1 DP 347033
Name of River: Unnamed tributary of Anatoki River
Zone/Catchment: Takaka
Maximum dimensions of intake:
Height (m): 1.44 cubic metres per hour
Crest Width (m): 34.5 cubic metres per day
River number: 593
Location Co-ordinates: Easting: 2490397 Northing: 6035426 (New Zealand Map Grid Datum)**(to be confirmed by Hearing Committee)**

2. Upgrading Required

This consent may not be exercised to the extent that there is any significant adverse effect on fish passage and the Consent Holder shall, no later than 1 December 2008 and to the satisfaction of the Council's Co-ordinator Compliance Monitoring or his agent, upgrade and modify the intake weir and any stream culverts that are the responsibility of the Consent Holder to provide for:

- (a) appropriate and adequate fish passage; and
 - (b) permanent stream flow over the intake weir that is independent of any water abstraction.
3. The Council may, within three months of the anniversary of the granting of the consent each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
- (a) to deal with any unexpected adverse effect on the environment that arises from the exercise of the consent, including adverse effects on fish passage, on adjacent or downstream landowners or instream values; or
 - (b) to require compliance with operative rules in the Proposed Tasman Resource Management Plan (PTRMP), including requirements and rules relating to the operation and maintenance of weirs, culverts and dams; or
 - (c) to require changes to the intake weir to minimise any bank erosion or flooding that is the result of the weir and to ensure that the weir is adequately protected during storm events.
4. The Consent Holder shall regularly inspect the intake weir and any stream culverts they are responsible for and maintain each in good condition.

ADVICE NOTES

- 1. The Consent Holder shall meet the reasonable costs associated with the monitoring of this consent.
- 2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.