

## STAFF REPORT

**TO:** Environment & Planning Subcommittee - Commissioner Hearing

**FROM:** Neil Tyson, Consent Planner

**REFERENCE:** RM041343 (Replacing NN000374)

**SUBJECT:** **TASMAN DISTRICT COUNCIL - REPORT EP09/11/01** - Report prepared for the hearing of 2 November 2009

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### 1. APPLICATION AND BACKGROUND

This application was lodged on 10 December 2004 to replace resource consent NN000374, which was to expire on 31 May 2005. Given the application was received six months prior to the expiry, Section 124(3) of the RMA applies and the applicant may continue to exercise NN000374 until the decision and any appeals are determined. Having said that, over four years for an application to be “in process” is excessive.

The original application sought to continue to dam, take and use water at unchanged rates from Parkes Stream, a tributary of Eighty-Eight Valley Stream in the Wai-iti Zone, Waimea Catchment, for rural water supply. The Wai-iti Zone (not to be confused with the Wai-iti Dam Service Zone) is a fully allocated water management zone and no new consents to take summer flow have been granted since the early 1980s.

**Note:** Any new water take application in summer months is a non-complying activity under the regional plan (Rule 31.1.6A TRMP) and is unlikely to be granted in the Wai-iti Zone.

It was later identified that an additional application was required to fully authorise the existing activity. This was a Section 13 RMA consent for the ongoing use of the riverbed to the extent of the existing dam/weir and pipeline etc.

#### 1.1 Application Process

The application(s) has, since December 2004, been either on hold under Section 92 of the Act awaiting further information or status deferred under Section 37 with the applicant’s approval. During that time, the applicant has obtained an assessment of stream uses and values (see Cawthron Report No 1139), which is now included with the application.

A condition of the expiring NN000374 requires the consent holder to supply domestic and stock water at a rate of 20 cubic metres per day to an existing well located on the Ladley property. The original application proposed the “roll over” of this “Ladley” condition. In practise however, the Ladley’s domestic and stock water supply is not directly via the applicant’s Scheme as discussed later in this report.

In addition to the Ladleys, the Department of Conservation (DoC) was identified as an affected party regarding this application. DoC initially indicated they wanted to see 66% of the five year low flow retained in the stream but it provided written approval on the 10 September 2007.

Two months later on 5 November 2007, the Council’s then Manager of Resource Consents (Rob Leiffering) under Council delegated authority determined that the affects of the proposed activity on the environment were no more than minor and that the application would be processed on a limited notified basis to both Ladleys and the DoC. Of these two affected parties, only Ladleys submitted in opposition to the application and wished to be heard, hence this Commissioner hearing.

It is noted that the applicant’s intake infrastructure is located on the DoC estate within the Mt Richmond Forest Park and a water supply easement/concession has been obtained from DoC.

It is also relevant background that since 2000, the applicant has ceased to take water (from a small neighbouring tributary) for the purposes of operating their chlorinator plant. Furthermore, as result of Scheme upgrades they no longer discharge overflow water from the Scheme reservoir behind Wakefield. These upgrades simplify the overall activity and demonstrate commendable improvement in the Scheme’s infrastructure and operation.

## **1.2 Submission**

The writer has read the Ladley submission and the relevant issues are discussed in this report. The main thrusts of the Ladley submission are:

- The current arrangement does not provide a secure supply as required by the consent condition and given they were existing abstractors prior to the Scheme’s construction, it is unacceptable that they struggle when the Scheme is unrationed; and
- That Scheme abstraction is having an unacceptable affect on instream values and natural character including at the Scheme intake.

Incidentally, D W and D G Ladley were submitters to an application in 2003 by N E Parkes & Son relating to a proposed dam to be built by Parkes on a minor tributary of the 88 Valley Stream. The proposal included taking from the 88 Valley Stream to fill this dam in low runoff years. The Ladleys and others, submitted regarding the adverse effects of the proposal on their use of water for stock and domestic purposes. C and M Schladitz were also concerned about any adverse effect on the already low river flows, as was a Mr Crowley. The taking from the 88 Valley Stream to fill this dam was approved but is restricted to naturally higher flows.

## 2. ASSESSMENT AND REASONS FOR DECISION

### 2.1 Statutory Setting

Section 14 of the Resource Management Act 1991 (RMA) states that no person may take, use, dam, or divert water unless expressly allowed by a rule in a regional plan, any relevant proposed regional plan or a resource consent. Council's operative regional plan covering all Tasman District, including the Wai-iti Zone, is now operative within the Tasman Resource Management Plan (TRMP).

The use of the bed of a river by the Scheme intake, weir and pipeline is, in the absence of a regional plan or proposed plan addressing Section 13 RMA activities, a discretionary activity under the Act.

### 2.2 Tasman Resource Management Plan ("TRMP") Rules Affected

The application is to take surface water at rates that exceed the permitted activity rule (Rule 31.1.2) in the PTRMP and therefore requires consent.

The application is to replace an expiring consent and potentially is a *controlled* activity under the TRMP provided it complies with the various standards and terms under Rule 31.1.3 (relating to the take) and Rule 31.2.2 (relating to the damming).

### 2.3 Relevant Statutory Provisions

Assessing both applications together, they are fully discretionary under the Act. Therefore, the Commissioner shall have regard to the full range of relevant matters outlined in Section 104 of the Act including any relevant provisions of the Tasman Regional Policy Statement (TRPS) and the Tasman Resource Management Plan (TRMP).

The Commissioner shall also have regard to the relevant principles outlined in Sections 6, 7 and 8 of the Act and granting the resource consent shall achieve the purpose of the Act as presented in Section 5. For this application, the purpose of the Act under Section 5(2)(a)-(c) is likely to be particularly relevant as it refers to enabling people and communities to provide for their social, economic and cultural well being and for their health and safety.

For this application, relevant provisions of the Tasman Regional Policy Statement (TRPS) and the Tasman Resource Management Plan (TRMP) include the following policies from the TRMP:

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;*
- (i) *not applicable*

and

30.1.11 *Except:*

(i) *not applicable*

(ii) *not applicable*

*To manage the allocation of water for consumptive uses from rivers that*

- (a) *have no established minimum flow or allocation limit; and*
- (b) *do not have regionally or nationally significant aquatic habitat value as identified in Schedule 30.1;*

*so that the cumulative abstraction between November and April inclusive, other than in relation to hydro power, from the proposed and all existing authorised takes from the river does not exceed 10 percent of the 5-year, 7-day low flow, provided that up to 33 percent of the 5-year, 7-day low flow may be allocated if the cumulative adverse effects listed in Policy 30.1.9 from the proposed take in combination with any other authorised take are avoided, remedied or mitigated.*

Incidentally, the above policies are largely unchanged and applied in 2002 when NN000374 was granted.

### **Tasman Regional Policy Statement**

The TRPS became operative on 1 July 2001. The policies in the TRPS are largely duplicated in the TRMP.

### **Principal Issues (Actual and Potential Effects on the Environment)**

The principal issue(s) associated with the proposed activity involve the actual and potential effects on the environment. For this application these were:

- (a) any effects of the taking and use of water, including any effects on other stream users (including the Ladleys), and that the rates are sustainable; and
- (b) monitoring of the use of water, ensuring that water taken is used efficiently and monitoring actual effects on the environment.

Regarding (b) above, the staff report for NN000374 in 2002 identified that the following matters needed to action:

- monitoring via the Scheme water meter was required to be improved with meter protection, eg, screening, to guarantee accurate and complete water use record; and
- it was expected that elimination of the overflow discharge from the (Wakefield) reservoir would have occurred plus installation of a gas chlorinator; and
- the absence of instream uses and values assessment for Parkes Stream and the absence of updated flow gauging data was identified.

## 2.4 Monitoring Scheme Use

The applicant is considered to be a *bona fide user* as defined in Chapter 2 of the TRMP. The applicant has demonstrated they are responsible water users, having completed various upgrades, including installation of a new water meter and they are commended for eliminating the overflow discharge from the reservoir and the need for a separate water take relating to the chlorinator.

Since 2000, the Scheme has therefore completed the identified infrastructure upgrades and all three bullet pointed areas above have either been actioned and completed or are currently being actioned in the case of the flow data. The applicant advises they have started doing stream flow monitoring and more accurate scheme flow monitoring (using a datalogger on the meter) as of June 2009. This is planned to run for a year unless there is a particularly wet summer. The writer's assessment is that the issue relating to the monitoring of Scheme water use and water use efficiency has been appropriately addressed and now needs to be ongoing. While weekly meter readings are required at this time, it may be appropriate for the consent holder to adopt permanently continuous data logging of their rate of take. The remainder of this report is therefore focused on (a) above i.e. any effects of the Scheme's taking and use of water.

## 2.5 Instream Affects

The applicant contracted Cawthron Institute to complete a substantial instream use and values assessment for Parkes Stream and it is only disappointing that the requested flow measurements were not completed at the time. Regarding the Cawthron report No 1139, Council's Trevor James, Resource Scientist, Environmental, states (15 May 2006):

*The information provided in the Cawthron report (#1139) identifies good water quality in the upper catchment and slightly degraded in the lower catchment. Macroinvertebrate diversity and abundance, as well as habitat appears good. Fish values are moderate, with good numbers of Dwarf Galaxiids at the site just downstream of the weir. This non-migratory galaxias is not common in the region but can occur in schools of 10-100 in upper reaches of small streams in the inland parts of waterways draining to Tasman Bay. This species is of conservation interest due to gradual habitat loss in the district. Long-finned eels are of high conservation interest due their decline nationally.*

*The quantity of habitat reduction appears to be the main effect from the water take, although we have no quantitative estimates of this. It is estimated that 50% of the flow was being taken during the dry flow in February 2006 (~10l/sec flow with ~5l/sec water taken). From talking to John Stark of Cawthron it appears that the stream morphology between the weir and 88 Valley Road is dominated by a flat, cobbly bed (shown in Figure 2c in the Cawthron report). Water takes from streams with this type of morphology have the greatest effect. It is suggested that up to 50% (or more) of the stream habitat could be lost due to the dewatering of the channel for a little over 2km of stream until the next tributary comes in.*

*The take could also lead to much higher water temperatures due to with a greater bed surface area to water volume ratio and the lack of shading downstream of the weir.*

File comments from DoC's Martin Rutledge (26 March 2007) also support Trevor James' comments and point to the Scheme's maximum take rate, particularly during very low summer flows, having an adverse impact on instream biota including native fish habitat and passage.

The potential for adverse effects is also evident from the stream flow data and water meter usage data. For a 1 in 5 year low flow of 7.2 litres per second, the Scheme would be taking around 58% of the total flow at their (2007) maximum rate of 4.18 litres per second. The Ladleys submit that the actual percentage may be larger and refer to anecdotal evidence that the stream can be dry for hundreds of metres below the Scheme intake weir as a result of the Scheme take.

In these circumstances, it is therefore critical that the Scheme has demonstrated they are responsible water users and this is evident from the completed Scheme upgrades. It is also relevant that the Scheme allocation was significantly reduced in 2002 to reflect actual usage and the number of Scheme connections or committed connections. The 2002 decision reduced the allocation of 600 cubic metres per day to 450 cubic metres per day. The background and reasons are contained in the 2002 staff report and a copy of this report will be provided to the Commissioner.

It is critical that people and communities are able to provide for their social, economic and cultural well being and for their health and safety and this clearly encompasses the ongoing supply of stock water. However, it is incumbent on applicants to avoid, remedy or mitigate the adverse effects of their activities where possible. In this case, further investigations into engineering augmentation options have been suggested by the applicant. One option is to further reduce Scheme allocation by reducing demand in the Wakefield area. This is possible from a well field proposed at Spring Grove.

Meanwhile, a new condition of consent is proposed to require a minimum residual stream flow below the Scheme intake. This residual flow is required at all times with one exception. Under the TRMP Policy 30.2.1, Council has adopted a priority list of water uses and the highest is the supply of water for the maintenance of public health. Water for the maintenance of animal health is third behind the "...prevention of significant long term or irreversible damage to the water resource or related ecosystems or specified significant instream values". Water used for non-essential uses including water of lawns and decorative gardens is well down the priority list.

During drought events, I envisage the Scheme managers applying restrictions on non-essential water uses and reduce demand and only when satisfied that water use was for essential human and animal health could the residual stream flow below the intake be reduced.

## 2.6 Effects on Other Users

The Council's Regional Plan acknowledges that water availability is critically important for landowners and users in the Wai-iti Zone, including in the 88 Valley, and no new consents have been granted in the Wai-iti Zone to take during summer low flow since the early 1980's. As an example, application NN930390 by C H Ladley to take water from the 88 Valley Stream to supply a 11 lot subdivision in the 1990's was declined.

With regard to the Ladleys, their submission also states:

- They are dependent on stream water for household, a large garden and stockwater for 4000 stock units.
- Their water supply including farm reticulation is from an existing well adjacent to the stream. The applicant (TDC Engineering) pipe water to this well from a weir and intake in the stream, which TDC has upgraded on two occasions.
- The current arrangement does not provide a secure supply as required by the consent condition.
- Furthermore, given they were existing abstractors prior to the Scheme's construction it is unacceptable that they struggle while at the same time the Scheme is unrationed.

The Ladleys are also critical of various matters including:

- the accuracy of the available flow data (this has been discussed above and is currently being addressed by TDC).
- That rationing is triggered on Wai-iti River flow at Livingstone Road, which is an augmented zone and river whereas it should be based on flows in the 88 Valley Stream.
- Any new connections to the Scheme.
- That an 11 year term is too long given the lack of flow and ecological records.

With regard to two of the above:

- The rationing trigger referred to is from the Council's TRMP Schedule 31.1C and I am loath to recommend setting up an additional monitoring site. However, I accept the rationale. My preferred alternative would be for a water user representative from the 88 Valley on the Wai-iti Water User Committee.
- Regarding any new connections to the Scheme, my understanding is that the reduced allocation under NN000374 largely achieved this i.e. in 2002.

## 2.7 Affected Party Decision

The original TDC application in 2004 volunteered the same “Ladley” condition as applied under NN000374. However, at the time of writing MWH on behalf of TDC Engineering have written (3 October 2009) stating that the “Ladley” condition has been deleted and further evidence would be presented to the Commissioner hearing. The nature of this “evidence” is unknown but I am aware of new information indicating that Ladleys may not be S94(1) affected parties.

For example, it is now understood that the “Ladley” condition, which has continued unchanged from the original consent, specifically requires that they (Ladleys) be “connected” to the Scheme and that 20 cubic metres per day shall be piped to the existing well. The Ladley’s supply and farm reticulation is from this well and they would continue to use their reticulation rather than gravity feed directly from the Scheme. The “Ladley” condition states:

*Whenever water is being taken from Parkes Stream pursuant to this consent, the Consent Holder shall supply water for stock and domestic use to the existing well on Certificate of Title Volume 72 Folio 11 by means of an open connection thereto at a uniform rate of flow of an amount not less than 20 cubic metres per day, or the amount taken in the event of stream flow being less than 20 cubic metres per day.*

It is now clear, that a connection from the Scheme reticulation to the Ladleys has never existed. Instead, the Scheme managers have had an alternative (informal) arrangement with the Ladleys (as described above).

It is understood that when the Scheme was constructed, Scheme managers were unable to connect the Ladley’s as required under the consent condition because both Ladley’s neighbours refused the Scheme access to pipe water across their land to make the connection. The neighbour’s refusal was apparently because the Scheme had earlier been refused access to cross Ladley land.

In reply to the writer’s questions, the applicant advise that connecting Ladley to the Scheme as required by the original condition was still possible. The applicant then asked that if they made this connection, could their consent allocation be increased by the extra 20 cubic metres per day. My reply was no, as the consent condition required the connection and supply. Furthermore, any application to increase allocation in summer months in the Wai-iti zone is a non-complying activity under Rule 31.1.6A TRMP.

Regarding the s94(1) affected parties decision, if Ladleys were connected to the Scheme as required by the consent condition they (Ladleys) would be no more affected than any other 88 Valley landowner, and no other’s were considered affected. The writer’s preference is for the Ladley connection to be made and if this is volunteered by the Scheme then the “Ladley” condition can be been deleted from the consent.

## 2.8 Riverbed Consent RM061023

Section 13(1) RMA restricts certain uses of beds of lakes and rivers including the “...Use, erection, reconstruction, placement, alteration, extension, removal or demolition of a structure or part of a structure in, on, under or over the bed”.



Currently, Council has no plan or proposed plan dealing with Section 13 activities so that consent is required unless the activity is “permitted” under a Transitional Regional Plan. With regard to the existing dam/weir structure, there is no permitted activity status, so the applicant requires ongoing consent at least until a plan or proposed plan is notified.

The writer’s assessment is that the activity is a discretionary activity. A discretionary activity may be granted or declined by Council and conditions can be imposed if granted. Under the RMA, a discretionary activity shall be notified unless the Council is satisfied that the adverse effects on the environment are minor. In this case, the use of the riverbed, including repairs and maintenance relating to the existing weir, do not appear to be causing significant problems and the structure has existed unchanged for some 25 years. Any effect of the intake weir/dam appears to be restricted to effects on taxa richness (see Pg 8 Cawthron Report) but this may also be due to natural waterfalls.

### **3. RECOMMENDATION**

Regarding the applications (i.e. RM041343 and RM061023), the writer recommends that consents are granted subject to conditions. If the Commissioner is of a mind to grant consent, draft consents and conditions are attached to this report.

#### **3.1 Duration of the Consent**

The consent term in the Wai-iti Zone (see Schedule 31.1A TRMP) is 15 years and the next common expiry date is 31 May 2016, followed by 31 May 2031. The consent term sought by TDC Engineering in their 2004 application was 31 May 2016. This was a shorter term of 11 years from the date of expiry of NN000374 on 31 May 2005.

The applicant now advise they wish to amend their application and apply for the maximum 35 year term under the RMA. This is of concern not just for this scheme but for all other TDC water permits, which are granted with consistent dates from Schedule 31.1A TRMP.

The reasons for this shift by TDC Engineering from the common zone expiry date are unclear.

The TRMP Schedule 31.1A is not a directive (i.e. is not a standard or term) however the terms are adopted for good reasons and are shortened (i.e. from the maximum 35 years) to reflect the degree of uncertainty in that water zone.

In this case, the non-augmented Wai-iti Zone continues to be water short. Furthermore, the allocated rates exceed what is considered to be sustainable for instream biota. There is also uncertainty regarding the Ladley connection. The recommended conditions also include a requirement that the Consent Holder investigate engineering options to reduce the Scheme demand.

Other reasons for retaining the common term are:

- As an existing scheme, replacement consents under the regional plan are controlled activities, which give significant certainty to consent holders.

- The shorter term is consistent with case law where there is uncertainty.
- The argument that the consent can be reviewed pursuant to a consent condition is less certain and the onus of costs of review fall to the general rate payer.
- There are other users and uses of the 88 Valley Stream that are affected by the consent.

### **3.2 Reasons for the Recommendation**

The writer recommends that consent applications RM041343 and RM061023 be granted for the following reasons:

1. The application RM041343 is to replace an expiring consent and complies with the standards and terms for a controlled activity under both Rule 31.1.3 (relating to the take and use of water) including being a bona fide user, and Rule 31.2.2 relating to damming.
2. Regard has been had to the relevant principles outlined in Sections 5, 6, 7 and 8 of the Act and granting consent achieves the purpose of the Act in that it promotes sustainable resource management while enabling people and communities to provide for their social, economic and cultural well being and for their health and safety. In this case, regarding the ongoing supply of good quality stock water.
3. It is acknowledged that the allocation and minimum flow regime do not fully avoid, remedy or mitigate the adverse effects on the environment in regard to a desirable low flow regime below the intake and, in these circumstances, further investigations as to engineering augmentation options are appropriate.
4. Conditions of consent are considered to fall within the matters over which the Council has reserved its control and now include a minimum residual stream flow below the Scheme intake except. A residual flow is required at all times except potentially during extreme drought events if the water is otherwise required for the maintenance of public health.

Finally, I hope to have Council Scientist, Trevor James available on the day of the hearing to answer any questions regarding instream values.

Neil Tyson  
**Consent Planner**



## (DRAFT) RESOURCE CONSENT DECISION

**Resource Consent Number:** RM041343 and RM061023

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

**Tasman District Council**  
(hereinafter referred to as “the Consent Holder”)

**Activity Authorised  
by this Consent:**

Damming, taking and use of water and use of the riverbed relating to the operation of the Eighty-Eight Valley Rural Water Supply.

**Location Details:** Address of property: Eighty-Eight Valley Road, Wakefield

**Property Valuation:** 1937064400A

Both consents RM041343 and RM061023 are granted for a term expiring on **31 May 2016** and are subject to the following conditions:

### **RM041343: To dam and take water for rural water supply**

#### **CONDITIONS**

##### **1. Site, Dam, Take and Use Details**

Legal Description:	LG 2072 Pt Sec 6 Blk IV Gordon SD
Category of Source:	Surface
River or Stream being dammed:	Parkes Stream, tributary of 88 Valley Stream
Zone	Wai-iti
Catchment:	Waimea Catchment
Maximum rates of take authorised:	5.2 litres per second 18.75 cubic metres per hour 450 cubic metres per day 3,150 cubic metres per week

##### **Dam Details**

Dam Height (m):	2.00
Crest length (m):	2.5
Storage (m <sup>3</sup> ):	2
River Number:	R 583
Location:	Easting: 2512271 Northing: 5969445
Meter Required:	Yes

## **2. Water Meter Specifications, Maintenance and Readings**

The Consent Holder or their agent shall, at their own expense, install, operate and maintain a water meter that complies with the Council's Water Meter Specifications as stated in the Tasman Resource Management Plan.

3. The Consent Holder shall as a minimum record their meter reading on the same day each week and, throughout every November to April inclusive, shall return their weekly meter readings to the Council's Co-ordinator, Compliance Monitoring at the end of each two week period by the dates specified each year by Council, provided that Council reserves the right to require returns on a weekly basis during periods of water rationing in the zone.

### **Advice Note:**

The Consent Holder is required to supply a complete and accurate record of their water usage.

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 their meter's accuracy is within the range of  $\pm 5\%$  provided that meter calibration is not more frequent than five yearly and the full cost of monitoring compliance with the conditions of this consent, including the reasonable costs associated with maintaining a water meter-usage database.

## **5. Rostering and Rationing of Water Usage**

Rostering of the taking of water under this consent is required in accordance with the requirements of (and following notification by) the Wai-iti Zone Water User Committee whenever the river flow at the Council's Livingstone Road recorder reaches 100 litres per second during the months of November to April inclusive. In addition, during the months of May to October inclusive, rostering and rationing may be required to maintain a minimum flow of 400 litres per second at the Livingstone Road recorder during these winter months.

### **Advice Note:**

Rostering and rationing is required to achieve reductions in total instantaneous extraction rates from surface waters and from groundwater. Rostered pumping times will be determined between the Wai-iti Zone Water User Committee and the Council's Environment & Planning Manager and rostering is implemented by the User Committee to achieve the agreed staged reductions.

## **6. Rationing Implementation**

The Consent Holder will be notified by the Council should rationing be required in the zone. For the purposes of rationing, the reduction in usage that applies to community water schemes will comprise the following series of cuts from the maximum weekly authorised:

- Step 1: Actual average monthly used in the same month in the most recent year that no rationing was imposed expressed as an averaged weekly allocation less 10%.

Step 2: Reduce usage authorised after implementing Step 1 by a further 7.5%.

Step 3: Reduce usage authorised after implementing Step 2 by a further 7.5%.

**Advice Note:**

The quantity allocated at each of the above rationing steps will be decided by Council and notice of the required allocation at each step will be given to the Consent Holder by the Council prior to rationing.

7. The Council may within three months following 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 may arise from the exercise of the consent, including but not restricted to, the non-operation or failure of the Wai-iti Community Water Augmentation Scheme; and/or
  - b) to require the adoption of the best practical option to remedy or reduce any unexpected adverse effects on the environment; and/or
  - c) to comply with requirements of an operative regional plan, including any allocation limit, minimum flow regime, rate of use limit, or rationing or rostering restriction; and/or
  - d) to comply with relevant national environmental standards made under Section 43 of the Resource Management Act 1991; and/or
  - e) to reduce the quantities of water authorised to be taken if the consent is not fully exercised.
8. This consent may be cancelled upon not less than three months' notice in writing by the Council to the Consent Holder, if the Wai-iti Community Water Augmentation Scheme ceases to operate but without prejudice to the right of the Consent Holder to apply for a further consent in respect of the same matter provided that the rates applied for are no greater than those authorised prior to the Scheme's operation.
9. 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 to enable satisfactory records to be kept, the Consent Holder shall, at his or her own expense, install, operate and maintain suitable devices.

~~10. **Requirement to Supply Domestic and Stock Water**~~

~~Whenever water is being taken from Parkes Stream pursuant to this consent, the Consent Holder shall supply water for stock and domestic use to the existing well on Certificate of Title Volume 72 Folio 11 by means of an open connection thereto at a uniform rate of flow of an amount not less than 20 cubic metres per day, or the amount taken in the event of stream flow being less than 20 cubic metres per day.~~

## **10. Adverse Effects on Aquatic Life**

This consent may not be exercised to the extent that there is any significant adverse effect on aquatic life, including fish passage, and any stream intake shall have a screen or screens installed with a screen mesh-size not greater than 5 millimetres and constructed so that the intake velocity at the screen's outer surface is less than 0.3 metres per second. All screens shall be maintained in good working order at all times.

- 11.** Within three months of the grant of this consent, the Consent Holder shall install and thereafter maintain a flow bypass system which shall take and discharge to below the intake weir a residual flow of a minimum of two litres per second and the bypass intake shall be screened and/or constructed to avoid the entrapment of fish.

The Consent Holder shall advise the Council's Co-ordinator, Compliance Monitoring when the flow bypass system is completed and functioning.

## **12. Promotion of Efficient Water Use**

The Consent Holder shall through the appropriate Council asset management plans, Scheme operation contracts etc, ensure that water use efficiency outcomes remain a high priority, and such plans and contracts shall include, but not be limited to, appropriate, timely and regular leak detection programmes, low flow restrictor checking, water meter accuracy checking and user education.

- 13.** 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), as well as measures adopted to achieve efficient water use including leak detection programmes, repairs and maintenance and measures to achieve full compliance with these consent conditions.
- 14.** For the avoidance of doubt the granting of this consent replaces and cancels NN000374.
- 15.** The Consent Holder shall provide a report to Council's Co-ordinator, Compliance Monitoring prior to 31 May 2010 confirming the stream flow data at the intake site for the mean annual low flow (MALF), the five year and the 10 year seven day low flow.
- 16.** The Consent Holder shall provide a report to the Council in support of their renewal application in 2015 that investigates options, including engineering options, that avoid, remedy or mitigate the effects of Scheme abstraction on stream biota.

**RM061023: To use the riverbed to the extent of the operation and maintenance of existing weir, intake and pipeline subject to the following conditions:**

## **CONDITIONS**

### **1. Riverbed Use Details**

Legal Description:	LG 2072 Pt Sec 6 Blk IV Gordon SD
River or Stream bed:	Parkes Stream, tributary of 88 Valley Stream
Zone:	Wai-iti
Catchment:	Waimea Catchment

#### **Dam Details**

Dam Height (m):	2.00
Crest length (m):	2.5
Storage (m <sup>3</sup> ):	2
River Number:	R 583
Location:	Easting: 2512271 Northing: 5969445

2. The Council may within three months following 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 may arise from the exercise of the consent; and/or
  - b) to require the adoption of the best practical option to remedy or reduce any unexpected adverse effects on the environment; and/or
  - c) to comply with requirements of an operative regional plan; and/or

## **OTHER ADVICE NOTES**

1. Access by the Council or its officers or agents to the land subject to this consent is reserved pursuant to Section 332 of the Resource Management Act 1991.
2. The Consent Holder shall pay the reasonable costs associated with the monitoring of this consent.