



RESOURCE CONSENT

DISCHARGE PERMIT

In accordance with the provisions of the Resource Management Act 1991(RMA), and subject to the attached conditions, the Hawke's Bay Regional Council (the Council) grants a resource consent for a discretionary activity to:

Hawke's Bay Regional Council

Private Bag 6006
Hawke's Bay Mail Centre
Napier 4142

Consent number	Purpose	Address	Legal Description	Map Reference
AUTH-123916-01	To discharge contaminants to land (constructed Recirculating Wetland site 1) which may enter Whakaki Lake.	Whakaki Lagoon Road, Whakaki	Hereheretau B2K2A and Hereheretau B2K2B	Appendix 1 – eastern side
	To discharge water containing contaminants from constructed Recirculating Wetland site 1 to Whakaki Lake.	Whakaki Lagoon Road, Whakaki	Lot 6 DP 7752	1996293-5668469
	To discharge contaminants to land (constructed Recirculating Wetland site 2) which may enter Whakaki Lake.	State Highway 2 North, Wairoa	Whakaki 2J2, Whakaki 2K and Part Hereheretau B1 Block	Appendix 1 – western side
	To discharge water containing contaminants from constructed Recirculating Wetland site 2 to Whakaki Lake.	State Highway 2 North, Wairoa	Lot 3 DP 324372	1992247-5669648

LAPSING OF CONSENT

This consent shall lapse in accordance with section 125 of the RMA on 31 May 2024, if it is not exercised before that date.

CONSENT DURATION

This consent is granted for a period expiring on 31 May 2039.

Liz Lambert
Group Manager

REGULATION GROUP

Under authority delegated by Hawke's Bay Regional Council
20th May 2019

CONDITIONS

1. The consent holder shall undertake all operations in accordance with *Resource Consent Application for Various Wetland Improvement Works, Whakaki Wetland*, prepared by Strategy for Hawke's Bay Regional Council, 18077AP1, dated 5 February 2019.

If a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.

2. The water intakes, recirculating wetlands and discharge points shall be located in the areas in general accordance with Consent Status: Whakaki FIF plan (as shown in Appendix 2).
3. The consent holder shall monitor:
 - a) Whakaki Lake level to monitor impacts on the lake water balance.
 - b) The rate and volume of discharges from the recirculating wetlands into the Whakaki Lake at the point of discharge to surface water.
 - c) Water quality sampling of water abstracted from the lake and discharged from the constructed wetlands, at (or about) the points of take from Whakaki Lake and at the discharge points to the lake, respectively. The consent holder shall undertake sampling at least monthly. This frequency may be reduced after two years, with the approval of the Council (Manager Compliance).
 - d) Impacts of the activities authorised under this consent and AUTH-123302-01 on wetland birds.

Prior to exercising this resource consent, the consent holder shall provide to the Council (Manager Compliance) the name and contact details for the person(s) that will be undertaking this monitoring.

4. Prior to exercising this resource consent, the consent holder shall provide a monitoring programme for the parameters to be monitored under condition 3 to the Council (Manager Compliance) for approval. The monitoring programme:
 - a) shall detail how the parameters will be monitored and frequency of monitoring
 - b) must be prepared and certified by a suitably qualified professional.
5. By 31st July after the end of the third water year the consent holder has been taking water under this consent, and annually thereafter, the consent holder shall provide to the Council (Manager Compliance) an Annual Report of the monitoring results under this consent and water take rates and volumes (in accordance with conditions 8 – 13 of AUTH-123915-01), conclusions of the effectiveness of the water quality improvement process, and an assessment of the effects of the activities authorised under this resource consent and AUTH-123915-01 on the lake environment.

Discharge from the Recirculating Wetland to Water

6. The discharge from the recirculating wetlands shall be such that it does not cause any long-term erosion of the bed or banks of the waterbody.
7. The discharges from the recirculating wetlands shall be such that they do not cause any flooding and damage to neighbouring properties, existing infrastructure and structures not owned by the consent holder.

8. The consent holder shall design and construct the recirculating wetland to ensure that:
- a) Water is discharged through sediment control measure(s) and discharged to stabilised areas prior to discharge to Whakaki Lake.
 - b) Water is not discharged directly onto or over fill, or erosion-prone areas. In those situations, runoff shall be piped or flumed to an erosion proof area, and suitable energy dissipation provided; and,
 - c) The discharge, after reasonable mixing, does not give rise to any of the following effects on receiving waters within 50m of the discharge point:
 - i) any deterioration in visual clarity;
 - ii) the rendering of fresh water unsuitable for consumption by farm animals;
 - iii) any significant adverse effect on aquatic life.

Operation and Maintenance

9. The consent holder shall regularly inspect and maintain the recirculating wetlands and infrastructure to ensure that Water Quality Improvement Process is operating as designed.
10. The consent holder shall undertake regular inspections of the planted areas and replace plants as required to maintain successful plantings.
11. Records of maintenance inspections shall be kept and provide to the Council (Manager Compliance) with the Annual Report required by condition 5.
12. The consent holder shall provide a Site Management Plan (SMP) prepared and certified by a suitably qualified professional to the Council (Manager Compliance) for approval prior to the commencement of the works. The plan shall include (but may not be limited to):
- a) how the maintenance works will be carried out on site; and
 - b) how the maintenance works will avoid the time(s) and the area(s) identified critical for fish migration, whitebait spawning, and use of wetland habitat and vegetation by birds (as identified in accordance with condition 13 of AUTH-123302-01; and,
 - c) how timing and maintenance will take into account changes in lake water levels and development at a time that is optimal for plant growth;
 - d) the procedures that will be in place to ensure worksite spills are managed appropriately
 - e) the procedures that will be in place to limit sediment from entering the waterbody and prevent contaminants from entering the waterway during maintenance, taking into account the Hawke's Bay Regional Council Waterway Guidelines: Erosion and Sediment Control (April 2009).

Any contractors engaged to undertake work shall abide by the Site Maintenance Plan and a copy of this plan shall be present on site at all times while the maintenance work is being undertaken.

Advice Note: Sediment control measures shall take into account the principles and practices set out in the Hawke's Bay Regional Council Waterway Guidelines: Erosion and Sediment Control (April 2009) and any subsequent publications released in replacement of this document. If during the works it becomes evident that for an unforeseen reason the consent holder cannot operate in accordance with the methodology outlined in the Construction Methodology and Sediment Control Plan, the consent

holder must advise the Council (Manager Compliance) of an alternative method that is to be used prior to continuing the works.

13. The consent holder shall keep records of site maintenance and provide records to the Council (Manager Compliance) upon request.
14. The consent holder shall check, clean and dry machinery used in the bed of the waterbody to limit the spread of aquatic pests.

General

15. Before submitting the monitoring programme required by condition 4, and Site Management Plan (SMP) required by condition 12 to the Council, the consent holder shall provide these to the Department of Conservation and seek comment and recommendations on the monitoring programme and SMP. At the time the monitoring programme and SMP are provided to the Council, the consent holder shall also provide information that demonstrates that the monitoring programme and SMP have been reviewed by the DOC and that any feedback has been taken into account.

Advice note: a letter of approval from DOC will suffice for demonstrating compliance with condition 15.

16. All works and structures relating to this resource consent shall be designed and constructed to conform to the best engineering practices and at all times maintained to a safe and serviceable standard.
17. In the event of any archaeological site or waahi tapu being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall advise the Council (Manager Compliance) of the discovery. The consent holder shall then consult with Whakaki marae, Iwitea Marae, and the Heritage New Zealand Pouhere Taonga, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga and tāngata whenua approvals to damage, destroy or modify such sites have been obtained.
18. The consent holder shall ensure that any contractors engaged to undertake work authorised by this consent abide by the conditions of this consent. The person responsible for the work on site shall be familiar with the consent conditions and a copy of this consent shall be present on site at all times while the work is being undertaken.
19. The consent holder shall maintain a complaints register. When the consent holder receives a complaint or observes that a condition of this consent has not been met, the consent holder shall:
 - a) immediately take all practicable steps to comply with any relevant condition that has been breached (if any) and,
 - b) immediately notify the Council (Manager Compliance) of any conditions breached (within 24 hours); and,
 - c) if requested to do so by the Council (Manager Compliance), report to the Council (Manager Compliance), in writing and within 7 days, describing the manner and cause of the non-compliance with the relevant condition.
20. Records of complaints shall be provided to the Council (Manager Compliance) with the Annual Report required by condition 5.

Review

21. The Council may review conditions of this consent pursuant to sections 128, 129, 130, 131 and 132 of the RMA. The actual and reasonable costs of any review undertaken will be charged to the consent holder, in accordance with section 36 of the RMA. The times of service of notice of any review is during the month of May, of any year. The purposes of review are as follows:
- a) To deal with any adverse effect on the environment which may arise from the exercise of this consent, which it is appropriate to deal with at that time, or which became evident after the date of issue.
 - b) To require the adoption of the best practicable option to remove or reduce any adverse effects on the environment.
 - c) To modify any monitoring programme, or to require additional monitoring if there is evidence that current monitoring requirements are inappropriate, inaccurate or inadequate.

ADVICE NOTES

- i. This consent does not give the consent holder permission to do works on private property. The consent holder must make their own arrangements with the landowners for access.
- ii. That where, for any cause (accidental or otherwise), contaminants associated with the consent holder's operations escape to water other than in conformity with the consent, the consent holder shall:
 - a) Immediately take all practicable steps to contain and then remove the contamination from the environment, and;
 - b) Immediately notify the Council of the escape, and;
 - c) Report to the Council, in writing and within 7 days, describing the manner and cause of the escape and steps taken to control it and prevent its reoccurrence.
- iii. All information required to be provided to the Council (Manager Compliance) can be provided to the Council by email to ComplianceReturns@hbrc.govt.nz
- iv. This consent does not authorise the construction of infrastructure in the bed of any waterbodies for the discharge of water from the recirculating wetland to water.
- v. The consent holder is responsible for ensuring that they obtain all of the necessary resource consents to undertake activities relating to the weir and water quality improvement process prior to commencement of exercising the activities. The consent holder shall contact the Council (Manager Consents and Manager Compliance) if they require further resource consents.
- vi. It is recommended that tāngata whenua are consulted over the development and implementation of the monitoring programme. This would be consistent with Objective 3 and Policy 2 of the New Zealand Coastal Policy Statement and the principles of the Treaty of Waitangi, which recognise the role of tāngata whenua as kaitiaki and provide for tāngata whenua involvement in management of the coastal environment.

- vii. This consent does not give the consent holder permission to do works or operate on private property. The consent holder must make their own arrangements with the landowners for access.

REASONS FOR DECISION

The effects of the activity on the environment will not be more than minor. Granting the consent is consistent with the purpose and principles of the RMA, the requirements of any relevant NPS, Regulations, NES regulations and with all relevant plans and policies.

MONITORING NOTE

Routine monitoring

Routine monitoring inspections will be undertaken by Council officers on at least one occasion during construction and/or after the completion of works. The costs of **any** routine monitoring will be charged to the consent holder in accordance with the Council's Annual Plan of the time.

Non-Routine monitoring

"Non routine" monitoring will be undertaken if there is cause to consider (e.g. following a complaint from the public, or routine monitoring) that the consent holder is in breach of the conditions of this consent. The cost of non-routine monitoring will be charged to the consent holder in the event that non-compliance with conditions is determined, or if the consent holder is deemed not to be fulfilling the obligations specified in section 17(1) of the RMA shown below.

Section 17(1) of the RMA states:

Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with

- a) *any of sections 10, 10A, 10B, and 20A; or*
- b) *a national environmental standard, a rule, a resource consent, or a designation.*

DEBT RECOVERY

It is agreed by the consent holder that it is a term of the granting of this resource consent that all costs incurred by the Council for, and incidental to, the collection of any debt relating to this resource consent, whether as an individual or as a member of a group, and charged under section 36 of the RMA, shall be borne by the consent holder as a debt due to the Council, and for that purpose the Council reserves the right to produce this document in support of any claim for recovery.

CONSENT HISTORY

Consent Number	Date	Event	Relevant Rule	Relevant Plan
AUTH-123916-01	20/05/2019	Consent initially granted	9	Regional Coastal Environment Plan (8 November 2014) (RCEP)

APPENDIX 1: SITE PLAN – RECIRCULATING WETLANDS, WATER TAKE, AND WATER DISCHARGE

