

LAKE LEVEL CONTROL OBSERVATION PROPOSAL – S127 APPLICATION BY BOPRC (CONSENT HOLDER)

20 May 2022 – CONDITIONS AGREED BETWEEN APPLICANT AND LRCA

These conditions should be read as amendments to existing consent 65979 to (among other matters) artificially control the water levels in Lake Rotoiti

1. PROCEED IN ACCORDANCE WITH APPLICATION, EXCEPT AS MODIFIED BY CONDITIONS

The Proposal shall proceed in accordance with the Application, including:

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- iii The Lake level Control Observation proposal shall proceed in accordance with the Application for change to Resource Consent 65979: Consent Structures and Operating Levels for Lake Rotorua and Rotoiti (Revised 19th December 2020), including all appendices.

2. PURPOSE

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To allow a one-off temporary draw-down of the lake level to RL278.85m for a maximum period of 7 days to give effect to a joint proposal by Bay of Plenty Regional Council and Ngāti Pikiao Environmental Incorporated Society to enable investigation of impacts on Lake Rotoiti identified in the 'Cultural Management Plan (CMP) for the Okere Gates and Ohau Weir' prepared by Atkins, Holm and Majurey (2016) (Lake Level Control Observation Proposal).

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7. LAKE ROTOITI LEVEL MANAGEMENT

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Operational Limits

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New Condition 7.5

7.5 Notwithstanding Condition 7.4, a one-off temporary draw down in the lake level outside of the standard operating limits shall be allowed for the purpose of implementing the Lake Level Control Observation Proposal subject to the following conditions:

- a. The lake level may only be drawn down to a minimum level of RL278.850m +/- 5mm (Minimum Level) on one occasion (One-off Draw Down);
- b. Subject to condition 7.5(c), the One-off Draw Down and any attempt to achieve the One-off Draw Down provided for in Condition 7.5(g) (Draw Down Attempt) may only occur during the period commencing from the first Tuesday after the Easter public holiday and ending on 30 June during the years 2023 to 2027 inclusive (Draw Down Period);

c. The Draw Down Period provided for in Condition 7.5(b) may commence earlier, on the first weekday after Waitangi Day (**Early Draw Down Period**), but only if all of the following conditions apply:

i. the lake has reached RL 278.950m +/- 5 mm under the normal operating conditions provided for Condition 7.4; and

ii. the consent holder has undertaken prior consultation in accordance with condition 7.5(e); and

iii. the Survey Team Leader or equivalent officer, Bay of Plenty Regional Council has confirmed in writing to the consent holder that the weather forecast indicates that conditions are suitable for rapid drawdown to the Minimum Level; and

iv. the Survey Team Leader or equivalent officer, Bay of Plenty Regional Council has confirmed in writing to the consent holder that lake level is already naturally below the normal operating level as a result of low rainfall.

d. Conditions 7.4 (a), (b), (d) and (e) of this consent do not apply when undertaking the One-off Draw Down, which includes any attempts to undertake the One-off Draw Down provided for in condition 7.5(f), and Conditions 7.4(f)-(l) shall continue to apply with all necessary modifications. For the avoidance of doubt, maintaining minimum flow rates from the Okere Gates provided for in condition 7.4(f) shall take precedence over maintaining the Minimum Level provided for in condition 7.4;

e. The consent holder shall consult with the chairperson of the Rotorua Te Arawa Lakes Operational Liaison Group (**RTALOLG**) at least 7 days prior to commencing any attempt to achieve the One-off Draw Down except that during the Early Draw Down Period consultation may occur within that 7 day period if it is not practicable to consult earlier.

Advice note: The purpose of this consultation is to enable the Chair of the RTALOLG to discuss the proposed draw down with the stakeholder members of the RTALOLG and provide any feedback to the consent holder prior to the drawdown occurring.

f. The consent holder must provide at least two days' prior written notice to all lake structure consent holders, as well as the following organisations of the commencement of any Draw Down Attempt apart from during the Early Draw Down period where the notice must be provided once the lake falls between RL 279.00m and RL 278.950m. Such notice must identify the date and anticipated start time of the draw down and be provided in accordance with the Monitoring Plan required by condition 8.4. :

- RTALOLG;

- Lake Rotoiti Community Association (**LRCA**);

- Bay of Plenty Trailer Yacht Squadron (**BOPTYS**);

- Lake Rotoiti Classic and Wooden Boats Association (**LRCWBA**);

- Manupirua Springs Hotpools (Rotoriti)

- Rotorua Lakes District Council Parks and Reserves Manager;

- Rotoiti Commercial Charter Vessels or watertaxi operators

- Ngati Pikiao Environmental Society (NPES).

- Bay of Plenty Harbour Master

- The Department of Conservation.

In addition to written notice the consent holder shall, at least 2 days prior to commencement of any Draw Down Attempt:

- (i) Place signage at all public boat ramps advising of the Draw Down Attempt;
- (ii) Prepare a written media release or other communication in a form that can be sent electronically and published on other stakeholders' websites, distributed to membership newsletters, email mailouts and / or posted at public outlets in accordance with the Monitoring Plan required by Condition 8.4;
- (iii) Publish details and updates about the Draw Down Attempt on the BOPRC website and other social media forums;
- (iv) Provide notification to local news media likely to be viewed by lake users.

Advice note: For the purposes of this condition, stakeholders are those parties identified in the Monitoring Plan required by Condition 8.4

g. The consent holder is only permitted to undertake one Drawdown Attempt, whether successful or not, per year. For the purposes of Condition 7.5, a Draw Down Attempt means giving notice pursuant to condition 7.5(e) and then commencing to draw down the lake level to achieve the Minimum Level, whether or not the Minimum Level is reached. Once the lake level has fallen below the Minimum Level the Draw Down Attempt will be deemed to have succeeded and observations pursuant to the Monitoring Plan may commence as required by condition 8.5;

h. Once a Draw Down Attempt is deemed to have succeeded in accordance with Condition 7.5(g), the lake level must only be held at the Minimum Level for sufficient time to enable completion of the observation monitoring required by condition 8.5 and shall be held no longer than 7 days (**Temporary Draw Down**). Following the Temporary Draw Down the normal operating parameters provided for in condition 7.4 will apply.

8. LAKE LEVEL MONITORING

New condition 8.4

8.4 For the purpose of implementing the Lake Level Control Observation Proposal (**Observation Proposal**), and prior to any Draw Down Attempt, the consent holder must prepare and submit, for certification by BOPRC, a Lake Level Control Observation Monitoring Plan (**Monitoring Plan**). The Monitoring Plan shall contain details of the procedures to be implemented to enable observation and monitoring of the beaches and cultural sites during the Temporary Draw Down, including:

- a) The methods for monitoring and particular observations proposed to be undertaken by the consent holder, including observations of all public jetties and boat ramps;

- b) A description of procedures for reporting on results of the observations undertaken by the consent holder during the Temporary Draw Down including what observations will be reported on, the form of reporting, who the results will be disseminated to, and through what means of communication;
- c) How all lake occupation/structure owners, other stakeholders, and the public will be advised of the opportunities to undertake observations during the Temporary Draw Down;
- d) A description of methods to address potential public safety, maritime safety and site personnel safety issues associated with the Temporary Draw Down and associated observations (which may include use of signage, electronic media, and establishment of and maintaining a digital messaging database);
- e) Any other relevant methods and/or guidelines for achieving compliance with the conditions of consent relating to the Observation Proposal and any other conditions of this consent potentially affected by implementation of the Observation Proposal;
- f) A description of how any adverse effects or unforeseen circumstances affecting the successful implementation of the Observation Proposal or caused by the Observation Proposal and / or subsequent replenishment period will be reported to the consent authority and key stakeholder groups, and how any such adverse effects, difficulties or circumstances are proposed to be mitigated or avoided and/or offset if ongoing beyond the Observation Period.

New condition 8.5

8.5 The consent holder shall use its best endeavours to ensure that any Monitoring Plan submitted under condition 8.4 is certified by BOPRC prior to commencing any Draw Down Attempt and shall ensure compliance with any current certificated Monitoring Plan or, if certification has not been received prior to a Draw Down Attempt commencing, shall ensure compliance with any Monitoring Plan submitted for certification.