

BAY OF PLENTY REGIONAL COUNCIL

Resource Consent 65980

Consent Holder: Bay of Plenty Regional Council (Rivers and Drainage Group)

Address: PO Box 364
Whakatane

Resource consent to:

- (i) Use and maintain a control structure, being the Ohau Channel Weir at the outlet of Lake Rotorua; and
- (ii) Dam the outlet of lake Rotorua, being at or about map reference NZMS 260 U15018454; and
- (iii) Artificially control the water levels in Lake Rotorua; and
- (v) Discharge water from Lake Rotorua over the Ohau Channel Weir.

Conditions attaching to Resource Consent 65980

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

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

- i. The Resource Consent Application and Assessment of Environmental Effects for the Okere Gates and Ohau Channel Weir prepared by Opus international Consultants Limited, referenced as 289030.07, dated September 2010, including all appendices attached to the Application.
- ii. The further information entitled *Resource Consents 65979 and 65980: Consent Structures and Operating Levels for Lake Rotorua and Rotoiti – Response to s92 Request dated 23 September 2010*, prepared by the Project Manager, Okere Gates and Ohau Weir Consent Project dated 22 October 2010, including all appendices.

except as modified by the conditions set out in this consent.



2. PURPOSE

To allow for the use of the Ohau Channel Weir on the bed of the Ohau Channel at the outlet of Lake Rotorua and to control the water level of Lake Rotorua with the objective of avoiding undesirably low lake levels.

3. LOCATION

The structure shall be located at the outlet of Lake Rotorua as shown on BOPRC plan number RC65980/1 (BOPCB K4562 sheet 4/9) and RC65980/2 (BOPRC K4562 sheet 9/9) submitted with the application.

4. MAP REFERENCE

At or about map reference NZMS 260 U15 018 454.

5. OHAU WEIR CONTROL STRUCTURE

5.1 The existing control structure shall be retained. It shall conform to the following:

- a. The control structure shall be a two stage broad crested weir installed in accordance with BOPCB plan number K4562 sheet 2 and BOPRC K4562 sheet 9.
- b. The central lower portion of the control structure shall be at least 6 m wide.
- c. The control structure crest levels shall be:
 - i the central lower crest 278.166 m above Moturiki Datum, and
 - ii the top crest 279.316 above Moturiki Datum.

All levels shall be relative to the Rotorua Fundamental Benchmark Survey 1997.

6. FISH PASSAGE

6.1 The Consent holder shall maintain and keep the fish passage facility in good working order.

7. STRUCTURE AND MAINTENANCE

7.1 The Consent holder shall maintain the control structure in accordance with the requirements of the Rivers and Drainage Group Asset Management Plan (AMP). The Consent holder shall monitor the control structure for erosion and structural damage on a regular basis.

7.2 The Consent holder shall, within 10 working days of becoming aware of any damage or repair required, shall:

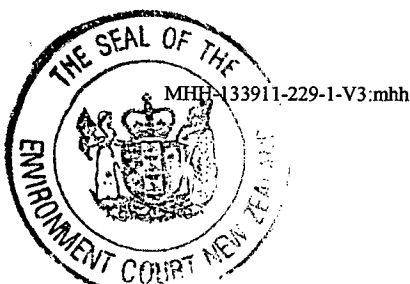


- a. Repair any erosion to the lakeside and Ohau Channel within 30 metres of the weir that is caused by the exercise of this consent.
 - b. Repair any damage to the weir or handrail structures.
 - c. Repair and maintain the fish pass mechanisms to operate effectively as designed in report Environment BOP, Environmental Report 96/18.
- 7.3 The consent holder shall appoint a caretaker to check weed and debris build up on the structure. The structure shall be checked for the presence of any weed and debris at least once a month and any weed and debris shall be removed.

8. LAKE ROTORUA LEVEL MANAGEMENT

Operational Management Plan

- 8.1 Within one month of the commencement of this consent, the consent holder shall submit an Operational Management Plan to the Chief Executive of the Bay of Plenty Regional Council or delegate.
- 8.2 The Operational Management Plan shall contain details of the procedures that shall be implemented for the operation of the Okere Gates in accordance with the conditions of this resource consent, and as a minimum, shall address the following matters:
- a. A description of how the weir operates;
 - b. Lake Rotorua Operational Guidelines, including guidelines for removing and installing stoplogs;
 - c. Plans of the Ohau Channel Weir;
 - d. A description of routine inspection and maintenance procedures to be undertaken with respect to the Ohau Channel Weir;
 - e. A description of monitoring, including location of water level monitoring devices and record keeping of all monitoring;
 - f. A description of methods to address potential public and site personnel safety issues associated with the operation of the Ohau Channel Weir, including subsequent changes in levels for Lake Rotorua and flows in the Ohau Channel (which may include use of signage, electronic media and establishing and maintaining a text messaging database);
 - g. A description of procedures for reporting on the operation of the Ohau Channel Weir, with particular regard to the requirements of this consent to the Bay of Plenty Regional Council and key stakeholder groups;
 - h. A description of how any difficulties or unforeseen circumstances affecting the successful operation of the Ohau Channel Weir and lakes levels will be reported to the Bay of Plenty Regional Council and key stakeholder groups, and how such difficulties or circumstances will be addressed.



- 8.3 The Operational Management Plan may be reviewed and updated by the consent holder from time to time. The consent holder shall provide a copy of the reviewed and updated Operational Management Plan to the Chief Executive of the Bay of Plenty Regional Council or delegate.

Operational Limits

- 8.4 The lake level for operational purposes shall be recorded at NIWA's Mission Bay level gauge.
- 8.5 The control structure shall be operated in accordance with the Operational Management Plan referred to in Condition 8.1 of this consent, so that as far as is practicable the level of Lake Rotorua is maintained between the following fixed maximum and minimum levels above Moturiki Datum:
- a. Maximum level RL 280.076m
 - b. Minimum level RL 279.466m
- 8.6 The minimum and maximum lake levels referred to in Condition 8.5 may only be exceeded in circumstances associated with emergencies, extreme weather events or extreme droughts.

9. LAKE LEVEL MONITORING

- 9.1 For the purpose of this condition "lake level" shall mean lake level as recorded by eliminating the effect of wave action.
- 9.2 The Consent holder shall maintain a daily record of the lake level of Lake Rotorua (measured at the location specified in Condition 8.4 above) and shall provide this information on request to the Chief Executive Officer of the Regional Council, or delegate, for consent monitoring purposes.
- 9.3 The consent holder shall monitor the lake level of Lake Rotorua to an accuracy of +/- 10mm at the Mission Bay level gauge. Levels shall be relative to Moturiki Datum and the Rotorua Fundamental benchmark survey 1997.
- 9.4 The consent holder shall maintain a continuous record of lake level readings with any changes to data annotated and available on request to the Chief Executive of the Regional Council, or delegate, for consent monitoring purposes.

10. OHAU KI ROTOITI KAITIAKI GROUP

- 10.1 The Ohau ki Rotoiti Kaitiaki Group referred to in Bay of Plenty Regional Council Resource Consent No. RC65979 shall also be utilised for the exercise of this consent and conditions 9.1 to 9.15 of Consent No. RC65979 shall apply to this consent with references to Lake Rotoiti being taken to refer instead to Lake Rotorua.



11. ROTORUA TE ARAWA LAKES OPERATIONAL LIAISON GROUP

- 11.1 The Rotorua Te Arawa Lakes Operational Liaison Group ("RTALOLG") referred to in Bay of Plenty Regional Council Resource Consent No. RC65979 shall also be utilised for the exercise of this consent and conditions 11.1 to 11.4 of Consent No. RC65979 shall apply to this consent with references to Lake Rotoiti being taken to refer instead to Lake Rotorua.

12. ANNUAL REPORTING

- 12.1 By 31 August each year for the term of this consent the consent holder shall provide a report to the Chief Executive of the Bay of Plenty Regional Council or delegate, the Rotorua Te Arawa Lakes Operational Liaison Group the Ohau ki Rotoiti Kaitiaki Group and the Okere ki Kaituna Kaitiaki Group setting out:
- a. the actual distribution of lake levels compared to the target range;
 - b. any difficulties experienced by the consent holder in achieving the target lake level range;
 - c. a summary of any consultation undertaken with stakeholders in accordance with Conditions 10 and 11 of this consent;
 - d. a summary of any investigations undertaken as a result of complaints about the adverse effects of lake levels;
 - e. methods for how any difficulties in achieving target lake level range have and will be resolved and how any complaints about the adverse effects of lake levels have been responded to; and
 - f. methods proposed to resolve any issues that may have arisen including operational difficulties, water quality, and extreme weather events, and any changes required to the Operation Management Plan

13. ACCESS

- 13.1 The consent holder shall maintain the existing foot access on the right bank of the Ohau Channel 40 metres down stream from the Ohau Channel Weir.

14. REVIEW

- 14.1 The Bay of Plenty Regional Council may, annually in the month of September, serve notice of its intention to review any conditions of this consent under s.128 of the Resource Management Act 1991 for purposes of dealing with any adverse effect on the environment which may arise from the exercise of the consent and which is appropriate to deal with at a later stage.



14.2 The purposes of this review may include, but are not be limited to:

- a. To modify the lake level regime specified in condition 8.5 of this consent;
- b. To modify any required monitoring/reporting and/or specify additional monitoring/reporting and/or change the monitoring/reporting frequency required to address any identified adverse effects;
- c. To assess, and if necessary to resolve any identified adverse effects arising as a result of the exercise of this consent.

15. TERM OF CONSENT

15.1 This consent shall expire 35 years from the date this consent was granted.

Advice Notes

1. *The Chief Executive of the Regional Council or delegate as referred to in this consent is the person responsible for monitoring and enforcing compliance with the conditions of this consent.*
2. *Any notification or reporting required to be made to the Chief Executive of the Regional Council or delegate under this consent shall be e-mailed to notify@envbop.govt.nz.*
3. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites within the area affected by this consent. Should any artefacts, bones or any other sites of archaeological or cultural significance be discovered within the area affected by this operation, written authorisation should be obtained from the Historic Places Trust before any damage, modification or destruction is undertaken.*
4. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
5. *The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
6. *The Okere ki Kaituna Kaitiaki Group (established pursuant to condition 10 in Bay of Plenty Regional Council Resource Consent No. RC65979) is a distinct group from the Ohau ki Rotoiti Kaitiaki Group referred to in condition 10.1 of this consent and is not relevant to this consent.*

