

Resource Consent



Resource Consent RM16-0527-AP

Following the processing of the Application received on the 9 December 2016, the Bay of Plenty Regional Council has granted the applicant(s):

Bay of Plenty Regional Council

Consent(s) to:

RM16-0527-BC.01	Lake Structure	Expiry	20 March 2052
RM16-0527-BC.02	Beds Damming and Diversion	Expiry	20 March 2052

The consent(s) are subject to the conditions specified on the attached schedule(s) for each activity. Advice notes are also provided as supplementary guidance, and to specify additional information to relevant conditions.

The Resource Consent hereby authorised is granted under the Resource Management Act 1991 does not constitute an authority under any other Act, Regulation or Bylaw.

DATED at Whakatane this 24th day of March 2017

For and on behalf of The Bay of Plenty Regional Council

Mary-Anne Macleod
Chief Executive



**Thriving together -
mō te taiao,
mō ngā tāngata**

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 24 March 2017, **hereby grants**:

A resource consent:

- **Under section 13(1) and 13(2) of the Resource Management Act 1991 and Rule 71 of the Bay of Plenty Regional Water and Land Plan being a discretionary activity for the use and maintenance of a structure on the bed of Lake Rotoiti; and**

subject to the following conditions:

1 Purpose

- 1.1 For the purpose of using and maintaining a flow diversion structure on the bed of Lake Rotoiti to assist in preventing nutrient-rich water from Lake Rotorua from entering the main body of Lake Rotoiti.

2 Location

- 2.1 Ohau Channel Diversion, Lake Rotoiti, Rotorua as generally shown on BOPRC plan RM16-0527/1.

3 Map Reference

- 3.1 At or about map reference NZTM 1892804 ,5784494 ; 1893528 ,5785448

4 Legal Description

- 4.1 Lake Bed, Lake Rotoiti, Rotorua District

5 Maintenance Works

- 5.1 The consent holder will be responsible for the repair of any erosion to the lakeshore of Lake Rotoiti induced by the flow diversion structure. In the event of any dispute between the consent holder and the Chief Executive of the Regional Council or delegate regarding the cause of erosion, the consent holder shall provide a report by an appropriately qualified and independent person to confirm the likely cause.
- 5.2 The consent holder shall prepare a Maintenance Schedule which will ensure:
 1. Regular inspections of the structure, at a minimum frequency of three (3) years, are undertaken; and
 2. The structure (and associated equipment) authorised by this consent is maintained in good condition for the duration of this consent.
- 5.3 The consent holder shall notify the Chief Executive of the Regional Council or delegate, in writing, prior to undertaking any maintenance works on the flow diversion structure constructed under this consent.
- 5.4 The consent holder shall undertake three (3) yearly condition assessments of the diversion wall to monitor corrosion rates and to check validity of maintenance options.

- 5.5 In the event that debris from the diverted flow is deposited at the lakeshore adjacent to the Taheke marae then the consent holder shall undertake to remove the debris as soon as practicable after being advised of its presence by a representative of the Taheke Marae Committee.

6 Monitoring - Water Quality

- 6.1 The consent holder shall undertake monthly nutrient and chlorophyll monitoring at the following sites. The nutrients for which sampling and analysis is to be undertaken shall, as a minimum, consist of Dissolved Reactive Phosphorus, Total Phosphorus, Ammoniacal Nitrogen, Nitrate-Nitrogen and Total Nitrogen.
1. Ohau Channel
 2. Okere Arm
 3. Western Basin of Lake Rotoiti
 4. Eastern Basin of Lake Rotoiti
 5. Lake Rotorua
 6. Kaituna River (Paengaroa)
 7. Kaituna River (AFFCO)
 8. Kaituna River (Waitangi)
 9. Kaituna River (Te Tumu)
 10. Kaituna River (Trout Pools)
 11. Maketu Estuary
- 6.2 The consent holder shall undertake weekly monitoring of blue-green algal numbers from 15 November to 30 March of each year within the duration of this consent, at the following sites:
1. Ohau Channel
 2. Okere Arm
 3. Okawa Bay
 4. Te Weta Bay
 5. Western basin of Lake Rotoiti
 6. Eastern basin of Lake Rotoiti
 7. Kaituna River (Trout Pools)
 8. Kaituna River (Waitangi)
 9. Kaituna River (Te Tumu)
 10. Maketu Estuary
- 6.3 The consent holder shall undertake monthly suspended sediment monitoring at the following sites:
1. Ohau Channel (including at Waipuna)
 2. Okere Arm at the end of the diversion wall
 3. Okere Arm at the Okere Gates
 4. Te Tumu
 5. Maketu Estuary
- 6.4 All quality analyses pursuant to conditions 6.1 to 6.3 shall be carried out as set out in the latest edition of "Standard Methods for the Examination of Water and Wastewater" – APHA6 –AWWA-WPCF or such other method as may be approved by the Chief Executive of the Regional Council or delegate.
- 6.5 All quality analysis of the wastewater discharge shall be undertaken in a laboratory with IANZ or similar accreditation.

6 Monitoring - Mauri Monitoring

- 6.6 Monitoring for the mauri of the Kaituna River shall be undertaken annually, or in accordance with an agreed mauri monitoring plan(s) for the Kaituna River and the Maketu Estuary at:
1. Kaituna River (Trout Pools)
 2. Kaituna River (Waitangi)
 3. Kaituna River (Te Tumu).
 4. Maketu Estuary (2 locations)
- 6.7 Monitoring shall be undertaken by tangata whenua with mana over the river at the locations identified in condition 6.6 in general accordance with the methodology determined for the "Kaituna River Re-diversion and Te Awa o Ngatoroirangi / Maketū Estuary Enhancement Project", or an alternative methodology, or mauri monitoring plan(s), agreed between tangata whenua and the consent holder. The agreed methodology for mauri monitoring shall be provided to the Chief Executive of the Regional Council or delegate prior to the commencement of such monitoring.

7 Algal Levels in the Kaituna

- 7.1 Should the results of monitoring undertaken pursuant to condition 6.2 indicate algal concentrations in Kaituna River water in excess of the 'Action' (red mode) values identified in the New Zealand Guidelines for Cyanobacteria in Recreational Fresh Waters (Interim Guidelines, 2009) or its successor, the consent holder shall monitor the concentration of algae in shellfish in the Maketu Estuary and make the results available to the public.
- 7.2 Where practical monitoring shall be undertaken in accordance with an agreed tangata whenua collaboration plan(s) or agreed mauri monitoring plan(s). Such plan(s) shall be provided to the Chief Executive of the Regional Council or delegate prior to the commencement of monitoring under condition 7.1.

8 Fisheries Review Panel

- 8.1 Within three (3) months of the commencement of this consent, the consent holder, in consultation with Eastern Region Fish and Game and Ngati Pikiao Environmental Society, shall establish an independent expert fishery review panel comprising a minimum of 3 members to:
1. Review the resource consent monitoring programmes proposed by the consent holder;
 2. Advise on any adjustments to the monitoring programmes or additional monitoring required;
 3. Review the results of the monitoring programmes;
 4. Identify any actual or potential effects on fishery values;
 5. Recommend to the Chief Executive of the Regional Council or delegate any mitigation measures that are to be instituted in response to the monitoring undertaken;
 6. Develop a fisheries scientific monitoring programme which will be submitted to the Chief Executive of the Regional Council or delegate to certify that the monitoring programme is scientifically valid and in accordance with the conditions of this consent;
 7. Review the certified fisheries scientific monitoring programme annually and any recommended changes shall be submitted to the Chief Executive of the Regional Council or delegate to certify that the monitoring programme is scientifically valid and in accordance with the conditions of this consent.

9 Fisheries Monitoring & Mitigation

- 9.1 The monitoring programme required in condition 8.1(6), shall require the monitoring of smelt, koura, kakahi and trout.
- 9.2 The consent holder shall review the fishery monitoring data and shall report to the Fisheries Review Panel, Eastern Region-Fish and Game, Ngati Pikiao Environmental Society and the Chief Executive of the Regional Council or delegate within 3 months of the annual Fisheries Review Panel meeting.
- 9.3 Subject to obtaining any necessary resource consents or change to this consent, the consent holder shall implement any changes recommended by the Fisheries Review Panel in accordance with condition 8.1(5).

10 Reporting

- 10.1 The consent holder shall, at seven (7) yearly intervals, prepare, publish and make available to the public, a review of the performance of the structure in improving water quality in Lake Rotoiti including whether the structure is still needed to divert water from Lake Rotorua away from Lake Rotoiti.
- 10.2 The consent holder shall, by June 30 of each year, provide a written report to the Chief Executive of the Regional Council or delegate on the results of water quality sampling and analyses carried out, for the previous annual period (i.e. 1 January to 31 December), pursuant to condition 6.1 and shall provide a copy of the report to the Tapuika Iwi Resource Management Unit, Ngati Whakaue ki Maketu, Nga Tangata Ahi Kaa Roa o Maketu, Te Kapa o Waitaha; Ngati Makino Iwi Authority, Ngati Pikiao ki Tai and Maketu Taiapure. The consent holder shall present a summary of the analysis and the report to these Boards (in plain language) should a request be made for such a presentation.
- 10.3 The consent holder shall, by June 30 of each year, report to the Chief Executive of the Regional Council or delegate on the results of blue-green algae sampling and analyses carried out, for the previous annual period (i.e. 1 January to 31 December), pursuant to condition 6.2 and shall provide a copy of the report to the Tapuika Iwi Resource Management Unit, Ngati Whakaue ki Maketu, Nga Tangata Ahi Kaa Roa o Maketu, Te Kapa o Waitaha, Ngati Makino Iwi Authority, Ngati Pikiao ki Tai and Maketu Taiapure. The consent holder shall present a summary of the analysis and the report to these Boards (in plain language) should a request be made for such a presentation.
- 10.4 The consent holder shall, by June 30 of each year, report to the Chief Executive of the Regional

Council or delegate on the results of the suspended solids sampling and analyses carried out, for the previous annual period (i.e. 1 January to 31 December), pursuant to condition 6.3.

- 10.5 The consent holder shall, by June 30 of each year, report to the Chief Executive of the Regional Council or delegate on the mauri monitoring and any analyses carried out, for the previous annual period (i.e. 1 January to 31 December), pursuant to condition 6.6.
- 10.6 All monitoring results shall be made publicly available on the Bay of Plenty Regional Council's (consent holder) website within two (2) weeks of being finalised and available to the consent holder.
- 10.7 The applicant shall meet with the Lake Rotoiti Community Association, or any successive community group representing the interests of Lake Rotoiti residents, annually to discuss the resource consent monitoring results and to discuss the following twelve (12) month monitoring period.

11 Cultural Advice

- 11.1 The consent holder shall invite three local tangata whenua representatives for the purpose of advising on cultural aspects that may arise from the operation of the flow diversion structure. Two representatives shall be invited from the Lake Rotoiti area (following consultation with Ngāti Pikiao Environmental Society) with one invited to represent Tapuika iwi (following consultation with Tapuika iwi).
- 11.2 The consent holder shall, within three months of the commencement of this consent, advise the Regional Council, in writing, of the name and affiliation of the representatives invited pursuant to condition 11.1.
- 11.3 The consent holder shall undertake a review of the cultural effects associated with the exercise of this consent every seven (7) years from the commencement of the consent in consultation with the tangata whenua representatives referred to in condition 11.1. The purpose of the review is to determine whether there are any unexpected adverse cultural effects associated with the diversion wall on tangata whenua with mana over Lake Rotoiti and/or the Kaituna River. A report on the review shall be provided to the Chief Executive of the Regional Council or delegate, and the Cultural Advisory Group established under condition 11.1 above, within one month of the review.

12 Review of Consent Conditions

- 12.1 The Chief Executive of the Regional Council or delegate may annually, upon receiving an impact and/or compliance report that demonstrates adverse effects on the environment as a result of the flow diversion structure, serve notice on the consent holder under Section 128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent. The purpose of this review would be to amend conditions so as to avoid, remedy or mitigate any adverse effects on the environment.
- 12.2 The Bay of Plenty Regional Council may, following receipt of the report and recommendations of the independent review panel as required by condition 8.1, serve notice on the consent holder under Section 128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review conditions of this consent. The review will be to identify the appropriate ongoing level of fishery monitoring as specified in condition 9.1.
- 12.3 The Bay of Plenty Regional Council may annually serve notice on the consent holder under section 128(1)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent in the event that the diversion structure is causing an adverse effect on water quality in the Kaituna River or Maketu Estuary or their benthic or riparian habitats from the discharge of nitrogen and phosphorous. The purpose of any review would be to amend any conditions so as to avoid, remedy or mitigate those adverse effects on the environment. The Notice of Review shall be served on Tapuika Iwi, Ngati Whakaue ki Maketu, Nga Tangata Ahi Kaa Roa o Maketu, Ngati Makino Iwi Authority, Ngati Pikiao ki Tai, Maketu Taiapure, and Te Kapa o Waitaha.
- 12.4 The consent holder shall appoint an appropriately qualified independent expert(s) to undertake a review of the resource consent, monitoring data, and advice collected pursuant to the conditions of this consent during February 2024 and at seven yearly intervals after that date for the duration of the consent. The purpose of the review is to determine whether the diversion wall is still required for the purpose of this consent. The consent holder shall consider the recommendations of the review and determine whether it should seek consent to remove the wall. The independent review and the consent holder's determination shall be provided to the Chief Executive of the Regional Council or delegated, and made publicly available.

13 Term of Consent

13.1 This consent shall expire not later than 20 March 2052

14 Resource Management Charges

14.1 The consent holder shall pay the Bay of Plenty Regional Council such administrative charges as are fixed from time to time by the Regional Council in accordance with section 36 of the Resource Management Act 1991.

15 The Consent

15.1 The Consent hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

Advice Notes

- 1 Upon the grant of this consent, the consent holder is advised to surrender resource consent RC63209.
- 2 The consent holder is advised to contact Te Arawa Lakes Trust with respect to joint leasing requirements with Land Information New Zealand and Te Arawa Lakes Trust.
- 3 The consent holder shall continue to manage aquatic weeds in Lake Rotoiti in accordance with the weed management programmes currently in place.
- 4 Action (red mode) values for planktonic cyanobacteria referred to in condition 7.1 are referenced in Decision Chart 1, section 3.2 (page 10) of the New Zealand Guidelines for Cyanobacteria in Recreational Fresh Waters (Interim Guidelines, 2009).
- 5 Notification required by conditions 5.3, 6.7, 7.2, 9.2, 10.2 to 10.5, 11.2, 11.3, and 12.4 shall be directed (in writing) to the Regulatory Compliance Manager, Bay of Plenty Regional Council, PO Box 364, Whakatāne, (or fax 0800 368 329 or email notify@envbop.govt.nz) including the consent number RM16-0527.
- 6 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.
- 7 The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 24 March 2017, **hereby grants:**

A resource consent:

- **Under sections 14(2) and 14(3) of the Resource Management Act 1991 and Rule 48 of the Bay of Plenty Regional Water and Land Plan being a discretionary activity to divert the water within Lake Rotoiti.**

subject to the following conditions:

1 Purpose

- 1.1 For the purpose of using and maintaining a flow diversion structure on the bed of Lake Rotoiti to assist in preventing nutrient-rich water from Lake Rotorua from entering the main body of Lake Rotoiti.

2 Location

- 2.1 Ohau Channel Diversion, Lake Rotoiti, Rotorua as generally shown on BOPRC plan RM16-0527/1.

3 Map Reference

- 3.1 At or about map reference NZTM 1892804 ,5784494 ; 1893528 ,5785448

4 Legal Description

- 4.1 Lake Bed, Lake Rotoiti, Rotorua District

5 Maintenance Works

- 5.1 The consent holder will be responsible for the repair of any erosion to the lakeshore of Lake Rotoiti induced by the flow diversion structure. In the event of any dispute between the consent holder and the Chief Executive of the Regional Council or delegate regarding the cause of erosion, the consent holder shall provide a report by an appropriately qualified and independent person to confirm the likely cause.
- 5.2 The consent holder shall prepare a Maintenance Schedule which will ensure:
 1. Regular inspections of the structure, at a minimum frequency of three (3) years, are undertaken; and
 2. The structure (and associated equipment) authorised by this consent is maintained in good condition for the duration of this consent.
- 5.3 The consent holder shall notify the Chief Executive of the Regional Council or delegate, in writing, prior to undertaking any maintenance works on the flow diversion structure constructed under this consent.
- 5.4 The consent holder shall undertake three (3) yearly condition assessments of the diversion wall to monitor corrosion rates and to check validity of maintenance options.

- 5.5 In the event that debris from the diverted flow is deposited at the lakeshore adjacent to the Taheke marae then the consent holder shall undertake to remove the debris as soon as practicable after being advised of its presence by a representative of the Taheke Marae Committee.

6 Monitoring - Water Quality

- 6.1 The consent holder shall undertake monthly nutrient and chlorophyll monitoring at the following sites. The nutrients for which sampling and analysis is to be undertaken shall, as a minimum, consist of Dissolved Reactive Phosphorus, Total Phosphorus, Ammoniacal Nitrogen, Nitrate-Nitrogen and Total Nitrogen.
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 2. Okere Arm at the end of the diversion wall
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 5. Maketu Estuary
- 6.4 All quality analyses pursuant to conditions 6.1 to 6.3 shall be carried out as set out in the latest edition of Standard Methods for the Examination of Water and Wastewater APHA6 AWWA-WPCF or such other method as may be approved by the Chief Executive of the Regional Council or delegate.
- 6.5 All quality analysis of the wastewater discharge shall be undertaken in a laboratory with IANZ or similar accreditation.

6 Monitoring - Mauri Monitoring

- 6.6 Monitoring for the mauri of the Kaituna River shall be undertaken annually, or in accordance with an agreed mauri monitoring plan(s) for the Kaituna River and the Maketu Estuary at:
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- 6.7 Monitoring shall be undertaken by tangata whenua with mana over the river at the locations identified in condition 6.6 in general accordance with the methodology determined for the Kaituna River Re-diversion and Te Awa o Ngatoroirangi / Maket? Estuary Enhancement Project , or an alternative methodology, or mauri monitoring plan(s), agreed between tangata whenua and the consent holder. The agreed methodology for mauri monitoring shall be provided to the Chief Executive of the Regional Council or delegate prior to the commencement of such monitoring.

7 Algal Levels in the Kaituna

- 7.1 Should the results of monitoring undertaken pursuant to condition 6.2 indicate algal concentrations in Kaituna River water in excess of the □Action□ (red mode) values identified in the New Zealand Guidelines for Cyanobacteria in Recreational Fresh Waters (Interim Guidelines, 2009) or its successor, the consent holder shall monitor the concentration of algae in shellfish in the Maketu Estuary and make the results available to the public.
- 7.2 Where practical monitoring shall be undertaken in accordance with an agreed tangata whenua collaboration plan(s) or agreed mauri monitoring plan(s). Such plan(s) shall be provided to the Chief Executive of the Regional Council or delegate prior to the commencement of monitoring under condition 7.1.

8 Fisheries Review Panel

- 8.1 Within three (3) months of the commencement of this consent, the consent holder, in consultation with Eastern Region Fish and Game and Ngati Pikiao Environmental Society, shall establish an independent expert fishery review panel comprising a minimum of 3 members to:
1. Review the resource consent monitoring programmes proposed by the consent holder;
 2. Advise on any adjustments to the monitoring programmes or additional monitoring required;
 3. Review the results of the monitoring programmes;
 4. Identify any actual or potential effects on fishery values;
 5. Recommend to the Chief Executive of the Regional Council or delegate any mitigation measures that are to be instituted in response to the monitoring undertaken;
 6. Develop a fisheries scientific monitoring programme which will be submitted to the Chief Executive of the Regional Council or delegate to certify that the monitoring programme is scientifically valid and in accordance with the conditions of this consent;
 7. Review the certified fisheries scientific monitoring programme annually and any recommended changes shall be submitted to the Chief Executive of the Regional Council or delegate to certify that the monitoring programme is scientifically valid and in accordance with the conditions of this consent.

9 Fisheries Monitoring & Mitigation

- 9.1 The monitoring programme required in condition 8.1(6), shall require the monitoring of smelt, koura, kakahi and trout.
- 9.2 The consent holder shall review the fishery monitoring data and shall report to the Fisheries Review Panel, Eastern Region-Fish and Game, Ngati Pikiao Environmental Society and the Chief Executive of the Regional Council or delegate within 3 months of the annual Fisheries Review Panel meeting.
- 9.3 Subject to obtaining any necessary resource consents or change to this consent, the consent holder shall implement any changes recommended by the Fisheries Review Panel in accordance with condition 8.1(5).

10 Reporting

- 10.1 The consent holder shall, at seven (7) yearly intervals, prepare, publish and make available to the public, a review of the performance of the structure in improving water quality in Lake Rotoiti including whether the structure is still needed to divert water from Lake Rotorua away from Lake Rotoiti.
- 10.2 The consent holder shall, by June 30 of each year, provide a written report to the Chief Executive of the Regional Council or delegate on the results of water quality sampling and analyses carried out, for the previous annual period (i.e. 1 January to 31 December), pursuant to condition 6.1 and shall provide a copy of the report to the Tapuika Iwi Resource Management Unit, Ngati Whakaue ki Maketu, Nga Tangata Ahi Kaa Roa o Maketu, Te Kapa o Waitaha; Ngati Makino Iwi Authority, Ngati Pikiao ki Tai and Maketu Taiapure. The consent holder shall present a summary of the analysis and the report to these Boards (in plain language) should a request be made for such a presentation.
- 10.3 The consent holder shall, by June 30 of each year, report to the Chief Executive of the Regional Council or delegate on the results of blue-green algae sampling and analyses carried out, for the previous annual period (i.e. 1 January to 31 December), pursuant to condition 6.2 and shall provide a copy of the report to the Tapuika Iwi Resource Management Unit, Ngati Whakaue ki Maketu, Nga Tangata Ahi Kaa Roa o Maketu, Te Kapa o Waitaha, Ngati Makino Iwi Authority, Ngati Pikiao ki Tai and Maketu Taiapure. The consent holder shall present a summary of the analysis and the report to these Boards (in plain language) should a request be made for such a presentation.
- 10.4 The consent holder shall, by June 30 of each year, report to the Chief Executive of the Regional

Council or delegate on the results of the suspended solids sampling and analyses carried out, for the previous annual period (i.e. 1 January to 31 December), pursuant to condition 6.3.

- 10.5 The consent holder shall, by June 30 of each year, report to the Chief Executive of the Regional Council or delegate on the mauri monitoring and any analyses carried out, for the previous annual period (i.e. 1 January to 31 December), pursuant to condition 6.6.
- 10.6 All monitoring results shall be made publicly available on the Bay of Plenty Regional Council's (consent holder) website within two (2) weeks of being finalised and available to the consent holder.
- 10.7 The applicant shall meet with the Lake Rotoiti Community Association, or any successive community group representing the interests of Lake Rotoiti residents, annually to discuss the resource consent monitoring results and to discuss the following twelve (12) month monitoring period.

11 Cultural Advice

- 11.1 The consent holder shall invite three local tangata whenua representatives for the purpose of advising on cultural aspects that may arise from the operation of the flow diversion structure. Two representatives shall be invited from the Lake Rotoiti area (following consultation with Ngāti Pikiao Environmental Society) with one invited to represent Tapuika iwi (following consultation with Tapuika iwi).
- 11.2 The consent holder shall, within three months of the commencement of this consent, advise the Regional Council, in writing, of the name and affiliation of the representatives invited pursuant to condition 11.1.
- 11.3 The consent holder shall undertake a review of the cultural effects associated with the exercise of this consent every seven (7) years from the commencement of the consent in consultation with the tangata whenua representatives referred to in condition 11.1. The purpose of the review is to determine whether there are any unexpected adverse cultural effects associated with the diversion wall on tangata whenua with mana over Lake Rotoiti and/or the Kaituna River. A report on the review shall be provided to the Chief Executive of the Regional Council or delegate, and the Cultural Advisory Group established under condition 11.1 above, within one month of the review.

12 Review of Consent Conditions

- 12.1 The Chief Executive of the Regional Council or delegate may annually, upon receiving an impact and/or compliance report that demonstrates adverse effects on the environment as a result of the flow diversion structure, serve notice on the consent holder under Section 128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent. The purpose of this review would be to amend conditions so as to avoid, remedy or mitigate any adverse effects on the environment.
- 12.2 The Bay of Plenty Regional Council may, following receipt of the report and recommendations of the independent review panel as required by condition 8.1, serve notice on the consent holder under Section 128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review conditions of this consent. The review will be to identify the appropriate ongoing level of fishery monitoring as specified in condition 9.1.
- 12.3 The Bay of Plenty Regional Council may annually serve notice on the consent holder under section 128(1)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent in the event that the diversion structure is causing an adverse effect on water quality in the Kaituna River or Maketu Estuary or their benthic or riparian habitats from the discharge of nitrogen and phosphorous. The purpose of any review would be to amend any conditions so as to avoid, remedy or mitigate those adverse effects on the environment. The Notice of Review shall be served on Tapuika Iwi, Ngāti Whakaue ki Maketu, Nga Tangata Ahi Kaa Roa o Maketu, Ngāti Makino Iwi Authority, Ngāti Pikiao ki Tai, Maketu Taiapure, and Te Kapa o Waitaha.
- 12.4 The consent holder shall appoint an appropriately qualified independent expert(s) to undertake a review of the resource consent, monitoring data, and advice collected pursuant to the conditions of this consent during February 2024 and at seven yearly intervals after that date for the duration of the consent. The purpose of the review is to determine whether the diversion wall is still required for the purpose of this consent. The consent holder shall consider the recommendations of the review and determine whether it should seek consent to remove the wall. The independent review and the consent holder's determination shall be provided to the Chief Executive of the Regional Council or delegated, and made publicly available.

13 Term of Consent

13.1 This consent shall expire not later than 20 March 2052

14 Resource Management Charges

14.1 The consent holder shall pay the Bay of Plenty Regional Council such administrative charges as are fixed from time to time by the Regional Council in accordance with section 36 of the Resource Management Act 1991.

15 The Consent

15.1 The Consent hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

Advice Notes

- 1 Upon the grant of this consent, the consent holder is advised to surrender resource consent RC63209.
- 2 The consent holder is advised to contact Te Arawa Lakes Trust with respect to joint leasing requirements with Land Information New Zealand and Te Arawa Lakes Trust.
- 3 The consent holder shall continue to manage aquatic weeds in Lake Rotoiti in accordance with the weed management programmes currently in place.
- 4 Action (red mode) values for planktonic cyanobacteria referred to in condition 7.1 are referenced in Decision Chart 1, section 3.2 (page 10) of the New Zealand Guidelines for Cyanobacteria in Recreational Fresh Waters (Interim Guidelines, 2009).
- 5 Notification required by conditions 5.3, 6.7, 7.2, 9.2, 10.2 to 10.5, 11.2, 11.3, and 12.4 shall be directed (in writing) to the Regulatory Compliance Manager, Bay of Plenty Regional Council, PO Box 364, Whakatane, (or fax 0800 368 329 or email notify@envbop.govt.nz) including the consent number RM16-0527.
- 6 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.
- 7 The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.