

Water Permit
Pursuant to the Resource Management Act 1991
a resource consent is hereby granted by the
Taranaki Regional Council

Name of
Consent Holder: Opunake Power Limited

Decision Date: 15 March 2022

Commencement Date: 5 April 2022

Conditions of Consent

Consent Granted: To take water from the Waiaua River and discharge it into Opunake Lake for the purpose of generating electricity at the Opunake hydroelectric power scheme

Expiry Date: 1 June 2047

Review Date(s): June 2024 and 3-yearly intervals thereafter

Site Location: South Road, SH 45, Opunake

Grid Reference (NZTM) 1674587E-5632135N

Catchment: Waiaua

Tributary: Opunake Lake

*For General, Standard and Special conditions
pertaining to this consent please see reverse side of this document*

General condition

- a. The consent holder shall pay to the Taranaki Regional Council (the Council) all the administration, monitoring and supervision costs of this consent, fixed in accordance with section 36 of the Resource Management Act 1991.

Special conditions

1. In addition to the primary purpose of electricity generation this consent authorises water to be taken for other reasons stated or implied by the consent conditions, including leakage that is not practical to prevent and to maintain ecological and amenity values of Opunake Lake.
2. The rate of taking shall not exceed 3,900 litres per second.
3. The consent holder shall notify the Council within three working days of water first being taken for the purpose of electricity generation. For clarity, where the conditions of this consent refer to the date that consent is first exercised that date shall be the date that water is first taken for the purpose of electricity generation.
4. The consent holder shall measure and record the taking in accordance with the *Resource Management (Measurement and Reporting of Water Takes) Regulations 2010* (including its 3 September 2020 amendment) and exemption provisions under Regulation 10 may apply.
5. No taking shall occur when the flow in the Waiaua River, immediately downstream of the Sluice Channel discharge (i.e. at or about NZTM 1674480E-5632062N), is less than 300 litres per second.
6. Notwithstanding condition 5, the taking described below may occur at any time:
 - (a) Taking necessary to provide adequate flow through the fish pass;
 - (b) Taking required to implement the Sediment Management Protocol required by condition 16; and
 - (c) Leakage past closed gates that it is not reasonably practicable to prevent.
7. There shall be a continuous period of no less than 4 hours when there is no taking on any day that the flow in the Waiaua River, as measured immediately downstream of the Sluice Channel discharge (i.e. at or about NZTM 1674480E-5632062N), has not exceeded 5.85 m³ per second during any of the previous 30 days.
8. Within 6 months of the commencement of this consent the consent holder shall erect and thereafter maintain signage at the main access points to the river. The signage shall warn river users of the danger from sudden increases in flow that regularly occur from the Scheme operation.

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9. From a date, no later than 6 months after this consent is first exercised, the consent holder shall determine the flow in the Waiaua River immediately downstream of the Sluice Channel discharge (i.e. at or about NZTM 1674480E-5632062N) and record it at intervals not exceeding 15 minutes.

Advice Note: – With the exception of condition 5 (Consent 1795-5.0), those conditions that rely on the recording of flow, in accordance with condition 9, will only take effect once flow is being recorded in accordance with condition 9.

10. All flow and water level measurement and recording required by conditions of this consent, including equipment, systems and procedures shall be installed, operated and maintained at all times in accordance with the following National Environmental Monitoring Standards or any updated versions (as found at <http://www.nems.org.nz/documents/>):

- (a) water Level Version 2;
- (b) open Channel Flow Measurement Version 1.1; and
- (c) rating Curves Version 1.

11. From a date no later than 6 months after this consent is first exercised, the consent holder shall measure and record the temperature in the Waiaua River to an accuracy of ± 0.5 °C, at intervals not exceeding 15 minutes, at the following locations:

- (a) immediately upstream of the weir (i.e. at or about NZTM 1674594E-5632126N);
and
- (b) in the lower Waiaua River (i.e. at or about NZTM 1674163E-5631524N).

12. From a date, no later than 6 months after this consent is first exercised, flow records required by the conditions of this consent shall be made available to the Taranaki Regional Council within 2 hours of being recorded.

13. The consent holder shall maintain and download the temperature data on a monthly basis and this data shall be made available to the Taranaki Regional Council within 72 hours of download.

14. Before a date, no later than 48 months after first exercising this consent, and every 3 years thereafter, the consent holder shall provide a report to the Chief Executive, Taranaki Regional Council that details the water temperature in the Waiaua River, the effects of taking on the temperature, and whether the effects of temperature on macroinvertebrates and fish could be appropriately mitigated by changing the minimum flow regime specified in condition 5. Copies of each report shall be provided to the submitters to this consent at the same time it is provided to the Taranaki Regional Council.

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15. Before a date, no later than 60 working days after first exercising this consent, the consent holder shall prepare a water temperature monitoring plan (the 'water temperature monitoring plan') using a suitably qualified and experienced professional and provide it to the Chief Executive, Taranaki Regional Council for review and certification. When preparing the water temperature monitoring plan, the consent holder shall consult with the submitters, and when submitting it to the Chief Executive, Taranaki Regional Council for certification, shall provide details of the consultation and any outstanding issues that were not resolved. The purpose of the temperature monitoring plan shall be to outline the steps required to ensure effects on the aquatic community within the residual flow reach as a result of taking, be determined. It shall include (but not be limited to):
- (a) the effects of temperature on macroinvertebrates and fish;
 - (b) the suitability of the residual flow mitigation;
 - (c) the effects of the take on temperature; and
 - (d) confirmation whether further temperature assessments are required.

Within 48 months of the exercising of this consent, and every 3 years thereafter, the consent holder shall provide a report outlining the results and assessment in accordance with the water temperature and monitoring plan to the Chief Executive, Taranaki Regional Council.

The consent holder shall provide a final copy of the water temperature monitoring plan and any subsequent report under this condition to Te Kahui o Taranaki Trust, Fish and Game NZ and Department of Conservation.

16. Notwithstanding any other condition of this consent, from a date no later 12 months after this consent commences, this consent shall be operated in accordance with a Sediment Management Protocol (the SMP) that has been approved by the Chief Executive, Taranaki Regional Council, acting in a certification capacity. The SMP shall be prepared by a suitably qualified and experienced person and detail how the activity authorised by this consent (and the Scheme's other consents) is to be operated to ensure that the amount of sediment entering Opunake Lake and any resulting adverse effects on the lake and the river are minimised as far as practicable. The SMP shall detail as a minimum:
- (a) the principles involved;
 - (b) how those principles will be implemented; and
 - (c) how it will be shown that the principles have been properly implemented.
17. When preparing the Sediment Management Protocol, required by condition 16, the consent holder shall consult with the submitters, and when submitting it to the Chief Executive, Taranaki Regional Council for certification, shall provide details of the consultation and any outstanding issues that were not resolved.

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18. In order to minimise the effects of reduced flow in the lower river the consent holder shall:
 - (a) undertake and maintain riparian planting in accordance with a Riparian Management Plan developed in conjunction with the Taranaki Regional Council's Land Management team, on any land that they own along the Waiaua River; and
 - (b) the Taranaki Regional Council for the purpose of riparian planting in the lower Waiaua River. The first payment shall be made within 30 days of this consent first being exercised and subsequent payments before 1 September each year.
19. Within 120 working days of the commencement of this consent the consent holder shall prepare a monitoring and reporting plan ('monitoring and reporting plan') and provide it to the Chief Executive, Taranaki Regional Council for review and certification. The purpose of the monitoring and reporting plan shall be to safely assess the environmental effects on aquatic communities within the residual flow reach. It shall include (but not be limited to):
 - (a) macroinvertebrates;
 - (b) fish; and
 - (c) periphyton.
20. By 30 June each year the consent holder shall provide a review, which has been prepared by a suitably experienced and qualified person, of the monitoring and reporting plan to the Chief Executive, Taranaki Regional Council, to ensure that the plan is fit for purpose.

Advice Note: Within 30 working days the Taranaki Regional Council shall assess and certify or not certify the review.
21. The consent holder shall implement and comply with those aspects of the monitoring and reporting plan as specified in condition 19.
22. The consent holder shall provide aquatic compensation to ensure the adverse effects of the Scheme are not more than minor. This shall be achieved by ensuring that the ecological and recreational value of Opunake Lake, which exists on the date of commencement of this consent, is not significantly diminished, and that the conditions in the lake do not significantly diminish any other receiving waterbodies.
23. In accordance with Condition 22, the consent holder shall take all reasonable steps to ensure that conditions within Opunake Lake do not prevent the continuance or establishment of communities of native freshwater fish (including their life stages) and any authorised sportfish (as administered by Fish and Game) within the lake, and that conditions do not adversely affect the migration of such fish through the lake. Steps taken shall include, but not be limited to:
 - (a) monitoring for pest fish, unauthorised sports fish, and aquatic weeds within the lake, to the satisfaction of the Chief Executive, Taranaki Regional Council, on an annual basis and notifying the Council within 24 hours of any significant expansion or new discovery;

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- (b) cooperating with Council, the Department of Conservation, and/or Fish and Game with regards to the management of the scheme to facilitate the maintenance and/or removal of pest fish, unauthorised sports fish, or weeds; and
- (c) create awareness around pest fish and aquatic pest plants by establishing and maintaining signs at all major access points to the lake to the satisfaction of the Chief Executive, Taranaki Regional Council within 6 months of the commencement of this consent.

Advice Note: By agreement, the consent holder and Council, may decide that financial contributions to Council are acceptable to meet condition 23(c), if there are other signage requirements needed in the area. Should vandalism prove to be an issue, on agreement this condition can be reviewed.

24. For the purpose of achieving compliance with condition 23, the consent holder shall:
- (a) set aside \$2,000 annually. This amount does not accrue, although subsequent year payments may be brought forward at the discretion of the consent holder.
 - (b) cease generation as necessary to facilitate compliance with condition 23. Cessation of generation will be limited so that the cost to the consent holder does not exceed \$2,000 annually.

Advice Note 1: The level of reasonability of complying with this condition shall take into account the overall expense that any step may have on the consent holder and shall be reasonably determined by the Taranaki Regional Council, Chief Executive. It is not expected that the consent holder will be directly responsible for an incursion of any pest into the lake, however, they may have created an environment for such a pest to expand significantly or become established in the catchment, and has therefore created the avenue for potential adverse effects. For this reason, the consent holder cannot be held solely responsible for pest management, and in assessing reasonability the Council will take this into consideration. The same would apply with regard to the quality of water entering the lake, including for eco-toxicants and/or nutrients etc.

Advice Note 2: The monitoring for pest fish and aquatic pest plants shall be fit for purpose and should be responsive to potential pests at the time. Monitoring may include the use of eDNA and/or physical surveys.

25. At least once each year the consent holder shall invite Taranaki Regional Council monitoring staff and interested submitters to meet for the purpose of discussing any matter relating to the exercise of this resource consent, particularly the monitoring programme design, implementation and interpretation.
26. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review:

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- (a) during the month of June 2024 and 3-yearly intervals thereafter, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time; and/or
- (b) within 6 months of receiving a report required by condition 15 for the purpose of responding to the report's conclusions and/or implementing any of its recommendations.

Signed at Stratford on 15 March 2022

For and on behalf of
Taranaki Regional Council



A D McLay
Director - Resource Management