

COPY

Consent No. WGN020106 [21758]

Category: Water Permit

Pursuant to sections 105 and 108, and subject to all the relevant provisions of the Resource Management Act 1991 and any Regulations made thereunder, a consent in respect of a natural resource is hereby granted to:

Name

Flood Protection Group, Wellington Regional Council

Address

PO Box 11 646, Wellington

Term of Consent

Effective: 24 September 2002

Expires: 24 September 2037

Purpose for Which Right is Granted

To temporarily and permanently divert the normal flow of the Waikanae River, from upstream of the coastal marine boundary to Greenaway Road for flood and erosion mitigation purposes.

Location

From upstream of the coastal marine boundary (at or about map reference NZMS 260; R27:794.349) and extending to Greenaway Road, Waikanae (at or about map reference NZMS 260; R26:816.347).

Legal Description of Land

N/A

Volume/Quantity/Rate

N/A

Conditions

1-10 as attached

For and on behalf of
WELLINGTON REGIONAL COUNCIL


.....
Manager, Consents Management

Date: 3 October 2002

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Summary of Your Rights and Responsibilities

(Not part of the resource consent)

This resource consent gives you the right to use a public resource (e.g. water, air, the coastal marine area) in the manner specified in the consent.

Provided that you comply with all the conditions of your resource consent and all other laws of the land, you may exercise the resource consent how you see fit.

If you wish to change the way you operate under this resource consent or if you wish to alter or delete any consent conditions please contact the Wellington Regional Council prior to making the changes. You may need a formal variation to your resource consent conditions.

You may transfer your coastal, discharge, or water permit to any other person. So if you sell your operation please contact the Wellington Regional Council and we will arrange the transfer. The service is free of charge.

If your resource consent application contained inaccurate or misleading information the Wellington Regional Council may ask the Environment Court to cancel or alter the resource consent.

Your resource consent does not:

- provide any warranty of any structure or process;
- provide any guarantee that the resource will be available at all times;
- provide any right of access through or over public or private land;
- negate the need for any approvals necessary under other legislation.

You, as the holder(s) of this resource consent and your agents (including contractors and employees) are jointly and severally liable for compliance with the conditions of this consent. It's important that anyone operating on your behalf fully understands and complies with the conditions of the resource consent.

You are required to pay any relevant charges that are associated with the consent. The Wellington Regional Council fixes these charges, under section 36 of the Resource Management Act 1991. The Act allows you to comment on any proposed charges *prior to them being fixed*. Charges are usually fixed every three years. If you would like a copy of our current Resource Management Charging Policy please feel free to contact us.

You are required to allow Wellington Regional Council Enforcement Officers access to your site and operation at any reasonable time so that we are able to inspect your operation and confirm it is complying with the resource consent.

Your resource consent will lapse if you do not exercise it within two years of the date it was granted (unless otherwise specified in the resource consent conditions). If this lapsing is going to be a problem please contact the Wellington Regional Council before the lapse date.

If you stop using your resource consent for a continuous two-year period, the Wellington Regional Council may cancel your resource consent. We will advise you in advance if we propose to cancel your consent. You also have the right to object to your consent being cancelled.

This consent is issued without prejudice to any claim that is lodged with the Waitangi Tribunal in relation to the customary ownership of natural resources, whether it be a claim that is pending hearing or whether it is a claim that is awaiting settlement by the Crown.

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Interpretation Section

- (1) In this consent, unless the context otherwise requires:

'Bunds' are mounds of gravel placed in front of the excavation site as a barrier to sediment moving into the flowing water.

Conditions

- (2) The location, design, construction and implementation of all works shall be in accordance with the application and associated documents and plans dated 4 December 2001, but subject to any modifications required to comply with any of the conditions of the consent.

Note: The consent holder may apply, at any time, under section 127 of the Resource Management Act 1991, for the change or cancellation of any consent conditions, other than that relating to the term of consent.

- ✓(3) The Manager, Consents Management, Wellington Regional Council, shall be given a minimum of 48 hours prior to the commencement of work in each length of the works defined in condition 11.

- (4) The consent holder shall contact all utility service providers at least 10 working days prior to commencing works in Reach 2 that may have the potential to affect any property or infrastructure of that utility service provider.

In addition, TelsraClear shall be notified at least 48 hours prior to works commencing within 50 metres of each cable location and within 48 hours of the completion of the works within Reach 2.

- (5) The consent holder shall erect and maintain signs at Otaihanga Domain, Greenaway Road and Coastal Marine Boundary for the duration of each phase of the works advising river users:
- when flood protection works will be undertaken; and
 - any restrictions on access to the Waikanae River.

- (6) The hours of work shall be as follows:

- (a) All works on weekdays shall not commence before 0700 hours and shall cease by 1900 hours;
- (b) No works shall be conducted on weekends or public holidays;
- (c) If requested by the consent holder, the Manager, Consent Management, Wellington Regional Council, may extend the hours of work, to allow certain specified works to be completed.

- (7) The consent holder shall adhere to the best management practices as described in the Environmental Code of Practice: for routine operations and maintenance work on the Hutt, Otaki and Waikanae Rivers (March 1999) except where the conditions contained in this consent provide otherwise.

- (8) This consent shall lapse five years after the date of commencement of the consent, unless the consent is given effect to before that lapsing date.

- (9) All diversion work shall be undertaken in such a manner that provides for fish passage. Any fish entrapped by works shall be relocated immediately upstream into clear water.

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- (10) The consent holder shall take all practicable steps to minimise sediment loading and increased turbidity of the Waikanae River during the implementation of all diversion works.

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