

Hon. Bruce Cliffe

**WATERCARE SERVICES LIMITED
(AUCKLAND EMERGENCY WATER SUPPLY)**

[PRIVATE]

ANALYSIS

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A BILL INTITULED

An Act to authorise Watercare Services Limited to take and use, on a temporary basis, as a drought relief measure, water from the Waikato River for the purposes of augmenting Auckland's water supply

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WHEREAS—

Watercare Services Limited
(*Auckland Emergency Water Supply*)

- (a) Auckland is experiencing a prolonged period of low rainfall which has resulted in low inflows into the storage lakes operated by Watercare Services Limited; and
- (b) It is necessary to guarantee an augmentation of existing water supply sources if substantial disruption to the supply of water to domestic, industrial, and commercial consumers is to be avoided; and 5
- (c) It is recognised that the Waikato River is the most efficient and effective source for augmenting quickly the water supply to Auckland; and 10
- (d) It is recognised that augmentation from the Waikato River will not alone be sufficient to meet the needs of Auckland water consumers, without continued conservation and other augmentation measures by Watercare Services Limited and Auckland territorial authorities; and 15
- (e) It is necessary to put emergency water supply measures in place for a maximum of 3 years; and
- (f) The objects of this Act cannot be attained without the authority of Parliament: 20

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Watercare Services Limited (Auckland Emergency Water Supply) Act 1994. 25

2. Interpretation—In this Act, unless the context otherwise requires,—

“Auckland Region” has the same meaning as in clause 4 of the Local Government (Auckland Region) Reorganisation Order 1989: 30

“Booster pumping station” has the meaning given to it by clause 1 of the Fourth Schedule to this Act:

“Company” means Watercare Services Limited:

“Customer territorial authorities”—

(a) Means the Auckland, Manukau, North Shore, and Waitakere City Councils, and the Papakura and Rodney District Councils; and 35

(b) Includes any other territorial authority that is a constituent authority of the Auckland Region and is a customer of the company: 40

“Intake structure” has the meaning given to it by clause 1 of the Fourth Schedule to this Act:

“Land” includes any estate or interest in land:

“Normal operating lake levels” means operating levels fixed at 80 percent of the total storage capacity of the company’s water storage lakes (which comprise lakes in the Hunua and Waitakere Ranges) as certified by the company to the Waikato Regional Council:

“Pipeline” means the pipeline, to be constructed and installed for the purposes of the project, which pipeline consists of—

- (a) A pipe with a nominal diameter of 1 metre; and
- (b) The intake structure and the pumping stations; and
- (c) Bridges, supporting structures, and hydraulic balancing tanks; and
- (d) Ancillary plant and machinery and electrical and mechanical systems; and
- (e) Related equipment; and
- (f) Protective features:

“Pipeline route” means, subject to any deviation of the pipeline in accordance with **section 10** of this Act, the route of the pipeline as described in the **First Schedule** to the Act:

“Project” means the project described in the **Second Schedule** to this Act:

“Project authorisation” means the project authorisation conferred by **section 4** of this Act:

“Public notice” means a notice published in a newspaper circulating in the area in which the subject-matter of the notice arises, or to which it relates; and, if there is no such newspaper, then by a printed or written placard posted in some conspicuous place on the land or works affected by such notice or to which it relates; and “publicly notified” has a corresponding meaning:

“Pumping stations” has the meaning given to it by **clause 1** of the **Fourth Schedule** to this Act:

“Working day” means any day of the week other than—
(a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, and Waitangi Day; and

- (b) A day in the period commencing with the 25th day of December in any year and ending with the 6th day of January in the following year.

3. Act to bind the Crown and other persons—This Act shall bind the Crown and every person (including any body politic or corporate) whose rights are affected by any provision of this Act.

Project Authorisation

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4. Project authorisation—(1) Subject to subsection (2) of this section and to sections 5 to 12 of this Act, but notwithstanding anything in any other enactment, the company is hereby authorised, without the need to obtain any other consent, permit, authority, or right under any of the enactments referred to in the Third Schedule to this Act or under the Local Government Act 1974, the Conservation Act 1987, or the Railway Safety and Corridor Management Act 1992, to carry out the project. 10

(2) Without limiting the generality of subsection (1) of this section, the project shall be carried out as if every consent, permit, or authority referred to in the Third Schedule to this Act had been granted or obtained under the relevant enactment specified in that Schedule. 15

5. Conditions of project authorisation—The company shall exercise the project authorisation in accordance with— 20

- (a) The obligations and duties imposed on the holders of consents, permits, or authorities under the enactments specified in the Third Schedule to this Act; and 25
- (b) The conditions, restrictions, and prohibitions set out in the Fourth Schedule to this Act.

6. Exercise of functions, duties, and powers in relation to project—All bodies and persons having functions, duties, and powers under the enactments specified in the Third Schedule to this Act shall be entitled to exercise, in relation to the project, the functions, duties, and powers, which they would have had if— 30

- (a) Every consent, permit, or authority referred to in the Third Schedule to this Act had been granted or obtained under the relevant enactment specified in that Schedule; and 35
- (b) Every condition, restriction, or prohibition set out in the Fourth Schedule to this Act had been imposed under the relevant enactment specified in the Third Schedule to this Act. 40

7. Power of company to interfere with roads or works—(1) Subject to subsections (2) and (3) of this section, the company may, for the purpose of constructing the pipeline,—

- 5 (a) Interfere with any road or other work:
5 (b) Lay the pipeline along or under any road (including any unformed or closed road) in the Franklin District or the Waikato District as if the company were the territorial authority for the district acting under section 379 of the Local Government Act 1974:
10 (c) Construct pumping stations and ancillary equipment on or under any road in the Franklin District or the Waikato District as if the company were the territorial authority for the district acting under section 379 of the Local Government Act 1974:
15 (d) In the Franklin District, close Papparimu Road or Koheroa Road or both to traffic on a temporary basis.

(2) Subject to subsection (3) of this section, the company shall, before interfering with any road or other work pursuant to subsection (1) of this section, give to the local authority or other
20 body having control of that road or other work not less than 10 working days notice in writing of the company's intention to interfere with that road or other work.

(3) In the event of any sudden emergency or danger to the pipeline, the company may, without any previous notice,
25 proceed to effect the necessary repairs, but shall, as soon as practicable thereafter, inform the local authority or body.

(4) Nothing in the Tenth and Fourteenth Schedules to the Local Government Act 1974 shall apply in relation to the project.

30 **8. Marginal strips and railways**—(1) The company may lay the pipeline along, under, or over any marginal strip within the meaning of section 2 (1) of the Conservation Act 1987 as if the company were the holder of an easement granted to the company under section 241 of that Act.

35 (2) The company may lay the pipeline under the New Zealand Railways North Island Main Trunk railway track at or about map reference NZMS 260 S12 931 321 as if the company were the holder of an easement granted to the company under section 12 of the Railway Safety and Corridor Management Act
40 1992.

9. Exclusion of Part X of Resource Management Act 1991—Nothing in Part X of the Resource Management Act

1991 (which Part relates to subdivision and reclamations) shall apply in relation to the project.

10. Pipeline route—(1) The company shall adhere to the pipeline route described in the **First Schedule** to this Act.

(2) Notwithstanding **subsection (1)** of this section, the company may deviate from the pipeline route for the purposes of—

(a) Avoiding any **Wahi Tapu**, historic place, or archaeological site; or

(b) Avoiding any construction hazard; or

(c) Constructing hydraulic balancing tanks or the booster pumping station; or

(d) Reducing the length of the pipeline pursuant to any agreement entered into under **section 13 (1)** of this Act.

(3) Any deviation under **subsection (2)** of this section shall be as limited as possible.

11. Notice of first day on which water to be taken—

(1) The company shall, before commencing to take water from the Waikato River, give written notice to the Waikato Regional Council of the first day on which the company will take water from the Waikato River for the purpose of augmenting Auckland's water supply (which day shall be at least 5 working days after the day on which the notice is given to the Waikato Regional Council by the company).

(2) The company may give a notice under **subsection (1)** of this section only where the amount of water in the company's water storage lakes is 50 percent or less of the total storage capacity of those lakes.

12. Expiry of project authorisation—(1) The project authorisation shall expire at the close of the day 3 years after the date specified in the notice given to the Waikato Regional Council under **section 11** of this Act or on such earlier date as the normal operating lake levels are reached.

(2) For the purposes of **subsection (1)** of this section, the normal operating lake levels shall be reached when the company certifies in writing to the Waikato Regional Council that those levels have been maintained for a period of not less than 3 months.

(3) Notwithstanding the expiry of the project authorisation in accordance with **subsection (1)** of this section, the physical works constructed and installed for the purposes of the project shall continue to be the property of the company.

5 (4) Notwithstanding the expiry of the project authorisation in accordance with **subsection (1)** of this section, but subject to **subsection (5)** of this section, the physical works constructed and installed for the purposes of the project shall be permitted to remain, and all works associated with the maintenance of the pipeline shall be permitted.

10 (5) If the company determines that the pipeline is no longer required or if the pipeline is not used for a period of 20 years, the company shall remove the pipeline, subject to obtaining any necessary consents.

(6) Subject to **subsections (3) and (4)** of this section, no existing use rights are intended to be conferred by this Act.

Acquisition of Land and Easements

15 **13. Power to acquire land and easements by agreement**—(1) Notwithstanding any enactment or rule of law to the contrary, the company shall have full power to enter into an agreement to purchase or otherwise acquire any land for the project.

20 (2) Without limiting **subsection (1)** of this section or **section 16** of this Act, it is hereby declared that the power conferred by **subsection (1)** of this section to purchase or otherwise acquire land for the project includes the power to purchase or otherwise acquire any easement over the land, whether that easement is for the time being subsisting or not.

25 (3) The interest of the company in any land acquired under an agreement entered into under **subsection (1)** of this section shall not, unless so expressed, come to an end upon the expiry of the project authorisation.

Compulsory Acquisition of Land and Easements

30 **14. Power to apply for compulsory acquisition of land and easements**—Notwithstanding anything in any other enactment, and subject to the company having used its best endeavours, for not less than 20 working days, to purchase or otherwise acquire any land under **section 13 (1)** of this Act, the
35 company may apply in writing to the Minister of Lands to have that land taken for the project as if the project were a public work within the meaning of the Public Works Act 1981.

40 **15. Power to apply for compulsory acquisition of land and easements where owner cannot be contacted**—Notwithstanding **section 14** of this Act, where the company, with a view to entering into an agreement under **section 13 (1)** of this

Act to purchase or otherwise acquire any land required for the project, uses its best endeavours to contact the owner of that land but is unable to contact that owner, the company may, under **section 14** of this Act, apply to the Minister of Lands to have the land taken for the project.

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16. Application of provisions of Public Works Act 1981—Sections 28, 29, and 31 of the Public Works Act 1981 shall apply in relation to any power conferred by this Act (including the power conferred by **section 13 (1)** of this Act) to acquire or take land for the project and those sections shall apply accordingly, with all necessary modifications, as if the project were a public work within the meaning of the Public Works Act 1981.

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17. Contents of application—Every application under **section 14** of this Act shall—

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- (a) Be accompanied by a survey plan, which—
 - (i) Shall show accurately the position and extent of the land to be taken; and
 - (ii) Shall be prepared in duplicate; and
 - (iii) Shall be signed by the Chief Surveyor as evidence of its accuracy; and
- (b) Specify—
 - (i) The negotiations undertaken by the company with the owner of the land to which the application relates; or
 - (ii) Where the company has been unable to contact the owner of the land to which the application relates, the steps taken to make contact with that owner; and
- (c) Specify the reasons why the taking of the land is considered necessary.

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18. Service of application—Where the company makes an application under **section 14** of this Act, the company shall, where possible, forthwith serve a copy of the application on the owner of the land to which the application relates.

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19. Response to application—Where an application is made to the Minister of Lands under **section 14** of this Act, that Minister—

- (a) Shall consider the application forthwith; and

(b) Shall, within 10 working days after the day on which the application is received by that Minister,—

5 (i) Notify the company in writing of the opinion that that Minister has formed with regard to the application; and

(ii) Where possible, serve on the owner of the land a notice setting out the opinion that that Minister has formed with regard to the application.

20. Recommendation that Proclamation be issued—

10 Where the Minister of Lands, after considering an application under section 14 of this Act, is of the opinion that the land should be taken for the project, the Minister of Lands shall recommend the Governor-General to issue a Proclamation taking the land for the project.

15 **21. Issue of Proclamation—**(1) The Governor-General, on receiving a recommendation under section 20 of this Act, may, by Proclamation declare that the land to which the recommendation relates is taken for the project.

20 (2) Every Proclamation made under subsection (1) of this section shall, within 10 working days after the date of its making,—

(a) Be gazetted and publicly notified; and

(b) Be notified in writing to the company by the Minister of Lands.

25 (3) The company shall, within 10 working days after the day on which it is notified under subsection (2) (b) of this section, give notice of the gazetting of the Proclamation to both the owner of the land and every occupier of the land.

30 (4) Every public notification under subsection (2) of this section shall contain some readily identifiable description of the land taken, but a Proclamation shall not be invalidated by any error, defect, or delay in its notification or gazetting.

22. Effect of Proclamation—(1) Where any land is, by a Proclamation made under section 21 (1) of this Act, declared to be taken for the project, that land shall, as if the project were a public work, become absolutely vested in the company for the project on the day after the day on which the Proclamation is published in the *Gazette*.

40 (2) Part IV of the Public Works Act 1981 shall, with all necessary modifications, apply in relation to every Proclamation made under section 21 (1) of this Act.

23. Compensation—(1) Where under this Act any land—

(a) Is taken for the project; or

(b) Suffers any injurious affection resulting from the taking of any other land of the owner for the project,—

the owner of any estate or interest in the land taken shall be entitled to full compensation from the company for such taking or injurious affection. 5

(2) Parts V and VI of the Public Works Act 1981 shall, with all necessary modifications, apply in relation to every claim for compensation made under subsection (1) of this section. 10

24. Costs and expenses of Minister of Lands or Department of Survey and Land Information—All costs and expenses incurred by the Minister of Lands or the Department of Survey and Land Information in respect of the taking of land under this Act shall be recoverable from the company. 15

25. Land no longer required—Where any land acquired under section 13 (1) of this Act or vested in the company by section 22 of this Act is no longer required for the purposes of the project, the provisions of Part III of the Public Works Act 1981 shall apply with all necessary modifications in respect of that land and as if the company were a local authority within the meaning of the Public Works Act 1981. 20

Miscellaneous Provisions 25

26. Service of notices—Subsections (1), (2), (3), and (5) of section 4 of the Public Works Act 1981 shall apply in relation to any notice required to be served or given under this Act.

27. Future applications not precluded—Nothing in this Act shall preclude the company from making applications, whether or not before the expiry of the project authorisation, pursuant to the Resource Management Act 1991 or any other enactment, for the purpose of enabling it to continue to take water from the Waikato River for bulk water supply purposes. 30

28. Prices and charges—The company shall be entitled, with the agreement of the customer territorial authorities, to calculate its prices and charges so as to recover, in addition to any other amounts that it is entitled to recover, the capital costs of the project (which shall be deemed for this purpose to be operating costs in terms of section 707ZF (1) of the Local Government Act 1974). 35 40

5 **29. Validation**—Any action taken by the company in the period beginning on the 1st day of July 1994 and ending with the commencement of this Act is hereby declared to be, and to have always been, as valid as it would have been if this Act had been in force when the action was taken.

30. Private Act—This Act is hereby declared to be a private Act.

SCHEDULES

FIRST SCHEDULE

Sections 2, 10

PIPELINE ROUTE

The pipeline commences at a point on the eastern bank of the Waikato River between map references NZMS 260 S12 933 310 and NZMS 260 S12 929 326, being firstly part Lot 1, D.P. 24916, being the land comprised and described in certificate of title No. 14B/1030, secondly Lot 1, D.P. S. 14402, being the land comprised and described in certificate of title No. 11B/268, thirdly part Allotment 176, Whangamarino Parish, being the land comprised and described in certificate of title No. 91/66 and fourthly part Allotment 176A, Whangamarino Parish, being the land comprised and described in certificate of title No. 56/93 (all South Auckland Land District) and proceeds in a northerly direction along State Highway 1 to the intersection of State Highway 1 and Orams Road; then in an easterly direction along a formed section of Orams Road firstly crossing the North Island Main Trunk Railway line at or about map reference NZMS 260 S12 931 321; then crossing the Whangamarino River before veering to the North along an unformed section of Orams Road and onto Mardon Road (which is mostly unformed) to the intersection of Mardon Road and Koheroa Road; then in a north-easterly direction along Koheroa Road to the intersection of Koheroa Road and State Highway 2; then in a westerly direction along State Highway 2 to the intersection of State Highway 2 and Lyons Road; then in an easterly direction along Lyons Road to the intersection of Lyons Road and Paparimu Road; then in a northerly direction along Paparimu Road, past the northern end of Paparimu Road and into Hunua Road, terminating at a point on Hunua Road at or about map reference NZMS 260 S12 967 536.

Watercare Services Limited
(Auckland Emergency Water Supply)

Section 2

SECOND SCHEDULE
DESCRIPTION OF PROJECT

The project comprises the construction and operation by or on behalf of the company of a pipeline for the conveyance of water from the Waikato River to the company's raw water mains south of the company's filter station at Ardmore; and includes the following works and activities:

- (a) The construction and operation of a piled intake structure in the Waikato River between map references NZMS 260 S12 933 310 and NZMS 260 S12 929 326 and on land adjacent to the Waikato River on part Lot 1, D.P. 24916 (certificate of title No. 14B/1030), Lot 1, D.P. S. 14402 (certificate of title No. 11B/268), part Allotment 176, Whangamarino Parish (certificate of title No. 91/66) and part Allotment 176A, Whangamarino Parish (certificate of title No. 56/93), generally in accordance with plan 2809-22-C-212, including—
- (i) Intake screens:
 - (ii) Roading (both within the site and to provide access from existing roads to the site), fencing, landscaping, and ancillary site works:
- (b) The construction and operation of a reinforced concrete low lift pumping station, generally in accordance with plan 2809-22-C-212, including—
- (i) The installation of submersible pumps:
 - (ii) Roading (both within the site and to provide access from existing roads to the site), fencing, landscaping, and ancillary site works:
- (c) The construction and operation of a high lift pumping station and related buildings, structures, and facilities generally in accordance with plans 2809-22-C-250 and 2809-22-C-251, including—
- (i) Reinforced concrete wet well and base slab for high lift pumps:
 - (ii) A concrete block, steel frame and metal clad building to house the pumps, electric switch room, control room, store and staff facilities:
 - (iii) High lift pumps:
 - (iv) Mobile crane:
 - (v) Pipework, valves, and fittings:
 - (vi) Surge control equipment:
 - (vii) Electrical transformers, switchgear, control panels, and instrumentation:
 - (viii) A pneumatic control system:
 - (ix) All other mechanical and electrical installations and ancillary works:
 - (x) Roading and carparking areas (both within the site and to provide access from existing roads to the site), fencing, landscaping, and ancillary site works:
 - (xi) Staff facilities, including offices and sanitary facilities:
 - (xii) Depot and ancillary facilities:
- (d) An electrical substation:

SECOND SCHEDULE—*continued*

DESCRIPTION OF PROJECT—*continued*

- (e) The taking of water from the Waikato River by means of the intake structure and pumping stations described in paragraphs (a) to (c) of this Schedule at a rate of up to 150,000 cubic metres per day:
 - (f) The construction of a pipeline generally following the pipeline route described in the First Schedule to this Act, together with all works necessary to enable completion and operation of the pipeline including, but not limited to,—
 - (i) Excavation of the pipeline trench:
 - (ii) Measures and works to enable soil conservation and sediment control:
 - (iii) Temporary storage of construction materials:
 - (iv) Disposal of surplus excavated materials:
 - (v) Importation and placement of bedding and backfill materials:
 - (vi) The laying of all pipework and the undertaking of any ancillary works such as valve chambers, scour valves, and surge chambers which may be required:
 - (vii) The construction of any road, rail, or river crossings:
 - (viii) The reinstatement of any land, including roads, excavated or otherwise disturbed in the course of the construction of the pipeline:
 - (ix) Excavation in rock (if required):
 - (x) Dewatering:
 - (xi) Any works required for maintenance of access to the pipeline route for the purpose of construction or the disposal of excavated material:
 - (xii) The maintenance of works associated with the pipeline:
 - (g) The installation of the booster pumping station:
 - (h) The installation of hydraulic balancing tanks adjacent to the pipeline route at or about map references NZMS 260 S12 935 346 and NZMS 260 S12 988 447:
 - (i) The construction of all equipment necessary to connect the pipeline to the company's existing raw water mains at or about map reference NZMS 260 S12 967 536.
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Watercare Services Limited
(Auckland Emergency Water Supply)

Sections 4, 5 (a), 6

THIRD SCHEDULE

CONSENTS, PERMITS, AND AUTHORITIES

Under Resource Management Act 1991

1. Land use consent, in terms of sections 9 and 13 of the Resource Management Act 1991, to construct and operate a water intake structure partly on the bed of the Waikato River, partly in or over the Waikato River, and partly on land adjacent thereto, between map references NZMS 260 S12 933 310 and NZMS 260 S12 929 326.
2. Land use consent, in terms of section 9 of the Resource Management Act 1991, to construct and operate pumping stations on land adjacent to the Waikato River between map references NZMS 260 S12 933 310 and NZMS 260 S12 929 326.
3. Land use consent, in terms of section 9 of the Resource Management Act 1991, to construct and operate the pipeline.
4. Land use consent, in terms of section 9 of the Resource Management Act 1991, in connection with trenching operations for construction of the pipeline.
5. Land use consent, in terms of sections 9 and 13 of the Resource Management Act 1991, to disturb the beds of rivers and to erect the pipeline in, on, or over the beds of rivers.
6. Land use consent, in terms of section 9 of the Resource Management Act 1991, to construct and operate the booster pumping station.
7. Land use consent, in terms of section 9 of the Resource Management Act 1991, to construct and operate hydraulic balancing tanks adjacent to the pipeline route on land in the Waikato District and the Franklin District at or about map references NZMS 260 S12 935 346 and NZMS 260 S12 988 447.
8. Land use consent, in terms of section 9 of the Resource Management Act 1991, to use land, being Lot 1, D.P. 45890, in the vicinity of Bell Road, Franklin District for a clean fill.
9. Water permit, in terms of section 14 of the Resource Management Act 1991, to take up to 150,000 cubic metres of water per day from the Waikato River via an intake structure located between map references NZMS 260 S12 933 310 and NZMS 260 S12 929 326.
10. Land use consent, in terms of section 9 of the Resource Management Act 1991, to use land in the vicinity of the pipeline route for the temporary storage of construction materials.
11. Water permit, in terms of section 14 of the Resource Management Act 1991, to divert surface run off, groundwater, and water at various river and stream crossings in connection with the construction of the pipeline.
12. Water permit, in terms of section 14 of the Resource Management Act 1991, to take groundwater for dewatering purposes during and following construction of the pipeline.
13. Discharge permit, in terms of section 15 of the Resource Management Act 1991, to discharge groundwater and surface run off from dewatering during and following construction of the pipeline.
14. Discharge permit, in terms of section 15 of the Resource Management Act 1991, to discharge water from the pipeline scour valves.

THIRD SCHEDULE—*continued*

CONSENTS, PERMITS, AND AUTHORITIES—*continued*

15. Discharge permit, in terms of section 15 of the Resource Management Act 1991, to discharge water from the backwashing of intake screens into the Waikato River at between map references NZMS 260 S12 933 310 and NZMS 260 S12 929 326.

16. Discharge permit, in terms of section 15 of the Resource Management Act 1991, to discharge stormwater arising from the roof and yard of pumping stations on part Lot 1, DP 24916 (certificate of title No. 14B/1030), Lot 1, D.P. S. 14402 (certificate of title No. 11B/268), part Allotment 176, Whangamarino Parish (certificate of title No. 91/66) and part Allotment 176A, Whangamarino Parish (certificate of title No. 56/93) into the Waikato River.

17. Discharge permit, in terms of section 15 of the Resource Management Act 1991, to discharge wastewater from a septic tank located on the land described in **clause 16** of this Schedule.

18. Discharge permit, in terms of section 15 of the Resource Management Act 1991, to discharge air from air discharge valves on the pipeline.

Under Historic Places Act 1993

19. Authority, in terms of section 14 of the Historic Places Act 1993, to destroy, damage, or modify archaeological sites during construction of the project on all land on or adjacent to the pipeline route.

Under Transit New Zealand Act 1989

20. Consent, in terms of section 52 of the Transit New Zealand Act 1989, to lay the pipeline along or under State Highway 1 and State Highway 2, and along or under roads in Franklin District and Waikato District.

Watercare Services Limited
(*Auckland Emergency Water Supply*)

Section 5 (b)

FOURTH SCHEDULE

CONDITIONS, RESTRICTIONS, AND PROHIBITIONS

PART I

Interpretation

1. In this Schedule, unless the context otherwise requires,—

“Booster pumping station” means the pumping station that it may be necessary to establish adjacent to the pipeline route at a location to be determined between map reference NZMS 260 S12 989 428 and map reference NZMS 260 S12 989 426, including all related and ancillary equipment and facilities:

“Commencement of construction” means the time at which any physical construction works, including earthworks on the site, are commenced; and includes, where construction is to be undertaken in stages, the commencement of the physical works relevant to each separate stage:

“Commencement of taking” means the day after the date on which the company takes water for the purpose of augmenting Auckland’s water supply, as notified to Waikato Regional Council under section 10 of this Act:

“Commissioning of the pipeline” means the period of testing the operation of the intake structures, pumping equipment, and pipeline, being the period that expires before the taking of water under the Act for the purpose of augmenting Auckland’s water supply:

“Contractor” means the contractor or contractors appointed by the company to undertake the relevant aspect of the project:

“Council” means the Franklin District Council (for that part of the project that falls within its district), the Waikato District Council (for that part of the project that falls within its district), the Auckland Regional Council (for that part of the project that falls within its region) and the Waikato Regional Council (for that part of the project that falls within its region), unless the context otherwise requires; and includes the principal administrative officer of that Council. Reference to any specific council excludes reference to the other councils:

“Intake structure” means the piled intake structure in the Waikato River between map references NZMS 260 S12 933 310 and NZMS 260 S12 929 326 and on land adjacent to the Waikato River on part Lot 1, D.P. 24916 (certificate of title No. 14B/1030), and Lot 1, D.P. S. 14402 (certificate of title No. 11B/268), part Allotment 176, Whangamarino Parish (certificate of title No. 91/66), and part Allotment 176A, Whangamarino Parish (certificate of title No. 56/93), including all necessary ancillary equipment and facilities:

“Plan” means a management plan, monitoring plan, or any other plan required by the special conditions and, where any plan is to be submitted in stages, includes any part of that plan:

“Pumping stations” means—

- (a) The high lift and low lift pumping stations and all related buildings, structures, and facilities established on part Lot 1, D.P. 24916 (certificate of title No. 14B/1030), Lot 1, D.P. S. 14402 (certificate of title No. 11B/268), part Allotment 176,

FOURTH SCHEDULE—*continued*

CONDITIONS, RESTRICTIONS, AND PROHIBITIONS—*continued*

Whangamarino Parish (certificate of title No. 91/66) and part Allotment 176A, Whangamarino Parish (certificate of title No. 56/93), and includes all related and ancillary equipment and facilities; and

(b) The booster pumping station:

“Relevant Council” means the District or Regional Council having legal jurisdiction in respect of the matter or thing to which the condition or other provision of this Act relates, unless the context otherwise requires.

PART II

General Conditions, Restrictions, and Prohibitions

2. The conditions, restrictions, and prohibitions set out in this Part of this Schedule are to be complied with in every case by and at the expense in all respects of the company as a continuing obligation, unless otherwise specifically stated.

3. The company shall permit the Council or its agents to have access to the pipeline route at all reasonable times for the purpose of ensuring compliance with these conditions, and for those purposes shall permit the Council or its agents access to the records of the company in respect of the pipeline.

4. The full reasonable costs incurred by the Council in providing assistance and input in respect of this Act, including the convening of meetings and preparation of conditions, shall be met by the company as if such costs were charges payable by an applicant for a resource consent in terms of section 36 of the Resource Management Act 1991.

5. The Council may impose any charges in connection with the exercise of this authorisation that it could recover pursuant to section 36 of the Resource Management Act 1991 and any dispute in relation to those charges that cannot be resolved by the parties shall be resolved under **clause 12** of this Schedule.

6. Without limiting the generality of the conditions set out in **clauses 4** and **5** of this Schedule, the company shall pay all reasonable charges and costs incurred by the Council in assessing and supervising any Management Plans prepared pursuant to these conditions, and in connection with the monitoring and administration of this authorisation.

7. The layout of all buildings and other structures required to give effect to the project authorisation shall be submitted by the company to the Waikato Regional Council, the Franklin District Council, or the Waikato District Council, as appropriate, and the layout of these buildings and structures shall be generally in accordance with those plans. Where there is a conflict between this condition and any special condition set out in this Schedule, that special condition shall prevail. Final plans showing the layout of the buildings and structures shall be submitted by the company to the Council and shall incorporate such amendments to layout as may be necessary to comply with special conditions.

8. The company shall supply to the relevant Council, for approval, any management or other plans required by the special conditions or, if a

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CONDITIONS, RESTRICTIONS, AND PROHIBITIONS—*continued*

management plan is not required, plans and specifications of all works associated with the exercise of this authorisation demonstrating the company's ability to meet the conditions of the authorisation. Consultation on techniques and methods shall take place between the company and the relevant Council.

9. Where any condition attached to this authorisation requires the approval of the Council or any other party to any plan or document or matter, such approval shall not be unreasonably withheld.

10. Where any plan has been submitted to a Council and the company is not advised in writing by that Council, within 10 working days after the day on which the Council receives the plan, of any amendments to the plan or of an intention to withhold approval of the plan, the company may proceed to undertake the activities outlined in the plan.

11. If the company is advised by the relevant Council of its intention to withhold approval or to make amendments to a plan pursuant to the condition set out in **clause 10** of this Schedule, the company shall consult with the relevant Council and attempt to agree any amendment or otherwise resolve any dispute.

12. Where any dispute cannot be resolved within 10 working days of notification to the company pursuant to the condition set out in **clause 10** of this Schedule, the matter shall be referred to the President from time to time of the Institute of Professional Engineers of New Zealand, or such other arbitrator as may be agreed between the parties, for independent arbitration. The award of the arbitrator (including any award as to costs) shall be delivered within 10 working days of receipt of the reference and shall be final and binding.

PART III

Special Conditions, Restrictions, and Prohibitions

In relation to taking of water from the Waikato River

13. The company is authorised by **section 4** of this Act to take up to 150,000 cubic metres of water per day from the Waikato River.

14. The taking described in **clause 13** of this Schedule shall be subject to the following conditions:

- (a) The rate of abstraction shall not exceed 6,250 cubic metres per hour:
- (b) The intake velocity shall not exceed 0.5 cubic metres per second:
- (c) The company shall measure and record daily the volume of water abstracted from the Waikato River:
- (d) The company shall forward the abstraction records to the Waikato Regional Council at monthly intervals within 6 weeks of recording or upon request:
- (e) The company shall maintain and operate suitable equipment for continuously monitoring the abstraction rate and shall provide to the Waikato Regional Council on a monthly basis the following information:
 - (i) The peak instantaneous abstraction rate during each 24-hour period:

FOURTH SCHEDULE—*continued*

CONDITIONS, RESTRICTIONS, AND PROHIBITIONS—*continued*

- (ii) The peak average abstraction rate during each 24-hour period:
- (iii) The total volume abstracted during each 24-hour period.

In relation to construction and operation of intake structure

15. The company is authorised by **section 4** of this Act to construct and operate an intake structure in the Waikato River.

16. The activities described in **clause 15** of this Schedule shall be subject to the following conditions:

- (a) The company shall undertake construction of the intake structure in such a manner that—
 - (i) Construction activities within the river are minimised:
 - (ii) Damage to or removal of, native vegetation is minimised:
 - (iii) Erosion is minimised:
 - (iv) Any disturbance to the bed or banks of the river shall be rehabilitated as soon as practicable after construction:
- (b) The company shall operate and manage the intake structure in accordance with the following requirements and any further requirements that the Waikato Regional Council, the Waikato District Council, or the Franklin District Council, as appropriate, may consider necessary to impose from time to time:
 - (i) The entrainment and impingement of fish, including larval fish shall be minimised as far as reasonably practicable via selection of appropriate intake screen type, screen diameter, and intake velocity:
 - (ii) The interference with navigation shall be minimised as far as reasonably practicable:
 - (iii) Public access to the bank of the river in the vicinity of the structure shall be preserved as far as reasonably practicable:
 - (iv) The intake structure, pipeline, and all associated facilities shall not form a barrier-effect to migrating fish:
 - (v) The structure should have no adverse effects on flood levels or movement of sediment in the river, in the short or long term:
 - (vi) Erosion scour and any other adverse effects in the vicinity shall be minimised:
- (c) The company shall submit to the Waikato Regional Council and the Waikato District Council an Intake Management Plan setting out intake design details and construction plans and methods, and proposed maintenance methods or practices:
- (d) The Management Plan submitted in accordance with **paragraph (c)** of this clause shall be to a standard satisfactory to both the Waikato Regional Council and the Waikato District Council and shall be submitted to those Councils at least 10 working days before the day on which construction of the intake structure is commenced:
- (e) The intake structure shall be constructed, operated, maintained, and managed in accordance with the Management Plan accepted by the Council, or any subsequent update to the Management Plan as accepted by the Council in writing:

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- (f) The company shall retain suitably qualified and experienced persons to compile a Fisheries Monitoring Plan for the purpose of assessing and evaluating the effects of water abstractions on the aquatic biota of the Waikato River, which Monitoring Plan shall include studies on—
- (i) The effects of the intake on fish impingement and entrainment;
 - (ii) The effects of the intake on fish migration in the vicinity of the intake;
- (g) The Fisheries Monitoring Plan submitted in accordance with paragraph (f) of this clause—
- (i) Shall be to a standard satisfactory to the Waikato Regional Council; and
 - (ii) Shall be submitted at least 10 working days before the construction of the intake structure is commenced; and
 - (iii) Shall make provision for reviews of the monitoring requirements; and
 - (iv) Shall include a series of reporting dates for both data and its interpretation;
- (h) Monitoring shall be undertaken in accordance with the Fisheries Monitoring Plan accepted by the Waikato Regional Council, or any subsequent update to the Plan as accepted by that Council in writing;
- (i) The results of the monitoring required by paragraph (h) of this clause shall be submitted to the Waikato Regional Council on a 6-monthly basis or as modified in accordance with that paragraph;
- (j) If the monitoring demonstrates that the intake structure is having or is likely to have significant adverse effects on fish populations, the company shall consult with the Waikato Regional Council on modifications to the design of, or the techniques and methods utilised in the operation of, the intake structure and shall implement such modifications as are necessary.

In relation to construction and operation of pumping stations

17. The company is authorised by section 4 of this Act to construct and operate pumping stations.

18. The activities described in clause 17 of this Schedule shall be subject to the following conditions.

- (a) The company shall construct, operate, and manage the pumping stations in accordance with the following requirements and any further requirements that the Waikato Regional Council, the Waikato District Council, or the Franklin District Council, as appropriate, may consider necessary to improve from time to time:
- (i) Construction noise shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 6803P:1984, The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work:

FOURTH SCHEDULE—*continued*

CONDITIONS, RESTRICTIONS, AND PROHIBITIONS—*continued*

- (ii) Operational noise shall be minimised as far as reasonably practicable:
- (iii) Construction activities within the Waikato River shall be minimised as far as reasonably practicable:
- (iv) Damage to, or removal of, native vegetation shall be minimised as far as reasonably practicable:
- (v) Erosion shall be minimised as far as reasonably practicable:
- (b) The company shall forward to the Franklin Council or Waikato District Council, as appropriate, not later than 6 months after the commissioning of the pumping station, a noise report from an acoustic consultant accepted by the relevant Council, which report shall detail noise levels measured in the vicinity of the pumping station:
- (c) The company shall, in relation to each pumping station, submit to the Waikato Regional Council, the Franklin District Council, and the Waikato District Council, as appropriate, a Pumping Station Management Plan setting out the design details (including site development, landscaping, and access details), the construction plans and methods, and proposed maintenance works required for the pumping station:
- (d) Each Pumping Station Management Plan submitted in accordance with paragraph (c) of this clause shall be to a standard satisfactory to the Council and shall be submitted at least 10 working days before the day on which the construction of the pumping station is to be commenced:
- (e) Each pumping station shall be constructed in accordance with the Pumping Station Management Plan accepted by the Council, or any subsequent update to the Management Plan as accepted by the Council in writing:
- (f) The company shall, to the satisfaction of the Waikato Regional Council, maintain a Pumping Station Contingency Plan for all operations at each pumping station and the intake structure, which plan shall address, as a minimum, any adverse environmental effects or consequences that could adversely affect water quality as a result of—
 - (i) Non-routine operation of any pumping station or the intake structure; or
 - (ii) As far as reasonably practicable, the actions of third parties or unforeseen events in the vicinity of any pumping station:
- (g) The company shall forward a copy of the Pumping Station Contingency Plan to the Waikato Regional Council at least 10 working days before the day on which water is first taken from the Waikato River for the purpose of augmenting Auckland's Water Supply and each time that plan is updated:
- (h) Each pumping station shall be operated in accordance with the Pumping Station Contingency Plan accepted by the Council, or any subsequent update to the Pumping Station Contingency Plan as accepted by the Council in writing.

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FOURTH SCHEDULE—*continued*

CONDITIONS, RESTRICTIONS, AND PROHIBITIONS—*continued*

In relation to construction of pipeline

19. The company is authorised by **section 4** of this Act to construct the pipeline that is part of the project.

20. The activity described in **clause 19** of this Schedule shall be subject to the following conditions:

(a) The company shall submit to the Council a plan showing the pipeline route:

(b) The company shall construct the pipeline and shall undertake any related work including any work involving damage or disturbance to roads, earthworks, and other activities, in accordance with the following general requirements and any further requirements that the Council may consider necessary to impose from time to time:

(i) Construction of the pipeline shall proceed in stages (although nothing in this condition shall preclude construction of a number of stages of the pipeline at any one time), so as to minimise any adverse effects of open trenches:

(ii) The length of open trench in any one stage shall not exceed 200 metres:

(iii) On completion of pipework construction, all carriageways, drainage systems, culverts, and access races shall be restored at least to a standard comparable to their condition before the commencement of construction:

(iv) The company shall assume responsibility for cultivation and resowing of any disturbed farmland on a progressive basis:

(v) Reinstatement of fences, access tracks, and any other disruptions attributable to the construction of the pipeline shall be made good as soon as practicable following the relevant construction works:

(vi) The company shall as far as reasonably practicable adopt any measures necessary or desirable to avoid or to minimise erosion, including ground retention work:

(vii) The company shall liaise generally in relation to the project with occupiers of properties on the pipeline route:

(viii) Where construction activities related to the pipeline are to be commenced adjacent to any property, the company shall, at least 10 working days before the day on which those construction activities are to be so commenced, give written notice to the occupier of the property of the day on which those construction activities are to be so commenced.

(ix) Construction of the pipeline shall be undertaken in such a manner as to ensure that access to properties on the pipeline route is as far as reasonably practicable available at all times:

(x) All construction on the pipeline route shall be of such a standard as to ensure that the pipeline is stable:

(xi) The company shall adopt all reasonably practicable measures to ensure that sedimentation of natural waterways is minimised and the integrity of all existing drainage systems and flood protection works is maintained:

FOURTH SCHEDULE—*continued*

CONDITIONS, RESTRICTIONS, AND PROHIBITIONS—*continued*

- (xii) All historic places, archaeological sites, and Wahi Tapu sites shall be dealt with in an appropriate manner, the details of which to be agreed after consultation with Tainui and the Historic Places Trust:
 - (xiii) During the construction period, and before the final reinstatement, all roads affected by the works shall be maintained in a safe and trafficable condition to the satisfaction of Franklin District Council:
 - (xiv) The company shall adopt all reasonably practicable measures to ensure that damage caused to native vegetation is minimised:
 - (xv) The company shall adopt all reasonably practicable measures to ensure that the function and integrity of existing drainage patterns, including drains and stopbanks, is maintained:
- (c) All construction shall be undertaken in a manner that minimises damage and disruption to—
- (i) The roads that are the subject of the construction works; and
 - (ii) All roads used for the carriage of materials or equipment to or from construction areas:
- (d) The shape and integrity of each road shall be restored to a standard comparable to its condition before the commencement of construction and shall include—
- (i) Full reinstatement of all surface water channels:
 - (ii) Repair of all failed areas in the existing pavement in accordance with the relevant Transit New Zealand Maintenance Specification:
- (e) Construction shall be undertaken in such a manner as to minimise the need for road closures and, where necessary, to keep the duration of such closures to a practicable minimum:
- (f) At least 10 working days notification of any proposed road closures shall be given to the Franklin District Council and shall be restricted to specified sections of such roads as are agreed by that Council:
- (g) No work shall be undertaken within public roads without the prior approval and consent of Transit New Zealand, the Waikato District Council, or the Franklin District Council, as appropriate:
- (h) No work shall be undertaken beneath or within 5 metres of the North Island main trunk railway line without the prior approval of New Zealand Rail Limited:
- (i) Notice of work beneath or within 5 metres of the railway line to be given to New Zealand Rail Limited at least 10 working days before the day on which the work is to commence:
- (j) The company shall submit to the Council, for approval, a Pipeline Construction Management Plan. This Management Plan shall describe how the requirements contained in paragraphs (b) to (e) of this clause and in clauses 27 and 29 of this Schedule are to be achieved and shall identify the respective responsibilities of the company and the contractor:

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CONDITIONS, RESTRICTIONS, AND PROHIBITIONS—*continued*

- (k) The Management Plan shall be to a standard satisfactory to the Council and shall be submitted to the Council at least 10 working days before the day on which construction is to commence:
- (l) Where the pipeline is being constructed in stages, the relevant portion of the Management Plan shall be submitted to the Council at least 10 working days before the day on which the construction of the relevant portion of the pipeline is to commence:
- (m) The pipeline shall be constructed in accordance with the Management Plan accepted by the Council, or any subsequent update to the Management Plan as accepted by the Council in writing:

In relation to disposal of fill material from pipeline construction

21. The company is authorised by section 4 of this Act to dispose of fill material arising from excavation of the pipeline route.

22. The activity described in clause 21 of this Schedule shall be subject to the following conditions:

- (a) The fill shall be deposited on Lot 1, D.P. 45890, or such other locations as agreed by the Auckland Regional Council or Waikato Regional Council, as appropriate:
- (b) Where the placement of fill material—
 - (i) Will be greater than 1 metre in height; or
 - (ii) Will occupy an area greater than 1 hectare; or
 - (iii) Will involve a volume greater than 1,000 cubic metres—
 the company shall obtain the approval of the Waikato Regional Council or the Auckland Regional Council, as appropriate, before the fill material is deposited:
- (c) The company shall deposit fill in accordance with the following general requirements and any further requirements that the Council may consider necessary to impose from time to time:
 - (i) Topsoil required to be removed shall be stockpiled for progressive rehabilitation during the course of pipeline construction:
 - (ii) All fill material shall be placed in a stable location and the stability of the location shall not be reduced as a result of the depositing of the fill material:
 - (iii) No fill material shall be deposited in wetland areas or otherwise in a manner that adversely affects wetlands or other ecologically significant or sensitive areas:
 - (iv) Fill material shall be managed and deposited in a manner that avoids or minimises damage to native vegetation as far as reasonably practicable:
 - (v) The integrity of existing drainage patterns shall not be adversely effected and deposit of fill shall not occur within 5 metres of any watercourse unless such deposit is being undertaken for the purpose of upgrading a stopbank:
- (d) The company shall submit to the Council, for approval, a Fill Disposal Management Plan setting out—

FOURTH SCHEDULE—*continued*

CONDITIONS, RESTRICTIONS, AND PROHIBITIONS—*continued*

- (i) The manner in which the requirements outlined in **paragraph (c)** of this clause are to be achieved; and
 - (ii) Identifying the respective responsibilities of the company and the contractor:
- (e) The Management Plan shall be to a standard satisfactory to the Council and shall be submitted to the Council at least 10 working days before the day on which the depositing of fill is to commence:
- (f) The fill shall be deposited in accordance with the Management Plan accepted by the Council.

In relation to stream crossings

23. The company is authorised by **section 4** of this Act to construct all stream crossings associated with pipeline works.

24. The activity described in **clause 23** of this Schedule shall be subject to the following conditions:

- (a) The company shall construct stream crossings in accordance with the following requirements and any further requirements that the Council may consider necessary to impose from time to time:
- (i) The company shall adopt all reasonably practicable measures to ensure that scouring of the streambed and erosion is minimised and the integrity of existing drainage patterns, including drains and stopbanks, is maintained:
 - (ii) The company shall adopt all practicable measures to ensure that damage caused to native vegetation is minimised:
 - (iii) Following completion of construction work, the company shall, as soon as practicable, rehabilitate or reconstruct the beds and banks of the rivers in the vicinity of the construction work at least to a standard comparable to that which existed before the construction of the stream crossings:
 - (iv) Construction activities shall be undertaken in such a manner as to minimise the duration and extent of works within the streambed:
 - (v) All pipelines and associated support structures shall be designed and installed so as to minimise any effects on the flood flow regime:
 - (vi) Where pipeline crossings are to be constructed above streams, structures shall be designed and constructed in such a manner that the relevant watercourse can safely pass the 1 percent annual exceedance probability flood, with an additional 600mm clearance for the passage of debris:
 - (vii) Where pipeline crossings are to be constructed, any structures shall be designed and constructed so as not to form a barrier to the passage of fish:
 - (viii) The company shall adopt all reasonably practicable measures to minimise disruption of public access to the bank of the river in the vicinity of pipeline crossings structures. Where such access cannot be maintained, alternative access to the riverbank shall be provided wherever practicable:

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FOURTH SCHEDULE—*continued*

CONDITIONS, RESTRICTIONS, AND PROHIBITIONS—*continued*

- (b) The company shall submit to the Auckland Regional Council and Waikato Regional Council, as appropriate, for approval, a Stream Crossings Management Plan. This Management Plan shall—
 - (i) Describe the manner in which the environmental effects of stream crossing construction are to be minimised; and
 - (ii) Describe the manner in which the basic principles outlined in paragraph (a) of this clause are to be achieved; and
 - (iii) Identify the respective responsibilities of the company and the contractor:
- (c) The Management Plan shall be to a standard satisfactory to the Council and shall be submitted to the Council at least 10 working days before the day on which the construction of the relevant stream crossing is to commence:
- (d) Streams crossings shall be constructed in accordance with the Management Plan accepted by the Council.

In relation to dewatering during construction

25. The company is authorised by section 4 of this Act to take water for the purposes of construction and installation of the pipeline, including pipeline testing and dewatering the pipeline trench during construction.

26. The activities described in clause 25 of this Schedule shall be undertaken subject to the following conditions:

- (a) The intake velocity shall not exceed 1 cubic metre per second:
- (b) The volume of water abstracted from streams for the purposes of this authorisation shall not exceed 10 percent of the stream flow:
- (c) Pump intakes shall be screened:
- (d) The screens shall be covered with mesh with dimensions of no greater than 5mm × 30mm:
- (e) The company shall adopt all practicable measures to ensure that significant adverse effects on the environment and on other users of the watercourses from which water is abstracted are minimised:
- (f) No water is to be abstracted from wetland areas or swamps:
- (g) Water abstracted from the pipeline trench during dewatering operations shall be abstracted in such a manner as not to cause any direct hydraulic connection with any surface water body.

In relation to damming or diversion of water during construction

27. The company is authorised by section 4 of this Act to dam and divert water for the purposes of construction of the pipeline, construction of pipeline stream crossings, and abstraction of water associated with pipe testing and dewatering of pipeline trenches.

28. The activities described in clause 27 of this Schedule shall be undertaken subject to the following conditions:

- (a) The company shall undertake damming or diversion of water during construction in accordance with the following general requirements and any further requirements that the Council may consider necessary to impose from time to time:

FOURTH SCHEDULE—*continued*

CONDITIONS, RESTRICTIONS, AND PROHIBITIONS—*continued*

- (i) The company shall adopt all practicable measures to ensure that the potential for flooding is minimised:
 - (ii) Construction of structures shall be undertaken in such a manner as to minimise effects on public safety and in such a manner that the duration and extent of works within the streambed are minimised:
 - (iii) The company shall adopt all practicable measures to ensure that significant adverse effects on the environment and on users of water are minimised:
 - (iv) The company shall adopt all practicable measures necessary or desirable to avoid the likelihood of, or to minimise, erosion:
 - (v) The company shall adopt all practicable measures to ensure that damage caused to native vegetation is minimised:
 - (vi) The company shall adopt all practicable measures to ensure that existing waterways are maintained, and that the function and integrity of existing drainage patterns, including drains and stopbanks is maintained:
- (b) After construction activities have ceased and the damming or diversion of water is no longer required, the company shall, having regard to stability requirements, rehabilitate the watercourses that are the subject of the construction works to a standard consistent with conditions that existed before the exercise of this authorisation.

In relation to water discharges

29. The company is authorised by **section 4** of this Act to discharge water arising from pipe testing, pipe cleaning and maintenance, and dewatering pipeline trenches.

30. The activities described in **clause 29** of this Schedule shall be subject to the following conditions:

- (a) Discharge of water shall be carried out in accordance with the following general requirements and any further requirements that the Council may consider necessary to impose from time to time:
 - (i) Scouring of the receiving streambed or streambanks shall be minimised:
 - (ii) Whenever practicable, discharges shall be made into existing water tables:
 - (iii) The company shall adopt all practicable measures to ensure that sedimentation of waterways and other adverse effects on receiving water quality are minimised:
 - (iv) The company shall adopt all practicable measures to avoid the discharge of catfish, koi carp or grass carp, alligator weed, and other potential plant pests into waterways on the pipeline route:
 - (v) Discharges shall not contain chemicals:

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FOURTH SCHEDULE—*continued*

CONDITIONS, RESTRICTIONS, AND PROHIBITIONS—*continued*

- (vi) Where discharge to surface water is a possibility, the company shall take all practicable measures to ensure that the discharge is free from oil and grease.
- (b) If, during the construction of the pipeline, any groundwater source is encountered that requires drainage on a continuing basis, the company shall undertake such drainage:
- (c) The company shall submit to the Council, for approval, a Discharge Water Management Plan. This Management Plan shall describe how the requirements of paragraphs (a) and (b) of this clause are to be met:
- (d) The Management Plan shall be to a standard satisfactory to the Council and shall be submitted to the Council at least 10 working days before the day on which any discharge is to commence:
- (e) Discharge of water shall be carried out in accordance with the Management Plan accepted by the Council.

In relation to water conservation

31. The company shall submit to the Waikato Regional Council a report setting out the measures being taken by the company and the customer territorial authorities in order to achieve water conservation within the territorial areas of the customer territorial authorities.

32. The report shall include at least the following matters:

- (a) A description of augmentation measures being taken by the company and customer territorial authorities:
- (b) Public education measures being adopted, including advertising:
- (c) Water savings being achieved from time to time as a result of the measures specified in paragraphs (a) and (b) of this clause.