

# Resource Consent

## Resource Consent RM16-0129-AP

Following the processing of the Application received on the 29 March 2016, the Bay of Plenty Regional Council has granted the applicant(s):

OPOTIKI DISTRICT COUNCIL

Consent(s) to:

RM16-0129-CC.01	Occupy Coastal Space	Expiry	29 July 2051
RM16-0129-CC.02	Coastal Structure	Expiry	29 July 2051

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 12th day of August 2016

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 12 August 2016, **hereby grants:**

A resource consent:

- **Under section 12 of the Resource Management Act 1991 and Rule 12.2.4(a) of the Bay of Plenty Regional Coastal Environment Plan as a Discretionary Activity – for the occupation of land within the Coastal Marine Area associated with the identified cycleway (including any associated supporting structures), retaining walls associated with the district roads and 13 culverts**

subject to the following conditions:

#### **1 Purpose**

- 1.1 The purpose of this consent is to occupy space within the Coastal Marine Area and to undertake maintenance activities associated with the existing structures it has in place within the Ohiwa Harbour.

#### **2 Location**

- 2.1 Various, Ohiwa harbour.

#### **3 Coordinates**

- 3.1 As per the application for this consent.

#### **4 Legal Description**

- 4.1 Road Reserve and Coastal Marine Area.

#### **5 Additional Conditions**

- 5.1 All construction, maintenance and earthworks shall be carried out in general accordance with the Application and document entitled Opotiki District Council Condition Rating of Structures by the Sea memo; Resource Consent Further Information Requirements; dated June 2016 (identified as BOPRC Plan Number RM16-0129/1).

#### **6 Occupation of Space**

- 6.1 The area occupied by the structures shall not exceed the area identified in the Application, specifically the document referenced:
  - Opotiki District Council Condition Rating of Structures by the Sea memo; Resource Consent Further Information Requirements; dated June 2016 (identified as BOPRC Plan Number RM16-0129/1).

#### **7 Prior to Works Commencing**

- 7.1 Prior to the commencement of maintenance activities, authorised under this resource consent, other than manual hand work, the Consent Holder shall provide to the Chief Executive of the Regional Council or delegate for approval, a Construction Management Plan. The Construction Management

Plan shall include at the minimum:

(a) A detailed Erosion and Sediment Control Plan (ESCP). The formulation of the ESCP shall be based on the erosion and sediment control measures identified in the Bay of Plenty Regional Council document titled "Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/01".

(b) A Site Management Plan (SMP). The SMP shall include detailed construction methodology including the management of construction activities so as to control effects on the environment.

- 7.2 Prior to the works being undertaken, the Consent Holder shall provide to the Chief Executive of the Regional Council, or delegate, information on the location and extent of the works proposed and the anticipated timeframe for its completion.

## **8 Establishment and Maintenance of Erosion and Sediment and Control Measures**

- 8.1 The sediment and erosion control devices approved through condition 7.1 shall be installed before any works under this consent commence.
- 8.2 The consent holder shall ensure that the erosion and sediment controls are maintained in an effective capacity at all times during works and until the site is stabilised.
- 8.3 The consent holder shall ensure that erosion and sediment controls are inspected within 12 hours of each rainstorm or sea storm event that is likely to impair the function or performance of the erosion and sediment controls.
- 8.4 The consent holder shall ensure that the erosion and sediment controls are inspected on a weekly basis, for the duration of the construction works.
- 8.5 The consent holder shall record the date, time and maintenance of erosion and sediment controls identified during inspections pursuant to conditions 8.3 and 8.4, and at any other time the site is inspected.
- 8.6 The consent holder shall ensure that records as required by condition 8.5 are maintained and shall forward a copy to the Regional Council within 48 hours of being requested to do so.
- 8.7 Unless otherwise specified in this consent, the consent holder shall ensure that all dust, erosion and sediment controls comply with specifications set out in Bay of Plenty Regional Council Guideline No. 2010/01 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor.

## **9 Ongoing Works and Site Management**

- 9.1 No less than five working days prior to the start of any works, authorised under this resource consent, other than manual hand work, the Consent Holder shall request (in writing) a site meeting between the principal site contractor and the Chief Executive of the Regional Council or delegate. Notification at this time shall include details of who is to be responsible for site management and compliance with consent conditions (see Advice Note 1).
- 9.2 No work shall be undertaken involving the disturbance of the CMA during the Whitebait season, being the period between 15 August and 30 November inclusive.
- 9.3 Work involving the disturbance of the bed of the coastal marine area shall only be carried out at low tide and on the outgoing tide.
- 9.4 All works under this consent shall be undertaken during daylight hours and shall not be undertaken on Weekends or public holidays.
- 9.5 Machinery shall, as far as practicable, be kept out of the coastal marine area.
- 9.6 Where vehicle movements in the coastal marine area are necessary, those movements shall be undertaken in the dry (above sea level at the time of vehicle movement).
- 9.7 No refuelling activities or fuel storage shall be carried out within the coastal marine area, on the foreshore or within 20 metres above mean high water springs. The consent holder shall employ methods to avoid or minimise any fuel spillage, including the provision of appropriate security and containment measures, where necessary.
- 9.8 All plant, machinery, equipment and debris associated with this operation shall be removed from the

foreshore and coastal marine area at the completion of the operation.

- 9.9 Any scour of stream channels or banks resulting from works under this consent shall be effectively stabilised to the satisfaction of the Chief Executive of the Regional Council or delegate.
- 9.10 The consent holder shall ensure that the placement of any structure under this consent does not cause erosion and does not cause a hazard to people.
- 9.11 The consent holder shall ensure that any structure under this consent does not impede the flow of water or the passage of fish.
- 9.12 Any rock revetments shall be constructed using clean rock only.
- 9.13 Rock rip-rap shall be sized so that it is self supporting, interlocks and retains stability. The rock shall be purposefully placed so pieces interlock with one another to form the rock revetment.
- 9.14 The consent holder shall remove any rock that has moved from the approved structures onto the foreshore and ensure that the structures are repaired to a condition that is satisfactory to the Chief Executive of the Regional Council or delegate.
- 9.15 Within five working days of the completion of works under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate.
- 9.16 Within 30 working days of completion of the works under this consent the consent holder shall obtain a statement signed by a suitably qualified engineer to certify that the structures in the Coastal Marine Area have been constructed in accordance with good engineering practice and the information submitted in the application for this consent, including the documents referenced in condition 5.

## **10 Maintenance**

- 10.1 The consent holder shall ensure that the structures authorised by this consent are maintained in a safe, structurally sound and operational condition at all times, and shall undertake any maintenance work immediately, if so directed by the Chief Executive of the Regional Council or delegate. Maintenance work shall include the periodic assessment of the inlet and outlet structures to ensure they are kept free and clear of debris and their function is not inhibited. The removal of sediment from the structures shall be undertaken in accordance with all the conditions in sections 7, 8 and 9 of this consent.
- 10.2 The consent holder shall provide a structural integrity report to the Chief Executive of the Regional Council or delegate by 1 October 2017, certifying that structures 7 & 16 are safe for use by the public.
- 10.3 The consent holder shall provide a structural integrity report to the Chief Executive of the Regional Council or delegate by 1 October, at a minimum of once every three years, beginning with the first report in 2019, certifying that all of the structures are safe for use by the public.
- 10.4 The consent holder will be responsible for any on-going operation and maintenance of the structures and any associated erosion protection authorised under this consent, to the satisfaction of the Chief Executive of the Regional Council or delegate.
- 10.5 Maintenance works, other than hand work, shall be carried out in accordance with all the conditions in sections 7, 8 and 9 of this consent.
- 10.6 The outlet structures shall be maintained to a standard that ensures their effective and efficient operation and their structural integrity, including ensuring that all inlets and outlets are kept free and clear of debris and sediment.
- 10.7 The permit holder shall inform the Regional Council in writing at least three working days prior to carrying out any maintenance work on the seawall.

## **11 Flood/Flap Gates**

- 11.1 The flood/flap gates currently attached to culverts 2 and 10 shall be removed within six months of the issue of this resource consent unless the structures have been authorised through a resource consent. The consent holder shall provide written confirmation to the Chief Executive of the Regional Council, or delegate, of compliance with this condition within 5 days of the removal.

## 12 Signage

12.1 When undertaking maintenance activities other than manual hand work, the consent holder shall erect and maintain a prominent sign adjacent to the access points to the site for the duration of works. The sign shall clearly display, as a minimum, the following information:

- The name of the consent and consent holder.
- The main site contractor.
- A 24 hour contact telephone number for the consent and consent holder or appointed agent.

A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about dust nuisance, noise or any relevant problem that may occur as a result of the exercise of this consent.

## 13 Sites of Archaeological, Historic or Cultural Significance

13.1 In the event that any archaeological site or koiwi being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall contact the Regional Council to obtain details of the relevant iwi authority. The consent holder shall then consult with the relevant iwi authority and Heritage New Zealand and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary. Advice Note: The Regional Council is able to advise of contact details for the relevant iwi authority.

## 14 Review

14.1 The Bay of Plenty Regional Council may, within six months of completion of any impact, environmental investigation or compliance report carried out by the Regional Council, or within one month of receipt of monitoring results that show there is an adverse effect on the environment, serve notice on the consent holder under section 128(1) of the Resource Management Act 1991 of its intention to review the conditions of the consent. The purpose of such a review is to ensure that sufficient mitigation measures or remedial works be undertaken.

## 15 Term of Consent

15.1 This resource consent shall expire on 29 July 2051.

## 16 Resource Management Charges

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

## 17 The Consent

17.1 The Consents 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 Unless otherwise stated all information required under this consent shall be directed to the Manager Pollution Prevention, Bay of Plenty Regional Council, PO Box 364, Whakatane 3158, or fax 0800 884 882 or e-mail [notify@boprc.govt.nz](mailto:notify@boprc.govt.nz) and should include reference to the consent number RM16-0129.
- 2 The Consent Holder is advised that non-compliance with consent conditions may result in enforcement action against the Consent Holder and/or their contractor(s).
- 3 The actual and reasonable costs associated with a review of consent conditions may be charged to the Consent Holder under section 36(cb) of the Resource Management Act 1991 and in accordance with Bay of Plenty Regional Council's section 36 (Resource Management Act 1991) charging policy.

- 4 This consent will lapse (no longer be valid) five years after the granting of the consent unless the consent is given effect to (usually some work being carried out under the authority of the consent). An application can be made to the Bay of Plenty Regional Council to extend the lapse period (section 125 RMA), but only before the consent lapses.
- 5 Approval of resource consent for the development does not supersede any obligations under other legislation, such as the Building Act 2004, the Freshwater Fisheries Regulations or the Reserves Act 1977.
- 6 The consent holder is advised that under the provisions of section 64A of the Resource Management Act 1991, this consent may become subject to charges for the occupation of Crown seabed and/or foreshore. At the time of issuing this consent there is no charging system in place however this consent may be affected by any charging regime implemented in the future.
- 7 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.

## Bay of Plenty Regional Council

### Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 12 August 2016, **hereby grants:**

A resource consent:

- Under section 12 of the Resource Management Act 1991 and Rule 13.2.4(h) of the Bay of Plenty Regional Coastal Environment Plan as a Discretionary Activity – for the maintenance and repair of the identified cycleway and any associated support structures, the support structures associated with the district roads which are located within the Coastal Management Zone and 13 culverts
- Under section 12 of the Resource Management Act 1991 and Rule 13.2.4(k) of the Bay of Plenty Regional Coastal Environment Plan as a Discretionary Activity for the retention of culverts 1, 4 and 5 within the Coastal Habitat Protection Zone
- Under section 12 of the Resource Management Act 1991 and Rule 14.2.4(e) of the Bay of Plenty Regional Coastal Environment Plan as a Discretionary Activity for the disturbance of the foreshore or seabed associated with the maintenance of the identified cycleway, associated support structures and culverts
- Under section 9) of the Resource Management Act 1991 and Rule 1C of the Bay of Plenty Regional Water and Land Plan as a Discretionary Activity – for earthworks within the Coastal Margin associated with maintenance of the identified cycleway (including any associated supporting structures), retaining walls associated with the district roads and 13 culverts.

subject to the following conditions:

#### 1 Purpose

- 1.1 The purpose of this consent is to occupy space within the Coastal Marine Area and to undertake maintenance activities associated with the existing structures it has in place within the Ohiwa Harbour.

#### 2 Location

- 2.1 Various, Ohiwa harbour.

#### 3 Coordinates

- 3.1 As per the application for this resource consent.

#### 4 Legal Description

- 4.1 Road Reserve and Coastal Marine Area.

#### 5 Scope of Activities

- 5.1 All construction, maintenance and earthworks shall be carried out in general accordance with the Application and document entitled Opotiki District Council Condition Rating of Structures by the Sea memo; Resource Consent Further Information Requirements; dated June 2016 (identified as BOPRC Plan Number RM16-0129/1).

#### 6 Occupation of Space



- 6.1 The area occupied by the structures shall not exceed the area identified in the Application, specifically the document referenced:
- Opotiki District Council Condition Rating of Structures by the Sea memo; Resource Consent Further Information Requirements; dated June 2016 (identified as BOPRC Plan Number RM16-0129/1).

## **7 Prior to Works Commencing**

- 7.1 Prior to the commencement of maintenance activities, authorised under this resource consent, other than manual hand work, the Consent Holder shall provide to the Chief Executive of the Regional Council or delegate for approval, a Construction Management Plan. The Construction Management Plan shall include at the minimum:
- (a) A detailed Erosion and Sediment Control Plan (ESCP). The formulation of the ESCP shall be based on the erosion and sediment control measures identified in the Bay of Plenty Regional Council document titled "Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/01".
  - (b) A Site Management Plan (SMP). The SMP shall include detailed construction methodology including the management of construction activities so as to control effects on the environment.
- 7.2 Prior to the works being undertaken, the Consent Holder shall provide to the Chief Executive of the Regional Council, or delegate, information on the location and extent of the works proposed and the anticipated timeframe for its completion.

## **8 Establishment and Maintenance of Erosion and Sediment Control**

- 8.1 The sediment and erosion control devices approved through condition 7.1 shall be installed before any works under this consent commence.
- 8.2 The consent holder shall ensure that the erosion and sediment controls are maintained in an effective capacity at all times during works and until the site is stabilised.
- 8.3 The consent holder shall ensure that erosion and sediment controls are inspected within 12 hours of each rainstorm or sea storm event that is likely to impair the function or performance of the erosion and sediment controls.
- 8.4 The consent holder shall ensure that the erosion and sediment controls are inspected on a weekly basis, for the duration of the construction works.
- 8.5 The consent holder shall record the date, time and maintenance of erosion and sediment controls identified during inspections pursuant to conditions 8.3 and 8.4, and at any other time the site is inspected.
- 8.6 The consent holder shall ensure that records as required by condition 8.5 are maintained and shall forward a copy to the Regional Council within 48 hours of being requested to do so.
- 8.7 Unless otherwise specified in this consent, the consent holder shall ensure that all dust, erosion and sediment controls comply with specifications set out in Bay of Plenty Regional Council Guideline No. 2010/01 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor.

## **9 Ongoing Works and Site Management**

- 9.1 No less than five working days prior to the start of any works, authorised under this resource consent, other than manual hand work, the Consent Holder shall request (in writing) a site meeting between the principal site contractor and the Chief Executive of the Regional Council or delegate. Notification at this time shall include details of who is to be responsible for site management and compliance with consent conditions (see Advice Note 1).
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- 9.3 Work involving the disturbance of the bed of the coastal marine area shall only be carried out at low tide and on the outgoing tide.
- 9.4 All works under this consent shall be undertaken during daylight hours and shall not be undertaken on Weekends or public holidays.

- 9.5 Machinery shall, as far as practicable, be kept out of the coastal marine area.
- 9.6 Where vehicle movements in the coastal marine area are necessary, those movements shall be undertaken in the dry (above sea level at the time of vehicle movement).
- 9.7 No refuelling activities or fuel storage shall be carried out within the coastal marine area, on the foreshore or within 20 metres above mean high water springs. The consent holder shall employ methods to avoid or minimise any fuel spillage, including the provision of appropriate security and containment measures, where necessary.
- 9.8 All plant, machinery, equipment and debris associated with this operation shall be removed from the foreshore and coastal marine area at the completion of the operation.
- 9.9 Any scour of stream channels or banks resulting from works under this consent shall be effectively stabilised to the satisfaction of the Chief Executive of the Regional Council or delegate.
- 9.10 The consent holder shall ensure that the placement of any structure under this consent does not cause erosion and does not cause a hazard to people.
- 9.11 The consent holder shall ensure that any structure under this consent does not impede the flow of water or the passage of fish.
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- 9.13 Rock rip-rap shall be sized so that it is self supporting, interlocks and retains stability. The rock shall be purposefully placed so pieces interlock with one another to form the rock revetment.
- 9.14 The consent holder shall remove any rock that has moved from the approved structures onto the foreshore and ensure that the structures are repaired to a condition that is satisfactory to the Chief Executive of the Regional Council or delegate.
- 9.15 Within five working days of the completion of works under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate.
- 9.16 Within 30 working days of completion of the works under this consent the consent holder shall obtain a statement signed by a suitably qualified engineer to certify that the structures in the Coastal Marine Area have been constructed in accordance with good engineering practice and the information submitted in the application for this consent, including the documents referenced in condition 5.

## 10 Maintenance

- 10.1 The consent holder shall ensure that the structures authorised by this consent are maintained in a safe, structurally sound and operational condition at all times, and shall undertake any maintenance work immediately, if so directed by the Chief Executive of the Regional Council or delegate. Maintenance work shall include the periodic assessment of the inlet and outlet structures to ensure they are kept free and clear of debris and their function is not inhibited. The removal of sediment from the structures shall be undertaken in accordance with all the conditions in sections 7, 8 and 9 of this consent.
- 10.2 The consent holder shall provide a structural integrity report to the Chief Executive of the Regional Council or delegate by 1 October 2017, certifying that structures 7 & 16 are safe for use by the public.
- 10.3 The consent holder shall provide a structural integrity report to the Chief Executive of the Regional Council or delegate by 1 October, at a minimum of once every three years, beginning with the first report in 2019, certifying that all of the structures are safe for use by the public.
- 10.4 The consent holder will be responsible for any on-going operation and maintenance of the structures and any associated erosion protection authorised under this consent, to the satisfaction of the Chief Executive of the Regional Council or delegate.
- 10.5 Maintenance works, other than hand work, shall be carried out in accordance with all the conditions in sections 7, 8 and 9 of this consent.
- 10.6 The outlet structures shall be maintained to a standard that ensures their effective and efficient operation and their structural integrity, including ensuring that all inlets and outlets are kept free and

clear of debris and sediment.

- 10.7 The permit holder shall inform the Regional Council in writing at least three working days prior to carrying out any maintenance work on the seawall.

## **11 Flood/Flap Gates**

- 11.1 The flood/flap gates currently attached to culverts 2 and 10 shall be removed within six months of the issue of this resource consent unless the structures have been authorised through a resource consent. The consent holder shall provide written confirmation to the Chief Executive of the Regional Council, or delegate, of compliance with this condition within 5 days of the removal.

## **12 Signage**

- 12.1 When undertaking maintenance activities other than manual hand work, the consent holder shall erect and maintain a prominent sign adjacent to the access points to the site for the duration of works. The sign shall clearly display, as a minimum, the following information:
- The name of the consent and consent holder.
  - The main site contractor.
  - A 24 hour contact telephone number for the consent and consent holder or appointed agent.
- A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about dust nuisance, noise or any relevant problem that may occur as a result of the exercise of this consent.

## **13 Sites of Archaeological, Historic or Cultural Significance**

- 13.1 In the event that any archaeological site or koiwi being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall contact the Regional Council to obtain details of the relevant iwi authority. The consent holder shall then consult with the relevant iwi authority and Heritage New Zealand and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary. Advice Note: The Regional Council is able to advise of contact details for the relevant iwi authority.

## **14 Review**

- 14.1 The Bay of Plenty Regional Council may, within six months of completion of any impact, environmental investigation or compliance report carried out by the Regional Council, or within one month of receipt of monitoring results that show there is an adverse effect on the environment, serve notice on the consent holder under section 128(1) of the Resource Management Act 1991 of its intention to review the conditions of the consent. The purpose of such a review is to ensure that sufficient mitigation measures or remedial works be undertaken.

## **15 Term of Consent**

- 15.1 This resource consent shall expire on 29 July 2051.

## **16 Resource Management Charges**

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

## **17 The Consent**

- 17.1 The Consents 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 Unless otherwise stated all information required under this consent shall be directed to the Manager Pollution Prevention, Bay of Plenty Regional Council, PO Box 364, Whakatane 3158, or fax 0800 884 882 or e-mail [notify@boprc.govt.nz](mailto:notify@boprc.govt.nz) and should include reference to the consent number RM16-0129.
- 2 The Consent Holder is advised that non-compliance with consent conditions may result in enforcement action against the Consent Holder and/or their contractor(s).
- 3 The actual and reasonable costs associated with a review of consent conditions may be charged to the Consent Holder under section 36(cb) of the Resource Management Act 1991 and in accordance with Bay of Plenty Regional Council's section 36 (Resource Management Act 1991) charging policy.
- 4 This consent will lapse (no longer be valid) five years after the granting of the consent unless the consent is given effect to (usually some work being carried out under the authority of the consent). An application can be made to the Bay of Plenty Regional Council to extend the lapse period (section 125 RMA), but only before the consent lapses.
- 5 Approval of resource consent for the development does not supersede any obligations under other legislation, such as the Building Act 2004, the Freshwater Fisheries Regulations or the Reserves Act 1977.
- 6 The consent holder is advised that under the provisions of section 64A of the Resource Management Act 1991, this consent may become subject to charges for the occupation of Crown seabed and/or foreshore. At the time of issuing this consent there is no charging system in place however this consent may be affected by any charging regime implemented in the future.
- 7 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.