

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 23 March 2009, **Hereby Grants** to:

RIVERS AND DRAINAGE GROUP (OPERATIONAL SERVICES) of the BAY OF PLENTY REGIONAL COUNCIL

A resource consent:

- (a) under section 9(3)(a) of the Resource Management Act 1991 and Rule 1C of the Regional Water and Land Plan to carry out a discretionary activity being to **Undertake Riparian Earthworks to Repair the Banks of Watercourses**; and
- (b) under section 12(1)(c) of the Resource Management Act 1991 and Rule 45 (14.2.4[b]) of the Bay of Plenty Regional Coastal Environment Plan to carry out a discretionary activity being to **Remove Debris, Sand and Shingle from the Coastal Marine Area**; and
- (c) under section 12(3) of the Resource Management Act 1991 and Rule 16 (10.4.2[g]) of the Bay of Plenty Regional Coastal Environment Plan to undertake a discretionary activity being to **Divert Coastal Water Associated With the Realignment of the Mouths of Various Watercourses**; and
- (d) under section 13(1)(a) of the Resource Management Act 1991 and Rule 71 of the Regional Water and Land Plan to undertake a discretionary activity being to **Place and Use Structures in the Beds of Watercourses**; and
- (e) under section 13(1)(b) of the Resource Management Act 1991 and Rule 71 of the Regional Water and Land Plan to undertake a discretionary activity being to **Disturb The Beds of Various Watercourses in the Bay of Plenty to Remove Accumulations of Sediment and/or Debris to Prevent Flooding**; and
- (f) under section 13(1)(c) of the Resource Management Act 1991 and Rule 71 of the Regional Water and Land Plan to undertake a discretionary activity being to **Introduce Plants Into the Banks and Beds of Various Watercourses**; and
- (g) under section 13(2)(b) of the Resource Management Act 1991 and to Rule 71 of the Regional Water and Land Plan to undertake a discretionary activity being to **Remove Vegetation From the Beds of Watercourses**; and

- (h) under section 14(1)(a) of the Resource Management Act 1991 and Rule 48 of the Regional Water and Land Plan to undertake a discretionary activity being to **Divert Various Watercourses in the Bay of Plenty to Re-Instate Original Watercourse Channels;**

subject to the following conditions:

1 Purpose of this Resource Consent

To authorise and set conditions for the various works required to maintain watercourse channels, beds and banks to repair erosion and to prevent erosion and flooding of land in the Bay of Plenty Region.

2 Location

Various watercourses throughout the Bay of Plenty Region, outside of River Scheme Areas as shown in Schedule 5 of the Bay of Plenty Regional Water and Land Plan.

3 Notifying the Regional Council of Works

- 3.1 No less than twenty four hours prior to the start of works under this consent, the consent holder shall notify (in writing) the Chief Executive of the Regional Council or delegate of the intention to start works (see Advice Note 3).
- 3.2 Notification at this time shall include a Management Plan of proposed works covering as a minimum the following:
- a) The designated person in charge of the works and their contact details; and
 - b) A description of the works including the location, scale and purpose; and
 - c) A proposed works methodology setting out how erosion and sediment discharges will be minimised during and following the works and detailing stabilisation works; and
 - d) Where structures are proposed to be placed in watercourses, an appropriate engineering assessment of the proposed structures in terms of suitability for the purpose, effects on hydrology and effects on watercourse habitat values; and
 - e) A record of all consultation carried out in respect of the works including the responses of parties consulted and proposed methodology to avoid, remedy or mitigate adverse effects; and
 - f) The location of any disposal site for any excess material removed.
- 3.3 The consent holder shall notify the Chief Executive of the Regional Council or delegate (in writing) within two working days of the completion of works under this consent (see Advice Note 3).

4 Works in Watercourses

- 4.1 The consent holder shall ensure that all works carried out under the authority of this consent are in accordance with the Management Plans submitted under condition 3.2.
- 4.2 Where it is necessary for machinery to cross a watercourse the consent holder shall ensure that the machinery uses a single crossing point with entry and exit points at right

angles to the stream flow and that crossings are kept to the minimum necessary to carry out the works.

- 4.3 Where rail iron groynes are used in the beds and banks of streams the consent holder shall ensure that the top 300 millimetres of the exposed section of all rail irons used in or near the waterways are encapsulated in a protective cover.
- 4.4 Where waste concrete is used for erosion protection works the consent holder shall ensure that the following standards are met:
 - a) The concrete used shall be free from paint, oil, grease and sediment; and
 - b) There shall be no exposed reinforcing steel visible; and
 - c) The concrete shall not contain any embedded material which may leach a contaminant into the watercourse.
- 4.5 The consent holder shall ensure that works in watercourses carried out under the authority of this consent are timed to avoid the main spawning and migration periods of indigenous fish.
- 4.6 The consent holder shall ensure that works carried out under the authority of this consent do not impede fish passage.
- 4.7 The consent holder shall ensure that machinery used under the authority of this consent is cleaned prior to use in a watercourse to prevent the spread of pest organisms.
- 4.8 The consent holder shall ensure that all works under the authority of this consent are carried out in a manner which is consistent with the Codes and Regulations as set out in Schedule 1 attached to this consent.
- 4.9 The consent holder shall ensure that slash and debris associated with works under this consent are removed from all watercourses immediately following completion of works.
- 4.10 Slash and debris removed from any watercourse under condition 4.9 above shall be placed where that slash and/or debris cannot re-enter the watercourse.
- 4.11 The consent holder shall not use crack willow (*salix fragilis*) for erosion protection in areas where that species is not already established.

5 Coastal Works

- 5.1 The consent holder shall ensure that works carried out at the mouths of watercourses are restricted to the areas designated in the plan entitled "Map Three – Stream Mouth Clearance Works" and referenced as BOPRC Plan Number RC64684.
- 5.2 The consent holder shall ensure that where works are carried out on any beach, that the works are restricted to the hours of 7:00am to 6:00pm from Monday to Friday inclusive.
- 5.3 The consent holder shall ensure that works are carried out at low tide.
- 5.4 Where works authorised under this consent are to be carried out on any beach the consent holder shall;
 - a. prior to commencing works, take and place on file number 1370 64684 photographs of the site and immediate surrounding area such that the beach profile may be discerned; and

- b. immediately following the completion of works take and place on file number 1370 64684 photographs of the site and immediate surrounding area such that the beach profile may be discerned.

5.5 Where clean sand or shingle material is excavated from the mouth of a watercourse the excavated material shall be spread on the beach in a manner that matches the natural beach profile of the site at the time.

5.6 Where material other than clean sand or shingle is excavated from the mouth of any watercourse the material shall be removed from the site to be disposed of at an authorised deposition site (see Advice Note 5).

6 Monitoring Recording and Reporting

6.1 Following completion of each individual watercourse works under this consent the consent holder shall ensure that the works are inspected within 24 hours of any rainfall event likely to damage the erosion protection works until such time as the work site is fully stabilised in compliance with conditions 7.3 to 7.4.

6.2 Notwithstanding condition 6.1 above the consent holder shall inspect works at regular intervals at all other times until the site is fully stabilised in compliance with conditions 7.3 to 7.4.

6.3 The consent holder shall make and maintain an accurate electronic record of the locations of all works carried out under the authority of this consent.

6.4 Records held in compliance with condition 6.3 above shall be made available to Regional Council staff on request (see Advice Note 3).

7 Stabilisation and Maintenance

7.1 The consent holder shall ensure that the erosion and sediment controls and associated erosion protection devices are maintained in an effective capacity at all times during works and until the site is stabilised in accordance with condition 7.3 and 7.4 of this consent.

7.2 The consent holder shall ensure that, as far as practicable, any necessary maintenance of erosion and sediment controls identified by inspection under condition 7.1 or by Regional Council staff, is completed within 24 hours.

7.3 The consent holder shall ensure that all areas of exposed soil resulting from works under this consent are stabilised by re-grassing, re-planting or other equivalent method to the satisfaction of the Chief Executive of the Regional Council or delegate as soon as practicable following completion of works.

7.4 Where seasonal or weather conditions do not allow for sowing grass seed the consent holder shall ensure stabilisation is achieved using mulching, hydro seeding or containment of run-off within an earth bund.

7.5 Notwithstanding conditions 7.3 and 7.4 above the consent holder shall ensure that stabilisation works are consistent with either the guideline document "Erosion and Sediment Control Guidelines for Land Disturbing Activities – September 2002" or the "Environmental Code of Practice for Rivers and Drainage Maintenance Activities – September 2001" whichever is the higher standard.

8 Review of Conditions

The Regional Council may, within six months of completion of any impact, environmental investigation or compliance report carried out by the Regional Council, or receipt of monitoring results that show there is an adverse effect on the environment, serve notice on the consent holder under s. 128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent.

9 Sites of Archaeological, Historic or Cultural Significance

In the event of 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 Maori Policy Section of the Regional Council (see Advice Note 2) to obtain details of the relevant iwi authority. The consent holder shall then consult with the relevant iwi authority and the New Zealand Historic Places Trust and shall not recommence works in the area of the discovery until the relevant Historic Places trust approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary.

10 Resource Management Charges

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

11 Term of Consent

This consent shall expire on 30 September 2018.

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

Advice Notes:

1. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites within the area affected by this consent. Should any artefacts, bones or any other sites of archaeological or cultural significance be discovered within the area affected by this operation, written authorisation should be obtained from the Historic Places Trust before any damage, modification or destruction is undertaken.*
2. *The Maori Policy Section of the Regional Council is able to advise of contact details for the relevant iwi authority.*
3. *Reporting, notification and submission of plans required by conditions 3.1, 3.2, 3.3 & 6.4 should be directed (in writing) to the Pollution Prevention Manager, Environment Bay of Plenty, Box 364, Whakatane or fax 0800 368 329 or email notify@envbop.govt.nz. Please include the consent number 64684.*
4. *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.*

5. *Where driftwood is removed from the mouths of watercourses it may be appropriate to place the driftwood onto the beach above the natural Spring High Tide mark as identified by the natural line of tidal-deposited debris.*
6. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
7. *The Chief Executive of the Regional Council or delegate as referred to in this consent is the Chief Executive of the Regional Council or a staff member with the delegated authority to enforce compliance with the conditions of this consent. The Regional Council as referred to in this consent is the Pollution Prevention Section or its successor.*
8. *The consent holder is advised that disposal of material removed from watercourses under this consent may require further authorisation.*

DATED at Whakatane this 24th day of March 2009

For and on behalf of
The Bay of Plenty Regional Council

A handwritten signature in black ink, appearing to read 'W E Bayfield', written in a cursive style.

W E Bayfield
Chief Executive