

Resource Consent

Resource Consent 65565-AP

Following the processing of the Application received on the 30 October 2008, the Bay of Plenty Regional Council has granted the applicant(s):

Crown Regional Holdings Limited

Consent(s) to:

65565.0.01-LC+	Earthworks or Excavation	Expiry	31 August 2031
65565.0.04-DC	Discharge to Water	Expiry	31 August 2031

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 29th day of July 2009

For and on behalf of The Bay of Plenty Regional Council



Fiona McTavish
Chief Executive



**Thriving together -
mō te taiao,
mō ngā tāngata**

The transfer of the whole of this resource consent was approved under delegated authority of the Bay of Plenty Regional Council dated 10 August 2021

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 29 July 2009, **hereby grants**:

A resource consent:

- **Under section 9(3)(a) of the Resource Management Act 1991 and rule 1C of the Bay of Plenty Regional Water and Land Plan to undertake a discretionary activity being to Carry out Earthworks and the associated Discharge of Water**

subject to the following conditions:

1 Activities authorised by this Resource Consent

1.0 Earthworks and land disturbance by vegetation clearance associated with the following activities that form part of the Opotiki Harbour Entrance project:

- Up to 10,000 m³ of earthworks associated with upgrading two access roads;
- Constructing two 5000 m² construction compounds;
- Stockpiling construction materials;
- Cutting through an existing sand-spit to create a new Harbour entrance;
- Earthworks associated with the disposal of up to 450,000 m³ of dredged material to land; and
- Discharges of sediment -laden water to the coastal marine area associated with the above.

This consent is to be exercised in conjunction with Opotiki District Council Land Use Consent for the Opotiki Harbour Entrance project.

2 Location

2.0 Pakihikura (the Waioeka river mouth), Opotiki and surrounding land as shown on BOPRC Plan Number RC 65563/1.

3 Map References

3.0 The area is bounded by approximate map references NZMS 260 W15:8461.4821, W15:8469.4705, W15:8587.4699 and W15:8563.4817.

4 Legal Description

4.0 Coastal Marine Area, Crown land, Sections 1-3 SO 8737, Allotments 436-439 Waiotahi Parish, Sections 24-31, 31A, 32-43 Opotiki Suburbs Block III, Section 347 Waioeka Parish Block III (Opotiki District).

5 Notifying the Regional Council of Works

5.1 Not less than 20 working days prior to the start of the Opotiki Harbour Access works (including site preparation), the consent holder shall, in writing, notify the Chief Executive of the Bay of Plenty Regional Council or delegate, the Eastern Bay of Plenty Harbourmaster, the Department of Conservation and Whakatohea Maori Trust Board of the intent to start works (see Advice Note 1).

- 5.2 Not less than 20 working days prior to the start of the Opotiki Harbour Access works (including site preparation), the consent holder shall, in writing, request a site meeting between all relevant parties, including all contractors and relevant local authorities, prior to any works commencing on the site to discuss implementation of the construction management plan and environmental management measures (see Advice Note 1).
- 5.3 A copy of this consent shall be kept at the construction site at all times until the works required to construct the new Harbour entrance are complete.
- 5.4 The consent holder shall provide a copy of this consent and all documents referred to in this consent to any operator or contractor undertaking works authorised by this consent, prior to the works commencing.

6 Pre-Construction Requirements

- 6.1 The consent holder shall prepare and submit a Construction Management Plan (CMP) for all construction works authorised by this consent to the Chief Executive of the Bay of Plenty Regional Council or delegate for approval, at least 40 working days prior to the proposed date for commencement of works (see Advice Notes 1, 2 and 20). The purpose of this document is to demonstrate how the consent holder will manage activities during construction to avoid, remedy or minimise environmental effects and achieve compliance with the conditions of this consent. The CMP shall include, but not be limited to:
- A detailed construction methodology for all works (to include how works will be sequenced/staged to minimise adverse environmental effects);
 - Demonstration that a Floodway and Drainage Bylaw Authority has been obtained for the works (if necessary)(see Advice Note 4);
 - Demonstration that an authority has been obtained for the works under the Historic Places Act 1993 (see Advice Note 3);
 - The name and 24-hour contact details of the site manager supervising the works (including the refuelling and plant) as well as the contact details for all contractors working on site;
 - Roles and responsibilities of key personnel for the implementation of this consent, including appointment of a representative to be the primary contact person in regard to matters relating to this consent;
 - General site management measures, including:
 - waste/litter disposal
 - effluent disposal
 - security
 - location of stockpiles
 - Complaints register and reporting procedure;
 - Incident register and reporting procedure;
 - Evidence that a suitably qualified engineer(s) has been appointed to carry out the overall design, supervision and certification of the works (including construction of all erosion and sediment controls);
 - Construction monitoring, record-keeping and maintenance requirements; and
 - An accidental discovery protocol for dealing with koiwi or taonga unearthed during construction activities, developed in consultation with Whakatohea Maori Trust Board.
- 6.2 The consent holder shall prepare and submit an Environmental Mitigation and Remediation plan (EMP) for all construction works authorised by this consent to the Chief Executive of the Bay of Plenty Regional Council or delegate, for approval, at least 40 working days prior to the proposed date for commencement of works (see Advice Notes 1, 2 and 20). The purpose of this document is to demonstrate how the consent holder will manage activities during construction to avoid, remedy or minimise environmental effects and rehabilitate the site after construction works have been completed. The consent holder shall consult with the technical liaison group required by condition 6.4 of this consent during the development of this Plan. The EMP shall include, but not be limited to:
- Identification and mapping of areas (such as Dotterel nesting sites, indigenous vegetation) sensitive to disturbance by construction activities and measures to protect against such disturbance;
 - Establishment and clear delineation of construction vehicle/machinery movement tracks (including the western access track) that limit disturbance to sensitive areas;
 - Measures to be taken to ensure that the works authorised by this consent do not cause the

water quality standards listed in condition 13 to be exceeded beyond the zone of reasonable mixing (see Advice Note 6);

- Procedures to prevent the discharge of hazardous substances or other contaminants into the coastal marine area or onto vegetation (see Advice Note 7);
- Procedures to minimise the discharge of sediment into the coastal marine area;
- Measures that will be taken to minimise the risk of fuel entering coastal or estuarine waters during refueling, especially where refueling occurs within 20 m of the coastal marine area;
- Steps that will be taken to mitigate and rehabilitate the site post-construction (in particular to ensure compliance with conditions 19 of this consent);
- Steps that will be taken to mitigate for the loss of Dotterel habitat as a result of the works authorised by this consent (in particular to ensure compliance with condition 19.1 of this consent);
- Measures that will be taken to educate contractors regarding the requirements of the relevant resource consents and management plans, and environmental management; and
- Measures that will be taken to re-nourish beaches and replant dune systems following coastal setback post-construction. In particular, the EMP shall include, but not be limited to, the following information:
 - Identification of the plant species to be used for revegetation in each area on a plan or schedule (including all new areas of sand-dune, all existing areas of sand dune that will be affected by the harbour entrance works and areas of potential setback post-construction);
 - Desired planting density (see Advice Note 14);
 - Fertiliser application (including use of a controlled-release fertiliser at planting and post-planting fertiliser use);
 - Weed management and pest control activities to be undertaken;
 - A programme for maintenance for a period of at least three years following completion of initial planting (maintenance activities may include the exclusion of pest browsers, the removal of weeds and replacement planting); and
 - A programme for ensuring adequate supply of plants (such as ordering and growing in advance).

6.3 The consent holder shall prepare and submit a Dredge Disposal Plan (DDP) for the disposal of material removed by dredging activities authorised by consent 65563 to the Chief Executive of the Bay of Plenty Regional Council or delegate for approval, at least 40 working days prior to the proposed date for commencement of works (see Advice Notes 1, 2 and 20). The purpose of this document is to demonstrate how the consent holder will manage dredging activities to avoid, remedy or minimise environmental effects and achieve compliance with the conditions of this consent. The DDP shall include, but not be limited to:

- The location and specifications of the settlement ponds - the ponds shall be appropriately sized, constructed and maintained to ensure that discharges of settled water meet the water quality standards included in conditions 10.6 and 13 of this consent;
- Demonstration that material will be disposed of in a manner that (where practicable) enhances existing levels of flood protection and the integrity of existing flood protection stopbanks;
- Evidence of consultation with landowners and the Waioeka-Otara Rivers Scheme regarding proposed disposal sites and the potential for any adverse effects on the Waioeka-Otara Rivers Scheme;
- Demonstration that there will be no adverse impact on the level of flood protection provided by the Waioeka-Otara Rivers Scheme; and
- Demonstration that conditions 12.1, 12.2 and 12.3 will be met.

6.4 The consent holder shall establish a technical liaison group to provide input during the development and implementation of the Environmental Mitigation and Remediation Plan required by condition 6.2 of this consent. The consent holder shall, as a minimum, invite representatives from the following organisations to form part of the technical group: Environment Bay of Plenty, Waiotahi Coast Care, Department of Conservation, Whakatohea Maori Trust Board and Opotiki District Council (see Advice Note 8). The functions of the Technical Liaison Group are to:

- Review and provide constructive comment on the content of the detailed designs and EMP prior to its submission to the Regional Council; and
- Review and provide constructive comment on the implementation of the EMP.

6.5 The consent holder shall prepare, submit and implement a Site-Wide Contingency Plan (SCP) for contaminant spills to the Chief Executive of the Bay of Plenty Regional Council or delegate for

approval at least 40 working days prior to works commencing (see Advice Notes 1, 2 and 20). The purpose of this document is to demonstrate how the consent holder will manage activities during construction to avoid, remedy or minimise environmental effects of unintended discharges and achieve compliance with the conditions of this consent. The Contingency Plan shall:

- Identify potential contaminants that will be used or stored on site (see Advice Note 7);
- Identify designated contaminant storage facilities and re-fuelling locations;
- Require that these locations to be bunded, and that machinery should be parked overnight or long-term only in these designated areas;
- Require that all mobile fuel tankers carry spill kits and that spill kits are stored at bulk storage tank locations at all times;
- Detail the contents of the spill kits, including absorbent pads, booms, pillow and socks and appropriate pegs/rope to hold the absorbent material in place;
- Record the names of operators trained in spill response and remediation;
- Detail an internal and external notification procedure of any spills; and
- Identify measures to be undertaken to remediate a contaminant spill.

6.6 The consent holder shall prepare and submit an Erosion and Sediment Control Plan (ESCP) for the earthworks associated with the Harbour entrance development project to the Chief Executive of the Bay of Plenty Regional Council or delegate for approval at least 40 working days prior to the proposed commencement date of the works (see Advice Notes 1, 2 and 20). The purpose of this document is to demonstrate how the consent holder will manage earthwork activities to avoid, remedy or mitigate environmental effects associated with the disturbance of land and associated discharges to water and achieve compliance with the conditions of this consent. The ESCP shall be in accordance with the Erosion and Sediment Control Guidelines for the Land Disturbing Activities and shall include, but not be limited to:

- Detailed design specifications of all earthworks, including disposal sites, and all erosion and sediment control measures to be implemented including supporting calculations where appropriate;
- An indicative programme for the earthworks that demonstrates how works will be managed to limit the area of exposed soil that is open on site at any one time;
- Monitoring and maintenance schedules for all erosion and sediment control measures on a set weekly, daily) basis or within 24 hours of each rainstorm event that is likely to impair the function or performance of the control measures;
- A site plan showing contours at suitable intervals, cut and fill operations, the specific location of all sediment and erosion control measures, and catchment boundaries for the sediment controls;
- Confirmation that the outlets or discharge points from all erosion and sediment control measures are sited so that the stormwater runs over vegetated land prior to discharging to an ephemeral or permanent watercourse;
- Measures to ensure that accumulated sediment is removed from sediment retention ponds and other relevant erosion and sediment control measures before the sediment reaches 20% of the live storage capacity of the control measure;
- Provision of a wheel wash or similar facilities at each site access point to ensure that all vehicles and earthmoving machinery exiting the site do not carry materials onto the surrounding road network or environment and measures to ensure any material tracked onto external roads is cleaned; and
- Other measures to be implemented to ensure compliance with all conditions of this consent.

6.7 The consent holder shall develop and submit a Monitoring and Review Plan (MRP) for the earthworks authorised under this consent to the Chief Executive of the Bay of Plenty Regional Council or delegate for approval at least 40 working days prior to the proposed date for commencement of works (see Advice Notes 1, 2 and 20). This Plan shall outline how the potential environmental effects associated with the earthworks are to be monitored (including monitoring methodologies, monitoring frequency and how results will be analysed and reported to the Regional Council). The MRP shall also provide for baseline monitoring, triggers for further monitoring or mitigation action and a description of what further monitoring and/or mitigation action may be required. Conditions 18 describe in further detail the matters that should be covered by this Plan.

6.8 Construction shall not commence until written approval of the plans required by conditions 6.1, 6.2, 6.3, 6.5, 6.6 and 6.7 of this consent has been received by the consent holder from the Chief Executive of the Bay of Plenty Regional Council or delegate.

7 Earthworks

- 7.1 Construction and earthworks shall be carried out in general accordance with the information submitted with the application for this consent and the following plans:
- The Construction Management Plan (approved in accordance with condition 6.1 of this consent);
 - The Environmental Mitigation and Remediation Plan (approved in accordance with condition 6.2 of this consent);
 - The Dredging Disposal Plan (approved in accordance with condition 6.3 of this consent); and
 - The Site-wide Contingency Plan (approved in accordance with condition 6.5 of this consent); and
 - The Erosion and Sediment Control Plan (approved in accordance with condition 6.6 of this consent).

Any amendments to the plans referenced in this condition shall be submitted to the Chief Executive of the Regional Council or delegate for review to ensure that they remain consistent with the conditions of this consent. Amended plans shall not be implemented until written approval has been received from the Regional Council.

- 7.2 The consent holder shall ensure that the earthworks authorised by this consent do not cause damage to, or impair the operation of, the soakage lines or soakage area that form part of the disposal field for the discharge of treated effluent from the Opotiki Sewage Treatment Plant.
- 7.3 The consent holder shall ensure that only cleanfill is deposited on site as a result of the earthworks authorised by this consent.
- 7.4 For the purposes of this consent, the definition of cleanfill shall include only natural materials such as sand, clay, soil, rock and such other materials that has received written approval from the Chief Executive of the Regional Council or delegate.
- 7.5 The consent holder shall ensure that the works authorised under this consent are completed within a period of no longer than five years following their commencement.
- 7.6 The consent holder shall ensure that exposed areas of earth resulting from works associated with this consent are progressively stabilised wherever practicable by vegetative cover or other methods to provide effective protection against erosion. In any case, the consent holder shall ensure that all exposed areas of earth resulting from works associated with this consent are effectively stabilised against erosion by vegetative cover or other methods as soon as practicable following the completion of works.

8 General Works

- 8.1 Machinery and vehicles used to undertake the works shall be clean and well-maintained. In particular:
- Machinery and vehicles should be cleaned to remove surface hydrocarbons, seeds and other contaminants before entering site;
 - Hydraulic hoses shall be inspected and replaced when necessary to avoid failure whilst working in the coastal marine area;
 - Vegetable oil shall be used in place of hydraulic fluid wherever practicable;
 - Machines to be used in the coastal marine area shall be fitted with sealed bearings and grease caps for moving parts; and
 - All machinery is to be regularly maintained (including hydraulic hoses) in such a manner so as to minimise the potential for leakage of contaminants.
- 8.2 No fuel storage or machinery/vehicle maintenance shall be carried out within the western construction compound(s), the coastal marine area, on the foreshore or within 20 m above mean high water springs.
- 8.3 Any fuel or other hazardous substances stored on site shall be stored within portable containers so

that they can be removed from the site if needed due to flood or storm events.

- 8.4 Refuelling shall only occur within the coastal marine area, on the foreshore or within 20 m above mean high water springs if it is the most practicable option and appropriate measures have been put in place to avoid or minimise any fuel or hydrocarbon spillage, including the provision of appropriate security and containment measures, where necessary.
- 8.5 The consent holder shall take all practicable measures to prevent cement dust and non-stabilised cement slurries from entering coastal or surface water. These measures shall include but not be limited to the following (see Advice Note 10):
- Ensuring appropriate controls are in place before the use of cement begins to contain and remove all cement contaminated waste and to prevent any discharge of waste water to fresh or storm water;
 - Ensuring clean storm water is diverted away from the work area;
 - Immediately containing and cleaning up any spills that occur to the satisfaction of Regional Council staff;
 - Containing all cement particles and dust within the works area and removing all cement particles and dust immediately after the completion of the work. Cement waste must be reused within the work area or disposed of at an appropriate facility;
 - Ensuring cement is allowed to fully set and there are no loose cement particles or dust residue remaining before allowing any natural flow of water back over it; and
 - Creating a designated wash down area on site for vehicles and equipment and ensuring staff use this facility.
- 8.6 The best practicable option shall be used to minimise the discharge of sediments resulting from construction works into coastal and estuarine waters. The consent holder shall detail the measures to be used in the EMP required by condition 6.2 of this consent.
- 8.7 For each year during construction, the consent holder shall fence off and signpost Dotterel nesting sites located on the eastern spit during the Dotterel breeding and nesting season (15 August to 29 February inclusive). The Department of Conservation shall be consulted regarding the areas that should be fenced. Fencing shall be erected by 14 August each year and may be removed from 1 March of the following year.
- 8.8 The construction compounds shall be fenced so as to contain the storage and construction area and to protect the surrounding dune landforms and vegetation.
- 8.9 The activities undertaken under this consent shall not result in an increase in the 100-year return period flood levels within the Waioeka and Otara Rivers at the following locations (see Advice Note 11):
- The Waioeka/Otara River confluence; or
 - The Waioeka Bridge; or
 - Approximately 850 m upstream of Otara Bridge.
- 8.10 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 Regional Council, the Historic Places Trust and the relevant iwi authority (as identified in the Accidental Discovery Protocol required by the Construction Management Plan). The consent holder shall follow the Accidental Discovery Protocols (ADP), and shall not recommence works in the area of the discovery until the requirements of the ADP have been met (see Advice Note 3).
- 8.11 All plant, machinery, equipment, debris and construction materials, not associated with the permanent structures, shall be removed from the site at the completion of works.
- 8.12 All metal used to surface construction access tracks that are no longer required for maintenance shall be collected and removed at the completion of the works.

9 Erosion and Sediment Control

- 9.1 Erosion and sediment controls shall be constructed in general accordance with the Erosion and Sediment Control Plan approved in accordance with condition 6.6 of this consent or any subsequent plan that has received written approval from the Chief Executive of the Regional Council or delegate.
- 9.2 All erosion and sediment controls for a particular area of earthworks shall be installed prior to the commencement of earthworks in that area.
- 9.3 The consent holder shall ensure that all practicable measures are taken to ensure that no material is tracked off site.
- 9.4 The consent holder shall divert uncontaminated catchment runoff away from the area of earthworks.
- 9.5 The consent holder shall ensure that where runoff controls (such as diversion channels, bunds and contour drains) have slopes greater than 2%, then the runoff controls shall be protected from erosion by the use of geotextile materials, rock or other suitable materials.
- 9.6 Unless otherwise specified in this consent, the consent holder shall ensure that all erosion and sediment controls comply with specifications set out in Environment Bay of Plenty Guideline No. 2001/03 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor.

10 Settlement Pond Discharge

- 10.1 Dredged material shall be dewatered in a settlement pond prior to disposal on land.
- 10.2 The consent holder shall ensure that the construction of the settlement pond includes stabilised inlets and outlets in order to prevent erosion at both the inlet and outlet of the pond.
- 10.3 The consent holder shall ensure that the placement and use of the discharge structures does not cause erosion of the bed, banks or margins of any watercourse or drains, or dune vegetation and that it does not pose a hazard to people using the stream or its margins.
- 10.4 The consent holder shall ensure that the construction of the settlement ponds is undertaken as quickly as possible and within a dry period of weather.
- 10.5 Settled dredge water discharged to water shall be substantially free of floatable solids, oil and grease.
- 10.6 The consent holder shall ensure that the discharge of settled dredge water to water from the settlement pond does not exceed 150 g/m³ of suspended solids at the point of discharge.
- 10.7 Notwithstanding conditions 10.6 and 10.7, the consent holder shall ensure that the discharge of settled dredge water or stormwater does not cause the water quality standards contained in condition 13 of this consent to be exceeded beyond the zone of reasonable mixing. For the purpose of this consent, reasonable mixing is defined as being within a 200 m radius of the point of discharge to water.

11 Temporary Stormwater Discharge

- 11.1 Stormwater generated on the site during construction shall be treated in an appropriate sediment retention device before discharge as described in the ESCP approved in accordance 6.6 of this consent.

- 11.2 The consent holder shall ensure that the construction of any sediment ponds includes stabilised inlets and outlets in order to prevent erosion at both the inlet and outlet of the pond.
- 11.3 The consent holder shall ensure that the placement and use of any discharge structures does not cause erosion of the bed, banks or margins of the modified watercourse or drains and that it does not pose a hazard to people using the stream or its margins.
- 11.4 The consent holder shall ensure that no sediment contaminated stormwater leaves the site before treatment in a sediment treatment device.
- 11.5 The consent holder shall ensure that the construction of any sediment ponds is undertaken as quickly as possible and within a dry period of weather.
- 11.6 Stormwater discharged shall be substantially free of floatable solids, oil and grease.

12 Disposal of Dredge Material to Land

- 12.1 The consent holder shall ensure that no dredge material is disposed of to land, except for that being used in beach renourishment, before treatment by an appropriate settlement pond.
- 12.2 Dredged material shall not be stockpiled in the intertidal zone or placed on wetland or dune vegetation.
- 12.3 Any dredged or imported material used for beach renourishment shall be of a comparable size and colour to the natural sediments present at the deposition site.

13 Water Quality Standards

- 13.0 The consent holder shall ensure that all other earthworks authorised by this consent do not result in any of the following effects in estuarine or coastal waters following reasonable mixing (see Advice Note 6):
- The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - Any conspicuous change in colour or visual clarity;
 - Any emission of objectionable odour;
 - Significant adverse effects on aquatic life;
 - Water rendered unsuitable for bathing due to poor visual clarity and/or the presence of contaminants;
 - Undesirable biological growths;
 - A water temperature change of more than 3 degrees C;
 - The concentration of dissolved oxygen to fall below 80% of saturation concentration; or
 - Aquatic organisms rendered unsuitable for human consumption due to the presence of contaminants.

For the purpose of this consent, the reasonable mixing area is within a 200 m radius of any individual discharge or area of construction activity.

14 Timing of Works

- 14.1 Construction activity (including site establishment works) shall not commence on the western end of the eastern spit, as shown on Plan number BOPRC 65563/3, during the period 15 August to 29 February inclusive (the Dotterel breeding and nesting period). (See Advice Note 4).
- 14.2 Construction activity within the Estuary, on the western sand spit or on the area of the eastern sand pit not included in condition 14.1 shall not commence during the period 1 October to 31 January inclusive (the Dotterel nesting period). (See Advice Note 12).

15 Dust Control

- 15.1 The consent holder shall adopt a proactive strategy for dust control, specifically by complying with the principles of dust management as set out in section 3.4 of Environment Bay of Plenty Guideline No. 2001/03 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor, so as to prevent a dust nuisance from occurring beyond the boundary of the work site.
- 15.2 The consent holder shall ensure that an adequate supply of water for dust control (sufficient to apply a minimum of 5 mm/day to all exposed areas of the site), and an effective means for applying that quantity of water, is available on site at all times during construction and until such time as the site is fully stabilised.
- 15.3 The consent holder shall ensure that soil moisture levels are monitored at all times when earthworks are being carried out, and at the end of every working day.
- 15.4 The consent holder shall ensure that, at all times, the soil moisture level of exposed areas is sufficient, under prevailing wind conditions, to prevent dust generated by normal earthmoving operations from remaining airborne beyond the boundary of the work site.
- 15.5 The consent holder shall ensure that, at the end of every working day until such time as the site is fully stabilised, the soil moisture level of exposed areas is sufficient to prevent a dust nuisance occurring beyond the boundary of the works site.
- 15.6 The consent holder shall ensure that, outside of normal working hours, staff members are available on-call to operate the water application system for dust suppression.
- 15.7 In the event that wind conditions render dust control impracticable, the consent holder shall ensure that any machinery generating airborne dust ceases to operate until such time as effective dust control can be re-established.
- 15.8 Despite conditions 15.1 to 15.7 of this consent, the consent holder shall undertake additional or alternative dust control measures to the satisfaction of the Chief Executive of the Regional Council or delegate, as directed.

16 Signage

- 16.0 Prior to the commencement of the Opotiki Harbour Entrance project (including site preparation), the consent holder shall erect a prominent sign adjacent to the main entrance to the site, and maintain it throughout the period of the works. The sign shall clearly display, as a minimum, the following information:
- The name of the project and the consent holder;
 - The principal contractor;
 - A 24-hour contact telephone number for the 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 the Opotiki Harbour Entrance project; and
 - Restrictions to public access.

17 Maintenance

- 17.1 The consent holder shall ensure that the erosion and sediment controls, spillways and associated erosion protection devices and dust controls are maintained in an effective capacity at all times during works and until the site is stabilised in accordance with condition 7.6 of this consent.
- 17.2 The consent holder shall ensure that, as far as practicable, any necessary maintenance of erosion and sediment controls identified by inspection under condition 18.7 or by Regional Council officers is completed within 24 hours.

- 17.3 Accumulated sediment shall be removed from the settlement ponds and sediment retention devices before sediment levels reach 25% of that pond or device's volume.
- 17.4 The consent holder shall ensure that sediment removed from the settlement ponds or sediment detention devices is placed in a stable position where it can not re-enter the pond or device or enter any water body.
- 17.5 The consent holder shall ensure that all-weather machinery access is maintained to the settlement ponds.

18 Monitoring and Reporting

- 18.1 The consent holder shall develop and implement a programme for monitoring the effects of the earthwork activities on water quality to assess compliance with conditions 13 of this consent.
- 18.2 The consent holder shall develop and implement a programme for monitoring wildlife and wildlife habitat sensitive to disturbance. As a minimum this programme shall include monitoring the extent of sea-grass beds for a period up to at least two years post-construction and Dotterel breeding and feeding areas for a period up to at least five years post-construction.
- 18.3 The consent holder shall establish triggers for additional monitoring and mitigation to be undertaken by the consent holder in relation to the monitoring programme required by conditions 18.1 and 18.2 of this consent. The consent holder shall be responsible for undertaking any additional monitoring and/or mitigation.
- 18.4 Once during each week that the discharge of settled dredge water occurs, the consent holder shall take a water sample at the point(s) of discharge to estuarine or coastal waters. This sample shall be analysed as soon as practicable for suspended solids concentration, pH, temperature and dissolved oxygen content (% saturation).
- 18.5 The consent holder shall keep a record of the results of the samples taken in accordance with condition 18.4 of this consent for a period of at least one year. These results shall be made available to Regional Council officers upon request.
- 18.6 All measurements required by condition 17.3 shall be carried out in accordance with the methodology described in "APHA 1995: Standard Methods for Examination of Water and Waste Water" or subsequent editions.
- 18.7 The consent holder shall ensure that the erosion and sediment controls are inspected:
- At least weekly during the duration of this consent; and
 - Within 24 hours of each rainstorm event which is likely to impair the function or performance of the erosion and sediment controls.
- 18.8 The consent holder shall maintain records of:
- The date and time of every inspection of erosion and sediment controls on the site; and
 - The date, time and description of any maintenance work carried out.

These records shall be maintained for a period of at least one year and be made available to Regional Council officers upon request.

- 18.9 The consent holder shall forward a copy of records required by conditions 18.5 and 18.8 to the Regional Council within 48 hours of receiving its request (see Advice Note 1).

19 Post Construction Mitigation and Remediation

- 19.1 The consent holder shall establish an area that is approximately one hectare on the post-construction western spit that provides suitable habitat for NZ Dotterel nesting. That area shall be maintained using weed and predator control for a period of five years. Suitable habitat consists of flat open sand and planting on the southern perimeters.
- 19.2 The consent holder shall reshape and replant any areas affected by the works (including access tracks and construction compounds) and the newly created dune systems with appropriate plants. Indigenous species shall be used with a preference for locally sourced seed stock wherever practicable (see Advice Note 13).
- 19.3 The consent holder shall erect and maintain six interpretative signs approximately 1.5 m x 1.0 m in size that provide information on:
- The cultural and heritage values of the site;
 - The ecological and conservation values of the site;
 - The Harbour Development Project; and
 - Appropriate access routes to and through the sand-dunes and Huntress Creek Conservation Area.
- 19.4 The consent holder shall fence the Huntress Creek Conservation Area, as shown on Plan Number BOPRC RC65563/4, along its northern boundary and along the legal road boundaries that pass through the conservation area. The Department of Conservation shall be consulted regarding the materials used to construct this fencing.
- 19.5 The consent holder shall make appropriate provision for public access to the new Harbour entrance. This access shall be in general accordance with the outline shown on Plan Number BOPRC 65563/5 and shall provide:
- Vehicle access to a sandy road head (consisting of bollards, rope and a signboard) on both sides of the training walls;
 - Delineation of foot tracks (using planting) along the southern side of the river closure and bank protection structures authorised by this consent that guide visitors away from potential Dotterel nesting areas; and
 - Creation of a loop track in the Huntress Creek Conservation Area (see Advice Note 16).
- 19.6 Any sand used for beach and dune renourishment shall be of a comparable size and colour to the natural sediments present at the deposition site.
- 19.7 The mitigation and remediation works associated with this consent shall be carried out under the supervision of a suitably qualified terrestrial ecologist.

20 Review of Conditions

- 20.1 The Bay of Plenty Regional Council, may review any or all conditions of this consent by giving notice of its intention to do so under Section 128 of the Resource Management Act 1991, at any time within three months of the receipt of any of the monitoring results, or completion of a compliance report for any of the following purposes:
- (a) To deal with any adverse effects on the environment, which may arise from the exercise of this consent, and which it is appropriate to deal with at a later stage; or
- (b) To review the adequacy of any monitoring plans proposed and/or monitoring requirements so as to incorporate into the consent any monitoring or other requirements which may become necessary to deal with any adverse effects on the environment arising from the exercise of this consent; or
- (c) To review the adequacy of any mitigation measures proposed and/or mitigation requirements so as to incorporate into the consent any additional mitigation requirements which are necessary to deal with any adverse effects on the environment arising from the exercise of this consent.

- 20.2 The Bay of Plenty Regional Council shall be entitled to recover from the consent holder the actual and reasonable costs of the conduct of any review, calculated in accordance with and limited to that Council's scale of charges in-force and applicable at that time under section 36 of the Resource Management Act 1991.

21 Resource Management Charges

- 21.0 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.

22 Lapse of Consent

- 22.0 This consent shall lapse on 31 August 2024 if not given effect to by that date. For the avoidance of doubt, given effect to includes, but is not limited to, the submission and subsequent approval of the pre-construction required under conditions 6 of this consent.

23 Term of Consent

- 23.0 This consent shall expire on 31 August 2031.

24 The Resource Consent

- 24.0 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
1. *Notification of works and submission of information should be made in writing to the Manager Pollution Prevention, Environment Bay of Plenty, Box 364 or fax 0800 368 329 or email notify@envbop.govt.nz and should include the consent number 65563.*
 2. *Consultation with Opotiki District Council (as consent authority) will be undertaken as part of this approval process. Review and approval of the detailed designs and various plans may take up to 40 working days to complete due to the need to consult with various staff members within Environment Bay of Plenty. The approval process may take more than 40 working days to complete if the plans or designs require amendment before approval can be given.*
 3. *This proposal will affect archaeological site(s). Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. An authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage. The applicant is advised to contact the New Zealand Historic Places Trust for further information.*
 4. *The proposal may require an authority under the Floodway and Drainage Bylaw 2008 (or its successor).*
 5. *This activity may require authorisation under the Building Act 1991.*
 6. *Schedule 13 of the Regional Coastal Plan provides guidance on what quantitative standards can be used to assess compliance with the qualitative standards listed in the coastal water quality classifications.*
 7. *Potential contaminants include, but are not limited to, hydrocarbons, hydraulic fluids and cement and concrete products.*
 8. *The consent holder shall not be deemed to be non-compliant with this condition if the invited representatives chose not to participate. Representatives from Opotiki District Council and Environment Bay of Plenty may be the same as the respective compliance officers for this consent.*
 9. *At the time of granting this consent, the appropriate local newspapers were the Opotiki News and Whakatane Beacon. The appropriate radio station was Radio 1XX.*
 10. *For more information on the effects of cement in waterways and reasonable prevention measures refer to the following document available on the Auckland Regional Council website (www.arc.govt.nz), "Pollution Fact Sheet - Construction Activities".*
 11. *Additional works may be required to ensure that the construction of the Opotiki Harbour entrance does not result in an increase in flood levels. Further resource consents may be required for these works, which should be completed before construction begins.*
 12. *Once construction works have commenced in the areas referred to in conditions 14.1 and 14.2 of this consent then they may continue during subsequent Dotterel nesting periods - subject to compliance with the other conditions of this consent.*

13. *The Environment Bay of Plenty Coast Care Information Brochure Number 9: Backyard Buffers includes information on appropriate dune plant species.*
14. *An appropriate maximum inter-plant spacing for foredune plants is 1 m, and for back-dune plants is 0.6 m.*
15. *Planting is more likely to be successful if carried out between 1 May and 30 September.*
16. *The loop track to be provided through the Huntress Creek Conservation Area shall be designed in consultation with the Department of Conservation.*
17. *A review of the Dredge Material Disposal Plan will be sought from the by Rivers and Drainage Group before approval is given.*
18. *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.*
19. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
20. *The consent holder is advised that one set of detailed designs and pre-construction plans may be prepared to meet the requirements of each of the consents required for the Opotiki Harbour Entrance project.*

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 29 July 2009, **hereby grants:**

A resource consent:

- **Under section 9(3)(a) of the Resource Management Act 1991 and rule 1C of the Bay of Plenty Regional Water and Land Plan to undertake a discretionary activity being to Carry out Earthworks and the associated Discharge of Water**

subject to the following conditions:

1 Activities authorised by this Resource Consent

1.0 Earthworks and land disturbance by vegetation clearance associated with the following activities that form part of the Opotiki Harbour Entrance project:

- Up to 10,000 m³ of earthworks associated with upgrading two access roads;
- Constructing two 5000 m² construction compounds;
- Stockpiling construction materials;
- Cutting through an existing sand-spit to create a new Harbour entrance;
- Earthworks associated with the disposal of up to 450,000 m³ of dredged material to land; and
- Discharges of sediment -laden water to the coastal marine area associated with the above.

This consent is to be exercised in conjunction with Opotiki District Council Land Use Consent for the Opotiki Harbour Entrance project.

2 Location

2.0 Pakihikura (the Waioeka river mouth), Opotiki and surrounding land as shown on BOPRC Plan Number RC 65563/1.

3 Map References

3.0 The area is bounded by approximate map references NZMS 260 W15:8461.4821, W15:8469.4705, W15:8587.4699 and W15:8563.4817.

4 Legal Description

4.0 Coastal Marine Area, Crown land, Sections 1-3 SO 8737, Allotments 436-439 Waiotahi Parish, Sections 24-31, 31A, 32-43 Opotiki Suburbs Block III, Section 347 Waioeka Parish Block III (Opotiki District).

5 Notifying the Regional Council of Works

5.1 Not less than 20 working days prior to the start of the Opotiki Harbour Access works (including site preparation), the consent holder shall, in writing, notify the Chief Executive of the Bay of Plenty Regional Council or delegate, the Eastern Bay of Plenty Harbourmaster, the Department of Conservation and Whakatohea Maori Trust Board of the intent to start works (see Advice Note 1).

- 5.2 Not less than 20 working days prior to the start of the Opotiki Harbour Access works (including site preparation), the consent holder shall, in writing, request a site meeting between all relevant parties, including all contractors and relevant local authorities, prior to any works commencing on the site to discuss implementation of the construction management plan and environmental management measures (see Advice Note 1).
- 5.3 A copy of this consent shall be kept at the construction site at all times until the works required to construct the new Harbour entrance are complete.
- 5.4 The consent holder shall provide a copy of this consent and all documents referred to in this consent to any operator or contractor undertaking works authorised by this consent, prior to the works commencing.

6 Pre-Construction Requirements

- 6.1 The consent holder shall prepare and submit a Construction Management Plan (CMP) for all construction works authorised by this consent to the Chief Executive of the Bay of Plenty Regional Council or delegate for approval, at least 40 working days prior to the proposed date for commencement of works (see Advice Notes 1, 2 and 20). The purpose of this document is to demonstrate how the consent holder will manage activities during construction to avoid, remedy or minimise environmental effects and achieve compliance with the conditions of this consent. The CMP shall include, but not be limited to:
- A detailed construction methodology for all works (to include how works will be sequenced/staged to minimise adverse environmental effects);
 - Demonstration that a Floodway and Drainage Bylaw Authority has been obtained for the works (if necessary)(see Advice Note 4);
 - Demonstration that an authority has been obtained for the works under the Historic Places Act 1993 (see Advice Note 3);
 - The name and 24-hour contact details of the site manager supervising the works (including the refuelling and plant) as well as the contact details for all contractors working on site;
 - Roles and responsibilities of key personnel for the implementation of this consent, including appointment of a representative to be the primary contact person in regard to matters relating to this consent;
 - General site management measures, including:
 - waste/litter disposal
 - effluent disposal
 - security
 - location of stockpiles
 - Complaints register and reporting procedure;
 - Incident register and reporting procedure;
 - Evidence that a suitably qualified engineer(s) has been appointed to carry out the overall design, supervision and certification of the works (including construction of all erosion and sediment controls);
 - Construction monitoring, record-keeping and maintenance requirements; and
 - An accidental discovery protocol for dealing with koiwi or taonga unearthed during construction activities, developed in consultation with Whakatohea Maori Trust Board.
- 6.2 The consent holder shall prepare and submit an Environmental Mitigation and Remediation plan (EMP) for all construction works authorised by this consent to the Chief Executive of the Bay of Plenty Regional Council or delegate, for approval, at least 40 working days prior to the proposed date for commencement of works (see Advice Notes 1, 2 and 20). The purpose of this document is to demonstrate how the consent holder will manage activities during construction to avoid, remedy or minimise environmental effects and rehabilitate the site after construction works have been completed. The consent holder shall consult with the technical liaison group required by condition 6.4 of this consent during the development of this Plan. The EMP shall include, but not be limited to:
- Identification and mapping of areas (such as Dotterel nesting sites, indigenous vegetation) sensitive to disturbance by construction activities and measures to protect against such disturbance;
 - Establishment and clear delineation of construction vehicle/machinery movement tracks (including the western access track) that limit disturbance to sensitive areas;
 - Measures to be taken to ensure that the works authorised by this consent do not cause the

water quality standards listed in condition 13 to be exceeded beyond the zone of reasonable mixing (see Advice Note 6);

- Procedures to prevent the discharge of hazardous substances or other contaminants into the coastal marine area or onto vegetation (see Advice Note 7);
- Procedures to minimise the discharge of sediment into the coastal marine area;
- Measures that will be taken to minimise the risk of fuel entering coastal or estuarine waters during refueling, especially where refueling occurs within 20 m of the coastal marine area;
- Steps that will be taken to mitigate and rehabilitate the site post-construction (in particular to ensure compliance with conditions 19 of this consent);
- Steps that will be taken to mitigate for the loss of Dotterel habitat as a result of the works authorised by this consent (in particular to ensure compliance with condition 19.1 of this consent);
- Measures that will be taken to educate contractors regarding the requirements of the relevant resource consents and management plans, and environmental management; and
- Measures that will be taken to re-nourish beaches and replant dune systems following coastal setback post-construction. In particular, the EMP shall include, but not be limited to, the following information:
 - Identification of the plant species to be used for revegetation in each area on a plan or schedule (including all new areas of sand-dune, all existing areas of sand dune that will be affected by the harbour entrance works and areas of potential setback post-construction);
 - Desired planting density (see Advice Note 14);
 - Fertiliser application (including use of a controlled-release fertiliser at planting and post-planting fertiliser use);
 - Weed management and pest control activities to be undertaken;
 - A programme for maintenance for a period of at least three years following completion of initial planting (maintenance activities may include the exclusion of pest browsers, the removal of weeds and replacement planting); and
 - A programme for ensuring adequate supply of plants (such as ordering and growing in advance).

6.3 The consent holder shall prepare and submit a Dredge Disposal Plan (DDP) for the disposal of material removed by dredging activities authorised by consent 65563 to the Chief Executive of the Bay of Plenty Regional Council or delegate for approval, at least 40 working days prior to the proposed date for commencement of works (see Advice Notes 1, 2 and 20). The purpose of this document is to demonstrate how the consent holder will manage dredging activities to avoid, remedy or minimise environmental effects and achieve compliance with the conditions of this consent. The DDP shall include, but not be limited to:

- The location and specifications of the settlement ponds - the ponds shall be appropriately sized, constructed and maintained to ensure that discharges of settled water meet the water quality standards included in conditions 10.6 and 13 of this consent;
- Demonstration that material will be disposed of in a manner that (where practicable) enhances existing levels of flood protection and the integrity of existing flood protection stopbanks;
- Evidence of consultation with landowners and the Waioeka-Otara Rivers Scheme regarding proposed disposal sites and the potential for any adverse effects on the Waioeka-Otara Rivers Scheme;
- Demonstration that there will be no adverse impact on the level of flood protection provided by the Waioeka-Otara Rivers Scheme; and
- Demonstration that conditions 12.1, 12.2 and 12.3 will be met.

6.4 The consent holder shall establish a technical liaison group to provide input during the development and implementation of the Environmental Mitigation and Remediation Plan required by condition 6.2 of this consent. The consent holder shall, as a minimum, invite representatives from the following organisations to form part of the technical group: Environment Bay of Plenty, Waiotahi Coast Care, Department of Conservation, Whakatohea Maori Trust Board and Opotiki District Council (see Advice Note 8). The functions of the Technical Liaison Group are to:

- Review and provide constructive comment on the content of the detailed designs and EMP prior to its submission to the Regional Council; and
- Review and provide constructive comment on the implementation of the EMP.

6.5 The consent holder shall prepare, submit and implement a Site-Wide Contingency Plan (SCP) for contaminant spills to the Chief Executive of the Bay of Plenty Regional Council or delegate for

approval at least 40 working days prior to works commencing (see Advice Notes 1, 2 and 20). The purpose of this document is to demonstrate how the consent holder will manage activities during construction to avoid, remedy or minimise environmental effects of unintended discharges and achieve compliance with the conditions of this consent. The Contingency Plan shall:

- Identify potential contaminants that will be used or stored on site (see Advice Note 7);
- Identify designated contaminant storage facilities and re-fuelling locations;
- Require that these locations to be bunded, and that machinery should be parked overnight or long-term only in these designated areas;
- Require that all mobile fuel tankers carry spill kits and that spill kits are stored at bulk storage tank locations at all times;
- Detail the contents of the spill kits, including absorbent pads, booms, pillow and socks and appropriate pegs/rope to hold the absorbent material in place;
- Record the names of operators trained in spill response and remediation;
- Detail an internal and external notification procedure of any spills; and
- Identify measures to be undertaken to remediate a contaminant spill.

6.6 The consent holder shall prepare and submit an Erosion and Sediment Control Plan (ESCP) for the earthworks associated with the Harbour entrance development project to the Chief Executive of the Bay of Plenty Regional Council or delegate for approval at least 40 working days prior to the proposed commencement date of the works (see Advice Notes 1, 2 and 20). The purpose of this document is to demonstrate how the consent holder will manage earthwork activities to avoid, remedy or mitigate environmental effects associated with the disturbance of land and associated discharges to water and achieve compliance with the conditions of this consent. The ESCP shall be in accordance with the Erosion and Sediment Control Guidelines for the Land Disturbing Activities and shall include, but not be limited to:

- Detailed design specifications of all earthworks, including disposal sites, and all erosion and sediment control measures to be implemented including supporting calculations where appropriate;
- An indicative programme for the earthworks that demonstrates how works will be managed to limit the area of exposed soil that is open on site at any one time;
- Monitoring and maintenance schedules for all erosion and sediment control measures on a set weekly, daily) basis or within 24 hours of each rainstorm event that is likely to impair the function or performance of the control measures;
- A site plan showing contours at suitable intervals, cut and fill operations, the specific location of all sediment and erosion control measures, and catchment boundaries for the sediment controls;
- Confirmation that the outlets or discharge points from all erosion and sediment control measures are sited so that the stormwater runs over vegetated land prior to discharging to an ephemeral or permanent watercourse;
- Measures to ensure that accumulated sediment is removed from sediment retention ponds and other relevant erosion and sediment control measures before the sediment reaches 20% of the live storage capacity of the control measure;
- Provision of a wheel wash or similar facilities at each site access point to ensure that all vehicles and earthmoving machinery exiting the site do not carry materials onto the surrounding road network or environment and measures to ensure any material tracked onto external roads is cleaned; and
- Other measures to be implemented to ensure compliance with all conditions of this consent.

6.7 The consent holder shall develop and submit a Monitoring and Review Plan (MRP) for the earthworks authorised under this consent to the Chief Executive of the Bay of Plenty Regional Council or delegate for approval at least 40 working days prior to the proposed date for commencement of works (see Advice Notes 1, 2 and 20). This Plan shall outline how the potential environmental effects associated with the earthworks are to be monitored (including monitoring methodologies, monitoring frequency and how results will be analysed and reported to the Regional Council). The MRP shall also provide for baseline monitoring, triggers for further monitoring or mitigation action and a description of what further monitoring and/or mitigation action may be required. Conditions 18 describe in further detail the matters that should be covered by this Plan.

6.8 Construction shall not commence until written approval of the plans required by conditions 6.1, 6.2, 6.3, 6.5, 6.6 and 6.7 of this consent has been received by the consent holder from the Chief Executive of the Bay of Plenty Regional Council or delegate.

7 Earthworks

- 7.1 Construction and earthworks shall be carried out in general accordance with the information submitted with the application for this consent and the following plans:
- The Construction Management Plan (approved in accordance with condition 6.1 of this consent);
 - The Environmental Mitigation and Remediation Plan (approved in accordance with condition 6.2 of this consent);
 - The Dredging Disposal Plan (approved in accordance with condition 6.3 of this consent); and
 - The Site-wide Contingency Plan (approved in accordance with condition 6.5 of this consent); and
 - The Erosion and Sediment Control Plan (approved in accordance with condition 6.6 of this consent).

Any amendments to the plans referenced in this condition shall be submitted to the Chief Executive of the Regional Council or delegate for review to ensure that they remain consistent with the conditions of this consent. Amended plans shall not be implemented until written approval has been received from the Regional Council.

- 7.2 The consent holder shall ensure that the earthworks authorised by this consent do not cause damage to, or impair the operation of, the soakage lines or soakage area that form part of the disposal field for the discharge of treated effluent from the Opotiki Sewage Treatment Plant.
- 7.3 The consent holder shall ensure that only cleanfill is deposited on site as a result of the earthworks authorised by this consent.
- 7.4 For the purposes of this consent, the definition of cleanfill shall include only natural materials such as sand, clay, soil, rock and such other materials that has received written approval from the Chief Executive of the Regional Council or delegate.
- 7.5 The consent holder shall ensure that the works authorised under this consent are completed within a period of no longer than five years following their commencement.
- 7.6 The consent holder shall ensure that exposed areas of earth resulting from works associated with this consent are progressively stabilised wherever practicable by vegetative cover or other methods to provide effective protection against erosion. In any case, the consent holder shall ensure that all exposed areas of earth resulting from works associated with this consent are effectively stabilised against erosion by vegetative cover or other methods as soon as practicable following the completion of works.

8 General Works

- 8.1 Machinery and vehicles used to undertake the works shall be clean and well-maintained. In particular:
- Machinery and vehicles should be cleaned to remove surface hydrocarbons, seeds and other contaminants before entering site;
 - Hydraulic hoses shall be inspected and replaced when necessary to avoid failure whilst working in the coastal marine area;
 - Vegetable oil shall be used in place of hydraulic fluid wherever practicable;
 - Machines to be used in the coastal marine area shall be fitted with sealed bearings and grease caps for moving parts; and
 - All machinery is to be regularly maintained (including hydraulic hoses) in such a manner so as to minimise the potential for leakage of contaminants.
- 8.2 No fuel storage or machinery/vehicle maintenance shall be carried out within the western construction compound(s), the coastal marine area, on the foreshore or within 20 m above mean high water springs.
- 8.3 Any fuel or other hazardous substances stored on site shall be stored within portable containers so

that they can be removed from the site if needed due to flood or storm events.

- 8.4 Refuelling shall only occur within the coastal marine area, on the foreshore or within 20 m above mean high water springs if it is the most practicable option and appropriate measures have been put in place to avoid or minimise any fuel or hydrocarbon spillage, including the provision of appropriate security and containment measures, where necessary.
- 8.5 The consent holder shall take all practicable measures to prevent cement dust and non-stabilised cement slurries from entering coastal or surface water. These measures shall include but not be limited to the following (see Advice Note 10):
- Ensuring appropriate controls are in place before the use of cement begins to contain and remove all cement contaminated waste and to prevent any discharge of waste water to fresh or storm water;
 - Ensuring clean storm water is diverted away from the work area;
 - Immediately containing and cleaning up any spills that occur to the satisfaction of Regional Council staff;
 - Containing all cement particles and dust within the works area and removing all cement particles and dust immediately after the completion of the work. Cement waste must be reused within the work area or disposed of at an appropriate facility;
 - Ensuring cement is allowed to fully set and there are no loose cement particles or dust residue remaining before allowing any natural flow of water back over it; and
 - Creating a designated wash down area on site for vehicles and equipment and ensuring staff use this facility.
- 8.6 The best practicable option shall be used to minimise the discharge of sediments resulting from construction works into coastal and estuarine waters. The consent holder shall detail the measures to be used in the EMP required by condition 6.2 of this consent.
- 8.7 For each year during construction, the consent holder shall fence off and signpost Dotterel nesting sites located on the eastern spit during the Dotterel breeding and nesting season (15 August to 29 February inclusive). The Department of Conservation shall be consulted regarding the areas that should be fenced. Fencing shall be erected by 14 August each year and may be removed from 1 March of the following year.
- 8.8 The construction compounds shall be fenced so as to contain the storage and construction area and to protect the surrounding dune landforms and vegetation.
- 8.9 The activities undertaken under this consent shall not result in an increase in the 100-year return period flood levels within the Waioeka and Otara Rivers at the following locations (see Advice Note 11):
- The Waioeka/Otara River confluence; or
 - The Waioeka Bridge; or
 - Approximately 850 m upstream of Otara Bridge.
- 8.10 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 Regional Council, the Historic Places Trust and the relevant iwi authority (as identified in the Accidental Discovery Protocol required by the Construction Management Plan). The consent holder shall follow the Accidental Discovery Protocols (ADP), and shall not recommence works in the area of the discovery until the requirements of the ADP have been met (see Advice Note 3).
- 8.11 All plant, machinery, equipment, debris and construction materials, not associated with the permanent structures, shall be removed from the site at the completion of works.
- 8.12 All metal used to surface construction access tracks that are no longer required for maintenance shall be collected and removed at the completion of the works.

9 Erosion and Sediment Control

- 9.1 Erosion and sediment controls shall be constructed in general accordance with the Erosion and Sediment Control Plan approved in accordance with condition 6.6 of this consent or any subsequent plan that has received written approval from the Chief Executive of the Regional Council or delegate.
- 9.2 All erosion and sediment controls for a particular area of earthworks shall be installed prior to the commencement of earthworks in that area.
- 9.3 The consent holder shall ensure that all practicable measures are taken to ensure that no material is tracked off site.
- 9.4 The consent holder shall divert uncontaminated catchment runoff away from the area of earthworks.
- 9.5 The consent holder shall ensure that where runoff controls (such as diversion channels, bunds and contour drains) have slopes greater than 2%, then the runoff controls shall be protected from erosion by the use of geotextile materials, rock or other suitable materials.
- 9.6 Unless otherwise specified in this consent, the consent holder shall ensure that all erosion and sediment controls comply with specifications set out in Environment Bay of Plenty Guideline No. 2001/03 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor.

10 Settlement Pond Discharge

- 10.1 Dredged material shall be dewatered in a settlement pond prior to disposal on land.
- 10.2 The consent holder shall ensure that the construction of the settlement pond includes stabilised inlets and outlets in order to prevent erosion at both the inlet and outlet of the pond.
- 10.3 The consent holder shall ensure that the placement and use of the discharge structures does not cause erosion of the bed, banks or margins of any watercourse or drains, or dune vegetation and that it does not pose a hazard to people using the stream or its margins.
- 10.4 The consent holder shall ensure that the construction of the settlement ponds is undertaken as quickly as possible and within a dry period of weather.
- 10.5 Settled dredge water discharged to water shall be substantially free of floatable solids, oil and grease.
- 10.6 The consent holder shall ensure that the discharge of settled dredge water to water from the settlement pond does not exceed 150 g/m³ of suspended solids at the point of discharge.
- 10.7 Notwithstanding conditions 10.6 and 10.7, the consent holder shall ensure that the discharge of settled dredge water or stormwater does not cause the water quality standards contained in condition 13 of this consent to be exceeded beyond the zone of reasonable mixing. For the purpose of this consent, reasonable mixing is defined as being within a 200 m radius of the point of discharge to water.

11 Temporary Stormwater Discharge

- 11.1 Stormwater generated on the site during construction shall be treated in an appropriate sediment retention device before discharge as described in the ESCP approved in accordance 6.6 of this consent.

- 11.2 The consent holder shall ensure that the construction of any sediment ponds includes stabilised inlets and outlets in order to prevent erosion at both the inlet and outlet of the pond.
- 11.3 The consent holder shall ensure that the placement and use of any discharge structures does not cause erosion of the bed, banks or margins of the modified watercourse or drains and that it does not pose a hazard to people using the stream or its margins.
- 11.4 The consent holder shall ensure that no sediment contaminated stormwater leaves the site before treatment in a sediment treatment device.
- 11.5 The consent holder shall ensure that the construction of any sediment ponds is undertaken as quickly as possible and within a dry period of weather.
- 11.6 Stormwater discharged shall be substantially free of floatable solids, oil and grease.

12 Disposal of Dredge Material to Land

- 12.1 The consent holder shall ensure that no dredge material is disposed of to land, except for that being used in beach renourishment, before treatment by an appropriate settlement pond.
- 12.2 Dredged material shall not be stockpiled in the intertidal zone or placed on wetland or dune vegetation.
- 12.3 Any dredged or imported material used for beach renourishment shall be of a comparable size and colour to the natural sediments present at the deposition site.

13 Water Quality Standards

- 13.0 The consent holder shall ensure that all other earthworks authorised by this consent do not result in any of the following effects in estuarine or coastal waters following reasonable mixing (see Advice Note 6):
- The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - Any conspicuous change in colour or visual clarity;
 - Any emission of objectionable odour;
 - Significant adverse effects on aquatic life;
 - Water rendered unsuitable for bathing due to poor visual clarity and/or the presence of contaminants;
 - Undesirable biological growths;
 - A water temperature change of more than 3 degrees C;
 - The concentration of dissolved oxygen to fall below 80% of saturation concentration; or
 - Aquatic organisms rendered unsuitable for human consumption due to the presence of contaminants.

For the purpose of this consent, the reasonable mixing area is within a 200 m radius of any individual discharge or area of construction activity.

14 Timing of Works

- 14.1 Construction activity (including site establishment works) shall not commence on the western end of the eastern spit, as shown on Plan number BOPRC 65563/3, during the period 15 August to 29 February inclusive (the Dotterel breeding and nesting period). (See Advice Note 4).
- 14.2 Construction activity within the Estuary, on the western sand spit or on the area of the eastern sand pit not included in condition 14.1 shall not commence during the period 1 October to 31 January inclusive (the Dotterel nesting period). (See Advice Note 12).

15 Dust Control

- 15.1 The consent holder shall adopt a proactive strategy for dust control, specifically by complying with the principles of dust management as set out in section 3.4 of Environment Bay of Plenty Guideline No. 2001/03 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor, so as to prevent a dust nuisance from occurring beyond the boundary of the work site.
- 15.2 The consent holder shall ensure that an adequate supply of water for dust control (sufficient to apply a minimum of 5 mm/day to all exposed areas of the site), and an effective means for applying that quantity of water, is available on site at all times during construction and until such time as the site is fully stabilised.
- 15.3 The consent holder shall ensure that soil moisture levels are monitored at all times when earthworks are being carried out, and at the end of every working day.
- 15.4 The consent holder shall ensure that, at all times, the soil moisture level of exposed areas is sufficient, under prevailing wind conditions, to prevent dust generated by normal earthmoving operations from remaining airborne beyond the boundary of the work site.
- 15.5 The consent holder shall ensure that, at the end of every working day until such time as the site is fully stabilised, the soil moisture level of exposed areas is sufficient to prevent a dust nuisance occurring beyond the boundary of the works site.
- 15.6 The consent holder shall ensure that, outside of normal working hours, staff members are available on-call to operate the water application system for dust suppression.
- 15.7 In the event that wind conditions render dust control impracticable, the consent holder shall ensure that any machinery generating airborne dust ceases to operate until such time as effective dust control can be re-established.
- 15.8 Despite conditions 15.1 to 15.7 of this consent, the consent holder shall undertake additional or alternative dust control measures to the satisfaction of the Chief Executive of the Regional Council or delegate, as directed.

16 Signage

- 16.0 Prior to the commencement of the Opotiki Harbour Entrance project (including site preparation), the consent holder shall erect a prominent sign adjacent to the main entrance to the site, and maintain it throughout the period of the works. The sign shall clearly display, as a minimum, the following information:
- The name of the project and the consent holder;
 - The principal contractor;
 - A 24-hour contact telephone number for the 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 the Opotiki Harbour Entrance project; and
 - Restrictions to public access.

17 Maintenance

- 17.1 The consent holder shall ensure that the erosion and sediment controls, spillways and associated erosion protection devices and dust controls are maintained in an effective capacity at all times during works and until the site is stabilised in accordance with condition 7.6 of this consent.
- 17.2 The consent holder shall ensure that, as far as practicable, any necessary maintenance of erosion and sediment controls identified by inspection under condition 18.7 or by Regional Council officers is completed within 24 hours.

- 17.3 Accumulated sediment shall be removed from the settlement ponds and sediment retention devices before sediment levels reach 25% of that pond or device's volume.
- 17.4 The consent holder shall ensure that sediment removed from the settlement ponds or sediment detention devices is placed in a stable position where it can not re-enter the pond or device or enter any water body.
- 17.5 The consent holder shall ensure that all-weather machinery access is maintained to the settlement ponds.

18 Monitoring and Reporting

- 18.1 The consent holder shall develop and implement a programme for monitoring the effects of the earthwork activities on water quality to assess compliance with conditions 13 of this consent.
- 18.2 The consent holder shall develop and implement a programme for monitoring wildlife and wildlife habitat sensitive to disturbance. As a minimum this programme shall include monitoring the extent of sea-grass beds for a period up to at least two years post-construction and Dotterel breeding and feeding areas for a period up to at least five years post-construction.
- 18.3 The consent holder shall establish triggers for additional monitoring and mitigation to be undertaken by the consent holder in relation to the monitoring programme required by conditions 18.1 and 18.2 of this consent. The consent holder shall be responsible for undertaking any additional monitoring and/or mitigation.
- 18.4 Once during each week that the discharge of settled dredge water occurs, the consent holder shall take a water sample at the point(s) of discharge to estuarine or coastal waters. This sample shall be analysed as soon as practicable for suspended solids concentration, pH, temperature and dissolved oxygen content (% saturation).
- 18.5 The consent holder shall keep a record of the results of the samples taken in accordance with condition 18.4 of this consent for a period of at least one year. These results shall be made available to Regional Council officers upon request.
- 18.6 All measurements required by condition 17.3 shall be carried out in accordance with the methodology described in "APHA 1995: Standard Methods for Examination of Water and Waste Water" or subsequent editions.
- 18.7 The consent holder shall ensure that the erosion and sediment controls are inspected:
- At least weekly during the duration of this consent; and
 - Within 24 hours of each rainstorm event which is likely to impair the function or performance of the erosion and sediment controls.
- 18.8 The consent holder shall maintain records of:
- The date and time of every inspection of erosion and sediment controls on the site; and
 - The date, time and description of any maintenance work carried out.

These records shall be maintained for a period of at least one year and be made available to Regional Council officers upon request.

- 18.9 The consent holder shall forward a copy of records required by conditions 18.5 and 18.8 to the Regional Council within 48 hours of receiving its request (see Advice Note 1).

19 Post Construction Mitigation and Remediation

- 19.1 The consent holder shall establish an area that is approximately one hectare on the post-construction western spit that provides suitable habitat for NZ Dotterel nesting. That area shall be maintained using weed and predator control for a period of five years. Suitable habitat consists of flat open sand and planting on the southern perimeters.
- 19.2 The consent holder shall reshape and replant any areas affected by the works (including access tracks and construction compounds) and the newly created dune systems with appropriate plants. Indigenous species shall be used with a preference for locally sourced seed stock wherever practicable (see Advice Note 13).
- 19.3 The consent holder shall erect and maintain six interpretative signs approximately 1.5 m x 1.0 m in size that provide information on:
- The cultural and heritage values of the site;
 - The ecological and conservation values of the site;
 - The Harbour Development Project; and
 - Appropriate access routes to and through the sand-dunes and Huntress Creek Conservation Area.
- 19.4 The consent holder shall fence the Huntress Creek Conservation Area, as shown on Plan Number BOPRC RC65563/4, along its northern boundary and along the legal road boundaries that pass through the conservation area. The Department of Conservation shall be consulted regarding the materials used to construct this fencing.
- 19.5 The consent holder shall make appropriate provision for public access to the new Harbour entrance. This access shall be in general accordance with the outline shown on Plan Number BOPRC 65563/5 and shall provide:
- Vehicle access to a sandy road head (consisting of bollards, rope and a signboard) on both sides of the training walls;
 - Delineation of foot tracks (using planting) along the southern side of the river closure and bank protection structures authorised by this consent that guide visitors away from potential Dotterel nesting areas; and
 - Creation of a loop track in the Huntress Creek Conservation Area (see Advice Note 16).
- 19.6 Any sand used for beach and dune renourishment shall be of a comparable size and colour to the natural sediments present at the deposition site.
- 19.7 The mitigation and remediation works associated with this consent shall be carried out under the supervision of a suitably qualified terrestrial ecologist.

20 Review of Conditions

- 20.1 The Bay of Plenty Regional Council, may review any or all conditions of this consent by giving notice of its intention to do so under Section 128 of the Resource Management Act 1991, at any time within three months of the receipt of any of the monitoring results, or completion of a compliance report for any of the following purposes:
- (a) To deal with any adverse effects on the environment, which may arise from the exercise of this consent, and which it is appropriate to deal with at a later stage; or
- (b) To review the adequacy of any monitoring plans proposed and/or monitoring requirements so as to incorporate into the consent any monitoring or other requirements which may become necessary to deal with any adverse effects on the environment arising from the exercise of this consent; or
- (c) To review the adequacy of any mitigation measures proposed and/or mitigation requirements so as to incorporate into the consent any additional mitigation requirements which are necessary to deal with any adverse effects on the environment arising from the exercise of this consent.

- 20.2 The Bay of Plenty Regional Council shall be entitled to recover from the consent holder the actual and reasonable costs of the conduct of any review, calculated in accordance with and limited to that Council's scale of charges in-force and applicable at that time under section 36 of the Resource Management Act 1991.

21 Resource Management Charges

- 21.0 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.

22 Lapse of Consent

- 22.0 This consent shall lapse on 31 August 2024 if not given effect to by that date. For the avoidance of doubt, given effect to includes, but is not limited to, the submission and subsequent approval of the pre-construction required under conditions 6 of this consent.

23 Term of Consent

- 23.0 This consent shall expire on 31 August 2031.

24 The Resource Consent

- 24.0 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
1. *Notification of works and submission of information should be made in writing to the Manager Pollution Prevention, Environment Bay of Plenty, Box 364 or fax 0800 368 329 or email notify@envbop.govt.nz and should include the consent number 65563.*
 2. *Consultation with Opotiki District Council (as consent authority) will be undertaken as part of this approval process. Review and approval of the detailed designs and various plans may take up to 40 working days to complete due to the need to consult with various staff members within Environment Bay of Plenty. The approval process may take more than 40 working days to complete if the plans or designs require amendment before approval can be given.*
 3. *This proposal will affect archaeological site(s). Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. An authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage. The applicant is advised to contact the New Zealand Historic Places Trust for further information.*
 4. *The proposal may require an authority under the Floodway and Drainage Bylaw 2008 (or its successor).*
 5. *This activity may require authorisation under the Building Act 1991.*
 6. *Schedule 13 of the Regional Coastal Plan provides guidance on what quantitative standards can be used to assess compliance with the qualitative standards listed in the coastal water quality classifications.*
 7. *Potential contaminants include, but are not limited to, hydrocarbons, hydraulic fluids and cement and concrete products.*
 8. *The consent holder shall not be deemed to be non-compliant with this condition if the invited representatives chose not to participate. Representatives from Opotiki District Council and Environment Bay of Plenty may be the same as the respective compliance officers for this consent.*
 9. *At the time of granting this consent, the appropriate local newspapers were the Opotiki News and Whakatane Beacon. The appropriate radio station was Radio 1XX.*
 10. *For more information on the effects of cement in waterways and reasonable prevention measures refer to the following document available on the Auckland Regional Council website (www.arc.govt.nz), *Pollution Fact Sheet Construction Activities*.*
 11. *Additional works may be required to ensure that the construction of the Opotiki Harbour entrance does not result in an increase in flood levels. Further resource consents may be required for these works, which should be completed before construction begins.*
 12. *Once construction works have commenced in the areas referred to in conditions 14.1 and 14.2 of this consent then they may continue during subsequent Dotterel nesting periods - subject to compliance with the other conditions of this consent.*

13. *The Environment Bay of Plenty Coast Care Information Brochure Number 9: Backyard Buffers includes information on appropriate dune plant species.*
14. *An appropriate maximum inter-plant spacing for foredune plants is 1 m, and for back-dune plants is 0.6 m.*
15. *Planting is more likely to be successful if carried out between 1 May and 30 September.*
16. *The loop track to be provided through the Huntress Creek Conservation Area shall be designed in consultation with the Department of Conservation.*
17. *A review of the Dredge Material Disposal Plan will be sought from the by Rivers and Drainage Group before approval is given.*
18. *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.*
19. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
20. *The consent holder is advised that one set of detailed designs and pre-construction plans may be prepared to meet the requirements of each of the consents required for the Opotiki Harbour Entrance project.*