

# Resource Consent

## Resource Consent 65567-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:

65567.0.01-CC+	Coastal Dredging	Expiry	4 October 2038
65567.0.02-CC	Coastal Structure	Expiry	4 October 2038
65567.0.03-DC	Discharge to Water	Expiry	4 October 2038
65567.0.04-CC	Use Sea Water	Expiry	4 October 2038
65567.0.05-CC	Occupy Coastal Space	Expiry	4 October 2038
65567.0.06-CC	Coastal Deposit Substance	Expiry	4 October 2038
65567.0.07-WT	Coastal Water Take	Expiry	4 October 2038

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 12(1)(c) of the Resource Management Act 1991 and rule 14.2.4(b) of the Bay of Plenty Regional Coastal Environment Plan to Disturb the Foreshore and Seabed by Maintenance Dredging**

subject to the following conditions:

### 1 Purpose of this Resource Consent

- 1.0 To undertake activities in the coastal marine area associated with maintenance dredging of the Opotiki Harbour Entrance.

### 2 Location

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

### 3 Map Reference

- 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.

### 5 Occupation of Space

- 5.0 Public access to the coastal marine area in the vicinity of the dredging operation may be restricted at any time that dredging and discharge activities are being carried out to ensure public health and safety.

### 6 Pre-work Requirements

- 6.1 The consent holder shall prepare and submit a Dredging Plan for each maintenance dredging operation undertaken under this consent to the Chief Executive of the Bay of Plenty Regional Council or delegate, for approval, at least 20 working days prior to the proposed commencement date of the works (see Advice Note 1). The purpose of this document is to demonstrate how the consent holder will manage activities during the operation to avoid, remedy or minimise environmental effects and achieve compliance with the conditions of this consent. The Dredging Plan shall include, but not be limited to, the following information:

- A description of the chosen dredging methodology (including any measures that will be implemented to avoid, remedy and mitigate potential adverse environmental effects);
- Reason(s) for the proposed dredging;
- The expected duration of the dredging operation;
- An estimate of the quantity of material to be removed;
- Demonstration that provision has been made for appropriate stockpiling and disposal (or re-

- use) of dredge material (see Advice Note 2), including a location map;
- Restrictions that will apply to navigation and public access;
- Procedures to be put in place during flood events;
- The measures that will be taken to ensure compliance with the water quality standards included in conditions 9.3 and 9.4 of this consent (whichever is applicable at the time of dredging); and
- Confirmation that a bylaw authority has been obtained (if necessary); and
- Monitoring that will be undertaken to assess and demonstrate compliance with conditions 9.3 and 9.4 of this consent.

6.2 Dredging shall not commence until written approval of the plan required by condition 6.1 of this consent has been received by the consent holder.

6.3 At least three working days prior to the commencement of dredging the consent holder shall place notices in the local newspaper and on the local radio stations. The notices shall advise: []

- The intention to dredge; []
- The area to be dredged; []
- The period over which dredging is expected to occur; and []
- The restrictions that will apply to public access and navigation.

## 7 Notifying the Regional Council of Works

7.1 Not less than 10 working days prior to commencing any maintenance dredging works under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate and the Eastern Bay of Plenty Harbourmaster of the intent to commence dredging. Notification at this time shall include details of who is responsible for on-site management and compliance with consent conditions (including 24 hour contact details) and any necessary restrictions to public access and/or safe navigation (see Advice Note 1).

7.2 Within five working days of the completion of any dredging work under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate and the Eastern Bay of Plenty Harbourmaster (refer Advice Note 1).

7.3 The consent holder shall place prominent signage at the Opotiki Harbour Entrance site at least five working days prior to carrying out any dredging works under this consent. Details of the signage shall include but not be restricted to the expected duration of the dredging works, the name and contact details of the person supervising the works and any necessary restrictions to public access and/or safe navigation. Signage shall remain in place for the duration of each dredging operation.

## 8 Dredge & Discharge Works

8.1 Maintenance dredging and discharge activities shall be located and carried out generally in accordance with the following information submitted with the dredging plan approved in accordance with condition 6.1 of this consent.

8.2 The total quantity of material dredged from the coastal marine area under this consent shall not exceed 50,000m<sup>3</sup> in any 12-month period.

8.3 The maximum excavation depth within the navigation channel is 4.3m below Chart Datum.

8.4 Maintenance dredging and discharge activities carried out under this consent shall be undertaken between the hours of 7.00am to 7.00pm and shall not occur on Saturdays, Sundays or public holidays (see Advice Note 2).

8.5 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.
- 8.6 No fuel storage or machinery/vehicle maintenance shall be carried out within the coastal marine area, on the foreshore or within 20 m above mean high water springs.
- 8.7 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.
- 8.8 Dredging and associated discharge activities shall not be undertaken during the whitebait fishing season (15 August to 30 November inclusive).
- 8.9 Material removed by dredging may be used for renourishment of the beaches and dunes on either side of the Opotiki Harbour Entrance, provide that the material is of a comparable size and colour to the natural sediments present at the deposition site.
- 8.10 All dredging and discharge activities carried out under this consent shall be completed as quickly as practicable.
- 8.11 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 (see Advice Note 3) 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.
- 8.12 All plant, machinery, equipment and debris associated with works under this consent shall be removed from the foreshore and coastal marine area at the completion of each dredging operation.

## 9 Water Quality Standards

- 9.1 The zone of reasonable mixing for discharges associated with dredging activities is defined as being within a 200m radius of the excavation (dredging) site.
- 9.2 Background water quality is defined as being 500 metres upstream/up current of the dredging site.
- 9.3 Dredging and associated discharge activities undertaken during the period 1 December to 29 February (inclusive) shall not result in a decrease in water clarity (as measured by the black disk method) of more than 20% below background levels, beyond the zone of reasonable mixing (see Advice Note 8).
- 9.4 Dredging and associated discharge activities undertaken during the period 1 March to 14 August (inclusive) shall not result in a suspended solids concentration within the water column beyond the zone of reasonable mixing, that is more than 150 g/m<sup>3</sup> above the background levels.

## 10 Monitoring

- 10.1 The consent holder shall prepare and implement a monitoring programme that assesses

compliance with the water quality standards set out in conditions 9 of this consent. This programme shall be submitted to the Chief Executive of the Regional Council or delegate for approval/certification at least 20 working days prior to the intended commencement of dredging.

- 10.2 All water clarity measurements shall be carried out in accordance with the methodology described in "Colour and Clarity of Natural Waters; Science of Management of Optical Water Quality" by Davies-Colley et al (1993) or such other method as may be agreed in writing by the Chief Executive of the Regional Council or delegate.
- 10.3 All other sampling and analysis shall be carried out in accordance with the latest edition of: "Standard Methods for the Examination of Water and Wastewater APHA, AWWA, WEF" or such other method as may be agreed in writing by the Chief Executive of the Regional Council or delegate.

## 11 Reporting

- 11.0 The consent holder shall forward a report to the Bay of Plenty Regional Council (see Advice Note 1) within 20 working days of completion of each dredging works under this consent that describes:
- The area excavated; and
  - The volume of sediment removed;
  - The volume of sediment disposed of and the area/s to which the sediment has been disposed;
  - The depth to which dredging was carried out;
  - The results of any water quality monitoring carried out; and
  - Tidal and weather conditions at the time of water quality monitoring.

## 12 Review of Consent Conditions

- 12.1 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; and
- (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.
- 12.2 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.

## 13 Resource Management Charges

- 13.0 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.

## 14 Lapse of Consent

- 14.0 This consent shall lapse 15 years after its commencement (defined in accordance with condition 15 of this consent) or on 31 August 2029, whichever is sooner.

## 15 Commencement of Consent

- 15.0 This consent shall commence once construction of the Opotiki Harbour Entrance has been completed. For the purpose of this consent, construction is complete once the existing river mouth has been closed and the flow of the Waioeka River diverted through the new entrance channel.

## 16 Term of Consent

- 16.0 This consent shall expire fifteen years after its commencement in accordance with condition 15 of this consent.

## 17 The Coastal Permit

- 17.0 The Coastal Permit 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 under conditions 6.1, 7.1 and 7.2 of this consent should be made in writing to the Manager Pollution Prevention, Environment Bay of Plenty, Box 364 or fax 0800 368 329 or e-mail notify@envbop.govt.nz and should include the consent number 65567.*
  2. *The disposal of dredge material to land is authorised under resource consent 65568.*
  3. *The Regional Council is able to advise of contact details for the relevant iwi authority.*
  4. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites or deposits within the area affected by this consent. Should any artefacts, bones, shell midden 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 further damage, modification or destruction is undertaken.*
  5. *The consent holder is advised that under the provisions of section 64A of the Resource Management Act 1991, this consent may become subject to charges for the occupation of Crown seabed and/or foreshore. At the time of issuing this consent there is no charging system in place however this consent may be affected by any charging regime implemented in the future.*
  6. *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.*
  7. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
  8. *Compliance with the water quality standard outlined in condition 9.3 is only likely to be achieved following high rainfall, when the river is subject to increased turbidity.*
  9. *The consent holder may take a second set of samples (up-current and down-current) to verify the first set of sampling results.*
  10. *Water quality monitoring during dredging may not be required if the river conditions are such that the impacts of the dredging on water quality will be negligible.*

## 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 12(1)(b) of the Resource Management Act 1991 and rule 13.2.4(h) of the Bay of Plenty Regional Coastal Environment Plan to Place and Use a Temporary Structures, on, under or over the Foreshore and Seabed**

subject to the following conditions:

#### 1 Purpose of this Resource Consent

- 1.0 To undertake activities in the coastal marine area associated with maintenance dredging of the Opotiki Harbour Entrance.

#### 2 Location

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

#### 3 Map Reference

- 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.

#### 5 Occupation of Space

- 5.0 Public access to the coastal marine area in the vicinity of the dredging operation may be restricted at any time that dredging and discharge activities are being carried out to ensure public health and safety.

#### 6 Pre-work Requirements

- 6.1 The consent holder shall prepare and submit a Dredging Plan for each maintenance dredging operation undertaken under this consent to the Chief Executive of the Bay of Plenty Regional Council or delegate, for approval, at least 20 working days prior to the proposed commencement date of the works (see Advice Note 1). The purpose of this document is to demonstrate how the consent holder will manage activities during the operation to avoid, remedy or minimise environmental effects and achieve compliance with the conditions of this consent. The Dredging Plan shall include, but not be limited to, the following information:

- A description of the chosen dredging methodology (including any measures that will be implemented to avoid, remedy and mitigate potential adverse environmental effects);
- Reason(s) for the proposed dredging;
- The expected duration of the dredging operation;
- An estimate of the quantity of material to be removed;



- Demonstration that provision has been made for appropriate stockpiling and disposal (or re-use) of dredge material (see Advice Note 2), including a location map;
- Restrictions that will apply to navigation and public access;
- Procedures to be put in place during flood events;
- The measures that will be taken to ensure compliance with the water quality standards included in conditions 9.3 and 9.4 of this consent (whichever is applicable at the time of dredging); and
- Confirmation that a bylaw authority has been obtained (if necessary); and
- Monitoring that will be undertaken to assess and demonstrate compliance with conditions 9.3 and 9.4 of this consent.

6.2 Dredging shall not commence until written approval of the plan required by condition 6.1 of this consent has been received by the consent holder.

6.3 At least three working days prior to the commencement of dredging the consent holder shall place notices in the local newspaper and on the local radio stations. The notices shall advise:

- The intention to dredge;
- The area to be dredged;
- The period over which dredging is expected to occur; and
- The restrictions that will apply to public access and navigation.

## 7 Notifying the Regional Council of Works

7.1 Not less than 10 working days prior to commencing any maintenance dredging works under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate and the Eastern Bay of Plenty Harbourmaster of the intent to commence dredging. Notification at this time shall include details of who is responsible for on-site management and compliance with consent conditions (including 24 hour contact details) and any necessary restrictions to public access and/or safe navigation (see Advice Note 1).

7.2 Within five working days of the completion of any dredging work under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate and the Eastern Bay of Plenty Harbourmaster (refer Advice Note 1).

7.3 The consent holder shall place prominent signage at the Opotiki Harbour Entrance site at least five working days prior to carrying out any dredging works under this consent. Details of the signage shall include but not be restricted to the expected duration of the dredging works, the name and contact details of the person supervising the works and any necessary restrictions to public access and/or safe navigation. Signage shall remain in place for the duration of each dredging operation.

## 8 Dredge & Discharge Works

8.1 Maintenance dredging and discharge activities shall be located and carried out generally in accordance with the following information submitted with the dredging plan approved in accordance with condition 6.1 of this consent.

8.2 The total quantity of material dredged from the coastal marine area under this consent shall not exceed 50,000m<sup>3</sup> in any 12-month period.

8.3 The maximum excavation depth within the navigation channel is 4.3m below Chart Datum.

8.4 Maintenance dredging and discharge activities carried out under this consent shall be undertaken between the hours of 7.00am to 7.00pm and shall not occur on Saturdays, Sundays or public holidays (see Advice Note 2).

8.5 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.
- 8.6 No fuel storage or machinery/vehicle maintenance shall be carried out within the coastal marine area, on the foreshore or within 20 m above mean high water springs.
- 8.7 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 of minimise any fuel or hydrocarbon spillage, including the provision of appropriate security and containment measures, where necessary.
- 8.8 Dredging and associated discharge activities shall not be undertaken during the whitebait fishing season (15 August to 30 November inclusive).
- 8.9 Material removed by dredging may be used for renourishment of the beaches and dunes on either side of the Opotiki Harbour Entrance, provide that the material is of a comparable size and colour to the natural sediments present at the deposition site.
- 8.10 All dredging and discharge activities carried out under this consent shall be completed as quickly as practicable.
- 8.11 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 (see Advice Note 3) 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.
- 8.12 All plant, machinery, equipment and debris associated with works under this consent shall be removed from the foreshore and coastal marine area at the completion of each dredging operation.

## 9 Water Quality Standards

- 9.1 The zone of reasonable mixing for discharges associated with dredging activities is defined as being within a 200m radius of the excavation (dredging) site.
- 9.2 Background water quality is defined as being 500 metres upstream/up current of the dredging site.
- 9.3 Dredging and associated discharge activities undertaken during the period 1 December to 29 February (inclusive) shall not result in a decrease in water clarity (as measured by the black disk method) of more than 20% below background levels, beyond the zone of reasonable mixing (see Advice Note 8).
- 9.4 Dredging and associated discharge activities undertaken during the period 1 March to 14 August (inclusive) shall not result in a suspended solids concentration within the water column beyond the zone of reasonable mixing, that is more than 150 g/m<sup>3</sup> above the background levels.

## 10 Monitoring

- 10.1 The consent holder shall prepare and implement a monitoring programme that assesses compliance with the water quality standards set out in conditions 9 of this consent. This programme shall be submitted to the Chief Executive of the Regional Council or delegate for approval/certification at least 20 working days prior to the intended commencement of dredging.
- 10.2 All water clarity measurements shall be carried out in accordance with the methodology described in "Colour and Clarity of Natural Waters; Science of Management of Optical Water Quality" by Davies-Colley et al (1993) or such other method as may be agreed in writing by the Chief Executive of the Regional Council or delegate.
- 10.3 All other sampling and analysis shall be carried out in accordance with the latest edition of: "Standard Methods for the Examination of Water and Wastewater APHA, AWWA, WEF" or such other method as may be agreed in writing by the Chief Executive of the Regional Council or delegate.

## 11 Reporting

- 11.0 The consent holder shall forward a report to the Bay of Plenty Regional Council (see Advice Note 1) within 20 working days of completion of each dredging works under this consent that describes:
- The area excavated; and
  - The volume of sediment removed;
  - The volume of sediment disposed of and the area/s to which the sediment has been disposed;
  - The depth to which dredging was carried out;
  - The results of any water quality monitoring carried out; and
  - Tidal and weather conditions at the time of water quality monitoring.

## 12 Review of Consent Conditions

- 12.1 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; and
- (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.
- 12.2 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.

## 13 Resource Management Charges

- 13.0 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.

## 14 Lapse of Consent

- 14.0 This consent shall lapse 15 years after its commencement (defined in accordance with condition 15 of this consent) or on 31 August 2029, whichever is sooner.

## 15 Commencement of Consent

- 15.0 This consent shall commence once construction of the Opotiki Harbour Entrance has been completed. For the purpose of this consent, construction is complete once the existing river mouth

has been closed and the flow of the Waioeka River diverted through the new entrance channel.

## 16 Term of Consent

- 16.0 This consent shall expire fifteen years after its commencement in accordance with condition 15 of this consent.

## 17 The Coastal Permit

- 17.0 The Coastal Permit 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 under conditions 6.1, 7.1 and 7.2 of this consent should be made in writing to the Manager Pollution Prevention, Environment Bay of Plenty, Box 364 or fax 0800 368 329 or e-mail [notify@envbop.govt.nz](mailto:notify@envbop.govt.nz) and should include the consent number 65567.*
  2. *The disposal of dredge material to land is authorised under resource consent 65568.*
  3. *The Regional Council is able to advise of contact details for the relevant iwi authority.*
  4. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites or deposits within the area affected by this consent. Should any artefacts, bones, shell midden 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 further damage, modification or destruction is undertaken.*
  5. *The consent holder is advised that under the provisions of section 64A of the Resource Management Act 1991, this consent may become subject to charges for the occupation of Crown seabed and/or foreshore. At the time of issuing this consent there is no charging system in place however this consent may be affected by any charging regime implemented in the future.*
  6. *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.*
  7. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
  8. *Compliance with the water quality standard outlined in condition 9.3 is only likely to be achieved following high rainfall, when the river is subject to increased turbidity.*
  9. *The consent holder may take a second set of samples (up-current and down-current) to verify the first set of sampling results.*
  10. *Water quality monitoring during dredging may not be required if the river conditions are such that the impacts of the dredging on water quality will be negligible.*

## 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 15(1)(a) of the Resource Management Act 1991 and Rule 9.2.4(b) of the Bay of Plenty Regional Coastal Environment Plan to Discharge Contaminants to Coastal Waters as a result of Maintenance Dredging**

subject to the following conditions:

#### 1 Purpose of this Resource Consent

- 1.0 To undertake activities in the coastal marine area associated with maintenance dredging of the Opotiki Harbour Entrance.

#### 2 Location

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

#### 3 Map Reference

- 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.

#### 5 Occupation of Space

- 5.0 Public access to the coastal marine area in the vicinity of the dredging operation may be restricted at any time that dredging and discharge activities are being carried out to ensure public health and safety.

#### 6 Pre-work Requirements

- 6.1 The consent holder shall prepare and submit a Dredging Plan for each maintenance dredging operation undertaken under this consent to the Chief Executive of the Bay of Plenty Regional Council or delegate, for approval, at least 20 working days prior to the proposed commencement date of the works (see Advice Note 1). The purpose of this document is to demonstrate how the consent holder will manage activities during the operation to avoid, remedy or minimise environmental effects and achieve compliance with the conditions of this consent. The Dredging Plan shall include, but not be limited to, the following information:

- A description of the chosen dredging methodology (including any measures that will be implemented to avoid, remedy and mitigate potential adverse environmental effects);
- Reason(s) for the proposed dredging;
- The expected duration of the dredging operation;
- An estimate of the quantity of material to be removed;

- Demonstration that provision has been made for appropriate stockpiling and disposal (or re-use) of dredge material (see Advice Note 2), including a location map;
- Restrictions that will apply to navigation and public access;
- Procedures to be put in place during flood events;
- The measures that will be taken to ensure compliance with the water quality standards included in conditions 9.3 and 9.4 of this consent (whichever is applicable at the time of dredging); and
- Confirmation that a bylaw authority has been obtained (if necessary); and
- Monitoring that will be undertaken to assess and demonstrate compliance with conditions 9.3 and 9.4 of this consent.

6.2 Dredging shall not commence until written approval of the plan required by condition 6.1 of this consent has been received by the consent holder.

6.3 At least three working days prior to the commencement of dredging the consent holder shall place notices in the local newspaper and on the local radio stations. The notices shall advise:

- The intention to dredge;
- The area to be dredged;
- The period over which dredging is expected to occur; and
- The restrictions that will apply to public access and navigation.

## 7 Notifying the Regional Council of Works

7.1 Not less than 10 working days prior to commencing any maintenance dredging works under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate and the Eastern Bay of Plenty Harbourmaster of the intent to commence dredging. Notification at this time shall include details of who is responsible for on-site management and compliance with consent conditions (including 24 hour contact details) and any necessary restrictions to public access and/or safe navigation (see Advice Note 1).

7.2 Within five working days of the completion of any dredging work under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate and the Eastern Bay of Plenty Harbourmaster (refer Advice Note 1).

7.3 The consent holder shall place prominent signage at the Opotiki Harbour Entrance site at least five working days prior to carrying out any dredging works under this consent. Details of the signage shall include but not be restricted to the expected duration of the dredging works, the name and contact details of the person supervising the works and any necessary restrictions to public access and/or safe navigation. Signage shall remain in place for the duration of each dredging operation.

## 8 Dredge & Discharge Works

8.1 Maintenance dredging and discharge activities shall be located and carried out generally in accordance with the following information submitted with the dredging plan approved in accordance with condition 6.1 of this consent.

8.2 The total quantity of material dredged from the coastal marine area under this consent shall not exceed 50,000m<sup>3</sup> in any 12-month period.

8.3 The maximum excavation depth within the navigation channel is 4.3m below Chart Datum.

8.4 Maintenance dredging and discharge activities carried out under this consent shall be undertaken between the hours of 7.00am to 7.00pm and shall not occur on Saturdays, Sundays or public holidays (see Advice Note 2).

8.5 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.
- 8.6 No fuel storage or machinery/vehicle maintenance shall be carried out within the coastal marine area, on the foreshore or within 20 m above mean high water springs.
- 8.7 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 of minimise any fuel or hydrocarbon spillage, including the provision of appropriate security and containment measures, where necessary.
- 8.8 Dredging and associated discharge activities shall not be undertaken during the whitebait fishing season (15 August to 30 November inclusive).
- 8.9 Material removed by dredging may be used for renourishment of the beaches and dunes on either side of the Opotiki Harbour Entrance, provide that the material is of a comparable size and colour to the natural sediments present at the deposition site.
- 8.10 All dredging and discharge activities carried out under this consent shall be completed as quickly as practicable.
- 8.11 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 (see Advice Note 3) 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.
- 8.12 All plant, machinery, equipment and debris associated with works under this consent shall be removed from the foreshore and coastal marine area at the completion of each dredging operation.

## 9 Water Quality Standards

- 9.1 The zone of reasonable mixing for discharges associated with dredging activities is defined as being within a 200m radius of the excavation (dredging) site.
- 9.2 Background water quality is defined as being 500 metres upstream/up current of the dredging site.
- 9.3 Dredging and associated discharge activities undertaken during the period 1 December to 29 February (inclusive) shall not result in a decrease in water clarity (as measured by the black disk method) of more than 20% below background levels, beyond the zone of reasonable mixing (see Advice Note 8).
- 9.4 Dredging and associated discharge activities undertaken during the period 1 March to 14 August (inclusive) shall not result in a suspended solids concentration within the water column beyond the zone of reasonable mixing, that is more than 150 g/m<sup>3</sup> above the background levels.

## 10 Monitoring

- 10.1 The consent holder shall prepare and implement a monitoring programme that assesses compliance with the water quality standards set out in conditions 9 of this consent. This programme shall be submitted to the Chief Executive of the Regional Council or delegate for approval/certification at least 20 working days prior to the intended commencement of dredging.
- 10.2 All water clarity measurements shall be carried out in accordance with the methodology described in "Colour and Clarity of Natural Waters; Science of Management of Optical Water Quality" by Davies-Colley et al (1993) or such other method as may be agreed in writing by the Chief Executive of the Regional Council or delegate.
- 10.3 All other sampling and analysis shall be carried out in accordance with the latest edition of: "Standard Methods for the Examination of Water and Wastewater APHA, AWWA, WEF" or such other method as may be agreed in writing by the Chief Executive of the Regional Council or delegate.

## 11 Reporting

- 11.0 The consent holder shall forward a report to the Bay of Plenty Regional Council (see Advice Note 1) within 20 working days of completion of each dredging works under this consent that describes:
- The area excavated; and
  - The volume of sediment removed;
  - The volume of sediment disposed of and the area/s to which the sediment has been disposed;
  - The depth to which dredging was carried out;
  - The results of any water quality monitoring carried out; and
  - Tidal and weather conditions at the time of water quality monitoring.

## 12 Review of Consent Conditions

- 12.1 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; and
- (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.
- 12.2 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.

## 13 Resource Management Charges

- 13.0 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.

## 14 Lapse of Consent

- 14.0 This consent shall lapse 15 years after its commencement (defined in accordance with condition 15 of this consent) or on 31 August 2029, whichever is sooner.

## 15 Commencement of Consent

- 15.0 This consent shall commence once construction of the Opotiki Harbour Entrance has been completed. For the purpose of this consent, construction is complete once the existing river mouth



has been closed and the flow of the Waioeka River diverted through the new entrance channel.

## 16 Term of Consent

- 16.0 This consent shall expire fifteen years after its commencement in accordance with condition 15 of this consent.

## 17 The Coastal Permit

- 17.0 The Coastal Permit 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 under conditions 6.1, 7.1 and 7.2 of this consent should be made in writing to the Manager Pollution Prevention, Environment Bay of Plenty, Box 364 or fax 0800 368 329 or e-mail [notify@envbop.govt.nz](mailto:notify@envbop.govt.nz) and should include the consent number 65567.*
  2. *The disposal of dredge material to land is authorised under resource consent 65568.*
  3. *The Regional Council is able to advise of contact details for the relevant iwi authority.*
  4. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites or deposits within the area affected by this consent. Should any artefacts, bones, shell midden 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 further damage, modification or destruction is undertaken.*
  5. *The consent holder is advised that under the provisions of section 64A of the Resource Management Act 1991, this consent may become subject to charges for the occupation of Crown seabed and/or foreshore. At the time of issuing this consent there is no charging system in place however this consent may be affected by any charging regime implemented in the future.*
  6. *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.*
  7. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
  8. *Compliance with the water quality standard outlined in condition 9.3 is only likely to be achieved following high rainfall, when the river is subject to increased turbidity.*
  9. *The consent holder may take a second set of samples (up-current and down-current) to verify the first set of sampling results.*
  10. *Water quality monitoring during dredging may not be required if the river conditions are such that the impacts of the dredging on water quality will be negligible.*

## **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:

subject to the following conditions:

#### **1 Purpose of this Resource Consent**

- 1.0 To undertake activities in the coastal marine area associated with maintenance dredging of the Opotiki Harbour Entrance.

#### **2 Location**

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

#### **3 Map Reference**

- 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.

#### **5 Occupation of Space**

- 5.0 Public access to the coastal marine area in the vicinity of the dredging operation may be restricted at any time that dredging and discharge activities are being carried out to ensure public health and safety.

#### **6 Pre-work Requirements**

- 6.1 The consent holder shall prepare and submit a Dredging Plan for each maintenance dredging operation undertaken under this consent to the Chief Executive of the Bay of Plenty Regional Council or delegate, for approval, at least 20 working days prior to the proposed commencement date of the works (see Advice Note 1). The purpose of this document is to demonstrate how the consent holder will manage activities during the operation to avoid, remedy or minimise environmental effects and achieve compliance with the conditions of this consent. The Dredging Plan shall include, but not be limited to, the following information:

- A description of the chosen dredging methodology (including any measures that will be implemented to avoid, remedy and mitigate potential adverse environmental effects);
- Reason(s) for the proposed dredging;
- The expected duration of the dredging operation;
- An estimate of the quantity of material to be removed;
- Demonstration that provision has been made for appropriate stockpiling and disposal (or re-use) of dredge material (see Advice Note 2), including a location map;
- Restrictions that will apply to navigation and public access;

- Procedures to be put in place during flood events;
- The measures that will be taken to ensure compliance with the water quality standards included in conditions 9.3 and 9.4 of this consent (whichever is applicable at the time of dredging); and
- Confirmation that a bylaw authority has been obtained (if necessary); and
- Monitoring that will be undertaken to assess and demonstrate compliance with conditions 9.3 and 9.4 of this consent.

6.2 Dredging shall not commence until written approval of the plan required by condition 6.1 of this consent has been received by the consent holder.

6.3 At least three working days prior to the commencement of dredging the consent holder shall place notices in the local newspaper and on the local radio stations. The notices shall advise:

- The intention to dredge;
- The area to be dredged;
- The period over which dredging is expected to occur; and
- The restrictions that will apply to public access and navigation.

## 7 Notifying the Regional Council of Works

7.1 Not less than 10 working days prior to commencing any maintenance dredging works under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate and the Eastern Bay of Plenty Harbourmaster of the intent to commence dredging. Notification at this time shall include details of who is responsible for on-site management and compliance with consent conditions (including 24 hour contact details) and any necessary restrictions to public access and/or safe navigation (see Advice Note 1).

7.2 Within five working days of the completion of any dredging work under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate and the Eastern Bay of Plenty Harbourmaster (refer Advice Note 1).

7.3 The consent holder shall place prominent signage at the Opotiki Harbour Entrance site at least five working days prior to carrying out any dredging works under this consent. Details of the signage shall include but not be restricted to the expected duration of the dredging works, the name and contact details of the person supervising the works and any necessary restrictions to public access and/or safe navigation. Signage shall remain in place for the duration of each dredging operation.

## 8 Dredge & Discharge Works

8.1 Maintenance dredging and discharge activities shall be located and carried out generally in accordance with the following information submitted with the dredging plan approved in accordance with condition 6.1 of this consent.

8.2 The total quantity of material dredged from the coastal marine area under this consent shall not exceed 50,000m<sup>3</sup> in any 12-month period.

8.3 The maximum excavation depth within the navigation channel is 4.3m below Chart Datum.

8.4 Maintenance dredging and discharge activities carried out under this consent shall be undertaken between the hours of 7.00am to 7.00pm and shall not occur on Saturdays, Sundays or public holidays (see Advice Note 2).

8.5 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.
- 8.6 No fuel storage or machinery/vehicle maintenance shall be carried out within the coastal marine area, on the foreshore or within 20 m above mean high water springs.
- 8.7 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.
- 8.8 Dredging and associated discharge activities shall not be undertaken during the whitebait fishing season (15 August to 30 November inclusive).
- 8.9 Material removed by dredging may be used for renourishment of the beaches and dunes on either side of the Opotiki Harbour Entrance, provide that the material is of a comparable size and colour to the natural sediments present at the deposition site.
- 8.10 All dredging and discharge activities carried out under this consent shall be completed as quickly as practicable.
- 8.11 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 (see Advice Note 3) 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.
- 8.12 All plant, machinery, equipment and debris associated with works under this consent shall be removed from the foreshore and coastal marine area at the completion of each dredging operation.

## 9 Water Quality Standards

- 9.1 The zone of reasonable mixing for discharges associated with dredging activities is defined as being within a 200m radius of the excavation (dredging) site.
- 9.2 Background water quality is defined as being 500 metres upstream/up current of the dredging site.
- 9.3 Dredging and associated discharge activities undertaken during the period 1 December to 29 February (inclusive) shall not result in a decrease in water clarity (as measured by the black disk method) of more than 20% below background levels, beyond the zone of reasonable mixing (see Advice Note 8).
- 9.4 Dredging and associated discharge activities undertaken during the period 1 March to 14 August (inclusive) shall not result in a suspended solids concentration within the water column beyond the zone of reasonable mixing, that is more than 150 g/m<sup>3</sup> above the background levels.

## 10 Monitoring

- 10.1 The consent holder shall prepare and implement a monitoring programme that assesses compliance with the water quality standards set out in conditions 9 of this consent. This programme shall be submitted to the Chief Executive of the Regional Council or delegate for

approval/certification at least 20 working days prior to the intended commencement of dredging.

- 10.2 All water clarity measurements shall be carried out in accordance with the methodology described in "Colour and Clarity of Natural Waters; Science of Management of Optical Water Quality" by Davies-Colley et al (1993) or such other method as may be agreed in writing by the Chief Executive of the Regional Council or delegate.
- 10.3 All other sampling and analysis shall be carried out in accordance with the latest edition of: "Standard Methods for the Examination of Water and Wastewater APHA, AWWA, WEF" or such other method as may be agreed in writing by the Chief Executive of the Regional Council or delegate.

## 11 Reporting

- 11.0 The consent holder shall forward a report to the Bay of Plenty Regional Council (see Advice Note 1) within 20 working days of completion of each dredging works under this consent that describes:
- The area excavated; and
  - The volume of sediment removed;
  - The volume of sediment disposed of and the area/s to which the sediment has been disposed;
  - The depth to which dredging was carried out;
  - The results of any water quality monitoring carried out; and
  - Tidal and weather conditions at the time of water quality monitoring.

## 12 Review of Consent Conditions

- 12.1 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; and
- (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.
- 12.2 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.

## 13 Resource Management Charges

- 13.0 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.

## 14 Lapse of Consent

- 14.0 This consent shall lapse 15 years after its commencement (defined in accordance with condition 15 of this consent) or on 31 August 2029, whichever is sooner.

## 15 Commencement of Consent

- 15.0 This consent shall commence once construction of the Opotiki Harbour Entrance has been completed. For the purpose of this consent, construction is complete once the existing river mouth has been closed and the flow of the Waioeka River diverted through the new entrance channel.

## 16 Term of Consent

- 16.0 This consent shall expire fifteen years after its commencement in accordance with condition 15 of this consent.

## 17 The Coastal Permit

- 17.0 The Coastal Permit 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 under conditions 6.1, 7.1 and 7.2 of this consent should be made in writing to the Manager Pollution Prevention, Environment Bay of Plenty, Box 364 or fax 0800 368 329 or e-mail [notify@envbop.govt.nz](mailto:notify@envbop.govt.nz) and should include the consent number 65567.*
  2. *The disposal of dredge material to land is authorised under resource consent 65568.*
  3. *The Regional Council is able to advise of contact details for the relevant iwi authority.*
  4. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites or deposits within the area affected by this consent. Should any artefacts, bones, shell midden 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 further damage, modification or destruction is undertaken.*
  5. *The consent holder is advised that under the provisions of section 64A of the Resource Management Act 1991, this consent may become subject to charges for the occupation of Crown seabed and/or foreshore. At the time of issuing this consent there is no charging system in place however this consent may be affected by any charging regime implemented in the future.*
  6. *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.*
  7. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
  8. *Compliance with the water quality standard outlined in condition 9.3 is only likely to be achieved following high rainfall, when the river is subject to increased turbidity.*
  9. *The consent holder may take a second set of samples (up-current and down-current) to verify the first set of sampling results.*
  10. *Water quality monitoring during dredging may not be required if the river conditions are such that the impacts of the dredging on water quality will be negligible.*

# 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 12(2)(a) of the Resource Management Act 1991 and rule 12.2.4(a) and of the Bay of Plenty Regional Coastal Environment Plan to Temporarily Occupy Crown Land in the Coastal Marine Area**

subject to the following conditions:

### 1 Purpose of this Resource Consent

- 1.0 To undertake activities in the coastal marine area associated with maintenance dredging of the Opotiki Harbour Entrance.

### 2 Location

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

### 3 Map Reference

- 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.

### 5 Occupation of Space

- 5.0 Public access to the coastal marine area in the vicinity of the dredging operation may be restricted at any time that dredging and discharge activities are being carried out to ensure public health and safety.

### 6 Pre-work Requirements

- 6.1 The consent holder shall prepare and submit a Dredging Plan for each maintenance dredging operation undertaken under this consent to the Chief Executive of the Bay of Plenty Regional Council or delegate, for approval, at least 20 working days prior to the proposed commencement date of the works (see Advice Note 1). The purpose of this document is to demonstrate how the consent holder will manage activities during the operation to avoid, remedy or minimise environmental effects and achieve compliance with the conditions of this consent. The Dredging Plan shall include, but not be limited to, the following information:

- A description of the chosen dredging methodology (including any measures that will be implemented to avoid, remedy and mitigate potential adverse environmental effects);
- Reason(s) for the proposed dredging;
- The expected duration of the dredging operation;
- An estimate of the quantity of material to be removed;
- Demonstration that provision has been made for appropriate stockpiling and disposal (or re-

- use) of dredge material (see Advice Note 2), including a location map;
- Restrictions that will apply to navigation and public access;
- Procedures to be put in place during flood events;
- The measures that will be taken to ensure compliance with the water quality standards included in conditions 9.3 and 9.4 of this consent (whichever is applicable at the time of dredging); and
- Confirmation that a bylaw authority has been obtained (if necessary); and
- Monitoring that will be undertaken to assess and demonstrate compliance with conditions 9.3 and 9.4 of this consent.

6.2 Dredging shall not commence until written approval of the plan required by condition 6.1 of this consent has been received by the consent holder.

6.3 At least three working days prior to the commencement of dredging the consent holder shall place notices in the local newspaper and on the local radio stations. The notices shall advise:

- The intention to dredge;
- The area to be dredged;
- The period over which dredging is expected to occur; and
- The restrictions that will apply to public access and navigation.

## 7 Notifying the Regional Council of Works

7.1 Not less than 10 working days prior to commencing any maintenance dredging works under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate and the Eastern Bay of Plenty Harbourmaster of the intent to commence dredging. Notification at this time shall include details of who is responsible for on-site management and compliance with consent conditions (including 24 hour contact details) and any necessary restrictions to public access and/or safe navigation (see Advice Note 1).

7.2 Within five working days of the completion of any dredging work under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate and the Eastern Bay of Plenty Harbourmaster (refer Advice Note 1).

7.3 The consent holder shall place prominent signage at the Opotiki Harbour Entrance site at least five working days prior to carrying out any dredging works under this consent. Details of the signage shall include but not be restricted to the expected duration of the dredging works, the name and contact details of the person supervising the works and any necessary restrictions to public access and/or safe navigation. Signage shall remain in place for the duration of each dredging operation.

## 8 Dredge & Discharge Works

8.1 Maintenance dredging and discharge activities shall be located and carried out generally in accordance with the following information submitted with the dredging plan approved in accordance with condition 6.1 of this consent.

8.2 The total quantity of material dredged from the coastal marine area under this consent shall not exceed 50,000m<sup>3</sup> in any 12-month period.

8.3 The maximum excavation depth within the navigation channel is 4.3m below Chart Datum.

8.4 Maintenance dredging and discharge activities carried out under this consent shall be undertaken between the hours of 7.00am to 7.00pm and shall not occur on Saturdays, Sundays or public holidays (see Advice Note 2).

8.5 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.
- 8.6 No fuel storage or machinery/vehicle maintenance shall be carried out within the coastal marine area, on the foreshore or within 20 m above mean high water springs.
- 8.7 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.
- 8.8 Dredging and associated discharge activities shall not be undertaken during the whitebait fishing season (15 August to 30 November inclusive).
- 8.9 Material removed by dredging may be used for renourishment of the beaches and dunes on either side of the Opotiki Harbour Entrance, provide that the material is of a comparable size and colour to the natural sediments present at the deposition site.
- 8.10 All dredging and discharge activities carried out under this consent shall be completed as quickly as practicable.
- 8.11 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 (see Advice Note 3) 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.
- 8.12 All plant, machinery, equipment and debris associated with works under this consent shall be removed from the foreshore and coastal marine area at the completion of each dredging operation.

## 9 Water Quality Standards

- 9.1 The zone of reasonable mixing for discharges associated with dredging activities is defined as being within a 200m radius of the excavation (dredging) site.
- 9.2 Background water quality is defined as being 500 metres upstream/up current of the dredging site.
- 9.3 Dredging and associated discharge activities undertaken during the period 1 December to 29 February (inclusive) shall not result in a decrease in water clarity (as measured by the black disk method) of more than 20% below background levels, beyond the zone of reasonable mixing (see Advice Note 8).
- 9.4 Dredging and associated discharge activities undertaken during the period 1 March to 14 August (inclusive) shall not result in a suspended solids concentration within the water column beyond the zone of reasonable mixing, that is more than 150 g/m<sup>3</sup> above the background levels.

## 10 Monitoring

- 10.1 The consent holder shall prepare and implement a monitoring programme that assesses

compliance with the water quality standards set out in conditions 9 of this consent. This programme shall be submitted to the Chief Executive of the Regional Council or delegate for approval/certification at least 20 working days prior to the intended commencement of dredging.

- 10.2 All water clarity measurements shall be carried out in accordance with the methodology described in "Colour and Clarity of Natural Waters; Science of Management of Optical Water Quality" by Davies-Colley et al (1993) or such other method as may be agreed in writing by the Chief Executive of the Regional Council or delegate.
- 10.3 All other sampling and analysis shall be carried out in accordance with the latest edition of: "Standard Methods for the Examination of Water and Wastewater APHA, AWWA, WEF" or such other method as may be agreed in writing by the Chief Executive of the Regional Council or delegate.

## 11 Reporting

- 11.0 The consent holder shall forward a report to the Bay of Plenty Regional Council (see Advice Note 1) within 20 working days of completion of each dredging works under this consent that describes:
- The area excavated; and
  - The volume of sediment removed;
  - The volume of sediment disposed of and the area/s to which the sediment has been disposed;
  - The depth to which dredging was carried out;
  - The results of any water quality monitoring carried out; and
  - Tidal and weather conditions at the time of water quality monitoring.

## 12 Review of Consent Conditions

- 12.1 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; and
- (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.
- 12.2 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.

## 13 Resource Management Charges

- 13.0 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.

## 14 Lapse of Consent

- 14.0 This consent shall lapse 15 years after its commencement (defined in accordance with condition 15 of this consent) or on 31 August 2029, whichever is sooner.

## 15 Commencement of Consent

- 15.0 This consent shall commence once construction of the Opotiki Harbour Entrance has been completed. For the purpose of this consent, construction is complete once the existing river mouth has been closed and the flow of the Waioeka River diverted through the new entrance channel.

## 16 Term of Consent

- 16.0 This consent shall expire fifteen years after its commencement in accordance with condition 15 of this consent.

## 17 The Coastal Permit

- 17.0 The Coastal Permit 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 under conditions 6.1, 7.1 and 7.2 of this consent should be made in writing to the Manager Pollution Prevention, Environment Bay of Plenty, Box 364 or fax 0800 368 329 or e-mail notify@envbop.govt.nz and should include the consent number 65567.*
  2. *The disposal of dredge material to land is authorised under resource consent 65568.*
  3. *The Regional Council is able to advise of contact details for the relevant iwi authority.*
  4. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites or deposits within the area affected by this consent. Should any artefacts, bones, shell midden 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 further damage, modification or destruction is undertaken.*
  5. *The consent holder is advised that under the provisions of section 64A of the Resource Management Act 1991, this consent may become subject to charges for the occupation of Crown seabed and/or foreshore. At the time of issuing this consent there is no charging system in place however this consent may be affected by any charging regime implemented in the future.*
  6. *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.*
  7. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
  8. *Compliance with the water quality standard outlined in condition 9.3 is only likely to be achieved following high rainfall, when the river is subject to increased turbidity.*
  9. *The consent holder may take a second set of samples (up-current and down-current) to verify the first set of sampling results.*
  10. *Water quality monitoring during dredging may not be required if the river conditions are such that the impacts of the dredging on water quality will be negligible.*

## 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 12(1)(d) of the Resource Management Act 1991 and rule 14.2.4(b) of the Bay of Plenty Regional Coastal Environment Plan to undertake a discretionary activity being to Deposit Material on the Foreshore or Seabed**

subject to the following conditions:

#### 1 Purpose of this Resource Consent

- 1.0 To undertake activities in the coastal marine area associated with maintenance dredging of the Opotiki Harbour Entrance.

#### 2 Location

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

#### 3 Map Reference

- 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.

#### 5 Occupation of Space

- 5.0 Public access to the coastal marine area in the vicinity of the dredging operation may be restricted at any time that dredging and discharge activities are being carried out to ensure public health and safety.

#### 6 Pre-work Requirements

- 6.1 The consent holder shall prepare and submit a Dredging Plan for each maintenance dredging operation undertaken under this consent to the Chief Executive of the Bay of Plenty Regional Council or delegate, for approval, at least 20 working days prior to the proposed commencement date of the works (see Advice Note 1). The purpose of this document is to demonstrate how the consent holder will manage activities during the operation to avoid, remedy or minimise environmental effects and achieve compliance with the conditions of this consent. The Dredging Plan shall include, but not be limited to, the following information:

- A description of the chosen dredging methodology (including any measures that will be implemented to avoid, remedy and mitigate potential adverse environmental effects);
- Reason(s) for the proposed dredging;
- The expected duration of the dredging operation;
- An estimate of the quantity of material to be removed;

- Demonstration that provision has been made for appropriate stockpiling and disposal (or re-use) of dredge material (see Advice Note 2), including a location map;
- Restrictions that will apply to navigation and public access;
- Procedures to be put in place during flood events;
- The measures that will be taken to ensure compliance with the water quality standards included in conditions 9.3 and 9.4 of this consent (whichever is applicable at the time of dredging); and
- Confirmation that a bylaw authority has been obtained (if necessary); and
- Monitoring that will be undertaken to assess and demonstrate compliance with conditions 9.3 and 9.4 of this consent.

6.2 Dredging shall not commence until written approval of the plan required by condition 6.1 of this consent has been received by the consent holder.

6.3 At least three working days prior to the commencement of dredging the consent holder shall place notices in the local newspaper and on the local radio stations. The notices shall advise:

- The intention to dredge;
- The area to be dredged;
- The period over which dredging is expected to occur; and
- The restrictions that will apply to public access and navigation.

## 7 Notifying the Regional Council of Works

7.1 Not less than 10 working days prior to commencing any maintenance dredging works under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate and the Eastern Bay of Plenty Harbourmaster of the intent to commence dredging. Notification at this time shall include details of who is responsible for on-site management and compliance with consent conditions (including 24 hour contact details) and any necessary restrictions to public access and/or safe navigation (see Advice Note 1).

7.2 Within five working days of the completion of any dredging work under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate and the Eastern Bay of Plenty Harbourmaster (refer Advice Note 1).

7.3 The consent holder shall place prominent signage at the Opotiki Harbour Entrance site at least five working days prior to carrying out any dredging works under this consent. Details of the signage shall include but not be restricted to the expected duration of the dredging works, the name and contact details of the person supervising the works and any necessary restrictions to public access and/or safe navigation. Signage shall remain in place for the duration of each dredging operation.

## 8 Dredge & Discharge Works

8.1 Maintenance dredging and discharge activities shall be located and carried out generally in accordance with the following information submitted with the dredging plan approved in accordance with condition 6.1 of this consent.

8.2 The total quantity of material dredged from the coastal marine area under this consent shall not exceed 50,000m<sup>3</sup> in any 12-month period.

8.3 The maximum excavation depth within the navigation channel is 4.3m below Chart Datum.

8.4 Maintenance dredging and discharge activities carried out under this consent shall be undertaken between the hours of 7.00am to 7.00pm and shall not occur on Saturdays, Sundays or public holidays (see Advice Note 2).

8.5 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.
- 8.6 No fuel storage or machinery/vehicle maintenance shall be carried out within the coastal marine area, on the foreshore or within 20 m above mean high water springs.
- 8.7 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 of minimise any fuel or hydrocarbon spillage, including the provision of appropriate security and containment measures, where necessary.
- 8.8 Dredging and associated discharge activities shall not be undertaken during the whitebait fishing season (15 August to 30 November inclusive).
- 8.9 Material removed by dredging may be used for renourishment of the beaches and dunes on either side of the Opotiki Harbour Entrance, provide that the material is of a comparable size and colour to the natural sediments present at the deposition site.
- 8.10 All dredging and discharge activities carried out under this consent shall be completed as quickly as practicable.
- 8.11 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 (see Advice Note 3) 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.
- 8.12 All plant, machinery, equipment and debris associated with works under this consent shall be removed from the foreshore and coastal marine area at the completion of each dredging operation.

## 9 Water Quality Standards

- 9.1 The zone of reasonable mixing for discharges associated with dredging activities is defined as being within a 200m radius of the excavation (dredging) site.
- 9.2 Background water quality is defined as being 500 metres upstream/up current of the dredging site.
- 9.3 Dredging and associated discharge activities undertaken during the period 1 December to 29 February (inclusive) shall not result in a decrease in water clarity (as measured by the black disk method) of more than 20% below background levels, beyond the zone of reasonable mixing (see Advice Note 8).
- 9.4 Dredging and associated discharge activities undertaken during the period 1 March to 14 August (inclusive) shall not result in a suspended solids concentration within the water column beyond the zone of reasonable mixing, that is more than 150 g/m<sup>3</sup> above the background levels.

## 10 Monitoring

- 10.1 The consent holder shall prepare and implement a monitoring programme that assesses compliance with the water quality standards set out in conditions 9 of this consent. This programme shall be submitted to the Chief Executive of the Regional Council or delegate for approval/certification at least 20 working days prior to the intended commencement of dredging.
- 10.2 All water clarity measurements shall be carried out in accordance with the methodology described in "Colour and Clarity of Natural Waters; Science of Management of Optical Water Quality" by Davies-Colley et al (1993) or such other method as may be agreed in writing by the Chief Executive of the Regional Council or delegate.
- 10.3 All other sampling and analysis shall be carried out in accordance with the latest edition of: "Standard Methods for the Examination of Water and Wastewater APHA, AWWA, WEF" or such other method as may be agreed in writing by the Chief Executive of the Regional Council or delegate.

## 11 Reporting

- 11.0 The consent holder shall forward a report to the Bay of Plenty Regional Council (see Advice Note 1) within 20 working days of completion of each dredging works under this consent that describes:
- The area excavated; and
  - The volume of sediment removed;
  - The volume of sediment disposed of and the area/s to which the sediment has been disposed;
  - The depth to which dredging was carried out;
  - The results of any water quality monitoring carried out; and
  - Tidal and weather conditions at the time of water quality monitoring.

## 12 Review of Consent Conditions

- 12.1 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; and
- (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.
- 12.2 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.

## 13 Resource Management Charges

- 13.0 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.

## 14 Lapse of Consent

- 14.0 This consent shall lapse 15 years after its commencement (defined in accordance with condition 15 of this consent) or on 31 August 2029, whichever is sooner.

## 15 Commencement of Consent

- 15.0 This consent shall commence once construction of the Opotiki Harbour Entrance has been completed. For the purpose of this consent, construction is complete once the existing river mouth

has been closed and the flow of the Waioeka River diverted through the new entrance channel.

## 16 Term of Consent

- 16.0 This consent shall expire fifteen years after its commencement in accordance with condition 15 of this consent.

## 17 The Coastal Permit

- 17.0 The Coastal Permit 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 under conditions 6.1, 7.1 and 7.2 of this consent should be made in writing to the Manager Pollution Prevention, Environment Bay of Plenty, Box 364 or fax 0800 368 329 or e-mail [notify@envbop.govt.nz](mailto:notify@envbop.govt.nz) and should include the consent number 65567.*
  2. *The disposal of dredge material to land is authorised under resource consent 65568.*
  3. *The Regional Council is able to advise of contact details for the relevant iwi authority.*
  4. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites or deposits within the area affected by this consent. Should any artefacts, bones, shell midden 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 further damage, modification or destruction is undertaken.*
  5. *The consent holder is advised that under the provisions of section 64A of the Resource Management Act 1991, this consent may become subject to charges for the occupation of Crown seabed and/or foreshore. At the time of issuing this consent there is no charging system in place however this consent may be affected by any charging regime implemented in the future.*
  6. *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.*
  7. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
  8. *Compliance with the water quality standard outlined in condition 9.3 is only likely to be achieved following high rainfall, when the river is subject to increased turbidity.*
  9. *The consent holder may take a second set of samples (up-current and down-current) to verify the first set of sampling results.*
  10. *Water quality monitoring during dredging may not be required if the river conditions are such that the impacts of the dredging on water quality will be negligible.*



# 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 14(2)(a) of the Resource Management Act 1991 and Rule 10.2.4(d) of the Bay of Plenty Regional Coastal Environment Plan to Take Coastal Water**

subject to the following conditions:

### 1 Purpose of this Resource Consent

- 1.0 To undertake activities in the coastal marine area associated with maintenance dredging of the Opotiki Harbour Entrance.

### 2 Location

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

### 3 Map Reference

- 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.

### 5 Occupation of Space

- 5.0 Public access to the coastal marine area in the vicinity of the dredging operation may be restricted at any time that dredging and discharge activities are being carried out to ensure public health and safety.

### 6 Pre-work Requirements

- 6.1 The consent holder shall prepare and submit a Dredging Plan for each maintenance dredging operation undertaken under this consent to the Chief Executive of the Bay of Plenty Regional Council or delegate, for approval, at least 20 working days prior to the proposed commencement date of the works (see Advice Note 1). The purpose of this document is to demonstrate how the consent holder will manage activities during the operation to avoid, remedy or minimise environmental effects and achieve compliance with the conditions of this consent. The Dredging Plan shall include, but not be limited to, the following information:

- A description of the chosen dredging methodology (including any measures that will be implemented to avoid, remedy and mitigate potential adverse environmental effects);
- Reason(s) for the proposed dredging;
- The expected duration of the dredging operation;
- An estimate of the quantity of material to be removed;
- Demonstration that provision has been made for appropriate stockpiling and disposal (or re-

- use) of dredge material (see Advice Note 2), including a location map;
- Restrictions that will apply to navigation and public access;
- Procedures to be put in place during flood events;
- The measures that will be taken to ensure compliance with the water quality standards included in conditions 9.3 and 9.4 of this consent (whichever is applicable at the time of dredging); and
- Confirmation that a bylaw authority has been obtained (if necessary); and
- Monitoring that will be undertaken to assess and demonstrate compliance with conditions 9.3 and 9.4 of this consent.

6.2 Dredging shall not commence until written approval of the plan required by condition 6.1 of this consent has been received by the consent holder.

6.3 At least three working days prior to the commencement of dredging the consent holder shall place notices in the local newspaper and on the local radio stations. The notices shall advise:

- The intention to dredge;
- The area to be dredged;
- The period over which dredging is expected to occur; and
- The restrictions that will apply to public access and navigation.

## **7 Notifying the Regional Council of Works**

7.1 Not less than 10 working days prior to commencing any maintenance dredging works under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate and the Eastern Bay of Plenty Harbourmaster of the intent to commence dredging. Notification at this time shall include details of who is responsible for on-site management and compliance with consent conditions (including 24 hour contact details) and any necessary restrictions to public access and/or safe navigation (see Advice Note 1).

7.2 Within five working days of the completion of any dredging work under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate and the Eastern Bay of Plenty Harbourmaster (refer Advice Note 1).

7.3 The consent holder shall place prominent signage at the Opotiki Harbour Entrance site at least five working days prior to carrying out any dredging works under this consent. Details of the signage shall include but not be restricted to the expected duration of the dredging works, the name and contact details of the person supervising the works and any necessary restrictions to public access and/or safe navigation. Signage shall remain in place for the duration of each dredging operation.

## **8 Dredge & Discharge Works**

8.1 Maintenance dredging and discharge activities shall be located and carried out generally in accordance with the following information submitted with the dredging plan approved in accordance with condition 6.1 of this consent.

8.2 The total quantity of material dredged from the coastal marine area under this consent shall not exceed 50,000m<sup>3</sup> in any 12-month period.

8.3 The maximum excavation depth within the navigation channel is 4.3m below Chart Datum.

8.4 Maintenance dredging and discharge activities carried out under this consent shall be undertaken between the hours of 7.00am to 7.00pm and shall not occur on Saturdays, Sundays or public holidays (see Advice Note 2).

8.5 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.
- 8.6 No fuel storage or machinery/vehicle maintenance shall be carried out within the coastal marine area, on the foreshore or within 20 m above mean high water springs.
- 8.7 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.
- 8.8 Dredging and associated discharge activities shall not be undertaken during the whitebait fishing season (15 August to 30 November inclusive).
- 8.9 Material removed by dredging may be used for renourishment of the beaches and dunes on either side of the Opotiki Harbour Entrance, provide that the material is of a comparable size and colour to the natural sediments present at the deposition site.
- 8.10 All dredging and discharge activities carried out under this consent shall be completed as quickly as practicable.
- 8.11 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 (see Advice Note 3) 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.
- 8.12 All plant, machinery, equipment and debris associated with works under this consent shall be removed from the foreshore and coastal marine area at the completion of each dredging operation.

## 9 Water Quality Standards

- 9.1 The zone of reasonable mixing for discharges associated with dredging activities is defined as being within a 200m radius of the excavation (dredging) site.
- 9.2 Background water quality is defined as being 500 metres upstream/up current of the dredging site.
- 9.3 Dredging and associated discharge activities undertaken during the period 1 December to 29 February (inclusive) shall not result in a decrease in water clarity (as measured by the black disk method) of more than 20% below background levels, beyond the zone of reasonable mixing (see Advice Note 8).
- 9.4 Dredging and associated discharge activities undertaken during the period 1 March to 14 August (inclusive) shall not result in a suspended solids concentration within the water column beyond the zone of reasonable mixing, that is more than 150 g/m<sup>3</sup> above the background levels.

## 10 Monitoring

- 10.1 The consent holder shall prepare and implement a monitoring programme that assesses

compliance with the water quality standards set out in conditions 9 of this consent. This programme shall be submitted to the Chief Executive of the Regional Council or delegate for approval/certification at least 20 working days prior to the intended commencement of dredging.

- 10.2 All water clarity measurements shall be carried out in accordance with the methodology described in "Colour and Clarity of Natural Waters; Science of Management of Optical Water Quality" by Davies-Colley et al (1993) or such other method as may be agreed in writing by the Chief Executive of the Regional Council or delegate.
- 10.3 All other sampling and analysis shall be carried out in accordance with the latest edition of: "Standard Methods for the Examination of Water and Wastewater APHA, AWWA, WEF" or such other method as may be agreed in writing by the Chief Executive of the Regional Council or delegate.

## 11 Reporting

- 11.0 The consent holder shall forward a report to the Bay of Plenty Regional Council (see Advice Note 1) within 20 working days of completion of each dredging works under this consent that describes:
- The area excavated; and
  - The volume of sediment removed;
  - The volume of sediment disposed of and the area/s to which the sediment has been disposed;
  - The depth to which dredging was carried out;
  - The results of any water quality monitoring carried out; and
  - Tidal and weather conditions at the time of water quality monitoring.

## 12 Review of Consent Conditions

- 12.1 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; and
- (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.
- 12.2 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.

## 13 Resource Management Charges

- 13.0 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.

## 14 Lapse of Consent

- 14.0 This consent shall lapse 15 years after its commencement (defined in accordance with condition 15 of this consent) or on 31 August 2029, whichever is sooner.

## 15 Commencement of Consent

- 15.0 This consent shall commence once construction of the Opotiki Harbour Entrance has been completed. For the purpose of this consent, construction is complete once the existing river mouth has been closed and the flow of the Waioeka River diverted through the new entrance channel.

## 16 Term of Consent

- 16.0 This consent shall expire fifteen years after its commencement in accordance with condition 15 of this consent.

## 17 The Coastal Permit

- 17.0 The Coastal Permit 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 under conditions 6.1, 7.1 and 7.2 of this consent should be made in writing to the Manager Pollution Prevention, Environment Bay of Plenty, Box 364 or fax 0800 368 329 or e-mail [notify@envbop.govt.nz](mailto:notify@envbop.govt.nz) and should include the consent number 65567.*
  2. *The disposal of dredge material to land is authorised under resource consent 65568.*
  3. *The Regional Council is able to advise of contact details for the relevant iwi authority.*
  4. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites or deposits within the area affected by this consent. Should any artefacts, bones, shell midden 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 further damage, modification or destruction is undertaken.*
  5. *The consent holder is advised that under the provisions of section 64A of the Resource Management Act 1991, this consent may become subject to charges for the occupation of Crown seabed and/or foreshore. At the time of issuing this consent there is no charging system in place however this consent may be affected by any charging regime implemented in the future.*
  6. *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.*
  7. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
  8. *Compliance with the water quality standard outlined in condition 9.3 is only likely to be achieved following high rainfall, when the river is subject to increased turbidity.*
  9. *The consent holder may take a second set of samples (up-current and down-current) to verify the first set of sampling results.*
  10. *Water quality monitoring during dredging may not be required if the river conditions are such that the impacts of the dredging on water quality will be negligible.*