

Resource Consent

Resource Consent 65568-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:

65568.0.02-LC	Earthworks or Excavation	Expiry	31 August 2029
65568.0.03-DC	Discharge to Water	Expiry	31 August 2029

The consent(s) are subject to the conditions specified on the attached schedule(s) for each activity. Advice notes are also provided as supplementary guidance, and to specify additional information to relevant conditions.

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

DATED at Whakatane this 29th day of July 2009

For and on behalf of The Bay of Plenty Regional Council



Fiona McTavish
Chief Executive



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

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

Bay of Plenty Regional Council

Resource Consent

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

A resource consent:

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

subject to the following conditions:

1 Purpose of this Resource Consent

- 1.0 To undertake earthworks, vegetation clearance and the associated discharge of sediment-laden water, associated with the disposal of material removed from the Opotiki Harbour Entrance during maintenance dredging.

2 Location

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

3 Map References

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

4 Legal Description

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

5 Pre-Construction Requirements

- 5.1 The consent holder shall prepare and submit an Erosion and Sediment Control Plan (ESCP) for each dredge disposal operation authorised by 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 4). The purpose of this document is to demonstrate how the consent holder will manage earthwork activities to avoid, remedy or mitigate environmental effects associated with the disturbance of land and associated discharges to water and achieve compliance with the conditions of this consent.

The ESCP shall be in accordance with the Erosion and Sediment Control Guidelines for the Land Disturbing Activities and shall include, but not be limited to:

- Detailed design specifications of all earthworks, including disposal sites, and all erosion and sediment control measures to be implemented including supporting calculations where appropriate;
- An indicative programme for the earthworks that demonstrates how works will be managed to limit the area of exposed soil that is open on site at any one time;
- Monitoring and maintenance schedules for all erosion and sediment control measures on a

- set weekly, daily) basis or within 24 hours of each rainstorm event that is likely to impair the function or performance of the control measures;
- A site plan showing contours at suitable intervals, cut and fill operations, the specific location of all sediment and erosion control measures, and catchment boundaries for the sediment controls;
 - Confirmation that the outlets or discharge points from all erosion and sediment control measures are sited so that the stormwater runs over vegetated land prior to discharging to an ephemeral or permanent watercourse;
 - Measures to ensure that accumulated sediment is removed from sediment retention ponds and other relevant erosion and sediment control measures before the sediment reaches 20% of the live storage capacity of the control measure;
 - Provision of a wheel wash or similar facilities at each site access point to ensure that all vehicles and earthmoving machinery exiting the site do not carry materials onto the surrounding road network or environment and measures to ensure any material tracked onto external roads is cleaned; and
 - Other measures to be implemented to ensure compliance with all conditions of this consent.
- 5.2 The consent holder shall prepare and submit a dredge material disposal plan to the Chief Executive of the Bay of Plenty Regional Council or delegate, for approval at least 20 working days prior to the intended commencement of dredging (see Advice Note 4). This plan shall include, but not be limited to, the following:
- The location and specifications of the settlement ponds - the ponds shall be appropriately sized, constructed and maintained to ensure that discharges of settled water meet the water quality standards included in conditions 9.6 and 11 of this consent;
 - Demonstration that material will be disposed of in a manner that (where practicable) enhances existing levels of flood protection and the integrity of existing flood protection stopbanks;
 - Evidence of consultation with landowners and the Waioeka-Otara Rivers Scheme regarding proposed disposal sites and the potential for any adverse effects on the Waioeka-Otara Rivers Scheme;
 - Demonstration that there will be no adverse impact on the level of flood protection provided by the Waioeka-Otara Rivers Scheme; and
 - Demonstration that conditions 7.5, 7.6 and 7.7 will be met.
- 5.3 Earthworks shall not commence until written approval of the plans required by conditions 5.1 and 5.2 of this consent has been received by the consent holder from the Chief Executive of the Bay of Plenty Regional Council or delegate.

6 Notifying the Regional Council of Works

- 6.1 No less than five working days prior to the overall start of works under this consent, the consent holder shall request (in writing) a site meeting between the principal site contractor and the Chief Executive of the Regional Council or delegate. Notification at this time shall include details of who is to be responsible for site management and compliance with consent conditions (see Advice Note 4).
- 6.2 The consent holder shall notify the Chief Executive of the Regional Council or delegate (in writing) no less than five working days before the completion of works under this consent, prior to the removal of erosion and sediment controls (see Advice Note 4).

7 Earthworks

- 7.1 Construction and earthworks shall be carried out in general accordance with the information submitted with the application for this consent and the following plans:
- The Erosion and Sediment Control Plan (approved in accordance with condition 5.1 of this consent); and
 - The Dredge Disposal Plan (approved in accordance with condition 5.2 of this consent).
- 7.2 The consent holder shall ensure that only cleanfill is deposited on site.

- 7.3 For the purposes of this consent, the definition of cleanfill shall include only natural materials such as sand, clay, soil, rock and such other materials that have received written approval from the Chief Executive of the Regional Council or delegate.
- 7.4 The consent holder shall ensure that exposed areas of earth resulting from works associated with this consent are progressively stabilised wherever practicable by vegetative cover or other methods to provide effective protection against erosion. In any case, the consent holder shall ensure that all exposed areas of earth resulting from works associated with this consent are effectively stabilised against erosion by vegetative cover or other methods as soon as practicable following the completion of works.
- 7.5 The consent holder shall ensure that no dredge material is disposed of to land, except for that being used in beach renourishment, before treatment by an appropriate settlement pond.
- 7.6 Dredged material shall not be stockpiled in the intertidal zone or placed on wetland or dune vegetation.
- 7.7 Any dredged or imported material used for beach renourishment shall be of a comparable size and colour to the natural sediments present at the deposition site.
- 7.8 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.
- 7.9 No fuel storage or machinery/vehicle maintenance shall be carried out within the western construction compound(s), the coastal marine area, on the foreshore or within 20 m above mean high water springs.
- 7.10 Any fuel or other hazardous substances stored on site shall be stored within portable containers so that they can be removed from the site if needed due to flood or storm events.
- 7.11 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.
- 7.12 The activities undertaken under this consent shall not result in an increase in the 100-year return period flood levels within the Waioeka and Otara Rivers at the following locations:
- The Waioeka/Otara River confluence; or
 - The Waioeka Bridge; or
 - Approximately 850 m upstream of Otara Bridge.
- 7.13 All plant, machinery, equipment, debris and construction materials, not associated with the permanent structures, shall be removed from the site at the completion of works.

8 Erosion and Sediment Control

- 8.1 All erosion and sediment controls shall be installed prior to the commencement of earthworks.
- 8.2 The consent holder shall ensure that all practicable measures are taken to ensure that no material is tracked off site.
- 8.3 The consent holder shall divert uncontaminated catchment runoff away from the area of earthworks.
- 8.4 The consent holder shall ensure that where runoff controls (such as diversion channels, bunds, contour drains etc) have slopes greater than 2%, then the runoff controls shall be protected from erosion by the use of geotextile materials, rock or other suitable materials.
- 8.5 Unless otherwise specified in this consent, the consent holder shall ensure that all erosion and sediment controls comply with specifications set out in Environment Bay of Plenty Guideline No. 2001/03 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor.
- 8.6 The consent holder shall repair any damage that occurs to dune vegetation as a result of the works authorised by this consent.

9 Settlement Pond Discharge

- 9.1 Dredged material shall be dewatered in a settlement pond prior to disposal on land.
- 9.2 The consent holder shall ensure that the construction of the settlement pond includes stabilised inlets and outlets in order to prevent erosion at both the inlet and outlet of the pond.
- 9.3 The consent holder shall ensure that the placement and use of the discharge structures does not cause erosion of the bed, banks or margins of any watercourse or drains, or dune vegetation and that it does not pose a hazard to people using the river or its margins.
- 9.4 The consent holder shall ensure that the construction of the settlement ponds is undertaken as quickly as possible and within a dry period of weather.
- 9.5 Settled dredge water discharged to water shall be substantially free of floatable solids, oil and grease.
- 9.6 The consent holder shall ensure that the discharge of settled dredge water to water from the settlement pond does not exceed 150 g/m³ of suspended solids at the point of discharge.
- 9.7 Notwithstanding conditions 9.5 and 9.6, the consent holder shall ensure that the discharge of settled dredge water or stormwater does not cause the water quality standards contained in conditions 11 of this consent to be exceeded beyond the zone of reasonable mixing. For the purpose of this consent, reasonable mixing is defined as being within a 200 m radius of the point of discharge to water.

10 Temporary Stormwater Discharge

- 10.1 Stormwater generated on the site during construction shall be treated in an appropriate sediment retention device before discharge as described in the ESCP approved in accordance with condition 5.1 of this consent.
- 10.2 The consent holder shall ensure that the construction of any sediment ponds includes stabilised inlets and outlets in order to prevent erosion at both the inlet and outlet of the pond.

- 10.3 The consent holder shall ensure that the placement and use of any discharge structures does not cause erosion of the bed, banks or margins of the modified watercourse or drains and that it does not pose a hazard to people using the stream or its margins.
- 10.4 The consent holder shall ensure that no sediment contaminated stormwater leaves the site before treatment in a sediment treatment device.
- 10.5 The consent holder shall ensure that the construction of any sediment ponds is undertaken as quickly as possible and within a dry period of weather.
- 10.6 Stormwater discharged shall be substantially free of floatable solids, oil and grease.

11 Water Quality Standards

- 11.0 The consent holder shall ensure that the works authorised by this consent do not result in any of the following effects in estuarine or coastal waters following reasonable mixing (see Advice Note 7):
- The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - Any conspicuous change in colour or visual clarity;
 - Any emission of objectionable odour;
 - Significant adverse effects on aquatic life;
 - Water rendered unsuitable for bathing due to poor visual clarity and/or the presence of contaminants;
 - Undesirable biological growths;
 - A water temperature change of more than 3 degrees C;
 - The concentration of dissolved oxygen to fall below 80% of saturation concentration; or
 - Aquatic organisms rendered unsuitable for human consumption due to the presence of contaminants.

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

12 Dust Control

- 12.1 The consent holder shall adopt a proactive strategy for dust control, specifically by complying with the principles of dust management as set out in section 3.4 of Environment Bay of Plenty Guideline No. 2001/03 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor, so as to prevent a dust nuisance from occurring beyond the property boundary.
- 12.2 The consent holder shall ensure that an adequate supply of water for dust control (sufficient to apply a minimum of 5 mm/day to all exposed areas of the site), and an effective means for applying that quantity of water, is available on site at all times during construction and until such time as the site is fully stabilised.
- 12.3 The consent holder shall ensure that soil moisture levels are monitored at all times when earthworks are being carried out, and at the end of every working day.
- 12.4 The consent holder shall ensure that, at all times, the soil moisture level of exposed areas is sufficient, under prevailing wind conditions, to prevent dust generated by normal earthmoving operations from remaining airborne beyond the boundary of the work site.
- 12.5 The consent holder shall ensure that, at the end of every working day until such time as the site is fully stabilised, the soil moisture level of exposed areas is sufficient to prevent a dust nuisance occurring beyond the boundary of the works site.
- 12.6 The consent holder shall ensure that, outside of normal working hours, staff are available on-call to operate the water application system for dust suppression.

- 12.7 In the event that wind conditions render dust control impracticable, the consent holder shall ensure that any machinery generating airborne dust ceases to operate until such time as effective dust control can be re-established.
- 12.8 Notwithstanding conditions 12.1 to 12.7 above, the consent holder shall undertake additional or alternative dust control measures to the satisfaction of the Chief Executive of the Regional Council or delegate, as directed.

13 Signage

- 13.0 Prior to the commencement of works under this consent, the consent holder shall erect a prominent sign adjacent to the main entrance to the site, and maintain it throughout the period of the works. The sign shall clearly display, as a minimum, the following information:
- The consent holder;
 - A 24 hour contact telephone number for the consent holder or appointed agent;
 - A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about dust nuisance or any other problem resulting from the exercise of this consent.

14 Maintenance

- 14.1 The consent holder shall ensure that the erosion and sediment controls, spillways and associated erosion protection devices and dust controls are maintained in an effective capacity at all times during works and until the site is stabilised in accordance with condition 7.4 of this consent.
- 14.2 The consent holder shall ensure that, as far as practicable, any necessary maintenance of erosion and sediment controls identified by inspection under condition 15.4 or by Regional Council officers is completed within 24 hours.
- 14.3 Accumulated sediment shall be removed from the settlement ponds and sediment retention devices before sediment levels reach 25% of that pond or device's volume.
- 14.4 The consent holder shall ensure that sediment removed from the settlement ponds or sediment detention devices is placed in a stable position where it can not re-enter the pond or device or enter any water body.
- 14.5 The consent holder shall ensure that all-weather machinery access is maintained to the settlement ponds.

15 Monitoring and Reporting

- 15.1 Once during each week that the discharge of settled dredge water occurs, the consent holder shall take a water sample at the point(s) of discharge to estuarine or coastal waters. This sample shall be analysed as soon as practicable for suspended solids concentration, pH, temperature and dissolved oxygen content (% saturation).
- 15.2 The consent holder shall keep a record of the results of the samples taken in accordance with condition 15.1 of this consent for a period of at least one year. These results shall be made available to Regional Council officers upon request.
- 15.3 All measurements required by condition 15.1 shall be carried out in accordance with the methodology described in "APHA 1995: Standard Methods for Examination of Water and Waste Water" or subsequent editions.
- 15.4 The consent holder shall ensure that the erosion and sediment controls are inspected:

- At least weekly during the duration of this consent; and
- Within 24 hours of each rainstorm event which is likely to impair the function or performance of the erosion and sediment controls.

15.5 The consent holder shall maintain records of:

- The date and time of every inspection of erosion and sediment controls on the site; and
- The date, time and description of any maintenance work carried out.

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

15.6 The consent holder shall forward a copy of records required by conditions 15.1 and 15.5 to the Regional Council within 48 hours of receiving its request (see Advice Note 4).

16 Review of Conditions

16.1 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.

16.2 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.

17 Sites of Archaeological, Historic or Cultural Significance

17.0 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 2) to obtain details of the relevant iwi authority. The consent holder shall then consult with the relevant iwi authority and the New Zealand Historic Places Trust and shall not recommence works in the area of the discovery until the relevant Historic Places trust approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary.

18 Resource Management Charges

18.0 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.

19 Lapse of Consent

19.0 This consent shall lapse 15 years after its commencement (defined in accordance with condition 20 of this consent) or on 31 August 2029, whichever is sooner.

20 Commencement of Consent

20.0 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.

21 Term of Consent

- 21.0 This consent shall expire fifteen years after its commencement in accordance with condition 20 of this consent.

22 The Resource Consent

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

Advice Notes

- 1
1. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites within the area affected by this consent. Should any artefacts, bones or any other sites of archaeological or cultural significance be discovered within the area affected by this operation, written authorisation should be obtained from the Historic Places Trust before any damage, modification or destruction is undertaken.*
 2. *The Regional Council is able to advise of contact details for the relevant iwi authority.*
 3. *This consent does not authorise any damming or diversion of water at the activity site. Any such action may require further approval unless a rule in a regional plan expressly allows the dam or diversion.*
 4. *Reporting, notification and submission of plans shall be directed (in writing) to the Pollution Prevention Manager, Environment Bay of Plenty, Box 364, Whakatane or fax 0800 368 329 or email notify@envbop.govt.nz, this notification shall include the consent number 65568.*
 5. *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.*
 6. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
 7. *Schedule 13 of the Regional Coastal Plan provides guidance on what quantitative standards can be used to assess compliance with the qualitative standards listed in the coastal water quality classifications.*
 8. *This consent is to be exercised in conjunction with Opotiki District Council Land Use Consent for the Opotiki Harbour Entrance Project.*

Bay of Plenty Regional Council

Resource Consent

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

A resource consent:

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

subject to the following conditions:

1 Purpose of this Resource Consent

- 1.0 To undertake earthworks, vegetation clearance and the associated discharge of sediment-laden water, associated with the disposal of material removed from the Opotiki Harbour Entrance during maintenance dredging.

2 Location

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

3 Map References

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

4 Legal Description

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

5 Pre-Construction Requirements

- 5.1 The consent holder shall prepare and submit an Erosion and Sediment Control Plan (ESCP) for each dredge disposal operation authorised by 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 4). The purpose of this document is to demonstrate how the consent holder will manage earthwork activities to avoid, remedy or mitigate environmental effects associated with the disturbance of land and associated discharges to water and achieve compliance with the conditions of this consent.

The ESCP shall be in accordance with the Erosion and Sediment Control Guidelines for the Land Disturbing Activities and shall include, but not be limited to:

- Detailed design specifications of all earthworks, including disposal sites, and all erosion and sediment control measures to be implemented including supporting calculations where appropriate;
- An indicative programme for the earthworks that demonstrates how works will be managed to limit the area of exposed soil that is open on site at any one time;
- Monitoring and maintenance schedules for all erosion and sediment control measures on a

- set weekly, daily) basis or within 24 hours of each rainstorm event that is likely to impair the function or performance of the control measures;
 - A site plan showing contours at suitable intervals, cut and fill operations, the specific location of all sediment and erosion control measures, and catchment boundaries for the sediment controls;
 - Confirmation that the outlets or discharge points from all erosion and sediment control measures are sited so that the stormwater runs over vegetated land prior to discharging to an ephemeral or permanent watercourse;
 - Measures to ensure that accumulated sediment is removed from sediment retention ponds and other relevant erosion and sediment control measures before the sediment reaches 20% of the live storage capacity of the control measure;
 - Provision of a wheel wash or similar facilities at each site access point to ensure that all vehicles and earthmoving machinery exiting the site do not carry materials onto the surrounding road network or environment and measures to ensure any material tracked onto external roads is cleaned; and
 - Other measures to be implemented to ensure compliance with all conditions of this consent.
- 5.2 The consent holder shall prepare and submit a dredge material disposal plan to the Chief Executive of the Bay of Plenty Regional Council or delegate, for approval at least 20 working days prior to the intended commencement of dredging (see Advice Note 4). This plan shall include, but not be limited to, the following:
- The location and specifications of the settlement ponds - the ponds shall be appropriately sized, constructed and maintained to ensure that discharges of settled water meet the water quality standards included in conditions 9.6 and 11 of this consent;
 - Demonstration that material will be disposed of in a manner that (where practicable) enhances existing levels of flood protection and the integrity of existing flood protection stopbanks;
 - Evidence of consultation with landowners and the Waioeka-Otara Rivers Scheme regarding proposed disposal sites and the potential for any adverse effects on the Waioeka-Otara Rivers Scheme;
 - Demonstration that there will be no adverse impact on the level of flood protection provided by the Waioeka-Otara Rivers Scheme; and
 - Demonstration that conditions 7.5, 7.6 and 7.7 will be met.
- 5.3 Earthworks shall not commence until written approval of the plans required by conditions 5.1 and 5.2 of this consent has been received by the consent holder from the Chief Executive of the Bay of Plenty Regional Council or delegate.

6 Notifying the Regional Council of Works

- 6.1 No less than five working days prior to the overall start of works under this consent, the consent holder shall request (in writing) a site meeting between the principal site contractor and the Chief Executive of the Regional Council or delegate. Notification at this time shall include details of who is to be responsible for site management and compliance with consent conditions (see Advice Note 4).
- 6.2 The consent holder shall notify the Chief Executive of the Regional Council or delegate (in writing) no less than five working days before the completion of works under this consent, prior to the removal of erosion and sediment controls (see Advice Note 4).

7 Earthworks

- 7.1 Construction and earthworks shall be carried out in general accordance with the information submitted with the application for this consent and the following plans:
- The Erosion and Sediment Control Plan (approved in accordance with condition 5.1 of this consent); and
 - The Dredge Disposal Plan (approved in accordance with condition 5.2 of this consent).
- 7.2 The consent holder shall ensure that only cleanfill is deposited on site.

- 7.3 For the purposes of this consent, the definition of cleanfill shall include only natural materials such as sand, clay, soil, rock and such other materials that have received written approval from the Chief Executive of the Regional Council or delegate.
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- 7.6 Dredged material shall not be stockpiled in the intertidal zone or placed on wetland or dune vegetation.
- 7.7 Any dredged or imported material used for beach renourishment shall be of a comparable size and colour to the natural sediments present at the deposition site.
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8 Erosion and Sediment Control

- 8.1 All erosion and sediment controls shall be installed prior to the commencement of earthworks.
- 8.2 The consent holder shall ensure that all practicable measures are taken to ensure that no material is tracked off site.
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- 10.1 Stormwater generated on the site during construction shall be treated in an appropriate sediment retention device before discharge as described in the ESCP approved in accordance with condition 5.1 of this consent.
- 10.2 The consent holder shall ensure that the construction of any sediment ponds includes stabilised inlets and outlets in order to prevent erosion at both the inlet and outlet of the pond.

- 10.3 The consent holder shall ensure that the placement and use of any discharge structures does not cause erosion of the bed, banks or margins of the modified watercourse or drains and that it does not pose a hazard to people using the stream or its margins.
- 10.4 The consent holder shall ensure that no sediment contaminated stormwater leaves the site before treatment in a sediment treatment device.
- 10.5 The consent holder shall ensure that the construction of any sediment ponds is undertaken as quickly as possible and within a dry period of weather.
- 10.6 Stormwater discharged shall be substantially free of floatable solids, oil and grease.

11 Water Quality Standards

- 11.0 The consent holder shall ensure that the works authorised by this consent do not result in any of the following effects in estuarine or coastal waters following reasonable mixing (see Advice Note 7):
- The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - Any conspicuous change in colour or visual clarity;
 - Any emission of objectionable odour;
 - Significant adverse effects on aquatic life;
 - Water rendered unsuitable for bathing due to poor visual clarity and/or the presence of contaminants;
 - Undesirable biological growths;
 - A water temperature change of more than 3 degrees C;
 - The concentration of dissolved oxygen to fall below 80% of saturation concentration; or
 - Aquatic organisms rendered unsuitable for human consumption due to the presence of contaminants.

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

12 Dust Control

- 12.1 The consent holder shall adopt a proactive strategy for dust control, specifically by complying with the principles of dust management as set out in section 3.4 of Environment Bay of Plenty Guideline No. 2001/03 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor, so as to prevent a dust nuisance from occurring beyond the property boundary.
- 12.2 The consent holder shall ensure that an adequate supply of water for dust control (sufficient to apply a minimum of 5 mm/day to all exposed areas of the site), and an effective means for applying that quantity of water, is available on site at all times during construction and until such time as the site is fully stabilised.
- 12.3 The consent holder shall ensure that soil moisture levels are monitored at all times when earthworks are being carried out, and at the end of every working day.
- 12.4 The consent holder shall ensure that, at all times, the soil moisture level of exposed areas is sufficient, under prevailing wind conditions, to prevent dust generated by normal earthmoving operations from remaining airborne beyond the boundary of the work site.
- 12.5 The consent holder shall ensure that, at the end of every working day until such time as the site is fully stabilised, the soil moisture level of exposed areas is sufficient to prevent a dust nuisance occurring beyond the boundary of the works site.
- 12.6 The consent holder shall ensure that, outside of normal working hours, staff are available on-call to operate the water application system for dust suppression.

- 12.7 In the event that wind conditions render dust control impracticable, the consent holder shall ensure that any machinery generating airborne dust ceases to operate until such time as effective dust control can be re-established.
- 12.8 Notwithstanding conditions 12.1 to 12.7 above, the consent holder shall undertake additional or alternative dust control measures to the satisfaction of the Chief Executive of the Regional Council or delegate, as directed.

13 Signage

- 13.0 Prior to the commencement of works under this consent, the consent holder shall erect a prominent sign adjacent to the main entrance to the site, and maintain it throughout the period of the works. The sign shall clearly display, as a minimum, the following information:
- The consent holder;
 - A 24 hour contact telephone number for the consent holder or appointed agent;
 - A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about dust nuisance or any other problem resulting from the exercise of this consent.

14 Maintenance

- 14.1 The consent holder shall ensure that the erosion and sediment controls, spillways and associated erosion protection devices and dust controls are maintained in an effective capacity at all times during works and until the site is stabilised in accordance with condition 7.4 of this consent.
- 14.2 The consent holder shall ensure that, as far as practicable, any necessary maintenance of erosion and sediment controls identified by inspection under condition 15.4 or by Regional Council officers is completed within 24 hours.
- 14.3 Accumulated sediment shall be removed from the settlement ponds and sediment retention devices before sediment levels reach 25% of that pond or device's volume.
- 14.4 The consent holder shall ensure that sediment removed from the settlement ponds or sediment detention devices is placed in a stable position where it can not re-enter the pond or device or enter any water body.
- 14.5 The consent holder shall ensure that all-weather machinery access is maintained to the settlement ponds.

15 Monitoring and Reporting

- 15.1 Once during each week that the discharge of settled dredge water occurs, the consent holder shall take a water sample at the point(s) of discharge to estuarine or coastal waters. This sample shall be analysed as soon as practicable for suspended solids concentration, pH, temperature and dissolved oxygen content (% saturation).
- 15.2 The consent holder shall keep a record of the results of the samples taken in accordance with condition 15.1 of this consent for a period of at least one year. These results shall be made available to Regional Council officers upon request.
- 15.3 All measurements required by condition 15.1 shall be carried out in accordance with the methodology described in "APHA 1995: Standard Methods for Examination of Water and Waste Water" or subsequent editions.
- 15.4 The consent holder shall ensure that the erosion and sediment controls are inspected:

- At least weekly during the duration of this consent; and
- Within 24 hours of each rainstorm event which is likely to impair the function or performance of the erosion and sediment controls.

15.5 The consent holder shall maintain records of:

- The date and time of every inspection of erosion and sediment controls on the site; and
- The date, time and description of any maintenance work carried out.

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

15.6 The consent holder shall forward a copy of records required by conditions 15.1 and 15.5 to the Regional Council within 48 hours of receiving its request (see Advice Note 4).

16 Review of Conditions

16.1 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.

16.2 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.

17 Sites of Archaeological, Historic or Cultural Significance

17.0 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 2) to obtain details of the relevant iwi authority. The consent holder shall then consult with the relevant iwi authority and the New Zealand Historic Places Trust and shall not recommence works in the area of the discovery until the relevant Historic Places trust approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary.

18 Resource Management Charges

18.0 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.

19 Lapse of Consent

19.0 This consent shall lapse 15 years after its commencement (defined in accordance with condition 20 of this consent) or on 31 August 2029, whichever is sooner.

20 Commencement of Consent

20.0 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.

21 Term of Consent

- 21.0 This consent shall expire fifteen years after its commencement in accordance with condition 20 of this consent.

22 The Resource Consent

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

Advice Notes

- 1
1. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites within the area affected by this consent. Should any artefacts, bones or any other sites of archaeological or cultural significance be discovered within the area affected by this operation, written authorisation should be obtained from the Historic Places Trust before any damage, modification or destruction is undertaken.*
 2. *The Regional Council is able to advise of contact details for the relevant iwi authority.*
 3. *This consent does not authorise any damming or diversion of water at the activity site. Any such action may require further approval unless a rule in a regional plan expressly allows the dam or diversion.*
 4. *Reporting, notification and submission of plans shall be directed (in writing) to the Pollution Prevention Manager, Environment Bay of Plenty, Box 364, Whakatane or fax 0800 368 329 or email notify@envbop.govt.nz, this notification shall include the consent number 65568.*
 5. *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.*
 6. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
 7. *Schedule 13 of the Regional Coastal Plan provides guidance on what quantitative standards can be used to assess compliance with the qualitative standards listed in the coastal water quality classifications.*
 8. *This consent is to be exercised in conjunction with Opotiki District Council Land Use Consent for the Opotiki Harbour Entrance Project.*