

# Resource Consent

## Resource Consent RM20-0615-AP

Following the processing of the Application received on the 17 September 2020, the Bay of Plenty Regional Council has granted the applicant(s):

Opotiki District Council

Consent(s) to:

RM20-0615-BC.01	River Structure	Expiry	28 February 2031
RM20-0615-LC.01+	Disturb Land Habitat or Plants	Expiry	28 February 2031

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

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

DATED at Whakatane this 19th day of March 2021

For and on behalf of The Bay of Plenty Regional Council



**Fiona McTavish**  
Chief Executive



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

The change of the whole of this resource consent was approved under delegated authority of the Bay of Plenty Regional Council dated 6 April 2022

## **Bay of Plenty Regional Council**

### **Resource Consent**

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 19 March 2021, **hereby grants**:

A resource consent:

- **Under section 13(1)(a) of the Resource Management Act 1991 and Rule BW R21 of the Bay of Plenty Regional Natural Resources Plan to undertake a controlled activity being to use, place, and maintain five single span bridges over the bed of a river/stream**

subject to the following conditions:

#### **1 Purpose**

- 1.1 The purpose of this resource consent is to authorise and set conditions for the construction, use and maintenance of five single span bridges for the purpose of constructing a cycleway from the Ōpōtiki township to the Waiōtahe River.

#### **2 Location**

- 2.1 The activity authorised by this resource consent shall be located as shown on BOPRC Consent Appendices A, B, C, D and E.

#### **3 Notification of Works**

- 3.1 No less than five working days prior to the start of works on each of the five bridges, the consent holder shall request (in writing) a site meeting between the consent holder and a representative and the Bay of Plenty Regional Council. This request shall include details of who is to be responsible for site management and compliance with consent conditions (see Advice Note 1).
- 3.2 No less than five working days after the completion of works on each of the five bridges under this consent, the consent holder shall notify and request (in writing) a site meeting between the consent holder and a representative of the Bay of Plenty Regional Council (see Advice Note 1).

#### **4 Erosion and Sediment Controls**

- 4.1 At least 20 working days prior to the planned commencement of works on the bridge, the consent holder shall lodge an erosion and sediment control plan to the Bay of Plenty Regional Council for certification. The erosion and sediment control plan shall be consistent with the Bay of Plenty Regional Council '*Erosion and Sediment Control Guidelines for Land Disturbing Activities - Guideline 2010/01*'.
- 4.2 No bridge construction works shall commence until the Bay of Plenty Regional Council has certified the erosion and sediment control plan provided pursuant to condition 4.1.
- 4.3 All erosion and sediment controls shall be installed prior to the commencement of construction works.

- 4.4 The consent holder shall divert uncontaminated catchment runoff away from the area of works.
- 4.5 The consent holder shall ensure that the erosion and sediment controls and associated erosion protection devices are maintained in an effective capacity and good working order at all times during works and until the site is stabilised.
- 4.6 The consent holder shall ensure that any necessary maintenance of erosion and sediment controls identified by inspection under conditions of this consent or by Bay of Plenty Regional Council staff is completed within 24 hours.

## 5 Bridge Design and Construction

- 5.1 Each bridge shall be constructed in general accordance with the information submitted in the resource consent application entitled '*Motu Trails Cycle Trail Extension Resource Consent Application to Ōpōtiki District Council and Bay of Plenty Regional Council*' (A3632660) and as per BOPRC Appendices A through E attached to this consent. However, where the resource consent application and these conditions of this consent differ, the conditions of consent shall prevail.
- 5.2 At least 20 working days prior to any of the bridges being constructed, the consent holder shall submit detailed design plans for the bridges to the Bay of Plenty Regional Council Engineering Team for certification of the designs, including any erosion protection of the bridges taking into account secondary flow paths. No works on the bridges shall occur until the applicant has received certification.

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- 5.3 The bridge soffit heights shall be:
1. For Bridge 1 (Kukumoa) the bridge soffit height shall be 2.58 metres;
  2. For Bridge 2 (Te Karaka) the bridge soffit height shall be 2.49 metres;
  3. For Bridge 3 (Whakahakatoitōi) the bridge soffit height shall be 4.6 metres;
  4. For Bridge 4 (Unnamed) the bridge soffit height shall be 4.0 metres; and
  5. For Bridge 5 (Unnamed) the bridge soffit height shall be 3.6 metres.
- 5.4 The bridge piles shall extend below the lowest point of the stream bed by a minimum of one third of the entire pile length or one metre, whichever is the greatest. This condition does not apply if, at such time as the detailed design of the bridge is provided to the Bay of Plenty Regional Council for certification pursuant to Condition 5.2, the consent holder can provide a geotechnical report which demonstrates that different pile depth is appropriate. The pile depth accepted via certification shall be the final pile depth required.
- 5.5 No fuel storage or machinery refuelling shall occur where fuel could enter a water body in the event of a spillage.
- 5.6 The consent holder shall ensure that all construction equipment, machinery, plant, and any debris are removed from the work site on completion of the installation works.
- 5.7 Machinery shall, as far as practicable, be kept out of the bed of the waterbodies.

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- 5.8 The bridges over the Kukumoa and Te Karaka Streams (Bridges 1 and 2) must be securely tethered to the abutments or other sound ground to ensure the bridges and/or their componentry are not carried downstream.

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- 5.9 If the NZTA bridges directly upstream of the bridges over the Kukumoa and Te Karaka Streams (Bridges 1 and 2) are raised, the bridges over the Kukumoa and Te Karaka Streams (Bridges 1 and 2) shall be raised to the same level as the NZTA bridges.

2) must be raised within 12 months of the NZTA bridges being raised, so that:

1. For Bridge 1 (Kukumoa) the bridge soffit height shall be 3.18 metres; and
2. For Bridge 2 (Te Karaka) the bridge soffit height shall be 2.83 metres.

## 6 Maintenance, Inspections, Reporting and Remediation

### Change: CH21-02374

6.1 The consent holder shall ensure that:

1. The bridges must be inspected by a structural engineer with CPEng accreditation once every 10 years and following a 20 year or greater storm/flooding event or in the event of any risk to the structure identified following the inspection as per condition 6.2 to ensure compliance with condition 6.3;
2. A report from a structural engineer with CPEng accreditation is provided to the Bay of Plenty Regional Council within 1 month of the inspection (required by conditions 6.1.1) being undertaken, this report at a minimum shall detail:
  - a. The current structural integrity of the bridges and their componentry, including tethers, and abutments;
  - b. Any required maintenance or remediation required to the bridges, and their componentry including tethers, abutments, waterway or surrounding ground to ensure the bridges remain structurally sound;
  - c. Timeframes in which any maintenance and/or remediation should be undertaken within; and
  - d. Any risks associated with the current structural integrity and/or maintenance or remediation requirements.
3. All structural integrity risks/issues and maintenance/remediation identified in the report required under condition 6.1.2 are addressed and completed within the timeframes identified, or as directed by the Bay of Plenty Regional Council.

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6.2 The consent holder shall ensure that:

1. Visual inspections of the bridges and abutments are undertaken every 6 months and following a 10 year or greater storm/flooding event, to identify if there has been any erosion and/or scour around the bridges and abutments.
2. Visual inspections of the waterway in the area of the bridges are undertaken prior to installation of the bridges and then every 6 months and following a 10 year or greater storm/flooding event, to identify if there has been any erosion and/or scour of the bed/banks or any blockage/obstruction, caused by the bridges, of the waterways.
3. When undertaking visual inspections required by condition 6.2.1 and 6.2.2, photos of the areas inspected are taken and details are recorded, such as the date, whether there is any notable erosion and scour.
4. An 'Inspection Report' is provided to the Bay of Plenty Regional Council within 1 week of the inspection being undertaken, this report at a minimum shall detail:
  - a. If any erosion and scour is visible;
  - b. The photos taken and their locations; and
  - c. Any remediation requirements and the timeframe for these.
5. If there is erosion, scour or blockage/obstruction identified then this must be remedied to a sound state, as detailed in the 'Inspection Report' and within the timeframes identified, or as directed by the Bay of Plenty Regional Council.

6.3 The consent holder shall ensure that the structure authorised by this consent is maintained in a safe and structurally sound condition at all times, and shall undertake any maintenance work immediately, if so directed by the Bay of Plenty Regional Council.

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6.4 Any impact/damage to the State Highway road reserve, and/or adjacent culvert and bridges, found to be related to the installation and use of the bridges over the Kukumoa and Te Karaka Streams (Bridges 1 and 2), will be the responsibility of the consent holder to remedy, to the satisfaction of NZTA (see Advice Notes 2 and 3).

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6.5 Any impact/damage to Bay of Plenty Regional Council flood scheme assets (such as the Huntress Creek Floodgate), downstream of the bridges over the Kukumoa and Te Karaka Streams (Bridges 1 and 2), as a result of the installation and use of the bridges, will be the responsibility of the consent holder to remedy to the satisfaction of the Bay of Plenty Regional Council (see Advice Notes 2 and 3).

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6.6 In the event of raising the bridges as per condition 5.9, then conditions 6.1, 6.2, 6.4 and 6.5 shall not apply.

## **7 Review of Consent Conditions**

7.1 The Bay of Plenty Regional Council may, within three months of the first anniversary of this consent and annually thereafter, serve notice on the consent holder under s128(1)(a)(iii), and/or s128(1)(b) and/or s128(1)(ba) of the Resource Management Act 1991 of its intention to review the conditions of this consent. The intention of such a review is to:

1. Deal with any adverse effect on the environment that occurs as a result of the exercise of this consent, and which it is appropriate to deal with at a later stage; and/or
2. Ensure that the activity remains in line with industry current good management practices to ensure that the activity is appropriately mitigated or to adopt the best practicable option to remove or reduce any adverse effect on the environment.

The fair and reasonable costs associated with any such review shall be recovered from the consent holder

## **8 Resource Management Charges**

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

## **9 Term of Consent**

9.1 This consent shall expire on 28 February 2031.

## **10 The Consent**

10.1 The 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 Send reporting, notification and submission of plans required by conditions of this consent (in writing) to the Regulatory Compliance Manager, Bay of Plenty Regional Council, PO Box 364, Whakatāne or email [notify@boprc.govt.nz](mailto:notify@boprc.govt.nz). Please include the consent number RM20-0615-BC.01.

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2 Conditions 5.8, 5.9, 6.2 (in so far as visual inspection after every major flood event), 6.4, and 6.5 were proffered by the consent holder and included in the consent on an Augier basis.

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3 Remediation of any impact/damage found to be related to the installation and use of the bridges may include a full replacement of infrastructure if it is damaged beyond repair. As the applicant has proffered that this remediation is to the satisfaction of the affected asset holder, it is up to the asset holder to determine the most appropriate remediation actions and timeframes for implementation. The asset holder(s) are advised to consult with Opotiki District Council about timeframes for implementation of remediation actions.

## **Bay of Plenty Regional Council**

### **Resource Consent**

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 19 March 2021, **hereby grants:**

A resource consent:

- **Pursuant to section 9(3)(a) and 15(1)(B) of the Resource Management Act, 1991 and LM R10 and DW R23 of the Regional Natural Resources Plan to undertake a discretionary activity being to carry out land and soil disturbance by vegetation clearance and to carry out a restricted discretionary activity to discharge sediment contaminated stormwater to land**

subject to the following conditions:

#### **1 Purpose**

- 1.1 The purpose of this resource consent is to authorise and set conditions for the disturbance of land and soil by the removal of vegetation for the construction of a cycleway from the Ōpōtiki township to the Waiōtahe River.

#### **2 Location**

- 2.1 The activity authorised by this resource consent shall be located as shown on BOPRC Consent Plans RM20-0615/01, RM20-0615/02, RM20-0615/03, RM20-0615/04, RM20-0615/05, RM20-0615/06, RM20-0615/07, and RM20-0615/08.

#### **3 Notification of Works**

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- 3.1 No less than five working days prior to starting any work within the 'Dune Zone' as shown on BOPRC Consent Plans RM20-0615/02, RM20-0615/03, RM20-0615/04 and RM20-0615/05, the consent holder shall notify the Bay of Plenty Regional Council of the date in which these works are to begin and shall request (in writing) a site meeting between the consent holder and a representative of the Bay of Plenty Regional Council (see Advice Note 1 for details). The consent holder shall ensure that:

1. A suitably qualified and experienced Ecologist; and
2. A suitably qualified and experienced Bay of Plenty Regional Council Land Management Officer or Ecologist

attend this site visit to confirm the delineation of the final route alignment through the 'Dune Zone'. The spatial extent of the route must be clearly marked for staff and contractors involved in construction and recorded by GPS to ensure that vegetation clearance and disturbance is kept to a minimum.

The main purpose of this site visit being to ensure the positioning of the track:

1. Meets the requirements of these consent conditions
2. Ensures the adverse effects on the ecological values of the dunes due to the placement of the track are minimised through choosing the most appropriate location in the dune system; and

3. Is in line with what was agreed on during the site visit undertaken on 2 February 2021.
- 3.2 No less than five working days prior to starting any work within each of the 'Riparian Buffers' that relate to bridge crossings as noted on BOPRC Consent Plans RM20-0615/02 through RM20-0615/08 and BOPRC Appendices A through E, the consent holder shall notify the Bay of Plenty Regional Council of the date in which these works are to begin and shall request (in writing) a site meeting between the consent holder and a representative of the Bay of Plenty Regional Council (see Advice Note 1 for contact details).
- 3.3 No less than five working days after completion of works under this consent, the consent holder shall notify and request (in writing) a site meeting between the consent holder and a representative of the Bay of Plenty Regional Council (see Advice Note 1 for details). This site meeting is for the purpose of compliance with the consent conditions and/or to ensure the track has been constructed appropriately and in the agreed locations.
- 3.4 No less than ten working days prior to undertaking any of the works, with a separate invitation being required for when works begin within the 'Dune Zone' (as noted on BOPRC Consent Plans RM20-0615/02, RM20-0615/03, RM20-0615/04 and RM20-0615/05), the consent holder shall contact a representative of Te Whakatōhea, Te Upokorehe and Tuhoe, and invite a representative on-site to undertake a site visit, to ensure that the proposed trail location and processes are appropriate in terms of cultural effects guiding correct processes when dealing with wahi tapu sites and areas according to tikanga. Evidence of this invitation shall be kept and provided to the Bay of Plenty Regional Council within 48 hours of a request (see Advice Note 1).
- 3.5 Within one month of the completion of planting required by condition 6.3.2 or upon the deadline (if planting has not been completed), the consent holder shall notify the Bay of Plenty Regional Council of the status of the planting and organise a site visit between the consent holder and the Bay of Plenty Regional Council.

## 4 General Requirements

### Change: CH21-02374

- 4.1 Vegetation clearance shall not exceed a total of:
  1. 2.5 metres in width along the entire length of the cycleway during construction of the cycleway; and
  2. 2.2 metres in width along the entire length of the cycleway for the permanent extent of vegetation clearance.
- 4.2 The consent holder shall ensure that no vegetation clearance is undertaken between the period 1 June and 15 September (inclusive) of each year for the duration of this consent, except in the "Dune Zone" where vegetation clearance may take place within this timeframe, subject to other time exclusions as specified within this consent.
- 4.3 Vegetation clearance for the purpose of maintenance of the cycleway shall be limited to the established extent of the track and shall not involve vegetation clearance outside of the established track e.g. the margins of the track.

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- 4.4 For construction of the cycleway, the consent holder shall ensure that:
  1. A 5 metre buffer "Works Exclusion Zone" is maintained around any watercourse near any area of works (see BOPRC Consent Plans RM20-0615/01 through RM20-0615/08) unless authorised via the conditions of this consent e.g. bridge crossing locations; and
  2. A 10 metre buffer "Works Exclusion Zone" is maintained between any vegetation clearance and any wetland, this includes but is not limited to those shown on BOPRC Consent Plans RM20-0615/01 through RM20-0615/08.



- 4.5 The consent holder shall ensure that the earthworks authorised under this consent are completed within a period of no longer than 6 months following their commencement.
- 4.6 No work shall be undertaken within the NZ Dotterel Nesting Zone (as shown as a orange zone on BOPRC Consent Plan RM20-0615/09), within the NZ Dotterel Nesting Season, this being between 1 September and 30 March each year.
- 4.7 No work shall occur within 100 metres of a Pied Shag Nest from 1 September though to 31 December each year.
- 4.8 Prior to starting works in the 'Dune Zone', the consent holder shall ensure that all machinery, equipment and materials are thoroughly cleaned and inspected to remove all soil, seed and/or plant matter in order to minimise the potential for introduction of weed seeds, plant materials and unwanted organisms. Cleaning and inspection of machinery must be documented in accordance with the document titled '*KEEP IT CLEAN – Machinery hygieneguidelines and logbook to prevent the spread of pests and weeds*' (Waikato Regional Council, June 2013).

## 5 Vegetation Clearance - Dune Zone

- 5.1 No works shall occur within the Huntress Creek Indigenous Biological Diversity Area as shown on BOPRC Consent Plans RM20-0615/05 and RM20-0615/06.
- 5.2 To prevent injury and/or death to native skinks, any cleared vegetation must not be mulched and must remain on site (within the dunes, stockpiled within/near similar vegetation) for at least 48 hours after clearance to allow any native skinks to disperse into adjacent habitat.

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- 5.3 The consent holder shall ensure that:
1. No vegetation clearance occurs within 1 metre of the pōhutukawa dripline shown as 'Pōhutukawa Zone' on BOPRC Consent Plan RM20-0615/03; and
  2. Trimming of pōhutukawa only occurs to maintain the use of the cycleway (no trimming shall occur to construct the cycleway), and shall be undertaken:
    - i. By or under the supervision of a suitably qualified arborist; and
    - ii. To trim branches/foilage back to the edge of the trail and no further.
- 5.4 Following the construction of the cycleway (once all construction works are completed) within the 'Dune Zone' as shown on BOPRC Consent Plans RM20-0615/02, RM20-0615/03, RM20-0615/04 and RM20-0615/05, the consent holder shall measure and record the total distance and area of permanent vegetation clearance that has occurred within the 'Dune Zone'. This information shall be used to inform the area/volume of dune recreation and/or enhancement required under condition set 6 - *Vegetation Remediation*.
- 5.5 The consent holder shall ensure that any sand removed or displaced during vegetation clearance is spread out within the back dune, preferably on the southern side of the cycleway) so that it settles into a natural dune landform.

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- 5.6 The consent holder shall ensure that:
1. All construction materials are carried by hand or transported over already-constructed sections of the trail or existing walkways within the dunes; and
  2. Construction materials are not stockpiled within the dunes, unless they are on an already constructed part of the cycleway or existing walkways within the dunes.

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5.7 The consent holder shall ensure that:

1. Following the delineation of the final route, the suitably qualified and experienced Ecologist (engaged under condition 3.1) shall determine and record the number and type of threatened plants to be removed and clearly mark any threatened or sensitive plants to be avoided.
2. If any Threatened or At Risk plant species are required to be removed, that:
  - i. Where practicable, i.e. where transplanting is likely to succeed, removal is undertaken in a way where they can be replanted;
  - ii. Where practicable, i.e. where transplanting is likely to succeed, these plants are replanted immediately in a similar location within the dunes and appropriate actions e.g. watering are taken to increase the chance of survival;
3. Where transplantation is not practicable an equivalent number of plants of the same species are planted in a similar location within the dunes and appropriate actions e.g. watering are taken to increase the chance of survival. These plants shall be monitored for condition within every second year of this consent and weed control, and replacement of any dead plants shall be undertaken for the duration of this consent;
4. A register of these plants, the actions undertaken according to conditions 5.7.1 - 5.7.3 are recorded and the original and new locations of these plants is kept.
5. The requirements of conditions 5.7.1 - 5.7.4 are addressed in the Vegetation Remediation Plan.

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5.8 The consent holder shall ensure that:

1. Weed surveillance is undertaken by a suitably qualified and experienced person, within the 'Dune Zone' (as shown on BOPRC Consent Plans RM20-0615/02, RM20-0615/03, RM20-0615/04, RM20-0615/05) at a minimum frequency of every six months, for the duration of this consent. This weed surveillance is to be undertaken within the entire extent of the Waiōtahe Beach dune system (excluding the Indigenous Biological Diversity Area A);
2. The results of the weed surveys, including the dates they are undertaken, are recorded and made available to the Bay of Plenty Regional Council upon request; and
3. Weed control is undertaken on any weeds found under weed surveillance within the 'Dune Zone' as detailed within the Vegetation Remediation Plan.

5.9 The consent holder shall ensure, where practicable, the cycleway within the 'Dune Zone' (as shown on BOPRC Consent Plans RM20-0615/02, RM20-0615/03, RM20-0615/04, RM20-0615/05) is constructed out of compacted basecourse material and crushed "metal" and that a constructed boardwalk is only used where necessary. Where a constructed boardwalk is required to be used the consent holder shall ensure the design of the boardwalk is a low impact design (low profile) and is able to be removed (i.e. not a permanent structure).

5.10 The consent holder shall remove the vehicle access ways identified with red crosses (by means of fencing, bollards, adding/removing signage etc.) within the 'Dune Zone' as shown on BOPRC Consent Plan RM20-0615/04.

## **6 Vegetation Remediation**

**Change: CH21-02374**

6.1 The consent holder shall ensure plantings are undertaken:

1. Using site appropriate, eco-sourced (locally sourced) native plant species;
2. As remediation, in the following areas:
  - i. Along the margins of the established cycleway that have had vegetation clearance/disturbance to construct the track;
  - ii. Any existing walking tracks that run parallel with the coastline that have not been used for this cycleway;
  - iii. Any existing walking tracks that run perpendicular with the coastline that are to be disestablished in accordance with condition 5.10, or any further tracks the applicant choses to close as part of their Vegetation remediation Plan; and
  - iv. To fill in any areas of dense weed infestations that have been removed as required by

condition 5.8.3;

3. To offset permanent loss of dune vegetation/habitat at a minimum 3:1 ratio (as much as practicable and as certified though the provisions of conditions 6.2 and 6.3) by restoring (re-creating indigenous dominant dune habitat) areas of former dune habitat. Restored areas are to be located adjacent or as close as possible to the 'Dune Zone'. Please note: the enhancement required under conditions 6.1.2 shall not be counted towards the 3:1 minimum ratio for restoration but may count towards any agreed upon enhancement ratio (minimum ration of 7:1) as certified under conditions 6.2 and 6.3.

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6.2 The applicant shall prepare and submit a Vegetation Remediation Plan developed by a suitably qualified and experienced Ecologist. The Vegetation Remediation Plan shall be submitted to the Bay of Plenty Regional Council for certification (by a suitably qualified and experienced Bay of Plenty Regional Council Ecologist) that the remediation plan meets the requirements of the conditions of this consent and appropriately mitigates the adverse effects of vegetation clearance within the 'Dune Zone' as noted on BOPRC Consent Plans RM20-0615/02 through RM20-0615/05. The Vegetation Remediation Plan must contain:

1. Details of what plant species are to be used and where the plants will be sources from;
2. A plan of where planting is to occur, including area, density and species of plants to be used and specifically which species are to be planted where;
3. Timing of planting in relation to timing of vegetation clearance;
4. A programme of establishment and post-establishment protection, monitoring and maintenance. This shall include details regarding site preparation, fertilising, weed control, pest control, protection e.g. fencing from walkers etc., replacement of dead/poorly performing plants, watering, survival rates and any planting required to achieve the performance standards of this consent;
5. Any details regarding duration and timing of the actions of the protection and maintenance programme (required by condition 6.2.4) over the duration of the consent;
6. Methods and timing for controlling environmental pest plants ("weeds") found during the surveillance required under condition 5.8;
7. Methods and timing for transplanting or replacing Threatened or At Risk plant species as required by condition 5.7; and
8. Details of any enhancement work to be undertaken where the minimum 3:1 remediation ration cannot be met. Enhancement shall be undertaken at a minimum of a 7:1 ratio, and must be confirmed though the certification process as the ratio may change depending on the type and location of enhancement to occur. Any enhancement proposed and undertaken can include the weed control required by condition 5.8 as part of the enhancement ratio requirements.

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6.3 The consent holder shall ensure that:

1. No works within the 'Dune Zone' (as shown on BOPRC Consent Plan RM20-0615/02 through RM20-0615/05) are undertaken until the consent holder has received written certification of the Vegetation Remediation Plan from the Bay of Plenty Regional Council in accordance with condition 6.2 of this consent.
2. Within 1 year following the certification of the Vegetation Remediation Plan, the planting shall have been started and within two years of the certification of the Vegetation Remediation Plan the planting shall be fully implemented achieving at least 98% indigenous cover in this time, in accordance with the certified Vegetation Remediation Plan.
3. The planting undertaken in accordance with the Vegetation Remediation Plan is maintained for the duration of this consent.

## 7 Erosion and Sediment Controls

7.1 The Consent Holder shall ensure that erosion and sediment controls are designed and constructed in accordance with the Bay of Plenty Regional Council '*Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/1*'.

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7.2 The consent holder shall ensure that for all works within 'Riparian Zones' and the 'Dune Zone':

1. A Construction Management Plan, including a construction methodology and erosion and sediment control plan, is prepared by a suitably qualified and experienced Engineer and submitted to the Bay Of Plenty Regional Council for certification by a suitably qualified and experienced Engineer. Certification is to ensure that the methodologies and plans proposed meet the requirements of the Bay of Plenty Regional Council 'Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/1';
  2. The Construction Management Plan shall ensure the discharge rate in no greater than 125 litres per second for a 10 minute 10% AEP storm event (10 year return period storm);
  3. The Construction Management Plan shall contain details about how the cycleway will be progressively stabilised; and
  4. Works do not commence until certification has been received from the Bay of Plenty Regional Council.
- 7.3 The consent holder shall ensure that all exposed areas of earth resulting from works authorised by this consent are effectively stabilised against erosion by vegetative groundcover or suitable alternative as soon as practicable and following the completion of each stage of works.
- 7.4 The consent holder shall divert uncontaminated catchment runoff (clean stormwater) away from the area of works.
- 7.5 No vegetation, soil, or other debris shall be left in a position where the material could become mobile by stormwater during heavy rainfall.

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- 7.6 The consent holder shall ensure that:
1. All sediment and erosion controls are installed before works start within any of the 'Riparian Zones' as shown on BOPRC Consent Plans RM20-0615/02 through RM20-0615/08; and
  2. The erosion and sediment controls and associated erosion protection devices are maintained in an effective capacity and good working order at all times during works and until the site is stabilised.
- 7.7 The consent holder shall ensure that any necessary maintenance of erosion and sediment controls identified by inspection under conditions of this consent or by Bay of Plenty Regional Council staff is completed within 24 hours.
- 7.8 The consent holder shall ensure that all-weather machinery access is maintained to the sediment control devices.
- 7.9 Stockpiled material that is to be stored for longer than 3 months shall be located in a suitable site where it cannot be moved by stormwater; and effectively isolated and stabilised to prevent surface erosion and sedimentation.
- 7.10 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 Sites of Archaeological, Historic or Cultural Significance**

- 8.1 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, this includes if accidental discovery occurs within the 'Dune Zone' (as noted on BOPRC Consent Plans RM20-0615/02 through RM20-0615/08) then all works within the Dune Zone must cease. The consent holder shall contact the Regional Council to obtain details of the relevant iwi authority. The consent holder shall then consult with the relevant iwi authority and Heritage New Zealand and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary.

Advice Note: The Regional Council is able to advise of contact details for the relevant iwi authority.

## 9 Review of Consent Conditions

9.1 The Bay of Plenty Regional Council may, within three months of the first anniversary of this consent and annually thereafter, serve notice on the consent holder under s128(1)(a)(iii), and/or s128(1)(b) and/or s128(1)(ba) of the Resource Management Act 1991 of its intention to review the conditions of this consent. The intention of such a review is to:

1. Deal with any adverse effect on the environment that occurs as a result of the exercise of this consent, and which it is appropriate to deal with at a later stage; and/or
2. Ensure that the activity remains in line with industry current good management practices to ensure that the activity is appropriately mitigated or to adopt the best practicable option to remove or reduce any adverse effect on the environment.

The fair and reasonable costs associated with any such review shall be recovered from the consent holder

## 10 Resource Management Charges

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

## 11 Term of Consent

11.1 This consent shall expire on 28 February 2031.

## 12 The Consent

12.1 The 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 Send reporting, notification and submission of plans required by conditions of this consent (in writing) to the Regulatory Compliance Manager, Bay of Plenty Regional Council, PO Box 364, Whakatāne or email [notify@boprc.govt.nz](mailto:notify@boprc.govt.nz). Please include the consent number RM20-0615-LC.01.
- 2 No archaeological sites whether recorded or unrecorded under Subpart 2 of the Heritage New Zealand Pouhere Taonga Act 2014 can be destroyed, damaged or modified without the consent of Heritage New Zealand. In the event that an archaeological site(s) and/or koiwi are unearthed, the consent holder is advised to immediately stop work on the part of the site that the archaeological site(s) is located, and contact Heritage New Zealand and all relevant iwi/hapu for advice. Heritage New Zealand contact details: email - [info@lowernorthern@heritage.org.nz](mailto:info@lowernorthern@heritage.org.nz); phone - 07 577 4530. The Bay of Plenty Regional Council can advise of the contact details for the relevant iwi and hapu in this area.
- 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 The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.
- 5 The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.
- 6 In the event that potential contamination is identified during the earthworks, through the presence of soil staining, odour, uncharacterised fill, construction and demolition waste, or asbestos, all activities in the vicinity of the discovery shall cease immediately. The Bay of Plenty Regional Council should be notified, and if the material is deemed contaminated, another resource consent or consent variation may be required.

7 The Bay of Plenty Regional Water and Land Plan defines cleanfill material as:

Natural materials such as clay, soil, rock and such other materials as concrete, brick or demolition products that are free of:

- Combustible or putrescible components (including green waste) apart from up to 10 percent by volume untreated timber in each load;
- Hazardous substances or materials (such as municipal waste) likely to create leachate by means of biological or chemical breakdown;
- Any products or materials derived from hazardous waste treatment, stabilisation or disposal processes.

The Ministry for Environment Guide for the Management Cleanfills (2002) defines cleanfill material as:

Material that when buried will have no adverse effect on people or the environment. Cleanfill material includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:

- combustible, putrescible, degradable or leachable components,
- hazardous substances,
- products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices,
- materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances, liquid waste.