

## Bay of Plenty Regional Council

### Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 26 August 2009, **Hereby Grants** to:

WHAKATANE DISTRICT COUNCIL & BAY OF PLENTY REGIONAL COUNCIL  
Rangitaiki River & Reid's Central Canal

A resource consent:

- (a) under section 9 of the Resource Management Act 1991 and Rule 1C of the Operative Bay of Plenty Regional Water and Land Plan to carry out a discretionary activity being to **Use and Maintain Stopbank Structures**; and
- (b) under section 13(1)(a) of the Resource Management Act 1991 and Rule 71 of the Operative Bay of Plenty Regional Water and Land Plan to carry out a discretionary activity being to **Remove a Fixed Weir and Place and Use a Rubber Dam Spillway In the Bed of the Rangitaiki River and Reid's Floodway**; and
- (c) under section 13(1)(a) of the Resource Management Act 1991 and Rule 71 of the Operative Bay of Plenty Regional Water and Land Plan to carry out a discretionary activity being to **Place/Construct and Use Erosion Protection Structures and Miscellaneous Minor Culverts In, On, Under or Over the Bed of Reid's Central Canal**; and
- (d) under section 13(1)(a) of the Resource Management Act 1991 and Rule 71 of the Operative Bay of Plenty Regional Water and Land Plan to carry out a discretionary activity being to **Use and Maintain Structures in the Bed of a Waterbody**; and
- (e) under section 13(1)(b) of the Resource Management Act 1991 and Rule 71 of the Operative Bay of Plenty Regional Water and Land Plan to carry out a discretionary activity being to **Disturb the Bed of the Rangitaiki River and Reid's Floodway**; and
- (f) under section 14(1)(a) of the Resource Management Act 1991 and Rule 48 of the Operative Bay of Plenty Regional Water and Land Plan to carry out a discretionary activity being to **Dam and Divert Floodwaters**; and
- (g) under section 15(1)(a) of the Resource Management Act 1991 and Rule 37 of the Operative Bay of Plenty Regional Water and Land Plan to carry out a discretionary activity being for the **Temporary Discharge Water into Water**;

subject to the following conditions:

**1 Purpose**

The purpose of this application is to authorise the installation of a rubber dam spillway structure and associated erosion protection work in the bank between the Rangitaiki River and Reid's Floodway/Reid's Central Canal for the purpose of improving flood protection. The use of a rubber dam spillway structure in the bank between the Rangitaiki River and Reid's Floodway/Reid's Central Canal, to discharge excess (flood) water to Reid's Floodway, and the damming and diverting of floodwaters by means of stopbanks and Reid's Floodway for the purposes of flood protection for Edgecumbe township and the Rangitaiki Plains. To authorise required maintenance on these structures through the duration of this consent.

**2 Location**

At Rangitaiki Plains / Edgecumbe as shown on the Plans referenced as B.O.P.R.C. Plan Number RC 65616/1 and 65616/2 submitted with the application for this consent.

**3 Map Reference**

Approximately between map references NZMS 260 V15:4528-4873 and W15: 5082-5786.

**4 Legal Description**

Various (Whakatane District).

**5 Notifying the Regional Council of Works**

- 5.1 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).
- 5.2 The consent holder shall notify (in writing) the Chief Executive of the Bay of Plenty Regional Council or delegate within five working days of the completion of works under this consent (see Advice Note 4).
- 5.3 Within 30 working days of completion of construction works, the consent holder shall submit a producer statement signed by a suitably qualified professional verifying that the rubber dam has been installed as required by this consent and in accordance with good engineering practice (see Advice Note 4).

**6 Structures**

- 6.1 All works under this consent shall be constructed in general accordance with the information submitted with the application for this consent including the following plans and documentation:
- Plans references as B.O.P.R.C. Plans 65616/2; 65616/3; 65616/4; 65616/5; or
  - Any other plan that has received technical approval, in writing from the Chief Executive of the Regional Council, or delegate.
- 6.2 The rubber dam shall be maintained in good and functional condition at all times.

- 6.3 Upon the completion of installation the **rubber dam** shall be appropriately tested as per manufacturer's recommendations, including as a minimum; a pressure test and a visual inspection.
- 6.4 The results of the tests as required by 6.3 shall be supplied to the Chief Executive of the Regional Council or delegate within 30 working days of their conclusion (see Advice Note 4).
- 6.5 The consent holder shall ensure that the minor structures constructed under this consent are adequately maintained in a structurally sound condition at all times, and shall undertake any maintenance work immediately, if so directed by the Chief Executive of the Regional Council or delegate.
- 6.6 The consent holder inform the Chief Executive of the Regional Council or delegate within five working days of each minor structure replacement, this information shall include, but not be limited to:
- the physical location of the structure;
  - the grid reference of the structure;
  - the type of structure installed.
- 6.7 Any culverts shall have an invert located a minimum of 0.1 metres below normal bed elevation.

## **7 Works for Initial Placement and Ongoing Maintenance**

- 7.1 All works shall be undertaken above water level where practicable.
- 7.2 The works shall be carried out in a manner that minimises effects on aquatic flora and fauna.
- 7.3 Where practicable machinery shall be kept out of the water body.
- 7.4 No fuel storage or machinery refuelling shall occur where fuel could enter a water body in the event of a spillage.
- 7.5 The works shall be carried out in a manner that minimises discoloration of the Rangitaiki River.
- 7.6 The consent holder shall ensure that all construction equipment, machinery, plant, and any debris is removed from the work site on completion of works.
- 7.7 No vegetation, soil, slash and other debris shall be deposited in the Rangitaiki River, or Reid's Central Canal, or left in a position where the material could enter either water body.
- 7.8 Every precaution shall be taken during the works to ensure that the stream banks are not permanently damaged and that their erosion resistance is not compromised by the construction activity.
- 7.9 Any scour of the channel or banks resulting from works under this consent, shall be effectively stabilised as soon as practicable.
- 7.10 Any exposed areas of ground resulting from the works associated with this consent shall be effectively stabilised by vegetative cover or other methods as soon as practicable, following completion of works.

- 7.11 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 Maintenance**

- 8.1 The consent holder shall ensure that the **rubber dam** constructed under this consent is adequately maintained in a structurally sound condition at all times, and shall undertake any maintenance work immediately, if so directed by the Chief Executive of the Regional Council or delegate.
- 8.2 The stopbanks and Reid's Floodway shall be operated and maintained at all times to the satisfaction of the Chief Executive of the Regional Council or delegate.
- 8.3 The consent holder shall advise the Chief Executive of the Regional Council or delegate three working days prior to any scheduled maintenance which will result in the structure being temporarily inoperable (see Advice Note 4).
- 8.4 The consent holder shall advise any landowner/occupiers identified in the Rangitaiki River – Floodway Operating Protocol, no less than three working days prior to any scheduled maintenance which will result in the structure being temporarily inoperable (see Advice Note 5).
- 8.5 If emergency maintenance must be undertaken, the Chief Executive of the Regional Council or delegate must be informed as soon as practicable (see Advice Note 6).
- 8.6 The consent holder shall notify the Chief Executive of the Regional Council or delegate of any scheduled maintenance requiring machinery operating in or on the beds or banks of the river or the wetted channel of the Reid's Floodway that may affect the operation of the floodway, at least five (5) working days prior to undertaking works (see Advice Note 4).
- 8.7 Any erosion of beds or banks from the exercise of this resource consent shall be remedied as soon as practicable, or within two (2) weeks, if so directed by the Chief Executive of the Regional Council or delegate.

## **9 Monitoring, Recording and Reporting**

- 9.1 The consent holder shall maintain records of the date that any maintenance activities are carried out on the any structures authorised by this consent.
- 9.2 The consent holder shall forward a copy of records required by condition 9.1 to the Regional Council within 48 hours of its request (see Advice Note 4).
- 9.3 Within 30 working days of completion of the **rubber dam** structure, the consent holder shall submit to the Regional Council a Monitoring Maintenance Plan which covers as a minimum, weekly visual checks, three-monthly trials and five-yearly comprehensive inspections.
- 9.4 The consent holder shall submit the results of any activities undertaken under the Monitoring Maintenance Plan as required by condition 9.3 to the Chief Executive of the Regional Council or delegate by 31 July each year for the previous 12 months.

## **10 Operation of the Structure**

- 10.1 The consent holder shall submit to the Regional Council an updated Rangitaiki River – Floodway Operating Protocol by 31 July each year. This Protocol shall as a minimum include updated flood warning procedures, updated landowner/occupier details, and be in general accordance with Environment Bay of Plenty's Flood Warning Manual (see Advice Note 4).

- 10.2 The consent holder shall forward any amendments or alteration to the Rangitaiki River – Floodway Operating Protocol to the Chief Executive of the Regional Council or delegate within one (1) week of any changes being finalised (see Advice Note 4 & 5).
- 10.3 The consent holder shall ensure that any staff/contractors that operate under this consent are familiar with the Rangitaiki River – Floodway Operating Protocol.
- 10.4 The consent holder shall, where practicable, ensure that the Rangitaiki River – Floodway Operating Protocol is followed.
- 10.5 After operation of the spillway, the consent holder shall as soon as practicable, but within three months of Reid's Floodway draining of excess fluid, remedy any damage which will negatively impact on the structural integrity or functional nature of the Floodway as a result of the exercise of this consent.
- 10.6 Notwithstanding condition 10.5, after operation of the spillway, the consent holder shall as soon as practicable after Reid's Floodway draining of excess fluid, remedy any scour or erosion which has resulted in the Floodway as a result of the exercise of this consent.
- 10.7 After operation of the spillway, the consent holder shall undertake a comprehensive inspection of the structure within 30 working days to ensure no damage or instability has occurred. This inspection does not count as an inspection under condition 9.3.
- 10.8 Within 30 working days of the inspection under 10.7, the consent holder shall submit a summary of the findings and any remedial work to be undertaken to the Chief Executive of the Regional Council or delegate (Advice Note 4).

## **11 Sites of Archaeological, Historic or Cultural Significance**

In the event of any archaeological site or koiwi being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall contact the Regional Council to obtain details for Te Runanga o Ngāti Awa, and Ngati Tuwharetoa (BOP) Settlement Trust. The consent holder shall then consult with the relevant local iwi, the New Zealand Historic Places Trust, and if human remains are suspected or confirmed to have been located, the New Zealand Police. Works shall not recommence 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.

All relevant staff shall be familiar with the cultural site maps identified as BOPRC Plan 65614/5-9.

## **12 Term of Consent**

This consent shall expire on 31 August 2044.

## **13 Resource Management Charges**

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

## **14 Review of Conditions**

- 14.1 The Regional Council may at any stage, as a result of receiving a compliance monitoring report which shows an adverse environmental effect, serve notice on the consent holder under section 128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent.

- 14.2 The fair and reasonable costs associated with any such review shall be recovered from the consent holder.
- 15 **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 *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 consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
- 3 *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.*
- 4 *Notification required by conditions 5.1, 5.2, 5.3, 6.4, 8.3, 8.6, 8.9, 9.2, 9.4, 10.1, 10.2 and 10.8 shall be directed (in writing) to the Pollution Prevention Manager, Environment Bay of Plenty, Box 364, Whakatane 3158, (or fax 0800 368 329 or email [notify@envbop.govt.nz](mailto:notify@envbop.govt.nz)) including the consent number 65616.*
- 5 *The consent holder shall ensure that the Rangitaiki River – Floodway Operating Protocol is maintained with correct contact details, and shall be reviewed no less than annually to ensure accuracy.*
- 6 *Where emergency notification is required outside normal work hours (8-30 am to 4-30 pm, Monday – Friday), notification shall be made to Environment Bay of Plenty's Pollution Hotline 0800 73 83 93.*

DATED at Whakatane this 8th day of March 2010

For and on behalf of  
The Bay of Plenty Regional Council



W E Bayfield  
**Chief Executive**