

BAY OF PLENTY CATCHMENT COMMISSION
AND REGIONAL WATER BOARD
RIGHT IN RESPECT OF NATURAL WATER

Pursuant to Section 21 (3) of the Water and Soil Conservation Act 1967, the Bay of Plenty Catchment Commission, in its capacity as **REGIONAL WATER BOARD** for the Bay of Plenty Catchment Area, by a decision dated **2nd June 1977** **HEREBY GRANTS** to

SEE TRANSFER:	Ernest Benjamin and Denise Rose BAX
SEE TRANSFER:	Peter and Mihirau JAMIESON
SEE TRANSFER:	Terence William WOOD
SEE TRANSFER:	Brian Augustus and Gwendoline Martha MARTIN
	Terence William WOOD
	Station Road
	TE PUNA
	Snodgrass Road, R D 2
	TAURANGA
	297 Te Puna Station Road
	R D 6
	TE PUNA

The right to **TAKE WATER FROM A BORE FOR IRRIGATION** subject to the following conditions:

1 PURPOSE:

For the purpose of orchard irrigation on the Grantee's property, Station Road, Te Puna.

2 QUANTITY AND RATE:

The daily quantity of water taken shall not exceed 200 cubic metres and the rate of taking shall not exceed 5.31 litres per second.

3 SOURCE OF SUPPLY:

Bore on the Grantee's property as shown on the plan submitted with the application.

4 A BORE LOG of the well shall be supplied to the Regional Water Board showing the location of the static water level.

5 MAP REFERENCE:

N58: 558593

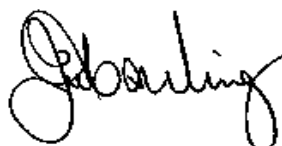
6 LEGAL DESCRIPTION:

Lot 2 and Part Lot 3, DP 22156, Block IX, Tauranga SD (Tauranga County).

- 7 **THE RIGHT** hereby authorised is granted under the Water and Soil Conservation Act 1967 and does not constitute an authority under any other Act, Regulation, or By-Law.
- 8 **THIS RIGHT** may be cancelled upon not less than twelve months notice in writing by the Regional Water Board to the Grantee, if in the opinion of the Regional Water Board the public interest, the interests of lawful users of water, or the interests of future applicants for water rights so requires; but without prejudice to the right of the Grantee to apply for a further right in respect of the same matter.

DATED at Whakatane this 8th day of July 1977.

For and on behalf of
The Bay of Plenty Catchment Commission
and Regional Water Board



J D CARLING
Secretary

THE TRANSFER of this right from **Terence William Wood** to **Brian Augustus and Gwendoline Martha MARTIN** was recorded in the minutes of the Bay of Plenty Regional Water Board dated 5 November 1987.

P J GAVIN
Secretary

THE TRANSFER of this Right from **B A and G M Martin** to **Terence William WOOD** was recorded in the Minutes of the Bay of Plenty Regional Water Board dated 1 September 1988.

P J GAVIN
Secretary

THE TRANSFER of this Right from **T W Wood** to **Peter and Mhirau JAMIESON** was recorded in the Minutes of the Bay of Plenty Regional Council dated 15 March 1990.

J A JONES
General Manager

TRANSFER

The transfer of the whole of this resource consent from **Peter and Mhirau JAMIESON** to **ERNEST BENJEAMIN AND DENISE ROSE BAX** was approved under delegated authority of the Bay of Plenty Regional Council dated 6 November 1996

R B GARDNER
Manager Environmental Regulation and Monitoring

For J A JONES
General Manager

Bay of Plenty Regional Council

Resource Consent

Pursuant to section 105 of the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 21 March 2005, **Hereby Grants** to:

SEE SURRENDER: BAX CONTRACTORS LIMITED

P O Box 2416
TAURANGA

A resource consent:

- a) Pursuant to section 9(3)(a) of the Resource Management Act 1991 and Rule 10.5.5.2 of the Bay of Plenty Regional Land Management Plan to **Carry Out Large-Scale Earthworks**; and
- b) Pursuant to section 15(1)(b) of the Resource Management Act 1991 to **Discharge Sediment Contaminated Stormwater to Land Where it May Enter a Drain Tributary of the Wairoa River**;

subject to the following conditions:

1 Purpose of this Resource Consent

To authorise earthworks and set consent conditions for earthworks associated with the infilling of land with cleanfill, and the discharge of treated sediment-contaminated stormwater to land at Te Puna Station Road, Tauranga.

2 Location

South of Te Puna Station Road as shown on BOPRC Plan Number RC 62951/1.

3 Map Reference

Earthworks: At or about map reference NZMS 260 U14 8180 8627.

Discharge: At or about map reference NZMS 260 U14 8182 8630.

4 Legal Description

Part Lot 3, DP 22158, Block IX, Tauranga SD (Western Bay of Plenty 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 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.

6 Earthworks

- 6.1 Construction and earthworks fill operations shall be carried out in general accordance with the following information submitted with the application for this consent:
- Sections 1, 3 and 4 of Form 2 in the Resource Consent Application received on 8 December 2004, with the exception of the erosion and sediment controls, which are specified in conditions 7.1 to 7.5; and
 - BOPRC Plan Number RC 62951/2.
- 6.2 SEE CHANGE The consent holder shall ensure that the fill material authorised by this consent is deposited over an area of no more than 8 hectares to an average depth of ~~4~~ 1.4 metres on completion of filling operations. ~~The~~ This equates to a final ground level height of RL 2.8 metres (Moturiki datum), and a maximum volume of 152,000 cubic metres of compacted fill material authorised by this consent ~~shall not exceed 120,000 cubic metres.~~
- 6.3 If any working area remains unworked for a period longer than 3 months, then the consent holder shall ensure that all exposed areas on the unworked site are effectively stabilised.
- 6.4 The consent holder shall ensure that all fill material brought in to the site is clean fill only as specified in condition 6.5, and sourced from a duly authorised or permitted activity site.
- 6.5 For the purposes of this consent, clean fill is defined as natural products 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); and
 - Hazardous substances or materials (such as municipal waste) likely to create leachate by means of biological or chemical breakdown; and
 - Any products or materials derived from hazardous waste treatment, stabilisation or disposal processes.
- 6.6 The consent holder shall ensure that the following materials are **not** discharged into the landfill:
- Any toxic or potentially toxic material; and
 - Oil, grease or milk waste; and
 - Domestic septage; and
 - Paints, adhesives, solvents and other chemicals and their associated containers; and
 - Any other substance considered unsuitable by the Chief Executive of the Regional Council or delegate on the basis of biological, chemical or physical hazard.

- 6.7
SEE CHANGE The consent holder shall ensure that the ~~toe of the fill material is set at a distance of at least 5 metres from~~ placed along the northern property boundary (adjacent to Te Puna Station Road), with the ~~top of the fill batter being at least 22 metres from the property boundary~~ is placed, battered and stabilised to ensure that there is no erosion, sedimentation or deposition of fill material into the roadside drain or road reserve. Final height shall not exceed the level of RL 2.8 metres (Moturiki datum).
- 6.8 The edge of the fill on any adjoining property boundary (except for the northern boundary which is covered in condition 6.7), shall be set back at least 5 metres from the boundary and stabilised so that there is no erosion, sedimentation or deposition of fill material, or effects on amenity values, which may adversely affect the neighbouring property.
- 6.9
SEE CHANGE The consent holder shall ensure that no more than ~~2500~~ 10,000 square metres of ground is exposed at any time ~~on~~ within the activity site.
- 6.10
SEE CHANGE ~~The~~ Despite condition 6.2, pre loading of fill material ~~shall be deposited~~ may be undertaken to a height of no more than ~~4.8~~ 3 metres above existing ground level (~~excluding perimeter bunds~~) in order to achieve ground compaction and settlement.
- 6.11 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 similarly effective method as the fill material progressively covers the activity site.
- 6.12
SEE CHANGE The consent holder shall ensure that all existing drains running through and around the perimeter of the property remain open, and that the fill operations do not impede the free flow of water ~~through the drains~~ that is necessary to ensure drainage from the property, as well as from land above the property. To this effect, the toe of the fill batters adjacent to the main drains shall be at least 1 metre from the edge of the drain, and the batter slope shall be effectively stabilised to prevent surface erosion, with a final slope that is no steeper than 3 (horizontal) to 1 (vertical). Secondary drains running through the property may be infilled, following written approval from the Chief Executive of the Regional Council or delegate, confirming that the drain is a secondary drain within the fill area, and not a main drain taking drainage from the subject property described in condition 4, or from land above the subject property.

7 Erosion and Sediment Control

- 7.1 Erosion and sediment controls shall be constructed in general accordance with the following points:
- Perimeter controls comprising earth bunds and/or silt fences shall be established to effectively isolate the activity site, prior to fill operations commencing; and
 - Sediment retention ponds shall be installed as shown in BOPRC Plan No. RC 62951/2; and
 - Grassed swale drains shall be installed to convey sediment contaminated runoff from the activity site to the sediment retention ponds.
- 7.2 All erosion and sediment controls shall be installed prior to the commencement of bulk earthworks.
- 7.3 The discharge from the sediment retention ponds shall be to land or ground soakage via piped decant outlets in accordance with section 5.1.9 of the *Environment Bay of Plenty Guideline No. 2001/03 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities"* or its successor.
- 7.4
SEE CHANGE The consent holder shall ~~use a minimum of one sediment retention pond, but may be able to install up to three~~ ensure that the sediment retention ponds (~~in series~~). The sediment

~~retention pond(s) shall have a minimum total storage capacity of 75 300 cubic metres of live storage.~~

- 7.5 All discharge structures shall be constructed and operated so as to avoid erosion as a result of the discharge. The consent holder shall avoid or remedy any erosion that may occur at or adjacent to the discharge points as a result of the exercise of this consent.
- 7.6 The consent holder shall divert uncontaminated catchment runoff away from the area of earthworks.
- 7.7 The consent holder shall ensure that the fill material deposited on the activity site is progressively compacted and stabilised as earthworks operations are carried out.
- 7.8 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 Stormwater Discharge

- 8.1 Stormwater from the exposed fill area shall be directed via grassed swale drains to sediment retention ponds prior to discharge to land (ground soakage) as shown on BOPRC plan No. RC 62951/2. During wet periods overland flow may result in the stormwater discharging from the ponds overland into the Te Puna Station Road drain.
- 8.2 The following discharge standards shall apply to the stormwater discharge from the outlet point:
- The concentration of suspended solids in the discharge shall not exceed 150 g/m³.
 - Stormwater discharged shall be substantially free of floatable solids, oil and grease.
- 8.3 SEE CHANGE The consent holder shall ensure that there is sufficient water available to provide at least 5 mm of water per day to all areas of exposed ground (up to 50 cubic metres per day) for the duration of this consent, or else the consent holder shall provide for alternative methods of dust control such as using dust suppressants or surface protection.

9 Dust control

- 9.1 The consent holder shall adopt a proactive strategy for dust control, specifically by 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.
- 9.2 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 until the site is fully stabilised.
- 9.3 The consent holder shall ensure that soil moisture levels are regularly monitored to ensure that dust control is carried out before moisture levels become critically low to the extent that dust becomes a nuisance beyond the property boundary.
- 9.4 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, as required by Regional Council compliance staff or following a substantiated public complaint.

- 9.5 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.
- 9.6 Notwithstanding conditions 9.1 to 9.5 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.

10 **Signage**

Prior to the commencement of works under this consent, the consent holder shall erect a prominent sign adjacent to the entrance to the site, and maintain it throughout the period of the works. The sign shall clearly display, as a minimum, the following information:

- The name of the development; and
- The main site contractor; and
- A 24 hour contact telephone number for the consent holder or appointed agent; and
- 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; and
- An explanation that the site is to receive clean fill only, with clean fill specified as in condition 6.5, and excluding material specified in condition 6.6.

11 **Maintenance**

- 11.1 The consent holder shall ensure that the erosion and sediment controls, spillways, dewatering devices 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 6.11.
- 11.2 The consent holder shall ensure that, as far as practicable, any necessary maintenance of erosion and sediment controls identified by inspection under condition 12.1, or by Regional Council staff, is completed within 24 hours.
- 11.3 Accumulated sediment shall be removed from each sediment retention pond before sediment levels reach 25% of that pond's volume.
- 11.4 The consent holder shall ensure that sediment removed from any sediment retention pond is placed in a stable position where it can not re-enter the pond or enter any other water body.
- 11.5 The consent holder shall ensure that all-weather machinery access is maintained to the sediment retention ponds.

12 **Monitoring, recording and reporting**

- 12.1 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.
- 12.2 The consent holder shall maintain records of:
- The date and time of every inspection of erosion and sediment controls on the site;

- The date, time and description of any maintenance work carried out.

12.3 The consent holder shall forward a copy of records required by condition 12.2 to the Regional Council within 48 hours of its request (see Advice Note 4).

12.4 Prior to undertaking any works authorised by this consent, the consent holder shall undertake a baseline level survey of the complete activity site (to Moturiki datum). The survey shall include, as a minimum, levels taken at 20 metre centres. The consent holder shall supply the baseline survey to the Regional Council within one month of the survey being completed.

12.5 The consent holder shall undertake a finished level survey at either:

- Six months prior to the expiry of this consent; or
- At the completion of on-site filling operations,

whichever occurs first.

The finished level survey shall be supplied to the Regional Council within one month of the completion of the survey.

12.6 The consent holder shall ~~establish~~ set up a monitoring system to monitor ground levels along Te Puna Station Road, and effects on the roadside drain over time. The monitoring system shall include (but not be restricted to) the following:

SEE CHANGE

SEE CHANGE

SEE CHANGE

- A series of transects across Te Puna Station Road and up to 20 metres landward into the property of Bax Contractors Limited, to monitor settlement and/or tilting of the public road carriageway.
- Installation of the transects at ~~40~~ 50 metre intervals running from the ~~north~~-eastern boundary of the property and extending to at least 20 metres past the working face of the fill operations towards the west.
- The levelling shall be to a precision of plus or minus 5 mm accuracy.
- The monitoring shall be carried out at two monthly intervals for a period of one year to establish base line levels, and thereafter at 6 monthly intervals.

12.7 The consent holder shall submit the records required by condition 12.6 by March 31 of each year within the duration of this consent, detailing the results of the previous 12 months records.

12.8
SEE CHANGE

The consent holder shall report any settlement, tilting or movement of road levels in excess of ± 10 mm to the Regional Council, within 2 days of the information being verified.

12.9 The survey work undertaken pursuant to conditions 12.4, 12.5 and 12.6 shall be verified by a registered surveyor or suitably qualified surveyor to the satisfaction of the Chief Executive of the Regional Council or delegate.

13 **Sites of archaeological, historic or cultural significance**

In the event of any artefacts, bones or any other find of potential archaeological, historic or cultural significance being uncovered during the exercise of this consent, the consent holder shall immediately cease all activities which may damage the site of the discovery and shall notify the Regional Council of the find within 72 hours. Prior to recommencing such activities, the consent holder shall consult with the New Zealand Historic Places Trust and the relevant local iwi, and, subject to further definition of site boundaries by a registered archaeologist, shall not recommence works in the area of the discovery until any necessary authority to destroy or modify the site has been obtained (see Advice Notes 2 & 4).

14 **Review of Conditions**

The Regional Council may, during the month of June in the year 2006, and every year thereafter, under section 128(1)(a) of the Resource Management Act 1991, notify the consent holder of its intention to review conditions 6, 7, 11 and 12 of this consent. The purpose of this review is to impose a different monitoring regime, and/or remedial works, and/or more appropriate limits on the extent of filling if required, following the results of the ground level monitoring (as required by condition 12.6) and/or compliance monitoring which shows an adverse effect on the environment as a result of the exercise of this consent.

15 **Term of Consent**

This consent shall expire on 30 June 2014.

16 **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.

17 **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 *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 the relevant iwi authority and contact details.*
- 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 and notification required by conditions 5.1, 5.2, 12.3, 12.4, 12.5, 12.7, 12.8 and 13 shall be directed (in writing) to the Principal Compliance Officer, Environment Bay of Plenty, Box 364, Whakatane, including the consent number.*

- 5 *Clean fill - Natural products such as clay, soil, rock and such other materials as concrete brick or demolition products that are free of:*
- (a) *combustible or putrescible components (including green waste);*
 - (b) *hazardous substances or materials (such as municipal waste) likely to create leachate by means of biological or chemical breakdown;*
 - (c) *any products or materials derived from hazardous waste treatment, stabilisation or disposal processes.*
- (Adapted from Proposed Regional Water and Land Plan dated 4 May 2004)*
- 6 *The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
- 7 *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*

DATED at Whakatane this 2nd day of May 2005

For and on behalf of
The Bay of Plenty Regional Council

J A Jones
Chief Executive

Change

The change to this resource consent was approved under delegated authority of the Bay of Plenty Regional Council, dated 13 November 2008, as follows:

Condition 6.2: "The consent holder shall ensure that the fill material authorised by this consent is deposited over an area of no more than 8 hectares to an average depth of 1.4 metres on completion of filling operations. This equates to a final ground level height of RL 2.8 metres (Moturiki datum), and a maximum volume of 152,000 cubic metres of compacted fill material authorised by this consent."

Condition 6.7: "The consent holder shall ensure that the fill material placed along the northern property boundary (adjacent to Te Puna Station Road) is placed, battered and stabilised to ensure that there is no erosion, sedimentation or deposition of fill material into the roadside drain or road reserve. Final height shall not exceed the level of RL 2.8 metres (Moturiki datum)."

Condition 6.9: "The consent holder shall ensure that no more than 10,000 square metres of ground is exposed at any time within the activity site."

Condition 6.10: "Despite condition 6.2, pre loading of fill material may be undertaken to a height of no more than 3 metres above existing ground level in order to achieve ground compaction and settlement."

Condition 6.12: "The consent holder shall ensure that all existing main drains running through and around the perimeter of the property remain open, and that the fill operations do not impede the free flow of water that is necessary to ensure drainage from the property, as well as from land above the property. To this effect, the toe of the fill batters adjacent to the main drains shall be at least one metre from the edge of the drain, and the batter slope shall be effectively stabilised to prevent surface erosion, with a final slope that is no steeper than 3 (horizontal) to 1 (vertical). Secondary drains running through the property may be infilled, following written approval from the Chief Executive of the Regional Council or delegate, confirming that the drain is a secondary drain within the fill area, and not a main drain taking drainage from the subject property described in condition 4, or from land above the subject property."

Condition 7.4: "The consent holder shall ensure that the sediment retention ponds have a minimum storage capacity of 300 cubic metres of storage."

Condition 8.3: "The consent holder shall ensure that there is sufficient water available to provide at least 5mm of water per day to all areas of exposed ground (up to 50 cubic metres per day) for the duration of this consent, or else the consent holder shall provide for alternative methods of dust control such as using dust suppressants or surface protection."

Condition 12.6: "The consent holder shall set up a monitoring system to monitor ground levels along Te Puna Station Road, and effects on the roadside drain over time. The monitoring system shall include (but not be restricted to) the following:

- A series of transects across Te Puna Station Road and up to 20 metres landward into the property of Bax Contractors Limited, to monitor settlement and/or tilting of the public road carriageway.
- Installation of the transects at 50 metre intervals running from the eastern boundary of the property and extending to at least 50 metres past the working face of the fill operations towards the west.
- The levelling shall be to a precision of plus or minus 5 mm accuracy.
- The monitoring shall be carried out at two monthly intervals for a period of one year to establish base line levels, and thereafter at 6 monthly intervals."

Condition 12.8: "The consent holder shall report any settlement, tilting or movement of the road levels in excess of 10 mm to the regional council, within 2 days of the information being verified."



A L Lawrie
Consents Manager

for W E Bayfield
Chief Executive

Surrender

The surrender of the whole of this resource consent was approved under delegated authority of the Bay of Plenty Regional Council, dated 11 December 2013.

SURRENDERED

25 February 2000

David Needham

P/1247/2445/2

BAX, ERNEST BENJAMIN
BAX, DENISE ROSE
C/- BAX, ERNEST BENJAMIN
297 TE PUNA STATION ROAD R D 6
TAURANGA

Dear Sir/Madam

Application for Resource Consent

Applicant BAX, ERNEST BENJAMIN
BAX, DENISE ROSE

Date of Council Decision 24 February 2000 (Delegated Authority)

I wish to advise that Council has granted the above application for land use consent in the following terms:

- (a) *THAT pursuant to Section 94(2) of the Resource Management Act 1991, the Western Bay of Plenty District Council resolves that the application need not be notified in accordance with Section 93 of the Act because:*
- (i) *Council is satisfied that the adverse effect on the environment of the proposal will be minor, and*
 - (ii) *The written approval has been obtained from every person whom the Council considers to be affected by the proposal.*
- (b) *THAT pursuant to Section 104 and 105 of the Resource Management Act 1991, the Western Bay of Plenty District Council grants its consent to the application by E.B and D.R Bax for a discretionary activity being the establishment of a Rural Contractors Depot, subject to the following conditions:*
- 1. *THAT the consent be operated in accordance with the application submitted by E.B and D.R Bax on 12 February 1999.*
 - 2. *THAT the corrected noise level (L10) as measured at or within the notional boundary of any dwelling shall not exceed the following limits:*

Uses in Residential, Rural-Residential, Future Urban and Rural Zones

<i>Monday to Friday</i>	<i>7.00am - 10.00pm</i>	<i>} 45dBA</i>
<i>Saturday</i>	<i>7.00am - 12 noon</i>	<i>}</i>

All other times including Sundays and public holidays } 35dBA
}

Note: The notional boundary is the legal boundary of the property on which any rural dwelling is located, or a line 20m from the dwelling, whichever point is closer to the dwelling.

The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound.

The noise shall be measured with a sound level meter complying with the International Standard IEC 651 (1979) : Sound Level Meters, Type 1.

3. *THAT a vehicle entrance to serve the proposed Contractor's Depot be constructed in accordance with Council's Standard Specification Drawing No AFQ1, Diagram A. Additionally that the work required by this condition be supervised and certified as complete in accordance with the conditions by the developers representative (refer Section 15.3.5.1 of Council's Proposed District Plan) within three months from the date of this Consent.*
4. *THAT the developer shall pay Council a sum of \$2,100.00 + GST as a roading development impact fee within three months from the date of this Consent.*
5. *THAT the consent holder shall not use the existing Te Puna Station Road/ Te Puna Road intersection for transporter operation or other such vehicles unless that vehicle can manoeuvre through the subject intersection while remaining within the subject traffic lane or until such time that the subject intersection is upgraded providing for the safe and complying manoeuvre of the consent holders vehicles.*
6. *THAT the working hours be confined to 7.00am to 6pm Monday to Friday, and 7.00am to 2.00pm on Saturday.*
7. *THAT landscape planting be undertaken in accordance with the plan as submitted with the application by GS Land and Marine Survey Ltd, ref 0128/WBOPDC/RC/REVA, to screen the activity from neighbouring property owners and users of Te Puna Station Road.*
8. *THAT the Council may initiate a review under Section 128 of the Resource Management Act 1991 of the conditions of this consent within 3 months of the date of this consent for the purpose of dealing with any adverse effects on the environment arising from the exercise of this consent.*

The reasons for this decision are that:

The written approval had been obtained from all those neighbouring property owners considered to be potentially affected.

The conditions of consent will mitigate any adverse effects of the proposal on the environment.

ADVICE NOTES:

1. *This consent will lapse after two years of being granted unless considerable progress has been made and is continuing to be made to complete this project.*
2. *Any lack of recorded archaeological sites on this property may be due to one of two factors:*
 - (a) *there are no sites present, or*
 - (b) *there has not been an archaeological survey undertaken.*

Archaeological sites are historic places as defined by the Historic Places Act 1993, and all archaeological sites are protected under the provisions of that Act. Any activity, which impacts on an archaeological site, requires the prior permission of the Historic Places Trust. If any archaeological site is uncovered during development then work must stop until the site can be assessed by a qualified archaeologist and an authority to modify, damage or destroy the site applied for under either Section 11 or 12 of the Act.

3. *Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by Council, and enforcement measures may be taken to ensure compliance with the conditions of consent if necessary.*

If you wish to object to any part of this decision you have 15 working days from the date of receiving this notice to lodge your objection with the Council.

Yours faithfully

Sue McElroy
Consents Officer
Email sjm@wbopdc.govt.nz

+

Return to Consents Officer

Date:

*Western Bay of Plenty District Council
Forward Planning*

Application for Resource Consent – Non-Notified - BAX, ERNEST BENJAMIN

Delegated Authority

P/1247/2445/2

Recommendation:

- (a) *THAT pursuant to Section 94(2) of the Resource Management Act 1991, the Western Bay of Plenty District Council resolves that the application need not be notified in accordance with Section 93 of the Act because:*
- (i) *Council is satisfied that the adverse effect on the environment of the proposal will be minor, and*
- (ii) *The written approval has been obtained from every person whom the Council considers to be affected by the proposal.*
- (b) *THAT pursuant to Section 104 and 105 of the Resource Management Act 1991, the Western Bay of Plenty District Council grants its consent to the application by E.B and D.R Bax for a discretionary activity being the establishment of a Rural Contractors Depot, subject to the following conditions:*
1. *THAT the consent be operated in accordance with the application submitted by E.B and D.R Bax on 12 February 1999.*
2. *THAT the corrected noise level (L10) as measured at or within the notional boundary of any dwelling shall not exceed the following limits:*

Uses in Residential, Rural-Residential, Future Urban and Rural Zones

<i>Monday to Friday</i>	<i>7.00am - 10.00pm</i>	<i>} 45dBA</i>
<i>Saturday</i>	<i>7.00am - 12 noon</i>	<i>}</i>
<i>All other times including Sundays and public holidays</i>		<i>} 35dBA</i>
		<i>}</i>

Note: The notional boundary is the legal boundary of the property on which any rural dwelling is located, or a line 20m from the dwelling, whichever point is closer to the dwelling.

The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound.

The noise shall be measured with a sound level meter complying with the International Standard IEC 651 (1979) : Sound Level Meters, Type 1.

3. *THAT a vehicle entrance to serve the proposed Contractor's Depot be constructed in accordance with Council's Standard Specification Drawing No AFQ1, Diagram A. Additionally that the work required by this condition be supervised and certified as complete in accordance with the conditions by the developers representative (refer Section 15.3.5.1 of Council's Proposed District Plan) within three months from the date of this Consent.*
4. *THAT the developer shall pay Council a sum of \$2,100.00 + GST as a roading development impact fee within three months from the date of this Consent.*
5. *THAT the consent holder shall not use the existing Te Puna Station Road/ Te Puna Road intersection for transporter operation or other such vehicles unless that vehicle can manoeuvre through the subject intersection while remaining within the subject traffic lane or until such time that the subject intersection is upgraded providing for the safe and complying manoeuvre of the consent holders vehicles.*
6. *THAT the working hours be confined to 7.00am to 6pm Monday to Friday, and 7.00am to 2.00pm on Saturday.*
7. *THAT landscape planting be undertaken in accordance with the plan as submitted with the application by GS Land and Marine Survey Ltd, ref 0128/WBOPDC/RC/REV A, to screen the activity from neighbouring property owners and users of Te Puna Station Road.*
8. *THAT the Council may initiate a review under Section 128 of the Resource Management Act 1991 of the conditions of this consent within 3 months of the date of this consent for the purpose of dealing with any adverse effects on the environment arising from the exercise of this consent.*

The reasons for this decision are that:

The written approval had been obtained from all those neighbouring property owners considered to be potentially affected.

The conditions of consent will mitigate any adverse effects of the proposal on the environment.

ADVICE NOTES:

1. *This consent will lapse after two years of being granted unless considerable progress has been made and is continuing to be made to complete this project.*
2. *Any lack of recorded archaeological sites on this property may be due to one of two factors:*
 - (a) *there are no sites present, or*
 - (b) *there has not been an archaeological survey undertaken.*

Archaeological sites are historic places as defined by the Historic Places Act 1993, and all archaeological sites are protected under the provisions of that Act. Any activity, which impacts on an archaeological site, requires the prior permission of the Historic Places Trust. If any archaeological site is uncovered during development then work must stop until the site can be assessed by a qualified archaeologist and an authority to modify, damage or destroy the site applied for under either Section 11 or 12 of the Act.

3. *Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by Council, and enforcement measures may be taken to ensure compliance with the conditions of consent if necessary.*



DAVID NEEDHAM
Consents Planner
CCLUI
22 FEB 2000

Approved under Delegated Authority


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Date: 24/02/00
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