

Appendix A - Draft Conditions of BOPRC Consent – 297 Te Puna Station Road:

DW R8 – Temporary SW Discharge During Earthworks:

1 Purpose

- 1.1 The purpose of this resource consent is to authorise and set conditions for temporary discharge of sediment laden stormwater to land where it may enter surface water during earthworks, associated with development of an industrial site at 297 Te Puna Station Road, Te Puna.

2 Location

- 2.1 The activity authorised by this resource consent shall be located:
- At or about map reference NZTM [BOPRC to determine as per usual process]; and
 - As shown on BOPRC Consent Plan RM22-0010/01.

3 Earthworks – Stormwater Management and Treatment

- 3.1 Earthworks are permitted to occur as demonstrated on the following plans submitted with the application, between the dates of 16 September to 31 May (inclusive) of any year within this consent:
- Momentum Planning and Design Drawing Nos. 14 and 17 (incorporating WSP design)
- 3.2 All sediment contaminated stormwater generated during bulk earthworks shall be treated in the proposed Sediment Retention Ponds (SRP's) as explained at section 3.2 of the WSP Engineering Report submitted with the application. A detailed Earthworks and Construction Management Plan (ECMP) demonstrating intended establishment and operation of these SRP's and other erosion and sediment controls in accordance with BOPRC's 'Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/1' shall be submitted to and certified by BOPRC prior to earthworks commencing. The applicant shall be entitled to commence earthworks subject to the submitted details in the event a) BOPRC certify the detailed management plan or b) no response is received from BOPRC within 20 working days (as defined by the RMA) of submission of the plan.
- 3.2 Stormwater discharged shall be substantially free of floatable solids, oil and grease.
- 3.3 During the summer period 16 September to 31 May (inclusive) of any year within this consent, the Total Suspended Solids (TSS) in any stormwater discharge from any sediment retention device shall not exceed 150 g/m³. The discharge shall cease as per condition 3.5 if this limit is exceeded, except where a 12 hour duration 50% AEP storm event (2 year return storm period) or greater occurs.
- 3.4 During the summer period 16 September to 31 May (inclusive) of any year within this consent, the turbidity of any stormwater discharge from any sediment retention device shall not exceed 300 Nephelometric Turbidity Units (NTU). The discharge shall cease as per condition 3.8 if this limit is exceeded, except where a 12 hour duration 50% AEP storm event (2 year return storm period) or greater occurs.
- 3.5 The consent holder shall undertake discharge sampling for TSS and NTU prior to discharging any stormwater from any sediment retention device outlet at least once during the summer period (16 September to 31 May) and once during the winter period (1 June to 15 September) to ascertain compliance with with conditions 3.3 or 3.4, and additionally if requested by the Bay of Plenty Regional Council. Any water quality results exceeding the maximum concentrations listed in conditions 3.3 and 3.4 shall trigger the consent holder to undertake following:

1. The discharge shall cease upon receipt of the test results and/or upon request from the Bay of Plenty Regional Council; and
 2. Written notification within five working days of receiving the results shall be provided to the Regional Council of the exceedance(s); and
 3. Investigation into the causes of the exceedance(s); and
 4. Corrective action to address the exceedance(s); and
 5. Re-testing of the discharge for TSS and NTU; following implementation of corrective action; and
 6. A written report detailing points (i), (iii), (iv) and (v) above which shall be forwarded to the Bay of Plenty Regional Council within 10 working days following the completion of receipt of the test results.
 7. The consent holder shall retain all test results required under this condition and provide them to the Bay of Plenty Regional Council within five working days upon request.
- 3.8 Analysis of samples under this consent shall be carried out by an IANZ accredited laboratory.

4 Watercourses

- 4.1 The consent holder shall ensure the discharge authorised under this consent does not create or contribute to:
1. The instability or subsidence of a slope or another land surface; or
 2. The erosion of the bed or bank of any watercourse; or
 3. A change in the points at which water flows into or out of any watercourse; or
 4. A constriction on the flow of water within, into, or out of any watercourse; or
 5. The flooding or overland flow of water within, or flowing into or out of any watercourse.

5 Review of Consent Conditions

- 5.1 The Bay of Plenty Regional Council may serve notice on the consent holder during April, July or October under section 128(1) of the Resource Management Act 1991 of its intention to review the conditions of the consent. The purpose of such a review is to deal with any unforeseen adverse environmental effect which may result from the discharge. The fair and reasonable costs associated with any such review shall be recovered from the consent.

6 Resource Management Charges

- 6.1 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.

7 Term of Consent

- 7.1 This consent shall expire on 2 August 2029.

8 The Consent

- 8.1 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.

LM R4 – Bulk Earthworks:

1 Purpose

- 1.1 The purpose of this resource consent is to authorise and set conditions for undertaking bulk earthworks, associated with development of an industrial site at 297 Te Puna Station Road, Te Puna.

2 Location

- 2.1 The activity authorised by this resource consent shall be located:
- (a) At or about map reference NZTM [BOPRC to determine as per usual process]; and
 - (b) As shown on BOPRC Consent Plan RM22-0010/01.

3 Notification of Works

- 3.1 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 consent holder and/or 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.

4 Bulk Earthworks – Scale and Location

- 4.1 All earthworks operations shall be carried out in accordance with the following:
- 1. The Resource Consent Application (including appendices and responses to further information) received by the Bay of Plenty Regional Council on 22 January 2022; and specifically
 - 2. Erosion and sediment control mitigation provisions within the WSP Engineering Report submitted with the application dated August 2023; and
 - 3. Momentum Planning and Design Drawing Nos. 14 and 17 (incorporating WSP design); and
 - 4. Detailed Site Investigation prepared by Pennan and Co, Rev B dated 13th March 2023
 - 5. Any subsequent minor variations to those documents that has received written certification from the Bay of Plenty Regional Council.
- 4.2 The consent holder shall ensure that no more than 4.0 hectares of earth is exposed on site at any one time, given the availability of water supply at the site for dust suppression purposes is restricted to 200m³/day.
- 4.3 The consent holder shall ensure that any imported fill is classified as 'cleanfill' as defined by 'A Guide to the Management of Cleanfills' published by the Ministry for Environment in 2002, and the Bay of Plenty Natural Resources Plan.

5 Erosion and Sediment Control

- 5.1 All sediment contaminated stormwater generated during bulk earthworks shall be treated in the proposed Sediment Retention Ponds (SRP's) as explained at section 3.2 of the WSP Engineering Report submitted with the application. A detailed Earthworks and Construction Management Plan (ECMP) demonstrating intended establishment and operation of these SRP's and other erosion and sediment controls in accordance with BOPRC's 'Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/1' shall be submitted to and certified by BOPRC prior to earthworks commencing. The applicant shall be entitled to commence earthworks subject to the submitted details in the event a) BOPRC certify the detailed management plan or b) no response is received from BOPRC within 20 working days (as defined by the RMA) of submission of the plan.
- 5.2 The above plan shall address earthworks staging, demonstrating how earthworks are to occur in no greater than 4ha stages and dust suppression supplied to each stage.

- 5.3 The consent holder shall submit a typical cross section for the clean water diversion channels at least five days prior to commencing works on site. All clean water diversion channels must be sized to accommodate at least a 20-year rainfall event.
- 5.4 The consent holder shall ensure that the emergency spillway on any sediment retention pond is constructed to cater for the 1% annual exceedance probability (AEP) event, with a minimum temporary freeboard of 300mm above the 1% AEP event.
- 5.5 The consent holder shall ensure that the bunds to SRP's are endorsed within the ECMP by a geotechnical engineer as appropriate to the geotechnical conditions and pond volume.
- 5.6 The consent holder shall ensure that all sediment and erosion controls are installed before any earthworks start.
- 5.7 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.
- 5.8 The consent holder shall divert uncontaminated catchment runoff away from the area of earthworks.
- 5.9 No vegetation, soil, or other debris shall be left in a position where the material could become mobile by stormwater during heavy rainfall.
- 5.10 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.
- 5.11 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.
- 5.12 The consent holder shall ensure that all-weather machinery access is maintained to the SRP's and other management devices within the approved ECMP.
- 5.13 The consent holder shall ensure that there is no tracking of soil or sediments off-site.
- 5.14 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.

6 Site Stabilisation

- 6.1 All exposed areas of the site shall be fully stabilised before 31 May of any year during this consent, and no earthworks shall be undertaken between 1 May and 15 September (inclusive).
- 6.2 To achieve compliance with Condition 6.1, the consent holder shall ensure that works associated with the following stabilisation methods are completed by the respective dates listed below:
1. Topsoiling and grassing by 30 April of each year within the duration of the consent ;
 2. Hydroseeding (or by use of a comparably effective method) by 15 May of each year within the duration of this consent;
 3. Hydro-mulching by 31 May of each year within the duration of this consent; or
 4. Using hay or straw mulching (or by use of a comparably effective method such as clean fill graded rock) by 31 May of each year within the duration of the consent.
- 6.3 The consent holder shall ensure that all earthworks operations (including stabilisation of earthworks sites to effectively prevent erosion) are completed by three months prior to expiry date.

7 Dust Control

- 7.1 The consent holder shall adopt a proactive strategy for dust control, specifically by complying with the principles of dust management as set out in the Bay of Plenty Regional Council Guideline No. 2010/01 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor, to prevent a dust nuisance from occurring beyond the property boundary.
- 7.2 The consent holder shall ensure that an adequate supply of water for dust control (sufficient to apply a minimum of five millimetres per day to all exposed areas of the site), and an effective means for applying that quantity of water, is available on site at all times during earthworks and until the site is fully stabilised. The water supply available to the site (200m³/day) renders a maximum of 4ha exposed at any one time.
- 7.4 The consent holder shall ensure that, at all times, the soil moisture level of exposed areas is sufficient, under prevailing wind conditions, to prevent dust generated by normal earthmoving operations from being offensive or objectionable beyond the boundary of the work site.
- 7.5 The consent holder shall, in the event that wind conditions make dust control impracticable, ensure that any machinery generating airborne dust stops operating until effective dust control is reestablished.

8 Signage

- 8.1 Before the start of works under this consent, the Consent Holder shall erect a prominent sign adjacent to the entrance of site works, and maintain it throughout the period of the works. The sign shall clearly display, the following information:
1. The consent holder
 2. The main site contractor;
 3. A 24 hour contact telephone number for the consent holder or appointed agent;
 4. 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.

9 Monitoring of Erosion and Sediment Controls

- 9.1 The consent holder shall ensure that the erosion and sediment controls erected pursuant to the approved ECMP and conditions of this consent, are inspected:
1. At least weekly during the duration of this consent; and
 2. Within 12 hours of each rainstorm event which is likely to impair the function or performance of the erosion and sediment controls.
- 9.2 The consent holder shall maintain records of:
1. The date and time of every inspection of erosion and sediment controls on the site;
 2. The date, time and description of any maintenance work carried out.
- 9.3 The consent holder shall forward a copy of records required by these conditions to the Bay of Plenty Regional Council within 48 hours of its request.
- 9.4 The Erosion and Sediment Control Plan shall remain on-site at all times and be made available for the Council Compliance Officers to refer to as required during site inspections.

10 Review of Consent Conditions

- 10.1 The Bay of Plenty Regional Council may serve notice on the consent holder during April, July or October under section 128(1) of the Resource Management Act 1991 of its intention to review the conditions of the consent. The purpose of such a review is to deal with any unforeseen adverse environmental effect which may result from the discharge. The fair and reasonable costs associated with any such review shall be recovered from the consent.

11 Resource Management Charges

- 11.1 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.

12 Term of Consent

- 12.1 This consent shall expire on 2 August 2029.

13 The Consent

- 13.1 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.

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