

Bay of Plenty Regional Council Resource Consent

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

A resource consent:

- **Under section 12(1)(c) of the Resource Management Act 1991 and Rule DD 9 of the Bay of Plenty Regional Coastal Environment Plan to undertake a controlled activity to disturb the foreshore and seabed**

subject to the following conditions:

1 Purpose

- 1.1 The purpose of this resource consent is to authorise and set conditions for works to disturb the foreshore and seabed to reinstate the sand dune along the length of Waihi Beach and Bowentown.

2 Location

- 2.1 The activity authorised by this resource consent shall be located along the full length of Waihi Beach foreshore as shown in Figure 1 of the resource consent application prepared by Eco Nomos Ltd dated January 2025

3 Notification of Works

- 3.1 No less than five working days before the start of any sand push up works authorised by this consent, the consent holder shall request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council. This request shall include brief details of the proposed work and who is to be responsible for site management and compliance with consent conditions (see Advice Note 3).
- 3.2 No less than two working days before the completion of any works authorised by this consent, the consent holder shall notify and request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council.

4 Works

- 4.1 All foreshore and seabed disturbance works shall be carried out in accordance with the following:
- a) The resource consent application received by the Bay of Plenty Regional Council on, 2025;
 - b) The Eco Nomos memo submitted with the resource consent application dated January 2025; and
 - c) The area shown on BOPRC Consent Plan RM25-.....

- 4.2
- a) No refuelling, machinery maintenance or fuel storage shall occur on the foreshore or seabed or within 20 metres of the line of mean high water springs. The consent holder shall employ methods to avoid any fuel or grease spillage, including appropriate security and containment measures, where necessary.
 - b) The consent holder shall have a contingency plan to retrieve equipment quickly from the coast in case of it getting stuck.
- 4.3 Any works authorised by this consent and undertaken between 15 December and 29 February each year, being bird nesting and juvenile shellfish nursery and migration months, shall ensure:
- a) The works will not adversely impact on bird nesting and/or juvenile shellfish (e.g. tuatua spat in the tens of thousands per square metre); and
 - b) Supply suitable information addressing point 1 above to BOPRC for written certification by a Compliance Officer at least 5 working days prior to the works, unless otherwise agreed in writing by the BOPRC
- 4.4 During works authorised by this consent, the consent holder shall, as much as practicable, avoid any undisturbed shellfish beds, vegetated areas, and sensitive habitats within the coastal marine area.
- 4.5 The works authorised by this consent shall be designed by and carried out under the supervision of a suitably qualified coastal specialist unless otherwise agreed in writing with the BOPRC at least 5 working days prior to commencement of the works.
- 4.6 During works authorised by this consent, the consent holder shall remove any tyres, waste, or other material that is not appropriate to be left in the coastal marine area or that could leach contaminants, along the foreshore within the area of the work site, and shall dispose of this to an appropriate facility outside of the coastal marine area.
- 4.7 The total quantity of material excavated and deposited during the beach push up works shall not exceed an average of 20 cubic metres of sand per 1 lineal metre of beach over the length of the works, except where required in areas close to stream entrances and agreed in writing with the Bay of Plenty Regional Council prior to commencement of the works.
- 4.8 The activity shall not cause or induce erosion of the foreshore, seabed or banks of any river or stream. Erosion includes:
- a) Instability of land or margins; and
 - b) Scour to the foreshore or seabed.
- 4.9 During works and any vehicle movement on the beach related to the works, the consent holder shall have at least one observer at all times near the work area/moving vehicle/s to ensure public safety and that protected species such as NZ fur seals, NZ dotterels and any chicks are not too near the work area/moving

vehicle/s (See Advice Note 7).

5 Site Management

- 5.1 All works authorised by this consent shall be undertaken during daylight hours and shall not be during weekends or public holidays.
- 5.2 Sand push-up works authorised by this consent shall be completed as soon as practicable after commencement. Vehicle movements in the coastal marine area shall be over exposed sand (i.e. above water/sea level at the time of vehicle movement).
- 5.3 In regard to vehicles involved in the coastal marine area:
- c) Work involving the disturbance of the bed of the coastal marine area shall only be carried out on areas when exposed above tide and wave level and not when covered by the sea.
 - d) All plant, machinery, equipment and debris associated with this operation shall be removed from the foreshore and coastal marine area at the completion of the operation.
 - e) Vehicles operating in the coastal marine area shall take the most direct route, and shall operate only within the area necessary to carry out the works authorised by this consent.
 - f) No vehicles shall be operated at a speed greater than 15 km/hour.
- 5.4 Once works authorised by this consent are complete, the consent holder shall ensure that any waste or other non-desirable material related to the works is removed from the foreshore and works area.
- 5.5 Works authorised by this consent shall be carried out in a manner that complies with the noise levels set out in NZS 6803: 1999 'Acoustics - Construction Noise' or any subsequent updated version of that document.
- 5.6 Before the start of works authorised by this consent, the consent holder shall erect a prominent sign adjacent to the work site, and shall maintain it throughout the period of the works. The sign shall clearly display the following:
- (a) The consent holder name;
 - (b) The main site contractor;
 - (c) A 24 hour contact telephone number for the consent holder or appointed agent;
 - (d) The works to be undertaken and their expected duration;

6 Photographs

6.1 In regard to monitoring:

- (a) For all projects involving push-up volumes >1000 cubic metres, the consent holder shall take before and after photos of the works area, the reinstated dune and the area from which sand was taken to create the dune – including monitoring sites at each end of the works and additional sites as required no further than 200m apart.
- (b) For works involving total estimated push-up volumes of >10,000 cubic metres and/or continuous dune repair over a length of >750m, representative cross-sections shall also be surveyed before the works and within a month of completion. These representative cross-sections will be located towards each end of the works, and in a central location between these points. The width of the surveyed sections shall include the repaired dune and the beach area from which the sand is drawn.
- (c) Details of the works undertaken in each calendar year shall be submitted annually to the Bay of Plenty Regional Council including monitoring photographs and surveys as above.

7 Review of Consent Conditions

- 7.1
 - a) The Bay of Plenty Regional Council may, during either April or September, serve notice on the consent holder of its intention to review the conditions of this resource consent. The purpose of the review is to add, delete or modify consent conditions to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.
 - b) The consent holder shall pay the fair and reasonable costs associated with a review.

8 Resource Management Charges

- 8.1 The consent holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with section 36 of the Resource Management Act 1991.

9 Term of Consent

- 9.1 This consent shall expire on 31 March 2058.

10 The Consent

- 10.1 This consent is granted under the Resource Management Act 1991 and is not an authority under any other act, regulation or bylaw.

Advice Notes

- 1 This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
- 2 No archaeological sites, whether recorded or unrecorded, may be destroyed, damaged or

modified without the consent of Heritage New Zealand (under Subpart 2 of the Heritage New Zealand Pouhere Taonga Act 2014). If an archaeological site(s) and/or koiwi are unearthed, the consent holder is advised to immediately stop work in the vicinity of the discovery, and contact Heritage New Zealand and all relevant iwi/hapū for advice. Heritage New Zealand contact details: email infolowernorthern@heritage.org.nz; phone 07 577 4530. Bay of Plenty Regional Council can provide the contact details of the relevant iwi and hapū in this area.

- 3 Send reporting, notification and 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. Please include the consent number RM21-0666-CC.01.
- 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 Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.
- 6 Western Bay of Plenty District Council may also have regulations and bylaws that control the use of vehicles on beaches. Compliance with those provisions is also required.
- 7 Most New Zealand native species are protected under the Wildlife Act 1953.