

Temporary Discharge of Stormwater (during Earthworks) – RM22-0010-DC.01

A resource consent:

- Under section 15(1)(b) of the Resource Management Act 1991 and Rule DW R8 of the Regional Natural Resources Plan, to undertake a discretionary activity, being to temporarily discharge sediment-contaminated stormwater to land where it may enter water

Subject to the following conditions:

Proposed Consent Conditions	
1	Purpose
1.1	The purpose of this resource consent is to authorise and set conditions for the temporary discharge of sediment-contaminated stormwater to land where it may enter water during earthworks.
2	Location
2.1	The activity authorised by this resource consent is located: (a) At 297 Te Puna Station Road, Te Puna; and (b) At or about map reference NZTM 1871714, 5824803; and (c) As shown on BOPRC Consent Plan RM22-0010/01 - Site Location and Layout, the Harrison & Grierson Plan “<i>Development Plan</i>”, Drawing No. A2313995-HG-ZZ-DR-C-100, Rev 3, dated 21 February 2025.
3	Stormwater Management and Treatment – During Earthworks
3.1	All sediment-contaminated stormwater generated on site during earthworks must be treated before being discharged to land where it may enter water in accordance with the following: (a) The Bay of Plenty Regional Council certified Erosion and Sediment Control Plan required by condition 6.1 of RM22-0010-LC.01; or (b) Any subsequent plan that has received written certification from the Bay of Plenty Regional Council.
3.2	Stormwater discharged must be substantially free of floatable solids, oil and grease.
3.3	(a) During the period 16 September to 31 May (inclusive) of any year within this consent: 1. The concentration of total suspended solids (TSS) in the stormwater discharge from any sediment retention device must not exceed 150 grams per cubic metre; and 2. The turbidity of any stormwater discharge from any sediment retention device must not exceed 300 Nephelometric Turbidity Units (NTU). (b) The discharge must cease in accordance with condition 3.4 if these limits are exceeded, except where a 12-hour duration 50% Annual Exceedance Probability (AEP) storm event (2-year return period storm) or greater occurs.

3.4	(a) The consent holder must sample the discharge at the outlets of all sediment retention devices once during the period 16 September to 31 May of every year of this consent, and as soon as practicable when requested by the Bay of Plenty Regional Council. (b) Any water quality results exceeding the maximum concentrations listed in condition 3.3 must trigger the following: 1. Cease the discharge as soon as practicable after receiving the test results and/or upon request from the Bay of Plenty Regional Council; and 2. Notify (in writing) the Bay of Plenty Regional Council within 24 hours of receiving the results of the exceedance(s); and 3. Investigate the causes of the exceedance(s); and 4. Take corrective action to address the exceedance(s); and 5. Re-test the discharge for total suspended solids and turbidity after implementing corrective action; and 6. Send a written report detailing points (1), (3), (4) and (5) above to the Bay of Plenty Regional Council within 10 working days after receiving the test results. (c) The consent holder must keep all test results required by this condition (for the duration of this consent) and must send them to the Bay of Plenty Regional Council within five working days of a request (see Advice Note 1).
3.5	Stormwater analyses required by these conditions must be carried out in accordance with the following: (a) As set out in the latest edition of “Standard Methods for the Examination of Water and Wastewater” – APHA - AWWA - WPCF, or another method as proposed by the consent holder, and certified in writing by the Bay of Plenty Regional Council; and (b) Undertaken by an IANZ accredited laboratory.
3.6	The consent holder must ensure that there is no discharge of temporary stormwater associated with earthworks authorised under resource consent RM22-0010-LC.01 into the natural inland wetland identified as the “Archaeological/Ecological Constraint Area” in BOPRC Consent Plan RM22-0010/01 – Site Location and Layout.
4	Review of Consent Conditions
4.1	(a) The Bay of Plenty Regional Council may, once per year during either May or November, serve notice on the consent holder 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 arise from the exercise of the consent and which it is appropriate to deal with at a later stage and ensure appropriate monitoring and maintenance. (b) The consent holder must meet the fair and reasonable costs associated with any such review.
5	Term of Consent
5.1	This consent expires on 1 May 2033.

	Advice Notes
1	<i>Send all monitoring reports and notification required by these conditions to the Regulatory Compliance Manager, PO Box 364, Whakatāne 3158, or email compliance_data@boprc.govt.nz (compliance reporting) or notify@boprc.govt.nz (compliance notifications). Include the consent number RM22-0010-DC.01.</i>
2	<i>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.</i>
3	<i>Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.</i>
4	<i>The following could be used periodically to instantaneously check if devices are likely to be within total suspended solids and turbidity discharge limits:</i> <i>(a) Test for 100-millimetre clarity (at the decant outlets from the devices).</i> <i>(b) Turbidity meter.</i> <i>(c) Secchi disk.</i> <i>This would not preclude the requirement for sampling, but if these measures are met, total suspended solids and turbidity are likely to be within the discharge limits specified in conditions 3.3.</i>
5	<i>This consent does not authorise the discharge of sediment-contaminated stormwater during 1 June to 15 September (inclusive).</i>
6	<i>This consent is granted under the Resource Management Act 1991, and is not an authority under any other act, regulation, or bylaw.</i>
7	<i>The consent holder must pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with the Resource Management Act 1991, or any subsequent resource management legislation.</i>
8	<i>In accordance with Section 125(1)(a) of the Resource Management Act, this consent lapses after a period of five years after the date of commencement unless it is given effect to, or an application is made to extend the lapse period before the consent lapses.</i>

Permanent Stormwater Discharge – RM22-0010-DC.02

A resource consent:

- Under section 15(1)(a) and (b) of the Resource Management Act 1991 and Rule DW R8 of the Regional Natural Resources Plan, to undertake a discretionary activity, being to permanently discharge stormwater to land where it may enter water

Subject to the following conditions:

Proposed Consent Conditions	
1	Purpose
1.1	The purpose of this resource consent is to authorise and set conditions for the permanent discharge of stormwater to land where it may enter water (being the Hakao Stream and Wairoa River).
2	Location
2.1	The activity authorised by this resource consent is located: (a) At 297 Te Puna Station Road, Te Puna; and (b) At or about map reference NZTM 1871714, 5824803; and (c) As shown on BOPRC Consent Plan RM22-0010/01 - Site Location and Layout, the Harrison Grierson Plan “<i>Development Plan</i>”, Drawing No. A2313995-HG-ZZ-DR-C-100, Rev 3, dated 21 February 2025.
3	Notification
3.1	(a) The consent holder must notify the Bay of Plenty Regional Council, in writing, no less than five working days prior to the start of the discharge authorised under this consent of the intention to commence discharging treated stormwater from the site. Notification at this time must include contact details of who is responsible for on site management and compliance with consent conditions (see Advice Note 1). (b) Any changes to these contact details must be provided in writing to the Bay of Plenty Regional Council within 10 working days of the personnel change occurring (see Advice Note 1).

4	Stormwater Management and Treatment
4.1	The consent holder must ensure that the construction and management of the stormwater infrastructure is in accordance with the following plans, (a) The certified Future Development Area Plan, required by condition 4.6 of RM22-0010-LC.01, (b) The certified Stormwater Management Plan, required by condition 5.1; and (c) Any subsequent plan that has been certified in writing by the Bay of Plenty Regional Council.
4.2	The consent holder must ensure that all container washdown wastewater is collected, transported offsite and disposed of at a facility consented to receive the type and level of wastewater.
4.3	There must be no point source discharge of stormwater across the eastern-most site boundary of 297 Te Puna Station Road to the Hakao Stream (see advice Note 4).
5	Stormwater Management Plan
5.1	(a) No less than 20 working days prior to commissioning the permanent stormwater system, the consent holder must submit a Stormwater Management Plan, prepared in consultation with Pirirākau, to the Bay of Plenty Regional Council for written certification. Advice Note: <i>The purpose of certification is to ensure that the Stormwater Management Plan meets the requirements of the Bay of Plenty Regional Council “Stormwater Management Guidelines for the Bay of Plenty Region – Guideline 2012/01” and the Bay of Plenty Regional Council “Hydrological and Hydraulic Guidelines – Guideline 2012/02”</i> (b) The Stormwater Management Plan must include, but is not limited to, the following information: 1. Hazardous Substances Management Protocols, including use, storage, and disposal, 2. Spill response protocols, 3. A maintenance and inspection regime for the stormwater system, including where necessary adhering to manufacturer’s specifications, 4. Details of the contamination risks posed by each of the activities onsite to be undertaken by the consent holder and any tenants, 5. List of potential contaminants to stormwater posed by each of the activities onsite to be undertaken by the consent holder and any tenants, 6. On-site volumetric storage limits for each identified contaminant; 7. Stormwater discharge limits (grams per cubic metre) for each identified contaminant; 8. Identification of a suitable sampling point for stormwater prior to discharging from the site; and 9. Stormwater monitoring regime, consistent with condition 7.2. (c) The Stormwater Management Plan must be updated when any new lease or tenant activities commence on the site, and any amendments must be submitted to the Bay of Plenty Regional Council for recertification.

6	Discharge Quality
6.1	The concentration of total suspended solids (TSS) of the stormwater discharge, at the sampling point required by 7.1, must not exceed 150 grams per cubic metre at any time.
6.2	The concentration of total petroleum hydrocarbons (TPH) in the stormwater discharge at the sampling point must not exceed 15 grams per cubic metre at any time.
6.3	The pH of the stormwater discharge at the sampling point must be between 6 and 9 at all times.
6.4	The concentration of metals in the stormwater discharge at each outlet must not exceed the following trigger values: 1. Total Zinc (Zn) – 0.031 grams per cubic metre, 2. Total Copper (Cu) – 0.0025 grams per cubic metre, 3. Total Lead (Pb) – 0.0094 grams per cubic metre; and 4. Total Nickel (Ni) – 0.017 grams per cubic metre. <i>*Trigger values – Freshwater Unit Receiving Environments (ANZECC 80% trigger).</i>
6.5	The concentration of any contaminants in the stormwater discharge must not exceed the contaminant trigger values of any additional contaminants identified in the certified Stormwater Management Plan.
6.6	The consent holder must ensure that no discharge resulting from the exercise of this consent will result in any of the following: (a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, (b) Any conspicuous change in the colour or visual clarity, (c) Any emission of objectionable odour, or (d) Any significant adverse effects on aquatic life.
7	Discharge Monitoring
7.1	An easily accessible sampling point must be available, for sampling and monitoring purposes, prior to discharging from the permanent stormwater pond as identified in BOPRC Consent Plan RM22-0010/01 – Site Location and Layout into the constructed wetland.
7.2	(a) The consent holder must collect a representative sample of the discharge prior to discharging from the permanent stormwater pond as identified in BOPRC Consent Plan RM22-0010/01 – Site Location and Layout into the constructed wetland, no less than six (6) times per year. (b) Samples must be taken a minimum of one (1) month apart. (c) The consent holder must send sample results to the Bay of Plenty Regional Council within 10 working days of receiving the results.

7.3	The stormwater samples must be analysed for the following constituents: 1. pH, 2. Total suspended solids (TSS), 3. Total petroleum hydrocarbons (TPH), 4. Total Zinc (Zn), 5. Total Copper (Cu), 6. Total Lead (Pb), 7. Total Nickel (Ni); and 8. Any other contaminants listed in the most current certified version of the Stormwater Management Plan.
7.4	(a) Where water quality results exceed the concentrations listed in conditions 6.1 to 6.4 the consent holder must : 1. Notify (in writing) the Bay of Plenty Regional Council within 24 hours of receiving the results of the exceedance(s); and 2. Investigate the causes of the exceedance(s); and 3. Take corrective action to address the exceedance(s); and 4. Re-test the discharge after implementing corrective action; and 5. Send a written report detailing points (2), (3) and (4) above to the Bay of Plenty Regional Council within 10 working days after receiving the test results.
7.5	Stormwater analyses required by these conditions must be carried out in accordance with the following: (a) As set out in the latest edition of “Standard Methods for the Examination of Water and Wastewater” – APHA - AWWA - WPCF, or another method as proposed by the consent holder, and certified in writing by the Bay of Plenty Regional Council; and (b) Undertaken by an IANZ Accredited laboratory.
7.6	The consent holder must keep all test results required by this consent (for the duration of this consent) and must send them to the Bay of Plenty Regional Council within five working days of a request (see Advice Note 1).
8	Maintenance
8.1	(a) The consent holder must ensure that the permanent stormwater pond is operated and maintained so as to avoid erosion and scour at its outlet and in the constructed wetland as a result of the discharge. (b) Any scour or erosion resulting from the discharge must be effectively stabilised as soon as practicable or upon instruction from the Bay of Plenty Regional Council.
8.2	The consent holder must ensure that the stormwater infrastructure (including swales, culverts and permanent stormwater treatment pond) and overland flow paths are always maintained to an effective capacity and free from any obstructions.
8.3	The consent holder must ensure that the constructed wetland is maintained in accordance with the certified Wetland Planting Plan, required by condition 9.1 of RM22-0010-LC.01, to an effective capacity and free from any obstructions.

8.4	The consent holder must undertake any maintenance works as soon as practicable as or upon instruction from the Bay of Plenty Regional Council.
9	Review of Consent Conditions
9.1	(a) The Bay of Plenty Regional Council may, once per year during either May or November, serve notice on the consent holder of its intention to review the conditions of this resource consent. The purpose of the review is 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 and ensure appropriate monitoring and maintenance. (b) In the event that three (3) consecutive discharge quality sampling events exceed the trigger values listed in conditions 6.1 to 6.4, the Bay of Plenty Regional Council may serve notice on the consent holder, in accordance with section 128(1)(a) and (c), of its intention to review the conditions of this resource consent to require additional treatment. (c) The consent holder must meet the fair and reasonable costs associated with any such review.
10	Term of Consent
10.1	This consent expires on 30 July 2060.
11	Consent Lapse Period
11.1	This consent lapses if not exercised by 30 July 2030.
	Advice Notes
1	<i>Send all monitoring reports and notification required by these conditions to the Regulatory Compliance Manager, PO Box 364, Whakatāne 3158, or email compliance_data@boprc.govt.nz (compliance reporting) or notify@boprc.govt.nz (compliance notifications). Include the consent number RM22-0010-DC.02.</i>
2	<i>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.</i>
3	<i>Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.</i>
4	<i>With reference to condition 4.3, the stormwater discharge authorised by this consent is from the stormwater treatment pond to the overland flowpath running east at 245 Te Puna Station Road. Condition 4.3 ensures no direct discharge from Section 2 SO 61751 (former paper road within the application site that adjoins the Hakao Stream) is authorised.</i>
5	<i>If the consent holder has not been able to collaborate with Pirirākau or their representatives on the ECMC in regard to plans required by this consent, evidence of multiple attempts at collaboration over a reasonable timeframe should be provided with the plans.</i>

Earthworks – RM22-0010-LC.01

A resource consent:

- Under section 9(2)(a) of the Resource Management Act 1991 and Rule LM R4 of the Regional Natural Resources Plan, to undertake a discretionary activity, being to disturb land as a result of earthworks; and
- Under section 9(2)(a) of the Resource Management Act 1991 and Rule LM R9 of the Regional Natural Resources Plan, to undertake a restricted discretionary activity, being the disturbance of land as a result of vegetation clearance,

Subject to the following conditions:

Applicant's Proposed Consent Conditions		BOPRC Comments
1	Purpose	
1.1	The purpose of this resource consent is to authorise and set conditions for the disturbance of land as a result of earthworks and vegetation clearance.	
2	Location	
2.1	The activity authorised by this resource consent is located at: (a) At 297 Te Puna Station Road, Te Puna; and (b) At or about map reference NZTM 1871714, 5824803; and (c) As shown on BOPRC Consent Plan RM22-0010/01 - Site Location and Layout, the Harrison Grierson Plan "<i>Development Plan</i>", Drawing No. A2313995-HG-ZZ-DR-C-100, Rev 3, dated 21 February 2025.	
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 must request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council. This request must include details of who is to be responsible for site management and compliance with consent conditions (see Advice Note 3).	
3.2	No less than five working days prior to the completion of works under this consent, the consent holder must notify and request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council.	

3.3	(a) No less than 20 working days prior to undertaking works authorised by this consent, the consent holder must invite and reasonably resource the current Chair of Pirirākau Tribal Authority, or their nominated representative, onsite to undertake karakia, cultural inductions for employees / contractors, and cultural monitoring on site for the duration of excavation earthworks and vegetation clearance (see Advice Note 15). Advice Note: <i>Cultural monitoring is intended to ensure accidental discovery protocols in accordance with the Accidental Discover Protocol required by condition 13.1, are adhered to in the event of unearthing of archaeological site(s), taonga and/or koiwi in accordance with Pirirākau tikanga.</i>
3.4	No less than 20 working days prior to undertaking works to reconstruct the Te Puna Station Road roadside drain authorised by this consent, the consent holder must invite the current Chair of Pirirākau Tribal Authority, or their nominated representative to collect the plant species <i>paopao</i> from the roadside drain.
4	Earthworks
4.1	All earthworks' operations must be carried out in accordance with the following: (a) The Resource Consent Application as publicly notified on 22 September 2023; and (b) BOPRC Consent Plan RM22-0010/02 – Proposed Contour Plans, the Harrison Grierson Plan “<i>Proposed Contours Plan</i>”, Drawing No. A2313995-HG-ZZ-DR-C-210, Rev 3, dated 21 February 2025; and (c) BOPRC Consent Plan RM22-0010/03 – Cut and Fill Plan, the Harrison Grierson Plan “<i>Cut Fill Plan</i>”, Drawing No. A2313995-HG-ZZ-DR-C-220, Rev 3, dated 21 February 2025; and (d) BOPRC Consent Plan Set RM22-0010/04 – Geotechnical Sections, the Harrison Grierson Plans “<i>Geotechnical Sections</i>” Drawing Nos. A2313995-HG-ZZ-DR-C-260 to C-263, Rev 3, dated 21 February 2025; and (e) BOPRC Consent Plan RM22-0010/05 – Stormwater Layout, the Harrison Grierson Plan “<i>Stormwater Layout Plan</i>”, Drawing No. A2313995-HG-ZZ-DR-C-401, Rev 3, dated 21 February 2025; and (f) BOPRC Consent Plan RM22-0010/06 – OLFP Long Section, the Harrison Grierson Plan “<i>OLFP Longsection</i>”, Drawing No. A2313995-HG-ZZ-DR-C-411, Rev 3, dated 21 February 2025; and (g) BOPRC Consent Plan RM22-0010/07 – Stormwater Treatment Pond, the Harrison Grierson Plan “<i>Wetlands Blow Up Plan</i>”, Drawing No. A2313995-HG-ZZ-DR-C-450, Rev 2, dated 21 February 2025; and

	(h) BOPRC Consent Plan RM22-0010/08 – Stormwater Treatment Pond Cross-Sections, the Harrison Grierson Plan “<i>Wetlands Cross Sections</i>”, Drawing No. A2313995-HG-ZZ-DR-C-451, Rev 2, dated 21 February 2025; and (i) BOPRC Consent Plan Set RM22-0010/09 – Overland Flow Path Catchment Plan and Cross Sections, the Harrison Grierson Plans “<i>Overland Flowpath Catchment Plan</i>” and “<i>Overland Flowpath Cross Sections</i>”, Drawing Nos. A2313995-HG-ZZ-DR-C-480 to C- 482, Rev 3, dated 21 February 2025; and (j) BOPRC Consent Appendix RM22-0010/A – Geotechnical Memorandum, the CMW Geosciences Memorandum ‘<i>Response to Minute 5 Commissioner Request for Further Information</i>’, dated 21 February 2025; and (k) The certified Earthworks Construction Management Plan, required by condition 5.1.
4.2	The consent holder must ensure that no more than 4 hectares of earth is exposed on site at any one time, and in accordance with the certified Erosion and Sediment Control Plan required by condition 6.1.
4.3	The consent holder must ensure that all earthworks' operations (including stabilisation of earthworks sites to effectively prevent erosion) are completed within three earthworks seasons from the starting of works or by 1 May 2033 (whichever occurs sooner).
4.4	The consent holder must ensure that any imported fill is classified as 'cleanfill' as defined by “ <i>The WasteMINZ Technical Guidelines for Disposal to Land, 2022</i> ” (see Advice Note 8).
4.5	Earthworks authorised under this consent must not commence until the following works have been completed: (a) Installation of a third 1,600-millimetre diameter culvert, or a structure with an equivalent hydraulic function (such as a single box culvert), under Teihana Road as shown on BOPRC Consent Plan RM22-0010/11 – Pre- Requisite Works Locations; and (b) A 45-metre wide overland flowpath has been created on 245 Te Puna Station Road, as shown on BOPRC Consent Plan RM22-0010/11 - Pre-Requisite Works Locations.
4.6	(a) Earthworks within the “Future Development Area”, as identified in BOPRC Consent Plan RM22-0010/01 – Site Location and Layout, must not commence until the consent holder submits the following to the bay of Plenty Regional Council for certification: 1. Earthworks cut and fill plan, prepared by a suitably qualified and experienced engineer, and

	2. Stormwater management plan for the “Future Development Area”, prepared by a suitably qualified and experienced engineer, that meets the requirements of the Bay of Plenty Regional Council “<i>Stormwater Management Guidelines for the Bay of Plenty Region – Guideline 2012/01</i>” and “<i>Hydraulic and Hydrological Guidelines – Guideline 2012/01</i>”, and 3. An erosion and sediment control plan prepared by an appropriately qualified person (see Advice Note 9) in accordance with Bay of Plenty Regional Council ‘<i>Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/1</i>’, and 4. Detailed flood modelling, prepared by a suitably qualified and experienced floodwater modeler or floodwater engineer, that demonstrates flooding effects do not exceed the outcomes in BOPRC Consent Appendix RM22-0010/C – Flooding Assessment, the Golovin “<i>Floodplain Assessment, 297 Te Puna Station Road, RD6, Tauranga</i>”, dated February 2025. Specifically, flood levels as altered by any development in the Future Development Area must not exceed the baseline levels in the 100-year rainfall storm (320-millimetre rainfall depth over 24 hours) combined with 0.49 metres (m) sea level rise at the Wairoa River and 0.17m of wave/surge allowance added (0.66m total), as established at the modelled locations: A: RL 3.50m MVD 1953, B: RL 3.50 m MVD 1953, C: RL 3.49 m MVD 1953; and D: RL 3.50 m MVD 1953. (b) No earthworks can commence in the “Future Development Area” until written certification of the plans and modelling required by condition 4.6(a) has been received.
4.7	The consent holder must ensure there is no earthworks or vegetation clearance undertaken within a 10-metre setback from the natural inland wetland as identified as the “Archaeological/Ecological Constraint Area” in BOPRC Consent Plan RM22-0010/01 – Site Location and Layout.
4.8	(a) The temporary cut and batter slopes of the borrow pit, and permanent slope of the borrow pit as identified in BOPRC Consent Plan RM22-0010/01 – Site Location and Layout, must be no steeper than 1 Vertical: 2 Horizontal. (b) Within 20 working days of the completion of works on the borrow pit, the consent holder must provide a statement from a Chartered Professional Engineer (who specialises in geotechnical engineering) that the borrow pit final slope has been constructed and stabilised in accordance BOPRC Consent Plan RM22-0010/03 – Cut and Fill Plan and engineering best practice.

4.9	(a) Construction of the permanent stormwater treatment pond, as identified in BOPRC Consent Plan RM22-0010/07 – Stormwater Treatment Pond, must be under the supervision of a Chartered Professional Geotechnical Engineer. (b) Within 20 days of the of the construction of the permanent stormwater treatment pond, the consent holder must submit to the Bay of Plenty Regional Council the following: 1. A producer statement signed by a Chartered Professional Engineer (who specialises in geotechnical engineering) verifying that the permanent stormwater treatment pond has been constructed in accordance with BOPRC Consent Plan RM22-0010/07 – Stormwater Treatment Pond, BOPRC Consent Plan RM22-0010/08 – Stormwater Treatment Pond Cross-Sections and best practice engineering; and 2. Detailed as-built plans of the permanent stormwater pond.
4.10	(a) Where Stormwater Management Option 2, as identified in BOPRC Consent Plan RM22-0010/10 – Stormwater Management Option 2, is to be implemented (see Advice Note 17), the consent holder must provide to the Bay of Plenty Regional Council for certification: 1. A cut and fill plan, prepared by a suitably qualified and experienced engineer, 2. Plans including cross and long sections of the drain, including details on the specific engineered design solutions, prepared by a Chartered Professional Engineer (who specialises in geotechnical engineering), 3. Flood modelling assessment, prepared by a suitably qualified flood modeler, in accordance with Bay of Plenty Regional Council '<i>Hydrological and Hydraulic Guidelines – Guideline 2012/02</i>', that demonstrates flooding effects no worse than those modelled in condition 4.6(a)(4), 4. An erosion and sediment control plan prepared by an appropriately qualified person (see Advice Note 9) in accordance with Bay of Plenty Regional Council '<i>Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/1</i>', 5. Evidence that the implementation of Stormwater Management Option 2 will not cause additional flooding or geotechnical instability of the KiwiRail asset (see Advice Note 19); and 6. Evidence of an application for any approvals required under the Building Act 2004 (if required). (b) No works can commence to implement Stormwater Management Option 2 until written certification on the plans required by condition 4.10(a)(1) to (4) has been received.
	(c) All works to implement Stormwater Management Option 2 must be under the supervision of a Chartered Professional Geotechnical Engineer. (d) Within 20 working days of the completion of works to implement Stormwater Management Option 2, the consent holder must provide a producer statement from a Chartered Professional Geotechnical Engineer that the drain along the northern side of Te Puna Station Road has been constructed in accordance with the Bay of Plenty Regional Council certified plans required by condition 4.10(a) and in accordance with engineering best practice.

4.11	(a) The consent holder must monitor for the presence of tuna (eels) in the immediate vicinity of earthworks authorised by this consent. (b) Where any tuna are discovered in the earthworks areas, works in immediate vicinity are to cease. The consent holder must notify the current Chair of Pirirākau Tribal Authority, or their nominated representative, and seek advice on the safe removal and transfer of the tuna into a suitable and safer habitat. Earthworks may recommence when the tuna have been removed.
4.12	(a) No less than 20 working days prior to commencing earthworks, the consent holder must provide details (including plans and calculations) for the permanent stormwater treatment pond spillway to the Bay of Plenty Regional Council for certification. Advice Note; <i>Certification is to ensure that the spillway design is in accordance with Bay of Plenty Regional Council 'Hydrological and Hydraulic Guidelines – Guideline 2012/02'.</i>
5	Earthworks and Construction Management Plan
5.1	(a) At least 20 working days prior to the start of any works authorised under this consent, the consent holder must submit an Earthworks and Construction and Management Plan (ECMP), prepared in collaboration with Pirirākau (where possible, and as subject to cultural conditions of consent below), to the Bay of Plenty Regional Council for certification (see advice Note 14). Advice Note: <i>The Bay of Plenty Regional Council response may comprise certification, or identification of amendments or additional information necessary to achieve certification.</i> (b) The ECMP must set out the management procedures and construction methods to be undertaken to avoid, remedy or mitigate any adverse effects associated with the earthworks. To achieve this, the ECMP must include, but is not limited to, the following: 1. The roles and responsibilities of staff and contractors,

	2. Details of the Project Manager and the Project representative(s), including their contact details (phone and email address), 3. The construction works programmes and the staging approach, 4. The proposed site layouts (including construction yards) and locations of refuelling activities, 5. Procedures for incident and complaint management, 6. Procedures for the refuelling and maintenance of construction equipment to avoid discharges of fuels or lubricant to watercourses, 7. Measures to address the storage of fuels, lubricants, hazardous and/or dangerous materials along with contingency procedures to address emergency spill response(s) and clean up, 8. Erosion and Sediment Control Plan (ESCP) in accordance with condition 6.1; and 9. Methods for amending and updating the certified ECMP as required. (c) The consent holder must implement the certified ECMP for the duration of the construction works. (d) Any amendments to the certified ECMP must be re-certified in writing by the Bay of Plenty Regional Council, prior to the implementation of any amendments proposed. (e) The consent holder must ensure that a copy of the most currently certified ECMP is kept onsite at all times.
6	Erosion and Sediment Control
6.1	(a) Before the overall start of earthworks for each Stage authorised by this consent, the consent holder must submit an erosion and sediment control plan (ESCP) to the Bay of Plenty Regional Council for written certification (see Advice Note 14). (b) Work must not start until written certification has been received. Advice Note: Certification is to ensure that the final ESCP meets the following requirements: 1. The conditions of this consent; and 2. The Bay of Plenty Regional Council "Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/1".

6.2	The consent holder must ensure that erosion and sediment controls are designed and constructed in accordance with the following: (a) The Bay of Plenty Regional Council certified ESCP required by condition 6.1; or (b) Any subsequent amendment to the ESCP that has received written certification from the Bay of Plenty Regional Council. An amendment does not allow an increase in the earthwork's footprint.
6.3	(a) The consent holder must ensure that all sediment and erosion controls are installed before works start. (b) The consent holder must ensure that all silt fences, clean water diversion bunds/drains and a stabilised site entry (if required) are installed before the start of earthworks to construct any temporary sediment retention ponds.
6.4	The consent holder must divert uncontaminated catchment runoff away from the area of works.
6.5	No vegetation, soil, or other debris is to be left in a position where the material could become mobile by stormwater during heavy rainfall.
6.6	The consent holder must 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.
6.7	The consent holder must 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 (see Advice Note 7).
6.8	The consent holder must 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, or as soon as is safely practicable.
6.9	The consent holder must ensure that all-weather machinery access is maintained to the sediment control devices.
6.10	The consent holder must ensure that there is no tracking of soil or sediments off-site (see Advice Note 10).
6.11	Stockpiled material that is to be stored for longer than 3 months must be effectively isolated and stabilised, and located where it cannot become mobile by stormwater during heavy rainfall, to prevent surface erosion and sedimentation.
6.12	All runoff controls (such as diversion channels, bunds, contour drains) with slopes greater than 2% must be protected from erosion using impermeable geotextile materials, rock or other suitable materials or methods (such as sediment sumps).
6.13	The consent holder must ensure that any sediment retention devices authorised under this consent are constructed as quickly as possible within a period of dry weather and that any pond includes a stabilised inlet and outlet to prevent erosion at both the inlet and outlet of the pond.

6.14	Within 30 days of the installation of any temporary sediment retention pond(s) the consent holder must submit to the Bay of Plenty Regional Council the following: 1. A statement from an appropriately qualified professional verifying that the sediment retention pond(s) has been installed as per best practice engineering, including the use of suitable material; and 2. Detailed as-built plans of the temporary sediment retention pond(s) and outlet(s).
7	Site Stabilisation
7.1	All exposed areas of the site must be fully stabilised by 31 May of each year for the duration of this consent, and no earthworks are to be undertaken between 1 May and 15 September inclusive (see Advice Note 11).
8	Disposal of Cleanfill Offsite
8.1	The consent holder must ensure that all cleanfill material transported off site is deposited at: (a) A consented cleanfill disposal site; or (b) A site that has been certified (in writing) by the Bay of Plenty Regional Council. <i>Advice Note: Certification is limited to ensuring that the site meets Bay of Plenty Regional Natural Resources Plan permitted activity rules and the Bay of Plenty Regional Council "Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/01".</i>
8.2	The consent holder must record the volumes and locations of all cleanfill material moved off-site. Such records must be made available within three working days of a request from the Bay of Plenty Regional Council.

9	Wetland
9.1	(a) At least 20 working days prior to planting of the constructed wetland (following completion of earthworks), the consent holder must provide a Wetland Planting Plan, prepared in consultation with Pirirākau, and with input from a suitably qualified and experienced Ecologist (see Advice Note 14). (b) The Wetland Planting Plan must be based on BOPRC Consent Appendix RM22- 0010/B - Outline Wetland Establishment Plan, the Momentum Planning and Design “297 Te Puna Station Road – Landscape Plan and Planting Palette, Including Outline Wetland Establishment Plan”, dated 24 February 2025, and must detail: 1. A clear description of the timing and location of the planting, 2. Use of site appropriate, indigenous eco-sourced species, 3. The intended planting densities, 4. Details on the wetland management and maintenance (including pest plant control, infill planting, pest animal control etc.,) for a minimum of 5 years. (c) Planting of the wetland must not start until written certification of the Wetland Planting Plan from the Bay of Plenty Regional Council has been received. (d) All mitigation planting works are to be completed progressively, as soon as reasonably practically possible following completion of earthworks as detailed in BOPRC Consent Plan RM22-0010/03, and in accordance with the certified Wetland Planting Plan referenced in condition 9.1(a). (e) The consent holder must ensure that mitigation planting is overseen by a suitably qualified and experienced ecologist. (f) On completion of the planting the consent holder must provide the Bay of Plenty Regional Council with a completion statement, signed by the suitably qualified and experienced ecologist, that the works have been undertaken in accordance with the certified Wetland Planting Plan.
10	Dust Control
10.1	The consent holder must 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 "Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/01", to prevent an offensive or objectionable discharge of dust from occurring beyond the property boundary.
10.2	The consent holder must ensure that an adequate supply of water for dust control (sufficient to apply a minimum of five millimeters per day, if required, to all exposed areas of the site), and an effective means of applying that quantity of water, is available on site at all times during earthworks and until the site is fully stabilised.

10.3	The consent holder must ensure that, at all times, the soil moisture level of exposed areas is sufficient to prevent dust from being offensive or objectionable beyond the boundary of the work site.
10.4	If wind conditions make dust control impracticable, the consent holder must ensure that any machinery generating airborne dust stops operating until effective dust control is reestablished.
10.5	The consent holder must 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 Officers or following a substantiated public complaint.
10.6	(a) Prior to earthworks commencing in the 2026/2027 earthworks season, the consent holder must provide evidence to the Bay of Plenty Regional Council that an alternative authorised water source for dust suppression has been secured (see Advice Note 16). (b) Works must not start until a response from the Bay of Plenty Regional Council has been received.
11	Accidental Discovery
11.1	(a) Prior to the commencement of earthworks, the consent holder must prepare an Accidental Discovery Protocol (ADP). (b) The consent holder must invite, and reasonably resource, to co-develop the ADP (see Advice Notes 14 and 15). (c) Where Pirirākau does not want to co-develop the ADP, the consent holder must prepare the ADP with advice from a suitably qualified and experienced archaeologist. (d) The ADP required by condition 11.1(a) must include procedures to follow in the event of an accidental discovery of an archaeological site(s), taonga, and/or koiwi during earthworks.
11.2	(a) The consent holder must ensure that all contractors onsite undertaking works authorised by this consent are made aware of the contents and procedures set out in the ADP. (b) The ADP must remain onsite at all times and made available for viewing at a request from any onsite contractors, or for Bay of Plenty Regional Council Compliance Officers to refer to during site inspections.
11.3	In the event that an archaeological site, taonga and/or koiwi is unearthed during earthworks and/or vegetation clearance authorised by this consent, the consent holder must immediately stop work on the part of the site that the archaeological site, taonga or koiwi is located, and contact Heritage New Zealand Pouhere Taonga (Lower Northern area office) and the current Chair of Pirirākau Tribal Authority, or their nominated representative, to ensure correct preservation and procedural requirements are followed in accordance with the ADP.

12	Signage
12.1	Before the start of works under this consent, the consent holder must erect a prominent sign adjacent to the entrance of site works and maintain it throughout the period of the works. The sign must clearly display, the following information: (a) The consent holder, (b) The main site contractor, (c) A 24-hour contact telephone number for the consent holder or appointed agent; and (d) 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.
13	Monitoring and Reporting
13.1	The consent holder must ensure that the erosion and sediment controls are inspected: (a) At least weekly during the duration of this consent; and (b) Within 12 hours of each rainstorm event which is likely to impair the function or performance of the erosion and sediment controls.
13.2	The consent holder must maintain records of: (a) The date and time of every inspection of erosion and sediment controls on the site; and (b) The date, time and description of any maintenance work carried out.
13.3	The consent holder must forward a copy of records required by these conditions to the Bay of Plenty Regional Council within 48 hours of its request.
13.4	The ESCP approved under condition 6.1 above must remain on site at all times and be made available for Bay of Plenty Regional Council Compliance Officers to refer to during site inspections.

14	Review of Consent Conditions
14.1	The Bay of Plenty Regional Council may, once per year during either May or November, serve notice on the consent holder of its intention to review the conditions of this resource consent. The purpose of the review is 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 and ensure appropriate monitoring and maintenance. <i>Advice Note: The consent holder must meet the fair and reasonable costs associated with any such review.</i>
17	Term of Consent
15.1	This consent expires on 30 July 2038.
	Advice Notes
1	<i>All conditions are to be fulfilled to the satisfaction of the Bay of Plenty Regional Council.</i>
2	<i>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.</i>
3	<i>Send reports, notifications 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 RM22-0010- LC.01.</i>
4	<i>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.</i>
5	<i>Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.</i>
6	<i>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 must 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.</i>
7	<i>In order to maintain erosion and sediment controls in effective capacity as required by condition 6.7, accumulated sediment should be removed from sediment retention devices before it reaches 25% of that device's volume and all sediment removed should be placed in a stable position where it cannot re-enter a sediment retention device or enter any water body.</i>

8	<i>The "WasteMINZ Technical Guidelines for Disposal to Land, 2022" defines cleanfill as:</i> <i>Material that when discharged to the environment will have no adverse effect on people or a detectable effect on the environment relative to the background. Cleanfill material includes virgin excavated natural materials (VENM) such as clay, soil, rock and sand that are free of combustible, putrescible, degradable or leachable components. Cleanfill material will comprise no maximum incidental inert materials (e.g., concrete, brick, tiles) to no more than 5% by volume per load and maximum incidental or attached biodegradable materials (e.g., vegetation) to no more than 2% by volume per load.</i>
9	<i>An 'appropriately qualified person' is defined in this instance as meeting all of the following:</i> <i>(a) Be experienced in erosion and sediment control implementation and monitoring,</i> <i>(b) Have a high level of knowledge and skill associated with erosion and sediment control; and</i> <i>(c) Be familiar with the Bay of Plenty Regional Council "Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/01", or its successor.</i>
10	<i>The consent holder is advised that if accidental tracking off-site occurs, that any material that is tracked off-site must be cleaned up and no further machinery or vehicles are to leave the site until measures are implemented to prevent any further tracking of soil or sediments off-site.</i>
11	<i>To achieve compliance with condition 8.1, the following stabilisation methods are recommended to be completed by the dates below:</i> <i>1. Topsoiling and grassing by 30 April of each year within the duration of the consent,</i> <i>2. Hydroseeding (or a comparably effective method) by 15 May of each year within the duration of this consent,</i> <i>3. Hydro-mulching by 31 May of each year within the duration of this consent; or</i> <i>4. Using hay or straw mulching (or a comparably effective method) by 31 May of each year within the duration of this consent.</i>
12	<i>This consent is granted under the Resource Management Act 1991, and is not an authority under any other act, regulation, or bylaw.</i>
13	<i>The consent holder must pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with the Resource Management Act, 1991, or any subsequent resource management legislation.</i>
14	<i>If the consent holder has not been able to collaborate with Pirirākau or their representatives on the ECMC in regard to plans required by this consent, evidence of multiple attempts at collaboration over a reasonable timeframe should be provided with the plans.</i>
15	<i>Please contact the Bay of Plenty Regional Council for the most up to date contact details for the Pirirākau Tribal Authority.</i>
16	<i>The consent holder has a current resource consent, 20311, that provides for the take and use of groundwater for the purpose of dust suppression for these earthworks. Resource consent 20311 is due to expire 1 October 2026.</i>
17	<i>A building consent under the Building Act 2004 may be required prior to the commencement of works to implement Stormwater Management Option 2; and the consent holder is advised to make enquires with Western Bay of Plenty District Council prior to commencing these works.</i>

18	<i>An earthworks season, as referred to in condition 4.3, is defined as 1 May and 15 September inclusive.</i>
19	<i>With regard to condition 4.10(a)(5), this evidence may be in the form of demonstrating consultation outcomes or written affected party approval from KiwiRail, flood modelling analysis and/or geotechnical modelling.</i>
20	<i>In accordance with Section 125(1)(a) of the Resource Management Act, this consent lapses after a period of five years after the date of commencement unless it is given effect to, or an application is made to extend the lapse period before the consent lapses.</i>