

Resource Consent



Resource Consent 67481-AP

Following the processing of the Application received on the 24 April 2013, the Bay of Plenty Regional Council has granted the applicant(s):

Western BOP District Council

Consent(s) to:

67481-BC.16	River Structure	Expiry	31 May 2055
67481-BC.17	Beds Damming and Diversion	Expiry	31 May 2055
67481-CC.01	Coastal Dredging	Expiry	31 May 2055
67481-CC.02	Occupy Coastal Space	Expiry	31 May 2055
67481-DC.05	Discharge to Water	Expiry	31 May 2055
67481-LC.05	Earthworks or Excavation	Expiry	31 May 2055

The consent(s) are subject to the conditions specified on the attached schedule(s) for each activity. Advice notes are also provided as supplementary guidance, and to specify additional information to relevant conditions.

The Resource Consent hereby authorised is granted under the Resource Management Act 1991 does not constitute an authority under any other Act, Regulation or Bylaw.

DATED at Whakatane this 9th day of July 2020

For and on behalf of The Bay of Plenty
Regional Council

Fiona McTavish
Chief Executive



**Thriving together -
mō te taiao,
mō ngā tāngata**

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 9 July 2020, **hereby grants**:

A resource consent:

- Under section 13(1) of the Resource Management Act 1991 and Rule BW R36 of the Bay of Plenty Regional Natural Resources Plan being a discretionary activity to use, place, reconstruct, alter or remove structures in or on the beds of various water bodies within the eastern catchments of the Western Bay of Plenty District; and
- Under section 13(1) of the Resource Management Act 1991 and Rule BW R36 of the Bay of Plenty Regional Natural Resources Plan being a discretionary activity to deposit material in the beds of various water bodies within the eastern catchments of the Western Bay of Plenty District.
- Under section 13(1) of the Resource Management Act 1991 and Rule BW R36 of the Bay of Plenty Regional Natural Resources Plan being a discretionary activity to disturb the beds of various water bodies within the eastern catchments of the Western Bay of Plenty District; and

subject to the following conditions:

1 Purpose

1.1

The purpose of this resource consent is to authorise:

- (a) Stormwater related activities including the use, maintenance, installation and reconstruction of structures (in streams and rivers);
- (b) Stormwater related activities including the use, maintenance and installation of stormwater treatment devices; and
- (c) Vegetation management, including vegetation removal, planting and weed control.

Advice Note: The purpose of this consent does not include:

- (a) The installation of stormwater infrastructure and treatment devices within greenfield development sites and new subdivisions;
- (b) The installation of new rock revetment, training groynes or any other permanent structure in any water body listed in Schedule 1 of the Regional Natural Resources Plan or within the Coastal Margin, unless authorised by a consent and transferred to this consent.

2 Location

2.1 The urban catchments covered by this consent include:

- i. The Te Puke Catchment as indicated on the Aecom plan titled 'Te Puke Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/1;
- ii. The Paengaroa Catchment as indicated on the Aecom plan titled 'Paengaroa Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/2;
- iii. The Maketu and Little Waihi Catchment as indicated on the Aecom plan titled 'Maketu/Little Waihi Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/3; and

3 Map Reference

- 3.1 Stormwater structures and watercourses which are authorised under this consent are shown on the plans referenced in condition 2

4 Legal Description

- 4.1 Various within the boundaries shown on the plans referenced in condition 2.

5 Notifying the Regional Council

- 5.1 The consent holder must notify the Chief Executive of the Regional Council or delegate, in writing, no less than five working days prior to the start of the following work authorised under this consent:

- a) Any stormwater infrastructure installation or structure reconstruction in the bed of a water body.
- b) Any work in, or disturbance of, the bed of a water body.

Notification must include details of who is responsible for on site management and compliance with consent conditions (see Advice Note 2).

- 5.2 Within 30 working days of the completion of any stormwater infrastructure installation or structure re-construction works authorised under this consent, the consent holder must submit a Statement, signed by a suitably qualified Chartered Professional Engineer, to certify that:

- a) the works have been undertaken in accordance with good engineering practice; and
- b) the structure(s) have been installed or re-constructed in accordance with the current version of the Bay of Plenty Regional Council's Hydrological and Hydraulic Guidelines, the Erosion and Sediment Control Guidelines and the requirements of this consent (see Advice Note 2).

6 Maintenance

- 6.1 The consent holder must undertake inspection and maintenance of stormwater structures, ponds and outlets in accordance with information submitted with the application for this consent including:

- a) The current Asset Management Plan; or
- b) Any other maintenance plan, included in the Catchment Management Plan.

- 6.2 The consent holder must ensure that stormwater outlets and associated erosion protection structures are operated and maintained in an effective working order at all times.

- 6.3 At the same time that the outlet structures are inspected under condition 6.1, erosion effects must be assessed and remedied in accordance with condition 6.4.

- 6.4 Any erosion or scour of the banks of a river or stream resulting from either the presence of a stormwater outlet(s), the discharge from an outlet(s) or from works authorised by this consent must be effectively stabilised and remedied.

- 6.5 For any works authorised by this consent, including the installation, maintenance, demolition, alteration, upgrade or reconstruction of existing outlets or structures, the consent holder must submit an erosion and sediment control plan to the Chief Executive of the Regional Council or delegate no later than five working days prior to the commencement of the works, for certification.

Advice Note: The purpose of certification is to ensure that the erosion and sediment control plan meets the requirements of the Regional Council's "Erosion and Sediment Control Guidelines for Land Disturbing Activities", or its successor.

- 6.6 New stormwater infrastructure must be designed by a suitably qualified Chartered Professional Engineer. Where the new stormwater infrastructure includes a pond, embankment, stopbank, floodgate, spillway or any detention structure, the consent holder must consult with the Chief Executive of the Regional Council or delegate prior to detailed design and provide to the Chief Executive of the Regional Council or delegate the final design, for certification, prior to commencement of works.

Advice Note: The purpose of certification is to ensure that new stormwater infrastructure meets the current version of the Bay of Plenty Regional Council's Hydrological and Hydraulic Guidelines, the Erosion and Sediment Control Guidelines and the requirements of this consent.

- 6.7 For any construction or maintenance work that requires work within the bed of a stream, the consent holder must:

- a) Ensure that any temporary damming or diversion does not adversely affect the ecology or habitat of a wetland to any more than a minor extent;
- b) Effectively stabilise any erosion or scour that results from the stormwater related activities or vegetation management;
- c) Ensure that machinery is kept out of the bed of rivers and streams where practicable and that no machinery refuelling or fuel storage occurs in a location where fuel can enter the water body;
- d) Take all practicable measures to avoid vegetation, soil, slash or other debris being deposited in a water body and ensure that on completion of any work on the banks or within the bed of a stream, that all debris and construction materials are removed from the bed and banks of the water body;
- e) Not cause any decrease in the length of any stream or river channel or any more than localised increases in the slope of the stream or river bed;
- f) Not cause a permanent net loss of aquatic habitat area or a permanent reduction in aquatic habitat quality. This includes degraded or modified aquatic habitat (see Advice Note 7);
- g) Provide for fish passage;
- h) Undertake any works outside of the fish spawning and juvenile migration periods listed in the Regional Natural Resources Plan, unless written approval to do otherwise is provided by the Chief Executive of the Regional Council or delegate; and
- i) Limit any dredging required to maintain conveyance capacity at outlets or in water bodies to the minimum area and volume required for the clearance of accumulated sediments; and
- j) Undertake any additional measures as required by the Chief Executive of the Regional Council or delegate, to avoid, remedy or mitigate any actual or potential adverse effects on the water body as a result of the proposed works.

- 6.8 The banks of the water body must be effectively stabilised after completion of the works.

7 Signage

- 7.1 Prior to the commencement of stormwater infrastructure installation, reconstruction or maintenance works under this consent, the consent holder must erect a prominent sign adjacent to the site, and maintain it throughout the period of the works. The sign must clearly display, as a minimum, the following information:
- a) The name of the project;
 - b) The name of the main site contractor;
 - c) A 24-hour contact telephone number for the consent holder or appointed agent;
 - 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.

8 Review of Consent Conditions

- 8.1 The Regional Council may, on completion of any environmental impact investigation or compliance report that shows there is an adverse effect on bed or banks of water bodies as a result of the presence of the stormwater infrastructure, its installation or maintenance, or as a result of vegetation management, serve notice on the consent holder under s.128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent. The purpose of such a review is to assess the need for a review of a Catchment Management Plan, conditions or to require remedial works, as appropriate.

9 Term of Consent

- 9.1 This consent shall expire on 31 May 2055.

10 Resource Management Charges

- 10.1 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.

11 The Consent

- 11.1 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.

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 Heritage New Zealand Pouhere Taonga before any damage, modification or destruction is undertaken.
- 2 Reporting and notification required by conditions of this consent must be directed (in writing) to the Manager Pollution Prevention, Bay of Plenty Regional Council, PO Box 364, Whakatane or fax 0800 884 882 or email notify@boprc.govt.nz, this notification must include the consent number 67481.
- 3 The Regional Council Pollution Hotline Number is 0800 884 883.

- 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 The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.
- 6 Streams and modified watercourses (including land drainage canals with ecological values) are as defined in the Bay of Plenty Regional Natural Resources Plan.
- 7 If no alternative measures can be implemented on site, habitat creation or enhancement nearby may be considered under a separate resource consent.
- 8 Reference: Bay of Plenty Regional Council Hydrological and Hydraulic Guidelines.
- 9 Where rivers or streams are integrated into the primary stormwater system, the design criteria downstream of that point must be as per the current version of the Hydrological and Hydraulic Guidelines.
- 10 Future review/update of the Development Code should take into account climate change effects to 2090.

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 9 July 2020, **hereby grants**:

A resource consent:

- **Under section 14(2)(a) of the Resource Management Act 1991 and Rule WQ R21 of the Bay of Plenty Regional Natural Resources Plan being a discretionary activity to temporarily divert and/or dam water in various water courses within the eastern urban catchments of the Western Bay of Plenty District.**

subject to the following conditions:

1 Purpose

- 1.1 To authorise the temporary damming or diversion of water where it is associated with urban stormwater management and maintenance activities.

Advice Note: For clarity, the purpose of this consent does not include any permanent damming, diversion or re-alignment of any water body listed in Schedule 1 of the Regional Natural Resources Plan, including the construction of stop banks and dams.

2 Location

- 2.1 The urban catchments covered by this consent include:

- i. The Te Puke Catchment as indicated on the Aecom plan titled 'Te Puke Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/1;
- ii. The Paengaroa Catchment as indicated on the Aecom plan titled 'Paengaroa Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/2;
- iii. The Maketu and Little Waihi Catchment as indicated on the Aecom plan titled 'Maketu/Little Waihi Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/3; and
- iv. The Pukehina Catchment as indicated on the Aecom plan titled 'Pukehina Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/4.

3 Map Reference

- 3.1 Stormwater structures and watercourses which are authorised under this consent are shown on the plans referenced in condition 2.

4 Legal Description

- 4.1 Various within the boundaries shown on the plans referenced in condition 2.

5 Notifying the Regional Council

- 5.1 The consent holder must notify the Chief Executive of the Regional Council or delegate, in writing, no less than five working days prior to the start of any work in a freshwater body that will cause damming or diversion of the water. Notification must include details of who is responsible for on site management and ensuring compliance with consent conditions (see Advice Note 2).
- 5.2 Within 5 working days of completion of damming or diversion works authorised under this consent, the consent holder must notify the Chief Executive of the Regional Council or delegate.

Advice Note: The purpose of the notification is to set up a final inspection meeting to verify compliance with the Damming and Diversion Plan required by condition 6.1.

6 Damming and Diversion of Water

- 6.1 The consent holder shall provide to the Chief Executive of the Regional Council or delegate, for certification, a Damming and Diversion Plan, one month prior to any damming or diversion works commencing. The Plan must be prepared by a suitably qualified environmental engineer or environmental specialist and include the proposed work methodology and mitigation measures.

Advice Note: The purpose of certification is to ensure that effects on habitat and instream and riparian ecology are appropriately mitigated and that any temporary effects are appropriately remediated.

- 6.2 For any construction or maintenance work that requires temporary damming or diversion of a river or stream, the consent holder must:
- a) Ensure that the temporary damming or diversion does not adversely affect the ecology or habitat of a wetland to any more than a minor extent;
 - b) Ensure that the temporary damming or diversion does not cause water flow downstream to fall below the instream minimum flow (if there is one set in a regional plan), or adversely affect any authorised water take;
 - c) Effectively stabilise any erosion or scour that results from the temporary damming or diversion of the water;
 - d) Ensure that the temporary dam or diversion structure(s) is maintained in a sound condition for the purpose for which it was constructed and is kept clear of debris;
 - e) Ensure that machinery is kept out of the bed of rivers and streams where practicable and that no machinery refuelling or fuel storage occurs in a location where fuel can enter the water body;
 - f) Take all practicable measures to avoid vegetation, soil, slash or other debris being deposited in a water body and ensure that on completion of any work on the banks or within the bed of a stream, that all debris and construction materials are removed from the bed and banks of the water body;
 - g) Not cause a permanent net loss of aquatic habitat area or a permanent reduction in aquatic habitat quality. This includes degraded or modified aquatic habitat (see Advice Note 6);
 - h) Provide for fish passage;
 - i) Undertake any temporary damming or diversion works outside of the fish spawning and juvenile migration periods listed in the Regional Natural Resources Plan, unless written approval to do otherwise is provided by the Chief Executive of the Regional Council or delegate; and

j) Undertake any additional measures as required by the Chief Executive of the Regional Council or delegate, to avoid, remedy or mitigate any actual or potential adverse effects on the water body as a result of the proposed works.

- 6.3 The banks of a water body must be reinstated to their original contour after completion of the temporary damming or diversion of water.

7 Signage

- 7.1 Prior to the commencement of any damming or diversion 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, as a minimum, the following information:
- a) The name of the project;
 - b) The name of 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.

8 Review of Consent Conditions

- 8.1 The Regional Council may, on completion of any environmental impact investigation or compliance report that shows there is an adverse effect on the environment as a result of the temporary damming or diversion of water, serve notice on the consent holder under s.128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent. The purpose of such a review is to remediate any effect that was not anticipated at the time of granting consent.

9 Term of Consent

- 9.1 This consent shall expire on 31 May 2055.

10 Resource Management Charges

- 10.1 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.

11 The Consent

- 11.1 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.

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 Heritage New Zealand Pouhere Taonga before any damage, modification or destruction is undertaken.

- 2 Reporting and notification required by conditions of this consent shall be directed (in writing) to the Manager Pollution Prevention, Bay of Plenty Regional Council, PO Box 364, Whakatane or fax 0800 884 882 or email notify@boprc.govt.nz, this notification shall include the consent number 67481.
- 3 The Regional Council Pollution Hotline Number is 0800 884 883.
- 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 The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.
- 6 If no alternative measures can be implemented on site, habitat creation or enhancement nearby may be considered under a separate resource consent.

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 9 July 2020, **hereby grants**:

A resource consent:

- **Under section 12(1)(c) and (d) of the Resource Management Act 1991 and Rules DD 14 and DD 15 of the Bay of Plenty Regional Coastal Environment Plan to undertake a discretionary activity being disturbing, depositing material or dredging of the bed of the Coastal Marine Area, including within an Indigenous Biological Diversity Area A**

subject to the following conditions:

1 Purpose

- 1.1 The purpose of this resource consent is to authorise dredging and disturbance of the seabed and deposition of material in the Coastal Marine Area, including within an Indigenous Biological Diversity Area A, associated with stormwater infrastructure maintenance or erosion protection.

2 Location

- 2.1 The urban catchments covered by this consent include:
- i. The Maketu and Little Waihi Catchment as indicated on the Aecom plan titled 'Maketu/Little Waihi Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/3
 - ii. The Pukehina Catchment as indicated on the Aecom plan titled 'Pukehina Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/4

3 Map Reference

- 3.1 Stormwater structures and outlets which are authorised under this consent are shown on the plans referenced in condition 2.

4 Legal Description

- 4.1 Various within the boundaries shown on the plans referenced in condition 2.

5 Notifying the Regional Council

- 5.1 The consent holder must notify the Chief Executive of the Regional Council or delegate, in writing, no less than five working days prior to the start of any work resulting in the dredging or disturbance of the seabed or deposition of a substance in the coastal marine area (CMA). Notification at this time must include details of who is responsible for on site management and compliance with consent conditions (see Advice Note 2).

Advice Note: The CMA is defined as the foreshore, seabed, coastal water and airspace above the water of which the landward boundary is the line of mean high water spring, except where that line crosses a river, then the landward boundary is the lesser of one kilometre upstream or a distance five times the width of the river mouth.

- 5.2 Within 30 working days of completion of any stormwater related works authorised under this consent, the consent holder must submit a Statement, signed by a suitably qualified person (e.g. coastal ecologist, Chartered Professional Engineer), to certify that the works have been undertaken in accordance with best practice.

6 Dredging, Disturbance and Deposition in the Coastal Marine Area

- 6.1 Any erosion or scour of the foreshore or seabed resulting from works authorised by this consent must be effectively stabilised.
- 6.2 Prior to the commencement of any dredging, disturbance and deposition works the consent holder must provide to the Chief Executive of the Regional Council or delegate a Works Plan, prepared and certified by a suitably qualified and experienced person(s). The Works Plan certification must include, but not be limited to confirmation that:
- (a) The work methodology meets best practice;
 - (b) The work methodology minimises foreshore and seabed disturbance;
 - (c) The volume and area of any proposed dredging is appropriate;
 - (d) The disturbance is temporary in nature and that any potential adverse ecological effects will be appropriately avoided, remedied or mitigated.
- 6.3 Dredging provided for in condition 6.2 must be limited to the minimum area and volume required for the clearance of accumulated sediments at stormwater outlets to maintain their conveyance capacity and must not exceed 100 cubic metres per outlet for any single dredging event.
- 6.4 Works involving the dredging or disturbance of the seabed and deposition of material in the CMA must be overseen by a suitably qualified engineer, coastal ecologist or other suitably qualified person.

7 Signage

- 7.1 Prior to the commencement of works authorised 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, as a minimum, the following information:
- (a) The name of the project;
 - (b) The name of the main site contractor;
 - (c) A 24 hour contact telephone number for the consent holder or appointed agent;
 - (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.

8 Review of Conditions

- 8.1 The Regional Council may, on completion of any environmental impact investigation or compliance report that shows there is an adverse effect on the environment as a result of any dredging, disturbance or deposition works in the CMA, serve notice on the consent holder under s.128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent. The purpose of such a review is to assess the need for additional mitigation, monitoring, or remedial works, as appropriate.

9 Term of Consent

- 9.1 This consent shall expire on 31 May 2055.

10 Resource Management Charges

- 10.1 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.

11 The Consent

- 11.1 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.

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 Heritage New Zealand Pouhere Taonga before any damage, modification or destruction is undertaken.
- 2 Reporting and notification required by conditions of this consent must be directed (in writing) to the Manager Pollution Prevention, Bay of Plenty Regional Council, PO Box 364, Whakatane or fax 0800 884 882 or email notify@boprc.govt.nz, this notification must include the consent number 66823.
- 3 The Regional Council Pollution Hotline Number is 0800 884 883.
- 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 The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 9 July 2020, **hereby grants:**

A resource consent:

- **Under section 12(2)(a) of the Resource Management Act 1991 and Rules SO 12 and SO 13 of the Bay of Plenty Regional Coastal Environment Plan to undertake a discretionary activity being to occupy and use the Coastal Marine Area, including within an Indigenous Biological Diversity Area A**

subject to the following conditions:

1 Purpose

- 1.1 The purpose of this resource consent is to authorise the occupation of space within the Coastal Marine Area, including within an Indigenous Biological Diversity Area A, by existing stormwater infrastructure, and provide for the maintenance of that infrastructure.

2 Location

- 2.1 The urban catchments covered by this consent include:
- i. The Maketu and Little Waihi Catchment as indicated on the Aecom plan titled 'Maketu/Little Waihi Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/3
 - ii. The Pukehina Catchment as indicated on the Aecom plan titled 'Pukehina Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/4

3 Map Reference

- 3.1 Stormwater structures and outlets which are authorised under this consent are shown on the plans referenced in condition 2.

4 Legal Description

- 4.1 Various within the boundaries shown on the plans referenced in condition 2.

5 Occupation and Use of Space in the Coastal Marine Area (CMA)

- 5.1 The consent holder must ensure that discharge structures in the CMA authorised by this consent do not impede public access to the CMA, except where the restriction of access is necessary to ensure public health and safety.
- 5.2 The consent holder must maintain all discharge structures in the CMA authorised by this consent in a structurally sound state.

6 Term of Consent

- 6.1 This consent shall expire on 31 May 2055.

7 Resource Management Charges

- 7.1 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.

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.

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 9 July 2020, **hereby grants**:

A resource consent:

- Under section 15(1) of the Resource Management Act and Rule CD 7 of the Bay of Plenty Regional Coastal Environment Plan to undertake a restricted discretionary activity being to discharge stormwater to coastal water
- Under section 15(1) of the Resource Management Act 1991 and Rule DW R8 of the Bay of Regional Plenty Natural Resources Plan being a discretionary activity to discharge stormwater to water or to land where it may enter water within the eastern urban catchments of the Western Bay of Plenty District; and
- Under section 15(1) of the Resource Management Act 1991 and Rule DW R21 of the Bay of Plenty Regional Natural Resources Plan being a restricted discretionary activity to discharge stormwater to water within the eastern urban catchments of the Western Bay of Plenty District; and
- Under section 15(1) of the Resource Management Act 1991 and Rule DW R23 of the Bay of Plenty Regional Natural Resources Plan being a restricted discretionary activity to discharge stormwater to land soakage within the eastern urban catchments of the Western Bay of Plenty District; and

subject to the following conditions:

1 Purpose

1.1 The purpose of this resource consent is to:

- a) Authorise the discharge of stormwater from urban areas within the Eastern Catchments (refer to condition 2) of the Western Bay of Plenty District associated with the resource consents outlined in Appendix E 'Existing Consents for Eastern Catchments' in the Catchment Management Plan (prepared by AECOM, dated 14 December 2018) submitted in support of this application and set out in Schedule 1 of this consent (as may be updated to include applicable consents which post-date the decision on this Comprehensive Stormwater Consent); and
- b) To authorise temporary discharges of sediment contaminated stormwater from earthworks related to the replacement of stormwater infrastructure; and
- c) To incorporate existing stormwater discharges associated with the existing resource consents set out in Schedule 1 of this consent.

Advice Note 1: *The purpose of this consent does not include:*

- a) *Discharges of contaminated stormwater from land zoned Industrial under the Western Bay of Plenty District Plan. Contaminant discharges from industrial premises are to be authorised separately by the Regional Council.*
- b) *The discharge of stormwater from greenfield development and new subdivisions within the Te Puke West Structure Plan Area. These activities will require authorisation by a third-party resource consent, which may be transferred to the Western Bay of Plenty District Council.*

2 Location

2.1 The urban catchments covered by this consent include:

- i. The Te Puke Catchment as indicated on the Aecom plan titled 'Te Puke Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/1
- ii. The Paengaroa Catchment as indicated on the Aecom plan titled 'Paengaroa Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/2
- iii. The Maketu and Little Waihi Catchment as indicated on the Aecom plan titled 'Maketu/Little Waihi Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/3
- iv. The Pukehina Catchment as indicated on the Aecom plan titled 'Pukehina Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/4

The stormwater monitoring locations referenced by this consent include:

- i. Within the Te Puke Catchment as indicated on the Aecom plan titled 'Te Puke Catchment Environment Monitoring Locations', referenced as B.O.P.R.C. Plan No. RC 67481/5
- ii. Within the Paengaroa Catchment as indicated on the Aecom plan titled 'Paengaroa Catchment Environment Monitoring Locations', referenced as B.O.P.R.C. Plan No. RC 67481/6
- iii. Within the Maketu and Little Waihi Catchment as indicated on the Aecom plan titled 'Maketu/Little Waihi Catchment Environment Monitoring Locations', referenced as B.O.P.R.C. Plan No. RC 67481/7
- iv. Within the Pukehina Catchment as indicated on the Aecom plan titled 'Pukehina Catchment Environment Monitoring Locations', referenced as B.O.P.R.C. Plan No. RC 67481/8

3 Map Reference

- 3.1 Stormwater structures, ponds and outlets from which discharges are authorised under this consent are shown on the plans referenced in condition 2, together with the stormwater discharges listed in Appendix E 'Existing Consents for Eastern Catchments' in the Catchment Management Plan submitted in support of this application.

4 Legal Description

- 4.1 Various within the boundaries shown on the plans referenced in condition 2.

5 Notifying the Regional Council

- 5.1 The consent holder must notify the Chief Executive of the Regional Council or delegate, in writing, within 10 working days after the grant of this consent, the details of who is responsible for management of the stormwater network and compliance with the conditions of this consent (see Advice Note 2).
- 5.2 The consent holder must notify the Chief Executive of the Regional Council or delegate, in writing, of all spills, accidents or similar incidents that result in contaminants entering the stormwater network authorised under this consent. Such notification must be undertaken by contacting the Regional Council Pollution Hotline (see Advice Note 3).

6 Stormwater Management

- 6.1 Stormwater must be managed in general accordance with the latest version of the following standards and Guidelines:
 - a) The Regional Hydrological and Hydraulic Guidelines;
 - b) The Stormwater Strategy for the Bay of Plenty Region and the Stormwater Management Guidelines for the Bay of Plenty Region;
 - c) The New Zealand Building Code; or
 - d) Any alternative standards certified as appropriate by the Chief Executive of the Regional Council or delegate.

- 6.2 Discharges from all new stormwater infrastructure and any upgrades of existing stormwater infrastructure must meet the following design criteria:
- a) Overland flow paths must allow the passage of a 2% AEP (Q50) storm event without floodwater entering buildings;
 - b) The primary reticulated stormwater network must have capacity to hold the 20% AEP (Q5) storm event, in accordance with the Western Bay of Plenty Development Code;
 - c) Stormwater infrastructure upgrades must not cause or exacerbate flooding by constricting waterways, recognised floodplains or overland flow-paths;
 - d) Stormwater model downstream design boundaries must meet the criteria set out in the Regional Hydrological and Hydraulic Guideline criteria;
 - e) Rainfall design must use NIWA HIRDS V4, or an alternative certified by the Chief Executive of the Regional Council or delegate, and include climate change to 2090;
 - f) Any new or upgraded stormwater infrastructure that has been transferred to the consent holder and is required due to new or infill development must result in a peak design stormwater discharge of no more than 80% of the pre-development peak stormwater discharge for the 1% AEP (Q100) critical storm event inclusive of climate change;
 - g) Any new or upgraded stormwater infrastructure that has been transferred to the consent holder and is required due to new or infill development must result in a peak design stormwater discharge of no more than 100% of the pre-development peak stormwater discharge for the 50% AEP (Q2) and 10% AEP (Q10) storm events;
 - h) Scour and erosion protection of outlets, streams, channels and overland flow paths must cater for at least the 5% AEP (Q20) storm event flows without damage to the erosion protection;
 - i) Upgrades of existing stormwater infrastructure involving ponds and embankments (and their foundations) used to hold water must be designed and certified by a Chartered Professional Geotechnical Engineer;
 - j) Where upgrades of existing stormwater infrastructure involve ponds, the ponds must be provided with a spillway to carry the 1% AEP (Q100) critical storm event inclusive of climate change with a minimum of 0.5 metre embankment freeboard;
 - k) Any upgrades of existing offline reticulated stormwater infrastructure discharging to a waterway must result in stormwater system discharges being treated using a method consistent with the standards and guidelines in condition 6.1 that traps at least 75% of the contributing catchment's long-term sediment discharge;
 - l) Elevated water temperature in ponds and open channels must be mitigated where practical;
 - m) Structures in the beds of waterways must not restrict flows or cause more than localised increases in flow velocities to any more than a minor extent, nor impede fish passage;
 - n) Alterations to natural/existing waterways resulting from upgrades of existing stormwater infrastructure must be designed to avoid a net loss of aquatic habitat area or a reduction in aquatic habitat quality. This includes degraded or modified aquatic habitats. Where it is not practical to avoid a net loss of aquatic habitat or a reduction in aquatic habitat quality, the residual loss or reduction shall be offset through the creation or enhancement of aquatic habitat in the same catchment. Any proposed offsets must be certified by the Chief Executive of the Regional Council or delegate,
- Advice Note:** *When considering any offsets for certification purposes, the Regional Council should consider the methodology set out in 'Biodiversity Offsetting under the Resource Management Act, a Guidance Document (2018, LGNA)' as may be amended from time to time;*
- or
- o) Any alternative design criteria approved by the Chief Executive of the Regional Council or delegate.

6.3 New stormwater infrastructure must be designed by a suitably qualified Chartered Professional Engineer.

6.4 The consent holder must provide a signed completion certificate from a suitably qualified Chartered

Professional Engineer to verify that any new stormwater infrastructure meets the design criteria set in condition 6.2 or any alternative design criteria approved by the Chief Executive of the Regional Council or delegate in accordance with condition 6.2(o).

6.5 The consent holder must implement the following general principles of stormwater management (refer Advice Note 6):

a) To encourage, and where appropriate for new development or redevelopment require, the use of Low Impact Design solutions as a preferred option to stormwater management where this is practicable;

Advice Note: *Examples of Low Impact Design Solutions may include, but are not limited to the use of grassed swales and rain gardens for stormwater treatment and flow attenuation.*

b) The avoidance or mitigation of erosion resulting from the discharge of stormwater;

c) The use of ground soakage as a preferred option for the disposal of stormwater from roofs of buildings where such soakage does not exacerbate subsurface instability;

d) The use of indigenous and site appropriate riparian planting to achieve improved water quality and habitat outcomes. Riparian planting should provide for erosion control while not impeding channel capacity, flows or stormwater system maintenance;

e) The creation, enhancement, protection and use of wetlands, and the estuarine environments of the Maketu and Little Waihi estuaries, to achieve improved water quality and biodiversity outcomes;

f) The use of stormwater detention ponds to provide treatment and attenuation of stormwater where other low impact design solutions are not practicable.

6.6 The consent holder must undertake stormwater flood modelling on a catchment basis that includes climate change factors to 2090, to be included in the first six yearly review of the Catchment Management Plan (refer Advice Note 7). In relation to the Te Puke Urban Area this modelling shall be designed to enable the assessment required by condition 6.7 to be carried out and shall include both peak stormwater levels and stormwater volume for the 20%, 10% and 1% Annual Exceedance Probability storm event (excluding climate change).

Advice Note: *The catchment wide modelling (as set out in conditions 6.6 to 6.9) relates to all catchments under this consent, including the 3 smaller urban settlement catchments Pukehina Maketu/Little Waihi and Paengaroa, as well as the Te Puke Urban Area.*

*The **Te Puke Urban Area** refers to the Te Puke residential and commercial urban area which includes established residential and commercial development and greenfield areas. Although the modelling may include industrial areas for baseline comparison purposes, any effects assessment required by condition 6.7 reflects the scope of this Consent and therefore does not include the following areas:*

- *Te Puke West Structure Plan;*
- *Te Puke West Industrial Area, nor*
- *All other industrial zoned areas of Te Puke*

6.7 The modelling required by condition 6.6 must be used as a tool to assess the effects of urban expansion, changes in stormwater management and stormwater infrastructure upgrades. In relation to the Te Puke Urban Area this assessment must include the impact of the current and future developed state of the Te Puke Urban Area on flooding of farmland downstream of the discharge points on those areas situated within the catchment of the Lower Kaituna Scheme. The assessment in relation to the Te Puke Urban Area shall be provided to the consent authority and Bay of Plenty Rivers and Drainage (BOPRC-RAD) within 24 months of commencement of this consent.

Advice Note: *The specific modelling and assessment relating to the Te Puke Urban Area provided for in conditions 6.6 and 6.7 has been offered by the consent holder to resolve the submission by Bay of Plenty Regional Council Rivers and Drainage (**BOPRC-RAD**) which raised concerns about the impact of stormwater from the Te Puke Urban Area on the capacity of Bay of Plenty Regional Council's Lower Kaituna Drainage Scheme (**Lower Kaituna Scheme**) to manage the impact of flooding on farmland downstream of the discharge points from the Te Puke Urban Area within the catchment of the Lower Kaituna Scheme. The consent holder agrees to be bound by conditions 6.6 and 6.7.*

- 6.8 Revised flood maps based on this modelling (including in relation to the Te Puke Urban Area) must be added to the Catchment Management Plan as part of each six yearly review.
- 6.9 Flood mitigation and reduction measures to address flood risks identified through the modelling required by condition 6.6 and assessment required by condition 6.7 (including any specific to the Te Puke Urban Area), must be scheduled on a risk and priority basis in the consent holder's Long-Term Plan (budget) and the Asset Management Plan (works).
- 6.10 Any new urban development incorporated into this consent, must not increase downstream flooding and must provide for stormwater treatment consistent with the standards and guidelines in condition 6.1 prior to discharge into a water body.
- 6.11 All stormwater network assets authorised by this consent must be mapped in a GIS database, within 12 months of the granting of this consent, and be made available to the Chief Executive of the Regional Council or delegate on request.
- 6.12 The schedule of works identified in the Asset Management Plan must be linked to the GIS database required by condition 6.11 and be made available to the Chief Executive of the Regional Council or delegate on request.
- 6.13 The consent holder must ensure that all stormwater ponds are maintained so as to retain their initial design capacity at all times, to the satisfaction of the Chief Executive of the Regional Council or delegate.
- 6.14 The consent holder must ensure that all treatment devices, including, but not limited to debris deflectors, catchpits, swales and constructed wetlands are maintained in sound operating condition at all times, to the satisfaction of the Chief Executive of the Regional Council or delegate.
- 6.15 All sediment and debris removed from stormwater treatment systems and ponds as a result of maintenance operations must be removed off-site to an authorised facility or placed in a suitable location where it cannot re-enter a water body.

7 Catchment Management Plan

- 7.1 The consent holder must manage the catchments in general accordance with the Catchment Management Plan submitted in support of this application.
- 7.2 The Catchment Management Plan submitted in support of this application, must be reviewed and updated to reflect land use changes and urban development within the catchments and the requirements of this consent, within 12 months of this consent commencing in relation to all catchments and thereafter on a six yearly basis (calculated from the date of granting this consent). In addition, the Catchment Management Plan shall be updated as appropriate to include the results of the Te Puke Urban Area assessment carried out pursuant to condition 6.7 when it becomes available. The Consent Holder shall submit the Catchment Management Plan, as well as any updated or reviewed Catchment Management Plan, to the Chief Executive of the Regional Council or delegate for certification prior to implementation.
- 7.3 The reviewed Catchment Management Plan required under condition 7.2 must include:
- a) Identification of catchment stormwater management issues.
 - b) Statutory and non-statutory mechanisms used in the Catchment Management Plan to achieve compliance with the conditions of this consent. These mechanisms may include:
 - i. Relevant objectives, policies and performance standards in the Long-Term Plan;
 - ii. Works and standards identified in the Annual Plan;
 - iii. Relevant bylaws; and
 - iv. Relevant codes, standards and guidelines;

c) An accurate asset register, which includes:

- i. Location of stormwater outlets and treatment devices;
- ii. All stormwater assets, including the reticulated network, all open channels, ponds, constructed wetlands, treatment devices and overland flow paths;
- iii. An assessment of the condition of each asset;
- iv. The flood conveyance capacity of the reticulated network, including all open channels and overland flow paths;
- v. A priority rating for scheduled upgrades based on the asset condition (iii) and conveyance capacity (iv) or flood risk alleviation measures;
- vi. Maintenance requirements for each stormwater asset; and
- vii. An inspection, maintenance and works schedule planned for the next six years.

The asset register must be updated annually.

d) A Mitigation Plan that identifies all areas of the catchments, including the receiving environment, that require any form of mitigation from the effects of urban stormwater discharges. Mitigation may include, but is not limited to: low impact design upgrades, erosion protection, flood protection, and riparian planting. The identified mitigation must be prioritised and scheduled for the next 6 year period. Any measures specifically proposed by the consent holder to address flooding effects identified through the assessment of the Te Puke Urban Area provided for as part of condition 6.7 shall be included.

e) A Monitoring Plan, including monitoring locations, frequency of monitoring and reasonable mixing zones. The locations shall be provided on a map with GIS co-ordinates. The Monitoring Plan must include monitoring the discharge quality of representative stormwater discharges and representative receiving environment sediment and macroinvertebrate conditions.

f) Identification of areas developed for urban related activities in the past 6 year period and areas available for future urban development.

g) Updated flood maps and identification of measures undertaken to avoid, remedy, mitigate or manage any actual and potential adverse effects arising from the flood events (this may be included in the Mitigation Plan). This shall include any updated flood maps and measures specifically proposed by the consent holder to address flooding effects identified through the assessment of the Te Puke Urban Area provided for as part of condition 6.7.

h) An incident management and reporting procedure.

i) A summary of any contaminant source investigations undertaken in the past 6 year period and how stormwater management will address both short and long term issues for any stormwater discharge quality trigger value exceedances.

j) Details of planned industry and community education and awareness programmes.

k) The cultural values of iwi and hapū exercising kaitiakitanga over the catchment area and the related receiving environment where those values have been identified to the consent holder through a process of engagement with those groups, and details of how such cultural values are proposed to be integrated into stormwater management in that area following engagement on these issues.

l) Without limiting the generality of condition 7.3(k), the cultural values of Ngati Pikiao in relation to the Maketu and Little Waihi Catchments in respect of which Ngati Pikiao has kaitiaki and ahi ka responsibilities, identified by Ngati Pikiao and included in the cultural values plan and monitoring programme developed by Ngati Pikiao.

m) Matauranga Maori operational response and implementation actions agreed by the Consent Holder to mitigate any cultural effects identified by Ngati Pikiao through monitoring and/or management plans prepared for Maketu and Little Waihi Estuaries. When submitting the Catchment Management Plan (as well as any reviewed or updated versions of the same) to the Chief Executive of the Regional Council pursuant to Condition 7.2 the Consent Holder shall identify any Matauranga Maori operational response and implementation actions identified by Ngati Pikiao that are not adopted by the Consent Holder as well as the reasons that it has not adopted those options including but not limited to:

- i. Consideration of kaitiakitanga and mana whakahaere consistent with the fundamental concepts of the NPS Freshwater Management 2020; and
- ii. Cost benefit analysis (consistent with the scale and scope of the issue being addressed).

Advice Note: Ngati Pikiao ki Tai made a submission on the application for this consent seeking recognition of the special relationship of Ngati Pikiao with the Maketu and Little Waihi Estuaries,

which involves concepts of kaitiakitanga and ahi ka. A process to identify relevant cultural values has been agreed between the consent holder and Ngati Pikiao and is recorded in a separate memorandum of understanding between those parties. This condition will enable cultural values identified through that process to be integrated into stormwater management through the catchment management plan review process. It is acknowledged that other iwi and hapu also have relationships with these estuaries.

n) A list of discharge and structure consents which have been transferred to the consent holder, since this CSC consent was granted.

- 7.4 New stormwater infrastructure to be included in the Catchment Management Plan must be clearly identified in each six-yearly review.
- 7.5 The Monitoring Plan required by condition 7.3(e) must be prepared, for the catchment and the receiving environment, by a suitably qualified environmental scientist(s).
- 7.6 The Monitoring Plan and any update to the Monitoring Plan, Asset Management Plan or Mitigation Plan shall be forwarded to the Chief Executive of the Regional Council or delegate for certification that it complies with conditions 7.3(e) and 9.1 prior to implementation.

Advice Note: Certification by the Regional Council will be undertaken by the following Regional Council staff or contracted staff:

a) Plans relating to water quantity, e.g. Stormwater infrastructure design, modelling, erosion protection structures, will be certified by a suitably qualified engineer.

b) Proposals, plans and designs relating to stormwater treatment will be certified by a suitably qualified environmental engineer and/ or environmental specialist.

c) Monitoring Plans, monitoring results trend analysis and proposed mitigation relating to effects on the receiving aquatic environment and the coastal marine environment will be undertaken by a suitably qualified ecologist.

d) Monitoring Plans, monitoring results and trends relating to stormwater quality and instream water quality will be undertaken by a suitably qualified environmental specialist.

e) The overall Catchment Management Plan and plan reviews will be certified as complete by the Regional Council Compliance Officer after the various components listed in a) to d) above have been certified by the relevant experts.

8 Stormwater Quality

- 8.1 Where the quality of receiving waters into which stormwater is discharged exceeds the trigger levels listed Table 1 of Appendix A to this consent after reasonable mixing, the consent holder must implement the actions identified in condition 9.2.
- 8.2 Where sediment in the receiving environment into which stormwater is discharged exceeds the trigger levels listed in Table 2 of Appendix A to this consent, the consent holder must implement the actions identified in condition 9.2.
- 8.3 The consent holder may amend the trigger values in Appendix A to be consistent with any amendments to the water quality classifications in the Regional Natural Resources Plan or the inclusion of any new standard in the National Policy Statement for Freshwater Management or national environmental standards. However, prior to being applied, any amended Appendix A trigger values must be certified by the Regional Council Chief Executive or delegate.
- 8.4 No stormwater discharge resulting from the exercise of this consent shall result in any of the following after reasonable mixing:
 - a) The production of 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;
- d) Any significant adverse effects on aquatic life;
- e) The natural temperature of the water being changed by more than three degrees Celsius; or
- f) Aquatic organisms being rendered unsuitable for human consumption by the presence of contaminants.

9 Discharge Monitoring and Reporting

9.1 The Monitoring Plan required by condition 7.3(e) must include the following specifications:

- a) Monitoring of stormwater quality on a quarterly basis, at least three days after any rainfall event (but within one month of the quarterly due date) at the 'Freshwater Sample Site Locations' identified in B.O.P.R.C. plans numbered RC 67481/5 (Te Puke Catchment), RC 67481/6 (Paengaroa Catchment), RC 67481/7 (Maketu/Little Waihi Catchment) and RC 67481/8 (Pukehina Catchment).
- b) Representative samples of stormwater discharges must also include the following locations:
 - (i) Upstream of "discharge";
 - (ii) Downstream of the "discharge" in the freshwater receiving environment (after accounting for reasonable mixing);
 - (iii) In coastal water (below MHWS).
- c) Representative sediment samples must be taken at a depth of sediment not greater than 2cm and composed of not less than 10 sub-samples taken from a minimum of 5 metres of stream length at the discharge, upstream and downstream locations identified in condition 9.1(a) and 9.1(b). Analysis for metals shall be undertaken at trace detection level.
- d) Annual measurements of the stream channel width downstream of representative urban stormwater discharges into receiving freshwater streams as a stream bank erosion indicator. The exact location(s) of the channel measurements must be provided to the Regional Council Chief Executive or delegate within 12 months of granting this consent (map and GPS Co-ordinates). All subsequent measurements must be taken annually at the same location(s).
- e) Investigations of the cause of streambank erosion or scour that has resulted in any increase of 5% or more in stream channel width from the grant of this consent.
- f) All water and sediment analyses must be carried out by an IANZ registered laboratory.
- g) All macroinvertebrate surveys must be undertaken by a suitably qualified and experienced ecologist.

9.2 In the event that receiving environment monitoring identifies that any water quality trigger value referred to in condition 8.1 is exceeded, a further sample shall be taken as soon as practicable and no later than 2 months. If any water quality trigger value referred to in condition 8.1 is exceeded in three consecutive sampling results for the same site, the consent holder must undertake a contaminant source investigation as soon as practicable and no later than 3 months of the third exceedance and submit a report to the Regional Council Chief Executive or delegate detailing:

- a) The potential source(s) of high contaminant loads within the catchment of the respective network;
- b) The options available to limit the further discharge of the high contaminant loads into the respective network;
- c) All remedial options presented by Ngati Pikiao in relation to the Little Waihi/Maketu Estuaries;
- d) The ability to implement potential remedial options as outlined in (b) and (c) above;
- e) The selection of specific remedial option(s) to address the breach(es) in trigger levels, including any additional or alternative remedial options and/or monitoring requirements, and corresponding implementation timeframes, agreed between the consent holder and Ngati Pikiao in respect of the Little Waihi/Maketu Estuaries;

f) Additional monitoring requirements to further characterise the discharge and/or post implementation of the remedial option(s) to establish compliance with trigger levels; and

g) The timeline for implementation of the selected remedial option(s) and/or monitoring.

9.3 Where a trigger level is exceeded at any of the locations specified in conditions 9.1(a) or 9.1(b) relating to the Little Waihi and Maketu Estuaries, the consent holder must engage with Ngāti Pikiao to provide a copy of the monitoring results within one week of receipt and, following that, engage with Ngāti Pikiao to provide feedback on the contaminant source investigation methodology required by Condition 9.2, prior to the finalisation of the report methodology required by Condition 9.2.

9.4 The engagement contemplated by condition 9.3 will involve consideration of any additional or alternative remedial options and/or monitoring requirements proposed by Ngāti Pikiao and timeframes for their implementation.

9.5 Where additional or alternative remedial options and/or monitoring requirements proposed by Ngāti Pikiao are not adopted by the Consent Holder, the Consent Holder shall report on the reasons that it has not adopted those options including but not limited to an analysis including:

(a) Consideration of kaitiakitanga and mana whakahaere consistent with the fundamental concepts of the NPS Freshwater Management 2020; and

(b) Cost benefit analysis (consistent with the scale and scope of the issue being addressed).

9.6 The consent holder must implement the selected options as per the timeline identified in the report provided under condition 9.2.

9.7 The consent holder must submit to the Regional Council Chief Executive or delegate an annual report for the Eastern Catchments, in November of each year, covering:

a) A summary report of any monitoring undertaken including an analysis of the monitoring results;

b) Any stormwater network or stormwater infrastructure upgrade works undertaken;

c) Any stormwater induced erosion, flood risk alleviation, or stormwater quality mitigation measures implemented;

d) Any incidents resulting in unanticipated contaminants entering the stormwater network, the investigation of the cause of the incidents and any remedial actions implemented to avoid a repeat occurrence of the incident;

e) An updated Asset Register; and

f) Any new structures to be included in the consent (Asset Register).

9.8 After three consecutive years of sampling without exceedance of trigger levels, the number of sampling locations identified in condition 9.1(a) may be reviewed to determine if this can be reduced, and the findings of the review shall be included in the annual report submitted to the Regional Council.

9.9 After five consecutive years of quarterly sampling without exceedance of trigger levels, the frequency of sampling identified in condition 9.1(a) may be reviewed to determine if this can be reduced to six monthly, and the findings of the review shall be included in the annual report submitted to the Regional Council. Any review shall consider, in relation to the Little Waihi and Maketu Estuaries, the state and trends of water quality based on monitoring results, as well as any

results reported to the Consent Holder by Ngati Pikiao from the implementation of the cultural values plan and monitoring programme developed by Ngati Pikiao referred to in condition 7.3(l) and (m), which may include impacts on the mauri of the Little Waihi and Maketu Estuaries to the extent that this is included in any reporting by Ngati Pikiao.

9.10 The consent holder must submit to the Regional Council Chief Executive or delegate a Catchment Management Overview Report to accompany the Catchment Management Plan review, on a 6-yearly basis, from the date of granting of this consent (Refer Advice Note 9). The Report must include, but not be limited to:

- a) An assessment of the catchment flood risk indicating improvements made over time;
- b) A summary of any stormwater network upgrades and mitigation measures implemented, including treatment devices and low impact design improvements and specifically progress in achieving the requirements of condition 6.2(k);
- c) An assessment of the effectiveness of previous mitigation methods and identification of any changes from previous methods used;
- d) State of the receiving environment monitoring and trends;
- e) A list of consents transferred to this consent;
- f) A schedule of any changes to the Catchment Management Plan.

10 Flood Monitoring and Reporting – Te Puke Urban Area

- 10.1 The consent holder shall operate and maintain continuous flow recorders at the 'Freshwater Sample Site Locations' identified in B.O.P.R.C. plans numbered RC 67481/5 (Te Puke Catchment), RC 67481/6 (Paengaroa Catchment), RC 67481/7 (Maketu/Little Waihi Catchment) and RC 67481/8 (Pukehina Catchment) for the duration of this consent.
- 10.2 Results of ongoing monitoring shall be provided to BOPRC at the time of collection, and on an annual basis shall be assessed, validated, collated and interpreted to establish flood levels.
- 10.3 The consent holder shall keep records of the flow levels required under condition 10.1 and prepare an annual report for BOPRC with details of the recorded flow levels and scale of rainfall events experienced during each annual period.
- 10.4 The consent holder shall ensure that the results of the annual monitoring of flood levels required under condition 10.3 above are submitted to BOPRC by 30 November; and shall be made available to the general public on request.

11 Review of Conditions

- 11.1 The Regional Council may, on receipt of a 6 yearly Catchment Management Overview and Monitoring Report or upon receiving notice of any exceedance of the trigger values in Appendix A, serve notice on the consent holder under s.128(1)(a)(ii) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent. The purpose of such a review is to assess the need for additional monitoring or treatment of stormwater, or to require an environmental impact investigation, if appropriate.
- 11.2 The Regional Council may, on completion of any environmental impact investigation or compliance report that shows there is a decline in the habitat quality or ecological value of the receiving environment, as a result of a stormwater discharge authorised by this CSC, serve notice on the consent holder under s.128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent. The purpose of such a review is to assess the need for a review of a Catchment Management Plan, or additional monitoring, treatment, discharge control conditions or erosion protection relating to stormwater discharges authorised by this CSC, as appropriate.
- 11.3 The Regional Council may serve notice on the consent holder under s.128(1)(a)(i) and/or (iii) of the

Resource Management Act 1991 of its intention to review condition 6.2 of this consent, to align the design criteria for new infrastructure with any updated criteria required to manage climate change effects.

11.4 The Regional Council may serve notice on the consent holder under s.128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the trigger limits set in Appendix A to this consent, to align with any limits set in National Policy Statement(s), National Environmental Standards or regulations, or an Operative Regional Plan.

11.5 The Regional Council may, on completion of any environmental impact investigation or compliance report that the stormwater discharge is causing erosion in the receiving environment, including stream channel widening or scour, serve notice on the consent holder under s.128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent. The purpose of such a review is to assess the need for additional monitoring, modelling and remedial action.

12 Term of Consent

12.1 This consent shall expire on 31 May 2055.

13 Resource Management Charges

13.1 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.

14 The Consent

14.1 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.

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 Heritage New Zealand Pouhere Taonga before any damage, modification or destruction is undertaken.
- 2 Reporting and notification required by conditions of this consent must be directed (in writing) to the Manager Pollution Prevention, Bay of Plenty Regional Council, PO Box 364, Whakatane or fax 0800 884 882 or email notify@boprc.govt.nz, this notification must include the consent number 67481.
- 3 The Regional Council Pollution Hotline Number is 0800 884 883.
- 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 The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.
- 6 It is recommended that the Western Bay District Council's Development Code be updated to require stormwater treatment and low impact design.
- 7 Modelling of stormwater should include a nested design storm that includes the full range of design intensities up to 24 hours and downstream boundary conditions should be selected in accordance with the BOPRC Hydrological and Hydraulic Guidelines. Note that this is at peak tide and a dynamic downstream boundary may be necessary for design of some systems.

- 8 Stormwater quality samples should be taken within the first 30 minutes of a storm event to capture the first flush and freshwater receiving environment sampling is the most representative if taken during the storm event, where it is practical to do so.
- 9 The Catchment Overview Report (condition 9.8) is intended as a summary of the catchment management outcomes for the past six years, whereas the CMP Review and updated CMP document how the catchment will be managed in the upcoming six year period.
- 10 This consent does not authorise discharges into the consent holder's system from high risk facilities/sites as identified in Schedule 4 of the Regional Natural Resources Plan unless a separate discharge consent is obtained, transferred to the consent holder, and included as part of this comprehensive stormwater consent.
- 11 Existing privately held stormwater discharge consents do not form part of this consent unless transferred to the consent holder.
- 12 On granting of this consent the consent holder is advised to provide a signed surrender form to the Regional Council for the surrender of all current consents held by the consent holder (listed in Appendix E of the Catchment Management Plan provided with the application and set out in Schedule 1 of this consent).
- 13 Where rivers or streams are integrated into the primary stormwater system, the design criteria downstream of that point must be as per the Hydrological and Hydraulic Guidelines.
- 14 Future review/update of the Development Code should take into account climate change effects to 2090.
- 15 The consent holder should work together with BOP-RAD Asset Manager on a combined approach to the stormwater model required under conditions 6.6-6.7 for the Te Puke Urban Area; with the goal to collectively agree on how best to fund and develop a combined model.

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 9 July 2020, **hereby grants**:

A resource consent:

- **Under section 9(2)(a) of the Resource Management Act 1991 and Rule LM R4 of the Bay of Plenty Regional Water and Land Plan to undertake a discretionary activity being to carry out earthworks in the coastal margin, between 0 to 20 metres from the Coastal Marine Area; and**
- **Under section 9(2)(a) of the Resource Management Act 1991 and Rule LM R8 of the Bay of Plenty Regional Natural Resources Plan to undertake a controlled activity being land and soil disturbance by vegetation clearance in an ephemeral flow path not in the erosion hazard zone**

subject to the following conditions:

1 Purpose

- 1.1 The purpose of this resource consent is to authorise earthworks required for the maintenance or reconstruction of stormwater infrastructure in the coastal margin and vegetation clearance in an ephemeral flow path that is not in the erosion hazard zone.

2 Location

- 2.1 The urban catchments covered by this consent include:
- i. The Te Puke Catchment as indicated on the Aecom plan titled 'Te Puke Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/1
 - ii. The Paengaroa Catchment as indicated on the Aecom plan titled 'Paengaroa Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/2
 - iii. The Maketu and Little Waihi Catchment as indicated on the Aecom plan titled 'Maketu/Little Waihi Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/3
 - iv. The Pukehina Catchment as indicated on the Aecom plan titled 'Pukehina Catchment Management Plan', referenced as B.O.P.R.C. Plan No. RC 67481/4

3 Map Reference

- 3.1 Stormwater structures and watercourses for which earthworks required for their maintenance or reconstruction are authorised under this consent are shown on the plans referenced in condition 2.

4 Legal Description

- 4.1 Various within the boundaries shown on the plans referenced in condition 2.

5 Notifying the Regional Council

- 5.1 The consent holder must notify the Chief Executive of the Regional Council or delegate, in writing, no less than five working days prior to the start of any earthworks in the coastal margin or the start of any vegetation removal in an ephemeral flow path that is not in the erosion hazard zone.

Notification at this time must include details of who is responsible for on site management and compliance with consent conditions (see Advice Note 2).

- 5.2 The consent holder must notify the Chief Executive of the Regional Council or delegate within five working days of completion of any earthworks in the coastal margin and the completion of any vegetation removal in an ephemeral flow path that is not in the erosion hazard zone.

6 Earthworks and Vegetation Clearance

- 6.1 Earthworks in the coastal margin authorised by this consent must not exceed an area of 100 square metres and a volume of 50 cubic metres per “event” to install, maintain, or reconstruct stormwater related infrastructure.
- 6.2 For any earthworks or vegetation removal authorised by this consent, the consent holder must submit an erosion and sediment control plan to the Chief Executive of the Regional Council or delegate no later than five working days prior to the commencement of the works, for certification.

Advice Note: *The purpose of the certification of the erosion and sediment control plan is that it meets the requirements of the Regional Council’s “Erosion and Sediment Control Guidelines for Land Disturbing Activities”, or its successor.*

- 6.3 Erosion and sediment controls must be installed prior to the commencement of works.
- 6.4 Additional erosion and sediment controls must be installed, if required by the Chief Executive of the Regional Council or delegate.
- 6.5 The consent holder must ensure that there is no tracking of sediment off-site.
- 6.6 Any vegetation removed must either be removed from the site, or placed in a manner that ensures it will not be mobilised by stormwater into a watercourse, obstructs or diverts the flow of water, or causes erosion or instability of the banks or beds of watercourse.
- 6.7 For the removal of any exotic plant species that pose a biosecurity risk, the consent holder must submit a removal methodology and disposal plan to the Chief Executive of the Regional Council or delegate for certification.
- 6.8 Any earthworks site or vegetation removal site must be stabilised on completion of the works.

7 Review of Conditions

- 7.1 The Regional Council may, on completion of any environmental impact investigation or compliance report, that shows there is an adverse effect on the environment as a result of the works undertaken, serve notice on the consent holder under s.128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent. The purpose of such a review is to provide for additional controls, as appropriate.

8 Term of Consent

- 8.1 This consent shall expire on 31 May 2055.

9 Resource Management Charges

- 9.1 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.

10 The Consent

- 10.1 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.

Advice Notes

- 1 Except as provided for by consented activity (a) above, all other earthworks required for the maintenance or installation of the reticulated stormwater network, which is not authorised by this consent, shall be undertaken in accordance with the permitted earthworks Rules of the Regional Natural Resources Plan or be authorised through a resource consent.
- 2 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 Heritage New Zealand Pouhere Taonga before any damage, modification or destruction is undertaken.
- 3 Reporting and notification required by conditions of this consent must be directed (in writing) to the Manager Pollution Prevention, Bay of Plenty Regional Council, PO Box 364, Whakatane or fax 0800 884 882 or email notify@boprc.govt.nz, this notification must include the consent number 67481.
- 4 The Regional Council Pollution Hotline Number is 0800 884 883.
- 5 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.
- 6 The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.