


From: Marlene Bosch Marlene.Bosch@boprc.govt.nz 
Subject: RE: Permitted Culvert in Roadside Drain
Date: 16 October 2023 at 4:35 PM
To: Shae Crossan shae.crossan@stratum.nz

MB

Hi Shae

I agree with your assessment. The works are in a manmade drain so s13 RMA is not triggered. The earthworks will meet the permitted earthworks volumes (Rule LM R1), so no s9 consent needed (the permitted rule allows for some sediment discharge provided it does not cause any of the effects in s107 RMA). If there is a stormwater discharge (s15 RMA Discharge) from the works site it must meet DW R20 or DW R22 or obtain a consent. The permitted stormwater discharge rule DW R22 allows for a sediment discharge of up to 150g/m3.

My advice to you originally still stands, that the culvert and works to install the culvert required no earthworks consent (due to volume) and did not trigger any of the culvert rules (BW) as it was not in a river or stream, but in a roadside drain. The drain has the capacity to carry water and cause a discharge to a water body, however, this would only trigger consent if it did not meet the permitted stormwater discharge rules. I consider that any potential discharge could be managed to be permitted by undertaking the works in a dry weather period and utilising appropriate sediment controls. Installing the culvert in the roadside drain in a responsible manner, does not trigger any regional consents.

Regarding your second question below about whether the installation of the culvert would trigger a stormwater discharge consent, I agree that the culvert just facilitates the flow of water in the drain (while providing a road crossing of the drain), so the installation of a culvert by itself is just facilitating stormwater flows and does not necessarily trigger a discharge consent. **However**, the question of whether a stormwater discharge consent is required for the discharge from the drain to the final receiving environment is a bigger question that relates to all sites that discharge to the drain and hence to the final receiving environment. All discharges to the drain must meet the permitted stormwater discharge rules (mainly: no contaminants and not cause flooding) or the discharge to the drain and hence the final receiving environment will require a consent.

Regards

Marlene Bosch
Principal Advisor, Consents
Bay of Plenty Regional Council Toi Moana

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Thriving together – mō te taiao, mō ngā tāngata

From: Shae Crossan <shae.crossan@stratum.nz>
Sent: Monday, 16 October 2023 1:10 pm
To: Marlene Bosch <Marlene.Bosch@boprc.govt.nz>
Subject: RE: Permitted Culvert in Roadside Drain

Hi Marlene,

I was just following up on this as I understand you were away last week, and we are needing to respond to the commissioner by the end of this Wednesday.

In addition to the below, I understand that the installation of a culver within then roadside drain would not

trigger any stormwater discharge assessment requirement under the Regional plan, as it is simply conveying water from one part of the drain to the next.

If you could please confirm that also it would be appreciated.

Thanks,

SHAE CROSSAN Director
Planner

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From: Shae Crossan
Sent: Thursday, October 12, 2023 8:44 AM
To: Marlene Bosch <Marlene.Bosch@boprc.govt.nz>
Subject: Permitted Culvert in Roadside Drain

Hi Marlene,

Further to our discussion a couple of weeks back on this matter, we have now had the WBOPDC hearing on the Tinex Group Limited application at 245 Te Puna Station Road.

The principal matter that we discussed was the installation of a new 1800mm culvert within the roadside drain running along the Te Puna Station Road.

My assessment of the BOPRC Regional Natural Resource Plan provisions for culverts is that these provisions only apply to culverts within a river, lake or stream and that a Roadside Drain does not meet the definition of river, lake or stream. Therefore, a culvert within the roadside drain would be permitted.

If you could please confirm your agreement with his position, it would be appreciated so I can provide this to the hearing's commissioners.

Happy to discuss if required.

Thanks & Regards,

Shae

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