

Resource Consent



Resource Consent RM19-0613-AP

Following the processing of the Application received on the 9 October 2019, the Bay of Plenty Regional Council has granted the applicant(s):

Western Bay of Plenty District Council

Consent(s) to:

RM19-0613-CC.01

Coastal Dredging

Expiry 31 December 2039

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 17th day of December 2019

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 17 December 2019, **hereby grants**:

A resource consent:

- **Under sections 12(1)(c), 12(1)(d) and 12(2)(b) of the Resource Management Act 1991 and Rule DD 14 of the Bay of Plenty Regional Coastal Environment Plan to carry out a discretionary activity being to Remove Material from the Beds of Waihi Stream (One Mile Creek), Two Mile Creek, Waiororo Stream (Three Mile Creek) and Darley Drain and Deposit the Material in the foreshore of the Coastal Marine Area; and**
- **Under 9(3)(a) of the Resource Management Act 1991 and Rule LM R4 of the Bay of Plenty Regional Natural Resources Plan to carry out a discretionary activity being to Deposit Material on Sand Dune Country**
- **Under section 13(1)(b) of the Resource Management Act 1991 and Rule BW R36 of the Bay of Plenty Regional Natural Resources Plan to carry out a discretionary activity being to Remove Material from the Beds of One, Two and Three Mile Creek and the Darley Drain**

subject to the following conditions:

1 Purpose

1.1

For the purpose of preventing the closure of the stream mouths and potential flooding at Waihi Stream (One Mile Creek), Two Mile Creek, Waiororo Stream (Three Mile Creek) and Darley Drain and Deposit the Material in the foreshore of the Coastal Marine Area.

2 Location

2.1

At Waihi Stream (One Mile Creek), Two Mile Creek, Waiororo Stream (Three Mile Creek) and Darley Drain and Deposit the Material in the foreshore of the Coastal Marine Area; as shown on BOPRC Consent Plan RM19-0613/1; Site Plan .

3 Map Reference

3.1

At or about map references:

1. NZTM2000 1860122; 5856918 (Waihi Stream / One Mile Creek)
2. NZTM2000 1860749; 5855343 (Two Mile Creek)
3. NZTM2000 1861224; 5854489 (Waiororo Stream / Three Mile Creek)
4. NZTM2000 1860229; 5856726 (Darley Drain)

4 Legal Description

4.1

One Mile Creek: PT Lot 5 DPS 13324 and PT5 Waihi- Recreation Reserve; Lot 11 Blk V DP 17197 (Western Bay of Plenty District).

Two Mile Creek: Lots 123, 124 DPS 1263; Lot 144 and 146 DP 37326 -Recreation Reserve; and Lot 11 DP 37326 (Western Bay of Plenty District).

Three Mile Creek: Lot 25 DPS 6534 and Lot 18, 19 DPS 22035 (Western Bay of Plenty District).

5 Notifying the Regional Council of Works

- 5.1 The consent holder shall notify the Regional Council, in writing, no less than five working days prior to the start of individual works under this consent. Notification at this time shall include details of who is responsible for on site management and compliance with consent conditions (see Advice Note 4).

6 Works

- 6.1 Excavation and disposal works shall be carried out in general accordance with information submitted with the application including the following plans:
- Waihi Beach Excavation and Deposition Application 'Figure 1. 1 Mile Creek' as shown on BOPRC Consent Plan RM19-0613/02;
 - Waihi Beach Excavation and Deposition Application 'Figure 2. 2 Mile Creek' as shown on BOPRC Consent Plan RM19-0613/04;
 - Waihi Beach Excavation and Deposition Application 'Figure 3. 3 Mile Creek' as shown on BOPRC Consent Plan RM19-0613/05;
 - Waihi Beach Excavation and Deposition Application 'Figure 4. Darley Drain' as shown on BOPRC Consent Plan RM19-0613/03;
- 6.2 Despite condition 6.1, sand material excavated under this consent shall be deposited in the active mid to upper beach system and shall not be removed from the coastal marine area.
- 6.3 Despite condition 6.1, sand material excavated under this consent may be deposited in alternative locations with prior approval (in writing) by the Regional Council.
- 6.4 Works shall not damage dune vegetation.
- 6.5 No vegetation, slash or other debris shall be deposited in the Coastal Marine Area.
- 6.6 The consent holder shall, as far as practicable, reinstate the foreshore to its original contour at the completion of individual works under this consent.
- 6.7 (a) Works in "Zone A" shall only be undertaken at the following locations and frequencies:
- Two Mile Creek: six times per annum; and
 - Waiororo Stream (Three Mile Creek): ten times per annum.
- (b) Works in "Zone B" shall only be undertaken at the following locations and frequencies:
- Waihi Stream (One Mile Creek): ten times per annum;
 - Two Mile Creek: ten times per annum; and
 - Waiororo Stream (Three Mile Creek): ten times per annum; and
 - Darley Drain: ten times per annum.
- Zone A and B are identified on BOPRC Consent Plan RM19-0613/1 (refer to Advice Note 6 for a definition of Zone A and Zone B)
- 6.8 (a) Despite condition 6.7(a) no works authorised under this consent within "Zone A" shall be undertaken during the period 1 August to 31 October; and
- (b) No works authorised under this consent within "Zone B" shall be undertaken when any part of the zone is covered in seawater (refer to condition 6.15);
- for each year within the duration of this consent.

- 6.9 The consent holder shall undertake inspections of Two Mile Creek and Three Mile Creek in the month of July to determine the need for any management works prior to the commencement of the exclusionary period established by condition 6.8 of this consent.
- 6.10 The works shall be carried out in a manner that minimises effects on fish passage and dredging work shall be undertaken in an upstream movement.
- 6.11 Upon completion of each excavation activity authorized by this consent, habitat enhancing material (such as rocks or woody debris) shall be returned to the waterbodies following excavation to provide for fish habitat.
- 6.12 Within 2 months of the commencement of this consent, the consent holder shall undertake the planting of approximately 20 metres of native vegetation species along the stream channels of each waterbody identified in condition 6.1 for the purpose of providing shaded habitat for freshwater aquatic species (see Advice Note 5).
- 6.13 Vegetation planting required under condition 6.12 shall be maintained at an effective capacity at all times.
- 6.14 For the purpose of demonstrating compliance with consent conditions, the consent holder shall submit each year for the duration of the consent an annual report outlining;
- (I) excavation works including the date, time, duration and approximate volumes of excavation/disposal works undertaken under this consent
 - (II) vegetation planting and any associated maintenance
 - (III) habitat enhancing works
 - (IV) date of inspections required by condition 6.9
 - (V) Details of any complaints received by the public in relation to the works authorised under this consent.
- This report shall be submitted no later than 30 November and outline the works undertaken for the previous year.
- 6.15 In the event that a Regional Council Review of the report provided in 6.14 or a Regional Council inspection of the streams concludes that the three dimensional habitat (condition 6.11) and shade planting (condition 6.12 and 6.13) does not provide a suitable fish habitat within Zone A, additional remedial action shall be undertaken to the satisfaction of the Regional Council.
- 6.16 Where practicable machinery shall be kept out of the coastal marine area and stream beds.
- 6.17 Where vehicle movements in the coastal marine area are necessary, those movements shall be undertaken in the dry (above sea level at the time of vehicle movement).
- 6.18 The consent holder shall ensure that any works authorised under this consent shall be carried out in a manner that minimises disturbance of the riparian margin, foreshore and seabed, and results in no contaminants entering any waterbody.
- 6.19 No refuelling activities or fuel storage shall be carried out within the coastal marine area, on the foreshore, within 20 metres above mean high water springs or within 20 metres of the riparian margin. The consent holder(s) shall employ methods to avoid or minimise any fuel spillage, including the provision of appropriate security and containment measures, where necessary.

- 6.20 All plant, machinery, equipment and debris associated with this operation shall be removed from the foreshore, coastal marine area and riparian margin at the completion of works.
- 6.21 Any exposed areas of the riparian margins resulting from the works associated with this consent shall be effectively stabilised by suitable vegetative cover as soon as practicable, following completion of works.
- 6.22 All works under this consent shall be undertaken during daylight hours and shall not be undertaken on weekends or public holidays.
- 6.23 In the event that erosion or scour occurs, including up to 200 metres upstream of the works authorised under this consent, the consent holder shall remedy the erosion or scour as directed by the Regional Council.
- 6.24 Each excavation and deposition activity, authorised under this consent, shall be completed as soon as practicably possible after commencement and shall take no longer than one working day.

7 Signage

- 7.1 Prior to the commencement of any works under this consent, the consent holder shall erect prominent signage adjacent to the watercourses and maintain it throughout the period of the works. The sign shall clearly display, as a minimum, the following information:
- The main site contractor;
 - A 24 hour contact telephone number for the consent holder or appointed agent;
 - A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about any relevant problem that may occur as a result of the exercise of this consent.

9 Review of Conditions

- 9.1 The Regional Council may, within six months of completion of any impact, environmental investigation or compliance report carried out by the Regional Council that shows there is an adverse effect on the environment as a result of the works authorised under this consent, serve notice on the consent holder (under section 128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 (RMA)) of its intention to review the conditions of this consent.

10 Term of Consent

- 10.1 This consent shall expire on 31 December 2039.

11 Resource Management Charges

- 11.1 The consent holder shall pay the Bay of Plenty Regional Council such administrative charges as are fixed from time to time by the Regional Council in accordance with section 36 of the Resource Management Act 1991.

12 The Consent

- 12.1 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 The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.
- 2 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.

- 3 Notification and reporting required by conditions 5 and 8 shall be directed (in writing) to the Regulatory Compliance Manager, Bay of Plenty Regional Council, Box 364, Whakatane 3158, (or fax 0800 368 329 or email notify@envbop.govt.nz) including the consent number RM19-0613.
- 4 An inexpensive option of planting in rock rip rap areas could include the infilling of rip rap interstices with soil and the planting of native trailing edge species by simply disseminating seed balls amongst the rip rap.
- 5 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 Historic Places Trust before any damage, modification or destruction is undertaken.

In the event of any archaeological site or koiwi being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall contact the Regional Council to obtain details of the relevant iwi authority. The consent holder shall then consult with the relevant local iwi and the New Zealand Historic Places Trust and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary.

- 6 Zone A is defined as the area landward of the mouth and comprises the creek banks and bed; Zone B is defined as the area which encompasses the delta area of the waterways rather than the channel proper. The works within Zone B are within the CMA.



Figure 8. Three Mile Creek proposed excavation (blue: Zone A and red: Zone B) and deposition areas (yellow) and access point (green) (source: Bay of Plenty Maps)