

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 26 April 2011, **Hereby Grants** to:

DEPARTMENT OF CONSERVATION

A resource consent:

- (a) Under section 9(2)(a) of the Resource Management Act 1991 and Rule 1C of the Regional Water and Land Plan to undertake a discretionary activity being to **Carry out Earthworks within the Erosion Hazard Zone**;
- (b) Under section 9(2)(a) of the Resource Management Act 1991 and Rule 2C of the Regional Water and Land Plan to undertake a discretionary activity being for **Vegetation Clearance within the Erosion Hazard Zone**; and
- (c) Under section 15(1)(b) of the Resource Management Act 1991 and Rule 37 of the Regional Water and Land Plan to undertake a discretionary activity being to **Temporarily Discharge Sediment Contaminated Stormwater to Land where it May Enter Water**.

subject to the following conditions:

1 Purpose of this Resource Consent

To authorise and set conditions on activities associated with the formation of 4km of a coastal cycle and walking trail through the Tirohanga Dune Conservation Area, Opotiki.

2 Location

Tirohanga Dunes Conservation Area as shown referenced as B.O.P.R.C. Plan Number RC 66710/1

3 Map References

Between map reference NZMS 260: X15 9049-4792 and X15 9451-4809.

4 Legal Description

Tirohanga Dunes Conservation Area.(Ōpōtiki District)

5 Notifying the Regional Council of Works

- 5.1 No less than five working days prior to the overall start of works under this consent, the consent holder shall request (in writing) a site meeting between the principal site contractor and the Chief Executive of the Regional Council or delegate. Notification at this time shall include details of who is to be responsible for site management and compliance with consent conditions (see Advice Note 4).
- 5.2 The consent holder shall notify the Chief Executive of the Regional Council or delegate (in writing) no less than five working days before the completion of works under this consent, prior to the removal of erosion and sediment controls (see Advice Note 4).

6 Earthworks

- 6.1 Construction and earthworks shall be carried out in general accordance with the information submitted with the application for this consent including the following documents
- 'Technical Specifications, Old Motu Road, Cycleway, Tirohanga Reserve Section E1-E4' - Appendix 1, Application for Resource Consent (Land Use) for the Construction of a Coastal Cycle and Walking Trail, Hikuwai Dunes
- 6.2 The final location of the trail should be setback from the top seaward edge of the foredune by a minimum distance of 15m (See Advice Note 7).
- 6.3 The consent holder shall ensure that only cleanfill is deposited on site.
- 6.4 For the purposes of this consent, the definition of cleanfill shall include only natural materials such as clay, soil, rock and such other materials as concrete, brick or demolition products that are free of:
- (a) Combustible or putrescible components (including green waste) apart from up to 10 percent by volume untreated timber in each load
 - (b) Hazardous substances or materials (such as municipal waste) likely to create leachate by means of biological or chemical breakdown
 - (c) Any products or materials derived from hazardous waste treatment, stabilisation or disposal processes
 - (d) Any other material that has received written approval from the Chief Executive of the Regional Council or delegate
- 6.5 The consent holder shall ensure that no more than 1000m in length of exposed trail is open on site at any one time prior to basecourse being applied.
- 6.6 The consent holder shall ensure that the earthworks authorised under this consent are completed within a period of no longer than 6 months following their commencement.
- 6.7 The consent holder shall ensure that a 5 meter buffer zone is maintained around any watercourse within the area of works.
- 6.8 The consent holder shall ensure that all cut slopes are finished at a grade of 1:1 and fill slopes finished at a grade of 2:1.
- 6.9 The consent holder shall ensure that all exposed areas of earth resulting from works associated with this consent are effectively stabilised against erosion by vegetative cover or other methods as soon as practicable following the completion of works.

7 Erosion and Sediment Control

- 7.1 Erosion and sediment controls shall be constructed in general accordance with information submitted with the application including any subsequent plan that has received written approval from the Chief Executive of the Regional Council or delegate.
- 7.2 All erosion and sediment controls shall be installed prior to the commencement of earthworks.
- 7.3 The consent holder shall ensure the trail is designed and graded to direct surface water off and away from the trail into soakage pits in the dunes.
- 7.4 The consent holder shall ensure that any stockpiles of materials (surplus or basecourse) are placed in a position so that it cannot re-enter any water body.
- 7.5 The consent holder shall ensure that all practicable measures are taken to ensure that no material is tracked off site.
- 7.6 The consent holder shall divert uncontaminated catchment runoff away from the area of earthworks.
- 7.7 Any slope higher than 1m and/or of greater than a gradient of 1:1 within the works area must be covered with coconut fibre matting as soon as practicable.
- 7.8 All exposed areas will be revegetated as soon as practicable with suitable coastal species (See Advice Note 9).
- 7.9 The consent holder shall ensure that all exposed areas of earth resulting from works associated with this consent are effectively stabilised against erosion by vegetative cover OR other methods as soon as practicable following the completion of works or to the satisfaction of the Chief Executive or delegate of the Regional Council.
- 7.10 Unless otherwise specified in this consent, the consent holder shall ensure that all erosion and sediment controls comply with specifications set out in Bay of Plenty Regional Council Guideline No. 2010/01 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor.

8 Temporary Stormwater Discharge

- 8.1 Stormwater generated on the site during construction shall be treated as stated in the application documents or any subsequent plan that has received written approval from the Chief Executive of the Regional Council or delegate.
- 8.2 The consent holder shall ensure that no sediment contaminated stormwater leaves the site before treatment in a sediment treatment device.
- 8.3 Stormwater discharged shall be substantially free of floatable solids, oil and grease.
- 8.4 The consent holder shall ensure that all stormwater generated on the site is discharged to ground soakage.

9 **Track Formation Works**

- 9.1 The consent holder shall ensure that the works to remove the existing vegetation along the trail footprint are kept to the minimum required to achieve the purpose of this consent.
- 9.2 All machinery should be appropriately cleaned prior to entering and leaving the works site.
- 9.3 No refuelling activities or fuel storage shall occur on the foreshore or seabed or within 20 metres of the line of mean high water springs. The permit holder shall employ methods to avoid or minimise any fuel spillage, including the provision of appropriate security and containment measures, where necessary.

10 **Dust Control**

- 10.1 The consent holder shall adopt a proactive strategy for dust control, specifically by complying with the principles of dust management as set out in section 3.4 of Bay of Plenty Regional Council Guideline No. 2010/01 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor, so as to prevent a dust nuisance from occurring beyond the property boundary.
- 10.2 The consent holder shall ensure that, at all times, the soil moisture level of exposed areas is sufficient, under prevailing wind conditions, to prevent dust generated by normal earthmoving operations from remaining airborne beyond the boundary of the work site.
- 10.3 The consent holder shall ensure that, at the end of every working day until such time as the site is fully stabilised, the soil moisture level of exposed areas is sufficient to prevent a dust nuisance occurring beyond the boundary of the works site.
- 10.4 The consent holder shall ensure that, outside of normal working hours, staff are available on-call to operate the water application system for dust suppression.
- 10.5 In the event that wind conditions render dust control impracticable, the consent holder shall ensure that any machinery generating airborne dust ceases to operate until such time as effective dust control can be re-established.
- 10.6 Notwithstanding conditions 10.1 to 10.5 above, the consent holder shall undertake additional or alternative dust control measures to the satisfaction of the Chief Executive of the Regional Council or delegate, as directed.

11 **Signage**

Prior to the commencement of works under this consent, the consent holder shall erect a prominent sign adjacent to the main entrance to the site, and maintain it throughout the period of the works. The sign shall clearly display, as a minimum, the following information:

- The consent holder and contractor responsible for the works;
- 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 dust nuisance or any other problem resulting from the exercise of this consent.

12 **Maintenance**

- 12.1 The consent holder shall ensure that the erosion and sediment controls and associated erosion protection devices and dust controls are maintained in an effective capacity at all times during works and until the site is stabilised in accordance with condition 6.11 of this consent.
- 12.2 The consent holder shall ensure that, as far as practicable, any necessary maintenance of erosion and sediment controls identified by inspection under condition 13.1 or by Regional Council staff, is completed within 24 hours.
- 12.3 The consent holder should engage a suitably qualified person to undertake an 'Erosion Hazard Risk Assessment' of the cycleway where the top seaward edge of the foredunes is within 5m of the seaward edge of the cycleway (See Advice Note 8).
- 12.4 The consent holder shall ensure that sediment removed from the sediment controls is placed in a stable position where it can not re-enter the device or enter any water body.
- 12.5 No later than 20 working days after the commencement of the works authorised by this consent, the consent holder shall submit a 'Tirohanga/Hikawai Cycleway Trail - Mitigation and Planting Plan (MPP)' for approval by the Chief Executive of the Regional Council or delegate. The Plan shall include but not be limited to:
- Identification of all mitigation measures and planting to be undertaken for in regard to the cycleway works;
 - A detailed map showing the location of all mitigation measures and planting;
 - A detailed landscape plan of the planting works;
 - A description of the location and extent where the native planting will be undertaken along the trail margins;
 - The native species that are proposed to be planted, the size of the plants and the density of planting;
 - A detailed timeline for proposed planting works;
 - Details of pre-planting site preparation (clearing, mulching, fertiliser as required);
 - Details of how plants will be irrigated during their establishment (if required);
 - Details of how the site will be maintained and how often, including the ongoing replacement of plants that do not survive and eradication of evasive weeds from the planting site to ensure adequate growth (e.g. weeding, spraying, mulching);
 - Details of how pest animals will be excluded from the trail and planting areas; and
 - A list of the key responsibilities and identification of the suitably experienced persons responsible for implementing the MPP.

The **MPP** shall be developed in accordance with:

- Coast Care Information Brochure Number 9 'Backyard Buffers', and
- The information contained in the application document.

- 12.6 No amendments may be made to the 'Tirohanga/Hikawai Cycleway Trail - Mitigation and Planting Plan (MPP)' unless approved by the Chief Executive of the Regional Council or delegate.

13 **Monitoring and Reporting**

- 13.1 The consent holder shall ensure that the erosion and sediment controls are inspected -
- At least weekly during the duration of this consent; and
 - Within 24 hours of each rainstorm event which is likely to impair the function or performance of the erosion and sediment controls.
- 13.2 The consent holder shall maintain records of -
- The date and time of every inspection of erosion and sediment controls on the site;
 - The date, time and description of any maintenance work carried out.
- 13.3 The consent holder shall forward a copy of records required by condition 13.2 to the Regional Council within 48 hours of its request (see Advice Note 4).

14 **Review of Conditions**

- 14.1 The Regional Council may, within six months of completion of any impact, environmental investigation or compliance report carried out by the Regional Council, or receipt of monitoring results that show there is an adverse effect on the environment, serve notice on the permit 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.

15 **Sites of Archaeological, Historic or Cultural Significance**

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 (see Advice Note 2) to obtain details of the relevant iwi authority. The consent holder shall then consult with the relevant iwi authority 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.

16 **Resource Management Charges**

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.

17 **Term of Consent**

This consent shall expire on 31 March 2016.

The Resource 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 Historic Places Trust before any damage, modification or destruction is undertaken.*
- 2 *The Regional Council is able to advise of contact details for the relevant iwi authority.*
- 3 *This consent does not authorise any damming or diversion of water at the activity site. Any such action may require further approval unless a rule in a regional plan expressly allows the dam or diversion.*
- 4 *Reporting, notification and submission of plans required shall be directed (in writing) to the Pollution Prevention Manager, 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 66564.*
- 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.*
- 7 *The location of the top seaward edge of the foredune shall be determined from the most recent version of aerial photography for the area. Please contact Bay of Plenty Regional Council's Coastal Scientist for confirmation.*
- 8 *The assessment would consist of visual monitoring in the first instance followed by a suitable horizontal measurement for confirmation of distance to the top seaward edge of the foredune. Upon confirmation of erosion hazard risk, consideration of the amount of retreat and the extent of cycleway affected should be undertaken and appropriate mitigation measures should be recommended.*
- 9 *The mitigation planting should not be limited to pohuehue species but be a mix of appropriate coastal species (a mixture of 70% wiwi (*Ficina nodosa*) and 30% pohuehue (*Muehlenbeckia complexa*) is recommended).*

DATED at Whakatane this 26th day of April 2011

For and on behalf of
The Bay of Plenty Regional Council



W E Bayfield
Chief Executive