

Resource Consent

Resource Consent RM22-0576-AP

Following the processing of the Application received on the 14 November 2022, the Bay of Plenty Regional Council has granted the applicant(s):

Takarangi Farm Limited

Consent(s) to:

RM22-0576-DC.01	Discharge to Water	Expiry	31 January 2028
RM22-0576-LC.01	Earthworks or Excavation	Expiry	31 January 2028

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 7th day of March 2023

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 7 March 2023, **hereby grants**:

A resource consent:

- **Under Section 15(2A) of the Resource Management Act 1991 and Rule DW R8 of the Regional Natural Resources Plan to undertake a discretionary activity being the temporary discharge sediment contaminated stormwater to land soakage where it may enter water.**

subject to the following conditions:

1 Purpose

- 1.1 The purpose of this resource consent is to authorise and set conditions for the temporary discharge of sediment contaminated stormwater to land soakage where it may enter water, on a temporary basis, associated with earthworks to form suitable contours at 37 Shearer Road, Te Puke.

2 Location

- 2.1 The activity authorised by this resource consent shall be located:
- (a) At 37 Shearer Road, Te Puke; and
 - (b) At or about map reference NZTM 1888017.977,5805997.016; and
 - (c) As shown on BOPRC Consent Plan RM22-0576/01.

3 Notification of Works

- 3.1 No less than five working days prior to the overall start of works under this consent the consent holder shall request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council. This request shall include details of who is to be responsible for site management and compliance with consent conditions (see Advice Note 1).
- 3.2 No less than five working days prior to the completion of works under this consent, the consent holder shall notify and request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council.

4 Temporary Stormwater Discharge to Land Soakage Where It May Enter Water

- 4.1 All sediment contaminated stormwater generated on site shall be treated before being discharged to land where it may enter water in accordance with the following:
1. The resource consent application received by the Bay of Plenty Regional Council on 28 October 2022; and
 2. The plan provided by Maven BOP Ltd referenced "Erosion and Sediment Control Plans", also referenced as BOPRC Consent Plan RM22-0576/02; and
 3. Any subsequent plan that has received written certification from the Bay of Plenty Regional Council.
- 4.2 Stormwater discharged shall be substantially free of floatable solids, oil and grease.

- 4.3 (a) During 16 September to 31 May (inclusive) of any year within this consent:

1. The concentration of Total Suspended Solids (TSS) in the stormwater discharge from any DEB shall not exceed 150 grams per cubic metre; and

2. The turbidity of any stormwater discharge from any DEB shall not exceed 300 Nephelometric Turbidity Units (NTU).

(b) The discharge shall cease in accordance with condition 4.4 if these limits are exceeded, except where a 12 hour duration 50% Annual Exceedance Probability (AEP) storm event (2 year return period storm) or greater occurs.

4.4 (a) The consent holder shall sample the discharge at the outlets of all sediment retention devices (including decanting earth bunds) once during 16 September to 30 April of every year of this consent, and as soon as practicable when requested by the Bay of Plenty Regional Council.

(b) Any water quality results exceeding the maximum concentrations listed in condition 4.3 shall trigger the following:

1. Cease the discharge as soon as practicable after receiving the test results and/or upon request from the Bay of Plenty Regional Council; and

2. Notify (in writing) the Bay of Plenty Regional Council within 24 hours of receiving the results of the exceedance(s); and

3. Investigate the causes of the exceedance(s); and

4. Take corrective action to address the exceedance(s); and

5. Re-test the discharge for TSS and NTU after implementing corrective action; and

6. Send a written report detailing points (i), (iii), (iv) and (v) above to the Bay of Plenty Regional Council within 10 working days after receiving the test results.

7. The consent holder shall keep all test results required by this condition (for the duration of this consent), and shall send them to the Bay of Plenty Regional Council within five working days of a request (see Advice Note 1).

4.5 Stormwater analyses required by condition 4.3 shall be carried out:

1. As set out in the latest edition of "Standard Methods for the Examination of Water and Wastewater" – APHA - AWWA - WPCF, or another method as proposed by the consent holder, and certified in writing by the Bay of Plenty Regional Council; and

2. By an IANZ Accredited laboratory.

5 Review of Consent Conditions

5.1 a) The Bay of Plenty Regional Council may, once per year during either May or November, serve notice on the consent holder of its intention to review the conditions of this resource consent. The purpose of the review is to modify conditions to deal with any adverse environmental effect which may result from the consented activity.

b) The consent holder shall pay the fair and reasonable costs associated with a review.

6 Resource Management Charges

6.1 The consent holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with section 36 of the Resource Management Act 1991.

7 Term of Consent

7.1 This consent shall expire on 31 January 2028.

8 The Consent

8.1 This consent is granted under the Resource Management Act 1991 and is not an authority under any other act, regulation or bylaw.

Advice Notes

1 Send all monitoring reports and notification required by these conditions to the Regulatory Compliance Manager, PO Box 364, Whakatāne 3158, or email compliance_data@boprc.govt.nz (compliance reporting) or xxxxxx@xxxx.xxxx.xx (compliance notifications). Include the consent number RM22-0576.

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 Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors

- 4 The following could be used periodically to instantaneously check if devices are likely to be within TSS and NTU discharge limits:
 - a) Test for 100 millimetre clarity (at the decant outlets from the devices).
 - b) Turbidity meter.
 - c) Secchi disk.This would not preclude the requirement for sampling, but if these measures are met, TSS and NTU are likely to be within the discharge limits specified in condition 4.3.

- 5 This consent does not authorise the discharge of sediment-contaminated stormwater during 1 June to 15 September (inclusive). During 1 June to 15 September the site must be fully stabilised in accordance with RM22-0576/02 condition 4.3.

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 7 March 2023, **hereby grants**:

A resource consent:

- **Under section 9(2)(a) of the Resource Management Act 1991 and Rule LM R2 (Rule 1A) of the Bay of Plenty Regional Natural Resources Plan to undertake a controlled activity being to disturb land and soil as a result of earthworks.**

subject to the following conditions:

1 Purpose

- 1.1 The purpose of this resource consent is to authorise and set conditions for earthworks to form suitable contours at 37 Shearer Road, Te Puke.

2 Location

- 2.1 The activity authorised by this resource consent shall be located:
- (a) 37 Shearer Road, Te Puke.
 - (b) At or about map reference NZTM 1888082, 5806185; and
 - (c) As shown on BOPRC Consent Plan RM22-0576/01.

3 Notification of Works

- 3.1 No less than five working days prior to the overall start of works under this consent the consent holder shall request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council. This request shall include details of who is to be responsible for site management and compliance with consent conditions (see Advice Note 3).
- 3.2 No less than five working days prior to the completion of works under this consent, the consent holder shall notify and request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council.

4 Earthworks

- 4.1 All earthworks operations shall be carried out in accordance with the following:
- 1. The Resource Consent Application and Assessment of Environmental Effects (AEE) received by the Bay of Plenty Regional Council on 28 October 2021.
 - 2. The Section 91 response received by the Bay of Plenty Regional Council on 22 December 2022; and
 - 3. The Erosion and Sediment Control Plan (ESCP) referenced as Appendix B of the AEE and referenced as BOPRC Consent Plans RM22-0576/02.
 - 4. The Geotechnical Investigation Report (CMW Geosciences, 2022). This includes limitations on subgrade preparation, stockpile locations, cut batter slope and height, compaction requirements, SRP construction, quality control, foundations, building restriction lines and civil works.

- 4.2 The consent holder shall ensure that no more than 1.12 hectares of earth is exposed on site at any

one time.

5 Erosion and Sediment Control

- 5.1 The consent holder shall ensure that Erosion and Sediment Controls (ESC's) are designed and constructed in accordance with the following:
1. The Maven BOP Ltd. ESCP dated 30/09/2022 referenced as Appendix B of the AEE and referenced as BOPRC Consent Plan RM22-0576/02; or
 2. Any subsequent variation to the ESCP that has received written certification from the Bay of Plenty Regional Council. A variation does not allow an increase in the earthworks footprint.
- 5.2
- a) The consent holder shall ensure that all ESC's are installed before works start.
 - b) The consent holder shall ensure that all silt fences, clean water diversion drains and a stabilised site entry are installed before the start of the earthworks to construct any decanting earth bunds (DEB's).
- 5.3 The consent holder shall divert uncontaminated catchment runoff away from the area of works.
- 5.4 No vegetation, soil, or other debris shall be left in a position where the material could become mobile by stormwater during heavy rainfall.
- 5.5 The consent holder shall ensure that the ESC's are maintained in an effective capacity and good working order at all times during works and until the site is stabilised (see Advice Note 7).
- 5.6 The consent holder shall ensure that any necessary maintenance of ESC's identified by inspection under conditions of this consent or by Bay of Plenty Regional Council staff is completed within 24 hours or as soon as is safely practicable.
- 5.7 The consent holder shall ensure that all-weather machinery access is maintained to the ESC's.
- 5.8 Stockpiled material that is to be stored for longer than 3 months shall be effectively isolated and stabilised, and located where it cannot become mobile by stormwater during heavy rainfall, to prevent surface erosion and sedimentation.
- 5.9
- a) The consent holder shall ensure that there is no tracking of soil or sediments off-site. If tracking off-site occurs, the Consent Holder shall ensure that machinery and vehicles do not leave the site, shall clean up any material that has been tracked off-site and put appropriate systems in place to prevent any further tracking off-site.
 - b) All runoff controls (such as diversion channels, bunds, contour drains) with slopes greater than 2% shall be protected from erosion using impermeable geotextile materials, rock or other suitable materials or methods (such as sediment sumps).
- 5.10 The consent holder shall ensure the DEBs authorised under this consent are constructed as quickly as possible within a period of dry weather and that any pond includes a stabilised inlet and outlet to prevent erosion.
- 5.11 Within 30 days of the installation of the DEBS authorised under this consent, the consent holder shall submit to the Bay of Plenty Regional Council:
1. A statement from an appropriately qualified person verifying that the DEBs have been installed in accordance with the Bay of Plenty Regional Council 'Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/01', or its successor; and
 2. Detailed as-built plans of the DEBs and outlet(s).

6 Dust Control

- 6.1 The consent holder shall adopt a proactive strategy for dust control, specifically by complying with the principles of dust management as set out in the Bay of Plenty Regional Council 'Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/01', to prevent an offensive or objectionable discharge of dust from occurring beyond the property boundary.
- 6.2 The consent holder shall ensure that an adequate supply of water for dust control (sufficient to apply a minimum of five millimetres per day, if required, to all exposed areas of the site), and an effective means of applying that quantity of water, is available on site at all times during earthworks and until the site is fully stabilised.
- 6.3 The consent holder shall ensure that, at all times, the soil moisture level of exposed areas is sufficient to prevent dust from being offensive or objectionable beyond the boundary of the work site.
- 6.4 If wind conditions make dust control impracticable, the consent holder shall ensure that any machinery generating airborne dust stops operating until effective dust control is re-established.
- 6.5 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.
- 6.6 a) Before the overall start of works authorised by this consent, the consent holder shall submit to the Bay of Plenty Regional Council for written certification by a Compliance Officer, evidence that a water source (56 cubic metres per day for 1.12 hectares open at any one time) for dust control required by condition 6.2 has been secured (see Advice Note 3).
b) Work shall not start until written certification of the evidence has been received.

7 Site Stabilisation

- 7.1 All exposed areas of the site shall be fully stabilised by 31 May of each year for the duration of this consent, and no earthworks shall be undertaken between 1 May and 15 September (inclusive).
- 7.2 The consent holder shall ensure that all exposed areas of earth resulting from works authorised by this consent are effectively stabilised against erosion by vegetative groundcover or suitable alternative as soon as practicable following the completion of the earthworks.

8 Signage

- 8.1 Before the start of works under this consent, the consent holder shall erect a prominent sign adjacent to the entrance of site works, and maintain it throughout the period of the works. The sign shall clearly display the following information:
1. The consent holder;
 2. The main site contractor;
 3. A 24 hour contact telephone number for the consent holder or appointed agent;
 4. A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about dust nuisance resulting from the exercise of this consent.

9 Monitoring and Reporting

- 9.1 The consent holder shall ensure that the ESC's are inspected:
1. At least weekly for the duration of this consent; and
 2. Within 12 hours of each rainstorm event which is likely to impair the function or performance of the ESC's.

- 9.2 The consent holder shall maintain records of:
1. The date and time of every inspection of ESC's on the site;
 2. The date, time and description of any maintenance work carried out.
- 9.3 The consent holder shall send a copy of records required by conditions of this consent to the Bay of Plenty Regional Council within 48 hours of its request.
- 9.4 The ESCP shall remain on site at all times and be made available for Bay of Plenty Regional Council Compliance Officers to refer to during site inspections.

10 Review of Consent Conditions

- 10.1 The Bay of Plenty Regional Council may, once per year during either May or November, serve notice on the consent holder of its intention to review the conditions of this resource consent. The purpose of the review is to deal with any unforeseen adverse effect on the environment that occurs as a result of the exercise of this consent and/or ensure that sufficient mitigation measures or remedial works be undertaken:
- b) The consent holder shall pay the fair and reasonable costs associated with a review.

11 Resource Management Charges

- 11.1 The consent holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with section 36 of the Resource Management Act 1991.

12 Term of Consent

- 12.1 This consent shall expire on 31 January 2028.

13 The Consent

- 13.1 This consent is granted under the Resource Management Act 1991 and is not an authority under any other act, regulation or bylaw.

Advice Notes

- 1 All conditions must be fulfilled to the satisfaction of the Bay of Plenty Regional Council.
- 2 No archaeological sites whether recorded or unrecorded under Subpart 2 of the Heritage New Zealand Pouhere Taonga Act 2014 can be destroyed, damaged or modified without the consent of Heritage New Zealand. In the event that an archaeological site(s) and/or koiwi are unearthed, the consent holder is advised to immediately stop work on the part of the site that the archaeological site(s) is located, and contact Heritage New Zealand and all relevant iwi/hapū for advice. Heritage New Zealand contact details: email - xxxxxxxxxxxxxxxx@xxxxxxxx.xx.xx; phone - 07 577 4530. The Bay of Plenty Regional Council can advise of the contact details for the relevant iwi and hapū in this area.
- 3 Send reporting, notification and plans required by conditions of this consent (in writing) to the Regulatory Compliance Manager, Bay of Plenty Regional Council, PO Box 364, Whakatāne or notify@boprc.govt.nz. Please include the consent number RM22-0576.
- 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 Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.
- 6 In the event that potential contamination is identified during the earthworks, through the presence of soil

staining, odour, uncharacterised fill, construction and demolition waste, or asbestos, all activities in the vicinity of the discovery shall cease immediately. The Bay of Plenty Regional Council should be notified, and if the material is deemed contaminated, another resource consent or consent variation may be required.

- 7 In order to maintain ESC's in effective capacity as required by Condition 5.1, accumulated sediment should be removed from the DEBs before it reaches 25% of that DEBs volume and all sediment removed should be placed in a stable position where it cannot re-enter a DEBs or enter any water body.
- 8 For Condition 5.11, an 'appropriately qualified person' is defined as meeting all of the following:
 - a) Experienced in ESC implementation and monitoring;
 - b) High level of knowledge and skill associated with ESC's; and
 - c) Familiar with the Bay of Plenty Regional Council – "Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline No. 2010/01" or its successor.
- 9 To achieve compliance with Condition 7.1, the following stabilisation methods are recommended to be completed by the dates below:
 1. Topsoiling and grassing by 30 April of each year within the duration of the consent;
 2. Hydroseeding (or a comparably effective method) by 15 May of each year within the duration of this consent;
 3. Hydro-mulching by 31 May of each year within the duration of this consent; or
 4. Using hay or straw mulching (or a comparably effective method) by 31 May of each year within the duration of this consent.