

# Resource Consent



## Resource Consent 68165-AP

Following the processing of the Application received on the 5 February 2015, the Bay of Plenty Regional Council has granted the applicant(s):

Pukehina Beach Ratepayers Association

Consent(s) to:

68165-CC.01	Disturb Coastal Habitat or Plants	Expiry	30 September 2031
68165-CC.02	Disturb Coastal Habitat or Plants	Expiry	30 September 2031
68165-CC.03	Disturb Coastal Habitat or Plants	Expiry	30 September 2031
68165-LC.01	Earthworks or Excavation	Expiry	30 September 2031

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 22nd day of September 2016

For and on behalf of The Bay of Plenty Regional Council

**Mary-Anne Macleod**  
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 22 September 2016, **hereby grants:**

A resource consent:

- **Under section 12(1)(c) of the Resource Management Act 1991 and rule 45 of the Bay of Plenty Regional Coastal Environment Plan to undertake a discretionary activity being to disturb the foreshore in a manner which is likely to have an adverse effect on the foreshore or seabed.**

subject to the following conditions:

### 1 Purpose

- 1.1 The purpose of this resource consent is to authorise and specify conditions on soft protection works exercises via beach push up or placement of dredged material, along a 5.25 km stretch of Pukehina Beach, Western Bay of Plenty.

### 2 Location

- 2.1 The activities authorised under this consent shall be located at Pukehina Beach foreshore as shown on the plan referenced as B.O.P.R.C Plan Number 68165/1.

### 3 Map Reference

- 3.1 At or about map reference NZTM 1908970, 5813130.

### 4 Legal Description

- 4.1 Crown Land (Parcel ID 4567207), Coastal Marine Area adjacent to Pukehina Beach.

### 5 CMA Works

- 5.1 In order to avoid unnecessary works, at least one of the following conditions must be met before this consent maybe exercised:
  - i. The top edge of an erosion scarp is within 8 m of a private property boundary;
  - ii. The suitably qualified coastal scientist or engineer undertaking the design believes the work is required to mitigate risk to private property and/or public assets and/or an important cultural site;
  - iii. The work is undertaken as part of dune restoration under the BoPRC Coastcare programme; or
  - iv. Other circumstances as might arise and subject to prior approval by the CE or delegate of Bay of Plenty Regional Council.
- 5.2 The soft protection works authorised under this consent shall not be undertaken between 1 November and 29 February each year, being bird nesting and juvenile shellfish nursery and migration months, unless:
  - i. A suitability qualified ecologist has surveyed the works area and determined that the works will not

adversely impact on bird nesting and juvenile shellfish nurseries; and

ii. An ecological statement addressing point i above shall be provided to BoPRC for review and approval as part of the plan of works referred to in Condition 6.5.

- 5.3 Each soft protection works exercise shall be designed and supervised by a suitably qualified coastal specialist or engineer, or undertaken as part of an approved Coastcare project.
- 5.4 At least ten days prior to each soft protection works exercise undertaken under this consent, the consent holder shall provide the CE or delegate with a plan of works for review and approval, including as a minimum the following:
- i. Surveyed cross-sections which show the proposed dune repair. Note a minimum 5 m high tide beach width, as measured from the toe of the foredune to mean high water springs, should be maintained where possible;
  - ii. Estimated volume of sand to be disturbed;
  - iii. Estimated linear length of beach which will be disturbed by works at any given time;
  - iv. The method of placement and the machinery to be used;
  - v. The location where sand will be excavated from and deposited to;
  - vi. The location of vehicle access lanes to the beach scraping area, including relevant approvals;
  - vii. The hours within which vehicles will be operated in the coastal marine area.
  - viii. Letters of acknowledgement and support from landowners immediately adjacent to and/or within the works area;
  - ix. Measures to be employed to ensure public safety and maintain public access during the placement activities;
  - x. Proposed replanting regime, including a planting plan depicting species and spacings. Where it is considered no replanting is required, the reasoning for this; and
  - xi. The estimated number of days to complete the soft protection works along with the start and finish date.

A copy of the above material shall also be provided to Western Bay of Plenty District Council and Department of Conservation for information purposes at least ten days prior to the commencement of works.

- 5.5 During the exercise of the consent the consent holder shall, as much as practicable, avoid any undisturbed shellfish beds, vegetated areas, and sensitive habitats within the coastal marine area.
- 5.6 The total quantity of material excavated and deposited during a beach push up exercise shall not exceed 20 cubic metres per 1 lineal metre of beach.
- 5.7 The works associated with this consent shall be carried out under the supervision of a suitably qualified coastal specialist or engineer, to the satisfaction of the CE or delegate BoPRC.
- 5.8 The finished rehabilitated dune and scraped beach shall be contoured to replicate the natural beach forms present.
- 5.9 During construction of the soft protection works the consent holder shall remove any tyres, waste, or other material that is not deemed suitable or that could leach contaminants, along the foreshore within the area of the soft protection works site and dispose of this to an appropriate facility outside of the Coastal Marine Area.
- 5.10 Once each soft protection works exercise is complete, the consent holder shall ensure that all waste, boulders, concrete or other non-desirable material is removed from the foreshore and works area, to the satisfaction of the Chief Executive of the Regional Council or delegate.

## 6 Site Management

- 6.1 All soft protection works under this consent shall be undertaken during daylight hours and shall not be

undertaken on weekends or public holidays unless otherwise agreed by Chief Executive of the Regional Council or delegate.

- 6.2 Soft protection works shall be undertaken in general accordance with the procedures detailed in the application and as per the plan of works required by condition 5.5.
- 6.3 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).
- 6.4 No refuelling activities or fuel storage shall be carried out within the coastal marine area, on the foreshore or within 20 metres above mean high water springs. The consent holder shall employ methods to avoid or minimise any fuel spillage, including the provision of appropriate security and containment measures, where necessary.
- 6.5 The works shall be carried out in a manner that complies with the noise levels set out in NZS 6803: 1999 "Acoustics - Construction Noise" or any subsequent updated version of that document.
- 6.6 All plant, machinery, equipment and debris associated with this operation shall be removed from the foreshore and coastal marine area at the completion of the operation.
- 6.7 Prior to the commencement 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, as a minimum, the following information:
  - i. The consent holder;
  - ii. The main site contractor;
  - iii. A 24 hour contact telephone number for the consent holder or appointed agent;
  - iv. The works to be undertaken and their duration;
  - v. A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about any problem resulting from the exercise of this consent.

## 7 Cultural Protocol

- 7.1 In general, the proposed dune repair will not involve any excavation of the dunes. Nonetheless, in the event of any works likely to involve excavation of dunes, the consent holder shall undertake the works in accordance with the cultural protocol outlined in Conditions 7.2 - 7.4 below.
- 7.2 At least 10 days prior to the commencement of any works that will involve excavation of the dunes, notification shall be provided to the following tangata whenua groups as a minimum:

- Ngati Whakahemo
- Ngāti Pīkiao
- Ngāti Whakaue
- Ngāti Rangitīhi
- Ngāti Mākinō

Notification shall include a copy of the plan of works referenced in Condition 5.5. The consent holder shall advise of the likely dates works will be undertaken so that tangata whenua may be present to monitor the earthworks during the excavation phase.

- 7.3 The consent holder shall ensure any excavation of the dunes is done with care - including adopting shallow or gradual scrapes of the digger blade to minimise any accidental disturbance.
- 7.4 The following Accidental Discovery Protocol shall be adopted in all soft protection works undertaken under this consent:
  - i. The definition of the term "site of cultural significance" shall include urupa, taonga, including cultural artefacts, kōiwi or archaeological sites (including midden).
  - ii. In the event of any sites of cultural significance being encountered, works are to cease within 20 metres of the discovery, and the discovery protected.
  - iii. Notification of all relevant tangata whenua groups and the CE of Regional Council or delegate of

the discovery is to be undertaken immediately where practical and within 24 hours on all occasions.

iv. Any sites of cultural significance are to be left in situ or buried at the same location, as advised by relevant tangata whenua, unless relocation of deposits is directed by relevant tangata whenua.

v. Cultural protocols for relocating and burying accidental discoveries shall be determined by tangata whenua.

The consent holder shall ensure site contractors are advised that the above protocols to be adopted in the event of disturbance of any cultural sites and excavation procedures to be followed to minimise risk of damage to accidental discoveries

## 8 Emergency Works

- 8.1 In the event that emergency works are required, the notification requirements set out in Conditions 5.5 and 7.2 may be waived with the approval of the CE or delegate BoPRC. Emergency works will only be approved when a suitably qualified coastal specialist determines that dwellings are at imminent risk from erosion. BOPRC staff shall be contacted as soon as the consent holder becomes aware of the need for emergency works, so that a suitable timeframe can be agreed for the commencement of works and the lodgement of a plan of works. Emergency works shall be overseen by a suitably qualified coastal specialist and shall be limited in scope to the work required to address the imminent risk.

## 9 Monitoring

- 9.1 For placements in excess of 5000 cubic metres, the consent holder shall undertake a Beach Monitoring Programme that incorporates the following matters and is undertaken for each exercise of this resource consent:
- i. Beach profile surveys spaced no more than 100 m intervals over the full length of the works and, including any Bay of Plenty Regional Council beach profile monitoring sites (if present within 200 m of the dune repair area) to monitor the beach response to scraping and dune rehabilitation;
  - ii. Surveys shall include both pre and post-works beach profiles unless otherwise agreed to with the Bay of Plenty Regional Council in writing;
  - iii. Photographic monitoring of the placement will also be conducted before, during and after the works and at least three further times – including one month, three months and six months after the placement. The photographic monitoring will include alongshore views of the high tide beach and dune face in both directions from each of the beach profile monitoring sites and from each end of the works.
- 9.2 For placements less than 5000 cubic metres but more than 1000 cubic metres, the consent holder shall undertake a Beach Monitoring Programme that incorporates the following matters and is undertaken for each exercise of this resource consent:
- i. Beach profile surveys at no less than two representative sites within the area of the works;
  - ii. Surveys shall include both pre and post-works beach profiles unless otherwise agreed to with the Bay of Plenty Regional Council in writing;
  - iii. Photographic monitoring of the placement before and after the works and repeated at least two further times over the following year, including one month after the placement. The photographic monitoring will include alongshore views of the high tide beach and dune face in both directions from each end of the area of placement and at each of the representative beach profile sites.
- 9.3 For placements less than 1000 cubic metres, the consent holder shall undertake a Beach Monitoring Programme that incorporates the following matters and is undertaken for each exercise of this resource consent:
- i. Photographic monitoring of the placement area before and after the works and at least once over the following year from defined fixed points located at each end and in the centre of the works.
  - ii. The photographic monitoring will include alongshore views of the high tide beach and dune face in both directions from each of the beach profile monitoring sites and from each end of the works.

- 9.4 The consent holder shall provide an annual report to Bay of Plenty Regional Council during the month of November each year detailing any soft protection works activity undertaken in the preceding 12 month period and reporting the results of the Beach Monitoring Programme as described in conditions 9.1, 9.2 and 9.3.

## 10 Review of Consent Conditions

- 10.1 In accordance with section 128(1)(a) of the Resource Management Act 1991 the Bay of Plenty Regional Council may serve notice on the consent holder of its intention to review the conditions of this resource consent in order to:
- i. Deal with any adverse effect on the environment that occur as a result of the exercise of this consent, and if necessary, amend the conditions of this resource consent;
  - ii. if necessary to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment; or
  - iii. to review the adequacy of and the necessity for monitoring undertaken by the consent holder. The fair and reasonable costs associated with any such review shall be recovered from the consent holder.
- The fair and reasonable costs associated with any such review shall be recovered from the consent holder.

## 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 Term of Consent

- 12.1 This consent shall expire on 30 September 2031.
- 12.2 This consent shall lapse on 30 September 2031 if not given effect.

## 13 The Consent

- 13.1 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 Any notification to BOPRC required by these conditions shall be directed (in writing) to the Manager Pollution Prevention, Bay of Plenty Regional Council, PO Box 364, Whakatāne 3158 or fax 0800 884 882 or email: [notify@boprc.govt.nz](mailto:notify@boprc.govt.nz). This notification should include reference to the consent number 68165.
- 2 This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
- 3 The consent holder should encourage members of the Pukehina Beach Ratepayers Association to progressively withdraw encroachments back to private property boundaries and should work constructively with DoC and Coastcare to progressively achieve this over time. The consent holder should also work constructively with DoC and Coastcare to address the issues related to beach access structures and to develop an agreed approach to these structures.

## Bay of Plenty Regional Council

### Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 22 September 2016, **hereby grants:**

A resource consent:

- **Under section 12(1)(d) of the Resource Management Act 1991 and rule 45 of the Bay of Plenty Regional Coastal Environment Plan to undertake a discretionary activity being to deposit in, on or under any foreshore or seabed any substance in a manner which is likely to have an adverse effect on the foreshore or seabed.**

subject to the following conditions:

#### 1 Purpose

- 1.1 The purpose of this resource consent is to authorise and specify conditions on soft protection works exercises via beach push up or placement of dredged material, along a 5.25 km stretch of Pukehina Beach, Western Bay of Plenty.

#### 2 Location

- 2.1 The activities authorised under this consent shall be located at Pukehina Beach foreshore as shown on the plan referenced as B.O.P.R.C Plan Number 68165/1.

#### 3 Map Reference

- 3.1 At or about map reference NZTM 1908970, 5813130.

#### 4 Legal Description

- 4.1 Crown Land (Parcel ID 4567207), Coastal Marine Area adjacent to Pukehina Beach.

#### 5 Review of Consent Conditions

- 5.1 In accordance with section 128(1)(a) of the Resource Management Act 1991 the Bay of Plenty Regional Council may serve notice on the consent holder of its intention to review the conditions of this resource consent in order to:
  - i. deal with any adverse effect on the environment that occur as a result of the exercise of this consent, and if necessary amend the conditions of this resource consent;
  - ii. if necessary to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment; or
  - iii. to review the adequacy of and the necessity for monitoring undertaken by the consent holder.

The fair and reasonable costs associated with any such review shall be recovered from the consent holder.

#### 6 Resource Management Charges

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

## **7 Term of Consent**

- 7.1 This consent shall expire on 30 September 2031.
- 7.2 This consent shall lapse on 30 September 2031 if not given effect.

## **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 22 September 2016, **hereby grants:**

A resource consent:

- **Under section 12(1)(e) of the Resource Management Act 1991 and rule 57 of the Bay of Plenty Regional Coastal Environment Plan to undertake a discretionary activity to disturb the foreshore in a manner which is likely to have an adverse effect on plants or animals or their habitats.**

subject to the following conditions:

#### 1 Purpose

- 1.1 The purpose of this resource consent is to authorise and specify conditions on soft protection works exercises via beach push up or placement of dredged material, along a 5.25 km stretch of Pukehina Beach, Western Bay of Plenty.

#### 2 Location

- 2.1 The activities authorised under this consent shall be located at Pukehina Beach foreshore as shown on the plan referenced as B.O.P.R.C Plan Number 68165/1.

#### 3 Map Reference

- 3.1 At or about map reference NZTM 1908970, 5813130.

#### 4 Legal Description

- 4.1 Crown Land (Parcel ID 4567207), Coastal Marine Area adjacent to Pukehina Beach.

#### 5 Review of Consent Conditions

- 5.1 In accordance with section 128(1)(a) of the Resource Management Act 1991 the Bay of Plenty Regional Council may serve notice on the consent holder of its intention to review the conditions of this resource consent in order to:
  - i. deal with any adverse effect on the environment that occur as a result of the exercise of this consent, and if necessary amend the conditions of this resource consent;
  - ii. if necessary to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment; or
  - iii. to review the adequacy of and the necessity for monitoring undertaken by the consent holder.

The fair and reasonable costs associated with any such review shall be recovered from the consent holder.

#### 6 Resource Management Charges

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

## **7 Term of Consent**

- 7.1 This consent shall expire on 30 September 2031.
- 7.2 This consent shall lapse on 30 September 2031 if not given effect.

## **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 22 September 2016, **hereby grants:**

A resource consent:

- **Under section 9(2)(a) of the Resource Management Act 1991 and Rule 1C of the Bay of Plenty Regional Water and Land Plan to undertake a discretionary activity being to carry out earthworks.**

subject to the following conditions:

#### **1 Purpose**

- 1.1 The purpose of this resource consent is to authorise and specify conditions on soft protection works exercises via beach push up or placement of dredged material, along a 5.25 km stretch of the coastal margin adjoining Pukehina Beach, Western Bay of Plenty.

#### **2 Location**

- 2.1 The activities authorised under this consent shall be located at Pukehina Beach foreshore as shown on the plan referenced as B.O.P.R.C Plan Number 68165/1.

#### **3 Map Reference**

- 3.1 At or about map reference NZTM 1908970, 5813130.

#### **4 Legal Description**

- 4.1 Crown Land (Parcel ID 4567207), Coastal Marine Area adjacent to Pukehina Beach.

#### **5 Review of Consent Conditions**

- 5.1 In accordance with section 128(1)(a) of the Resource Management Act 1991, the Bay of Plenty Regional Council may serve notice on the consent holder of its intention to review the conditions of this resource consent in order to:

- (i) deal with any adverse effect on the environment that occurs as a result of the exercise of this consent, and if necessary amend the conditions of this resource consent;
- (ii) if necessary to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment; or
- (iii) to review the adequacy of and the necessity for monitoring undertaken by the consent holder.

The fair and reasonable costs associated with any such review shall be recovered from the consent holder.

#### **6 Resource Management Charges**

- 6.1 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.

## **7 Term of Consent**

7.1 This consent shall expire on 30 September 2031.

7.2 This consent shall lapse on 30 September 2031 if not given effect.

## **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.