

APPENDIX 3

CONDITIONS OF CONSENT

1. Schedule of Common Conditions

TERMS AND ABBREVIATIONS	
BMP	Biosecurity Management Plan.
Boat Harbour	The commercial boat harbour, associated facilities, and a channel to the Whakatāne River including: <ul style="list-style-type: none">a) a marina; andb) berthing infrastructure; andc) an access channel for vessels; andd) an upgraded boat ramp for commercial and recreational boats; ande) a training centre; andf) a commercial maintenance facility; andg) a parking area; andh) open space and walking areas.
BS138A	Significant Indigenous Biodiversity Area BS138A as defined in the District Plan.
CMP	Construction Management Plan.
CNVMP	Construction Noise and Vibration Management Plan.
Councils	Whakatāne District Council and the Bay of Plenty Regional Council.
CTMP	Construction Traffic Management Plan.
District Council	Whakatāne District Council.
District Plan	Whakatāne District Plan.
Engineering COP	Whakatāne District Council Engineering Code of Practice Issue 8 - April 2008 (or any replacement Code that supersedes the Engineering COP).
ESCP	Erosion and Sediment Control Plan.
IBDA-A44	Indigenous Biological Diversity Area A44 as defined in the Bay of Plenty Regional Coastal Environment Plan.
Infrastructure Report	Te Rāhui Herenga Waka Whakatāne Infrastructure Report 2 Keepa Road, Coastlands, Whakatāne”, dated 30 September 2021 prepared by Tektus Consultants and referenced under Table 1 to Condition 1.1.2.1 of this Schedule of Common Conditions.
Marine precinct activities	As defined in the Whakatāne District Plan and meaning marina structures and activities, vessel haul-out, fuelling and storage activities, boat ramps, marina offices, ancillary retail, café and commercial services and associated car parking, landscaping, infrastructure and subdivision.
Ngāti Awa	(a) means nga uri o nga hapū o Ngāti Awa (the descendants of the hapū of Ngāti Awa); and (b) includes – <ul style="list-style-type: none">(i) the collective group composed of individuals referred to in subparagraph (ii); and(ii) every individual who is –<ul style="list-style-type: none">(A) descended from a Ngāti Awa tipuna;(B) a member of a hapū, group, family, or whānau referred to in subparagraphs (iii) and (iv); and(iii) the hapū of Ngāti Awa; and(iv) any hapū, group, family, or whānau composed of individuals

referred to in subparagraph (ii)

NESF	Resource Management (National Environmental Standards for Freshwater) Regulations 2020.
OMP	Operational Management Plan.
Project	All activities associated with Te Rāhui Herenga Waka Whakatāne Boat Harbour as described in the application and the Submitted Documentation detailed in Table 1 to Condition 1.1.2.1 of the Schedule of Common Conditions and known as Te Rāhui Herenga Waka Whakatāne.
Regional Council	Bay of Plenty Regional Council.
RPMP	Bay of Plenty Regional Pest Management Plan 2020 – 2030.
Restoration Plan	The May 2022 Final Restoration Plan prepared by Wildland Consultants pursuant to Clause 39(5) of the NESF.
SQEP	A suitably qualified and experienced practitioner in the discipline relevant to the applicable condition(s) of these resource consents.
Stage 1	The site remediation and enabling works described in the Assessment of Environmental Effects and Infrastructure Report referenced under Table 1 to Condition 1.1.2.1 of this Schedule of Common Conditions.
Stage 2	The construction of the boat harbour basins and access channel and the restoration of wetlands described in the Assessment of Environmental Effects and Infrastructure Report referenced under Table 1 to Condition 1.1.2.1 of this Schedule of Common Conditions.
Stage 3	The construction of the recreational boat harbour facilities described in the Assessment of Environmental Effects and Infrastructure Report referenced under Table 1 to Condition 1.1.2.1 of this Schedule of Common Conditions.
Te Rūnanga o Ngāti Awa	Established by section 5 of Te Rūnanga o Ngāti Awa Act 2005.
TRONA	Means the same as Te Rūnanga o Ngāti Awa

1.1 General Conditions

Advice note: *The consent conditions contained within this Schedule of Common Conditions apply to the entire package of Regional and District Council Resource Consents.*

1.1.1 Commencement and lapse of resource consents

These resource consents will commence in accordance with Clause 37(9) of Schedule 6 to the COVID-19 Recovery (Fast-track Consenting) Act 2020. These resource consents will lapse if they are not given effect to within two (2) years from the date of commencement in accordance with Clause 37(8)(a) of Schedule 6 to the COVID-19 Recovery (Fast-track Consenting) Act 2020. In this condition, “given effect to” means the commencement of the Stage 1 remediation and enabling works.

1.1.2 Construction in accordance with project documents

1.1.2.1 The activities authorised by these resource consents must be carried out in accordance with:

- a. The documentation submitted with the resource consent application, referenced as resource consent numbers [*Regional consent reference numbers*] and District Council land use consent LL-2022-9566-00] by the consent authorities and listed in “Table 1: Submitted Documentation” below.
- b. The documentation certified in accordance with the conditions of these resource

consents.

Advice Note: *In the event of any material inconsistency between the plans and documents listed in "Table 1: Documentation" and a condition(s) of these resource consents, the condition(s) shall prevail.*

Table 1: Documentation

Report title and reference number	Author	Revision	Dated
Assessment of Environmental Effects	Mitchell Daysh Limited	Final	January 2022
Te Rāhui Herenga Waka Whakatāne - Infrastructure Report ref. T20128.210930.R01.	Tektus Consultants Ltd	1	30 September 2021
Whakatāne Boat Harbour Aquatic Biosecurity Risk Review and Assessment	Marine Biofouling & Biosecurity Management	Final	
Te Rāhui Herenga Waka Whakatāne - Transport Impact Assessment	Stantec	2	18 January 2022
Further Assessment of Ecological Effects for a Proposed Boat Harbour and Associated Access Channel at Keepa Road, Whakatāne ref. R4797d	Wildlands	Final	January 2022
Assessment of Potential Marine and Freshwater Ecological Effects for a proposed Boat Harbour at Keepa Road, Whakatāne ref. R4797g	Wildlands	Final	January 2022
Restoration Plan ref. R4797h	Wildlands	Final	May 2022
Te Rāhui Herenga Waka Whakatāne - Recreation & Tourism Effects Assessment	Rob Greenaway & Associates	Final	August 2021
Detailed Site Investigation Report ref. 0202 Te Rāhui Herenga Waka Whakatāne	HAIL Environmental Ltd	Final	17 January 2022
Site Management Plan ref. 0202 Te Rāhui Herenga Waka Whakatāne	HAIL Environmental Ltd	Final Draft	January 2022
Te Rāhui Herenga Waka Whakatāne - Water Quality Investigation Report ref. 0202 Te Rāhui Herenga Waka Whakatāne	HAIL Environmental Ltd	Final	August 2021
Te Rāhui Herenga Waka Whakatāne - Natural Character, Landscape and Visual Assessment Report ref. 4390/C2	Isthmus	Final	17 January 2022
Acoustic Assessment ref. Rp 001 202201193	Marshall Day Acoustics	TBC	TBC
External artificial lighting - Assessment of Environmental Effects Te Rāhui Herenga Waka Whakatāne	LDP Limited	1	16.04.2021

Report title and reference number	Author	Revision	Dated
ref. 471139-2			
Archaeological advice – proposed Te Rāhui Boat Harbour development, Keepa Road, Whakatāne	InSitu Heritage Limited	1	21.02.2020

1.1.3 Certification processes

1.1.3.1 All information required by the conditions of these resource consents may be submitted in parts or stages to address particular activities or to reflect a staged implementation of these resource consents. Information submitted in part and/or or for a particular stage must:

- a. Unless otherwise specified in a specific condition, be submitted to the Council(s) for certification no less than thirty (30) working days prior to the commencement of construction works onsite for that part or stage.
- b. Clearly explain the relationship between the submitted information and the parts and/or stages of the Project that it relates to.
- c. Work shall not start until written certification is received.

1.1.3.2 Where the consent holder submits information for certification by the Council(s) in accordance with a condition(s) of these resource consents:

- a. Certification (or withholding certification) relates to whether the Information meets the requirements of the relevant consent condition(s).
- b. The consent holder may proceed with the works following certification by Council that the Information meets the requirements of the relevant consent condition.

1.1.4 Statutory and other References

1.1.4.1 References to statutory, regulatory, by laws, standards and codes of practice provisions shall be construed to those provisions as they may be amended or re-enacted or as their application is modified by any other provision from time to time.

1.2 Pre-Construction Conditions

1.2.1 Te Rāhui Herenga Waka Whakatāne Reference Group

1.2.1.1 Within sixty (60) working days following the commencement of these resource consents, the consent holder must invite the chairperson (or an approved delegate or representative) of the parties identified in sub-clauses a – e to this condition to form the Te Rāhui Herenga Waka Whakatāne Reference Group (“the Reference Group”):

- a. Te Rāhui Lands Trust;
- b. Te Rūnanga o Ngāti Awa;
- c. Bay of Plenty Regional Council;
- d. Whakatāne District Council; and
- e. Department of Conservation.

Advice Note: for the avoidance of doubt, the Reference Group may, by agreement with the consent holder, add persons, entities or organisations to its membership for either general or specific purposes and on such terms as are agreed.

1.2.1.2 The consent holder must:

- a. Meet with the Reference Group:
 - i. At least once every two months during the construction of each stage of the Boat Harbour; and
 - ii. At least once per year for the first 5 years after the commencement of commercial Marine precinct activities; and
 - iii. At least once per year for the first 3 years after the commencement of recreational Marine precinct activities; and
 - iv. At least once every 4 years for the remainder of the consent term; or
 - v. Within one month of a specific request from a member of the Reference Group to discuss matters specific to the operation of the Boat Harbour and any associated effects.

A meeting(s) of the Reference Group may be cancelled or postponed subject to the agreement of all parties who attended the previous Reference Group meeting and/or have requested to be invited to future meetings; and

- b. Provide reasonable organisation and administrative support to facilitate the development and on-going role of the Reference Group for the duration of these resource consents.

1.2.1.3 The role of the Reference Group is to:

- a. Receive, review and provide feedback on the Project's management plans and other plans and reports including, but not limited to, the following:
 - i. Engineering Design Report (Condition 1.2.4 of this Schedule of Common Conditions);
 - ii. Construction Management Plan (Condition 1.2.5 of this Schedule of Common Conditions);
 - iii. Erosion and Sediment Control Plan (Condition 1.2.7 of this Schedule of Common Conditions);
 - iv. Site and Soil Contaminant Management Plan (Condition 1.2.9 of this Schedule of Common Conditions);
 - v. Any updates to the Restoration Plan (Condition 1.2.10 of this Schedule of Common Conditions);
 - vi. Harbour Design Report (Condition 1.2.10.3 of this Schedule of Common Conditions);
 - vii. Operational Management Plan (Conditions 1.5.1 - 1.5.6 of this Schedule of Common Conditions);
 - viii. Architecture and Urban Design Report (District Land Use Consent Condition 2.2);
 - ix. Landscape Planting Plan (District Land Use Consent Condition 2.3);
 - x. Boat Harbour Biosecurity Management Plan (Regional Coastal Permit Condition 4.8); and
 - xi. Any revisions to the above plans.
- b. Receive from the consent holder:

- i. Updates on project-related activities undertaken in the period since the preceding Reference Group meeting;
 - ii. Updates on progress on any matters raised at any preceding Reference Group meeting that required action by the consent holder;
 - iii. A summary of relevant environmental monitoring results undertaken since the last Reference Group meeting;
 - iv. A summary of proposed works and activities to be undertaken by the consent holder in the period until the next Reference Group meeting; and
 - v. Annual Performance Reports prepared in accordance with Condition 1.5.8 of this Schedule of Common Conditions.
- c. Provide Feedback on programme management and resource coordination relating to consent implementation.

1.2.1.4 Prior to submitting information to the Councils in accordance with the conditions of these resource consents, the consent holder must invite the Reference Group to a meeting to discuss the information to be submitted. The information must be provided to the Reference Group not less than thirty (30) working days prior to the meeting. The consent holder's final reporting to the Council(s) must identify any feedback received from the Reference Group and whether and how the consent holder has responded to that feedback.

1.2.2 Tangata Whenua Liaison Group

1.2.2.1 Within six (6) months of the commencement of these resource consents, the consent holder must invite representatives of the groups identified in sub-clauses a – k of this condition to establish a Tangata Whenua Liaison Group:

- a. Ngāti Awa;
- b. Ngāti Hokopū ki Te Hokowhitu ā Tū ki Te Rāhui;
- c. Ngāti Hokopū ki te Whare ō Toroa;
- d. Ngāi Taiwhakaea;
- e. Ngāti Pūkeko;
- f. Ngāi Te Rangihouhiri;
- g. Ngāti Wharepaia;
- h. Ngāti Hikakino;
- i. Ngāti Rangataua;
- j. Ngāti Tamapare; and
- k. Te Patuwai.

Advice Note: *for the avoidance of doubt, the Tangata Whenua Liaison Group may, by agreement add iwi/hapū to its membership for either general or specific purposes and on such terms as are agreed.*

1.2.2.2 Once the Tangata Whenua Liaison Group is established:

- a. The consent holder must provide reasonable organisation and administrative support

to facilitate the development and ongoing role of the group for the duration of these resource consents;

- b. The Tangata Whenua Liaison Group must establish its own meeting protocols having regard to relevant customary practices and operate in accordance with the principles of Te Tiriti o Waitangi (the Treaty of Waitangi), especially the principles of consultation, active participation and partnership;
 - c. The consent holder shall arrange formal meetings of the Tangata Whenua Liaison Group:
 - i. On a 6-monthly basis during the construction of each stage of the Boat Harbour; and
 - ii. At least once per year for the first 5 years after the commencement of commercial Marine precinct activities; and
 - iii. At least once per year for the first 3 years after the commencement of recreational Marine precinct activities; and
 - iv. At least once every 4 years for the remainder of the consent term; or
 - v. At the specific request from the Group to discuss matters specific to the operation of the Boat Harbour and any associated effects.
 - d. Within each year that aligns with the requirement of a formal meeting as set out in Condition 1.2.2.2.c, the consent holder shall invite members of the Tangata Whenua Liaison Group to a meeting to be held within three (3) months of the completion of the Annual Performance Report required by Condition 1.5.8 of this Schedule of Common Conditions. The invitation to this meeting shall be sent at least one month before the meeting date.
 - e. A meeting(s) of the Tangata Whenua Liaison Group may be cancelled or postponed if all representatives of all iwi and hapū in the Tangata Whenua Liaison Group notify the consent holder that the meeting(s) is not required.
- 1.2.2.3 The purpose of the Tangata Whenua Liaison Group is to facilitate ongoing engagement and information sharing between the Tangata Whenua Liaison Group and the consent holder. To that end, the functions of the Tangata Whenua Liaison Group must include, but not be limited to, discussion of the results and possible actions arising from, the following:
- a. The results of the Annual Performance Report prepared in accordance with Condition 1.5.8 of this Schedule of Common Conditions; and
 - b. Consideration of any relevant issues raised by tangata whenua.
- 1.2.2.4 The consent holder must keep minutes of any Tangata Whenua Liaison Group meetings and must forward copies of the minutes to all attendees and must provide a copy to the Councils on request.
- 1.2.2.5 The consent holder must provide the Tangata Whenua Liaison Group with copies of all information certified in accordance with these resource consents no less than twenty (20) working days prior to the date of the first Tangata Whenua Liaison Group meeting. Copies of any information certified thereafter must be provided to the Tangata Whenua Liaison Group no less than twenty (20) working days prior to the date of the next Tangata Whenua Liaison Group meeting.
- 1.2.3 Community Liaison Group
- 1.2.3.1 Within six (6) months of the commencement of these resource consents, the consent holder must invite the stakeholders listed in sub-clauses a – m of this condition to establish a Community Liaison Group. An invitation must be made by way of public notice

in the Whakātane Beacon, Bay of Plenty Times, on the consent holder’s website, and by direct notice (where practicable) to the following parties:

- a. Whakatāne Harbour Care Group;
- b. Coastguard Whakatāne;
- c. Whakatāne Rowing Club;
- d. Whakatāne Harbour Users Group;
- e. Whakatāne Ōhope Community Board;
- f. Eastern Bay of Plenty Harbourmaster;
- g. Tangata Whenua Liaison Group;
- h. Department of Conservation;
- i. Whakatāne River Care Group;
- j. Eastern Bay of Plenty Branch of the Royal Forest and Bird Protection Society;
- k. Local community and representatives of community groups who express an interest in the Project;
- l. Eastern Bay Canoe Racing Club; and
- m. Whakatane Yacht Club.

1.2.3.2 The purpose of the Community Liaison Group must be to provide a forum to facilitate communication and dialogue between the consent holder and the community on issues concerning the development and operation of the Project.

1.2.3.3 The consent holder must provide reasonable organisation and administrative support to facilitate the development and ongoing role of the Community Liaison Group for the duration of these resource consents.

1.2.3.4 The consent holder shall arrange meetings of the Community Liaison Group:

- a. On a 6-monthly basis during the construction of each stage of the Boat Harbour; and
- b. At least once per year for the first 5 years after the commencement of commercial Marine precinct activities; and
- c. At least once per year for the first 3 years after the commencement of recreational Marine precinct activities; and
- d. At 4-yearly intervals for the remainder of the consent term; or
- e. Within one month of a specific request from the Group to discuss matters specific to the operation of the Boat Harbour and any associated effects;
- f. Within each year that aligns with the requirement of a formal meeting as set out in Condition 1.2.3.4.a -d, the consent holder shall invite Community Liaison Group members to a meeting to be held within three (3) months of the completion of the Annual Performance Report required by Condition 1.5.8 of this Schedule of Common Conditions. The invitation shall be sent at least one month before the scheduled meeting date; and
- g. A Community Liaison Group meeting(s) may be cancelled or postponed subject to

the agreement of all parties who attended the previous Community Liaison Group meeting or have requested to be invited to future meetings.

1.2.3.5 The consent holder must:

- a. Arrange an appropriate venue for Community Liaison Group meetings;
- b. Inform all parties of the time, venue and proposed agenda for each meeting no less than fifteen (15) working days prior to the scheduled meeting date; and
- c. Provide copies of meeting minutes to all parties no later than one (1) month following the meeting. The Community Liaison Group meeting minutes must be provided to the Reference Group at the same time which they are circulated to the Community Liaison Group members.

1.2.3.6 The consent holder must assist the Community Liaison Group to fulfil its purpose by providing information to the parties on:

- a. Any complaints received from community members, aspects of non-compliance and potential remedial actions, or proposals, relating to the Boat Harbour;
- b. The environmental performance of the Boat Harbour, including an overview of the most recent Annual Performance Report prepared in accordance with Condition 1.5.8 of this Schedule of Common Conditions and outputs from monitoring of the receiving environment;
- c. Any investigations and / or works proposed at the Boat Harbour; and
- d. Updates on any issues resolved since the previous Community Liaison Group meeting.
- e. Any approved changes to:
 - i. A certified management plan(s) including the reasoning for any changes; and
 - ii. The conditions of these consents including the reasoning for any changes.

1.2.4 Engineering Design Report

1.2.4.1 No less than thirty (30) working days prior to the commencement of any construction for the provision of infrastructure services for each stage (or part of a stage) of the Boat Harbour site for the Project, a detailed Engineering Design Report (including construction plans, drawings and specifications of all land-based development to be undertaken in the relevant stage (or part of the stage) must be submitted to the Councils for certification that it has been prepared in accordance with Condition 1.2.4.2 of this Schedule of Common Conditions.

1.2.4.2 The Engineering Design Report must be prepared by a SQEP and must be in accordance with the documentation referenced under Table 1 to Condition 1.1.2.1 of this Schedule of Common Conditions and the District Council's Engineering COP. Finished ground and building levels must be shown to Moturiki Vertical Datum. The following information as applicable to the relevant stage(s) of the Project must be included as a minimum:

- a. Foundation designs for buildings and structures as appropriate;
- b. Relocation of the existing services onsite;
- c. The layout and design of:
 - i. Vehicle, cyclist and pedestrian access to the site designed and constructed in accordance with Section 13.2 of the District Plan, except for the reduced sight

distance between the southernmost site entrance and the Keepa Road / State Highway 30 roundabout authorised pursuant to District Council Land Use Consent No. [LL-2022-9566-00];

- ii. Vehicle parking areas including all-abilities vehicle parking and boat trailer parking, with a total vehicle parking provision of no less than 170 car spaces and 100 car and trailer spaces; and
 - iii. Vehicle manoeuvring lanes/areas and loading/unloading areas.
- d. A minimum of 20 bicycle parking spaces for use by employees and visitors to the site;
- e. The layout and design of connections to telecommunications and the reticulated electricity, water supply and wastewater networks, including the following information as a minimum:
- i. Firefighting water supply provided in accordance with "SNZ PAS 4509:2008 New Zealand Fire Service firefighting water supplies code of practice";
 - ii. Methods to ensure continuity of water supply at times when the onsite reused water supply is unavailable;
 - iii. The labelling / identification of the onsite water network to clearly distinguish between water supply, wastewater and water reuse piping;
 - iv. Methods to meter potable and non-potable water and wastewater flows; and
 - v. The requirements of service providers regarding the relocation of electrical infrastructure onsite and provision of telecommunication services to the Boat Harbour.
- f. The layout and design of systems and facilities for the collection, treatment, reuse and discharge of stormwater, greywater and water from wet processing areas, including the following information as a minimum:
- i. Details of the reconfiguration of existing stormwater services, including roadside swales and culverts, the reconfiguration of the existing Keepa Road pump station, channel and outlet and the installation of a new pump station;
 - ii. The stormwater treatment systems and processes for the relevant stages of the Boat Harbour, including details of permeable and impermeable surface extents, areas of hydraulic isolation, treatment and storage processes, devices and volumes, and incorporating the capture and treatment of runoff from areas of the site used for wet processing, refuelling and vessel unloading, to achieve (as a minimum) the treatment standards specified in Condition 1.2.4.2(f)(v) below and the same level of flood and overland flow management as the pre-development state;
 - iii. Details of the methodology for onsite water recycling, anticipated purposes and volumes of stormwater reuse, and the treatment and discharge system associated with onsite stormwater recycling;
 - iv. A primary system capable of capturing and disposing of surface water resulting from the predicted 10% Annual Exceedance Probability 10 minute duration rainfall event. The primary system must contain or dispose of stormwater onsite, or direct it into a designated stormwater reticulation and disposal system; and
 - v. The primary system must be designed to treat stormwater captured from nominated onsite catchments to achieve the contaminant thresholds described in the table below, in a two year, one hour storm as determined by HIRDS

version 3, before discharging to the Boat Harbour. The design shall clearly indicate the details of stormwater treatment devices and shall confirm where stormwater discharge quality will be monitored;

Contaminant	Threshold
Gross Pollutants	Full capture from site discharges.
Total Suspended Solids, g/m ³	50
Copper, µg/L	8
Lead, µg/L	12
Zinc, µg/L	21
Total Petroleum Hydrocarbons, mg/l	10

- vi. A secondary flow system capable of conveying surface water resulting from the predicted 1% Annual Exceedance Probability rainfall event to ensure that surface water must not enter buildings. Secondary flow paths must be shown on the design plans.
- g. The layout and design of the fuel storage facilities to comply with District Plan Rules 19.2.4 – 19.2.9;
- h. The layout and design of permeable and impermeable surfaces in carparks, accessways and hardstand areas in accordance with the recommendations of the Infrastructure Report;
- i. Stormwater runoff from vehicle parking and manoeuvring areas must not be disposed of directly into either the road reserve, neighbouring properties or the Boat Harbour;
- j. Confirmation that the detailed engineering plans and specifications account for relevant geotechnical engineering considerations and comply with the recommendations in the Geotechnical Investigation Report required by condition 1.2.14 of this Schedule of Common Conditions; and
- k. Peak Flood Levels:
 - i. Confirmation of the extent that climate change has been factored into the design.
 - ii. A clear explanation of the correct 1% AEP level to be adopted for the site design and stop bank management regime at the point of Councils certification of the Engineering Design Report.

Advice Note: A geotechnical engineering report will be required as part of the separate approval process under the Bay of Plenty Flood Protection and Drainage Bylaws 2020 for earthworks within 40m of the Whakatane River stop bank.

1.2.5 Construction Management Plan (CMP)

- 1.2.5.1 No less than thirty (30) working days prior to the commencement of any construction works onsite for each stage of the Project, a CMP must be prepared by a SQEP for the relevant stage(s) of construction activities. The CMP(s) must be submitted to the Councils for certification that it has been prepared in accordance with Condition 1.2.5.2 of this Schedule of Common Conditions.

Advice Note: The CMP for Stage 1 and Stage 2 shall be a combined document. The CMP

for Stage 3 of the Project may be combined with the CMP for Stages 1 and 2 or may be separate.

- 1.2.5.2 The objective of the CMP for each stage of works is to confirm the detailed construction methodology and measures to be implemented to identify, manage and mitigate any actual or potential adverse effects during construction. Each CMP must include specific details relating to the land disturbance, vegetation clearance and excavation activities at the site, or parts thereof, and the construction and management of all works associated with the creation of the Boat Harbour and must include the following information as a minimum:
- a. The name, qualifications, relevant experience, mobile telephone number, email address and postal address for the site engineer / manager responsible for overseeing compliance with:
 - i. These resource consents;
 - ii. The Engineering Design Report, Harbour Design Report, CMP and other relevant certified documents; and
 - iii. The District Council's Engineering COP.
 - b. Names, qualifications, relevant experience, and contact information for other principal construction staff employed, and details of their roles and responsibilities;
 - c. Details of the construction works, intended timetable (including staging) and hours of construction works onsite as follows:
 - i. Construction works onsite must only be undertaken between 0730 and 1800, Monday to Saturday (inclusive); and
 - ii. No construction works are permitted onsite on Sundays or any public holiday;
 - iii. The restriction on the days and hours of construction works shall not apply to low noise and vibration causing activities (such as site set up, painting, electrical works or planting), which may be undertaken at any time if compliant with all other relevant conditions of, and documentation certified under, these resource consents.
 - d. Methods to maintain the site in a tidy condition with reference to waste management, site offices, parking for construction staff vehicles, ablution facilities, vermin deterrence and management, soil stockpiles, the unloading and storage of construction materials and machinery and similar construction activities;
 - e. The typical details of hoardings, security fencing and warning signs to be installed in association with construction works;
 - f. The methods and management measures to address construction traffic in accordance with the Construction Traffic Management Plan required pursuant to Condition 1.2.6 of this Schedule of Common Conditions;
 - g. The methods and management measures to address disturbed areas in accordance with the Erosion and Sediment Control Plan required pursuant to Condition 1.2.7 of this Schedule of Common Conditions;
 - h. Confirmation of the proposed areas of engineered excavation and fill;
 - i. The methods and management measures to manage dust, including:
 - i. Ensuring that an adequate water supply for dust control (sufficient to apply a minimum of five (5) millimetres per day to all exposed areas of the site), and an effective means for applying that quantity of water, is available onsite at all

times during earthworks and until the site is fully stabilised.

- ii. Ensuring that outside of normal construction working hours, staff are available on-call to operate the water application system for dust suppression.
 - iii. Ensuring that, at all times, the soil moisture level of exposed areas is sufficient to prevent dust from becoming offensive or objectionable beyond the boundary of the work site.
 - iv. Ensuring that if wind conditions make dust control impracticable, any machinery generating airborne dust ceases operations until effective dust control is re-established.
 - v. The methods and management measures to address construction noise and vibration in accordance with the Construction Noise and Vibration Management Plan required pursuant to Condition 1.2.8 of this Schedule of Common Conditions.
- j. Confirmation that any outdoor lighting installed in association with construction works is measured and assessed in accordance, and complies, with:
- i. District Plan Rule 11.2.16 Lighting and Glare;
 - ii. District Plan Rule 11.2.18 Navigation; and
 - iii. Best practice lighting designs and management principles to minimise the potential effects on avifauna, as described in the Australian Government Guidelines (Commonwealth of Australia. 2020. National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds).

Advice Note: *the species particularly affected in the Whakatāne environment is ōi, the grey-faced petrel Pterodroma macroptera which is a taonga for Ngāti Awa. There is a significant colony on nearby Moutohora, and there are also land-based nesting sites around Kohi Point.*

- k. Methods to advise the public of the contact details for the site manager and procedures to manage enquiries and complaints about construction activities;
- l. The process and timing for the consent holder to provide the invitation to Ngāti Awa representatives to provide karakia / site blessing and cultural inductions prior to the commencement of works and also for the provision for the engagement of a cultural monitor to attend the site to observe earthworks, (noting that TRONA requires thirty (30) working days advance notice);
- m. A summary of any consultation undertaken with the District Council, Regional Council, Waka Kotahi / New Zealand Transport Agency, Horizon Networks, Eastern Bay of Plenty Harbourmaster, tangata whenua and neighbouring landowners in preparing the CMP;
- n. The full text of the Accidental Discovery Protocols specified at Condition 1.3.3 of this Schedule, including current telephone and email contact information for each party to be notified on initiation of the Accidental Discovery Protocol(s); and
- o. Methods to ensure construction activities are undertaken and managed in accordance with Condition 3.6 (Works in Wetlands) of Regional Council land use consent No.[insert]
- p. Identify the designated access point/routes to the coastal marine area and wetland to minimise damage to these areas.
 - i. Access and exit by vehicles to the coastal marine area and works site shall be

from only one point. The vehicle shall take the route likely to make the least environmental damage, and shall operate only within the area necessary to carry out the works authorised by this consent.

- ii. No vehicles shall be operated at a speed greater than 15 km/hour.

1.2.6 Construction Traffic Management Plan (CTMP)

1.2.6.1 No less than thirty (30) working days prior to the commencement of any construction work on site for each stage of the Project a CTMP must be prepared by a SQEP for the relevant stage(s) of the construction activities. The CTMP must be submitted to the Councils for certification that it has been prepared in accordance with Condition 1.2.6.2 of this Schedule of Common Conditions.

1.2.6.2 The CTMP(s) required in accordance with Condition 1.2.6.1 of this Schedule of Common Conditions must be prepared by a SQEP in accordance with the "Waka Kotahi Code of Practice for Temporary Traffic Management" (Part 8 of the Traffic Control Devices Manual). The CTMP(s) must include the following information as a minimum:

- a. A summary of the construction traffic management considerations associated with the relevant stage(s) of the Project and any assumptions that inform the design of the CTMP(s);
- b. Plans identifying construction vehicle access points and sight distances, storage areas for construction materials, plant and machinery, and parking, loading and unloading zones;
- c. Truck route diagrams and a schedule of typical truck movements to/from the site during the main construction phases of the relevant stage(s) of the Project;
- d. Plans, procedures and locations for the parking, loading and unloading of construction, staff and visitor vehicles on-site and to prevent these vehicles from parking, loading or unloading within Keepa Road;
- e. Traffic management methods including as a minimum:
 - i. Any periods during which truck movements to/from site are to be precluded to mitigate adverse effects on the operation of the transport network;
 - ii. The anticipated locations of traffic controllers/traffic control devices;
 - iii. The location and details of traffic management signage including signposting of construction access points;
 - iv. The methods for vehicle, pedestrian and cyclist management when traffic management is operating; and
 - v. The methods to circulate prior public notice of any temporary restrictions on pedestrian, cyclist or vehicle movements due to traffic management measures associated with the construction works.
- f. Facilities and procedures to:
 - i. Clean all vehicles within the site prior to their departure, to prevent mud or other material from being deposited onto the road network; and
 - ii. Promptly remove any material deposited onto roads by vehicles or machinery associated with the Project.
- g. The locations and procedures for vehicle and heavy machinery refuelling, including spill management procedures and equipment;

- h. Methods for transporting and parking oversize vehicles (such as cranes); and
- i. Details of the consultation with Waka Kotahi and how any requested actions have been addressed in the CTMP.

Advice Note 1: *If proposed, the temporary occupation of road space will only be approved by the District Council where there is no other practicable option to undertaking the required construction activities, and where adverse effects on the safe and efficient movement of vehicles, cyclists and pedestrians along the road, and restrictions on access to adjacent properties are avoided or sufficiently mitigated.*

Advice Note 2: *The consent holder must submit a corridor access request to the District Council through www.submitica.co.nz at least ten (10) working days prior to any work being carried out on a public road.*

Advice Note 3: *The CTMP for Stage 1 and Stage 2 shall be a combined document. The CTMP for Stage 3 of the Project may be combined with the CTMP for Stages 1 and 2 or may be separate.*

1.2.7 Erosion and Sediment Control Plan (ESCP)

1.2.7.1 No less than thirty (30) working days prior to the commencement of any construction work on site for each stage of the Project an ESCP must be prepared by a SQEP for the relevant stage(s) of the construction activities. The ESCP must be submitted to the Councils for certification that it has been prepared in accordance with condition 1.2.7.2 of this Schedule of Common Conditions.

1.2.7.2 The ESCP required in accordance with Condition 1.2.7.1 of this Schedule of Common Conditions must be prepared by a SQEP in accordance with the Regional Council "Erosion and Sediment Control Guidelines for Land Disturbing Activities (2010/01)". The purpose of the ESCP is to demonstrate the methods to manage and monitor erosion and sediment runoff from disturbed areas to minimise adverse effects on receiving water quality. The ESCP must be in accordance with the draft ESCP and Tektus drawings submitted with the resource consent application (Table 1 "Documentation" to Condition 1.1.2.1 of this Schedule of Common Conditions) and must include the following information:

- a. Details of all bunding, silt fencing and other devices to be installed;
- b. The methods to ensure that where runoff controls (such as diversion channels, bunds, contour drains etc.) have slopes greater than 2%, then the runoff controls are protected from erosion by the use of appropriate geotextile materials, rock or other suitable materials;
- c. The location of sediment controls downslope of all earthworks areas, construction access tracks, and staging areas until the site is permanently stabilised;
- d. The methods to ensure that all discharges from disturbed areas onsite are discharged to land soakage;
- e. The methods for the diversion of uncontaminated stormwater runoff away from area(s) of bulk earthworks;
- f. The means by which sediment-contaminated stormwater generated during earthworks will be contained within the works area and discharged to ground soakage at the base of excavations;
- g. Flocculation requirements for any stormwater discharges to land where that may enter water, not otherwise addressed in the Flocculant Management Plan required by Condition 1.2.7.3 of this Schedule of Common Conditions;
- h. Methods to prevent sediment loss into the river during excavation, while maintaining tidal flows into and out of the wetland complex on both sides of the Kopeopeo Canal

flood channel;

- i. Details of erosion and sediment control methods to achieve a maximum threshold of 150 mg/L Total Suspended Solids in rainfall events up to the 10% Annual Exceedance Probability event;
- j. Provision for and all-weather access to, and maintenance and inspection of, the erosion and sediment control devices for the duration of construction works;
- k. Demonstration that:
 - i. Stockpiled material to be stored onsite for longer than three (3) months can be located where it cannot be moved by stormwater, and can be isolated and stabilised to prevent surface erosion and sedimentation; and
 - ii. No vegetation, soil, or other debris will be left in a position where the material could be mobilised by stormwater during heavy rainfall.
- l. An erosion and sediment control monitoring program, designed in accordance with the Regional Council "Erosion and Sediment Control Guidelines for Land Disturbing Activities (2010/01)", setting out the monitoring and inspection procedures to be followed typically, and during and after periods of rainfall.

Advice Note 1: *The ESCP for Stage 1 and Stage 2 shall be a combined document. The ESCP for Stage 3 of the Project may be combined with the ESCP for Stages 1 and 2 or may be separate.*

Advice Note 2: *Dust, erosion and sediment control methods will require alignment between the CMP, ESCP and the SMP.*

1.2.7.3 Flocculant Management Plan

If flocculants are to be used to manage sediment-laden water, the consent holder shall submit to the Regional Council a Flocculant Management Plan (FMP) for written certification by a Compliance Officer. The FMP shall include:

- a. Bench testing methodology and frequency;
- b. Application methodology, including calculations, dilution and structures;
- c. Chemical storage location; and
- d. Spill management plan including appropriate equipment to be kept onsite for the duration of the use and/or storage of flocculant.

1.2.7.4 The use and storage of flocculant shall be undertaken in accordance with the certified FMP at all times, and shall be stored at least 50 metres from a waterbody or drain that contains water.

1.2.8 Construction Noise and Vibration Management Plan (CNVMP)

1.2.8.1 No less than thirty (30) working days prior to the commencement of any construction work on site for each stage of the Project a CNVMP must be prepared by a SQEP for the relevant stage(s) of the construction activities. The CNVMP must be submitted to the District Council for certification that it has been prepared in accordance with Condition 1.2.8.2 of this Schedule of Common Conditions.

1.2.8.2 The CNVMP required in accordance with Condition 1.2.8.1 of this Schedule of Common Conditions must be prepared by a SQEP to set out the best practicable option (in accordance with the requirements of Section 16 of the Resource Management Act 1991 and within the limits set out under the conditions of this resource consent) for the management of noise and vibration effects. The CNVMP must include the following

information:

- a. The identification on a plan of surrounding receivers that are potentially sensitive to construction noise and / or vibration;
- b. The limitations on the days and hours of construction works set out in the conditions of this resource consent and CMP;
- c. The construction noise and vibration levels predicted to be generated by construction works;
- d. The methods to ensure construction noise complies with District Plan Rule 11.2.6.2 and Table 11:2 (Specific Activity Noise Limits);
- e. The methods to monitor construction noise and vibration for the duration of construction works, and ensure compliance with, District Plan Rule 11.2.13.1(c) and the applicable provisions of "German Standard DIN 4150-3: 1999 Effects of vibration on structures";
- f. Training for construction staff in the management of construction noise and vibration;
- g. Provision for the consent holder to submit construction noise and vibration monitoring data in electronic format within five (5) working days of a written request by the District Council;
- h. Procedures for the cessation of construction works if the District Plan noise or vibration limits are exceeded and the processes to be followed thereafter to enable construction works to recommence; and
- i. Procedures to manage complaints about construction noise or vibration.

Advice Note: *The CNVMP for Stage 1 and Stage 2 shall be a combined document. The CNVMP for Stage 3 of the Project may be combined with the CNVMP for Stages 1 and 2 or may be separate.*

1.2.9 Site and Soil Contaminant Management Plan (SSCMP)

- 1.2.9.1 No less than thirty (30) working days prior to the commencement of any construction works onsite, a SSCMP for the relevant stage(s) of construction works must be submitted to the Councils for certification that it complies with the requirements of Condition 1.2.9.2 of this Schedule of Common Conditions.

Advice Note 1: *The SSCMP for Stage 1 and Stage 2 shall be a combined document. The SSCMP for Stage 3 of the Project may be combined with the SSCMP for Stages 1 and 2 or may be separate.*

Advice Note 2: *Dust, erosion and sediment control methods will require alignment between the CMP, ESCP and the SSCMP.*

- 1.2.9.2 The purpose of the SSCMP(s) is to document procedures that will be undertaken during development works to minimise potential discharges to the environment, minimise risks to human health and to advise on soil and stormwater/groundwater management and disposal options. Each SSCMP submitted for certification must, as a minimum, include the following information:

- a. A description of the purpose and objectives of the SSCMP;
- b. A summary of the site characteristics and soil contamination status influencing the management of the proposed construction works;
- c. The allocation of roles and responsibilities for contamination management, between the consent holder, contractors, monitors and SQEP(s);

- d. Methods to minimise risks to human health including health and safety procedures to deal with low level contaminated soil;
- e. Methods to minimise potential discharges of contaminants to the environment including:
 - i. Erosion and sediment control methods;
 - ii. Soil handling procedures;
 - iii. Stormwater, groundwater, and sediment management methods; and
 - iv. Soil and contaminant disposal procedures and requirements.
- f. Methods for monitoring earthworks;
- g. Contingency site management methods to be implemented if unexpected contamination is discovered;
- h. Procedures for reporting on the outcomes of the earthworks in accordance with "Contaminated Land Management Guideline No. 1: Reporting on Contaminated Sites in New Zealand"; and
- i. Procedure for handling any complaints received in relation to the management of site contamination.

Advice Note: *The SSCMP is intended to provide flexibility for management of the excavation works and contaminated site discharges. Accordingly, a certified SSCMP may need to be updated as works progress. Any updates should be limited to the scope of this consent and consistent with the conditions of this consent. In the event that substantive changes are made to the SSCMP, re-certification is required from the Councils, prior to implementation.*

1.2.10 Restoration Plan

- 1.2.10.1 Vegetation clearance, earthworks, land disturbance and restoration activities (including ongoing maintenance and pest control) undertaken in the wetland restoration area subject to the Regional Council IBDA-A44 mapping must be carried out and completed in accordance with the Restoration Plan or any certified updated versions of that plan under condition 1.2.10.3.
- 1.2.10.2 The consent holder must provide the opportunity for the following parties to be involved in the planning and implementation of restoration works provided for in the Restoration Plan:
 - a. Te Rāhui Lands Trust;
 - b. Te Rūnanga o Ngāti Awa;
 - c. Department of Conservation;
 - d. Whakatāne Harbour Care Group;
 - e. Eastern Bay of Plenty Branch of the Royal Forest and Bird Protection Society and
 - f. Bay of Plenty Regional Council.
- 1.2.10.3 Any amendment to the Restoration Plan referenced under Condition 1.2.10.1 of this Schedule of Common Conditions must be prepared in consultation with the parties listed in Condition 1.2.10.2 of this Schedule of Common Conditions and must be submitted to the Regional Council for certification that it complies with Schedule 2 of the NESF.

1.2.11 Harbour Design Report

1.2.11.1 No less than thirty (30) working days prior to the commencement of any construction for the marine-based components of the Boat Harbour, a detailed Harbour Design Report (including construction plans, drawings and specifications of all marine-based development to be undertaken in the relevant stage) must be submitted to the Councils for certification that it has been prepared in accordance with Condition 1.2.11.2 of this Schedule of Common Conditions.

1.2.11.2 The Harbour Design Report must be prepared by a SQEP and must be in accordance with the documentation referenced under Table 1 "Submitted Documentation" to Condition 1.1.2.1 of this Schedule of Common Conditions. Finished levels within the harbour basins and access channel must be shown to Chart Datum. The following information must be included as a minimum:

- a. The layout and design of the harbour in accordance with "Australian Standard AS3962-2001 – Guidelines for design of marinas" including details of all structures, pontoons, piles, gangways, navigation fairways, navigation aids (including those to be installed in the river), the access channel, harbour basins, final commercial and recreational berthing numbers, revetment and retaining structures and the vessel haul-out; and
- b. The layout and design of the following features in accordance with the recommendations of the Infrastructure Report:
 - i. Surfacing of the harbour basins using appropriate revetment and turf reinforcement systems; and
 - ii. Armouring of the access channel and harbour basins as appropriate.
- c. Methods to control access to vessel berthing areas;
- d. The layout and design of facilities required to provide sewage pump-out and disposal, water supply, refuelling and other services to vessels;
- e. The design of the access channel junction with the Regional Council stop bank including the construction procedures to manage the opening and permanent stabilisation of the stopbank; and
- f. Compliance of the harbour design with the Geotechnical Investigation Report to be provided pursuant to Condition 1.2.14.1 of this Schedule of Common Conditions.

1.2.12 Pre-start site meetings prior to commencement of Stages 1/2 and 3

1.2.12.1 Prior to the commencement of any construction works onsite for each of Stage 1/2 and Stage 3 of the Project, the consent holder must hold pre-start meetings as follows:

- a. That are located onsite;
- b. That are scheduled not less than ten (10) working days before the anticipated commencement of construction works for the relevant stage(s) of the Project;
- c. The consent holder must invite the following parties:
 - i. Relevant District Council and Regional Council staff;
 - ii. Senior representatives from the contractors engaged to undertake the construction works;
 - iii. The consent holder's appointed ecologist(s);

- iv. The consent holder's appointed site engineer(s);
 - v. Representatives from Te Rāhui Lands Trust; and
 - vi. Te Rūnanga o Ngāti Awa (noting that TRONA requires thirty (30) working days advance notice).
- d. The matters to be discussed at the pre-start meetings should include (but not be limited to) the following:
- i. Vegetation clearance methods;
 - ii. Earthworks management, including dust, erosion and sediment control and contamination management;
 - iii. The management of construction traffic, noise, vibration and outdoor lighting; and
 - iv. Final engineering design matters.
- e. The consent holder must, where available at the time of the meeting, make the following information available at the pre-start meetings:
- i. Timeframes for key stages of the construction works authorised under these resource consents;
 - ii. The conditions of these resource consents;
 - iii. The certified Engineering Design Report (Condition 1.2.4 of this Schedule);
 - iv. The certified CMP (Condition 1.2.5 of this Schedule);
 - v. The certified CTMP (Condition 1.2.6 of this Schedule);
 - vi. The certified ESCP (Condition 1.2.7 of this Schedule);
 - vii. The certified CNVMP (Condition 1.2.8 of this Schedule);
 - viii. The certified SSCMP (Condition 1.2.9 of this Schedule);
 - ix. The Restoration Plan (Condition 1.2.10 of this Schedule);
 - x. The certified Harbour Design Report; and
 - xi. Details of the construction biosecurity management methods to be implemented in accordance with Condition 4.8 of Regional Council Coastal Permit No. [insert]

Advice Note: *if the certification process results in changes to a plan that require discussion, the consent holder and Council should address any such through a specific visit to the site prior to commencement of the works to which the plan relates.*

- f. The consent holder must be responsible for recording minutes of the pre-start site meetings and details of any resultant actions to be undertaken and for providing electronic copies to the meeting attendees before construction works commence onsite for the relevant Project stages(s).

1.2.13 Karakia and cultural induction

1.2.13.1 Not less than thirty (30) working days prior to the commencement of any construction

works onsite, the consent holder must invite, and provide the opportunity for, representatives from Te Rūnanga o Ngāti Awa to provide a karakia / site blessing and cultural induction for construction staff prior to the commencement of construction works.

1.2.14 Geotechnical Investigation Report (GIR)

1.2.14.1 At least thirty (30) working days before the overall start of works authorised by this consent, the consent holder shall submit a Geotechnical Investigation Report (GIR), prepared by a SQEP specialised in geotechnical engineering for certification in accordance with Condition 1.1.3.1 of this Schedule of Common Conditions. The purpose of the report shall be to confirm that banks, embankments and slopes within Boat Harbour site will remain stable under seismic loading and that the risk from and effects to surrounding neighbours from liquefaction and lateral spread has been adequately considered. The report shall also discuss the suitability and stability of the proposed earthworks and development.

1.2.14.2 The GIR shall contain the following information:

- a. Description of the investigations of sub-surface conditions and geotechnical hazards affecting the land;
- b. Results of site inspections, evaluations and filed investigations;
- c. The risk of lateral ground movement towards the excavated Boat Harbour, the effects this might have on neighbouring property, the Boat Harbour, and any infrastructure required to mitigate that risk. A detailed liquefaction assessment to estimate ground settlements and lateral ground movement during both SLS and ULS earthquakes should be completed in accordance with MBIE/NZGS Guidance documents;
- d. Recommendations for measures to avoid, remedy or mitigate any geotechnical hazards on the land subject to the application;
- e. Complete a slope stability assessment of the proposed earthworks including the stability of temporary and permanent cut / fill batter slopes. The stability analysis should include both static and seismic loadings;
- f. Determine the earthwork requirements, fill material requirements, appropriate batters, compaction standards, toe loading requirements and setbacks from property boundaries;
- g. The proximity of cut and fill slopes to legal boundaries and any existing structures or services or land beyond the boundary or within the property being developed, plus the proximity to any proposed structures;
- h. The effects of cuts and fills in terms of the stability or settlement of structures, services or land beyond legal boundaries. Consideration should be given to run out distances for slope failures, particularly where there are weak, sensitive ash layers present;
- i. An assessment of the proposed earthworks on the stopbank security i.e. stability and functionality of the existing / new Whakatāne River stopbank;
- j. An assessment of the proposed earthworks on the security of the adjacent state highway, including confirmation of consultation with Waka Kotahi on the design of the proposed works for Stage 3, such to include any comments received from Waka Kotahi on such design; and
- k. Further geotechnical engineering services required during design or construction, including determination of the methods and frequency of construction control tests to be carried out.

All plans are to be provided with existing and proposed contours and relevant cross sections and long sections.

1.2.15 Horizon Networks

- 1.2.15.1 Access to Horizon Networks (Horizon) pole sites and assets is to be available and maintained at all times at no cost to Horizon, and any changes that are required to provide acceptable access would be paid by the developer. Any alternate access is to be built to a safety standard and suitable for large trucks to allow Horizon to do work on its assets (overhead, ground mount, and underground).
- 1.2.15.2 Horizon will be provided with keys to any gates that may block access to any of its assets to ensure access is always available for unplanned and planned work.
- 1.2.15.3 All the designs and clearances for the Project must comply with ECP34 requirements, including all construction activities.
- 1.2.15.4 The consent holder is to follow the BeforeUdig process via the link <https://www.horizonnetworks.nz/cable-locations> for any excavation, digging, drilling, and thrusting work.
- 1.2.15.5 The consent holder is to follow the Close Approach Consent process via <https://www.horizonnetworks.nz/working-near-lines> when working near Horizon assets.

Advice Note 1: *The consent holder will need to obtain a High Load Permit from Horizon via <https://www.horizonnetworks.nz/transport-high-load> before transporting a high load with the following minimum notice period for processing the application:*

- 5 working days for load height between 4 to 5.2m;
- 10 working days for load height between 5.2 to 6m;
- 15+ working days for load height above 6m.

Advice Note 2: *The consent holder should contact Horizon before commencement of construction works near its assets to coordinate and discuss any additional requirements, potential relocations and/or modifications of our assets, and/or operational procedures with a minimum of 30 working days notice period to be given to Horizon to enable it to understand the scope and provide cost estimates and timeframes. All costs associated with any asset relocations and/or modifications are the responsibility of the consent holder.*

1.2.16 Bond

- 1.2.16.1 Prior to the exercise of this consent, the consent holder must provide and maintain in favour of the Councils a bond to:
- a. Secure compliance with all the conditions of these consents and to enable any adverse effects on the environment resulting from the consent holder's activities and not authorised by a resource consent to be avoided, remedied or mitigated;
 - b. Secure the closure and rehabilitation of the site should the construction of Stages 1 and 2 of the Project not be completed for any reason; and
 - c. Ensure the performance of the Restoration Plan to be implemented by the consent holder under Condition 1.2.10 of this Schedule of Common Conditions, including the provision of failed plant replacements and pest control for a 5 year period after the Restoration Plan has been implemented.
- 1.2.16.2 The bond must be in a form approved by the Councils or their Responsible Officers and must, subject to these conditions, be on the terms and conditions required by the Councils or their Responsible Officers.
- 1.2.16.3 The bond must provide that the consent holder remains liable under the Resource Management Act 1991 for any breach of the conditions of consent which occurs prior to the completion of closure and rehabilitation of the site if that is required.

- 1.2.16.4 Unless the bond is a cash bond, the performance of all conditions of the bond must be guaranteed by a guarantor acceptable to the Councils or their Responsible Officers. The guarantor must bind itself to pay for the carrying out and completion of any condition in the event of any default of the consent holder, or any occurrence of any adverse environmental effect requiring remedy.
- 1.2.16.5 The amount of the bond must be fixed annually by the Councils or their Responsible Officers who must take into account any matters submitted by the consent holder to be relevant to the determination of the amount. The amount of the bond must be advised in writing to the consent holder at least one month prior to the review date.
- 1.2.16.6 The Councils must release the bond with respect to items a and b above following the successful commissioning of Stages 1 and 2 of the Project as authorised by these resource consents.
- 1.2.16.7 Successful commissioning of Stages 1 and 2 of the Project means when the elements of that part of the Project have been demonstrated by the consent holder to the satisfaction of the Councils or their Responsible Officers to have reached a stable and properly functioning state.
- 1.2.16.8 All costs relating to the bond must be paid by the consent holder.
- 1.2.16.9 This consent does not become operative unless and until the consent holder provides the bond to the Councils.

1.3 Construction Conditions

- 1.3.1 The consent holder must ensure that a copy of these resource consents and associated certified documentation is kept available onsite during construction works and that copies are provided in electronic format to all construction contractors prior to their commencement onsite.
- 1.3.2 The consent holder must ensure that all construction contractors, sub-contractors and work site supervisory staff act in accordance with these resource consents and associated certified documentation.

1.3.3 Accidental Discovery Protocols

1.3.3.1 Accidental Discovery Protocol – Cultural

This Accidental Discovery Protocol must apply to all earthworks and land disturbing activities authorised by these consents.

In this protocol the following terms have the meanings set out herein:

“*Kōiwi*” means human remains such as skeletal material.

“*Taonga*” means cultural artefacts such as implements, weapons or decorations traditionally and historically utilised by tangata whenua and includes parts or the remains thereof. Archaeological features such as rua (caves) and pits are also taonga. People can gain a greater understanding of the way that pre-European Māori lived.

Unearthing of *Kōiwi* or other *Taonga*

The following procedures must be adopted:

- a. Immediately it becomes apparent or is suspected by workers at a site, *kōiwi*, or *taonga* have been uncovered, all activity in the immediate area (i.e. with a radius of 20m) will cease;
- b. The plant operator will shut down all machinery or activity in the immediate area and advise the on-site supervisor or contractors or client of the occurrence;
- c. The on-site Supervisor or contractor or their client will take the following immediate

steps to:

- i. Secure the area in a way that ensures the site, kōiwi or taonga remain untouched.
 - ii. Notify the Consents Manager at Te Rūnanga o Ngāti Awa (07 307 0760) Louvain Street, PO Box 76, Whakatāne, that it is suspected that a site, kōiwi or taonga have been uncovered at the site.
- d. Te Rūnanga o Ngāti Awa staff, will contact the appropriate hapū representatives and kaumatua to act, guide, and advise the developers and any other parties as to the appropriate course of action;
 - e. The Site Manager will notify the New Zealand Police and Heritage NZ that it is suspected that the site, kōiwi and taonga have been uncovered at the site;
 - f. Te Rūnanga o Ngāti Awa staff, hapū representatives, iwi representatives and kaumatua have discretion to agree and request the attendance of a suitably qualified and experienced archaeologist in the event that an archaeologist from Heritage NZ is unable to send an officer to the site as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act (2014), Protected Objects Act (1975));
 - g. The Site Manager will ensure that all site staff are available to meet and guide Te Rūnanga o Ngāti Awa staff, hapū representatives and kaumatua, Police, the archaeologist, or Heritage NZ staff to the site, assisting with any relevant requests that they may make;
 - h. If Te Rūnanga o Ngāti Awa staff, hapū representatives, iwi representatives and kaumatua are satisfied that the site, kōiwi or taonga are of significance to them, they will decide how they are to be dealt with and will communicate such decision to the landowner, NZ Police and such other parties as are considered appropriate. Note that the Ngāti Awa Research & Archives Centre at Louvain House, Louvain Street, Whakatāne is a registered collector of artefacts and that an alternative destination for temporary custodianship of artefacts is the Whakatāne Museum; and
 - i. The landowner shall ensure that Te Rūnanga o Ngāti Awa staff, hapū representatives, iwi representatives and kaumatua are given the opportunity to undertake karakia (prayer) and such other religious or cultural ceremonies, traditional rituals and cultural activities at the site as may be considered appropriate in accordance with tikanga Māori (Māori custom and protocol).

1.3.3.2 Accidental Discovery Protocol – Archaeological

In the event that an unidentified archaeological site (as defined by s.6 of the Heritage New Zealand Pouhere Taonga Act 2014) is located during works, the following applies:

- a. Work shall cease immediately within 20 metres of the archaeological site;
- b. The contractor must shut down all machinery, secure the area, and advise the Site Manager;
- c. The Site Manager shall notify the appropriate Iwi/hapū, District Council and the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required;
- d. If the site is of Maori origin, the Site Manager shall notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act (2014), Protected Objects Act (1975)). In that event, condition 1.3.3.1 may also apply;
- e. If human remains (kōiwi tangata) are uncovered the Site Manager shall advise the Heritage New Zealand Regional Archaeologist, NZ Police, and the appropriate iwi groups or kaitiaki representative and the above process under d) shall apply.

Remains are not to be moved until such time as iwi and Heritage New Zealand have responded;

- f. Works affecting the archaeological site and any human remains (kōiwi tangata) shall not resume until Heritage New Zealand gives written approval for work to continue. Further assessment by an archaeologist may be required; and
- g. Where iwi so request, any information recorded as the result of the find, such as a description of location and content, is to be provided for their records

1.3.4 Earthworks management

- 1.3.4.1 No bulk earthworks shall commence onsite for any stage(s) of the Project until the erosion and sediment control methods specified in the ESCP required in accordance with Condition 1.2.7.1 of this Schedule of Common Conditions are installed.

Advice Note: *For the purpose of this consent, bulk earthworks mean cut to fill earthworks associated with larger-scale earthworks.*

- 1.3.4.2 Works within the Keepa Road Scenic Reserve shall be avoided during the native bird nesting season, which is between 1 August and 31 January, except where the below provisions apply:

- a. If work within the Keepa Road Scenic Reserve is required to be carried out during native bird nesting season, the consent holder shall, immediately prior to any work occurring, commission a SQEP to survey all proposed works areas and access routes to determine the presence of active nests within the proposed works footprint that would be subject to disturbance.
- b. Results of the survey required by Condition 1.3.4.2a of this Schedule of Common Conditions shall be sent to the Regional Council and the Department of Conservation within five working days of the survey being undertaken.
- c. If occupied nest(s) are found within 30 metres of any area to be disturbed, the consent holder shall avoid disturbing nesting native birds by:
 - i. Clearly delineating a 30 metre buffer zone around all identified native nesting sites with temporary fencing until chicks have fledged;
 - ii. Ensuring contractors/staff are aware of, and follow, the requirement to protect and avoid disturbing native nesting birds;
 - iii. Avoiding construction works and associated activities within the 30 metre buffer zone around all identified nesting sites;
 - iv. Ensuring that works during the native bird nesting season are continuous (within normal working days and hours until completed), and that the start of works is planned to avoid weekend breaks, so that birds do not start new nests in the works area during a break in works;
 - v. Ensuring that machinery movements are confined to a single set of tracks to and from the construction area; and
 - vi. Restrict vehicle speed within the Keepa Road Scenic Reserve to less than 15 km/hour.

Advice note: *Access to Keepa Road Scenic Reserve is subject to approval under the Conservation Act 1987.*

- 1.3.4.3
 - a. All machinery associated with construction works onsite must be operated and maintained in a way to minimise the potential for spillages of hazardous substances, such as fuel, oil, grout, concrete products and any other contaminants; and
 - b. All machinery to be used in or near wetlands, water courses or the Whakatāne River must be cleaned before use to prevent the spread of pest organisms and other

contaminants.

- 1.3.4.4 All earthworks must be managed to minimise any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. If such collapse or instability occurs, it must be rectified as soon as it is practicable and safe to do so by the consent holder.
- 1.3.4.5 All stages of earthworks must be progressively stabilised against erosion and sequenced and managed to minimise the discharge of dust, debris, soil, silt, sediment to groundwater or surface water in accordance with the certified ESCP and CMP.
- 1.3.4.6 The operational effectiveness and efficiency of all erosion and sediment controls required by any certified ESCP must be maintained for the duration of earthworks, or until the site is permanently stabilised against erosion. Erosion and sediment controls must be inspected at least weekly, and within 24 hours of each heavy rain event for any impairment of the operational effectiveness and efficiency of the erosion and sediment controls. Any such impairment must be remedied within 24 hours of identification.
- 1.3.4.7
 - a. The consent holder shall check silt/sediment removed from the wetland channel, and the area around any deposited sediment, for eels. Any eels discovered shall be immediately returned to a clear flowing part of the channel upstream of the works; and
 - b. Any fish found stranded in the works area as a result of works authorised by this consent shall be immediately captured and relocated to a suitable location.

1.4 Post Construction Reporting

1.4.1 Notification of completion

1.4.2 The consent holder must notify the Councils of the expected date of completion of construction works for each stage of the Project no less than ten (10) working days before the expected completion date for each stage of works.

1.4.3 As-built plans

1.4.3.1 No later than twenty (20) working days after the completion of construction works for Stages 2 and 3 of the Project, as-built plans of all development in the relevant stage(s) of the Project prepared by a SQEP must be submitted to the Councils for certification that the plans comply with the conditions of these consents. The as-built plans must include:

- a. All new and extended services:
 - i. Constructed in accordance with the District Council's Engineering COP and Approved Engineering Drawings;
 - ii. Identified in a detailed asset register of all assets vested with the District Council; and
 - iii. Certified by a registered surveyor as being an accurate record of the location of the services as constructed.
- b. The Boat Harbour basins and access channel including slope stabilisation and revetment structures, and batter slopes from ground level down into the wetted Boat Harbour areas and access channel;
- c. All impermeable surfaces (including driveways, paving and buildings) for comparison with the stormwater design parameters of the certified Engineering Design Report;
- d. Details of all retaining structures along the Keepa Road frontage (if any);
- e. The surveyed boundaries of the access channel relative to the IBDA-A44 and BS138A

areas;

- f. Confirmation that the finished ground levels of the Project (surveyed to Moturiki Vertical Datum) match the level of the existing Regional Council stopbank with forecast climate change effects to 2130 included;
- g. Confirmation that all building finished floor levels are at, or above, the level of the predicted 2130 1% Annual Exceedance Probability flood event + 0.5 metres freeboard;
- h. Confirmation that the development within the site is constructed to the heights and layouts identified in the Architecture and Urban Design Report required in accordance with Conditions 2.2.1 and 2.2.2; and
- i. Confirmation of maximum carpark crossfalls and maximum slopes for all vehicle accesses and boat ramps.

1.4.4 Works Completion Report

1.4.4.1 A Works Completion Report must be prepared and be submitted to the Councils for certification that it has been prepared in accordance with the SSCMP (Condition 1.2.9) no later than three (3) months after the completion of works for Stages 1 and 2 (combined Works Completion Report) and Stage 3, of the Project.

1.4.4.2 No Marine precinct activities shall commence:

- a. At the commercial Boat Harbour, until the information required by Conditions 1.4.3.1, 1.4.4.1 and 1.5.1 – 1.5.5 (inclusive) of this Schedule of Common Conditions is certified by the Councils in relation to Stages 1 and 2 of the Project; and
- b. At the recreational Boat Harbour until the information required by Conditions 1.4.3.1, 1.4.4.1 and 1.5.1 – 1.5.6 (inclusive) of this Schedule of Common Conditions is certified by the Councils in relation to Stage 3 of the Project.

1.5 Operational Conditions

1.5.1 Operational Management Plan (OMP)

1.5.1.1 No less than thirty (30) working days prior to any vessels being berthed at the completed commercial Boat Harbour, the consent holder must submit an OMP, prepared by a SQEP, for the commercial Boat Harbour to the Councils for certification that it has been prepared to address the requirements of Conditions 1.5.2 – 1.5.5 of this Schedule of Common Conditions below.

1.5.1.2 The purpose of the OMP is to set out operational procedures and management practices to ensure that the Boat Harbour operates in accordance with these resource consents and minimises potential adverse effects on the environment, including from activities associated with the supply and provision of fuel.

1.5.2 Operational Management Plan: Discharges

1.5.2.1 The OMP must include the following information about the management of discharges:

- a. An inspection and maintenance / cleaning programme for all components of the stormwater management system;
- b. The design features / methods to separate high risk work, processing and storage areas from entry points to the stormwater management system;
- c. The identification of stormwater catchpits e.g., 'Drains to Sea' stencils, or dolphins or blue snapper icons; and
- d. Provision to collect and dispose of sewage, bilge water and rubbish.

1.5.3 Operational Management Plan: Emergency Spill Response Plan

1.5.3.1 The OMP must include an Emergency Spill Response Plan including the following information:

- a. Details of the storage and control of potential onsite sources of contaminant spills, including any hazardous substances;
- b. How the site provides for the Spill Containment System requirements, in accordance with Rule 19.2.5 of the District Plan, including but not limited to:
 - i. A shut-off valve within the stormwater management system to intercept spills prior to leaving the system;
 - ii. The Low Pressure Sewer/Vacuum sewer system servicing the floating berths;
 - iii. Procedures for recording all accidental spills, including the date, location, whether the contaminant entered a waterway, an estimate of the volume spilled, and the actions taken to recover the contaminant;
 - iv. Procedures for notifying the Regional Council as soon as practicable (using the Pollution Hotline) of any spills directly into a water body;
 - v. Oil spill containment and clean-up features, procedures, equipment, and training including provision for the management of spills to land and to water; and
 - vi. Provision to isolate fuel dispensing / reticulation systems immediately in the event of a system failure or leak.
- c. Notification to District Council in the event of any oil spill.

1.5.4 Operational Management Plan: Water Quality and Sediment Monitoring Programme (WQSMP)

1.5.4.1 No less than thirty (30) working days prior to the commencement of Marine precinct activities within the commercial Boat Harbour a Water Quality and Sediment Monitoring Programme (WQSMP) as part of an Operational Management Plan must be prepared by a SQEP and be submitted to the Regional Council for certification that it has been prepared in accordance with Condition 1.5.4.2 of this Schedule of Common Conditions.

1.5.4.2 The WQSMP part of the OMP is to provide details of the water quality parameters for stormwater and harbour sediment and operational discharges to be monitored during the operation of the Boat Harbour. The WQSMP must include details of:

- a. The programming of water quality and sediment monitoring activities. Programming must include provision for baseline water quality and sediment sampling and analysis of the Boat Harbour waters and sediment prior to the commencement of Marine precinct activities. The purpose of this sampling is to establish the baseline data set to measure subsequent site improvements and ongoing discharges against;
- b. The contaminants to be monitored and relevant discharge quality standards or contaminant concentration limits, including those specified in the Table of Condition 1.2.4.2(f) of this Schedule of Common Conditions;
- c. The frequency, combination and programming of operational discharges and water quality and sediment sampling methods to be implemented (e.g., grab sampling, continuous automated sampling and / or water quality sampling following significant storm events). The design of the sampling programme must enable the effects of discharges generated by the operation of the Boat Harbour to be differentiated from and compared to, the effects of discharges derived from flows generated upstream of the site catchment;

- d. Procedures to:
- i. Investigate and remedy any recorded exceedance(s) of contaminant concentration levels or discharge quality limits specified in the WQMP; and
 - ii. Investigate any recorded exceedance(s) of sediment contaminant concentration levels above those listed in the following table, and remedy the source of contamination:

Sediment Quality Parameters

Water and Sediment Quality Parameters	Trigger Values – Sediment	Unit
Copper	65	mg/kg dry weight
Lead	50	mg/kg dry weight
Zinc	200	mg/kg dry weight

Sediments analysed must be <63 µm fraction

ANZECC ISQG-Low values are used for sediment values

- iii. Establish any consequential onsite mitigation methods necessary to address any recorded exceedance(s) directly related to the operation of the Boat Harbour and timeframes to implement the mitigation.

Advice Note: *Discharges into the Boat Harbour waters will comprise flows generated onsite and flows generated from the catchment upstream of the site. These conditions seek to ensure mitigation requirements are targeted at discharges within the control of the consent holder.*

- e. Timing for reviews of the WQSMP over the duration of these resource consents.
 - 1.5.4.3 The WQSMP under the OMP must be implemented no later than twenty (20) working days prior to the commencement of Marine precinct activities within the commercial Boat Harbour waters (to establish baseline water quality and sediment data pursuant to Condition 1.5.4.1a of this Schedule of Common Conditions) and thereafter must be maintained in accordance with the specified programming.
 - 1.5.4.4 The results of monitoring must be provided to the Regional Council as a component of the Annual Performance Report required pursuant to Condition 1.5.8 of this Schedule of Common Conditions. The reporting prepared for the WQSMP must include details of any further mitigation methods to be implemented pursuant to Condition 1.5.8(g) of this Schedule of Common Conditions.
 - 1.5.5 Operational Management Plan: General management
 - 1.5.5.1 Prior to the commencement of Marine precinct activities within the commercial Boat Harbour the consent holder shall include in the OMP (but not limited to) the following information about Boat Harbour management:
 - a. A copy of the typical lease or license to be entered into by Boat Harbour berth holders and tenants. The lease or license must include (but not be limited to) consideration of:

- i. The "Bay of Plenty Regional Navigation Safety Bylaw 2017" including that commercial craft must adhere to the Bylaw and definition of a method to identify all resident vessels once they have departed the Boat Harbour;
 - ii. Restricting the cleaning of vessels within Boat Harbour waters to cleaning methods that comply with Ministry for Primary Industries biosecurity requirements relating to biofouling and commercial and recreational vessel maintenance;
 - iii. Requirements for the use of low impact antifouling products;
 - iv. Prohibition of deliberate discharges of bilge water, fuel, sewage, waste oil and litter into Boat Harbour waters;
 - v. Managing the occurrence of people living on vessels within the Boat Harbour;
 - vi. Methods for the consent holder to manage complaints about Boat Harbour operations and to enforce compliance with the rules of use;
 - vii. Provision for a dedicated marine VHF radio channel to allow vessels to know the movements of other vessels including planned arrivals and departures and when vessels are underway;
 - viii. Use of the onsite sewage pump-out facility;
 - ix. The requirement that domestic cats are prohibited within the Boat Harbour and on berthed vessels and that domestic dogs must be restrained on a leash when in the Boat Harbour or on a berthed vessel; and
 - x. Site security arrangements and contact information for Boat Harbour personnel.
- b. A copy of the Code of Conduct applicable to casual users of the Boat Harbour. The Code of Conduct must include (but not be limited to) consideration of:
- i. The matters specified in Condition 1.5.5.1 a. of this Schedule of Common Conditions.
- c. Procedures for the ongoing provision of information and advice to berth holders, commercial tenants and other Boat Harbour users about:
- i. New Zealand Environmental Protection Authority Te Mana Rauhi Taiao directions concerning antifouling products; and
 - ii. The use and availability of best practice vessel antifouling products.
- d. Details of how the Boat Harbour management and operations complies with the New Zealand Marina Operators Association's Clean Marina Best Management Practices;
- e. Details of how the OMP has been prepared to address the relevant objectives and policies of Te Mahere Whakarite Matatiki Taiao o Ngati Awa – Ngati Awa Environmental Plan in particular those which address wai (freshwater), whenua (land), coastal and marine, biodiversity, biosecurity and ecosystems;
- f. Details of the onsite control measures provided to ensure that the risk of pest animals, including rats and other vermin, accessing the Boat Harbour and the berthed vessels is minimised to the extent possible;
- g. Site security arrangements;
- h. Waste management procedures in accordance with the District Council "Waste

Management and Minimisation Bylaw”;

- i. Provision that the sewage pump-out facility must only be operated by the public when under the direct supervision of trained Boat Harbour personnel;
- j. The screening of welding onsite from external views into the site;
- k. Provision for the placement of a tidal height board within the Boat Harbour, in an easily accessible location near the junction of the harbour basin with the access channel, to allow users to understand the height of tide and the available depth of water within the access and river channels prior to departing;
- l. Provision for signage within the Boat Harbour at both the launching ramp and at the common entrances to berths reminding users of the requirements to adhere to established navigation rules (including wake and speed restrictions) and to be aware of small craft operating in the river;
- m. Provision for signage within the Boat Harbour regarding restrictions on cats and dogs and any other relevant environmental controls;
- n. Confirmation that controls are in place to ensure that all activities of the fuel provision and activity have no negative impact on the adjacent wetlands and the local coastal environment – both physical and aesthetically;
- o. Any other information relevant to the management of Boat Harbour operations such as the management of emissions of artificial light and the management methods to control noise generated by operational activities including garnet blasting in accordance with Conditions 2.6 and 2.8 of the District Council land use consent no ; and
- p. Procedures to review, update and re-certify the OMP for the duration of these resource consents.

1.5.6 Operational Management Plan update: Recreational Boat Harbour

- 1.5.6.1 No less than thirty (30) working days prior to any vessels being berthed at the completed recreational Boat Harbour, and where changes to the OMP submitted in accordance with Condition 1.5.1 of this Schedule of Common Conditions have been made, a revised OMP integrating operational management requirements for the recreational Boat Harbour must be submitted to the Councils for certification.

1.5.7 Discharge contaminant limits

- 1.5.7.1 All discharges from the site to water, or to land where it may enter water, must comply with the contaminant levels specified in the table to Condition 1.2.4.2(f) of this Schedule of Common Conditions.

1.5.8 Annual Performance Report

- 1.5.8.1 An Annual Performance Report must be submitted to the Councils each year within one (1) month of the anniversary of the commencement of construction works for the Project. The Annual Performance Report must include (but not be limited to) reporting on:
 - a. The outputs derived from the monitoring of construction works onsite during development of the Boat Harbour;
 - b. Compliance with the discharge contaminant limits required pursuant to Condition 1.2.4.2f of this Schedule of Common Conditions and the Infrastructure Report and any additional mitigation methods implemented to ensure compliance;
 - c. The outputs of the WQMP required pursuant to Condition 1.5.4 of this Schedule of

Common Conditions;

- d. The management of operational effects such as emissions of noise and light, traffic management and any additional mitigation methods implemented to manage operational effects;
- e. Monitoring outputs relating to dredging campaigns required pursuant to Condition 5.7 of Regional Council Coastal Permit No. ;
- f. The progress of wetland restoration processes;
- g. The details and timing of any other actions proposed to address a non-compliance(s) with these resource consents or resource management regulatory instruments; and
- h. The outcomes of any consultation undertaken with parties who have an interest in the environmental performance of Te Rāhui Herenga Waka Whakatāne.

1.5.8.2 The consent holder must provide a copy of the Annual Performance Report to the Reference Group, the Tangata Whenua Liaison Group and the Community Liaison Group at the same time it is provided to the Councils.

Advice Note 1: *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. These resource consents do not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. These resource consents do not constitute building consent approval. A building consent is required under the Building Act 2004.*

Advice Note 2: *The Councils acknowledge that the certification of management plans is intended to provide flexibility for the management of the Project. Accordingly, the certified management plans may need to be reviewed over time. Reviews must be in accordance with the stated objectives of the relevant management plan(s) and limited to the scope of these resource consents.*

2. Whakātane District Council Land Use Consent Conditions

A land use resource consent to establish a commercial Boat Harbour and associated recreational berthing and fuel facilities, and the supporting activities, as well as providing for the construction, operation and maintenance of an access channel in the location of the existing Kopeopeo Canal flood pump station discharge channel, including associated earthworks and vegetation clearance, subject to the conditions below.

2.1 Monitoring Fees

- 2.1.1 The consent holder must pay the District Council an initial consent compliance monitoring charge of \$1,500 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this resource consent. No construction works shall commence until the initial consent compliance monitoring charge is paid.

Advice Note: *The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. The District Council will only issue a letter confirming compliance on request of the consent holder after all conditions of the resource consent have been met.*

2.2 Architecture and Urban Design Report

- 2.2.1 No less than thirty (30) working days prior to the commencement of any construction works onsite for buildings associated with each stage of the Project, a detailed Architecture and Urban Design Report for buildings within the relevant stage(s) must be submitted to the District Council for certification that it has been prepared in accordance with the requirements of Condition 2.2.2 of this resource consent.

- 2.2.2 The Architecture and Urban Design Report must be prepared by a SQEP and in accordance with the documentation referenced at Table 1 "Documents" to Condition 1.1.2.1 of the Schedule of Common Conditions. The following information as applicable to the relevant stage(s) of the Project must be included:

- a. A description of the site and surroundings setting out the considerations, constraints and opportunities that influence the architecture and urban design of the Project, including:
 - i. Notable features or characteristics of the surrounding area;
 - ii. The ground levels of the site and the difference in levels between the site and surrounding land (based on Moturiki Vertical Datum);
 - iii. Views to and from the site from public places;
 - iv. Road frontage features such as poles, trees, kerb crossovers and footpaths;
 - v. Public access to and around the site including to the toitoihuia waahi taonga site identified in the Te Rūnanga o Ngāti Awa Cultural Impact Assessment; and
 - vi. Any other notable features or characteristics of the site and surroundings.
- b. A design statement explaining how the architecture and urban design of the Project:
 - i. Gives effect to the architecture and design principles and/or outcomes as shown in the application concept layout, visual simulations and supporting documents identified in Table 1 of these Consent Conditions.
 - ii. Complies with the performance standards for permitted activities at sections

7.2 and 8.2 of the District Plan, where non-compliance is not authorised by this, or a separate, resource consent.

Advice Note: *The architecture and urban design will be compliant with the District Plan standards unless further resource consent applications are made. The drawings and images accompanying the application illustrate the design standard that will be adhered to in the detailed design of the proposal.*

- c. Site, floor, elevation and cross-section plans for all buildings, including details of the activities to be undertaken in each area of the buildings;
- d. Elevation and plan drawings illustrating the development within the relevant stage(s) of the Project in the context of the earthworks and ground levels;
- e. Confirmation, through identification of the final building and structure heights and site layout, that development within the site is sited and designed to ensure that existing views from Te Hokowhitu a Tū ki Te Rāhui Marae towards the culturally significant sites of Kohi Point, the escarpment behind the urban area of Whakatāne and the Kāpūterangi pā site are protected;
- f. A schedule of the colours and materials of all external surfaces of buildings and structures visible from public places, including external cladding, roofing, spouting and joinery and incorporating the following information:
 - i. The colour palette described in accordance with BS 5252 and including Light Reflectance Values;
 - ii. The use of low reflectivity glazing and no mirror glazing; and
 - iii. The design and layout of the main gateway structure into the site;
- g. Plans showing the location, dimensions, colour, typical content and supporting structures of all external signage for which resource consent is required. No signage shall exceed a maximum height of six (6) metres above ground level;
- h. Signage displayed prominently at the boat launching ramp and at the common entrances to berths reminding commercial and recreational Boat Harbour users to adhere to the "Bay of Plenty Regional Navigation Safety Bylaw 2017" requirements regarding vessel wake and speed and to be aware of small craft operating in the Whakatāne River;
- i. Details of external all-abilities access features to be installed;
- j. Details of pedestrian wayfinding features such as pathway marking, lighting, ground treatments, pedestrian crossings or priority areas;
- k. Pedestrian connections to the Local Purpose Reserve and Scenic Reserve provided through the northern and southern areas of the site generally in accordance with Figure 23 of the Assessment of Environmental Effects approved under Table 1 "Submitted Documentation" to Condition 1.1.2.1 of the Schedule of Common Conditions;
- l. Details of crime prevention through environmental design features;
- m. Details of methods to differentiate between public and private areas onsite and the typical design of any fencing, screening or other methods to restrict access; and
- n. Details of the treatment of the site boundaries with Keepa Road and State Highway 30, including:
 - i. Cross-section plans, the design of site access points, fencing, landscaping, signage, roadside vegetation, footpath, bicycle lane, services and utility

structures and berm; and

- ii. Consideration of the ability to maintain/reinstate the approved site boundary treatments following the future upgrade of Keepa Road by other parties.

Advice Note: *All plans must be drawn in colour, to an appropriate scale, with dimensions, and show finished ground and building levels to Moturiki Vertical Datum, and to Chart Datum within the Boat Harbour basins and access channel.*

2.3 Landscape Planting Plan (LPP)

2.3.1 Not less than thirty (30) working days prior to the anticipated completion date for construction works on Stage 2 of the Project, a Landscape Planting Plan (LPP) prepared by a landscape architect must be submitted to the District Council for certification that it has been prepared in accordance with Conditions 2.3.2 and 2.3.3 of this resource consent.

2.3.2 The LPP must describe the staging of landscaping works to be carried out as part of Stages 2 and 3 of the Project. No Marine precinct activities are to commence in the commercial or recreational Boat Harbour until all landscaping required for the associated stage is completed in accordance with the certified LPP.

2.3.3 The LPP must include the following information:

- a. A landscaping design statement explaining how the LPP derives from, and responds to, the environmental characteristics and cultural values of the site and surroundings;
- b. An annotated site plan(s) drawn to scale with dimensions, including the following information:
 - i. The configuration of areas to be planted and landscaped in Stages 2 and 3 of the Project;
 - ii. The location and description of existing trees (including roadside trees) or other significant vegetation to be retained;
 - iii. The provision of planting, including indigenous trees, to present a landscaped edge to, and screen any retaining walls constructed along, the site boundary with Keepa Road;
 - iv. The provision of planting to screen any retaining walls constructed along the site boundary with State Highway 30;
 - v. The provision of shrub and tree planting throughout the site to manage the visual prominence of buildings onsite;
 - vi. The provision of planting along the Boat Harbour side of the Regional Council stopbank; and
 - vii. The landscaping design around the toitoihuia waahi taonga site identified in the Te Rūnanga o Ngāti Awa Cultural Impact Assessment; and
 - viii. The landscaping design to incorporate the reestablishment of traditional harakeke planting within the Boat Harbour site and its margins.
- c. Annotated cross-sections and plans illustrating typical landscaping configurations around the site boundaries at key locations, including the Keepa Road and SH30 boundaries;
- d. A plant schedule specifying the common and scientific names of all plant species,

plant sizes at time of planting, the timing of planting, typical mature size and plant sourcing. All plant species selected must be appropriate indigenous plantings suited to the local growing conditions;

- e. The location and type of all seats, bins, raised planters, lights, fences, walls, cycle racks, all-abilities access features and other structural landscape design elements;
 - f. An annotated pavement plan and related specifications, detailing proposed site levels (to Moturiki Vertical Datum) and the materials and colour of all proposed hard surfacing; and
 - g. A landscape planting implementation and maintenance programme specifying the responsibilities for, and the timing and duration of, landscaping management including details of irrigation and fertilising, weed and pest removal and control, the replacement of dead or diseased plants and inspections.
- 2.3.4 Unless otherwise specified in the certified LPP, plantings shall be established within the first planting season after the completion of the preceding stage of construction works.
- 2.4 Vehicle Crossing Construction standard
- 2.4.1 All permanent vehicle crossings to the site must be constructed in accordance with Clause 3.1.12.2 (Vehicle Crossings for Industrial/Commercial Vehicles) of the District Council's Engineering COP.
- 2.4.2 Prior to lodgement of the Engineering Design Report required in accordance with Condition 1.2.4 of the Schedule of Common Conditions, the consent holder must seek information from the District Council in respect to the timing and design of any upgrades to Keepa Road. The Engineering Design Report must demonstrate how any information provided by the District Council has been taken into account.
- Advice Note:** *Construction works in a road reserve (including vehicle crossings, reinstatement of kerbing, temporary occupation or vegetation removal) require prior approval from the District Council. The consent holder shall contact the District Council to ensure approvals are obtained prior to the commencement of construction works.*
- 2.5 Water and Wastewater Service Connections
- 2.5.1 Each stage of the Project must be serviced by a water supply and wastewater reticulation system with the connections metered and appropriately sized to accommodate that stage prior to the commencement of Marine precinct activities associated with that stage.
- Advice Note:** *The consent holder shall complete the application form and pay the fees for service connections as set out in the online District Council Fees and Charges Schedule.*
- 2.5.2 A boundary supply Reduced Pressure Zone backflow prevention device approved by the District Council must be installed at the boundary of the site prior to the commencement of any Marine precinct activities.
- Advice Note:** *A building consent will be required for the Reduced Pressure Zone backflow prevention devices required as part of building applications.*
- 2.5.3 Prior to the commencement of Marine precinct activities, the consent holder must comply with Part 4: Trade Waste Discharges and Consents of the District Council Combined Waters Bylaw (September 2017) including completion of the trade waste consent application form and the payment of fees to obtain a trade waste consent as applicable to the relevant stage of the Project.
- 2.6 Lighting Report
- 2.6.1 No later than thirty (30) working days after the completion of construction works for Stages 2 and 3 of the Project, a Lighting Report prepared by a SQEP for the relevant

stage(s) of the Project must be submitted to the District Council for certification that it has been prepared in accordance with this condition. The Lighting Report must include:

- a. A plan showing the location and purpose of all external lighting;
- b. The nature of external light fittings and their placement, illuminance levels and means of shielding;
- c. An assessment confirming that the lighting complies with best practice lighting designs and management principals to minimise the potential effects on avifauna as described in the Australian Government Guidelines (Commonwealth of Australia. 2020. National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds);

Advice Note: *the species particularly affected in the Whakatāne environment is ōi, the grey-faced petrel Pterodroma macroptera which is a taonga for Ngāti Awa. There is a significant colony on nearby Moutohora, and there are also land-based nesting sites around Kohi Point.*

- d. An assessment confirming that the installed external lighting complies with District Plan Rule 11.2.16 (Lighting and Glare), District Plan Rule 11.2.18 (Navigation) and the glare limits recommended in AS/NZS 4282:2019 (Control of the obtrusive effects of outdoor lighting).

Advice Note: *The Lighting Report for Stage 2 and Stage 3 shall be provided as two separate reports.*

2.7 Geotechnical Completion Report

- 2.7.1 No later than thirty (30) working days after the completion of construction works for Stages 2 and 3 of the Project the consent holder must submit a Geotechnical Completion Report to the District Council. The Geotechnical Completion Report must be prepared by a SQEP and must confirm that all earthworks undertaken onsite have been carried out and completed, all disturbed areas and fill stabilised, and all buildings constructed, in accordance with the recommendations of the certified Engineering Design Report (Condition 1.2.4 of the Schedule of Common Conditions).

2.8 Outdoor Garnet Blasting

- 2.8.1 Garnet blasting shall only be undertaken between the hours of 0800 to 1800 on Mondays to Saturdays excluding public holidays.

Advice Note 1: *In the event that shipping containers or other temporary structures are used as noise barriers during outdoor garnet blasting activities, these structures shall be in recessive colours and have matt surfaces / finishes.*

Advice Note 2: *Air discharge from garnet blasting must comply with the permitted activity rules of the Regional Air Plan otherwise an air discharge consent will be required.*

- 2.8.2 The consent holder must engage a SQEP to undertake noise monitoring and prepare an Outdoor Garnet Blasting Noise Report. The purpose of the noise monitoring and Outdoor Garnet Blasting Noise Report is to ensure that outdoor garnet blasting undertaken onsite will comply with the noise limits in Condition 2.9 of this resource consent and / or identify the best practicable option to manage noise emissions.

- 2.8.3 The outdoor garnet blasting noise monitoring programme must demonstrate compliance with the noise limits in Condition 2.9 of this resource consent at locations representative of:

- a. Te Hokowhitu ā Tū Marae;
- b. Land in the Rural Plains Zone north of the site (e.g., 53 Keepa Road); and

- c. Land in the Residential Zone east of the site (e.g., 15A Tunui Place).
- 2.8.4 If the noise monitoring undertaken in accordance with Condition 2.8.2 of this resource consent reveals that outdoor garnet blasting exceeds the noise limits in Condition 2.9 of this resource consent, outdoor garnet blasting must cease. Until ongoing compliance with the noise limits can be ensured, or a separate resource consent is granted, outdoor garnet blasting must only recommence temporarily for the minimum duration(s) required to calibrate and monitor the performance of noise mitigation methods against the noise limits.
- 2.8.5 No later than thirty (30) working days after the commencement of outdoor garnet blasting activities at the commercial Boat Harbour, the Outdoor Garnet Blasting Noise Report must be submitted to the District Council for certification that it has been prepared in accordance with Condition 2.8.6 of this resource consent.
- 2.8.6 The Outdoor Garnet Blasting Noise Report must include the following information:
- a. A description of the noise monitoring methodology;
 - b. An assessment of the noise monitoring data recorded at each monitoring location;
 - c. A standard noise mitigation methodology to be implemented in relation to any outdoor garnet blasting undertaken onsite, including:
 - i. The noise mitigation that must be used during outdoor garnet blasting; and
 - ii. The person(s) responsible for ensuring the noise mitigation methodology is used effectively; and
 - d. Provision for review of the noise mitigation methodology over the duration of these resource consents.
- 2.8.7 All noise emissions associated with outdoor garnet blasting must be managed in accordance with the recommendations of the Outdoor Garnet Blasting Noise Report.
- 2.9 Noise
- 2.9.1 Except for noise emitted by vessel movements and construction noise, all operational activities undertaken onsite must comply with the following noise limits set out in "Table 2: Noise Limits" to this condition.

Table 2: Noise Limits

Noise Limits, dB			
Receiving Zone	Daytime 7AM to 10PM	Night-time 10PM to 7AM	
a. Residential Zone	50 LAeq	40 LAeq 70 LAmx	At the residential zone boundary
b. Rural Plains and Te Hokowhitu a Tu Marae	50 LAeq	40 LAeq 70 LAmx	To be measured and assessed within the 20m notional boundary

- 2.9.2 The required noise levels shall be met at the residential zone boundary and at a notional boundary 20m from any dwelling in a rural zone.

- 2.9.3 Noise monitoring in accordance with the above conditions shall be required if cargo loading and unloading is required to be undertaken between the hours of 2200 to 0700.
- 2.10 Operating Hours and Occupancy
- 2.10.1 Retail /café activities onsite must:
- a. Only trade to the public between the hours of 0600 to 2200 daily; and
 - b. Be limited to a maximum occupancy of 50 persons (excluding Boat Harbour personnel) at any one time.
- 2.10.2 Marine industry training activities onsite must:
- a. Only operate between the hours of 0700 to 2200 daily; and
 - b. Be limited to a maximum occupancy of 30 persons (excluding instructors and Boat Harbour personnel) at any one time.
- 2.10.3 The consent holder must, through signage and other publicity methods, advise the public of:
- a. The Boat Harbour office hours of operation; and
 - b. How to contact the Boat Harbour site manager or security personnel when the office is unattended or if emergency access is required.
- 2.11 Signage
- 2.11.1 All external signage displayed in accordance with this resource consent must:
- a. Be maintained in good order;
 - b. Not include animated, flashing, scrolling or external moving features; and
 - c. Comply with Condition 2.6.1 of this resource consent if lit or illuminated.
- 2.11.2 The consent holder must, following consultation with Te Rāhui Lands Trust and Te Rūnanga o Ngāti Awa and its hapū (noting that TRONA requires thirty (30) working days advance notice), provide for markers of cultural identity through provision of a cultural history installation by means of information panels and signage and, where appropriate, incorporation of cultural elements in the design of the precinct.
- 2.12 Sewerage Pump-Out
- 2.12.1 The onsite sewage pump-out facility must be operational before any Boat Harbour berths are occupied by vessels (excluding temporary berthing arrangements during construction).
- 2.13 Ongoing Maintenance
- 2.13.1 For the duration of this resource consent, any necessary maintenance or repairs to buildings or structures identified by inspections / monitoring under the OMP must be undertaken promptly, subject to obtaining all necessary resource / building consents and unavoidable delays in the supply of purpose-built fittings or parts.
- Advice Note:** *The OMP must be certified in accordance with Conditions 1.5.1 and 1.5.6 of the Schedule of Common Conditions attached to this resource consent.*
- 2.14 Review of Resource Consent Conditions

2.14.1 Pursuant to Section 128 of the Resource Management Act 1991 the conditions of this resource consent may be reviewed by the District Council at the consent holder's cost within three (3) months of the one (1) year anniversary of the commencement of Marine precinct activities, and at two (2) yearly intervals to deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this resource consent including:

- a. to consider the adequacy of conditions that prevent nuisance and adverse effects beyond the boundary of the site particularly if regular or frequent complaints have been received and validated by a District Council enforcement officer.
- b. Deal with any unforeseen adverse environmental effect which may result from the land disturbance and construction activities;
- c. Review the effectiveness of the conditions of this resource consent in avoiding, remedying or mitigating any adverse effects on the environment that may arise from the exercise of this consent, and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions. In deciding to undertake a review and where further or amended conditions are deemed necessary, the District Council shall have regard to all of the information contained in the reports required under the conditions of this consent and monitoring results;
- d. Address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of commencement of this consent; or
- e. Review the adequacy of, and the necessity for, any of the monitoring programmes or management plans that are part of the conditions of this consent.

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

3. Bay of Plenty Regional Council Land Use Consent and Discharge Permit

A land use consent and discharge permit for earthworks, vegetation clearance, wetland disturbance and restoration and temporary sediment discharges to land where it may enter water, associated with the establishment of a Commercial Boat Harbour and associated recreational berthing and fuel facilities, and the supporting activities, as well as providing for the construction, operation and maintenance of an access channel in the location of the existing Kopeopeo Canal flood pump station discharge channel, subject to the conditions below:

3.1 Purpose of Land use Consent

3.1.1 The purpose of this land use consent is to authorise and set conditions on the carrying out of bulk earthworks, vegetation clearance and wetland disturbance and restoration associated with the development of Te Rāhui Herenga Waka Whakatāne.

3.2 Purpose of Discharge Permit

3.2.1 The purpose of this discharge permit is to authorise and set conditions on the discharge of sediment contaminated stormwater to ground soakage on a temporary basis while bulk earthworks are being undertaken during development of the Boat Harbour.

3.3 Expiry of Land use Consent

3.3.1 The Regional Council Land Use Consent No. *[insert]* will expire 10 years from the date of commencement, unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

Advice Note: *The timing for commencement and lapse of this resource consent is specified in Condition 1.1.1 of the Schedule of Common Conditions.*

3.4 Expiry of Discharge Permit

3.4.1 The Regional Council Discharge Permit No. *[insert]* will expire 10 years from the date of commencement, unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

Advice Note: *The timing for commencement and lapse of this resource consent is specified in Condition 1.1.1 of the Schedule of Common Conditions.*

3.5 Adherence to Approval

3.5.1 The earthworks, vegetation clearance, wetland disturbance and restoration, and discharges associated with the development of the Boat Harbour must be constructed and / or managed in general accordance with the documents:

- a. Listed in "Table 1: Submitted documentation" to Condition 1.1.2.1 of the attached Schedule of Common Conditions; and
- b. Certified in accordance with the conditions of these resource consents, in particular:
 - i. The Construction Management Plan;
 - ii. The Erosion and Sediment Control Plan;
 - iii. The Restoration Plan;
 - iv. The Operational Management Plan; and
 - v. The Biosecurity Management Plan.

3.6 Works in Wetlands

- 3.6.1 Discharges associated with construction activities within the wetland area identified as IBDA-A44 and BS138A must not result in any of the following effects:
- a. The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - b. A conspicuous change in colour or visual clarity;
 - c. An emission of objectionable odour;
 - d. The contamination of freshwater to the extent that it is not suitable for farm animals to drink; or
 - e. Adverse effects on aquatic life that are more than minor.
- 3.6.2 No water shall be taken from the wetland area identified as IBDA-A44 and BS138A.
- 3.6.3 No debris or sediment shall be placed within ten (10) metres of, or allowed to enter, the wetland area identified as IBDA-A44 and BS138A.
- 3.6.4 Construction works must be managed to prevent the following effects on the wetland area identified as IBDA-A44 and BS138A:
- a. Erosion of the bed and banks of the wetland;
 - b. Changes to the points at which water flows into or out of the wetland;
 - c. A constriction on the flow of water within, into, or out of the wetland; or
 - d. The smothering of indigenous vegetation by debris or sediment.
- 3.6.5 Construction machinery, vehicles and equipment must:
- a. Only enter the wetland if required to do so for construction/restoration purposes;
 - b. Be cleaned before entering the wetland to avoid introducing pests, unwanted organisms, or exotic plants; and
 - c. Only be refuelled, cleaned and / or maintained more than ten (10) metres outside the IBDA-A44 and BS138A area boundaries.
- 3.6.6 No later than five (5) working days after the completion of construction works within the wetland area identified as IBDA-A44 and BS138A all litter, debris, materials, machinery and equipment associated with the Project must be removed from the area.
- 3.7 Resource Management Charges
- 3.7.1 The consent holder must pay the Regional Council such charges as are fixed from time to time by the Regional Council in accordance with Section 36 of the Resource Management Act 1991.
- 3.8 Review of Consent Conditions
- 3.8.1 The Regional Council may serve notice on the consent holder under Section 128(1) of the Resource Management Act 1991 during April, July or October annually until the completion of construction works for Stage 3 of the Project of its intention to review the conditions of the land use consent and/or discharge permit. The purpose of such a review is to modify conditions to:
- a. Deal with any unforeseen adverse environmental effect which may result from the

land disturbance and construction discharge activities;

- b. Review the effectiveness of the conditions of this resource consent in avoiding, remedying or mitigating any adverse effects on the environment that may arise from the exercise of this consent, and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions. In deciding to undertake a review and where further or amended conditions are deemed necessary, the Regional Council shall have regard to all of the information contained in the reports required under the conditions of this consent and monitoring results;
- c. Address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of commencement of this consent; or
- d. Review the adequacy of, and the necessity for, any of the monitoring programmes or management plans that are part of the conditions of this consent.

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

4. Bay of Plenty Regional Council Coastal Permit

A coastal permit in connection with the development, maintenance and use of a Boat Harbour and associated commercial and recreational berthing and fuel facilities and associated discharges, earthworks, vegetation clearance and dredging within the IBDA-A44 area and coastal marine area, subject to the conditions below.

4.1 Purpose

- 4.1.1 This coastal permit authorises development, use, occupation, disturbance, deposition, and discharges within, and the diversion of water from, the IBDA-A44 area and coastal marine area, associated with the construction, maintenance and operation (including dredging) of Te Rāhui Herenga Waka Whakatāne.

4.2 Expiry of Coastal Permit

- 4.2.1 This coastal permit will expire 35 years from the date of commencement, in accordance with Section 123(d) of the Resource Management Act 1991.

Advice Note: *The timing for commencement and lapse of this resource consent is specified Condition 1.1.1 of the Schedule of Common Conditions.*

4.3 Fees and Charges

- 4.3.1 The consent holder must pay such charges as are fixed from time to time by the Regional Council in accordance with Section 36 of the Resource Management Act 1991.

4.4 Adherence to Approval

- 4.4.1 The Boat Harbour must be constructed and operated in general accordance with the documents and management plans:
- a. Listed in "Table 1: Submitted documentation" to Condition 1.1.2.1 of the Schedule of Common Conditions; and
 - b. Certified in accordance with the conditions of these resource consents.
- 4.4.2 All construction machinery associated with the Project must, as far as practicable, be kept out of the coastal marine area and be removed from the coastal marine area no later than five (5) working days after the completion of construction works for Stages 2 and 3 respectively.

4.5 As-Built Plans

- 4.5.1 No later than twenty (20) working days after receipt of the as-built plans from the Project contractor(s) relating to the coastal marine area, the consent holder must submit a copy of the relevant as-built plans to the New Zealand Hydrographic Authority (Land Information New Zealand, Private Box 5501, Wellington 6011 or customersupport@linz.govt.nz).

Advice Note: *As-built plans are required to be submitted in accordance with Condition 1.4.3 of the Schedule of Common Conditions attached to this coastal permit.*

4.6 Review

- 4.6.1 Pursuant to Section 128(1) of the Act, the Regional Council may, within three (3) months of the one (1) year anniversary of the commencement of this consent, and annually thereafter, review any or all of the conditions of this consent for the following purposes:
- a. To review the effectiveness of the conditions of this resource consent in avoiding,

remediating or mitigating any adverse effects on the environment that may arise from the exercise of this consent, and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions. In deciding to undertake a review and where further or amended conditions are deemed necessary, the Regional Council shall have regard to all of the information contained in the reports required under the conditions of this consent and monitoring results;

- b. To address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of commencement of this consent; or
 - c. To review the adequacy of, and the necessity for, any of the monitoring programmes or management plans that are part of the conditions of this consent.
- 4.6.2 The Regional Council may, within six months of the 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 stormwater and operational discharges from the Boat Harbour, serve notice on the consent holder under Section 128 of the Resource Management Act 1991 of its intention to review the conditions of this coastal permit. The purpose of such a review is to assess the need for monitoring and treatment of stormwater and operational discharges, and to impose monitoring and discharge control conditions relating to these discharges, if appropriate.
- 4.6.3 The Regional Council may, within six months of the 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 occupation of the coastal marine area by the Boat Harbour, serve notice on the consent holder under Section 128 of the Resource Management Act 1991 of its intention to review the conditions of this coastal permit. The purpose of the review is to ensure that sufficient mitigation measures or remedial works be undertaken to address an effect that is appropriate to deal with at a later stage.
- 4.6.4 The Regional Council may, within six months of the 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 dredging activities, serve notice on the consent holder under Section 128 of the Resource Management Act 1991 of its intention to review the conditions of this coastal permit. The purpose of the review is to ensure that sufficient mitigation measures or remedial works be undertaken to address an effect that is appropriate to deal with at a later stage.
- 4.7 Biosecurity Management During Construction
- 4.7.1 All construction equipment and machinery and construction staff clothing and footwear must be checked, cleaned and dried prior to its arrival onsite, to prevent the introduction to the site of pest species identified in the Bay of Plenty Regional Pest Management Plan 2020 – 2030 (RPMP), and any successor Regional Pest Management Plan, and in accordance with Biosecurity NZ best practice guidance.
- 4.7.2 Any vessel(s) associated with construction works (e.g., work barges) must be checked and, if necessary, cleaned, to comply with Rule 1 of the RPMP prior to departure for the site.
- 4.7.3 Footwear wash stations must be installed onsite prior to the commencement of construction, and must be maintained for the duration, of construction works onsite. Construction staff and site visitors must be required to use the footwear wash stations immediately on entering the site.
- 4.7.4 All infrastructure installed as part of the Project construction works must be checked to verify it is free from pest infestation, prior to its arrival onsite.
- 4.7.5 All construction staff must comply with Rule 6 of the RPMP as it relates to the site, which

states that no person shall:

- a. Move or interfere with any article or substance left in place by an authorised person for the purpose of monitoring, controlling, or eradicating a pest listed in this RPMP; or
- b. Move, or allow to be moved, any live pest listed in this RPMP, or any machinery, vessel, organism or goods that are contaminated with any pest listed in this RPMP; or
- c. Keep, plant, propagate, distribute or release any pest listed in this RPMP or assist in their maintenance including tending, feeding or sheltering them.

This is to protect production, environmental and public values that can be adversely affected by pests.

4.8 Boat Harbour Biosecurity Management Plan (BMP)

4.8.1 No less than thirty (30) working days prior to the first scheduled date on which Boat Harbour berths are to be occupied by vessels (excluding temporary berthing during construction), a BMP prepared by a SQEP in biosecurity must be submitted to the Regional Council for certification that it has been prepared in accordance with Condition 4.8.2 of this Coastal Permit. No vessels shall berth at the Boat Harbour prior to certification of the BMP (excluding temporary berthing during construction).

4.8.2 The purpose of the BMP is to mitigate the potential adverse environmental effects associated with biosecurity risks and incursions in the coastal marine area and the Whakatāne River, by specifying methods to ensure that operation of the Boat Harbour integrates good biosecurity practices and complies with the RPMP with respect to aquatic pest species. The BMP must include, as a minimum, the following information:

- a. Methods to ensure the Boat Harbour are operated in accordance with the relevant rules of the RPMP regarding aquatic pest species; and
- b. Methods to implement the recommendations of the "Whakatāne Boat Harbour Aquatic Biosecurity Risk Review and Assessment" approved under "Table 1: Submitted documentation" to Condition 1.1.2.1 of the Schedule of Common Conditions.

Advice Note: *The BMP must be prepared in accordance with Ministry for Primary Industries biosecurity requirements and the Biosecurity Code of Practice.*

4.9 Navigational Aids

4.9.1 The consent holder must consult with the Eastern Bay of Plenty Harbourmaster, the Tangata Whenua Liaison Group, Whakatāne Rowing Club, Eastern Bay Canoe Racing Club and Whakatāne Harbour Users Group to evaluate the preferred locations, number and type / design of navigational aids. Following this consultation, the consent holder must prepare and submit the following drawings to the Eastern Bay of Plenty Harbourmaster and/or Maritime New Zealand for written certification:

- a. A layout drawing, prepared with an appropriate scale, dimensions and annotations, to show the configuration of the navigational aids; and
- b. Elevation drawings showing the dimensions, colours, materials and details of any lights or other fittings attached to the navigational aids.

4.9.2 The navigational aids must be provided, installed and maintained by the consent holder at its cost in accordance with the Maritime New Zealand Guideline and Port and Harbour Safety Code all to the satisfaction of the Eastern Bay of Plenty Harbourmaster and Maritime New Zealand. The consent holder must submit copies of the approved navigational aid drawings to the Regional Council for record-keeping, no later than ten (10) working days after receipt of approval for their installation from the Eastern Bay of Plenty Harbourmaster and/or Maritime New Zealand.

4.9.3 The consent holder must provide the Eastern Bay of Plenty Harbourmaster with no less than five (5) working days' notice in advance of all construction works associated with the Project and proposed to be undertaken within navigable waters.

Advice Note: *The installation of the navigational safety aids may require separate authorisations including under the Bay of Plenty Regional Navigation Safety Bylaw 2017.*

4.10 Construction Works Within The Coastal Marine Area

4.10.1 Machinery must, as far as practicable, be kept out of the coastal marine area. Unavoidable vehicle or machinery movements in the coastal marine area must be:

- a. Kept to a minimum; and
- b. Undertaken in the dry (above sea level at the time of movement) where practicable, and as close as possible to the high tide mark.

4.10.2 With the exception of dredging machinery, no refuelling activities or fuel storage or machinery maintenance must be carried out within the coastal marine area, on the foreshore or within 20 metres landward of mean high water springs. The consent holder must employ methods to minimise any fuel and grease spillage, including, but not limited to, the provision of appropriate security and spill containment methods.

Advice Note: *Condition 1.5.3 of the Schedule of Common Conditions requires the consent holder to prepare an Emergency Spill Response Plan.*

4.10.3 All work areas established in the coastal marine area pursuant to this coastal permit must be demarcated to ensure public safety.

4.11 Stormwater Discharge Quality

4.11.1 The pH of the stormwater discharge, measured after 15 metres of reasonable mixing downstream from the confluence of the Boat Harbour access channel and the Whakatāne River, as a result of discharges from the Boat Harbour, must be between 6 and 9 at all times.

4.11.2 The consent holder must ensure that no discharge resulting from the exercise of this consent results in any of the following when measured after 15 metres of reasonable mixing downstream from the confluence of the Boat Harbour access channel and the Whakatāne River, as a result of discharges from the Boat Harbour:

- a. The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
- b. Any conspicuous change in the colour or visual clarity;
- c. Any emission of objectionable odour;
- d. Any significant adverse effects on aquatic life;
- e. The natural temperature of the water shall not be changed by more than 3 degrees Celsius; or
- f. Aquatic organisms being rendered unsuitable for human consumption by the presence of contaminants.

4.12 Erosion and Hazards

4.12.1 The consent holder must ensure that the placement of any structure in accordance with this coastal permit does not cause erosion and does not cause a hazard to people.

- 4.12.2 Any scour of the Whakatāne River channel or banks resulting from works undertaken in accordance with this coastal permit must be remediated and stabilised to the satisfaction of the Regional Council.
- 4.12.3 No machinery or other equipment shall be left unattended within the floodable area of the Whakatāne River, coast or estuary at any time.
- 4.12.4 All plant, machinery, equipment and construction materials associated with works under this coastal permit must be removed from the coastal marine area:
- a. No later than five (5) working days after the completion of each dredging campaign; and
 - b. When the Regional Council flood gauge at Valley Road reaches a height of three (3) metres.
- 4.13 Coastal Occupation – Inspection and Maintenance of Structures
- 4.13.1 All structures authorised by this coastal permit to occupy the coastal marine area must be maintained at all times in a good and sound condition. Regular monitoring must be undertaken, including annual inspections of the harbour structures and supporting components. The purpose of these inspections is to identify any necessary maintenance and ensure the ongoing structural competence of the Boat Harbour. Any necessary maintenance must be completed promptly, subject to obtaining any necessary resource consents and / or unavoidable delays in the supply of purpose-built fittings or parts.
- 4.13.2 No later than three (3) working days after the Whakatāne River levels return to typical conditions following a flood, the consent holder must inspect all structures associated with the Boat Harbour that are located in the main channel of the Whakatāne River, and the access channel. The purpose of this inspection is to identify whether flooding has caused erosion and / or scour around or adjacent to, the structures authorised by this coastal permit.
- 4.13.3 If inspections pursuant to Condition 4.13.2 of this Coastal Permit reveal that erosion and / or scour has occurred around, or adjacent to, the structures authorised by this Coastal Permit, a report prepared by a SQEP must be provided within fifteen (15) working days to the Regional Council for certification. The report must include the following information:
- a. The likely causes, nature and severity of the erosion and / or scour which has occurred;
 - b. Any recommended remedial works to:
 - i. Mitigate the effects of the erosion and / or scour; and
 - ii. Minimise or prevent the potential for the erosion and / or scour to recur;
 - c. Any resource consent requirements for any recommended remedial works;
 - d. The estimated timeframe for any recommended remedial works to be completed (including statutory timeframes for the processing of any resource consent(s) required); and
 - e. The nature of any consultation undertaken, or required, in relation to any recommended remedial works.

5. Dredging

5.1 Dredging - Notification

- 5.1.1 No less than ten (10) working days prior to the commencement of each dredging campaign (including capital dredging) undertaken in accordance with this coastal permit, the consent holder must notify the Regional Council and the Eastern Bay of Plenty Harbourmaster in writing of the intent to commence dredging. The written notification must include:
- a. The expected commencement date and duration of the dredging campaign;
 - b. The method of dredging;
 - c. The proposed location(s) for disposal of dredging spoil;
 - d. The name and 24-hour contact details of the person supervising the dredging campaign (including refuelling and plant works);
 - e. An estimate of the volume of sediment to be removed;
 - f. Any restrictions that will apply to navigation during the dredging campaign;
 - g. The procedures to be implemented in the event of a flood in the Whakatāne River; and
 - h. Within the three (3) working days prior to the commencement of each dredging campaign, the consent holder must, as a minimum, place notices on the Project website and social media accounts advising:
 - i. The intention to dredge;
 - ii. The location to be dredged;
 - iii. The expected commencement date and duration of the dredging campaign; and
 - iv. Any restrictions that will apply to navigation.
- 5.1.2 Signs must be prominently displayed at the Boat Harbour no less than three (3) working days prior to the commencement of, and must be maintained for the duration of, each dredging campaign. The signs must advise:
- a. The location of dredging;
 - b. The duration of the dredging campaign;
 - c. Any restrictions that will apply to navigation; and
 - d. Contact details for further information.
- 5.1.3 The consent holder must notify the Regional Council in writing no later than twenty (20) working days following completion of each dredging campaign to confirm:
- a. The completion of the dredging campaign;
 - b. The volume of dredging spoil removed and details, including location, of its disposal to a land-based site(s);
 - c. The dredged levels achieved by the campaign as determined by a hydrographic survey in accordance with Conditions 5.4.1 and 5.4.2 of this Coastal Permit;
 - d. The return of land-based areas to their pre-existing condition in accordance with Condition 5.5.2 of this coastal permit;
 - e. The results of water clarity and suspended sediment measurements in accordance

with Conditions 5.6.3 and 5.6.4 of this Coastal Permit; and

f. Any other relevant matters.

5.2 Dredging - Methods

5.2.1 Dredging and excavation may be carried out using any of the following methods:

- a. Cutter suction dredge;
- b. Auger suction dredge;
- c. Barge-mounted dredge;
- d. Barge-mounted excavator;
- e. Land-based excavator;
- f. Land-based dragline cranes; or
- g. Land-based clamshell cranes.

5.3 Dredging – Operating Times

5.3.1 Dredging using the methods described in Condition 5.2.1 of this Coastal Permit:

- a. Must only be undertaken between the hours of 0700 to 1900;
- b. Must not be undertaken on Saturdays, Sundays or public holidays; and

5.3.2 Except as authorised under Condition 5.3.3 of this Coastal Permit, the consent holder must only undertake programmed dredging/excavation within the main channel of the Whakatāne River outside of the whitebait season (1 September to 30 October inclusive) and whitebait spawning season (1 June to 31 August inclusive) in any year.

5.3.3 In the event that the consent holder is required to undertake emergency dredging during the whitebait season, the activity shall only occur during the outgoing tide.

5.4 Dredging – Operational Depth

5.4.1 Capital dredging to construct the Boat Harbour access channel and establish the in-river navigation channel must be undertaken to provide an operational depth of -2.5 metres below Chart Datum.

5.4.2 Following the completion of the capital dredging, the consent holder must undertake maintenance dredging to maintain safe operational depths within the Boat Harbour access channel and the in-river navigation channel of -2.5 metres below Chart Datum. Maintenance dredging volumes must be informed by monitoring of the Boat Harbour basins, access channel and the bed of the Whakatāne River in accordance with Conditions 5.7.1 and 5.7.2 of this Coastal Permit.

5.5 Dredging – Land-Based Management

5.5.1 Dredging spoil must only be disposed of at land-based disposal sites to:

- a) A consented disposal site; and/or
- b) A site that meets the relevant Bay of Plenty Regional Plan permitted activity rules. Documentation confirming the disposal information, including volume and location, for each dredging campaign must be submitted to the Regional Council in accordance with Condition 5.1.3b of this Coastal Permit.

- 5.5.2 All sites utilised for land-based dredging activities (including stockpiling areas) must, to the extent practicable, be returned to a condition consistent with their pre-existing state no later than ten (10) working days after each dredging campaign is completed.
- 5.5.3 Sediment and dust generated by stockpiles of dredging spoil must be managed in accordance with the Regional Council "Erosion and Sediment Control Guidelines for Land Disturbing Activities (2010/01)".
- 5.5.4 Before dredging from the harbour, the consent holder must review the sediment monitoring results required under the WQSMP (condition 1.5.4.2(d)(ii)). Any sediment dredged from the harbour must be disposed of at a location that is appropriate for the type and level of contaminants identified.
- 5.6 Dredging – Monitoring of Water Clarity and Quality
- 5.6.1 Dredging of the Whakatāne River channel during the months of December to February (inclusive) must not decrease water clarity (as measured by the black disk horizontal range, calibrated turbidity meter or similar) by more than 20%, below background levels, within 200 metres of the dredging position. The background water clarity level must be defined as being the water clarity 500 metres upstream of the dredging position.
- 5.6.2 Dredging of the Whakatāne River channel between March to August (inclusive) must not result in:
- a. a suspended solids concentration within the water column greater than 150 g/m³ above the background suspended solids level as measured 200 metres ~~distant~~ downstream from the dredging position on an outgoing tide. The background suspended solids level must be defined as being the ~~natural~~ suspended solids level 500 metres upstream of the dredging position; and
 - b. a decrease in water clarity (as measured by the black disk horizontal range, calibrated turbidity meter or similar approved method) by more than 50%, below background levels, within 200 metres of the dredging position. The background water clarity level must be defined as being the water clarity 500 metres upstream of the dredging position.
- 5.6.3 The consent holder must take ~~visual~~ water clarity measurements (using the black disk, calibrated turbidity meter or similar approved method) at a point 500 metres upstream of the dredging position and a point 200 metres downstream of the dredging position. The water clarity measurements must be undertaken at least daily on an outgoing tide, during dredging operations.
- 5.6.4 All water clarity measurements required by condition 5.6.3 of this Coastal Permit must be carried out in accordance with the methodology described in "Colour and Clarity of Natural Waters; Science of Management of Optical Water Quality" by Davies-Colley et al (1993) or a method approved by the Regional Council.
- 5.6.5 The consent holder must:
- a. Supply the ~~water clarity~~ measurements required under Conditions 5.6.1 and 5.6.2 ~~5.6.3 and 5.6.4~~ of this Coastal Permit to the Regional Council no later than two (2) working days after receiving the results; and
 - b. Include the ~~water clarity~~ measurements in the Annual Performance Report prepared for the subsequent year of Boat Harbour operations after the dredging campaign as required by prepared Condition 1.5.8 of the Schedule of Common Conditions.
- 5.7 Dredging – Monitoring and Reporting on Sediment Deposition
- 5.7.1 For the first three (3) years after the date on which capital dredging is concluded, the consent holder must monitor the Boat Harbour access channel and the bed of the

Whakatāne River from the Boat Harbour to the boundary of the Harbour Development Zone within the navigable channel to confirm sedimentation rates and maintenance dredging requirements. Monitoring must include an assessment of the access channel and riverbed, commencing no later than three (3) working days after the Whakatāne River levels return to typical conditions following a flood.

- 5.7.2 The consent holder must commission a hydrographic survey of the Boat Harbour basins to confirm sedimentation rates. The hydrographic survey must be completed no later than twenty (20) working days after the third anniversary of the commencement of Marine precinct activities at the Boat Harbour.
- 5.7.3 The outcomes of the monitoring and survey undertaken pursuant to Conditions 5.7.1 and 5.7.2 of this Coastal Permit must be included with reference to the proposed programming of maintenance dredging campaigns in the Annual Performance Report prepared pursuant to Condition 1.5.8 of the attached Schedule of Common Conditions.