

Resource Consent



Resource Consent 67343-AP

Following the processing of the Application received on the 17 December 2012, the Bay of Plenty Regional Council has granted the applicant(s):

Ray Fleming

Consent(s) to:

| | | | |
|---------------|--------------------------|--------|-----------------|
| 67343.0.01-LC | Earthworks or Excavation | Expiry | 31 January 2043 |
| 67343.0.02-DC | Discharge to Land | Expiry | 31 January 2043 |
| 67343.0.03-DC | Discharge to Land | Expiry | 31 January 2043 |
| CH17-00598 | Final Approval | | 20 July 2017 |

The consent(s) are subject to the conditions specified on the attached schedule(s) for each activity. Advice notes are also provided as supplementary guidance, and to specify additional information to relevant conditions.

The Resource Consent hereby authorised is granted under the Resource Management Act 1991 does not constitute an authority under any other Act, Regulation or Bylaw.

DATED at Whakatane this 5th day of March 2013

For and on behalf of The Bay of Plenty Regional Council

Mary-Anne Macleod
Chief Executive



**Thriving together -
mō te taiao,
mō ngā tāngata**

The change of the whole of this resource consent was approved under delegated authority of the Bay of Plenty Regional Council dated 20 July 2017

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 5 March 2013, **hereby grants**:

A resource consent:

- **Under section 9(2)(a) of the Resource Management Act 1991 and Rule 1C of the Bay of Plenty Regional Water and Land Plan to undertake a discretionary activity being to Carry Out Earthworks Activities Associated with the Operation of a Construction and Demolition Landfill**

subject to the following conditions:

1 Purpose of this Resource Consent

- 1.0 To authorise and set conditions on activities associated operation and management of a Construction and Demolition Landfill. This consent does not authorise any activities which occurred on the site, prior to the commencement of this consent.

2 Location

- 2.0 62 Te Manu Road, Rotorua as shown on B.O.P.R.C. Plan Number RC 67343/1.

3 Map References

- 3.0 Mid-point of site: At or about map reference NZMS 260 U16 8675-3442.

4 Legal Description

- 4.0 Lot 3 DPS 92163 (Rotorua District).

5 Notifying the Regional Council of Works

- 5.1 No less than five working days prior to the start of both the Stage 1 and 2 works under this consent, the consent holder shall request (in writing) a site meeting between the principal site contractor and the Chief Executive of the Regional Council or delegate. Notification at this time shall include details of who is to be responsible for site management and compliance with consent conditions (see Advice Note 4).
- 5.2 The consent holder shall notify the Chief Executive of the Regional Council or delegate within five working days (in writing) of its completion, that the placement of compacted earth capping layer over the Stage 1 area as required by condition 6.2, has been completed.
- 5.3 The consent holder shall notify the Chief Executive of the Regional Council or delegate (in writing) no less than five working days before the completion of both the Stage 1 and 2 works under this consent, prior to the removal of any site controls (see Advice Note 4).

6 Earthworks

Change: CH17-00598

- 6.1 Construction and earthworks shall be carried out in general accordance with the information

submitted with the application for this consent and the updated Onsite Management Plan and map showing Asbestos Containing Materials Disposal Area referenced as B.O.P.R.C Consent Plan CH17-00598/1 submitted 02 June 2017 which are attached to these consent conditions as appendix A and B.

- 6.2 Prior to receiving any Construction & Demolition fill on site, the consent holder shall ensure that a compacted earth capping layer of least 600mm thick, with a maximum hydraulic capacity of 10-7m/s is placed over the existing fill area of Stage1 of the site.
- 6.3 Within five working day of the completion of the compacted earth capping layer, the consent holder shall provide to the Chief Executive of the Regional Council or delegate, Certification from an appropriately qualified person confirming the requirements of condition 6.2 have been met.
- 6.4 No filling of construction and demolition material on site shall commence until the requirements of conditions 6.2 and 6.3 have been met.
- 6.5 The consent holder shall ensure that no more than 1.2 hectares of earth is exposed within each stage at any one time.
- 6.6 The erosion and sediment controls outlined in condition 9.1, shall be installed prior to the commencement of earthworks.
- 6.7 Within one month of the completion of both the Stage 1 and Stage 2 works under this consent, the consent holder shall ensure that all exposed areas of earth resulting from works under this consent are effectively stabilised against erosion by vegetative cover or other methods to the satisfaction of the Chief Executive or delegate of the Regional Council.

7 Construction and Demolition Landfill Operation

Change: CH17-00598

- 7.1 The consent holder shall ensure that the operation and management of the Construction and Demolition landfill is undertaken as outlined in the application documents. The works shall be undertaken in general accordance with the Erosion and Sediment Control Plan (section 6), the Dust Control Plan (section 7) and the Onsite Management Plan (section 8) submitted with the application, and the updated Onsite Management Plan and map showing Asbestos Containing Materials Disposal Area referenced as B.O.P.R.C Consent Plan CH17-00598/1 submitted 02 June 2017 which are attached to these consent conditions as appendix A and B, or any other Management Plan that has received written approval from the Bay of Plenty Regional Council.
- 7.2 Within 30 working days of the granting of this consent, the consent holder shall provide an updated Onsite Management Plan for the site to the Regional Council for approval by the Chief Executive of the Regional Council or delegate. The Management Plan should cover the following aspects:
 - On-site personnel responsibilities;
 - Details of the methodology and timeframes for the installation of the compacted earth capping layer as required by condition 6.2;
 - Waste acceptance and inspection procedures, including the recording of types of materials and volumes accepted. This includes reporting of this information to the Regional Council;
 - Details of erosion and sediment control measures as outlined in the Erosion and Sediment Control Plan submitted with the application document including the design details for the sediment ponds as required by condition 9.7;
 - Details of dust control measures as outlined in the Dust Control Plan submitted with the application document;
 - Monitoring of stormwater and sampling analyses as required by condition 11 of this consent;
 - Management of recyclables;
 - List of any changes in operations from the previous year; and
 - Any other management aspect that is deemed necessary by the Chief Executive of the Regional Council or delegate.
- 7.3 Notwithstanding the requirements of condition 7.1, any asbestos containing materials must be deposited in the northern area of the landfill as shown on B.O.P.R.C Consent Plan CH17-00598/1 which is attached to these consent conditions as appendix B.

8 Waste Acceptance Criteria

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- 8.1 The consent hold shall only dispose of the following construction and demolition materials within the landfill:

- Concrete and brick rubble not worth re-processing.
- Cement and cement wastes (dry)
- Glass cullet, automotive glass and reinforced glass
- Wallboards consisting of plaster, MDF or hardboard products.
- Untreated timber offcuts (to a maximum of 10% of any single load received on site).
- Cleanfill
- Asbestos Containing Materials (ACM's)
- Other demolition products free of:
 - Combustible or putrescible components (excluding greenwaste);
 - Hazardous substances or materials likely to create leachates; or
 - Any products or materials derived from hazardous waste treatment, stabilisation or disposal processes.
- Any other type of refuse which has received written approval from the Chief Executive of the Regional Council or delegate (subject to analysis).

8.2 The consent holder shall not dump any of the following materials on site:

- General domestic refuse
- Liquid waste
- Chemicals and chemical containers (all HSNO Classes 1- 9 or equivalent)
- Pesticides and pesticide containers
- Gas cylinders
- Batteries
- Furniture
- Paint and paint containers
- Whiteware and other electrical appliances
- Car bodies
- Infectious and pathological wastes.
- Putrescible waste
- Tyres
- Road sweepings/ catch pit cleanings; or
- Greenwaste.

8.3 If any materials not listed in condition 8.1 are found within materials disposed of on site, the consent holder shall immediately extract that materials, isolate that materials and dispose of that refuse at an appropriately authorised facility within 4 weeks of discovery.

8.4 Where practicable, the consent holder shall only dispose non-recyclable materials within the Construction and Demolition landfill.

8.5 For the purposes of this consent, the definition of cleanfill shall include only natural materials such as soils and rock and other materials that have been approved by the Chief Executive of the Regional Council or delegate.

8.6 For each load of material brought on to site, the consent holder shall record the following:

- The date and time the load is delivered to the site;
- The nature of material of the load; and
- The approximate volume of the different materials deposited.

8.7 The records required under condition 8.6 shall be submitted on an annual basis on the granting of this consent, and at any time as requested, to the Chief Executive of the Regional Council or delegate.

9 Stormwater Control and Discharge

9.1 For each stage of the operation, all stormwater generated within the landfill catchment shall be collected and treated in the stormwater ponds before discharge to land as shown on the following plans:

- Canmap Hawley drawing, R. Fleming, Te Manu Road, Rotorua, Proposed Clean Fill Landfill, Lot 3 DPS 92163, Drawing no. 9574-001-B, Sheet 1 of 1 and referenced as B.O.P.R.C. Plan Number RC 67343/2; and
- Stratum Consultants drawing, Ray Fleming, 62 Te Manu Road, Rotorua, Erosion and Sediment Controls Details, Drawing No. 617697-M-E-D001, Sheet No. 01, Issue A and referenced as B.O.P.R.C. Plan Number RC 67343/3; and

- Any other Plan or design that has received written approval from the Chief Executive of the Regional Council or delegate.
- 9.2 The consent holder shall divert un-contaminated stormwater away from the landfill catchment and the exposed areas of both Stage 1 and 2, wherever possible.
 - 9.3 The consent holder shall ensure that where runoff controls (such as diversion channels, bunds, contour drains etc) have slopes greater than 2%, then the runoff controls shall be protected from erosion by the use of geotextile materials, rock or other suitable materials.
 - 9.4 The consent holder shall ensure that the inlets and outlets of the stormwater ponds are stabilised with erosion protection structures and/or materials in order to prevent erosion at both the inlets and outlets of their respective ponds.
 - 9.5 The consent holder shall ensure that no sediment contaminated stormwater leaves the site before treatment in a sediment treatment device as detailed in condition 9.1.
 - 9.6 Stormwater discharged shall be substantially free of floatable solids, oil and grease.
 - 9.7 The consent holder shall ensure that the sediment retention ponds for both Stage 1 and 2, have sufficient capacity to service the 1.2ha exposed area during the winter works period (1 May to 15 September). This requires the ponds to have the capacity to hold a 24 hour duration 1% AEP storm event (100 year return period storm).
 - 9.8 As part of the Operations Management Plan required under condition 7.2, the consent holder must provide the sediment pond design details from an appropriately qualified person showing that they meet the requirements of condition 9.7.
 - 9.9 Unless otherwise specified in this consent, the consent holder shall ensure that all erosion and sediment controls comply with specifications set out in Bay of Plenty Regional Council Guideline No. 2010/01 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor.

10 Odour Control

- 10.1 The consent holder shall ensure that, as a result of any activity authorised by this consent, there is no offensive or objectionable odour, in the opinion of the Chief Executive of the Regional Council or delegate, beyond the boundary of the site.
- 10.2 If offensive or objectionable odour(s) are present beyond the boundary of the site, the consent holder shall review the management plan for the site including measures to avoid, remedy or mitigate the odour present. As a result of the review, those measures shall be implemented to address odour issues.

11 Stormwater Monitoring

- 11.1 Bi-annually (once during 1 January - 31 March and once during 1 June - 31 August) for the duration of the consent, the consent holder shall collect a representative sample of stormwater from a point within the sediment pond, adjacent to the outlet, and have the sample analysed for:
 - Total Suspended Solids (TSS) []
 - Turbidity (NTU); and []
 - pH
- 11.2 Stormwater discharges from the sediment ponds for Stage 1 or 2 shall not exceed the following trigger levels:
 - Total suspended solids (TSS) in the stormwater discharge at any outlet shall not exceed 150 grams per cubic metre at any time.
 - Turbidity of less than in the stormwater discharge at any outlet shall not exceed 300 NTU at any time.
 - The pH of the stormwater discharge at any outlet shall be between 6 and 9 at all times.
- 11.3 All stormwater sample shall be analysed for the contaminants listed in conditions 11.1 and 11.2 by a IANZ certified laboratory to verify compliance.

- 11.4 The results from the analyses as required under conditions of this consent shall be forwarded to the Regional Council within two weeks of the receipt of the results.
- 11.5 If the sample results show an exceedence of a parameter above the relevant trigger levels as outlined in condition 11.2 for two consecutive sampling results, within one month of receiving the sampling results, the consent holder shall forward a report to the Regional Council for approval, detailing:
1. Investigations into the sources of potential high contaminant loads within the landfill;
 2. What options are available to limit further discharge of contaminants;
 3. The ability to implement potential remedial options as outlined in point 2 above;
 4. The selection and implementation of a specific remedial option(s) to address the breach(es) in trigger levels;
 5. Further monitoring requirements, including to establish compliance with trigger levels;
 6. The timeline for implementation of the investigation, selected remedial option(s) and/or monitoring.
- 11.6 All remedial work required to be undertaken as detailed in the report required under condition 11.5, shall be undertaken and implemented by the consent holder as per the schedule outlined in that report.

12 Dust Control

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- 12.1 The consent holder shall implement the proactive strategy for dust control as outlined in the Dust Control Plan provided with the application and the updated the updated Onsite Management Plan submitted 02 June 2017 which is attached to these consent conditions as appendix A, specifically by complying with the principles of dust management as set out in the Bay of Plenty Regional Council Guideline No. 2010/01 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor, so as to prevent a dust nuisance from occurring beyond the property boundary.
- 12.2 The consent holder shall ensure that an adequate supply of water for dust control (sufficient to apply a minimum of 5 mm/day to all exposed areas of the site), and an effective means for applying that quantity of water, is available on site at all times during construction and until such time as the site is fully stabilised.
- 12.3 The consent holder shall ensure that, at all times, the soil moisture level of exposed areas is sufficient, under prevailing wind conditions, to prevent dust generated by normal earthmoving operations from remaining airborne beyond the boundary of the work site.
- 12.4 The consent holder shall ensure that, outside of normal working hours, staff are available on-call to operate the water application system for dust suppression.
- 12.5 In the event that wind conditions render dust control impracticable, the consent holder shall ensure that any machinery generating airborne dust ceases to operate until such time as effective dust control can be re-established.
- 12.6 Despite conditions 12.1 to 12.5 above, the consent holder shall undertake additional or alternative dust control measures to the satisfaction of the Chief Executive of the Regional Council or delegate, as directed.

13 Signage

- 13.0 Prior to the commencement of works under this consent, the consent holder shall erect a prominent sign adjacent to the main entrance to the site, and maintain it throughout the period of the operation of the site. The sign shall clearly display, as a minimum, the following information:
- The consent holder;
 - Conditions of entry;
 - A 24 hour contact telephone number for the consent holder or appointed agent; and
 - A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about dust nuisance or any other problem resulting from the exercise of this consent.

14 Maintenance

- 14.1 The consent holder shall ensure that the erosion and sediment controls, spillways and associated erosion protection devices and dust controls are maintained in an effective capacity at all times during

works and until the site is stabilised in accordance with conditions of this consent.

- 14.2 The consent holder shall ensure that, as far as practicable, any necessary maintenance of erosion and sediment controls identified by inspection under conditions of this consent or by Regional Council staff, is completed within 24 hours.
- 14.3 Accumulated sediment shall be removed from the sediment retention devices before sediment levels reach 25% of that device's volume.
- 14.4 The consent holder shall ensure that sediment removed from a sediment retention device is placed in a stable position where it cannot re-enter a device or enter any water body.
- 14.5 The consent holder shall ensure that all-weather machinery access is maintained to the sediment control devices.
- 14.6 The consent holder shall ensure that during the Stage 1 filling activities, the integrity of the capping layer required under condition 6.2 is maintained in order to prevent water percolating through the landfill material.

15 Monitoring and Reporting

- 15.1 The consent holder shall ensure that the erosion and sediment controls are inspected -
 - At least weekly during the duration of this consent; and
 - Within 12 hours of each rainstorm event which is likely to impair the function or performance of the erosion and sediment controls.
- 15.2 The consent holder shall maintain records of -
 - The date and time of every inspection of erosion and sediment controls on the site;
 - The date, time and description of any maintenance work carried out.
- 15.3 The consent holder shall forward a copy of records required by conditions of this consent to the Regional Council within 48 hours of its request (see Advice Note 4).

16 Review of Conditions

- 16.1 The Regional Council may, serve notice on the permit holder under s.128(1)(a)(ii) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this permit. The purpose of such a review is to assess the need for monitoring and treatment of storm water, erosion and sediment control, the prevention of dust nuisance, assess the monitoring requirements for the site (including trigger levels), waste acceptance criteria and measures to improve the quality of discharges from the site and to impose additional control conditions, if appropriate.
- 16.2 The Regional Council may, upon of completion of any impact, environmental investigation or compliance report carried out by the Regional Council that shows there is an adverse effect on the environment as a result of any discharge or land use activity, serve notice on the permit holder under s.128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent.

17 Sites of Archaeological, Historic or Cultural Significance

- 17.0 In the event of any archaeological site or koiwi being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall contact the Regional Council (see Advice Note 2) to obtain details of the relevant iwi authority. The consent holder shall then consult with the relevant iwi authority and the New Zealand Historic Places Trust and shall not recommence works in the area of the discovery until the relevant Historic Places trust approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary.

18 Resource Management Charges

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

19 Term of Consent

19.0 This consent shall expire on 31 January 2043.

The Resource Consent hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

Advice Notes

1.
 1. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites within the area affected by this consent. Should any artefacts, bones or any other sites of archaeological or cultural significance be discovered within the area affected by this operation, written authorisation should be obtained from the Historic Places Trust before any damage, modification or destruction is undertaken.*
 2. *The Regional Council is able to advise of contact details for the relevant iwi authority.*
 3. *This consent does not authorise any damming or diversion of water at the activity site. Any such action may require further approval unless a rule in a regional plan expressly allows the dam or diversion.*
 4. *Reporting, notification and submission of plans required by conditions of this consent be directed (in writing) to the Pollution Prevention Manager, Bay of Plenty Regional Council, PO Box 364, Whakatane or fax 0800 884 882 or email notify@boprc.govt.nz, this notification shall include the consent number 67343.*
 5. *The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
 6. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
 7. *This Resource Consent hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.*

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 5 March 2013, **hereby grants**:

A resource consent:

subject to the following conditions:

Bay of Plenty Regional Council

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