

Consent Evaluation Report

Applicant : Thames Coromandel District Council (Roading Manager)		File Number: 61 15 79A
Address of Site:	(Whangamata Harbour Boat Access) Beach Rd - Whangamata	Project Code: RC8155
Consent Type:		Application Number:
Coastal permit	Remove material	119263

1 Introduction

The applicant, Thames Coromandel District Council (TCDC) has applied for resource consent to undertake maintenance dredging of Moanaanuanu channel, adjacent to beach road, Whangamata. The total volume of material proposed to be removed from the channel is approximately 3,000m³ per annum.

The application has been lodged to replace resource consent 102515, which expired in June 2009

2 Background and Description of Proposal

The applicant proposes undertake maintenance dredging to maintain safe, navigable all tide access to and from the Whangamata boat ramp situated adjacent to Beach Road. The applicant proposes to dredge a maximum of between 2000m³ and 3000m³ of material per year from the channel. The applicant has advised that the operation will take place using a digger operating from the southern side of the channel and possibly a barge mounted digger to reach those locations inaccessible by an excavator.

It is relevant to note that the Whangamata Marina Society Inc (WMS) significantly altered the channel profile in 2009 by dredging out approximately 30,200m³ of material along the approximately 800m long stretch of channel from the marina entrance to the confluence with the main harbour channel. The marina society will be undertaking maintenance dredging of the channel to maintain the channel to its design depth, and it is understood that TCDC do not intend to undertake any dredging additional to that undertaken by WMS. The applicant has instead advised that consent application 119263 has been sought as a back-up should the Whangamata Marina Society fail to maintain the channel on its own accord. Accordingly the applicant is unable to confirm the frequency at which the dredging will take place.

3 Status of Activities under the Plans

Waikato Regional Coastal Plan: Proposed Change No.1

Proposed plan change 1.7 denoted on the Waikato Regional Coastal Plan: Proposed Change No.1 relates to Rule 16.6.9 of the Waikato Regional Coastal Plan. No submissions to the proposed plan change were received in relation proposed plan change 1.7 and as such the proposed change relating to Rule 16.6.9 is deemed to be operative.

The removal of marine material from the Moanaanuanu channel for the purpose of maintenance dredging is subject to Rule 16.6.9 (as amended by proposed plan change 1.7) of the Waikato Regional Coastal Plan (Coastal Plan), which states:

*The removal of sand, shingle, shell or other natural marine material from the CMA, and associated vehicle use, for the sole purpose of maintenance dredging is a **controlled activity** provided it complies with following the standards and terms:*

- i. The activity shall have no more than a minor adverse effect on any conservation value shown within the ASCV area as marked on maps in Appendix III and described in Appendix IV of this Plan.*
- ii. Any visible change in water quality shall not be detectable 48 hours after discharge.*
- iii. No contaminants shall be discharged to water or land from the vehicle.*

I am satisfied that the proposed dredging activity will meet the standards and terms as stated above.

The deposition of stockpiled material will be situated outside the coastal marine area on the location immediately to the west of the existing boat ramp. The deposition of fill into the land adjacent to the boat ramp is a permitted activity in accordance with rule 5.2.5.4 of the Waikato Regional Plan.

The applicant has proposed to place dredged material back into the CMA for the purpose of beach nourishment. A significant portion of material will go to Otahu estuary, the placement of which is authorised by consent 951127, which is due to expire in 2030.

Any excess material will be disposed of at various locations in the foreshore along Beach Road in accordance with permitted activity rule 16.6.10, as amended by proposed change 1.8 of the Waikato Regional Coastal Plan: Proposed Change No.1, which states:

*Any disturbance to, or any deposit of any sand, shell, shingle or other natural marine material, in, on, or under the foreshore or seabed, per discrete location in quantities less than 100 cubic metres, per 30 day period is a **permitted activity** provided it complies with the conditions stated in this Rule.*

Conditions

- i) No sand, shell, shingle or other natural marine material shall be removed from the beach system, other than when being taken for scientific sampling and research purposes.*
- ii) Any visible disturbance to the substrate of the coastal marine area shall be remedied or recontoured within 24 hours.*
- iii) Any visible change in water quality shall not be detectable 24 hours after the disturbance or deposit is made.*
- iv) Any equipment or materials used at the site shall be removed on completion of the disturbance or deposition.*
- v) The disturbance or deposit shall not occur on saltmarsh, eel grass, mangroves, bird nesting areas during nesting season, or shellfish breeding beds.*

The applicant has advised that any such placement of material will meet the conditions specified in rule 16.6.10.

4 Consultation/Affected Party Approvals

4.1 Iwi

No consultation by the applicant has been undertaken with iwi. I am satisfied that specific consultation with iwi is not necessary in this instance to determine if iwi are likely to be adversely affected. I consider this to be in accordance with the Environment Waikato's procedure for

consulting with Iwi (Resource Use Group Practice Note B7 'Iwi Consultation Principles and Practices').

It is relevant to note however that a copy of the application was emailed to the Hauraki Maori Trust Board on 22 February 2010 (doc# 1638592). No comments were received.

It is also relevant to note that, during the application for the original resource consent (102515), Hauraki Maori Trust Board, and Te Runanga O Ngati Pu identified the following concerns with the dredging activity:

- potential destruction of Kai Moana beds as a result of the dredging activities;
- effect on the harbour sediment balance due to dredging operations;
- ad hoc manner in which the harbour is being developed; and,
- the need for a harbour plan to provide for protection and controlled development.

The above matters, where relevant, have been addressed in Section 6.1 below.

4.2 Department of Conservation

A copy of the application was emailed to the Department of Conservation (DOC) for comment on 22 February 2010 (doc# 1638593). DOC provided a response email on 5 March 2010 commenting that Environment Waikato staff should consider including conditions of consent requiring the following:

- That DOC is notified prior to any dredging taking place;
- That the dredging activity minimises impacts on shellfish beds as much as practicable; and
- That the deposition of dredge material does not occur on shellfish beds.

Given DOC's interests in the foreshore and seabed, I consider the above comments to be relevant to this application and accordingly advised the DOC that conditions of consent would be included to address the above matters. DOC confirmed via (doc# 1643402) that including conditions addressing the above matters would address the Department's concerns.

4.3 Whangamata Harbourmaster

A copy of the application was provided to Mr Dave Moncur, Whangamata Harbourmaster. Mr. Moncur advised via email (doc# 1644630) that he had no concerns with the application in terms of navigation safety.

4.4 Reasons for Non-notification

Reasons for non-notification have been documented within the notification/non-notification decision support process sheet. This decision was conducted separate from and prior to the completion of this evaluation report.

5 Process Matters

The application was received by Environment Waikato on 16 December 2008. The application was placed on hold in accordance with s92(1) on of the Resource Management Act 1991 on 14 January 2009 following a request for further information. The information request was provided on 15 February 2010. The statutory timeframe for notifying the decision on the application was then extended by 10 working days in accordance with s37A(2)(a) in order to allow iwi and DOC to provide comment on the application.

6 Statutory Considerations

Section 104(1) of the Resource Management Act 1991 outlines matters which the consent authority must have regard to when considering an application for resource consent. The matters are:

- Any actual and potential effects on the environment of allowing the activity;

- The Waikato Regional Policy Statement;
- The Waikato Regional Coastal plan;
- Waikato Regional Plan; and
- Part II RMA (sections 5 to 8)

The matters identified above are discussed in section 6.1 below.

The proposed activity is deemed to be controlled in the Coastal Plan. The proposal will therefore be determined under section 104A of the Resource Management Act 1991 which states:

After considering an application for a resource consent for a controlled activity, a consent authority –

- a) Must grant the resource consent, unless it has insufficient information to determine whether the activity is a controlled activity ; and*
- b) May impose conditions under section 108 for matters over which it has reserved control in its plan or proposed plan.*

The matters for which control is reserved over for the proposed maintenance dredging as stated in Rule 16.6.9 of the Coastal Plan are:

- The frequency and timing of the dredging
- The method of dredging
- The volume of dredged material
- The location and extent of the disturbance to the foreshore or seabed
- The location and method of disposal of dredged material
- The information and monitoring requirements

6.1 Assessment of Environmental Effect

Before commencing to assess the effects of an activity, it is necessary first to establish the baseline against which effects need to be considered. In respect to the proposed activity, the relevant baseline pertains to the environment in which the dredging is to occur, being the Moanaanuanu channel – in the stretch from the existing boatramp to the channel confluence with the main channel.

The section of the channel has historically been dredged under consent 102515, which was granted in 1999 and allowed for the removal of 3,000m³ per annum from the stretch of the channel. Prior to the granting of the consent, it is likely the channel was dredged without authorisation.

Recently, in 2009, the channel profile was dredged by the Whangamata Marina Society Inc (WMS) to accommodate for much larger boats (including yachts) which are berthed in the recently completed marina, located approximately 350m to the west of the boat ramp. The capital dredging was carried out under resource consent 953758, and resulted in the removal of approximately 32,200m³ of material from the 800m long stretch of channel from the marina entrance to the channel entrance.

The channel in which TCDC propose to undertake maintenance dredging is therefore already heavily modified by both historic and more recent dredging activities.

Ecology and Conservation Values

The location of the proposed maintenance dredging is within of the Upper Whangamata Harbour Area of Significant Conservation Value (ASCV) as depicted in Appendix III of the Waikato Regional Coastal Plan (RCP). The conservation values of this site include extensive eel grass communities and rare or threatened coastal birds. Additionally the ASCV is a place of shellfish gathering and is a site of significance to Hauraki Iwi.

Dredging

Dredging of the seabed and foreshore can potentially impact on local marine fauna and flora as a result of habitat disturbance. Further disturbance can result from the sedimentation caused by excavating the material from the seabed, which can potentially adversely affect benthic communities.

In terms of the direct effects of removing the material from the channel, I note that the existing channel is heavily modified both as a result of historic dredging of the access channel and the recent capital works associated with the Whangamata marina development. It is possible that some shellfish have migrated to the channel since the capital works were completed in October 2009, however it is unlikely that that shellfish would be present in numbers such that shellfish communities as a whole will be adversely affected by the proposed dredging activity.

In terms of other benthic communities, it is likely that the proposed activity will result in mortalities of benthic fauna within the channel. However, given the soft substrate is relatively homogeneous throughout the immediate area, it is not likely that any rare or unique organisms will be present within the channel; and animal communities as a whole are unlikely to be adversely affected by the proposed dredging activity.

The applicant has advised that the purpose of the proposed dredging activity is to maintain all tide access for boats launched from the Whangamata boat ramp. The proposed dredging therefore would not involve maintaining the channel to the design profile constructed by WMS, which is designed to allow all tide access for much larger vessels than those typically launched from the boat ramp. In line with the purpose of the consent, I have recommended a condition of consent requiring that, should the consent holder intend to dredge in excess of 2,000m³ during any given calendar year, the consent holder demonstrate to the satisfaction of the Waikato Region Council that there is a practical need to carry out the dredging for the purpose of maintaining access for those boats launched from the Whangamata boatramp.

In terms of the disposal of dredge material, the applicant has advised that all material dredged from the channel will be returned back to the coastal marine area by way of beach nourishment. The placement of this material will be undertaken via a separate resource consent authorising beach nourishment in the vicinity of Otahu estuary (resource consent 951127). The applicant has also advised that dredge material may be placed on other beaches in the area for the purpose of beach nourishment pursuant to permitted activity rule 16.6.10 of the Waikato Regional Coastal Plan. However, should dredge material contain a relatively high mud concentration, it may not be desirable that it be returned to the CMA. Accordingly I have recommended a condition of consent requiring that dredge material is returned to the coastal marine area in a manner conducive to beach nourishment unless the dredged sediments have a mud content exceeding 10% by volume.

I have also included a condition of consent requiring that nourishment does not take place on shellfish beds

With the above matters considered, I am of the opinion that the dredging of the Moanaanuanu channel will have a less than minor adverse effect on the existing environment.

Vehicle use

The proposal also includes the use of vehicles in the CMA. This activity will likely involve an excavator and truck operating from the southern side of the channel, with the truck travelling up and down the foreshore adjacent to the channel to offload material on the embankment to the immediate west of the boatramp.

I note that there is generally a paucity of benthic fauna immediately adjacent the southern side of the channel. This lack of animal life can be largely attributed to boat launching traffic over the years in addition to a rock channel wall located approximately 120m to the northeast of the boatramp and extending along the channel edge for approximately 100m.

In terms of boat launching traffic, this has resulted in a heavily compacted sand substrate extending from the boatramp some 120metres to the existing rock wall. With respect to the rock wall, the rocks extend out from the southern channel edge by approximately 2m into the inter-tidal

beach, sitting flush with the existing shore level. There do not appear to be any plants or animals present on the rocky substrate created by the wall. It is unknown when these rocks were placed in the channel, although it is likely that the placement predates the Resource Management Act 1991.

The intertidal area in the vicinity of the final 100m or so of the channel (i.e. north of the rock lining) is relatively undisturbed, other than being subject to heavy vehicle movements (trucks and excavators) during the capital dredging of the access channel in 2009 by WMS. Prior to those works commencing, I inspected the site and noted that there were no signs of shellfish beds or sea grass in the area immediately adjacent to section of the access channel subject to this application. It is likely that benthic organisms other than shellfish will be present on the foreshore adjacent to the channel, however, owing to the relative homogeneity of intertidal environment in the immediate area, such benthic organisms are unlikely to be significant or rare.

In terms of coastal birds, surveys commissioned by WMS (this is a requirement of resource consent 953758) indicate that a number of wading birds frequent the general vicinity of the area south of the section of the channel subject to the dredging. The predominant birds identified in this location included variable oyster catcher and to a lesser extent Caspian tern. A report on the surveys¹ indicated that bird numbers in the vicinity of the channel did not change significantly as a result of the marina capital channel works, which took several months to complete. It is my view therefore that the proposed maintenance dredging activity will not adversely affect bird numbers in the general vicinity of the works.

In order to reduce vehicle impacts adjacent to the channel, the applicant's consultant has advised that trucks will reverse down the channel length to prevent the requirement for vehicles to turn around, thus significantly reducing the footprint of the impact.

I have recommended a condition of consent requiring that the most practicable option be undertaken so as to ensure effects associated with vehicle use are minimised and that a management plan demonstrating how this will be achieved be prepared and adhered to. I have also included a condition of consent requiring that trucking movements do not take place over shellfish beds.

With the above matters considered, it is my opinion that the vehicle use associated with the proposed dredging will have a less than minor adverse effect on existing plant or animal communities.

Water quality

It is expected that there may be localised plumes of suspended solids as the works are being undertaken. However, any effects are expected to be short term in duration and unlikely to cause significant adverse effects to marine flora and fauna in the vicinity of the activity, which are typically tolerant to periodic sedimentation within the harbour.

In order to ensure any sedimentation is dispersed by tidal action, I have recommended a condition of consent requiring the consent holder only dredge in the period 1 hour after high tide and ending 1 hour before low tide. Moreover, I have included a condition of consent requiring that the activity does not result in an increase in the background levels of suspended by more than 50g/m³ beyond a 100m mixing zone.

With the above considered, it is my opinion that the proposed activity will have a no more than minor adverse effect on water quality.

Natural Character / Amenity Values

The Coastal Plan promotes recognition of the natural character, habitat and natural processes of the CMA and its features. The plan aims to protect areas in the CMA by ensuring that use and development do not adversely affect these values.

¹ *Coastal Bird Surveys Completed During the Marina Construction Phase*, prepared by Bioreserches Ltd, Dated September 2009 (doc# 1563253)

As already explained, the existing environment is heavily impacted with WMS being granted consent 953758 in 2005 to undertake a significant volume of dredging associated with the marina capital works. The proposed dredging is not designed to maintain the current channel but simply to ensure access for small pleasure craft launched from the boat ramp is maintained should WMS fail to dredge the channel on its own accord.

With the above considered, it is my opinion that the proposed maintenance dredging will have a no more than minor adverse effects on natural character and amenity values of the area.

Public access and public safety

The proposed dredging activity is likely to disrupt boat launching activities as a result of material being transported to the stockpile location to the west of the boatramp and possibly as a result of material being transported from the stockpile to beach nourishment sites.

In terms of foot traffic, the beach is easily accessible either side of the boat launching area and so it is my view that effects on access to the beach will be minimal.

Additionally I have recommended a condition of consent requiring that appropriate signage be erected seven days prior to dredging commencing that will sufficiently warn members of the public of the dredging activity and associated trucking movements.

It is my view that, provided the applicant complies with the above conditions, any effects on public safety and access to and from the CMA will be no more than minor.

Navigation safety

Disruptions may occur to boat traffic which will need to negotiate around the dredging activity. It is my opinion that any such disruptions will be minimal provided the activity is not undertaken during peak holiday seasons or in weekends.

Accordingly I have recommended a condition of consent requiring that no dredging takes place on weekends or during public holidays unless otherwise agreed by Environment Waikato.

It is relevant to note that the proposed activity is for the purpose of enhancing navigational safety by providing safe all tide access to and from the Whangamata boat ramp. The dredging itself is likely to disrupt (but not prevent) boat access along the channel but the overall effect of the dredging in terms of navigational safety will be beneficial.

With the above considered, and bearing in mind the Whangamata Harbour Master has stated that he has no concerns with the proposed activity in terms of navigational safety, it is my view that the proposed activity will have a less than minor adverse effect on navigational safety matters.

6.2 Policy Statements and Plans

6.2.1 New Zealand Coastal Policy Statement

Section 104(1)(b) of the RMA requires regard for the New Zealand Coastal Policy Statement (NZCPS) when considering a resource consent application. The NZCPS policies are designed to promote the sustainable management of the natural and physical resources of the New Zealand coastal environment. More specifically the NZCPS encourages the:

Overall the NZCPS is a broad document that provides general rather than specific directives regarding the management of the CMA. The NZCPS outlines the principles of the RMA and refines these principles in terms of the coastal environment. The policies outlined in the NZCPS are addressed in the discussion of the Waikato Regional Policy Statement and the Coastal Plan.

The relevant matters and issues outlined in the NZCPS have been discussed in section 6.1 of this report, and it is considered that the proposed activities in the CMA are not inconsistent with the policies of the NZCPS.

6.2.2 Waikato Regional Policy Statement

The Waikato Regional Policy Statement (WRPS) identifies a number of significant resource management issues, objectives, policies and methods for the sustainable management of the Waikato region. I do not consider that the proposed activities are inconsistent with the relevant objectives and policies of the WRPS.

6.3.3 Waikato Regional Coastal Plan

The Coastal Plan embodies the principles and purposes of national legislation and the NZCPS, and provides decision-making guidance in respect of coastal activities. The Coastal Plan outlines policies and methods to achieve this, such as through rules. The relevant Coastal Plan policies and rules are outlined below.

3.3.1 Policy - Amenity Values

Maintain existing amenity and recreational values, including open space qualities and coastal recreation opportunities. Seek to enhance areas where amenity and recreational values have been compromised or require improvement.

3.4.1 Policy - Precautionary Approach

A precautionary approach will be taken when considering any activity in the CMA, particularly those activities whose effects are as yet unknown, or little understood.

3.4.2 Policy - Recognising Coastal Processes

Ensure that any activity in the CMA avoids, as far as practicable, any adverse effects on coastal processes, both in the immediate vicinity, along the shore, and offshore from the location.

7.2.2 Policy - Removal of Sand, Shingle and Shell

Avoid the net loss of sand, shingle, shell or other coarse sediments (excluding heavy minerals) from coastal sediment systems.

7.3.2 Policy - Disposal Material

Adverse effects from the disposal of material into the marine environment avoided.

This application demonstrates that the proposed activities are not inconsistent with the relevant Coastal Plan policies.

6.3 Relevant Part 2 Considerations

Part II of the Resource Management Act (1991) sets out the purpose and principles of the Act. Section 104 of the Act is subject to Part II matters. The proposal has been considered in the context of the matters outlined in Part II of the Resource Management Act 1991 and in my opinion it does not compromise any of these issues and therefore the overall purpose of the Act.

7 Discussion/Conclusions

TCDC has applied for consent to allow for the maintenance dredging of the Moanaanuanu channel. The dredging will result in no more than 3,000m³ of material being removed from the stream, with the vast majority of this material returned back to the coastal marine area via beach nourishment.

I have assessed the proposal against the provisions of the various statutory instruments and have concluded that the proposed activity is not inconsistent with the policies and objectives of the NZCPS, the Waikato Regional Policy Statement or the Waikato Regional Coastal Plan. Providing the activities are carried out as described in the application documentation and in accordance with recommended consent conditions, I am satisfied that the environmental effects dredging activity and the associated vehicle use will be no more than minor.

In terms of consent duration, the applicant has not specified a duration for which consent is sought. I consider it appropriate to grant consent for a duration equal to the previous consent, being 10 years. Accordingly, I recommend consent be granted for a term due to expire 31 March 2020.

8 Recommended Decision

I recommend that in accordance with s104A resource consent application 119263 be granted in accordance with the duration and conditions prescribed in the attached Resource Consent Certificate for the following reasons:

- The activity will have no more than minor actual or potential adverse effects on the environment
- The activity is not contrary to any relevant plans or policies
- The activity is consistent with the purpose and principles of the Resource Management Act 1991

Ruben Wylie
Resource Officer, Coastal Programme

Date

9 Decision

That the resource consent application is granted in accordance with the above recommendations.

Brent Sinclair
Programme Manager, Coastal Programme

Date

Acting under authority delegated subject to the provisions of the Resource Management Act 1991 which at the time of decision had not been revoked.

Resource Consent Certificate

Resource Consent: 119263

File Number: 61 15 79A

Pursuant to the Resource Management Act 1991, the Waikato Regional Council hereby grants consent to:

Thames Coromandel District Council (Roading Manager)
Private Bag
Thames 3540

(hereinafter referred to as the Consent Holder)

Consent Type: Coastal permit

Consent Subtype: Remove material

Activity authorised: Remove up to 3,000 cubic metres per annum of natural marine material from the seabed of the Whangamata harbour during maintenance dredging of the Whangamata boat ramp access channel.

Location: (Whangamata Harbour Boat Access) Beach Rd - Whangamata

Map Reference: NZMS 260 T12:656-407

Consent Duration: This consent will commence on the date of decision notification, unless otherwise stated in the consent's conditions, and expire on 31 March 2020

Subject to the conditions overleaf:

General

1. The removal of marine material authorised by his resource consent shall be carried out for the sole purpose of maintenance dredging of the Moanaanuanu channel in the area specified by the application documentation.
2. The consent holder shall be responsible for all contracted dredging operations relating to the exercise of this resource consent, and shall ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.
3. The consent holder shall ensure that any disturbance to the foreshore associated with vehicle movements is minimised to the extent practicable.

Operational requirements

4. The dredging authorised by this resource consent shall only occur during the outgoing tide and shall be restricted to the period starting 1 hour after high tide and ending 1 hour before low tide.
5. No more than 2,000 cubic metres of natural marine material shall be removed from the access channel per calendar year unless the consent holder is able to demonstrate to the satisfaction of the Waikato Regional Council that a practical need exists to remove in excess of 2,000 cubic metres (but no more than 3,000 cubic metres) for the purpose of allowing all tide access for boats launched from the Whangamata boat ramp.
6. The consent holder shall maintain accurate records of the amount of material removed during maintenance dredging operations and these records shall be made available to the Waikato Regional Council at all reasonable times.
7. Maintenance dredging of the access channel shall not cause suspended solids concentrations of the harbour water to exceed the following levels as measured at any point outside a mixing zone of 100 metres from the dredge operation:
 - i) where background suspended sediment levels are less than 50 g/m³, no more than a doubling of background levels; and
 - ii) where background suspended sediment levels exceed 50 g/m³, no more than a 50 g/m³ increase.
8. The consent holder shall ensure that all material dredged from the access channel is returned to the coastal marine area in a manner conducive to beach nourishment unless;
 - a. otherwise agreed in writing by the Waikato Regional Council; or
 - b. the dredged sediments have a mud content exceeding 10% by volume.

Note: in the context of this condition mud is defined as sediments with a size less than 63 microns

9. The consent holder shall ensure that that dredge material associated with the exercise of this resource consent is not placed on shellfish beds.
10. The works authorised by this resource consent shall not be undertaken during statutory holidays or during the period between 20 December and 1 March unless otherwise agreed in writing by the Waikato Regional Council.
11. There shall be no refuelling of machinery within the Coastal Marine Area as a result of exercising this resource consent.
12. During the works authorised by this resource consent, there shall be no visible discharge to water of oil, diesel, grease or similar contaminants, at any time.

- 13. At least 5 working days prior to commencing each discrete dredging event, the consent holder shall submit a plan to the Waikato Regional Council indicating the volume of material to be dredged, the location of the dredging and the location of any associated stockpiling.

Management plan

- 14. Prior to the exercise of the consent, the consent holder shall submit to the Waikato Regional Council for approval a Maintenance Dredging Management Plan. The Plan shall be prepared by a suitably qualified person and shall, as a minimum, demonstrate means by which compliance with conditions 1 to 10 of this resource consent will be achieved.

The consent holder shall undertake the dredging authorised by this resource consent in general accordance with the approved the Maintenance Dredging Management Plan and any future amendments to that Plan.

Notification

- 15. At least 5 days prior to the works commencing, the consent holder shall notify the Waikato Regional Council, the Whangamata Harbourmaster and the Department of conservation in writing of the starting and expected completion dates of the maintenance dredging works.
- 16. At least 5 working days prior to the works commencing the consent holder shall erect a sign in the immediate vicinity of the Beach Road boat ramp. The notice shall provide warning of the construction activities and advice of the period over which these activities will be occurring.

Review

- 17. The Waikato Regional Council may: within two months either side of the 1 March 2011 and 1 November 2012, and at five yearly periods thereafter serve notice on the consent holder under section 128(1) of the Resource Management Act 1991, of its intention to review the conditions of this resource consent. The review will be for the following purposes:

- (i) to review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions; and/or
- (ii) if necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove, or reduce, adverse effects on the environment resulting from the exercise of this resource consent; and/or
- (iii) to review the adequacy of and the necessity for monitoring (including, but not limited to, environmental monitoring and biosecurity monitoring) undertaken by the consent holder.

Note: Costs associated with any review of the conditions of this resource consent will be recovered from the consent holder in accordance with the provisions of section 36 of the Resource Management Act 1991.

Administration

- 18. The consent holder shall pay to the Waikato Regional Council any administrative charge fixed in accordance with Section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulation made under Section 360 of the Resource Management Act 1991.

*For and on behalf of the
Waikato Regional Council*



.....

Advice notes

- d) In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
- e) Where a resource consent has been issued in relation to any type of construction (e.g. dam, bridge, jetty) this consent does not constitute authority to build and it may be necessary to apply for a Building Consent from the relevant territorial authority.
- f) This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
- g) This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA).
- h) The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
- i) The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.
- j) Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
- k) If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.