

Resource Consent 67173-AP

Following the processing of the Application received on the 20 August 2012, the Bay of Plenty Regional Council has granted the applicant(s):

Bay of Plenty Regional Council

Consent(s) to:

67173.0.01-LC+	Earthworks or Excavation	Expiry	14 November 2029
67173.0.02-LC	Disturb Land Habitat or Plants	Expiry	14 November 2029
67173.0.03-DC	Discharge to Land	Expiry	14 November 2029
67173.0.04-WU	Use Surface Water	Expiry	14 November 2029
67173.0.05-BC	Disturb Lake or River	Expiry	14 November 2029
67173.0.06-WU	Use Surface Water	Expiry	14 November 2029
67173.0.07-BC	Disturb Lake or River	Expiry	14 November 2029
67173.0.08-BC	Wetland Activity	Expiry	14 November 2029
67173.0.09-BC	Disturb Lake or River	Expiry	14 November 2029
67173.0.10-DC	Discharge to Water	Expiry	14 November 2029
67173.0.11-WU	Use Surface Water	Expiry	14 November 2029
67173.0.12-DC	Discharge to Water	Expiry	14 November 2029
CH16-00147	Approved		28 September 2016
CH17-00531	Approved		14 April 2017
CH17-00593	Final Approval		12 May 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 14th day of February 2014

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 12 May 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 14 February 2014, **hereby grants**:

A resource consent:

- Under Sections 9(2)(a) of the Resource Management Act 1991 and Rule 1C of the Bay of Plenty Regional Water and Land Plan being a discretionary activity to carry out earthworks within the Kopeopeo Canal and the containment sites;
- Under Section 9(2)(a) of the Resource Management Act 1991 and Rule 2C of the Bay of Plenty Regional Water and Land Plan being a discretionary activity to disturb land and soil as a result of vegetation clearance on the margins of the Kopeopeo Canal;
- Under Section 9(2)(a) of the Resource Management Act 1991 and Rule 35 of the Bay of Plenty Regional Water and Land Plan being a restricted discretionary activity to disturb a contaminated site and discharge contaminants to water associated with the remediation of the Kopeopeo Canal and works associated with Containment Site 3;
- Under Sections 15(1)(a), 15(1)(b) and 15(2A)(b) of the Resource Management Act 1991 and Rule 37 of the Bay of Plenty Regional Water and Land Plan being a discretionary activity to discharge contaminated sediment and water to land and water;
- Under Section 14(2) and 14(3)(a) of the Resource Management Act 1991 and Rule 43 of the Bay of Plenty Regional Water and Land Plan being a discretionary activity to take water from the Kopeopeo Canal at a rate exceeding 15m³ per day;
- Under Section 14(2) and 14(3)(a) of the Resource Management Act 1991 and Rule 46A of the Bay of Plenty Regional Water and Land Plan being a restricted discretionary activity to dam the Kopeopeo Canal west of the Keepa Road bridge;
- Under Section 14(2) and 14(3)(a) of the Resource Management Act 1991 and Rule 48 of the Bay of Plenty Regional Water and Land Plan being a discretionary activity to dam Kopeopeo Canal east of the Keepa Road bridge and where there will be effects on water quality within a wetland;
- Under Section 9(2)(a) of the Resource Management Act 1991 and Rule 71 of the Bay of Plenty Regional Water and Land Plan being a discretionary activity to disturb the bed of the Kopeopeo Canal east of Keepa Road bridge;
- Under Section 9(2)(a) of the Resource Management Act 1991 and Rule 85 of the Bay of Plenty Regional Water and Land Plan being a discretionary activity to modify a wetland resulting in adverse effects associated with the degradation of water quality and changes to water flow, quantity and drainage;
- Under Section 13(1)(b) of the Resource Management Act 1991 and Rule 4 of the Bay of Plenty Regional River Gravel Management Plan being a discretionary activity to disturb the bed of, and excavate gravel from, the Kopeopeo Canal east of Keepa Road bridge;

subject to the following conditions:

1 Purpose

- 1.1 For the purposes of removing contaminated sediment from the Kopeopeo Canal, and transporting the sediment to up to three separate sites where it will be stored within containment cells and remediated used bioremediation techniques.

2 Location

Change: CH16-00147

- 2.1 The activities authorised under this consent are located as shown on the plans referenced as BOPRC Plan Number RC 67173/1A and are described as follows:
 - a. Land within and adjacent to the Kopeopeo Canal extending for a length of approximately 5.1 kilometres ('km') between State Highway 30 (at the intersection of Kope Drain Road) and the confluence of the Kopeopeo and Orini Canals (in the vicinity of Keepa Road), Whakatane;
 - b. 1 Kope Drain Road, Whakatane, legally described as Section 1 Survey Office Plan 487058 CFR 707829 (Containment Site 1 ('CS-1'));
 - c. 49A Keepa Road, Whakatane, legally described as Allot 28B 9B 2B Rangitaiki Parish (Containment Site 2 ('CS-2'));
 - d. 44 Keepa Road, Whakatane, legally described as Allot 216 Rangitaiki Parish (Containment Site 3 ('CS-3')).
- 2.2 For the purposes of the conditions of this consent 'the site' shall be the project site as defined on the plan entitled "Kopeopeo Canal Area to be Remediated and Containment Sites" prepared by Bay of Plenty Regional Council referenced as Gis-487835 and dated 14 April 2016 (stamped RC 67173/1A).

3 Proceed in Accordance with Application

Change: CH17-00531

- 3.1 Except as modified by the conditions in this consent, the activities authorised under this consent shall proceed in general accordance with:
 - a. The report prepared by Harrison Grierson entitled "Kopeopeo Canal Remediation Project – Application to Change Resource Consent Conditions" Document Number R002v1-133312-07-s127-tpf dated April 2016 and all appendices ("the variation application");
 - b. The further information letter (section 92 response) entitled "Kopeopeo Canal Remediation Project – Application to Vary the Conditions of Resource Consents RC67173 and LL-2102-8085" prepared by Harrison Grierson dated 28 June 2016 and all its appendices;
 - c. The Site Plan entitled "Kopeopeo Canal Area to be Remediated and Containment Sites" prepared by Bay of Plenty Regional Council referenced as Gis-487835 and dated 14 April 2016 (stamped RC 67173/1A).
 - d. The report prepared by Harrison Grierson entitled 'Kopeopeo Canal Remediation Project - Application to Change Resource Consent Conditions Relating to Containment Site Construction Earthworks' Document Number R003v1 -133312-07-si 27-tpf dated March 2017, including all appendices.

4 Plans to be provided to the Regional Council

Change: CH16-00147

- 4.1 No less than 10 working days prior to the commencement of works authorised under this consent associated with the construction of each containment site, the Consent Holder shall submit to the Chief Executive of the Bay of Plenty Regional Council ('the Regional Council' or 'BoPRC') and Whakatane District Council (WDC) the final plans and design details for that containment site. The plans shall:
 - a. be in general accordance with the plans entitled "Kopeopeo Canal Containment Site 1B (New CS-1) – Conceptual Design – GIS-482146_4 Sheet 1 of 1", "Kopeopeo Canal Containment Site 2 - Site Plan – GSP-515342_2 Sheet 1 of 1", and "Kopeopeo Canal Containment Site 3 - Site Plan – GSP-515342_3 Sheet 1 of 1";
 - b. include details of the sizes and specifications of the sump(s), pipeline(s) and discharge pipe(s) to demonstrate that this equipment will accommodate the volume of sediment and water being transported to, stored at, and discharged from the containment sites;
 - c. be prepared by, or under the supervision of a Chartered Professional Engineer, with a minimum of 5 years relevant experience.
- 4.2 The design details for the containment sites required by condition 4.1 shall include a geotechnical engineering design report prepared in accordance with the recommendations of the memorandum by Ice Geo and Civil dated 14 December 2015 and titled "Kopeopeo Canal Remediation: Containment Sites – Geotechnical Considerations". The report shall include static and seismic analyses to assess containment site stability and design requirements in accordance with Importance Level 2 structures under NZS1170.0:2002 and account for liquefaction and lateral spread effects. The report shall demonstrate how the containment site design has achieved these requirements, specifically in relation to:

- a. The strength of the HDPE liner and its ability to meet the design requirements;
 - b. Allowance for differential settlement of the containment sites and the potential effect on drainage of the containment cells;
 - c. Protection of the integrity of the Whakatane River stopbank adjoining Containment Site 3.
- 4.4 No less than 10 working days prior to the commencement of works authorised under this consent associated with the construction of the control structures within the Kopeopeo Canal at each end of the project site area, the Consent Holder shall submit to the Chief Executives of the BoPRC and WDC the final plans and design details for the control structures. The plans and design details shall:
- a. Provide evidence to demonstrate that the control structures are able to effectively prevent the distribution of contaminated sediment outside the remediation zone and achieve compliance with condition 13.1 of this consent. The information provided to satisfy this requirement shall take account of all relevant design considerations, including but not limited to:
 - (i) Canal depth;
 - (ii) Canal flow velocities;
 - (iii) Sediment characteristics (size and type);
 - (iv) Geotechnical conditions; and
 - (v) The measures contained in the Flood Management Plan required by Condition 7.1.
 - b. If relevant, provide evidence to demonstrate that the design has accounted for potential piping under or around the control structure and for potential scour effects in the event the structure is overtopped.
 - c. If the control structures comprise silt curtains or similar types of structures, the consent holder shall develop design parameters to ensure the effective operation of the structures to prevent the distribution of contaminated sediment beyond the remediation zone. A monitoring plan shall be provided as part of these design details and shall specify the operational limits of the structures, the location and frequency of monitoring, trigger levels and response actions in the event these operational limits and or trigger levels are exceeded. The monitoring plan shall be consistent with the requirements of the Flood Management Plan set out in Condition 7.1.
 - d. Be prepared by, or under the supervision of, a Chartered Professional Engineer, with a minimum of 5 years relevant experience.
- 4.5 No less than 10 working days prior to the commencement of works authorised under this consent within the remediation zone of the Kopeopeo Canal the Consent Holder shall submit to the Chief Executives of the BoPRC and WDC a final Environmental Monitoring and Validation Plan in general accordance with:
- a. The following sections of the 'Kopeopeo Canal Remediation - Proposed Environmental Monitoring and Validation Plan' Draft B dated 18 October 2013 prepared by SKM:
 - Section 3 – Bank Stability
 - Section 8 – Air Quality
 - Section 9 – Soil
 - Section 11 – Bioremediation Methodology
 - Section 12 – Validation
 - Appendix D – Soil Sampling Protocols
 - Appendix E – Spill Response Plan
 - Appendix F – Example Odour Diary
 - Appendix G – Example Sediment Monitoring Task Sheet
 - b. The Revised Groundwater Monitoring Programme and Sampling and Analysis Plan included as Appendix A and Appendix B to the report prepared by Jacobs titled "Kopeopeo Canal Remediation – Revised Groundwater Assessment" dated 19 January 2016.
- but amended to reflect any changes required by the conditions of this consent and the revised project method detailed in the variation application.
- 4.6 No less than 10 working days prior to the commencement of dredging activities authorised under this consent the Consent Holder shall submit to the Chief Executives of the BoPRC and WDC a Dredging Management Plan. The purpose of this document is to demonstrate how the consent holder will manage activities associated with the extraction, transportation and containment of contaminated sediment to demonstrate best practice and achieve compliance with the conditions of this consent. Information in the Dredging Management Plan shall include, but not be limited to:
- a. A detailed description of the methodology for dredging, transportation and containment of sediment

extracted from the canal, including:

- the layout and design of the containment sites;
- plant mobilisation and dredging preparation requirements;
- construction details for the control structures, their locations and operational requirements, including the ability to enable floodwaters to flow over or through the structures;
- dredging and sediment transfer methods and equipment;
- the process and methods used to treat the dredging slurry/water at the containment sites;
- discharge water quality controls.

b. Technical information describing the characteristics of the sediment within the remediation zone of the canal used as the basis for the development of the dredging methodology.

c. A description of the mitigation and monitoring measures to be employed during the works to ensure compliance with the conditions of this consent, including:

- the management of debris recovered from the canal;
- measures to control the effects of dredging activities on water quality in the canal;
- pest control;
- the protection of infrastructure assets;
- the refuelling of vehicles and machinery;
- flood management;
- sediment transfer control measures;
- water quality monitoring within the Kopeopeo Canal;
- the control and monitoring of filtrate and stormwater discharged from the containment sites;
- cultural monitoring;
- spill control measures and contingencies (fuel and sediment); and
- canal validation and auditing.

- 4.7 No less than 10 working days prior to the commencement of works authorised under this consent the Consent Holder shall submit to the Chief Executives of the BoPRC and WDC a final Traffic Management Plan in accordance with the 'Traffic Management Plan' dated 15 March 2013 (Final version) prepared by SKM, but amended to reflect any changes required by the conditions of this consent, the revised project methodology set out in the variation application, the recommendations of the Jacobs Traffic Impact Assessment dated 30 March 2016 and any reasonable requests of the relevant road controlling authority. The Consent Holder may submit separate Traffic Management Plans for the containment site construction and dredging stages of the project.
- 4.8 No less than 10 working days prior to the commencement of the earthworks authorised under this consent at each containment site (excluding excavation within the Kopeopeo Canal), the consent holder shall submit an Erosion and Sediment Control Plan to the Chief Executive of BoPRC. Separate Erosion and Sediment Control Plans may be prepared for the construction of each containment site. Unless otherwise specified in the conditions of this consent, the Erosion and Sediment Control Plan shall be in accordance with specifications set out in Bay of Plenty of Regional Council Guideline No. 2010/01 – 'Erosion and Sediment Control Guidelines for Land Disturbing Activities', and the plans referred to under conditions 4.4 to 4.7 of this consent.
- 4.9 The plans referred to in conditions 4.1 to 4.8, and any subsequent versions or updates, shall be submitted to the Chief Executive of the BoPRC for confirmation that the plan(s) are in accordance with the conditions of this consent. Works shall not commence until the plans have been confirmed in accordance with this condition and variations to the plans shall not be implemented until they have been confirmed in accordance with this condition.

5 Notification of Works

Change: CH16-00147

- 5.1 No less than 5 working days prior to the commencement of works under this consent, the Consent Holder shall request (in writing) a site meeting between the principal site contractor, or nominated person responsible for the works, and the Chief Executives of the BoPRC and WDC or delegates. Notification at this time shall include details of who is to be responsible for the site management and compliance with consent conditions during site works.
- 5.3 The Consent Holder shall notify (in writing) the Chief Executives of the BoPRC and WDC or delegates within 5 working days of the completion of:
- a. sediment deposition (filling of geotextile bags) at each containment site;
 - b. the removal of the control structures from each end of the remediation zone; and
 - c. all works authorised under this consent.

6 Independent Monitor

- 6.1 Prior to the first exercise of this consent, the consent holder shall appoint an independent person (or persons) to monitor all activities carried out under this consent. This person(s) shall be appropriately

qualified and experienced in contaminated land remediation.

- 6.2 The appointment and specific responsibilities of the Independent Monitor shall be determined by the consent holder following consultation with the Chief Executives of BoPRC and WDC, the Ministry for the Environment and the Ministry of Health and shall be incorporated into a written brief of engagement for the Independent Monitor. The consent holder shall provide a copy of the brief of engagement to the consent authority prior to the appointment of the Independent Monitor.
- 6.3 The responsibilities of the Independent Monitor shall include (but are not limited to):
- a. Providing an independent review of remedial activities and monitoring data to ensure they are being carried out in accordance with the management plans referred to in this consent, including the mitigation measures contained with those documents, and the requirements of the conditions of this consent.
 - b. Reviewing the results of monitoring activities required by the conditions of this consent.
 - c. Reviewing the complaints register and the actions undertaken in response to complaints.
 - d. Providing independent feedback and information to the community through the Community Liaison Group and the Consent Holder on the project.
 - e. Reporting to the Consent Holder on the independent monitoring undertaken on the project and making recommendations on any identified issues or changes required. The Consent Holder shall provide all reports prepared by the Independent Monitor to the Chief Executives of the BoPRC and WDC within 10 working days of receipt of any report.

7 Flood Management

Change: CH16-00147

- 7.1 The consent shall be exercised in accordance with a Flood Management Plan prepared by the Consent Holder. The purpose of the Flood Management Plan is to detail the methods and actions required to manage water levels within the Kopeopeo Canal and wider Rangitaiki Plains drainage scheme to maintain the design level of flood protection for the drainage scheme (5 year ARI) and achieve compliance with the conditions 7.1 and 7.2 this consent. Except as modified by the conditions of this consent, the Flood Management Plan shall be in general accordance with Section 3 – Site Management Principles and Section 4 – Flood Management Principles of the memorandum prepared by Peter West titled “Kopeopeo Canal Restoration Project; Flooding and Drainage Management Plan for Wet Dredging Method”, dated 18 January 2016 and shall include the following matters:
- a. All measures that will be undertaken to manage floodwaters within the canal system, including the management of water levels within the Rangitaiki Drainage Scheme to optimise the capacity of the system to accommodate flood events of varying sizes (ARI and duration) in the manner set out in the Principles referred to above;
 - b. Identification of the appropriate design storm event / events for each of the various phases of works within the Kopeopeo Canal and the likely floodwater storage requirements for each of those phases;
 - c. A description of the procedures and actions to be employed for flood events of defined types, magnitudes and durations, taking into account the different stages of the project, the location, magnitude and duration of the storm event and the specific operational requirements of the control structures in the canal;
 - d. Procedures to monitor water levels and flow velocities (if relevant) within the Rangitaiki Drainage Scheme, including details of the monitoring methodology, frequency and reporting requirements;
 - e. Identification of triggers and responses to manage flood events in accordance with the conditions of this consent;
 - f. A description of the timing for procedures, including actions to be undertaken:
 - i. Prior to the commencement of works (Preparatory Phase);
 - ii. During the works period when weather forecasts are being monitored, including when the Met Service has issued a severe weather watch for the Eastern Bay of Plenty (Weather Monitoring Phase);
 - iii. At the on-set of a heavy rain event (Rainfall Monitoring Phase);
 - iv. In response to a heavy rain event (Response Phase).

g. A contingency plan to detail actions to be undertaken in the event that the measures set out in the Flood Management Plan are unable to accommodate an extreme flood event without resulting in an unavoidable discharge of untreated water from the remediation zone. The contingency plan shall include procedures for notifying BoPRC and Te Runanga o Ngati Awa prior to such a discharge occurring.

- 7.2 The Flood Management Plan shall be reviewed and certified by an independent and suitably qualified and experienced engineer to confirm that the measures, procedures and actions set out in the Flood Management Plan are robust and valid, and in accordance with the conditions of this consent and Section 3 – Site Management Principles and Section 4 – Flood Management Principles of the memorandum prepared by Peter West titled “Kopeopeo Canal Restoration Project; Flooding and Drainage Management Plan for Wet Dredging Method”, dated 18 January 2016. The appointed peer reviewer shall be selected in agreement with the Chief Executive of the BoPRC or delegate.
- 7.3 A copy of the Flood Management Plan, and the peer reviewer’s certificate shall be provided to the Chief Executive of the Regional Council no less than 30 working days prior to the commencement of any works in the bed of the canal.
- 7.4 The Consent Holder (or nominated person with detailed knowledge of the Rangitaiki Drainage Scheme and activities authorised by this consent) shall monitor weather forecasts and rainfall for the duration of works within the Kopeopeo Canal.
- 7.5 A flood protection bund shall be maintained to a minimum height of RL 1.7m around the perimeter CS-1 in general accordance with BOPRC Plan RC 67173/2A until Phase 2 of Bioremediation is complete. Flood protection measures at the vehicle access to CS-1 may include a bund, stop logs, or other similar device to achieve flood protection to a height of RL 1.7m.

8 On-going Maintenance

- 8.1 The Consent Holder shall ensure that all structures and works authorised under this consent are maintained in a structurally sound condition at all times.
- 8.2 Despite Condition 8.1 the Consent Holder shall undertake any maintenance work on the structures and works authorised under this consent, as soon as reasonably practicable, if directed by the Chief Executive of the BoPRC or delegate.

9 Erosion and Sediment Controls for Land Outside Canal

- 9.1 Erosion and sediment controls shall be established prior to the commencement of earthworks where practicable and maintained thereafter in general accordance with the Sediment and Erosion Control Plan referred to in condition 4.8 of this consent.
- 9.2 The Consent Holder shall carry out visual inspections of erosion and sediment control measures in accordance with any requirements of the Sediment and Erosion Control Plan referred to in condition 4.8.
- 9.3 The Consent Holder shall notify (in writing) the Chief Executive of the BoPRC as soon as practicable (but within no more than 48 hours) of a daily visual inspection, if any of the erosion and sediment control measures have been compromised. In notifying the Chief Executive of the BoPRC, the Consent Holder shall set out any remedial action that has been undertaken, or that is to be undertaken to resolve erosion and sediment control issues.
- 9.4 Any remedial action to resolve erosion and sediment control measures shall be undertaken to the satisfaction of the Chief Executive of the BoPRC or delegate.
- 9.5 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 as soon as practicable, following the completion of each specific earthworks activity to the satisfaction of the Chief Executive of the BoPRC or delegate.

10 Erosion & Sediment Controls – Canal Works & Discharges to Water

Change: CH16+-00147

- 10.1 The Consent Holder shall install and maintain energy dissipation devices to avoid, to the extent practicable, any scour effects associated with the activities authorised this consent, including the

discharge of water to the Kopeopeo Canal from the containment sites and the flow of water over or through the control structures within the Kopeopeo Canal into the remediation zone to maintain the water level required for dredging activities. Any works undertaken to remedy the effects of scour shall be undertaken to the satisfaction of the Chief Executive of the BoPRC or delegate.

- 10.2 Prior to the commencement of dredging works within the Kopeopeo Canal the Consent Holder shall install the control structures described within the variation application and in accordance with the design details required by condition 4.4 of this consent. All practicable steps shall be taken to minimise the discharge of sediment outside of the remediation zone during the installation and dismantling of the structures.

11 Site Access & Traffic Management

- 11.1 Prior to commencing the works authorised under this consent, the Consent Holder shall identify and mark the position of all utilities in close proximity to the works being undertaken so that they are easily identifiable to site workers.
- 11.2 Prior to work commencing at each Containment Site, the Consent Holder shall establish the relevant temporary vehicle access and traffic management measures described in the Traffic Management Plan referred to in condition 4.7 of this consent.
- 11.3 All vehicle access and traffic management measures shall be undertaken in accordance with the Traffic Management Plan referred to in condition 4.7 of this consent to the satisfaction of the Chief Executives of the BoPRC and WDC and the road controlling authorities.

12 Discharges from the Containment Sites (Filtrate and Stormwater)

Change: CH16-00147

- 12.1 Except as provided for by condition 12.2, filtrate and stormwater accumulated on the liners within the containment sites shall be captured and discharged to the Kopeopeo Canal subject to the discharge water meeting the water quality standards set out in condition 12.3. The measure of dioxin concentration may be established through monitoring a proxy determined in accordance with condition 12.8.
- 12.2 Stormwater accumulated on the liners within the containment sites may be collected and stored in tanks within the containment sites and used for the following:
- a. Application to the containment cells using sprinklers or other irrigation systems to provide dust suppression and/or promote plant growth; or
 - b. Used with flocculent for treatment of sediment excavated from the canal prior to deposition within the containment cells.
- 12.3 Following the removal of the control structures from the Kopeopeo Canal at the completion of the dredging works, the discharge(s) of filtrate and stormwater from the containment sites to the Kopeopeo Canal shall not result in:
- a. a dioxin concentration in the discharge water exceeding a 28 day running average of 11 pg I-TEQ/L during the period that continuous sampling is undertaken in accordance with condition 12.10 (a);
 - b. a dioxin concentration in the discharge water exceeding 38 pg I-TEQ/L based on a single test result
 - c. a suspended solids concentration greater than 150g/m³
- measured at the discharge outlet(s) to the Kopeopeo Canal and in accordance with the methods specified within the Dredging Management Plan required by condition 4.6. A proxy may be used to establish compliance with this condition as detailed in condition 12.8.
- 12.4 Following the removal of the control structures from the Kopeopeo Canal at the completion of the dredging works, the discharge of filtrate and stormwater from the containment sites to the Kopeopeo Canal shall not result in the canal water recording a pH value outside the range of 6 – 9 pH units measured at a point 50 metres downstream of the discharge outlet to the Kopeopeo Canal. The location and sampling methods shall be specified in the Dredging Management Plan required by condition 4.6.

- 12.5 In the event that any discharge exceeds the water quality limits in condition 12.3 or 12.4 of this consent, discharges must cease immediately and the consent holder shall advise the Chief Executive of the Regional Council of the breach immediately.
- 12.6 Discharges to the canal may only resume when the dioxin concentration in the discharge water is below 11 pg I-TEQ/L based on a single test. A water quality sample result demonstrating compliance with this requirement shall be provided to the Chief Executive of the Regional Council prior to resuming discharges. A proxy may be used to establish compliance with this requirement in accordance with condition 12.8.
- 12.7 In the event that the water quality monitoring carried out in accordance with condition 12.10 results in:
- a daily (24 hour) average dioxin concentration greater than 11 pg I-TEQ/L during the period of continuous monitoring undertaken in accordance with condition 12.10(a); or
 - a dioxin concentration greater than 11 pg I-TEQ/L based on a single sample result from monitoring undertaken in accordance with condition 12.10(b);

the implementation of a Corrective Action Plan shall be triggered. The Corrective Action Plan shall include:

- additional sampling;
- an investigation to determine the source of the exceedance; and
- actions to ensure the source is remedied.

The Corrective Action Plan shall be detailed in the Dredging Management Plan required by condition 4.6 and shall be implemented to the satisfaction of the Chief Executive of the Regional Council or delegate.

- 12.8 The Consent Holder may use turbidity or Total Suspended Solids ('TSS'), as a proxy to determine compliance with condition 12.3, 12.6 and 13.1. Any alternative proxy to turbidity or TSS shall be peer reviewed by an independent and appropriately qualified expert, with at least 5 year's relevant experience, and certified as being based on robust and valid science for use as a proxy to measure dioxin contamination in the water to be discharged from, or used at, the Containment Sites. The appointed peer reviewer shall be selected with the agreement of the Chief Executive of the BoPRC or delegate. The peer reviewer's certificate shall be provided to the Chief Executive of the BoPRC prior to use of the alternative proxy.
- 12.9 The proxy referred to in condition 12.8 shall account for variations in dioxin sediment concentrations through either additional water analysis or by assuming the highest absorbed concentrations detected.
- 12.1 The consent holder shall monitor water quality at the discharge outlet from each containment site to the Kopeopeo Canal as follows:
- For the first 3 months following the completion of geotextile bag filling at each containment site, sampling shall be undertaken continuously (15 minute samples), subject to the following:
 - no sampling is required while the control structures remain in the canal;
 - if the control structures are removed from the canal more than 3 months following the completion of geotextile bag filling, continuous (15 minute interval) sampling shall be undertaken for a period of one month following the removal of the control structures.
 - For the following 3 months (i.e. months 3 to 6 from the completion of geotextile bag filling) sampling will be based on a rainfall trigger. Sampling shall be undertaken in accordance with the following:
 - The frequency of sampling shall be at least once per month;
 - Sampling shall be undertaken within 24 hours following a rainfall event of at least 5mm per 24-hour period;
 - If there are no rainfall events equal to or exceeding 5mm per 24-hour period within any month, no sampling is required for that month;
 - If there are no rainfall events equal to or exceeding 5mm per 24-hour period within a three month period, sampling shall be undertaken and once every three months thereafter until such time as the 5mm per 24hr rainfall trigger is met or exceeded.
 - If, following the first 6 months of monitoring, results show that the dioxin concentrations specified in 12.3(a) and (b) have not been exceeded, sampling shall continue at six monthly intervals for the remainder of the duration of the consent.
 - In the event that any monitoring undertaken after 6 months produces a dioxin concentration of 11 pg I-TEQ/L or more, monitoring shall be undertaken at the frequencies referred to in conditions 12.10

(a), until the dioxin concentration is equal to or less than 11 pg I-TEQ/L.

e. In the event that the remedial target of 40 pg/g TEQ for sediment in the containment cell is met, an appropriately qualified expert may review the need for, and frequency of on-going discharge water quality monitoring. This review, including conclusions on the need for on-going monitoring, shall be peer reviewed and certified by an independent and appropriately qualified expert to verify that the need and frequency for monitoring is robust and based on valid science. The appointed peer reviewer shall be selected in agreement with the Chief Executive of the BoPRC or delegate. A copy of the report detailing the review, and the peer reviewer's certificate shall be provided to the Chief Executive of the BoPRC and WDC within 30 working days of the completion of the reports.

13 Water Quality Monitoring in the Kopeopeo Canal Outside the Remediation Zone

Change: CH16-00147

- 13.1 Activities within the bed of the Kopeopeo Canal authorised by this consent shall not result in an increase in dioxin concentrations greater than 20% above the range of background levels measured on an outgoing tide at a point no further than 50 metres from the control structures outside the remediation zone.
- 13.2 The exact location, background dioxin levels, and method of monitoring to achieve compliance with condition 13.1 shall be detailed in the Dredging Management Plan required by condition 4.6. A proxy may be used to establish compliance as detailed in condition 12.8.
- 13.3 In the event that activities authorised by this consent result in an exceedance of the water quality limits in condition 13.1 of this consent, works within the canal must cease immediately and the consent holder shall investigate and remedy the cause of the breach. Works may only resume once the cause of the breach has been identified and compliance with condition 13.1 can be achieved.

15 Kopeopeo Canal Vegetation Disturbance

Change: CH16-00147

- 15.1 Any soil disturbed during vegetation clearance shall be compacted and stabilised to the satisfaction of the Chief Executive of the BoPRC or delegate as soon as practicable.
- 15.2 Where appropriate, any areas of vegetation removed from the banks of the Kopeopeo Canal shall be replaced with suitable indigenous species within the next planting season following the completion of works in the canal to the satisfaction of the Chief Executive of the BoPRC or delegate. In determining the appropriateness of revegetation, including the location and species, the Consent Holder shall take into account the need to maintain the efficient functioning of the canal and ongoing access requirements.

16 Containment Sites

Change: CH16-00147

- 16.1 The Containment Cells shall be designed and constructed in accordance with the plans referred to in condition 4.1 of this consent.
- 16.3 The final design of CS-1 shall incorporate a cut off drain around the perimeter of the site and non-return floodgate structures in the locations identified on the plan referenced RC 67173/2A, to direct all surface runoff around Containment Site 1 towards Kopeopeo Canal. The design details for the cut off drain shall be provided as part of the requirements of condition 4.1.

17 Kopeopeo Canal Control Structures

Change: CH16-00147

- 17.1 Prior to the commencement of dredging works within the canal the control structures shall be installed within the Kopeopeo Canal at each end of the remediation zone in general accordance with the plans referred to in condition 4.4 of this consent and the details in the variation application referred to in condition 3.1.
- 17.2 In addition to the control structures at each end of the remediation zone required by condition 17.1, additional control structures may be installed within the remediation zone of the canal to further divide the canal into sections.
- 17.3 Prior to installing the control structures within the Kopeopeo Canal the Consent Holder shall implement the Preparatory Phase measures set out in the Flood Management Plan referred to in condition 7.1 of this consent.

- 17.4 Within 30 days of the removal of the control structures the Consent Holder shall provide notice (in writing) to the Chief Executive of the BoPRC or delegate that the dams have been removed in accordance with the conditions of this consent.
- 17.5 If the control structures consist of a barrier structure that obstructs the flow of water into the remediation zone, the Consent Holder shall establish mobile pumping stations in accordance with the Flood Management Plan referred to in condition 7.1 of this consent. The mobile pumping stations shall remain in place until there are no obstructions to the flow of water and the control structures have been removed from the Kopeopeo Canal.

18 Protection of Infrastructure

Change: CH16-00147

- 18.1 Prior to the commencement of works within the Kopeopeo Canal, the Consent Holder shall undertake a pre-condition survey documenting all infrastructure (including roads, bridges, and the transmission or distribution network of water, telecommunications, gas and electricity) which has the potential to be affected by activities authorised under this consent in accordance with the methods set out in the Dredging Management Plan referred to in condition 4.6 of this consent.
- 18.2 Prior to commencing the works authorised under this consent, the Consent Holder shall identify and mark the position of all utilities in close proximity to the works being undertaken so that they are easily identifiable to site workers.
- 18.3 The Consent Holder shall prepare an Asset Management Plan for the infrastructure identified by the pre-condition survey required under condition 19.1. The Asset Management Plan shall:
- Set out any measures required to protect the infrastructure from damage as a result of works associated with the exercise of this consent;
 - Include triggers for the purposes of requiring remedial action for the purposes of condition 19.5 of this consent;
 - Be peer reviewed and certified by an independent and appropriately qualified person to confirm that the triggers for remedial action are valid and robust. The appointed peer reviewer shall be selected in agreement with the Chief Executive of the Regional Council or delegate;
 - Be submitted, along with the peer reviewer's certificate, to the Chief Executives of the BoPRC and WDC or delegates no less than 5 working days prior to works commencing within the Kopeopeo Canal.
- 18.4 During the dredging works, the Consent Holder shall monitor the banks of the Kopeopeo Canal for signs of instability and/or deformation in accordance the methods set out in Dredging Management Plan referred to in condition 4.6 of this consent and the pre-condition survey and trigger levels in the Asset Management Plan referred to in condition 18.3 of this consent.
- 18.5 If the monitoring undertaken in accordance with condition 18.4 shows that any of the trigger levels referred to in the Asset Management Plan have been exceeded and/or that the activities authorised under this consent are resulting in slumping and/or erosion of the canal banks, the Consent Holder shall undertake strengthening, stabilising, or remedial methods as soon as practicable to the satisfaction of the Chief Executive of the BoPRC or delegate.

19 Excavation of Sediment - Removal Methodology

Change: CH16-00147

- 19.1 The extraction of sediment from the Kopeopeo Canal shall be undertaken in general accordance with the methods in the variation application and the Dredging Management Plan referred to in conditions 3.1 and 4.6 of this consent.

20 Containment Sites - Sediment Disposal

Change: CH16-00147

- 20.1 The sediment extracted from the Kopeopeo Canal shall be transported and deposited at the containment sites in general accordance with the variation application and the Dredging Management Plan required by conditions 3.1 and 4.6 of this consent.

21 Containment Sites - Stormwater

Change: CH16-00147

- 21.1 Except via the direct discharges of filtrate and stormwater from the containment sites to the

Kopeopeo Canal, the Consent Holder shall ensure that the constructed containment sites do not result in stormwater discharges that are greater than the pre-development stormwater discharge during a 24 hour 2% AEP rainfall event.

22 Cleaning of Machinery, Structures and Debris

Change: CH16-00147

- 22.1 All machinery and structures (including dredging machinery, control structures, and debris recovered from the canal) shall be cleaned and/or contained prior to removal from the canal and transportation off site to prevent the discharge, spill or leaking of sediment excavated from the canal beyond the project site area.
- 22.2 All cleaning of machinery and structures shall occur in a manner that ensures all canal sediment and sediment contaminated water is collected and discharged back into the canal. This may be achieved by:
- a. Undertaking all cleaning within the canal; or
 - b. Undertaking all cleaning on a liner located at the containment sites, which collects and discharges treated water and sediment back into the canal; or
 - c. Other measures that ensure sediment is not discharged onto the canal banks or outside the containment sites.
- 22.3 The discharge from all cleaning activities shall be to the remediation zone confined by control structures. Any discharge from the containment sites to the canal associated with cleaning activities that occur as part of, or following the removal of the control structures shall comply with the water quality discharge limits specified in condition 12.3.

23 Containment Sites - Bioremediation and Monitoring

Change: CH16-00147

- 23.1 Sediment deposited in the containment sites shall be bioremediated in general accordance with the Bioremediation Methodology contained within the report entitled 'Te Ohu Mo Papatuanuku Phase 2: The Bioremediation of Contaminated Sediment Dredged from the Kopeopeo Canal' prepared by Dr Christopher Anderson and Dr Joanne Kelly, dated 8 October 2012 and the report entitled "Bioremediation Response to Section 92" prepared by Dr Christopher Anderson (Massey University) and Dr Joanne Kelly (University of Waikato) (undated).
- 23.2 Following the completion of the works, including closure and stabilising of the containment sites, monitoring shall be undertaken at the containment sites in accordance with the parameters, methods, and frequencies detailed in the Environmental Monitoring and Validation Plan referred to in condition 4.5 of this consent.
- 23.3 All monitoring activities carried out in accordance with condition 24.2 shall be undertaken in a manner that minimises the extent of soil disturbance. Any disturbance of the soil surface of the containment cells shall be reinstated at the completion of each sampling event.
- 23.4 The Consent Holder shall prepare, and submit to the Chief Executive of the BoPRC, a programme for the regular inspection of the containment sites to ensure that all sediments are contained and prevented from being released from the cells. The programme shall identify timing and frequency for regular inspections and inspections after rainfall events exceeding a 5 year ARI and earthquakes exceeding the following:

MAGNITUDE	DISTANCE FROM EPICENTRE (Kilometres)
4.0	5
5.0	10
6.0	60
6.5	75
7.0	110
7.5	170

- 23.5 If any inspection reveals that sediment has or is being released or leaked from the containment cells, it shall be reported to the Chief Executive of the BoPRC immediately and the sediment shall be removed and the affected area validated to confirm that any contaminated sediment has been

removed to the satisfaction of the Chief Executive of the BoPRC or delegate.

- 23.6 The consent holder shall provide a report to the Chief Executive of the BoPRC or delegate on the first anniversary of the consent and annually thereafter. This report shall include a summary of the sampling results from monitoring undertaken in accordance with condition 23.2 of this consent.

24 Containment Site Management

Change: CH16-00147

- 24.1 A containment cell shall be deemed as having reached the remediation target when the 95% Upper Confidence Limit ('UCL') for dioxin concentration is determined to be at or below 40 pg I-TEQ-g using the validation methodology set out in the Environmental Monitoring and Validation Plan referred to in condition 4.5 of this consent. If the remediation target has been achieved, the Consent Holder shall advise the Chief Executive of the BoPRC in writing that the remediation target has been met and provide a Site Validation Report for the containment cell within 30 days of receipt of monitoring results.
- 24.2 Within 90 days of monitoring results confirming that the remediation target of 40 pg I-TEQ/g has been achieved at any one of the containment sites, the Consent Holder shall submit to the Chief Executive of the BoPRC a management plan, prepared by an appropriately qualified expert, for the site(s) detailing how the site(s) should be managed and stating what uses are suitable for the site in the future. For the avoidance of doubt, a management plan is required for each of the containment sites.
- 24.3 The Management Plans shall be peer reviewed and certified by an independent and appropriately qualified expert to confirm that the details contained within the management plan are valid and robust. The appointed peer reviewer shall be selected in agreement with the Chief Executive of the Regional Council or delegate. A copy of the Management Plan and peer reviewer's certificate shall be provided to the Chief Executive of the BoPRC within 30 working days of the Management Plans being certified.

25 Validation Sampling – Kopeopeo Canal

Change: CH16-00147

- 25.1 Immediately upon the completion of the extraction of sediments from the remediation zone within the Kopeopeo Canal, sampling shall be undertaken to confirm that the remediation target for the canal has been achieved. The sampling shall be undertaken in accordance with the parameters and methods detailed in the Environmental Monitoring and Validation Plan referred to in condition 4.5 of this consent.
- 25.2 The analysis of 1 in 20 sediment samples taken in accordance with condition 25.1 shall be split and analysed at two different laboratories for the purposes of quality assurance.
- 25.3 The Consent Holder shall provide a report to the Chief Executive of the BoPRC within 30 days of the sampling referred to in condition 25.1 of this consent, which shall provide details on the results of the sampling undertaken, and a description of the extraction and deposition of sediment carried out.
- 25.4 The remediation zone within the Kopeopeo Canal shall be deemed as being remediated when the 95% Upper Confidence Limit ('UCL') for dioxin concentration is determined to be at or below 60 pg I-TEQ-g using the validation methodology set out in the Environmental Monitoring and Validation Plan required by condition 4.5.
- 25.5 The control structures shall remain in the Kopeopeo Canal until the Consent Holder provides documentation to the Chief Executive of the BoPRC demonstrating that the remediation target has been achieved within the remediation zone in the canal.
- 25.6 The Consent Holder shall monitor eels annually for 5 years following the completion of works within the Kopeopeo Canal in accordance with conditions 25.7 and 25.8 of this consent.
- 25.7 The eel sampling required by condition 25.6 shall be undertaken in accordance with the methods set out in the Environmental Monitoring and Validation Plan referred to in condition 4.5 of this consent and the methods in section 2.2 of the report entitled 'Investigation of Organic Contamination in the Kopeopeo Canal' prepared by Mr Stephen Park referenced as Environment Bay of Plenty Environmental Publication 2005/23 and dated November 2005 (the latter shall prevail if there is any inconsistency).
- 25.8 Eel sampling shall be undertaken at the locations identified in the Environmental Monitoring and Validation Plan except that Location 1 shall be relocated so as to be undertaken a further 1.0km

upstream in the Orini Canal than that shown on Figure 12.4 of the “Kopeopeo Canal Remediation - Proposed Environmental Monitoring and Validation Plan” (Draft B dated 18 October 2013) prepared by SKM.

- 25.9 Within 60 days of annual sampling, the Consent Holder shall provide a report to the Chief Executives of the BoPRC and WDC and the Medical Officer of Health with the results of the eel sampling.
- 25.1 The Consent Holder shall confirm the volumes of sediment removed from the canal by preparing and submitting to the Chief Executives of the BoPRC and WDC within 6 months of completing works within the Kopeopeo Canal, cross-section drawings based on surveys undertaken prior to and following the excavation of sediments.

26 Communication – Community Liaison Group

Change: CH16-00147

- 26.1 Prior to commencing activities authorised by this consent the Consent Holder shall facilitate the establishment of Community Liaison Group for the purpose of:
- a. Providing information and facilitating discussion and free flow of information between the Consent Holder and the community on:
 - i. the remediation process and the activities authorised by this consent;
 - ii. results and details of sampling and monitoring undertaken;
 - iii. any accidental spills, discharges, or other unforeseen events associated with implementing the project;
 - iv. remedial actions taken to rectify any accidental spills, discharges, or other unforeseen events; and
 - v. the project generally and the timing and duration of activities.
 - b. Providing a forum for the community to provide feedback to the Consent Holder on the implementation of the project.
- 26.2 The Consent Holder shall invite the following groups and organisations to have at least 1 representative on the Community Liaison Group referred to in condition 26.1 of this consent:
- a. Members of the general community (e.g. residents, business owners and operators);
 - b. The Department of Conservation;
 - c. Toi te Ora Public Health;
 - d. Sawmill Workers Against Poison;
 - e. Whakatane District Council;
 - f. Whakatane Harbour Care Group;
 - g. Fish and Game;
 - h. The New Zealand Transport Authority;
 - i. Te Kura o Te Paroa School;
 - j. Te Runanga o Ngati Awa;
 - k. Ministry for the Environment; and
 - l. Whakatane Waimana Rivers Scheme Liaison Group;
 - m. Opposing submitters to the resource consent application; and
 - n. The independent Monitor referred to in condition 6.1 of this consent.
- 26.3 Prior to the commencement of activities authorised under this consent, the Consent Holder shall prepare a Communications Plan in consultation with the Community Liaison Group to enable the general public and stakeholders to be kept informed of the works and remediation processes being

undertaken as part of the Kopeopeo Remediation Project. As a minimum, the Communications Plan shall:

- a. Identify the method and frequency of communication, taking into account different phases of the project (such as the works phase, bioremediation at containment sites, and monitoring and reporting phases);
- b. Identify an agreed method(s) for providing information, such as a website or other form of communication;
- c. Identify the nature of information to be made available, including progress updates on the project, monitoring results, summaries of reports and complaints received with respect to the project;
- d. Identify the procedures for providing feedback to the Consent Holder on the implementation of the project; and
- e. Reflect the purpose of the Community Liaison Group as identified in condition 26.1 of this consent.

26.4 The Communications Plan shall be submitted to the Chief Executives of the BoPRC and WDC prior to the commencement of activities authorised under this consent and implemented to the satisfaction of the Chief Executives of the BoPRC and WDC or delegate.

27 Complaints Register

Change: CH16-00147

- 27.1 The Consent Holder shall establish and maintain a complaints register to record complaints received and actions taken to investigate and, (if justified) address the subject of the complaint. Details of the complaints logged shall include:
- a. The date, time, location, origin and nature of the complaint;
 - b. The name, phone number and address of the complainant, unless the complainant elects not to supply these details;
 - c. Information on weather conditions and activities taking place at the site at the time of the complaint if relevant to the nature of the complaint;
 - d. Actions taken to investigate the cause of the complaint and any remedial actions undertaken;
 - e. Information provided to the complainant regarding the investigation and actions undertaken to remedy the complaint.
- 27.2 Details of any complaint shall be provided to the Chief Executives of the BoPRC and WDC or delegates within 5 working days of the receipt of the complaint.

28 Spill Prevention & Response

Change: CH16-00147

- 28.1 The Consent Holder shall take all necessary steps to avoid spilling sediment extracted from the Kopeopeo Canal.
- 28.2 The Consent Holder shall ensure that the canal bed within the remediation zone is maintained in a sufficiently wet state to prevent dust from being generated.
- 28.3 The Consent Holder shall undertake inspections of the site area, including at the entry and exit points of the containment sites and pipelines transferring sediment from the canal to the containment sites to identify if any spills have occurred. Inspections shall be undertaken at least twice per day from the commencement of geotube filling until such the transfer of sediment is complete at each containment site and the pipelines have been removed.
- 28.4 Any accidental spill of sediment extracted from the Kopeopeo Canal shall be remedied immediately by removing the sediment and depositing it within the remediation zone section of the canal, within the geotubes at the containment sites, or by transporting it to a landfill licenced to accept the material. Validation sampling shall be carried out in accordance with the procedures set out in Appendix E of the Environmental Monitoring and Validation Plan referred to in condition 4.5 of this consent.
- 28.5 Any accidental spill of sediment greater than 5m² in surface area shall be cleaned and validated in

accordance with the procedures set out the Dredging Management Plan referred to in condition 4.6 of this consent.

29 Hazardous Substances

Change: CH16-00147

29.1 Any spill of hazardous substances shall be remedied in accordance with the procedures set out in the Dredging Management Plan referred to in condition 4.6 of this consent (refer to Advice Note 12).

30 Signage

Change: CH16-00147

30.1 Signage shall be erected and maintained at the containment sites and other prominent locations in proximity to the works area for the duration of the works carried out in accordance with this consent. Signage shall include information on the remediation project, any necessary health warnings and shall clearly display, as a minimum, the following information:

- a. The Consent Holder;
- b. A 24 hour contact telephone number for the Consent Holder or appointed agent; and
- c. A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about dust nuisance, odour, sediment spills or any other problem resulting from the exercise of this consent.

31 Archaeological Sites

Change: CH16-00147

31.1 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 BoPRC, then consult with Te Runanga o Ngati Awa or its authorised successor, and the New Zealand Historic Places Trust. The Consent Holder 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 (refer to Advice Note 8).

31.2 Subject to condition 31.1 of this consent, the Consent Holder shall implement the 'Ngati Awa protocol for dealing with Koiwi or Taonga unearthed during the Kopeopeo Canal Remediation Project' (stamped RC 67173/5) in the event of any archaeological site or koiwi being uncovered during the exercise of this consent.

32 Cultural Monitor

Change: CH16-00147

32.1 No less than 20 working days prior to the commencement of works authorised under this consent, the Consent Holder shall invite (in writing) Te Runanga o Ngati Awa appoint a cultural monitor to:

- a. Observe activities associated with the excavation and earthworks activities authorised by this consent in order to implement the 'Ngati Awa protocol for dealing with Koiwi or Taonga unearthed during the Kopeopeo Canal Remediation Project' (stamped RC 67173/5) in the event koiwi or taonga is unearthed; and
- b. Provide advice to contractors and staff on cultural matters associated with the works associated with the Kopeopeo Canal Remediation Project.

32.2 The Consent Holder shall provide full copies of this resource consent and the Health and Safety Plan (attached as Appendix C to the "Kopeopeo Canal Dioxin Contaminated Sediment Remedial Action Plan" Issue 9 dated 18 October 2013 prepared by SKM, or any subsequent version developed by the consent holder) with its invitation to Te Runanga o Ngati Awa in accordance with condition 32.1 of this consent.

33 Hours of Work

Change: CH16-00147

33.1 Except as provided for below, all activities authorised under this consent shall be undertaken within the following hours:

Monday to Saturday 7.30am to 6.00pm; and
Sunday and Public Holidays – No works

The following activities may be undertaken outside of these hours of work:

- a. activities associated with the pumping of water into the remediation zone of the Kopeopeo Canal;
or
- b. any mitigation measures necessary to manage dust, odour, sediment spills, flood events, or any other effects associated with the exercise of this consent; or
- c. dredging activities within the Kopeopeo Canal where the dredging operation is located no closer than 150m from the nearest residential dwelling and the activity complies with NZS 6803:1999 Acoustics – Construction Noise.

34 Access for Monitoring

Change: CH16-00147

- 34.1 The Consent Holder shall allow access by authorised officers of the BoPRC and WDC (or delegated persons) to the remediation zone of the Kopeopeo Canal to each of the Containment Sites for purposes of monitoring the compliance with the conditions of this consent, to the satisfaction of the Chief Executives of the BoPRC and WDC or delegates.

35 Water Metering & Reporting – Taking Water

Change: CH16-00147

- 35.1 Prior to the taking of water from the Kopeopeo Canal for transfer to the Containment Sites (associated with dredging activities) the Consent Holder shall install a water meter and data logger at a location where it can measure the water that is abstracted from the canal.
- 35.2 The water meter and data logger unit shall:
- a. Meet the Resource Management (Measuring and Reporting on Water Takes) Regulations 2010;
 - b. Be installed and maintained in accordance with the manufacturer's specifications, and to the satisfaction of the Chief Executive of the BoPRC or delegate;
 - c. Be sealed and as tamper proof as practicable;
 - d. Be suited to the qualities of the water it is measuring (such as temperature, algae content and sediment content);
 - e. Be able to be fitted with a recording device;
 - f. Be calibrated by a suitably qualified operator to ensure any margin of error does not exceed +/- 5%. Calibration shall be undertaken within 5 working days of the commencement of water abstracted from the Canal and thereafter as directed by the Chief Executive of the BoPRC or delegate. Within 5 working days of calibration, the Consent Holder shall provide evidence of calibration to the Chief Executive of the BoPRC or delegate.
- 35.3 All practicable measures shall be taken to ensure that the water meter and data logger unit are fully functional at all times. All malfunctions of the water meter and data logger unit shall be reported to the Chief Executive of the BoPRC or delegate within 24 hours of observation and appropriate repairs shall be undertaken as soon as practicable following observation of the malfunction.
- 35.4 The water meter and data logger shall be made accessible for the purpose of monitoring by the Chief Executive of the BoPRC or delegate.
- 35.5 Records stored by the data logger shall enable the amount of water taken each week to be calculated. If no water is taken the volume shall show zero cubic metres.
- 35.6 The Consent Holder shall provide a record of the amount of water taken each week to the Chief Executive of the BoPRC within 20 working days of the completion of works within the Kopeopeo Canal.

36 Groundwater Monitoring & Responses

Change: CH16-00147

- 36.1 From the first deposit of contaminated sediments at each Containment Site authorised under this consent, the Consent Holder shall carry out groundwater monitoring at the containment site in accordance with conditions 36.2 to 36.9 of this consent.

- 36.2 Groundwater monitoring shall be undertaken at all of the locations described in the Groundwater Monitoring Programme referred to in condition 4.5 of this consent. As recommended by the Monitoring Programme, no monitoring is required at MW3.
- 36.3 The 0.8 BGL shallow piezometers at CS-2 as shown on the plan "Containment Site 2 Monitoring Locations" prepared by SKM and dated 17 September 2013 shall be included in the Groundwater Monitoring Programme referred to in condition 4.5 of this consent.
- 36.4 The static groundwater level shall be measured at all monitoring locations at bi-monthly intervals from the first deposit of contaminated sediment and for the duration of the consent in accordance with the methods set out in the Groundwater Monitoring Programme referred to in condition 4.5 of this consent.
- 36.5 At least two background groundwater quality monitoring events shall be undertaken prior to the deposition of sediment in the containment sites in accordance with the methods set out in the Groundwater Monitoring Programme referred to in condition 4.5 of this consent and for the following parameters:
- a. pH;
 - b. Electrical Conductivity (EC);
 - c. Dissolved Oxygen (DO);
 - d. Redox Potential (ORP);
 - e. Dissolved Metals (Heavy Metal Suite, As, Cd, Cr, Cu, Pb, Ni, Zn and Fe);
 - f. Anion / Cation Profile (Ca, Mg, Na, K, Alkalinity, Bicarbonate, NO₃, NO₂, SO₄, Cl); and
 - g. Dioxins.
- 36.6 On-going groundwater quality monitoring shall be undertaken upon the first deposition of sediment in the containment sites in accordance with the methods set out in the Groundwater Monitoring Programme referred to in condition 4.5 of this consent and for the following parameters:
- a. pH;
 - b. Electrical Conductivity (EC);
 - c. Dissolved Oxygen (DO);
 - d. Redox Potential (ORP);
 - e. Dioxins
- 36.7 Groundwater quality monitoring shall be undertaken at CS-1 and CS-2 following the deposition of contaminated sediment as follows:
- a. For the first 12 months following the first deposition of sediment in the containment sites (expected duration of the conditioning phase), sampling shall be undertaken at 3-monthly (i.e. quarterly) intervals;
 - b. If, following the first 12 months of monitoring, results show that a dioxin concentration of 30pg I-TEQ/L has not been exceeded, sampling shall continue at annual intervals for the remainder of the consent.
 - c. In the event that any monitoring undertaken after 12 months produces a dioxin concentration of 30pg I-TEQ/L or more, monitoring shall be undertaken at the frequencies referred to in conditions 36.7(a), until the dioxin concentration is equal to or less than 30pg I-TEQ/L.
 - d. In the event that the remedial target of 40 pg/g TEQ for sediment in the containment cell is met, an appropriately qualified expert shall review the need for, and frequency of on-going groundwater monitoring. This review, including conclusions on the need for on-going monitoring, shall be peer reviewed and certified by an independent and appropriately qualified expert to verify that the need and frequency for groundwater monitoring is robust and based on valid science. The appointed peer reviewer shall be selected in agreement with the Chief Executive of the BoPRC or delegate. A copy of the report detailing the review, and the peer reviewer's certificate shall be provided to the Chief Executive of the BoPRC and WDC within 30 working days of the completion of the reports.

e. Following the first two years of monitoring the consent holder may review the location of the monitoring wells at CS-1. This review, including conclusions on the need for changes in the location of monitoring wells, shall be peer reviewed and certified by an independent and appropriately qualified expert to verify that any changes are appropriate and based on valid science. A copy of the report detailing the review, and the peer reviewer's certificate shall be provided to the Chief Executive of the BoPRC and WDC at least 20 working days prior to installation of any new monitoring wells.

36.8 The Consent Holder shall carry out groundwater quality monitoring at CS-3 from the first deposit of contaminated sediment at annual intervals, or until three consecutive monitoring results show that the dioxin concentration of groundwater is at or below 30pg I-TEQ/L at which time groundwater quality monitoring at CS-3 may cease.

36.9 If the groundwater quality Trigger Level 2 of 30pg I-TEQ/L is exceeded at any of the containment sites a Corrective Action Plan shall be implemented. The Corrective Action Plan shall be detailed in the Environmental Monitoring Plan required by condition 4.5 and will include:

a. Further investigation and sampling of the groundwater exceeding the TL;

b. Possible installation of additional wells;

c. Undertaking a risk assessment to determine whether the exceedance poses a risk to human health;

d. Any risk assessment shall be carried out by an appropriately qualified expert. The Containment Site(s) shall be managed in accordance with the recommendations contained within the risk assessment.

37 Settlement Monitoring – CS-3

Change: CH16-00147

37.1 The Consent Holder shall undertake annual topographical surveys at CS-3. In the event that annual surveys show that the height of the containment cell bunds at CS-3 are lower than the design specification (as per the plans referred to in condition 4.1 of this consent), the height of the bunds shall be increased to the satisfaction of the Chief Executive of the BoPRC or delegate.

38 Air Quality – General

Change: CH16-00147

38.1 All activities with potential for air emissions, including in association with dioxin contamination, dust, and odour shall be undertaken and managed in accordance with the methods and procedures set out in the Environmental Monitoring and Validation Plan referred to in 4.5 of this consent.

38.2 All activities shall be managed so as to avoid objectionable or offensive air emissions beyond the boundaries of the site.

39 Dioxin & Air Quality Monitoring

Change: CH16-00147

39.1 Air quality monitoring for dioxins shall be undertaken as follows:

a. Three air quality samples shall be collected during the initial phase of depositing sediment within the geotextile bags at the first containment site to be filled.

b. In the event that the initial phase of the bioremediation process requires the geotextile bags to be breached to enable the addition of inoculated woodchips to the sediment or otherwise optimise sediment conditions for bioremediation, air quality monitoring for dioxins shall be undertaken for the duration of the activity until the geotextile bags are secured to prevent the accidental release of sediment.

Additional air quality monitoring for dioxins shall be carried out at the request of the Chief Executive of the BoPRC, or delegate within the first year following the completion of the containment cells.

39.2 Air quality monitoring for dioxins shall be undertaken in accordance with AS 3580 at or adjacent to the first containment site to be filled with sediment and conducted in accordance with the US EPA Method TO-9A 'Determination of Polychlorinated, Polybrominated and Brominated/Chlorinated Dibenzo-p Dioxins and Dibenzofurans in Ambient Air', except as modified for sampling over a 14 day period.

- 39.3 The results of the monitoring in accordance with condition 39.1 shall be provided to the Chief Executive of the BoPRC within 5 days of the monitoring results being received and shall be communicated to the community in accordance with the Communications Plan referred to in condition 26.3.
- 39.4 If air quality monitoring for dioxins produces a result with a dioxin concentration of 0.03 pg I-TEQ/m³ or more, the Consent Holder shall carry out all necessary investigations to determine the cause of the exceedance of the dioxin concentration trigger and shall take all practicable steps to ensure that the concentration of dioxin in the air is less than or equal to 0.03 pg I-TEQ/m³.
- 39.5 The results of the air quality monitoring referred to in condition 39.1 of this consent shall be analysed and reported to the Chief Executive of the BoPRC or delegate within nine months of the completion of the containment sites associated with this consent.
- 39.6 For the avoidance of doubt, the air quality monitoring requirements set out in conditions 39.1 to 39.5 shall not be triggered by small-scale puncturing of the geotextile bags for the purposes of undertaking sediment monitoring or planting of trees, provided that all openings are sealed as soon as practicable to prevent the accidental release of sediment.

40 Dust Management

Change: CH16-00147

- 40.1 The Consent Holder shall ensure that sediment is kept wet from the time it is excavated from the Kopeopeo Canal until the time it is deposited in the containment cells and the cells have been covered and stabilised.
- 40.2 The Consent Holder shall adopt a proactive strategy for dust control, specifically by complying with the principles of dust management as set out in the Bay of Plenty Regional Council 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 site boundaries.
- 40.3 The Consent Holder shall ensure that an adequate supply of water for dust control (sufficient to apply a minimum of 10 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 Containment Sites are fully stabilised.
- 40.4 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 being generated beyond the boundary of the containment sites and or transportation routes by normal earthmoving operations.
- 40.5 The Consent Holder shall ensure that, outside of normal working hours, staff are available on-call to undertake dust suppression measures.
- 40.6 If, during preparatory works associated with construction of the containment sites, 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.
- 40.7 Despite conditions 40.2 to 40.6 of this consent, the Consent Holder shall undertake additional or alternative dust control measures to the satisfaction of the Chief Executive of the BoPRC or delegate, as directed.

41 Dust Monitoring

Change: CH16-00147

- 41.1 For the duration of the earthworks required to construct the containment sites the Consent Holder shall:
- a. Carry out continuous visual monitoring for dust while works are being carried out; and
 - b. Monitor particulate concentrations using optical light scattering instrumentation with one monitoring instrument located at the containment site where works are taking place and one monitoring instrument located downwind of the predominant wind direction at the canal where excavation works are being undertaken;
- in accordance with the methods set out in the Environmental Monitoring and Validation Plan referred to in condition 4.5 of this consent.

42 Remedial Action for Dust Emissions at the Containment Sites

Change: CH16-00147

42.1 In the event that:

- a. Dust emissions result in a visible plume at or beyond the boundary of the site; or
- b. any measurement of particulate matter exceeds 70 micrograms/m³ as a one-hour average, the Consent Holder shall investigate the source of the dust, review dust management practices and implement additional measures as necessary to avoid dust travelling beyond the boundaries of the site as soon as practicable.

42.2 In the event that visible dust is reported and verified travelling at or beyond the boundary of the site, for more than 4 hours in a 24-hour period, all works shall cease and the Consent Holder shall advise (in writing) the Chief Executive of the BoPRC of the incident. Works may only re-commence when the effects of dust travelling beyond the site boundary have been remedied to the satisfaction of the Chief Executive of the BoPRC or delegate.

42.3 Dust monitoring data shall be provided to the Chief Executive of the BoPRC or delegate on two-weekly basis, or as otherwise requested, and shall include a record of particulate matter measurements recorded, identify any instances that dust has been recorded beyond the boundary of the site, and the actions taken to avoid and/or minimise dust generation.

43 Odour Management & Monitoring

Change: CH16-00147

43.1 The Consent Holder shall monitor, and keep a diary of odour generated as a consequence of the activities authorised under this consent in accordance with the methods set out in the Environmental Monitoring and Validation Plan to in condition 4.5 of this consent.

43.2 The Consent Holder shall ensure that sufficient lime is available to be added to sediment at the containment sites so as to mitigate adverse odour effects.

43.3 In the event that objectionable or offensive odour is reported and verified beyond the boundary of the site, the Consent Holder shall investigate the source of the odour, review odour management practices and implement additional odour control measures as necessary to the satisfaction of the Chief Executive of the BoPRC or delegate.

43.4 If objectionable or offensive odour occurs beyond the boundary of the site for more than 2 days, the Consent Holder shall terminate the operations causing the odour and notify (in writing) the Chief Executive of the BoPRC. Works may only proceed if the Chief Executive of the BoPRC or delegate has confirmed that it is satisfied with the mitigation measures to be implemented.

44 Soil Quality & Monitoring

Change: CH16-00147

44.1 Prior to the deposition of contaminated sediment at the containment sites, the Consent Holder shall undertake background soil sampling at the containment sites in accordance with the methods set out in the Environmental Monitoring and Validation Plan (including the Soil Sampling Protocols of the Environmental Monitoring and Validation Plan) referred to in condition 4.5 of this consent for the following parameters:

- a. Dioxins (full congener analysis, - Polychlorinated dibenzo-p-dioxins (PCDDs), Polychlorinated dibenzofurans (PCDFs), reported as I-TEQ;
- b. Heavy Metals (As, Cd, Cr, Cu, Ni, Pb, Zn);
- c. Acid Herbicides (Screen); and
- d. Organochlorine Pesticides (Screen).

44.2 After the first placement of sediment in the CS-1 containment cells, the Consent Holder shall undertake sediment sampling in the CS-1 Perimeter Drain at the following locations:

- a. The mid-point of the northern cut-off drain;
- b. The mid-point of the eastern cut-off drain;
- c. The mid-point of the southern cut-off drain.

A composite sample of locations a to c (above) shall be analysed to determine dioxin concentration. Samples shall be collected and analysed at three monthly intervals for the first two years following the placement of sediment in CS-1.

- 44.3 The results of the sampling undertaken in accordance with condition 44.1 shall be used for comparative purposes in the event that the Contingency Plans are implemented in accordance with the Environmental Monitoring and Validation Plan referred to in condition 4.5 are implemented.

45 Aquatic Species

Change: CH16-00147

- 45.1 Prior to carrying out sediment extraction works within the Kopeopeo Canal, the Consent Holder shall undertake all reasonable steps, to the satisfaction of the Chief Executive of the BoPRC or delegate, to ensure that the remediation zone within the canal is substantially free from fish species (including eels).
- 45.2 The removal of fish species from the Kopeopeo Canal in accordance with condition 45.1 of this consent shall be achieved through use of fyke nets over a period of up to seven days or less if it is verified that the section of the canal is substantially free from fish. A suitable alternative method of removing fish from the canal may be employed subject to the prior written approval of the Chief Executive of the BoPRC or delegate.
- 45.3 All fish species shall be euthanized and disposed of at the nearest Containment Site. This condition does not preclude the potential for fish and eels to be sampled for dioxin (or other) contamination prior to being disposed of at the Containment Sites.

46 Saltmarsh

Change: CH16-00147

- 46.1 Any artificial modification of water levels within the remediation zone in the canal shall not result in water levels within the saltmarsh exceeding a maximum elevation of 0.2m RL (Moturiki Datum). This excludes changes in water levels resulting from natural events such as tides, storm surges or flood events.
- 46.2 On completion of works within the Kopeopeo Canal east of Keepa Road any control devices installed in the canal to enable the excavation of sediment shall be removed to enable the natural tidal flows to be restored to the saltmarsh area as soon as practicable.
- 46.3 Prior to the commencement of works within the saltmarsh area, an appropriately qualified and experienced terrestrial ecologist shall establish a series of photopoints within the saltmarsh to provide a representative record of the saltmarsh vegetation extent.
- 46.4 Remeasurement of the photopoints shall be undertaken on completion of works within the Kopeopeo Canal east of Keepa Road. Further monitoring of the affected saltmarsh area and adjacent habitats shall be undertaken six-monthly for the first two years following completion of the works, to assess whether natural re-establishment of saltmarsh is occurring.
- 46.5 If the monitoring undertaken in accordance with conditions 46.3 and 46.4 determines that saltmarsh vegetation has not regenerated naturally within two calendar years following the completion of works within the Canal, the Consent Holder shall re-vegetate the affected area using locally-sourced indigenous saltmarsh species.
- 46.6 If revegetation is required, the further photopoint monitoring required by 46.4 shall be extended for a further three calendar years from the implementation of the planting. This further monitoring shall be undertaken six monthly.
- 46.7 A report shall be provided to the Chief Executive of the BoPRC or delegate within six years of completing works within the Canal verifying that the saltmarsh has been rehabilitated to at least a similar quality and extent as that recorded in the pre-condition survey and in accordance with this condition. This report is to be prepared by a suitably qualified and experienced ecologist.

47 General Monitoring and Reporting

Change: CH16-00147

- 47.1 All reporting shall be undertaken in accordance with 'Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Sites in New Zealand' Ministry for the Environment, April 2001,

Revised 2011, or its successor.

- 47.2 All soil and sediment sampling shall be carried out in accordance with 'Contaminated Land Management Guidelines No.5 – Site Investigation and Analysis of Soils' Ministry for the Environment, February 2004, Revised 2011, or its successor, including the use of split samples to be analysed by a secondary laboratory at a rate of 1 in 20 samples.
- 47.3 The Consent Holder shall keep project and monitoring records for the duration of this consent and shall forward a copy of the records required by the conditions of this consent to the Chief Executives of BoPRC and WDC or delegates within 48 hours of a request.
- 47.4 From the commencement of works authorised by this consent and until such time that the containment sites have been completed and stabilised, the Consent Holder shall provide a monthly report (in writing) to the Chief Executives of the BoPRC and WDC or delegates, the Community Liaison Group, Te Runanga o Ngati Awa, and the Medical Officer of Health. The report shall contain details regarding:
- a. project progress, including notification of the completion of specific components of the project;
 - b. any issues (including complaints, incidents, or spills) that have been identified and how these are to be resolved;
 - c. notice of any trigger level transgressions and/or breach of conditions of this consent;
 - d. any opportunities that have been identified and changes to methods and / or procedures;
 - e. Water abstraction volumes recorded in accordance with condition 35.5 of this consent; and
 - f. The results of monitoring required by other conditions of this consent, unless provided under specific reporting requirements of that condition.
- 47.5 Within 60 working days of the completion of the extraction of sediment from the canal, the Consent Holder shall submit a final Validation Report confirming that the remediation target has been met within the Kopeopeo Canal (i.e. a dioxin concentration no greater than 60 pg I-TEQ-g). The Validation Report shall be prepared in accordance with the MfE Contaminated Land Management Guidelines No. 1: Reporting on Contaminated sites in New Zealand 2011 guideline referred to in condition 47.1 of this consent.
- 47.6 The Consent Holder shall provide written advice to the Chief Executives of the BoPRC and WDC, the Community Liaison Group, Te Runanga o Ngati Awa, and the Medical Officer of Health within 10 working days of any of the following incidents:
- a. A groundwater quality sampling result with a dioxin concentration exceeding 30pg I-TEQ/L;
 - b. Air quality sampling results with a dioxin concentration exceeding 0.03pg I-TEQ/m³;
 - c. Dust monitoring using optical light scattering instrumentation with results exceeding 70 micrograms/m³;
 - d. Any increase in dioxin concentrations in water outside of the remediation zone of the Kopeopeo Canal exceeding the established background range.
 - e. Any occurrence of reported and verified dust travelling beyond the boundaries of the site;
 - f. Any occurrence of reported and verified objectionable or offensive odours beyond the boundaries of the site;
 - g. Any spill of sediment extracted from the Kopeopeo Canal outside of the Kopeopeo Canal, the pipelines or equipment transferring the sediment from the canal to the containment sites, or Containment Sites themselves.

48 Review of Consent Conditions

Change: CH16-00147

- 48.1 The BoPRC may, within six (6) months and twelve (12) months following the grant of this consent, and annually thereafter, serve notice on the Consent Holder under Section 128(1)(a)(ii) or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this resource consent. The purpose of such a review is to assess the need for additional monitoring and/or adjust trigger levels and/or management responses in order to avoid remedy or mitigate adverse effects on the

environment. The need for, and scope of any review under this condition shall be informed by the reporting undertaken in accordance with the conditions of this consent.

48.2 The BoPRC may, within one month of receipt of results from compliance monitoring, or where complaints have been received and validated by the Chief Executive of the BoPRC or delegate, serve notice on the Consent Holder under Section 128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent. The purpose of such a review would be to ensure that management practices are appropriate to avoid any adverse effects on the environment.

49 Resource Management Charges

Change: CH16-00147

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

50 Term of Consent

Change: CH16-00147

50.1 This resource consent shall expire on 15 years from grant of consent.

51 Other Approvals

Change: CH16-00147

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

Advice Notes

- 1 The Chief Executive of the BoPRC or delegate, as referred to in this consent is the person responsible for monitoring and enforcing compliance with the conditions of this consent.
- 2 Unless otherwise specified all monitoring records and notification required under consent conditions shall be directed (in writing) to the Chief Executive of the BoPRC or delegate, Bay of Plenty Regional Council, PO Box 364, Whakatāne 3158, or fax: 0800 884 882 or email: notify@boprc.govt.nz. This notification shall include reference to the resource consent number 67173.
- 3 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.
- 4 This resource consent will lapse five years from the time of being granted, if not given substantive effect to by the Consent Holder within that time.
- 5 The Consent Holder is advised that non-compliance with consent conditions may result in enforcement action against the Consent Holder and/or their contractor(s).
- 6 Any review of consent conditions undertaken in accordance with Conditions 48.1 and 48.2 and Section 128 of the Resource Management Act 1991 may result in an increase in monitoring and/ or a change in trigger levels and trigger responses.
- 7 Resource Management (Measuring and Reporting of Water Takes) Regulations 2010 came into force on 10 November 2010. Details can be found at www.newzealand.govt.nz or www.mfe.govt.nz.
- 8 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.
- 9 The Consent Holder is advised that the Ngati Awa Claims Settlement Act 2005 includes protocols for engagement with the Ministry of Heritage and Culture and the Historic Places Trust. Any artefacts found on land solely within the Ngati Awa rohe will be subject to return to Ngati Awa who will seek ownership and custodianship of the artefact in perpetuity.
- 10 The fair and reasonable costs associated with a review under Conditions 48.1 and 48.2 may be recovered from the applicant.
- 11 The Consent Holder is advised that in the event that Bioremediation of contaminated sediments at the containment sites is unsuccessful, the removal of sediment from the Containment Sites is not authorised under this consent and other resource consents and approvals may be required.
- 12 For the purpose of this resource consent, the contaminated sediment removed from the Kopeopeo Canal is not defined as a 'hazardous substance'.

- 13 All fish species (including eels) recovered from the Kopeopeo Canal in accordance with the conditions of this consent shall be euthanized using best practice and humane methods.
- 14 All references to “days” in the consent conditions are to “working days”.
- 15 It is advised that the final location of Containment Site 1 (referred to as CS-1) is different to that proposed in the original application. Consent is not granted for the deposition and remediation of contaminated sediments in the previous location for CS-1 as documented in the Assessment of Environmental Effects entitled “Kopeopeo Canal – Removal, Remediation and Disposal of Canal Sediments – Bay of Plenty Regional Council - District and Regional Resource Consent Application and Assessment of Environmental Effects” Issue 7 dated 18 October 2013’.