

# Appendix D: Draft designation and resource consent conditions

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# MT MESSENGER BYPASS PROJECT – DRAFT DESIGNATION CONDITIONS 14 DECEMBER 2017

## DEFINITIONS FOR DESIGNATION AND RESOURCE CONSENT CONDITIONS

DEFINITIONS DESIGNATION AND RESOURCE CONSENT CONDITIONS	
<b>Application</b>	The application for resource consents for the Project dated December 2017 and supporting information dated [insert]
<b>ADP</b>	Accidental Discovery Protocol
<b>AEE</b>	Assessment of Effects on the Environment Report
<b>Certification</b>	The process of the Requiring Authority or Consent Holder submitting to the NPDC or TRC a plan to confirm that it complies with these designation or resource consent conditions
<b>CLMP</b>	Contaminated Land Management Plan
<b>Completion of Construction Works</b>	When Construction Works for the Project are complete and the new road is opened and available for use by highway traffic
<b>Consent Holder</b>	NZ Transport Agency
<b>Construction Work(s)</b>	<p>Main construction works, including:</p> <ul style="list-style-type: none"> <li>• ground improvement works;</li> <li>• temporary and permanent drainage installation;</li> <li>• bulk earthworks (including cut and fill activities);</li> <li>• bridge and tunnel construction;</li> <li>• pavements and surfacing;</li> <li>• site reinstatement;</li> <li>• landscaping; and</li> <li>• installation of permanent road furniture and ancillary works.</li> </ul>

DEFINITIONS DESIGNATION AND RESOURCE CONSENT CONDITIONS	
<b>CNMP</b>	Construction Noise Management Plan
<b>CTMP</b>	Construction Traffic Management Plan
<b>COPTTM</b>	NZ Transport Agency Code of Practice for Temporary Traffic Management
<b>CTMP</b>	Construction Traffic Management Plan
<b>CWMP</b>	Construction Water Management Plan
<b>dBA</b>	A unit of sound level which has its frequency characteristics modified by a filter (C-weighted) so as to account for the non-linear frequency response of the human ear at high noise level (typically greater than 100 decibels)
<b>DMP</b>	Dust Management Plan
<b>DoC</b>	Department of Conservation
<b>ELMP</b>	Ecology and Landscape Management Plan
<b>Establishment Work(s)</b>	<p>Progressively opening up and establishing the site, including:</p> <ul style="list-style-type: none"> <li>• construction and/or widening of roads/tracks to access construction areas and install sediment control measures (e.g. sediment control ponds);</li> <li>• vegetation clearance;</li> <li>• establishment of construction yards;</li> <li>• establishing full width access tracks/haul roads;</li> <li>• installing remaining erosion and sediment controls; and</li> <li>• stream diversions.</li> </ul>
<b>Existing Network Utilities</b>	All network utilities existing at the date of notification of the Notice of Requirement. Network utility has the same meaning as in section 166 of the Resource Management Act 1991
<b>LEDF</b>	Landscape and Environment Design Framework

DEFINITIONS DESIGNATION AND RESOURCE CONSENT CONDITIONS	
<b>Manager</b>	Regulatory Manager of the New Plymouth District Council for the Designation Conditions and the Regulatory Manager of Taranaki Regional Council for the Resource Consent Conditions (excluding the Contaminated Land Management Plan)
<b>NPDC</b>	New Plymouth District Council, including any officer of New Plymouth District Council
<b>Heritage New Zealand</b>	Heritage New Zealand Pouhere Taonga
<b>Pest Management Areas</b>	The 562ha that will be subject to pest management measures for biodiversity offsetting purposes
<b>PMP</b>	Pest Management Plan
<b>Preparatory Work(s)</b>	<p>Initial works to enable Establishment Works and Construction Works, such as:</p> <ul style="list-style-type: none"> <li>• site surveys;</li> <li>• investigations (including geotechnical investigations);</li> <li>• monitoring; and</li> <li>• where the Permitted Activity standards in the Taranaki Freshwater Plan / New Plymouth District Plan are met, land disturbance activities to establish site access, access tracks, construction yards, laydown areas and spoil disposal sites and associated erosion and sediment controls.</li> </ul> <p>Preparatory Works do not include vegetation clearance.</p>
<b>Project</b>	The construction of a new section of SH3 generally between Uruti and Ahititi, north of New Plymouth that is approximately 6km in length and located to the east of the existing SH3 alignment, comprising all associated Work in the area shown as the proposed designation in Figure 1.1 of the AEE
<b>Project Area</b>	The area shown as the proposed designation in Figure 1.1 of the AEE
<b>Requiring Authority</b>	NZ Transport Agency
<b>RMA or 'the Act'</b>	Resource Management Act 1991
<b>SCWMP</b>	Specific Construction Water Management Plan

<b>DEFINITIONS DESIGNATION AND RESOURCE CONSENT CONDITIONS</b>	
<b>SH3</b>	State Highway 3
<b>Stabilised Area</b>	An area inherently resistant to erosion such as rock, or rendered resistant by the application of aggregate, geotextile, vegetation or mulch, or as identified in the Construction Water Management Plan. Where vegetation is to be used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once an 80% vegetation cover has been established.
<b>Stabilisation</b>	The activity to achieve a Stabilised Area
<b>Stage or Staging</b>	A stage of the Works to construct the Project as identified in the, CEMP, CWMP or SCWMP
<b>TRC</b>	Taranaki Regional Council, including any officer of Taranaki Regional Council
<b>TRoNT</b>	Te Runanga o Ngāti Tama
<b>Work or Works</b>	Establishment Works and Construction Works associated with the Project (to avoid doubt, this does not include Preparatory Works)
<b>Working Day</b>	Has the same meaning as under section 2 of the Resource Management Act 1991

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**DRAFT DESIGNATION CONDITIONS**

Designation conditions for the construction of a State highway, being the Mt Messenger Bypass Project:

Ref.	Designation Condition
	<b>General and Administration</b>
1.	<ul style="list-style-type: none"> <li>(a) Except as modified by the conditions below, the Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated December 2017.</li> <li>(b) Except for the Pest Management Plan in condition 28, none of the conditions apply to the on-going operation or maintenance of SH3.</li> <li>(c) Where there is conflict between the documents listed in (a) above and these designation conditions, these conditions shall prevail. Where there is an inconsistency between the information and plans lodged with the Notice of Requirement and information provided subsequently, the most recent plans and information shall prevail.</li> </ul>
2.	<p>As soon as practicable following Completion of Construction Works, the Requiring Authority shall:</p> <ul style="list-style-type: none"> <li>(a) review the extent of the area designated for the Project;</li> <li>(b) identify any areas of designated land that are no longer necessary for the on-going operation or maintenance of SH3, or the mitigation or offsetting of effects of the Project; and</li> <li>(c) give notice to NPDC in accordance with section 182 of the RMA for the removal of those parts of the designation identified in (b) above.</li> </ul>
3.	<p>The designation shall lapse if not given effect to within 10 years from the date on which it is included in the New Plymouth District Plan under section 175 of the RMA.</p>



Ref.	Designation Condition
	<b>Cultural protocols</b>
4.	[to be developed with TRoNT]
	<b>Management Plans – General</b>
5.	<p>The Requiring Authority shall, in accordance with conditions 6 and 7, provide to the Manager all of the management plans for the Project prior to the commencement of Works. The management plans:</p> <ul style="list-style-type: none"> <li>(a) provide the overarching principles, methodologies and procedures for managing the effects of construction of the Project to achieve the environmental outcomes and performance standards required by these conditions; and</li> <li>(b) shall be finalised, maintained and implemented in general accordance with the draft management plans included with the documents and information provided in support of the Notice of Requirement.</li> </ul>
6.	<p>All Works shall be carried out in general accordance with the plan set [Volume 2 of the application documentation] and the management plans required by these designation conditions and attached as appendices to the Construction Environmental Management Plan, which are:</p> <ul style="list-style-type: none"> <li>(a) Construction Noise Management Plan (CNMP);</li> <li>(b) Construction Traffic Management Plan (CTMP);</li> <li>(c) Ecology and Landscape Management Plan (ELMP); and</li> <li>(d) Pest Management Plan (PMP).</li> </ul>
7.	<ul style="list-style-type: none"> <li>(a) The Requiring Authority shall provide the updated CEMP, CNMP and CTMP, to the Manager at least 30 working days before the commencement of Works. The Requiring Authority shall consider any comments received from the Manager when finalising each management plan. If the Requiring Authority has not received comments from</li> </ul>

Ref.	Designation Condition
	<p>the Manager within 15 working days of providing the management plan, the Requiring Authority may finalise and implement the management plan accordingly.</p> <p>(b) The Requiring Authority shall provide the final management plan to the Manager at least 5 working days before the commencement of Works.</p> <p><i>Advice note: Pursuant to condition 1(a), the final management plan shall be updated in accordance with the draft management plan provided to the hearing panel as part of the consent application. The Requiring Authority shall take into account any comments received from the TRC Manager when finalising the management plan.</i></p>
8.	<p>(a) The Requiring Authority shall provide the updated ELMP and PMP to the Manager, TRoNT and DoC at least 30 working days before the commencement of Works. The Requiring Authority shall consider any comments received from the Manager, TRoNT and DoC when finalising the ELMP and PMP. If the Requiring Authority has not received comments from the Manager, TRoNT, or DoC within 15 working days of providing the management plans, the Requiring Authority may finalise and implement the management plan accordingly.</p> <p>(b) The Requiring Authority shall provide the final ELMP and PMP to the Manager, TRoNT, and DoC at least 5 working days before the commencement of Works.</p> <p><i>Advice note: Pursuant to condition 1(a), the final management plan shall be updated in accordance with the draft management plan provided to the hearing panel as part of the consent application. The Requiring Authority shall take into account any comments received from the TRC Manager when finalising the management plan.</i></p>
9.	<p>The Requiring Authority may make reasonable amendments to the finalised management plans at any time. Reasonable amendment is any amendment where the adverse environmental effect arising from the amendment is the same or less than the effect anticipated in the final management plan provided under conditions 7 or 8. In addition, any changes to the management plans shall remain consistent with the overall intent of the originally finalised management plan. The Requiring Authority shall</p>

Ref.	Designation Condition
	provide the Manager with a copy of any amendment as soon as practicable and before Works associated with that amendment are implemented.
10.	<p>(a) The Requiring Authority may make material amendment to the finalised management plans at any time subject to the certification of the Manager. Material amendment is amendment where there is an adverse (beyond de minimis) environmental effect above that anticipated in the final management plan provided under conditions 7 or 8.</p> <p>(b) Any material changes to the management plans shall be consistent with the overall intent of the originally finalised management plan.</p> <p>(c) In the event of material amendment to a management plan, the Requiring Authority must submit the amendment to the Manager for certification 20 working days before the commencement of the relevant Works. If the Manager has not provided comment or certification within 10 working days, the Requiring Authority may finalise the amended management plan.</p> <p>(d) The Requiring Authority shall provide the Manager with a copy of a material amendment to a management plan 5 working days before the commencement of the relevant Works.</p>
11.	Preparatory Works and all Works that are a Permitted Activity in the New Plymouth District Plan can commence prior to the finalisation of the management plans, except for vegetation clearance which shall be carried out in accordance with the relevant management plans.
12.	All personnel involved with the construction of the Project shall be made aware of, and have access to, all conditions and management plans applicable to the construction of the Project. Copies shall be kept on site at all times.

Ref.	Designation Condition
13.	<ul style="list-style-type: none"> <li>(a) In the event of any dispute, disagreement or inaction arising about the implementation of the management plans, matters shall be referred in the first instance to the Manager, and to the Requiring Authority's Construction Manager (as described in the CEMP), to determine a process of resolution.</li> <li>(b) If a resolution cannot be agreed under (a) within 15 working days, the matter shall be referred within 10 working days to an independent appropriately qualified expert, acceptable to both parties, setting out the details of the matter to be referred for determination and the reasons the parties do not agree.</li> <li>(c) The expert shall, as soon as possible, issue a decision on the matter.</li> <li>(d) The decision of the expert on the implementation of the management plan is binding and shall be implemented by the Requiring Authority.</li> <li>(e) The dispute resolution process above will be applied before any formal enforcement action is taken by NPDC, except in urgent situations.</li> </ul>
14.	<p>The Requiring Authority shall undertake an annual review of all management plans that takes into account (this is not an exclusive list):</p> <ul style="list-style-type: none"> <li>(a) Compliance with the Project consent and designation conditions, the CEMP and management plans.</li> <li>(b) Any significant changes to construction activities or methods.</li> <li>(c) Key changes to roles and responsibilities within the Project team.</li> <li>(d) Results of inspections, monitoring and reporting procedures associated with the monitoring of adverse effects during construction.</li> <li>(e) Comments or recommendations from NPDC regarding the CEMP and management plans.</li> <li>(f) Comments or recommendations from TRoNT or DoC regarding the ELMP and PMP.</li> </ul>

Ref.	Designation Condition
	<p>(g) Unresolved complaints and any response to complaints and remedial action taken to address the complaint.</p> <p>The outcome of this review shall be provided to the Manager.</p> <p><i>Advice note: comments or recommendations regarding the CEMP and management plans may also be received from TRC under the resource consent conditions.</i></p>
	<p><b>Construction Environmental Management Plan</b></p>
15.	<p>The Requiring Authority shall finalise a Construction Environmental Management Plan (<b>CEMP</b>) to provide an overarching framework to ensure that the Project remains within the limits and standards required by these conditions and that Works appropriately avoid, remedy, mitigate or offset more than minor adverse effects on the environment.</p>
16.	<p>The CEMP shall include, but need not be limited to, details of:</p> <ul style="list-style-type: none"> <li>(a) staff and contractors' responsibilities;</li> <li>(b) training requirements for employees, sub-contractors and visitors;</li> <li>(c) environmental incident and emergency management (including the procedures required under regional consent condition 6);</li> <li>(d) communication and interface procedures;</li> <li>(e) environmental complaints management (required under condition 32);</li> <li>(f) compliance monitoring;</li> <li>(g) environmental reporting;</li> <li>(h) corrective action;</li> </ul>

Ref.	Designation Condition
	<ul style="list-style-type: none"> <li>(i) environmental auditing;</li> <li>(j) construction lighting;</li> <li>(k) rehabilitation of construction yards;</li> <li>(l) the methods to engage with stakeholders, including: <ul style="list-style-type: none"> <li>(i) how the community will be kept informed of progress with Works, including proposed hours of operation outside normal working hours and Project construction personnel contact details;</li> <li>(ii) how the Requiring Authority will engage with the community in order to foster good relationships and to provide opportunities for learning about the Project;</li> <li>(iii) providing early information on key Project milestones;</li> <li>(iv) identifying stakeholders such as landowners, road users, local community, iwi, regulatory authorities, industry, network utility operators, road maintenance contractors, emergency services; and</li> <li>(v) responding to queries and complaints (in accordance with condition 33); and</li> </ul> </li> <li>(m) CEMP review (in accordance with condition 14).</li> </ul> <p>The CEMP shall also set out construction methodologies and construction timeframes, including Staging.</p>
	<p><b>Construction Noise and Construction Noise Management Plan</b></p>
17.	<p>Construction noise shall, subject to the exceptions provided for in the Construction Noise Management Plan (CNMP) set out in conditions 18 and 19, comply with the following criteria in accordance with NZS6803: 1999:</p>

Ref.	Designation Condition			
		Time period	dB LAeq	dB LAFmax
	Weekdays	0630-0730	55	75
		0730-1800	70	85
		1800-2000	65	80
		2000-0630	45	75
	Saturday	0630-0730	45	75
		0730-1800	70	85
		1800-2000	45	75
		2000-0630	45	75
	Sunday and Public Holidays	0630-0730	45	75
		0730-1800	55	85
		1800-2000	45	75
		2000-0630	45	75
	<i>Notes:</i>			
	<i>Measurement and assessment of construction noise shall be undertaken in accordance with NZS6803:1999.</i>			
18.	<p>The Requiring Authority shall finalise the CNMP for the Project to identify how it will manage effects from construction noise that will exceed the criteria in condition 17.</p> <p>The CNMP shall be in accordance with:</p> <p style="padding-left: 40px;">(a) the requirements of Annex E to NZS 6803:1999; and</p>			

Ref.	Designation Condition
	(b) the NZ Transport Agency State highway construction and maintenance noise and vibration guide (2013).
19.	<p>The CNMP shall include, but need not be limited to:</p> <ul style="list-style-type: none"> <li>(a) the general hours of work for the Project;</li> <li>(b) the details of any activities that may be undertaken outside of the general hours of work for the Project;</li> <li>(c) procedures to comply with NZS6803:1999;</li> <li>(d) the details of any activities that may not comply with NZS6803:1999 and measures to mitigate construction noise from those activities as far as practicable to ensure the effects are appropriate;</li> <li>(e) the necessary setbacks for specific construction plant and equipment in relation to residential dwellings; and</li> <li>(f) the management and communication procedures for Works that may not comply with NZS6803:1999.</li> </ul>
	<b>Construction Traffic Management Plan</b>
20.	<p>The Requiring Authority shall finalise the Construction Traffic Management Plan (CTMP) for the Project that identifies how it will manage construction traffic to:</p> <ul style="list-style-type: none"> <li>(a) protect public safety;</li> <li>(b) minimise delays to road users;</li> <li>(c) minimise disruption to property access; and</li> <li>(d) inform the public about any potential impacts on the road network.</li> </ul>
21.	<p>The CTMP shall include, but need not be limited to:</p> <ul style="list-style-type: none"> <li>(a) details of traffic management activities and sequencing proposed for the Project;</li> </ul>



Ref.	Designation Condition
	<ul style="list-style-type: none"> <li>(b) methods for managing construction related traffic movements;</li> <li>(c) provisions to ensure that, as far as practicable, road users will not be held up by construction activities for an unreasonable period of time (such time period to be specified); and</li> <li>(d) provisions for emergency services to have access along SH3 24 hours per day, unless construction requires the temporary closure of a road, in which case, prior to any temporary closure, an emergency action plan shall be developed and agreed with emergency services to provide for access for the duration of that closure.</li> </ul>
22.	The CTMP shall comply with the version of the NZ Transport Agency Code of Practice for Temporary Traffic Management (COPTTM) which applies at the time the Plan is prepared. Where it is not possible to adhere to the COPTTM, the COPTTM's prescribed Engineering Exception Decision process shall be followed.
	<b>Ecology and Landscape Management Plan</b>
23.	The Requiring Authority shall finalise the Ecology and Landscape and Management Plan (ELMP) to identify how the Project will avoid, remedy, mitigate, and offset potential adverse effects on the ecological values and biodiversity of the land within the Project area and its surrounds; as well as pre and post Works monitoring.
24.	<p>The ELMP shall address how the Project will avoid, remedy, mitigate, and offset effects on ecological values, including:</p> <ul style="list-style-type: none"> <li>(a) vegetation / habitat (including wetlands);</li> <li>(b) herpetofauna (lizards);</li> <li>(c) bats;</li> <li>(d) avifauna;</li> <li>(e) fish, kōura and kākahi; and</li> </ul>

Ref.	Designation Condition
	(f) streams.
25.	<p>The ELMP shall include the following ecological mitigation and ecological offset measures:</p> <ul style="list-style-type: none"> <li>(a) Pest management measures described in the Pest Management Plan referred to in condition 28.</li> <li>(b) Restoration planting of: <ul style="list-style-type: none"> <li>(i) 6ha of swamp forest; and</li> <li>(ii) 9ha using an appropriate mix of plant seedlings.</li> </ul> </li> <li>(c) Planting of 200 seedlings of the same species for each significant tree that is felled, as shown on the Landscape Concept Plans in the LEDF.</li> <li>(d) Riparian planting and exclusion from livestock of up to 8.9km of existing stream, or if culvert or stream diversion lengths are reduced in the detailed design, the length of existing stream that is calculated by the Stream Ecological Valuation method. Riparian margins of 10m each side of the channel will be created and planted.</li> <li>(e) Relocation or cultivation of threatened plants found within the Project Area.</li> <li>(f) Fish passage provisions informed by NZ Transport Agency's "Fish passage guidance for state highways" (August 2013) guidelines.</li> <li>(g) The physical mechanisms (e.g. fences) to protect the restoration and riparian planting described in this condition from clearance and / or livestock, on an ongoing basis.</li> <li>(h) The legal mechanisms to protect the restoration and riparian planting described in this condition on an ongoing basis.</li> </ul>

Ref.	Designation Condition
	<ul style="list-style-type: none"> <li>(i) Landscaping design and treatments (landform and planting), including rehabilitation of all areas used for temporary work and construction yards.</li> <li>(j) The staging of planting and landscape treatments in relation to the construction programme.</li> </ul>
26.	<p>The ELMP shall include the following monitoring:</p> <ul style="list-style-type: none"> <li>(a) Pre-construction vegetation monitoring to provide more detailed baseline information on forest condition, including the composition and abundance of palatable vegetation.</li> <li>(b) Pre-construction survey of wetland vegetation composition and structure to assist planning for the swamp forest restoration planting.</li> <li>(c) Survey of actual vegetation loss immediately following Completion of Construction Works.</li> </ul>
27.	<ul style="list-style-type: none"> <li>(a) The Requiring Authority shall complete restoration planting within three planting seasons of the Completion of Construction Works, unless natural conditions over the next 4 years result in poor seed production or poor seed condition and adversely limits seedling propagation for indigenous plant species, in which case completion would be delayed to reflect the availability of suitable seedlings.</li> <li>(b) Should there be a delay in the completion of restoration planting, the Requiring Authority shall provide the Manager with an amended timeframe and complete the planting as soon as reasonably possible within that timeframe, informing the Manager when planting is complete.</li> </ul>
	<b>Pest Management Plan</b>

Ref.	Designation Condition
28.	<p>The Requiring Authority shall finalise a Pest Management Plan (<b>PMP</b>) that shall include pest management over a core area of no less than 222ha with a buffer area of an additional 340ha (total 562ha) (Pest Management Area) and:</p> <ul style="list-style-type: none"> <li>(a) focus on controlling rats, possums, mustelids, feral cats, feral pigs and goats at low densities, and will exclude all farm livestock; and</li> <li>(b) be undertaken by, or on behalf of, the Requiring Authority in perpetuity, or until such time as technological advances mean that pest control is no longer necessary.</li> </ul>
	<b>Accidental Discovery Protocol</b>
29.	<p>The Requiring Authority shall rely on P45, the NZ Transport Agency Accidental Discovery Protocol and implement that protocol throughout Works. P45, the Transport Agency Accidental Discovery Protocol, shall be reviewed by TRoNT and modified to:</p> <ul style="list-style-type: none"> <li>(a) reflect the site specific Project detail; and</li> <li>(b) be consistent with any archaeological authority issued by Heritage New Zealand under the <i>Heritage New Zealand Pouhere Taonga Act 2014</i> applying to the Project.</li> </ul> <p><i>Advice Note:</i></p> <p><i>The Ministry for Culture and Heritage must also be advised of any artefact finds within 28 days of the discovery in accordance with the Protected Objects Act 1975. The final repatriation of artefacts is a matter for the Ministry of Culture and Heritage in consultation with iwi.</i></p>

Ref.	Designation Condition
30.	<p>The Accidental Discovery Protocol referred to in condition 29 shall not apply, and need not be implemented, in the event that:</p> <ul style="list-style-type: none"> <li>(a) the Project is subject to an archaeological authority granted under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014 (or the corresponding provision in any legislation replacing that Act); and</li> <li>(b) that authority provides for a protocol to be implemented in the event of discovery of cultural or archaeological artefacts or features during the construction of the Project, including the matters provided in condition 29.</li> </ul> <p><i>Advice Note: The purpose of this condition is to ensure consistency between these conditions and the conditions imposed on any archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.</i></p>
	<b>Access</b>
31.	The Requiring Authority shall, as far as reasonably practicable, maintain access to existing recreation facilities of the Kiwi Road and Mt Messenger Tracks during construction.
32.	The Requiring Authority will ensure that reasonable vehicular access is maintained during the Project to the properties currently served by the section of SH3 that will be bypassed or otherwise affected by the Project.
	<b>Complaints</b>
33.	<ul style="list-style-type: none"> <li>(a) At all times during implementation of the Notice of Requirement, the Requiring Authority shall maintain a register of any complaints received alleging adverse effects from, or related to, the exercise of the Notice of Requirement. The record shall include: <ul style="list-style-type: none"> <li>(i) the name and address (where this has been provided) of the complainant;</li> <li>(ii) identification of the nature of the complaint;</li> <li>(iii) location, date and time of the complaint and of the alleged event;</li> <li>(iv) weather conditions at the time of the complaint (as far as practicable), including wind direction and</li> </ul> </li> </ul>

Ref.	Designation Condition
	<p>approximate wind speed if the complaint relates to air discharges;</p> <ul style="list-style-type: none"> <li>(v) the outcome of the Requiring Authority's investigation into the complaint;</li> <li>(vi) measures taken to respond to the complaint; and</li> <li>(vii) any other activities in the area, unrelated to the Project, which may have contributed to the complaint (such as non-Project construction, fires, or unusually dusty conditions generally).</li> </ul> <p>(b) The Requiring Authority shall:</p> <ul style="list-style-type: none"> <li>(i) acknowledge the complaint within 2 working days,</li> <li>(ii) promptly investigate, identify the level of urgency in respect of the complaint and communicate that to the complainant; and</li> <li>(iii) take reasonable steps to remedy or mitigate the matters giving rise to the complaint if there are reasonable grounds for the complaint within 10 working days of receiving the complaint or such sooner time as may be reasonably necessary in the circumstances.</li> </ul> <p>(c) The Requiring Authority shall also maintain a record of its responses and any remedial actions undertaken.</p> <ul style="list-style-type: none"> <li>(i) This record shall be maintained on site and shall be made available to the Manager upon request. The Requiring Authority shall provide the Manager with a copy of the complaints register every month.</li> </ul>

## MT MESSENGER BYPASS PROJECT - DRAFT RESOURCE CONSENT CONDITIONS 14 DECEMBER 2017

### RESOURCE CONSENTS AND ASSOCIATED CONDITIONS

Conditions applying to all consents:

- General Conditions 1 – 19; and
- Management Plan Conditions 20 – 36

Council Form	Activity type	Activity	RMA Ref	Conditions
<b>Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES)</b>				
9	Earthworks under the NES	Disturbance of contaminated soils	S9	1 - 36
<b>Regional Fresh Water Plan for Taranaki (Operative 2001)</b>				
300	Take and use of surface water	Take and use of water for construction-related purposes	S14	1 - 36 45 - 48
210	Damming of water from a stream or rivers	Temporary weir to dam stream and establish a small headpond for taking water.	S14	1 - 36 42
210	Diversion of streams and rivers	Temporary and permanent diversion of watercourses within Project footprint	S14	1 - 36 42 - 44
320	Use of stream bed	Placement of temporary weir	S13	1 - 36 42
201	Use of stream bed	Removal, demolition and decommissioning of culverts in stream beds established for construction access	S13	1 - 36 42

Council Form	Activity type	Activity	RMA Ref	Conditions
201	Use of stream bed	Construction, placement and use of culverts in stream beds	S13	1 - 36 42 - 44
201	Structures	Construction, placement and use of bridge over stream bed	S13	1 - 36 42 - 44
500	Use of stream bed	Planting and/or removal of vegetation	S13	1 - 36 42
220	Disturbance of beds of streams and rivers	Realignment / modification of streams	S13	1 - 36 42 - 44
112	Discharge of contaminants to land and water	Discharges of stormwater and sediment deriving from soil disturbance activities during construction	S15	1 - 36 37 - 41
500	Groundwater take and diversion	Groundwater take and diversion	S14	1 - 36
<b>Regional Soil Plan for Taranaki (Operative 2001)</b>				
230	Vegetation removal	Clearance of vegetation associated with construction activities	S9	1 - 36 37 - 40
<b>Regional Air Quality Plan for Taranaki 2001</b>				
120	Discharges of dust	Dust associated with earthworks	S15	1 - 36



## DEFINITIONS FOR DESIGNATION AND RESOURCE CONSENT CONDITIONS

DEFINITIONS DESIGNATION AND RESOURCE CONSENT	
<b>Application</b>	The application for resource consents for the Project dated December 2017 and supporting information dated [insert]
<b>ADP</b>	Accidental Discovery Protocol
<b>AEE</b>	Assessment of Effects on the Environment Report
<b>Certification</b>	The process of the Requiring Authority or Consent Holder submitting to the NPDC or TRC a plan to confirm that it complies with these designation or resource consent conditions
<b>CLMP</b>	Contaminated Land Management Plan
<b>Completion of Construction Works</b>	When Construction Works for the Project are complete and the new road is opened and available for use by highway traffic
<b>Consent Holder</b>	NZ Transport Agency
<b>Construction Work(s)</b>	<p>Main construction works, including:</p> <ul style="list-style-type: none"> <li>• ground improvement works;</li> <li>• temporary and permanent drainage installation;</li> <li>• bulk earthworks (including cut and fill activities);</li> <li>• bridge and tunnel construction;</li> <li>• pavements and surfacing;</li> <li>• site reinstatement;</li> <li>• landscaping; and</li> <li>• installation of permanent road furniture and ancillary works.</li> </ul>
<b>CNMP</b>	Construction Noise Management Plan
<b>CTMP</b>	Construction Traffic Management Plan

DEFINITIONS DESIGNATION AND RESOURCE CONSENT	
<b>COPTTM</b>	NZ Transport Agency Code of Practice for Temporary Traffic Management
<b>CTMP</b>	Construction Traffic Management Plan
<b>CWMP</b>	Construction Water Management Plan
<b>dBA</b>	A unit of sound level which has its frequency characteristics modified by a filter (C-weighted) so as to account for the non-linear frequency response of the human ear at high noise level (typically greater than 100 decibels)
<b>DMP</b>	Dust Management Plan
<b>DoC</b>	Department of Conservation
<b>ELMP</b>	Ecology and Landscape Management Plan
<b>Establishment Work(s)</b>	<p>Progressively opening up and establishing the site, including:</p> <ul style="list-style-type: none"> <li>• construction and/or widening of roads/tracks to access construction areas and install sediment control measures (e.g. sediment control ponds);</li> <li>• vegetation clearance;</li> <li>• establishment of construction yards;</li> <li>• establishing full width access tracks/haul roads;</li> <li>• installing remaining erosion and sediment controls; and</li> <li>• stream diversions.</li> </ul>
<b>Existing Network Utilities</b>	All network utilities existing at the date of notification of the Notice of Requirement. Network utility has the same meaning as in section 166 of the Resource Management Act 1991
<b>LEDF</b>	Landscape and Environment Design Framework
<b>Manager</b>	Regulatory Manager of the New Plymouth District Council for the Designation Conditions and the Regulatory Manager of Taranaki Regional Council for the Resource Consent Conditions (excluding the Contaminated Land Management Plan)

DEFINITIONS DESIGNATION AND RESOURCE CONSENT	
<b>NPDC</b>	New Plymouth District Council, including any officer of New Plymouth District Council
<b>Heritage New Zealand</b>	Heritage New Zealand Pouhere Taonga
<b>Pest Management Areas</b>	The 562ha that will be subject to pest management measures for biodiversity offsetting purposes
<b>PMP</b>	Pest Management Plan
<b>Preparatory Work(s)</b>	<p>Initial works to enable Establishment Works and Construction Works, such as:</p> <ul style="list-style-type: none"> <li>• site surveys;</li> <li>• investigations (including geotechnical investigations);</li> <li>• monitoring; and</li> <li>• where the Permitted Activity standards in the Taranaki Freshwater Plan / New Plymouth District Plan are met, land disturbance activities to establish site access, access tracks, construction yards, laydown areas and spoil disposal sites and associated erosion and sediment controls.</li> </ul> <p>Preparatory Works do not include vegetation clearance.</p>
<b>Project</b>	The construction of a new section of SH3 generally between Uruti and Ahititi, north of New Plymouth that is approximately 6km in length and located to the east of the existing SH3 alignment, comprising all associated Work in the area shown as the proposed designation in Figure 1.1. of the AEE
<b>Project Area</b>	The area shown as the proposed designation in Figure 1.1. of the AEE
<b>Requiring Authority</b>	NZ Transport Agency
<b>RMA or 'the Act'</b>	Resource Management Act 1991
<b>SCWMP</b>	Specific Construction Water Management Plan
<b>SH3</b>	State Highway 3

**DEFINITIONS DESIGNATION AND RESOURCE CONSENT**

<b>Stabilised Area</b>	An area inherently resistant to erosion such as rock, or rendered resistant by the application of aggregate, geotextile, vegetation or mulch, or as identified in the Construction Water Management Plan. Where vegetation is to be used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once an 80% vegetation cover has been established,
<b>Stabilisation</b>	The activity to achieve a Stabilised Area
<b>Stage or Staging</b>	A stage of the Works to construct the Project as identified in the, CEMP, CWMP or SCWMP
<b>TRC</b>	Taranaki Regional Council, including any officer of Taranaki Regional Council
<b>TRoNT</b>	Te Runanga o Ngāti Tama
<b>Work or Works</b>	Establishment Works and Construction Works associated with the Project (to avoid doubt, this does not include Preparatory Works)
<b>Working Day</b>	Has the same meaning as under section 2 of the Resource Management Act 1991

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DRAFT

DRAFT RESOURCE CONSENT CONDITIONS

Ref.	Resource Consent Condition
	<b>General conditions applying to all consents</b>
1.	<p>(a) Except as modified by the conditions below, the Project shall be undertaken in general accordance with the information provided by the Consent Holder in the application dated December 2017.</p> <p>(b) Except for the Pest Management Plan in condition 29, none of the conditions apply to the on-going operation or maintenance of SH3.</p> <p>(c) Where there is conflict between the documents listed in (a) above and these conditions, these conditions shall prevail. Where there is an inconsistency between the information and plans lodged with the application and information provided subsequently, the most recent plans and information shall prevail.</p>
2.	Pursuant to section 125(1) of the Act, the consents referenced [to insert – TRC reference numbers] shall lapse 10 years from the date of commencement of the consents in accordance with section 116 of the Act.
3.	Pursuant to section 123(c) of the Act, the consents referenced [to insert – TRC references] shall expire 35 years from the date of commencement in accordance with section 116 of the Act.
	<b>Cultural protocols</b>
4.	[to be developed with TRoNT]
	<b>Complaints</b>
5.	<p>(a) At all times during implementation of the consents, the Consent Holder shall maintain a register of any complaints received alleging adverse effects from, or related to, the exercise of the consents. The record shall include:</p>

Ref.	Resource Consent Condition
	<ul style="list-style-type: none"> <li>(i) the name and address (where this has been provided) of the complainant;</li> <li>(ii) identification of the nature of the complaint;</li> <li>(iii) location, date and time of the complaint and of the alleged event;</li> <li>(iv) weather conditions at the time of the complaint (as far as practicable), including wind direction and approximate wind speed if the complaint relates to air discharges;</li> <li>(v) the outcome of the Consent Holder's investigation into the complaint;</li> <li>(vi) measures taken to respond to the complaint; and</li> <li>(vii) any other activities in the area, unrelated to the Project, which may have contributed to the complaint (such as non-Project construction, fires, or unusually dusty conditions generally).</li> </ul> <p>(b) The Consent Holder shall:</p> <ul style="list-style-type: none"> <li>(i) acknowledge the complaint within 2 working days,</li> <li>(ii) promptly investigate, identify the level of urgency in respect of the complaint and communicate that to the complainant; and</li> <li>(iii) take reasonable steps to remedy or mitigate the matters giving rise to the complaint, if there are reasonable grounds for the complaint, within 10 working days of receiving the complaint or such sooner time as may be reasonably necessary in the circumstances.</li> </ul> <p>(c) The Consent Holder shall also maintain a record of its responses and any remedial actions undertaken.</p> <p>(d) This record shall be maintained on site and shall be made available to the Manager upon request. The Consent Holder shall provide the Manager with a copy of the complaints register every month.</p>



Ref.	Resource Consent Condition
	<b>Incidents</b>
6.	<p>The Consent Holder shall prepare procedures for incident management that outline how the Consent Holder will manage and notify the Manager of:</p> <ul style="list-style-type: none"> <li>(a) discharges from non-stabilised areas that are not treated by erosion and sediment control measures as required by the Construction Water Management Plan; and / or</li> <li>(b) failure of any erosion and sediment control measures; and / or</li> <li>(c) discharge of a hazardous substances, including cement, to a water body; and / or</li> <li>(d) failure of any temporary stream diversion; and / or</li> <li>(e) any other incident which either directly or indirectly causes, or is likely to cause more than minor adverse ecological effects in any water body that is not authorised by a resource consent held by the Consent Holder.</li> </ul> <p>The Consent Holder shall provide the procedures to the Manager on request, and keep a copy of the procedures onsite at all times during Works.</p>
	<b>Management Plans – General</b>
7.	<p>The Consent Holder shall, in accordance with conditions 9, 10 and 11, provide to the Manager all of the management plans for the Project, prior to the commencement of Works. The management plans:</p> <ul style="list-style-type: none"> <li>(a) provide the overarching principles, methodologies and procedures for managing the effects of construction of the Project to achieve the environmental outcomes and performance standards required by these conditions; and</li> </ul>

Ref.	Resource Consent Condition
	<p>(b) shall be finalised, maintained and implemented in general accordance with the draft management plans included with the documents and information provided in support of the resource consent applications.</p>
8.	<p>All Works shall be carried out in general accordance with the Plan set [Volume 2 of the application documentation] and the management plans required by the resource consent conditions and attached as appendices to the Construction Environmental Management Plan, which are:</p> <ul style="list-style-type: none"> <li>(a) Contaminated Land Management Plan (CLMP);</li> <li>(b) Ecology and Landscape Management Plan (ELMP);</li> <li>(c) Pest Management Plan (PMP);</li> <li>(d) Dust Management Plan (DMP); and</li> <li>(e) Construction Water Management Plan (CWMP).</li> </ul>
9.	<ul style="list-style-type: none"> <li>(a) The Consent Holder shall provide the CLMP to the NPDC Manager, at least 30 working days before the commencement of Works. The Consent Holder shall consider any comments received from the NPDC Manager when finalising the CLMP. If the Consent Holder has not received comments from the NPDC Manager within 15 working days of providing the CLMP, the Consent Holder may finalise and implement the CLMP accordingly.</li> <li>(b) The Consent Holder shall provide the final CLMP to the NPDC Manager at least 5 working days before the commencement of Works.</li> </ul> <p><i>Advice note: Pursuant to condition 1(a), the final management plan shall be updated in accordance with the draft management plan provided to the hearing panel as part of the consent application.</i></p>

Ref.	Resource Consent Condition
10.	<p>(a) The Consent Holder shall provide the updated CEMP, DMP and CWMP to the Manager, at least 30 working days before the commencement of Works. The Consent Holder shall consider any comments received from the Manager when finalising each management plan. If the Consent Holder has not received comments from the Manager within 15 working days of providing the management plan, the Consent Holder may finalise and implement the management plan accordingly.</p> <p>(b) The Consent Holder shall provide the final management plan to the Manager at least 5 working days before the commencement of Works.</p> <p><i>Advice note: Pursuant to condition 1(a), the final management plans shall be updated in accordance with the draft provided to the hearing panel as part of the consent application. The Consent Holder shall take into account any comments received from NPDC when finalising the management plans.</i></p>
11.	<p>(a) The Consent Holder shall provide the updated ELMP and PMP to the Manager, TRoNT, and DoC, at least 30 working days before the commencement of Works. The Consent Holder shall consider any comments received from the Manager, TRoNT, and DoC when finalising the ELMP and PMP. If the Consent Holder has not received comments from the Manager, TRoNT, or DoC within 15 working days of providing the management plans, the Consent Holder may finalise and implement the management plans accordingly.</p> <p>(b) The Consent Holder shall provide the final ELMP and PMP to the Manager, TRoNT, and DoC at least 5 working days before the commencement of Works.</p> <p><i>Advice note: Pursuant to condition 1(a), the final management plans shall be updated in accordance with the draft provided to the hearing panel as part of the consent application. The Consent Holder shall take into account any comments received from NPDC when finalising the management plans.</i></p>

Ref.	Resource Consent Condition
12.	<p>No earthworks, except those that comply with the standards and conditions in Rule 25 or 26 of the Taranaki Freshwater Plan, shall commence on site unless a Specific Construction Water Management Plan (SCWMP) is in place for that specific area of works. Such a SCWMP can be based on a geographic area or based on a specific activity type.</p> <p><i>Advice Note: The geographic basis for a SCWMP may be based on a specific chainage location along the alignment. The activity basis for a SCWMP may be based on having a SCWMP for a particular activity, such as shoulder widening, anywhere along the alignment.</i></p>
13.	<p>(a) The Consent Holder shall provide the final SCWMP to the Manager at least 5 working days before the commencement of Works to which the SCWMP applies, where that SCWMP was provided at the hearing.</p> <p>(b) The Consent Holder shall provide any SCWMP that was not provided at the hearing to the Manager for certification at least 20 working days before the commencement of Works to which the SCWMP will apply. The Consent Holder shall consider any comments received from the Manager when finalising the SCWMP. If the Consent Holder has not received comments from the Manager within 10 working days of providing the SCWMP, the Consent Holder may finalise the SCWMP and implement it accordingly.</p>
14.	<p>The Consent Holder may make reasonable amendments to the finalised management plans at any time. Reasonable amendment is any amendment where the adverse environmental effect arising from the amendment is the same or less than the effect anticipated in the final management plan provided under conditions 9, 10 or 11. In addition, any changes to the management plans shall remain consistent with the overall intent of the originally finalised management plan. The Consent Holder shall provide the Manager with a copy of any amendment as soon as practicable and before any Works associated with that amendment are implemented.</p>
15.	<p>(a) The Consent Holder may make material amendment to the finalised management plans at any time subject to the certification of the Manager. Material amendment is amendment where there is an adverse (beyond de</p>

Ref.	Resource Consent Condition
	<p>minimis) environmental effect above that anticipated in the final management plan provided under conditions 9, 10 or 11.</p> <p>(b) Any material changes to the management plans shall be consistent with the overall intent of the originally finalised management plan.</p> <p>(c) In the event of material amendment to a management plan, the Consent Holder must submit the amendment to the Manager for certification 20 working days before the commencement of the relevant Works. If the Manager has not provided comment or certification within 10 working days, the Consent Holder may finalise the amended management plan.</p> <p>(d) The Consent Holder shall provide the Manager with a copy of a material amendment to a management plan 5 working days before the commencement of the relevant Works.</p>
16.	Preparatory Works, and all Works that are a Permitted Activity in the Taranaki Regional Plans, can commence prior to the finalisation of the management plans, except for vegetation clearance which shall be carried out in accordance with the relevant management plans.
17.	All personnel involved with the construction of the Project shall be made aware of, and have access to, all conditions and management plans applicable to the construction of the Project. Copies shall be kept on site at all times.
18.	<p>(a) In the event of any dispute, disagreement or inaction arising about the implementation of the management plans, matters shall be referred in the first instance to the Manager, and to the Consent Holder's Construction Manager (as described in the CEMP), to determine a process of resolution.</p> <p>(b) If a resolution cannot be agreed under (a) within 15 working days, the matter shall be referred within 10 working days to an independent appropriately qualified expert, acceptable to both parties, setting out the details of the matter to be referred for determination and the reasons the parties do not agree.</p>

Ref.	Resource Consent Condition
	<ul style="list-style-type: none"> <li>(c) The expert shall, as soon as possible, issue a decision on the matter.</li> <li>(d) The decision of the expert on the implementation of the management plan is binding and shall be implemented by the Consent Holder.</li> <li>(e) The dispute resolution process above will be applied before any formal enforcement action is taken by TRC, except in urgent situations.</li> </ul>
19.	<p>The Consent Holder shall undertake an annual review of all management plans that takes into account (this is not an exclusive list):</p> <ul style="list-style-type: none"> <li>(a) Compliance with the Project consent and designation conditions, the CEMP and management plans.</li> <li>(b) Any significant changes to construction activities or methods.</li> <li>(c) Key changes to roles and responsibilities within the Project team.</li> <li>(d) Results of inspections, monitoring and reporting procedures associated with the management of adverse effects during construction.</li> <li>(e) Comments or recommendations from TRC regarding the CEMP and management plans.</li> <li>(f) Comments or recommendations from TRoNT or DoC regarding the ELMP and PMP.</li> <li>(g) Unresolved complaints and any response to complaints and remedial action taken to address the complaint.</li> </ul> <p>The outcome of this review shall be provided to the Manager.</p> <p><i>Advice note: comments or recommendations regarding the CEMP and management plans may also be received from NPDC under the designation conditions.</i></p>

Ref.	Resource Consent Condition
	<b>Construction Environmental Management Plan</b>
20.	The Consent Holder shall finalise a Construction Environmental Management Plan ( <b>CEMP</b> ) to provide an overarching framework to ensure that the Project remains within the limits and standards required by these conditions and that Works appropriately avoid, remedy, mitigate or offset more than minor adverse effects on the environment.
21.	<p>The CEMP shall include, but need not be limited to, details of:</p> <ul style="list-style-type: none"> <li>(a) staff and contractors' responsibilities;</li> <li>(b) training requirements for employees, sub-contractors and visitors;</li> <li>(c) environmental incident and emergency management (including the procedures required under regional consent condition 6);</li> <li>(d) communication and interface procedures;</li> <li>(e) environmental complaints management (required under condition 5);</li> <li>(f) compliance monitoring;</li> <li>(g) environmental reporting;</li> <li>(h) corrective action;</li> <li>(i) environmental auditing;</li> <li>(j) construction lighting;</li> <li>(k) rehabilitation of construction yards;</li> <li>(l) the methods to engage with stakeholders, including:</li> </ul>

Ref.	Resource Consent Condition
	<ul style="list-style-type: none"> <li>(i) how the community will be kept informed of progress with Works, including proposed hours of operation outside normal working hours and Project construction personnel contact details;</li> <li>(ii) how the Consent Holder will engage with the community in order to foster good relationships and to provide opportunities for learning about the Project;</li> <li>(iii) providing early information on key Project milestones;</li> <li>(iv) identifying stakeholders such as landowners, road users, local community, iwi, regulatory authorities, industry, network utility operators, road maintenance contractors, emergency services; and</li> <li>(v) responding to queries and complaints (in accordance with condition 5); and</li> </ul> <p>(m) CEMP review (in accordance with condition 19).</p> <p>The CEMP shall also set out construction methodologies and construction timeframes, including Staging.</p>
	<p><b>Contaminated Land Management Plan</b></p>
22.	<p>The Consent Holder shall finalise the Contaminated Land Management Plan (<b>CLMP</b>) to establish the procedures for handling potentially contaminated soils, and contaminated materials excavated on site, including the discovery of unexpected contaminated material.</p>
23.	<p>The CLMP shall include procedures for the following events (this is not an exclusive list):</p> <ul style="list-style-type: none"> <li>(a) triggers and methods for further testing and monitoring of potentially contaminated material;</li> <li>(b) procedures for contaminated soil classification, management and disposal of contaminated soil/material;</li> <li>(c) how the placement of re-used contaminated soil/material will be recorded and tracked;</li> </ul>



Ref.	Resource Consent Condition
	<ul style="list-style-type: none"> <li>(d) unexpected discovery of contaminated material; and</li> <li>(e) procedures for managing the potential risks to human health, in accordance with the <i>Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011</i>.</li> </ul>
	<b>Ecology and Landscape Management Plan</b>
24.	The Consent Holder shall finalise the Ecology and Landscape Management Plan ( <b>ELMP</b> ) to identify how the Project will avoid, remedy, mitigate, and offset potential adverse effects on the ecological values and biodiversity of the land within the Project area and its surrounds; as well as pre and post Works monitoring.
25.	<p>The ELMP shall address how the Project will avoid, remedy, mitigate, and offset effects on ecological values, including:</p> <ul style="list-style-type: none"> <li>(a) vegetation / habitat (including wetlands);</li> <li>(b) herpetofauna (lizards);</li> <li>(c) bats;</li> <li>(d) avifauna;</li> <li>(e) fish, kōura and kākahi; and</li> <li>(f) streams.</li> </ul>
26.	<p>The ELMP shall include the following ecological mitigation and ecological offset measures:</p> <ul style="list-style-type: none"> <li>(a) Pest management measures described in the Pest Management Plan referred to in condition 29.</li> <li>(b) Restoration planting of:</li> </ul>

Ref.	Resource Consent Condition
	<ul style="list-style-type: none"> <li data-bbox="640 261 1066 288">(i) 6ha of swamp forest; and</li> <li data-bbox="640 328 1361 355">(ii) 9ha using an appropriate mix of plant seedlings.</li> <li data-bbox="544 395 1944 470">(c) Planting of 200 seedlings of the same species for each significant tree that is felled, as shown on the Landscape Concept Plans in the LEDF.</li> <li data-bbox="544 510 2018 678">(d) Riparian planting and exclusion from livestock of up to 8.9km of existing stream, or if culvert or stream diversion lengths are reduced in the detailed design, the length of existing stream that is calculated by the Stream Ecological Valuation method. Riparian margins of 10m each side of the channel will be created and planted.</li> <li data-bbox="544 718 1615 745">(e) Relocation or cultivation of threatened plants found within the Project Area.</li> <li data-bbox="544 785 1973 860">(f) Fish passage provisions informed by NZ Transport Agency's "Fish passage guidance for state highways" (August 2013) guidelines.</li> <li data-bbox="544 900 1973 975">(g) The physical mechanisms (e.g. fences) to protect the restoration and riparian planting described in this condition from clearance and / or livestock on an ongoing basis.</li> <li data-bbox="544 1015 1995 1090">(h) The legal mechanisms to protect the restoration and riparian planting described in this condition on an ongoing basis.</li> <li data-bbox="544 1129 2018 1204">(i) Landscaping design and treatments (landform and planting), including rehabilitation of all areas used for temporary work and construction yards.</li> <li data-bbox="544 1244 1839 1272">(j) The staging of planting and landscape treatments in relation to the construction programme.</li> </ul>

Ref.	Resource Consent Condition
27.	<p>The ELMP shall include the following monitoring:</p> <ul style="list-style-type: none"> <li>(a) Pre-construction vegetation monitoring to provide more detailed baseline information on forest condition, including the composition and abundance of palatable vegetation.</li> <li>(b) Pre-construction survey of wetland vegetation composition and structure to assist planning for the swamp forest restoration planting.</li> <li>(c) Survey of actual vegetation loss immediately following Completion of Construction Works.</li> </ul>
28.	<ul style="list-style-type: none"> <li>(a) The Consent Holder shall complete restoration planting within three planting seasons of the Completion of Construction Works, unless natural conditions over the next 4 years result in poor seed production or poor seed condition and adversely limits seedling propagation for indigenous plant species, in which case completion would be delayed to reflect the availability of suitable seedlings.</li> <li>(b) Should there be a delay in the completion of restoration planting, the Consent Holder shall provide the Manager with an amended timeframe and complete the planting as soon as reasonably possible within that timeframe, informing the Manager when planting is complete.</li> </ul>
	<p><b>Pest Management Plan</b></p>
29.	<p>The Consent Holder shall finalise a Pest Management Plan (PMP) that shall include pest management over a core area of no less than 222ha with a buffer area of an additional 340ha (total 562ha) (Pest Management Area) and:</p> <ul style="list-style-type: none"> <li>(a) focus on controlling rats, possums, mustelids, feral cats, feral pigs and goats at low densities, and will exclude all livestock; and</li> <li>(b) be undertaken by, or on behalf of, the Consent Holder in perpetuity, or until such time as technological advances mean that pest control is no longer necessary.</li> </ul>

Ref.	Resource Consent Condition
	<b>Dust Management Plan</b>
30.	The Consent Holder shall finalise the Dust Management Plan ( <b>DMP</b> ) to establish methods to be used to manage, mitigate and monitor dust emissions during the Works.
31.	<p>The DMP shall include, but need not be limited to:</p> <ul style="list-style-type: none"> <li>(a) identification of potential sources of dust taking into account construction activities and the construction programme;</li> <li>(b) identification of sensitive receptors likely to be adversely affected by emissions of dust;</li> <li>(c) methods for managing and mitigating adverse dust effects that may arise from construction activities, particularly in proximity to sensitive receptors. Where appropriate, these methods may include: <ul style="list-style-type: none"> <li>(i) the use of water carts or sprinklers to apply water to areas generating dust;</li> <li>(ii) reducing vehicle speeds on unsealed surfaces; and</li> <li>(iii) the use of commercial dust suppressants;</li> </ul> </li> <li>(d) an outline of the methods for managing the effects of dust on the dwelling at 2397 Mokau Road; and</li> <li>(e) the methods of monitoring for potential dust generation, including assessment of weather conditions, soil conditions and visual dust assessments.</li> </ul>
	<b>Construction Water Management Plan</b>
32.	The Consent Holder shall finalise a Construction Water Management Plan ( <b>CWMP</b> ) that identifies how all Works shall be undertaken and addresses:

Ref.	Resource Consent Condition
	<ul style="list-style-type: none"> <li>(a) The procedures for determining staging and sequencing of earthworks.</li> <li>(b) Identification of a suite of appropriate structural and non-structural erosion and sediment control measures to be installed prior to and during all Works.</li> <li>(c) The design specifications for all erosion and sediment controls to be implemented.</li> <li>(d) A procedure to establish and define minor on the ground changes to erosion and sediment control, in accordance with the intent of the CWMP.</li> <li>(e) The procedures for decommissioning the erosion and sediment control measures.</li> <li>(f) Methods for amending and updating the CWMP as required.</li> </ul>
33.	<p>The CWMP shall include, but need not be limited to:</p> <ul style="list-style-type: none"> <li>(a) construction activities to be undertaken;</li> <li>(b) area and volume of the earthworks and / or streamworks proposed;</li> <li>(c) location of the earthworks and / or streamworks with particular consideration of the downstream receiving environment;</li> <li>(d) methods for managing construction water effects; <ul style="list-style-type: none"> <li>(i) duration of the earthworks and / or streamworks;</li> <li>(ii) time of the year that the streamworks are to be undertaken, and where applicable, the measures to be implemented to respond to any heightened risks at that time;</li> </ul> </li> </ul>

Ref.	Resource Consent Condition
	<ul style="list-style-type: none"> <li>(iii) stabilisation and timing to reduce the open area of high risk locations to assist with a reduction in sediment generation;</li> <li>(iv) framework for the chemical treatment (flocculation) of sediment retention ponds; and</li> <li>(e) construction water related monitoring programme in accordance with condition 41, including the procedures for adapting the controls to appropriately respond to the monitoring findings.</li> </ul>
	<b>Specific Construction Water Management Plans</b>
34.	<p>Specific Construction Water Management Plans (<b>SCWMP</b>) shall be prepared for all earthworks in accordance with the CWMP and shall otherwise be consistent with the CWMP.</p> <p><i>Advice Note: These SCWMPs will be developed within the context of the principles and practices of the CWMP and the Construction Water Assessment Report and will allow for innovation, flexibility and practicality of approach to effects of construction on water (including, erosion and sediment control). The SCWMPs will also enable ongoing adaption to changing conditions throughout the Project lifetime.</i></p>
35.	<p>Where applicable to a site or activity, SCWMPs shall include, the:</p> <ul style="list-style-type: none"> <li>(a) detailed information specified in the CWMP (referred to in condition 33); and</li> <li>(b) details of the chemical treatment (flocculation) of sediment retention ponds in accordance with condition 36.</li> </ul>
36.	<p>In each SCWMP that specifies chemical treatment (flocculation) of sediment retention ponds and decanting earth bunds, the Consent Holder shall include:</p> <ul style="list-style-type: none"> <li>(a) specific design details of the chemical treatment system;</li> <li>(b) monitoring maintenance (including post-storm) and contingency programme;</li> </ul>

Ref.	Resource Consent Condition
	<ul style="list-style-type: none"> <li>(c) details of optimum dosage (including catchment specific soil analysis and assumptions, and consideration of any environmental effects);</li> <li>(d) where it is considered necessary, procedures for carrying out an initial treatment trial; and</li> <li>(e) details of the person or bodies that will hold responsibility for the maintenance of the chemical treatment system and the organisational structure which will support the system.</li> </ul>
	<b>Erosion and Sediment Control Device requirements</b>
37.	The Consent Holder shall design, construct and maintain all erosion and sediment control measures to meet the Transport Agency's Erosion and Sediment Control Guidelines for State Highway Infrastructure – Construction Stormwater Management 2014, unless the departure is provided for in the final CWMP or SWCMP that applies to the relevant Works.
	<b>Stabilisation</b>
38.	The Consent Holder shall stabilise areas of earthworks not actively worked for more than a 14 day period, unless specified in a final SCWMP for that earthworks area.
	<b>As built certification</b>
39.	<ul style="list-style-type: none"> <li>(a) As-built erosion and sediment control plans signed by an appropriately qualified and experienced erosion and sediment control practitioner shall be provided to the Manager as confirmation that the erosion and sediment control measures for that location / activity to which the SCWMP applies have been constructed in accordance with the SCWMP.</li> <li>(b) Bulk earthworks within each location to which a SCWMP applies shall not commence until the certified as-built plan confirming compliance with the SCWMP has been provided to the Manager.</li> </ul>

Ref.	Resource Consent Condition
40.	<p>No erosion and sediment control measures shall be removed or decommissioned from the earthworks location to which those measures apply, before that location is stabilised, unless the Manager has been informed not less than 2 working days prior to such removal and decommissioning, and it is in accordance with:</p> <ul style="list-style-type: none"> <li>(a) the CWMP;</li> <li>(b) a SCWMP; and / or</li> <li>(c) approved by a suitably qualified and experienced erosion and sediment practitioner.</li> </ul>
	<b>Construction Water related Discharges Monitoring Programme</b>
41.	<p>The Consent Holder shall prepare a monitoring programme for construction water related discharges that includes:</p> <ul style="list-style-type: none"> <li>(a) baseline monitoring to be undertaken prior to the commencement of Works;</li> <li>(b) monitoring to be undertaken during the construction period including both qualitative and quantitative monitoring;</li> <li>(c) preliminary management triggers and responses to identify effects on the receiving downstream environment;</li> <li>(d) chemical treatment monitoring requirements;</li> <li>(e) spillage / accident reports that cause a discharge of sediment or contaminants to an aquatic environment; and</li> <li>(f) obvious degradation of the receiving environment immediately downstream of the sediment retention ponds.</li> </ul>



Ref.	Resource Consent Condition
	<b>Works in a Watercourse</b>
42.	Works in any watercourse shall comply with all relevant requirements of the CWMP and / or SCWMP and the ELMP.
43.	<p>Permanent culvert design shall be in accordance with the ELMP, including that culverts shall:</p> <ul style="list-style-type: none"> <li>(a) allow for the safe passage of the 100 year ARI event through the Project Area;</li> <li>(b) be designed to minimise flooding effects;</li> <li>(c) address the risks of non-performance, such as blockage taking into account the risk of a soil / rock debris flow;</li> <li>(d) incorporate fish passage elements in accordance with the ELMP; and</li> <li>(e) incorporate energy dissipation and erosion control to minimise the occurrence of bed scour and bank erosion in receiving environments.</li> </ul>
44.	At least 15 working days prior to the commencement of permanent works in any watercourse, the Consent Holder shall provide the final design of the permanent works to the Manager.
	<b>Surface water take and use</b>
	<b>Mimi River</b>
45.	<p>The Consent Holder shall ensure that the maximum volume of water abstracted from the Mimi River does not:</p> <ul style="list-style-type: none"> <li>(a) exceed 150 cubic metres per day; and /or</li> <li>(b) result in more than a 20% change in water depth, measured on a staff gauge located in a run and measured at a time when unaffected by take.</li> </ul>

Ref.	Resource Consent Condition
	<b>Mangapepeke Stream</b>
46.	<p>The Consent Holder shall ensure that the maximum volume of water abstracted from the Mangapepeke Stream does not:</p> <ul style="list-style-type: none"> <li>(a) exceed 300 cubic metres per day; and / or</li> <li>(b) result in more than a 20% change in water depth, measured on a staff gauge located in a run and measured at a time when unaffected by take.</li> </ul>
	<b>Intake Structure</b>
47.	<p>The Consent Holder shall:</p> <ul style="list-style-type: none"> <li>(a) install, operate and maintain water intake structures, screens and any associated equipment to minimise the catching or capture of fish; and ensure that the intake structure, screen and associated equipment does not exceed: maximum water velocity into the entry point of the intake structure of 0.12 metres per second; and intake screen mesh spacing's in any one dimension of 3 millimetres.</li> </ul>
	<b>Water Meter Installation and Maintenance</b>
48.	<ul style="list-style-type: none"> <li>(a) The Consent Holder shall install and maintain a water meter at each abstraction point on the Mimi River and the Mangapepeke Stream prior to the commencement of the take and for the duration of each abstraction from the point of take.</li> <li>(b) The water meter shall: <ul style="list-style-type: none"> <li>(i) measure both cumulative water abstraction and the instantaneous rate of take;</li> <li>(ii) be calibrated to within an accuracy of +/- 5%; and</li> <li>(iii) be installed and maintained in accordance with manufacturer's specifications.</li> </ul> </li> </ul>

Ref.	Resource Consent Condition
	<i>Advice note: Where surface water take exceeds 5 litres / second, the Consent Holder shall comply with the Resource Management (Measuring and Reporting of Water Takes) Regulations 2010.</i>
	<b>Stormwater measures</b>
49.	Permanent stormwater measures shall be installed and operated in general accordance with the Drainage Layout drawings and information submitted with this application, including the information contained in the AEE and Technical Report 7b.
50.	At least 15 working days prior to the commencement of permanent stormwater measures, the Consent Holder shall provide the final design of the permanent stormwater measures (excluding conveyancing measures) to the Manager.

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