

IN THE MATTER OF the Resource Management Act 1991
AND
IN THE MATTER OF Meridian Energy Ltd – regional land
 use consent including removal of
 wetlands – SH15, McCathie Road /
 Marsden Point Road / Rama Road,
 Ruakākā [APP.045356.01.01].

RESOURCE MANAGEMENT ACT 1991
MINUTE
HEARING PANEL

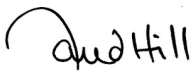
PURPOSE

1. The purpose of this Minute is to provide some initial, without prejudice, comments on the draft conditions provided at the close of the adjourned hearing on 6 August 2024.

INTRODUCTION

2. In the course of the 2-day NRC Hearing on Meridian Energy Limited’s (MEL) Solar Farm application, and in response, a substantially revised set of proposed draft conditions was tabled that had been worked on in conjunction with Council’s s.42A reporting officer, Mr Hartstone.
3. Rather than interrogate those revised conditions at that late point, the Hearing Panel agreed that it would consider those during the adjournment and provide some initial, without prejudice, commentary back so that those could be taken into consideration in the applicant’s formal written reply.
4. Accordingly, the Hearing Panel’s preliminary comments on the proposed draft conditions are appended to this Minute.
5. We emphasise that these comments are provided without prejudice to our forthcoming deliberations and decision, and simply respond to the draft conditions on their face and in light of the inquiry made. They should not be read as anything more. They do not imply either our decision or the final set of conditions that we might impose in the event that we find ourselves able to grant all or some of the consents sought. That is yet to be determined.
6. We note that NRC has provided further comment on the conditions, which we received at 1.30pm on 9 August 2024. Those comments have not been taken into consideration in our attached comments but we anticipate that they will be in MEL’s Reply and its final set of proposed conditions.

7. The Hearing Panel was also invited to comment on the headline list of matters that counsel for MEL indicated it would address in Reply. Having considered that list, the only additional matters that come to our mind at this point are the following:
 - (a) Confirmation that the wetland area indicated on Site 3 has been calculated net of the maintenance area required by Transpower around its 4 towers and the two accessways.
 - (b) In light of Mr Warden's response comments, consideration of NPS-FM Appendix 6, Principle 2 regarding the appropriateness of offsetting.
 - (c) Whether there is merit in NZ Fish and Game being a named consultation party for the purpose of considering faunal matters in wetland design.
 - (d) The Land Use Consent application (page 4) includes reference to the establishment of a Community Fund for the Ruakākā community "*with appropriate annual committed funding*" – but is not in the district land use conditions. Has MEL considered offering that as an Augier condition?
8. Finally, we request the Applicant's Reply no later than 4pm, Friday 23 August 2024.
9. As noted at the hearing, the Hearing Panel will then consider whether it has sufficient information to close the hearing and proceed to deliberate. All parties will be advised in due course.
10. Any queries or correspondence related to this Minute should be sent through to the Hearing Administrator, at alissas@nrc.govt.nz.



David Hill (Chairperson)
Hearing Panel

9 August 2024

Appendix 1: Draft Proposed Consent Conditions – 5 August 2024

NORTHLAND REGIONAL COUNCIL – DRAFT CONDITIONS

To undertake the following activities on Lots 1-3 DP 419151 and Lots 1-3 DP 59354 (SH15 and Rama Road), Lot 1 DP 386730, Lot 1 DP 348043 and Lot 2 DP 325771, Lot 2 DP 348043, and Section 13 SO 32254 (Marsden Point Road and McCathie Road), and Lot 1 DP 406479, Pt Lot 1 DP 36288, Part Lot 1 Block VII Ruakaka SD, Part Section 11 Block VII Ruakaka SD, and Part Section 54, Sections 55-57 and Section 60 Block VII Ruakaka SD (SH15 and McCathie Road), Ruakākā.

AUT.XXXX	Earthworks for site development including within a ‘flood hazard area’, within a ‘high-risk flood hazard area’, within and within 10m of a ‘natural inland wetland’, and within a ‘significant wetland’.
AUT.XXXX	Vegetation clearance within, and within 10 metres of a ‘natural inland wetland’, and within a ‘significant wetland’.
AUT.XXXX	Divert stormwater during land disturbance activities.
AUT.XXXX	Divert stormwater in a river (redirection of Unnamed Drain through wetland)

Relevant permitted activities

- Rule C.2.2.1 Natural wetland maintenance and enhancement.
- Rule C.2.1.3 Maintenance of the free flow of water in rivers and mitigating bank erosion.

SUBJECT TO THE FOLLOWING CONDITIONS:

GENERAL CONDITIONS

General accordence condition

- 1 The project shall be undertaken in general accordence with the plans and information submitted with the application or as modified through the decision process. In the event of any inconsistency between this information and these conditions, the conditions of consent must prevail.

The plans and information include:

(a) Assessment of Environmental Effects report dated September 2023 including all appended technical reports.

Commented [DH1]: Except Appendix 10 - Proposed conditions of consent.

(b) Section 92 RFI responses:

- (i) RFI Response No #2 dated 9 October 2023.
- (ii) RFI response No #2 dated 31 October 2023.
- (iii) RFI response No #3 dated 3 November 2023.
- (iv) RFI response No #4 dated 15 November 2023.
- (v) RFI response No #5 dated 17 November 2023.

(c) Plan sets (**attached**):

- (i) Littoralis Landscape Architecture 'Indicative Wetland Concept' South East Site 3 'dated 30.10.23 (Ref. 1338_PlantingConcept_20231030).
- (ii) Boffa Miskell Limited 'Site 1 Wetland Restoration' (Figure 9) dated 18.07.24 (Revision 0).
- (iii) Beca Civil Drawings dated 02.08.23.
- (iv) Beca Consent drawings dated August 2023.

Notice of intention to commence works

2 At least then (10) working days prior to the commencement of any works authorised by these consents, the Consent Holder must notify the council's assigned monitoring officer in writing of the date that the works are intended to commence. The Consent Holder must arrange for a site meeting between the Consent Holder's principal earthworks contractor and the council's assigned monitoring officer prior to any earthworks commencing.

Commented [DH2]: Need to specify the purpose of that meeting

Advice Note: Notification to the council may be made by email to info@nrc.govt.nz.

Consent to be provided

3 A copy of this consent must be provided to every person who is to carry out the works authorised by these consents, prior to any work commencing.

Management plan approval and compliance

4 The management plans required by the conditions of this consent must be:

(a) In accordance with Conditions 8-20 and 27-37 respectively; and

(b) Prepared by a Suitably Qualified and Experienced person;

(c) Prepared in consultation with Hapū; and

(d) Certified in writing by the Council's Compliance Monitoring Manager prior to construction works authorised by these consents first commencing.

Commented [DH3]: Need to specify who the Hapū are otherwise not specific enough for certification.

Commented [DH4]: Need to indicate why happens if not certified or there is a dispute about certification since the clock is running.

5 The consent holder must implement and comply with the certified management plan.

6 A copy of the latest version of the certified management plan must be always kept on site and relevant personnel must be kept informed of their responsibilities under each management plan or report.

Commented [DH5]: What is the site for this purpose?

PRE-CONSTRUCTION APPROVALS

Works commencement

7 Construction works must not commence until the following requirements are met:

(a) The CEMP and related management plans required by Conditions 8-20 of this consent **have** been certified;

(b) the Engineering plans and details addressing the extent of earthworks (including any required buffers), installation of culverts, and flood control bund along the south-western side of the Rama Road on Site 1 **have** been certified.

Construction Environmental Management Plan (CEMP)

8 The objectives of the CEMP are:

(a) To detail the environmental monitoring and management procedures to be implemented during the construction phase to ensure that appropriate environmental management practices are followed, and adverse construction effects are minimised to the extent practicable; and

(b) to ensure construction effects of the Project are in accordance with the assessments accompanying the resource consent applications.

Commented [DH6]: Isn't this the purpose / objective? Reframe - - the mechanics are not the purpose of the plan [this comment applies to all the purpose / objective sections of the plan conditions]

9 The CEMP shall include the following plans:

(a) Erosion and Sediment Control Plan

- (b) Native Avifauna Management Plan (NAMP)
- (c) Native Fish Capture and Relocation Plan (NFCRP)
- (d) Lizard Management Plan (LMP)
- (e) Bat Management Plan (BMP)

10 The Consent Holder may amend the CEMP at any time and submit the amended plan to the Council's Compliance Monitoring Manager for certification. The most recent certified version of the CEMP must be used for compliance purposes.

Erosion and sediment control plan

11 The Erosion and Sediment Control Plan required under condition 9 must be in general accordance with the draft Erosion and Sediment Control Plan prepared by Beca Limited dated 28 August 2023 (Appendix 9 of the application AEE) and must include, but is not limited to, the following information:

- (a) The expected duration (timing and staging) of the major cut and fill operations, drainage works, disposal sites for unsuitable materials/overburden, and clean water diversions;
- (b) Diagrams and/or plans, of a scale suitable for on-site reference, showing the locations of the major cut and fill operations, disposal sites for unsuitable materials, erosion and silt control structures/measures, and water quality sampling sites;
- (c) Details of erosion and sediment controls including specific pond design and calculations as required;
- (d) Supporting calculations and catchment boundaries for the erosion and sediment controls;
- (e) The commencement and completion dates for the implementation of the proposed erosion and sediment controls;
- (f) Methods to be used to stabilise batter faces;
- (g) Details of surface re-vegetation of disturbed sites and other surface covering measures to minimise erosion and sediment runoff following construction;
- (h) Measures to minimise sediment being deposited on public roads, beyond the works area; and

Commented [DH7]: Probably also needs to say something about individual sites and stages - sequencing.
Further, there is no obvious reference to wetland construction per se and what additional measures might be necessary particularly for Site 3.

- (i) Measures to avoid a dust nuisance occurring on neighbouring properties and roads during dam construction.

Native Avifauna Management Plan (NAMP)

12 The objective of the NAMP is:

- (a) To minimise the adverse effects of construction works on native birds, including but not limited to matuku-hūrepo, tūturiwhatu and weweia.

Commented [DH8]: Is this really a minimisation plan? Why not avoidance since that is clearly achievable? It is also not limited just to the construction phases - some of which will overlap with wetland establishment and enhancement.

13 As a minimum, the NAMP must include the following:

- (a) Management measures for minimising adverse effects of construction works on native birds, including but not limited to nesting bird checks required if vegetation clearance is undertaken during the main bird breeding season (August to March inclusive) and appropriate set back measures if active nests are located.
- (b) Avifauna collision risk monitoring including two years of post-construction surveillance to detect and assess the impact (if any) on at risk and threatened avifauna due to panel collision.
- (c) A method for documenting at risk and threatened bird collision with vehicles on roads adjacent to the Site 3 wetland.

Commented [DH9]: Need to tie this to stages and sites probably rather than a single point in time

Native Fish Capture and Relocation Plan (NFCRP)

14 The objective of the NFCRP is to detail how native fish will be captured and relocated from wetlands, drains and river habitats prior to works.

15 As a minimum, the NFCRP must include the following:

- (a) Methodologies to capture fish;
- (b) Specification that the fish capture and relocation will be undertaken by a suitably qualified and experienced ecologist;
- (c) Details of the relocation site; and
- (d) Storage and transport measures.
- (e) Fish passage requirements during works (if required)

16 If native fish are relocated in accordance with the requirements of the approved NFCRP, the Consent Holder must provide information regarding the species and number of fish relocated to the Consent Authority within 10 working days of completion of the fish relocation.

Lizard Management Plan (LMP)

17 The objectives of the LMP are:

- (a) To minimise the risk of injury or mortality to native lizards during construction.
- (b) To ensure that the habitat(s) that any lizards are transferred to (either on site or at an alternative site, as the case may be) will support viable native lizard populations for all species present predevelopment.

18 As a minimum, the LMP must include the following:

- (a) Timing of the implementation of the LMP.
- (b) A description of methodology for survey, salvage and relocation of salvaged native lizards.
- (c) A description of the relocation site; including discussion of:
 - (i) Provision for additional refugia, if required e.g. depositing salvaged logs, wood or debris for newly released lizards that have been rescued.
 - (ii) Any protection mechanisms (if required) to ensure the relocation site is maintained (e.g.) covenants, consent notices etc.
 - (iii) Any weed and mammalian pest management to ensure the relocation site is maintained as appropriate habitat.

Bat Management Plan (BMP)

19 The purpose of the BMP is to set out procedures to avoid, remedy or mitigate impacts on native long-tailed bats (*Chalinolobus tuberculatus*) that may be adversely affected by the construction of the proposed works.

20 As a minimum, the BMP must include the following:

- (a) Management actions, including bat roost protocols (Bat Recovery Group - Department of Conservation, 2021) to be implemented prior to vegetation clearance.

Commented [DH10]: Not sure this is the purpose - surely it is the latter part of this - i.e. to avoid etc adverse effects on ...

(b) Monitoring procedures to be implemented for the removal of any vegetation and/or trees that are identified as potential bat roost.

Commented [DH11]: To my knowledge bats only roost in trees.

(c) Proposals for minimising disturbance from construction activities near any discovery of active roosts;

Commented [DH12]: Isn't this until the roosts are vacated or removed?

(d) Methods for the replacement of any actual bat roost trees that are removed as part of the proposal.

NES-F Information Requirements (culverts and fish passage)

21 The consent holder must submit the information required by regulations 62(3) and 63(3) of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 to the Northland Regional Council no later than twenty (20) working days following the commissioning of the Project, where 'commissioning' is the first day on which the solar panels become operational on any one of the three Sites 1 – 3.

Commented [DH13]: Decide - capitals or lower case throughout?

Commented [DH14]: Those requirements may have changed by that time - perhaps better to annex them to the conditions?

Kaitiaki Monitoring Programme

22 Prior to the start of bulk earthworks, a Kaitiaki Monitoring Programme must be developed in cooperation with Patuharakeke Te Iwi Trust. This programme must be developed to include provisions for cultural monitoring of effects associated with:

Commented [DH15]: We note that this references an entity rather than kaitiaki. Perhaps the Hapū should named?

(a) Indigenous species habitat disturbance, including lizard, bird, and fish habitat;

(b) Accidental discovery of kōiwi and/or cultural artefacts during works; and

(c) Wetland regeneration and ongoing maintenance of ecological restoration areas within the site.

23 Written confirmation that the programme has been agreed between parties must be submitted to council's assigned monitoring officer prior to commencement of works.

Commented [DH16]: Is "agreement" mandatory or should provision be made for reporting disagreements? Best endeavours??

Hydraulic modelling and attenuation

24 The consent holder shall achieve a flood level increase of not more than 5mm on any land outside the project site in the 100 year, 5 year and 2 year ARI rainfall events. This shall be demonstrated using a hydraulic model submitted to Council for certification at least forty (40) days prior to commencement of earthworks on Sites 1 - 3. The flood model shall take earthworks, culverts, ground roughness and soil

Commented [DH17]: .. at the date of this decision ?

Commented [DH18]: Is this intended to require 3 separate models submitted?

infiltration changes into account. Soil infiltration changes shall be calculated using the PV-SMaRT Solar Farm Runoff Calculator Version 3.0 tool from the University of Minnesota.

- 25 Peak flows discharged from the site shall be attenuated on site such that the 100-year, 5-year and 2-year ARI rainfall event post-development peak flows (with climate change) do not exceed 80% of the pre-development peak flowrate (with climate change). The on-site detention systems and comparison of peak flows shall be submitted to Council and approved 40 days prior to construction commencement.

Commented [DH19]: To avoid problems later, site should be defined.

Commented [DH20]: Should identify the climate change parameter required.

ENVIRONMENTAL OFFSET AND ENHANCEMENT

Implementation timing

- 26 The wetland creation and restoration works must commence in accordance with the following timing:

Wetland creation and restoration works	Implementation timing
Buffer planting and pest weed removal in and around the existing open water on Site 1.	Commence prior to the commencement of earthworks on Site 1.
All other wetland creation works on Site 1:	Commence within 12 months of the commencement of earthworks on Site 1.
Wetland creation works on Site 3:	Commence within 24 months of the commencement of earthworks on Site 1.
Objectives set out in Condition 29:	Achieved within 5 years of commencement of Project earthworks.

Commented [DH21]: Why would the wetland on site 3 not be commenced simultaneously with the removal of wetland at Site 1 for early establishment purposes?

Commented [DH22]: 30??

Wetland Restoration and Management Plan (WRMP)

- 27 No less than twenty (20) working days prior to the scheduled commencement of any construction works, including earthworks, on Sites 1-3 the consent holder must

Commented [DH23]: Even though this states "no less than", the minimum 20 days isn't enough time in the event that there is disagreement since the contractors, presumably, will already have a contracted commencement date.

submit a WRMP to the Northland Regional Council for certification. The WRMP must be supported by a statement from a suitably qualified and experienced ecologist, hydrologist and civil engineer, each identifying and addressing their respective inputs, within their fields of expertise, to the WRMP.

28 The proposed wetland creation and restoration must be located in general accordance with the following plans:

- (a) Site 1: Boffa Miskell Limited 'Site 1 Wetland Restoration' (Figure 9) dated 18.07.24 (Revision 0).
- (b) Site 3: Littoralis Landscape Architecture 'Indicative Wetland Concept' South East Site 3 'dated 30.10.23 (Ref. 1338_PlantingConcept_20231030).

Commented [DH24]: At what point should a confirmed wetland plan be certified? Is this C31(f)?

29 To offset the loss of natural inland wetlands on Site 1 the WRMP must be designed to achieve the following minimum requirements:

- (a) A 9.1 ha wetland on Site 1 (encompassing 2.05 ha of existing wetland) and a 11.73 ha wetland on Site 3 (excluding the 4 transmission towers and their access), ensuring that the recreated wetlands are of better habitat quality and ecological function than those that are to be removed.
- (b) A mosaic of habitats, including dense, tall reed-rush vegetation, lower-growing rushes and sedges, shallows, and deeper areas of open water, to provide foraging, roosting/resting, breeding, and nesting habitat, with a particular focus on matuku-hūrepo and weweia.

30 The purpose of the WRMP is to:

Commented [DH25]: Not really a purpose statement - this is content - modify ...

- (a) Detail the ecological management programme that will be implemented to appropriately manage impacts on the environment during and after the construction phase of the Project.
- (b) Document the permanent mitigation measures, including the restoration, management and maintenance of ecological mitigation, as well as the mechanisms for developing relevant mitigation and restoration plans for freshwater habitat;
- (c) Ensure that mitigation has been successful by establishing post-construction monitoring and response procedures;
- (d) Ensure that any long-term effects are appropriately managed through monitoring, and implementation of appropriate responses as necessary.

31 As a minimum, the WRMP must include the following:

- (a) A record of consultation with Hapū.
- (b) A healing garden (**Mara rongoa**) developed in consultation with Hapū.
- (c) The role that Hapū will play in monitoring the construction works and post completion in accordance with the Kaitiaki Monitoring Programme approved in Conditions 22 and 23.
- (d) A record of consultation with Transpower.
- (e) A minimum of one (1) year of hydrological monitoring data to inform detailed design including summer conditions in accordance with Condition 32 below; and
- (f) Detailed wetland design to create the wetland typologies set out in Table 1 below, including water depth, size, layout, catchment area, staging, and construction completion timeframe; and
- (g) Consideration of saline influence and fish passage in the wetland design for the proposed wetland on Site 3; and
- (h) Wetland and riparian plant species to be planted, including density, size and layout, and including connections to adjacent habitat; and
- (i) A bund along the frontages of Marsden Point Road and McCathie Road adjacent to the wetland on Site 3, constructed to a height of 2.0m above the road level for avifauna/vehicle collision avoidance. The bund must be vegetated with low growing vegetation; and
- (j) **The information** required by Schedule 2 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES); and
- (k) Measures to minimise construction effects on fish and fish habitats during earthworks, including adherence to the approved Native Fish Capture and Relocation plan; and
- (l) Measures to avoid disturbance of nationally threatened or at-risk during breeding periods, including adherence to the approved Avifauna Management Plan; and
- (m) Measures to protect the wetland in perpetuity (such as covenants); and
- (n) Maintenance and monitoring requirements, including but not limited to:
 - (i) Monitoring in accordance with Condition **36**; and

Commented [DH26]: Specify - and of what dimensions?

Commented [DH27]: See earlier comment

Commented [DH28]: 53?

- (ii) A programme for establishment and post establishment plant pest control to minimise exotic plant cover in the wetland for the duration of the consent; and
- (iii) Ongoing pest animal control in accordance with the approved APMP.

Table 1: Wetland typologies for recreated and restored wetlands

Typology	Approximate water depth (m)	Habitat/plant assemblages	Avifauna values	Estimated area (ha)
Open water	> 1	Unvegetated	Foraging for dabblers and divers	3
Permanent shallow water	0.5 to 1	Tall reeds and rushes, e.g., raupō, Macart, Elesph	Roosting, nesting and foraging on vegetated margins for cryptic wetland birds and dabchicks	4
Period shallow water or saturated soil	0 to 0.5	Rushes, sedges, flax, cabbage tree	Roosting, nesting and foraging on vegetated margins for cryptic wetland birds	7
Seasonally saturated/ summer dry	0 to - 0.3	Sedges, rushes and wet-tolerant shrubs	Roosting and foraging for banded rail and crane	5

Dry to occasionally saturated	(0) to -0.3 to -0.6	Shrubland and fernland	Roosting for water fowl and foraging and roosting for non-wetland species	Buffer and refugia
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32 Prior to undertaking any earthworks associated with construction of wetlands on Site 1 or Site 3, the consent holder must provide to the Northland Regional Council a detailed report prepared by a suitably qualified and experienced hydrologist that provides a minimum of 12 continuous months of data of groundwater levels on Sites 1 and 3. The report is to detail the methodology used for collecting the data, including location of piezometers in relation to Sites 1 and 3, and is to provide recommendations suitable to determine appropriate water levels for the restored and constructed wetlands.

Commented [DH29]: What is NRC to do on receipt of this report? Needs some sort of certification step?

33 The Consent Holder shall provide written evidence from a suitably qualified and experienced ecologist to the Northland Regional Council confirming that all works identified in the certified WRMP have been completed in accordance with the specified timeframe. The advice shall confirm all measures required to maintain the planting to allow for establishment are in place.

Commented [DH30]: Timeframe for this post-completion? And is this for each individual wetland or ...?

Animal Pest Management Plan (APMP)

34 No less than twenty (20) working days prior to the scheduled commencement of any construction works, including earthworks, the consent holder must submit a APMP to the Northland Regional Council for certification.

Commented [DH31]: Does this includes those works authorised under the district land use consent

35 The objective of the APMP is to improve the ecological integrity of forest, wetland and riparian habitats by managing pests across Sites 1 - 3.

36 As a minimum the APMP must include the following:

- (a) Target pest species to achieve the objectives of the APMP, with a particular focus on mustelids and feral cats; and
- (b) Methods to achieve target species outcomes, with a preference for physical controls over chemical wherever practicable. Methods may include descriptions of spatial configuration of bait lines and baiting and/or trapping details including types of baits/traps and frequency of baiting; and

Commented [DH32]: Not rats?

(c) A description of monitoring/auditing proposed to determine success of the APMP implementation. This should include intended annual targets for pest eradication/removal for a minimum of 5 years from implementation of the APMP.

37 The Consent Holder must implement the certified APMP for the duration of the consent and carry out a review of the APMP annually for a minimum period of 5 years from initial implementation, and then every five (5) years thereafter. The review must include the results of monitoring in accordance with condition 36(c) and any remediation measures **required**.

Commented [DH33]: To be provided to NRC presumably to confirm any remediation proposed?

COMPLIANCE DURING CONSTRUCTION WORKS

38 The consent holder must undertake all activities authorised by these consents in **accordance** with the management plans certified under conditions 8 and 9.

Commented [DH34]: ... general accordance ...?

Commented [DH35]: ??

39 Prior to the commencement of earthworks on-site, a stabilised construction entrance to the site must be installed to minimise the tracking of spoil or debris onto off-site public road surfaces. All material tracked onto off-site surfaces as a result of the exercise of these consents must be removed as soon as possible, but at least daily. The stabilised construction entrance must be maintained throughout the duration of earthworks operations.

40 Erosion and sediment controls approved as part of the CEMP must be installed prior to the commencement of earthworks.

41 No **earthworks** may be carried out between 1 May and 30 September in any year unless the prior written agreement of the council's Compliance Monitoring Manager has been obtained.

Commented [DH36]: Does this include wetland development? If not, exclude explicitly.

42 Any request to undertake works between 1 May and 30 September in any year must be in writing and must be made at least two weeks prior to the proposed date that the works are required to be undertaken. This written request must include an amended CEMP for the works that has been prepared in accordance with Conditions **8 and 9**.

Commented [DH37]: ??

43 All offsite stormwater must be directed away from earthworks areas and no drainage pathways must be constructed, or permitted to flow, over fill areas in a manner that creates erosion of the fill material.

44 Slash, soil, debris and detritus associated with the exercise of these consents must not be placed in a position where it may be washed into any water body.

45 All bare areas of land and fill must be covered with aggregate or topsoiled and established with a suitable grass/legume mixture to achieve an 80% groundcover within one month of the completion of earthworks. Temporary mulching or other suitable groundcover material must be applied to achieve total groundcover of any areas unable to achieve the above requirements.

46 The exercise of these consents must not give rise to any discharge of contaminants, including dust, which in the opinion of a monitoring officer of the council is noxious, dangerous, offensive or objectionable at or beyond the property boundary.

47 The exercise of these consents must not cause any of the following effects on the water quality of the Ruakākā River, as measured approximately 10 metres downstream of a discharge point into the stream, when compared to a site upstream of all land disturbance activities during the same sampling event:

- (a) The production of any conspicuous oil or grease films, scums or foams, floatable or suspended materials;
- (b) A conspicuous change in colour or visual clarity;
- (c) An emission of objectionable odour;
- (d) An increase in suspended solids concentration greater than 100 grams per cubic metre.

48 The Consent Holder must, on becoming aware of any discharge associated with the Consent Holder's operations that is not authorised by these consents:

- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain the discharge; and
- (b) Immediately notify the council by telephone of the discharge; and
- (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the discharge; and
- (d) Report to the council's Compliance Manager in writing within one week on the cause of the discharge and the steps taken, or being taken, to effectively control or prevent the discharge.

For telephone notification during the council's opening hours, the council's assigned monitoring officer for these consents must be contacted. If that person cannot be spoken to directly, or it is outside of the council's opening hours, then the Environmental Hotline must be contacted.

Commented [DH38]: Should the reference site be identified?

Advice Note: The Environmental Hotline is a 24 hour, seven day a week, service that is free to call on 0800 504 639.

- 49 The design, installation and maintenance of culverts must be in accordance with:
- (a) The recommendations in the New Zealand Fish Passage Guidelines (Franklin et al., 2018); and
 - (b) The permitted activity Rule C.2.1.8, and C.2.3 General conditions of the Proposed Regional Plan.

POST CONSTRUCTION COMPLIANCE AND MONITORING

Native Avifauna Collision Management Plan (NACMP)

50 If the monitoring required under Condition 13.4 of the NAMP identifies that At Risk or Threatened birds are colliding with solar panels, the Consent Holder or its agent/contractor must submit a NACMP to the Council's assigned Monitoring Officer for certification.

Commented [DH39]: Was it not agreed that a plan needs to be in place before identifying collisions?

Also, the cross reference is incorrect = 13.

51 The objective of the NACMP is to minimise and mitigate the risk on At Risk and Threatened avifauna as a result of collisions with solar panels and vehicles based on observations made during the monitoring required under under Condition 13.4.

52 The NACMP must be:

- (a) Prepared by a Suitably Qualified and Experienced Ornithologist; and
- (b) Provided to the Council's Compliance Manager within twenty (20) working days of the collision discovery; and
- (c) Certified in writing by the Council's Compliance Manager.

Commented [DH40]: Might need adjusting depending on answer to the above comment.

Any actions arising under the NACMP approved under Condition 39 must be complied with to the satisfaction of the Council's assigned Monitoring Officer.

Monitoring

53 The Consent Holder shall monitor ecological information on vegetation and freshwater ecology, and groundwater levels, of the restored and constructed

wetlands for a minimum of 5 years following completion of construction of the wetlands on Sites 1 and 3 to confirm the requirements outlined in Conditions 29-32 are successfully achieved.

54 The Consent Holder must provide an annual monitoring report to the Northland Regional Council detailing the results of the monitoring in Condition 53, and any remediation measures necessary to achieve the requirements of Conditions 29-32. The monitoring report shall include (but is not limited to):

- (a) Results of all monitoring undertaken as required by these conditions;
- (b) Six (6) monthly wetland water levels for a minimum period of 2 years following completion of the **restored and constructed wetlands**, utilising the methodology under Condition 32.
- (c) An interpretation of the results.
- (d) Identification and reporting on ecological indicators regarding the restored and constructed wetlands viability and success;
- (e) Recommendations about the frequency of monitoring events to be undertaken in the future.

Commented [DH41]: Is this for each one as they are complete or for each site or ...

55 The consent holder must provide the Annual Monitoring Report required by condition 54 above to the Regional Council no later than one (1) month after each anniversary of the Project commissioning date, for a period of 5 years thereafter.

56 From the date of receipt of the written **evidence report** required under Condition 34 of this consent, the consent holder shall ensure that all areas of completed planting are maintained in perpetuity. Where any planting is damaged, destroyed or otherwise removed, that planting shall be replaced with the same or similar species of same or similar numbers as soon as practicable and in any case within 12 months.

Commented [DH42]: 33??

Flood control bund

57 The flood control bund required to be designed and constructed under Conditions 24 and 25 along the south-western side of the Rama Road on Site 1 must be maintained at all times to the approved height width and length as part of regular site maintenance activities.

Commented [DH43]: Check references

REVIEW CONDITION

58 The council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions annually during the month of September for any one or more of the following purposes:

- (a) To deal with any adverse effects on the environment that may arise from the exercise of these consents and which it is appropriate to deal with at a later stage; or
- (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
- (c) To change the ground water levels and/or vegetation composition associated with the restored and constructed wetlands in order to achieve the outcomes intended by the conditions of this consent.
- (d) To adjust or alter the method of recording and reporting information on the restored and constructed wetlands.

- **Lapse date:** 5 years
- **Duration:** 35 years