

APPENDIX 10

NORTHLAND REGIONAL COUNCIL – DRAFT CONDITIONS

SUBJECT TO THE FOLLOWING CONDITIONS:

GENERAL CONDITIONS

1. The consent holder must undertake all activities authorised by these consents in general accordance with the descriptions and plans 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 must prevail.
2. At least two weeks prior to the commencement of any works authorised by these consents on-site, the Consent Holder shall notify the council's assigned monitoring officer in writing of the date that the works are intended to commence. The Consent Holder shall arrange for a site meeting between the Consent Holder's principal earthworks contractor and the council's assigned monitoring officer, which shall be held on site prior to any earthworks commencing.

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

Construction

Sediment control

3. Sediment control measures shall be constructed and maintained in accordance with the principles and practices contained within the Auckland Council document entitled "*2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region*" (GD05). Where there are inconsistencies between any part of GD05 and the conditions of these consents, then the conditions of these consents shall prevail.
4. As part of the written notice required by Condition 1, the Consent Holder or its agent/contractor shall submit an Erosion and Sediment Control Plan (ESCP) to the council for certification by the Compliance Manager. As a minimum, the ESCP shall include the following:
 - (a) The expected duration (timing and staging) of earthworks, and details of locations of disposal sites for unsuitable materials, and clean water diversions if required;

- (b) Details of all erosion and sediment controls including diagrams and/or plans, of a scale suitable for on-site reference, showing the locations of the erosion and silt control structures/measures;
- (d) The commencement and completion dates for the implementation of the proposed erosion and sediment controls;
- (e) Details of surface revegetation of disturbed sites and other surface covering measures to minimise erosion and sediment runoff following construction;
- (f) Measures to minimise sediment being deposited on public roads;
- (g) Measures to ensure dust discharge from the earthwork's activity does not create a nuisance on neighbouring properties;
- (h) Measures to prevent spillage of fuel, oil and similar contaminants;
- (i) Contingency containment and clean-up provisions in the event of accidental spillage of hazardous substances;
- (j) Means of ensuring contractor compliance with the ESCP;
- (k) The name and contact telephone number of the person responsible for monitoring and maintaining all erosion and sediment control measures;
- (l) Contingency provisions for the potential effects of large/high intensity rain storm events.

5. As a minimum, the erosion and sediment control measures shall be constructed and maintained in accordance with the ESCP prepared in accordance with Condition 5. The Consent Holder may amend the ESCP at any time with the prior approval of the council's assigned monitoring officer. The recent approved version of the ESCP shall be used for compliance purposes.
6. Prior to the commencement of earthworks on-site, a stabilised construction entrance to the sites shall 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 shall be removed as soon as possible, but at least daily. The stabilised construction entrance shall be maintained throughout the duration of earthworks operations.
7. Erosion and sediment controls shall be installed prior to the commencement of earthworks (other than those required for the erosion and sediment controls) within an area of works.
8. The installation of all erosion and sediment controls shall be supervised by an appropriately qualified and experienced person. The Consent Holder shall provide to the council's assigned monitoring officer certification from the appropriately qualified and experienced person who supervised the installation of the erosion and sediment controls that they have been installed in accordance with the requirements of GD05.
9. Drains and cut-offs constructed to divert stormwater shall be capable of conveying stormwater during not less than the estimated 1 in 20 year rainfall event. All channels on grades greater than 2% shall be protected to avoid erosion occurring.
10. All offsite stormwater shall be directed away from earthworks areas and no drainage pathways shall be constructed, or permitted to flow, over fill areas in a manner that creates erosion of the fill material.
11. No slash, soil, debris, and detritus associated with the exercise of these consents shall be placed in a position where it may be washed into any water body.
12. All bare areas of land and fill shall 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 shall be applied to achieve total groundcover of any areas unable to achieve the above requirements.

13. The exercise of these consents shall 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.
14. The Consent Holder shall, 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 shall be contacted. If that person cannot be spoken to directly, or it is outside of the council's opening hours, then the Environmental Hotline shall be contacted.

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

Culverts

15. The design, installation and maintenance of culverts shall 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 Northland Regional Plan.

Fish relocation

16. Prior to any earthworks in wetlands, rivers and drains, the consent holder shall submit a Freshwater Native Fish Capture and Relocation Plan prepared by a suitably experienced ecologist in consultation with Hapu, to the consent authority 10 working days prior to works commencing. If relocation is carried out, the consent holder shall provide information regarding the species and number of fish relocated to the consent holder within 10 working days of completion of the fish relocation.

Native Avifauna Management Plan (NAMP)

17. The Consent Holder or its agent/contractor shall submit a native avifauna management plan (AMP) to the council's assigned monitoring officer. The AMP shall include written confirmation that it has been developed by a suitably qualified ecologist in consultation with Hapu and will include but not be limited to the following information:
 - (a) Management measures for minimising adverse effects of construction works on native birds, including but not limited to matuku-hūrepo, tūturiwhatu and weweia.
 - (b) Avifauna collision risk monitoring including two years of post-construction surveillance to detect and assess the impact (if any) on avifauna due to panel collision.

Avifauna collision management plan (ACMP)

18. In the event that monitoring indicates that the operation of the solar farm has given rise to more than minor adverse effects on native avifauna species due to collisions with solar panels, the Consent Holder or its agent/contractor shall submit an Avifauna Collision Management Plan (ACMP) to the council's assigned monitoring officer. The plan shall include written confirmation that it has been developed by a suitably qualified ecologist. The objective of the plan is to minimise and mitigate the risk of further avifauna collisions with solar panels based on observations made during the monitoring programme under Condition 17(b).

Lizard Management Plan (LMP)

19. The Consent Holder or its agent/contractor shall submit a Lizard Management Plan to the council's assigned monitoring officer that has been developed by a suitably qualified ecologist in consultation with Hapu. The objective of the Management Plan is to minimise the risk of injury or mortality to native lizards during construction and shall include management actions, including lizard salvage during vegetation clearance and lizard habitat removal. The plan must be submitted to the Consent Authority at least 10 working days prior to the commencement of works. All construction works must comply with the requirements of the Lizard Management Plan.

Wetland restoration and management plan (WRMP)

20. The Consent Holder or its agent/contractor shall submit a Wetland Restoration and Management Plan (WRMP) to the council's assigned monitoring officer for:
 - (a) Expansion and enhancement of open water habitat in the south-east portions of Site 1B and 1C and adjacent smaller wetlands, to increase the total wetland extent in this area from 2.05 ha to approximately 9.1 ha; and
 - (b) Recreation and restoration of wetland over drained, low-lying land in the southern corner of Site 3.

The objectives of the WRMP are:

- (a) To replace the full extent of wetlands removed as a result of construction.
 - (b) To ensure the restored wetlands are of similar or better habitat and ecological function to those that are to be removed.
21. The WRMP shall include written confirmation that it has been developed by a suitably qualified ecologist in consultation with Hapu and Transpower and include the following information:
 - (a) Calculations confirming the final wetland offset in accordance with the Biodiversity Offset Accounting Model (Maseyk et al. 2015).
 - (b) Detailed wetland design, including water depth, size, layout, catchment area and staging;

- (c) Wetland and riparian plant species to be planted, including density, size and layout, including connections to adjacent habitat;
 - (d) The creation of foraging, roosting/resting, breeding, and nesting habitat for the species known to use the sites currently, particularly matuku-hūrepo and weweia;
 - (e) Maintenance and monitoring, including ongoing pest animal and plant control;
 - (f) The information required by Schedule 2 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES).
22. The Consent Holder shall advise the council's assigned monitoring officer, in writing, on the completion of the WRMP.

Bat management

23. The Consent Holder or its agent/contractor shall submit a Bat Management Plan to the council's assigned monitoring officer that has been developed by a suitably qualified ecologist. The objective of the Management Plan is to minimise the risk of injury or mortality to bats during construction and shall include management actions, including bat roost protocols (Bat Recovery Group - Department of Conservation, 2021) to be implemented prior to vegetation clearance. The plan must be submitted to Council at least 10 working days prior to the commencement of works.

Pest management

24. The Consent Holder or its agent/contractor shall submit a Pest Management Plan to the consent authority that has been developed by a suitably qualified biosecurity consultant or ecologist. The objective of the pest management plan is to outline the measures to minimise and mitigate adverse effects on native birds, lizards, bats and vegetation.
25. These consents shall lapse 10 years from the commencement of the consent, unless before this date the consents have been given effect to.

Kaitiaki Monitoring Programme:

26. Prior to the start of bulk earthworks, a Kaitiaki Monitoring Programme shall be developed in cooperation with Patuharakeke Te Iwi Management Trust. This programme shall be developed to include provisions for cultural monitoring of effects associated with:
 - (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.
27. Written confirmation that the programme has been agreed between parties shall be submitted to council's assigned monitoring officer prior to commencement of works.
28. 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.

The Consent Holder shall meet all reasonable costs of any such review.

WHANGAREI DISTRICT COUNCIL - DRAFT CONDITIONS

SUBJECT TO THE FOLLOWING CONDITIONS:

CONDITIONS

Under sections 108 and 108AA of the RMA, this consent is subject to the following conditions:

General Accordance Condition

1. This resource consent shall be carried out in general accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number LUXXXXXX:
 - a. Application Form and Assessment of Environmental Effects prepared by David Johnson, Reyburn & Bryant Limited, dated 1 August 2023...

[list plans]

Advisory Note: *Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.*

Prior to the Commencement of Construction/ Physical Works

The following conditions shall be complied with prior to the commencement of physical works or construction commencing on site to the satisfaction of the Team Leader RMA Approvals and Compliance or their delegated representative.

2. The Consent Holder shall notify council, in writing, of their intention to begin works, a minimum of seven working days prior to commencing works. Such notification shall be sent to the Development Engineer and RMA Approvals and Compliance Team Leader or delegated representative and include the following details:
 - a. Name and telephone number of the project manager.
 - b. Site address to which the consent relates.
 - c. Activities to which the consent relates.
 - d. Expected duration of works.
 - e. Confirmation of approvals from Councils Development Engineer Resource and Consent Team Leader (or delegated representative) required to satisfy conditions 3-9 of this consent.

Advisory Note: *Notification should be emailed to RMACompliance@wdc.govt.nz and include in the subject line "Council Reference: LU2100128".*

3. A pre-start meeting is required to be undertaken with the Consent Holder's representative, contractor(s) or agents for the Consent Holder and the Development Engineer prior to any works being undertaken on the site to the satisfaction of the Development Engineer or delegated representative.

Construction Environmental Management Plan

4. The Consent Holder shall submit a Construction Environmental Management Plan (CEMP) to Councils Development Engineer for approval, and approval provided, prior to the commencement of works. The CEMP is an overarching construction management document that shall be prepared by a suitably qualified and experienced practitioner in consultation with Hapu, and at a minimum shall contain the following:
 - a. Construction Traffic Management Plan prepared in accordance with Council's Environmental Engineering Standards to the approval of the Councils Road Corridor Coordinator. The plan will detail how it is proposed to minimise the effects of the construction traffic including:
 - i. Schedule HGV deliveries to arrive outside of peak traffic times.
 - ii. Provide signage on SH15, McCathie Road, Marsden Point Road and at the site access to notify road users of increased traffic volumes during the construction period.
 - iii. Employ active traffic management during periods of high HGV movements.
 - b. Noise Management Plan shall include but not limited to:
 - i. A limit that all construction works associated with the implementation of this resource consent shall only be carried out:
 - a. Monday to Friday – between the hours of 7:00am and 7:00pm
 - b. Saturday – between the hours of 7.30am and 6:00pm
 - ii. Where any specific construction works are likely to create nuisance, prior to construction activities commencing on the site, the Consent Holder shall notify the owners and occupiers of all adjacent properties of their intention to commence physical works.

The notification shall set out the following:

- a. The start date and estimated completion date for the works
- b. The working days and hours within which the works will occur
- c. Contact details of person to contact in case of a complaint

Evidence of this notification having been sent shall be provided to the satisfaction of Council's RMA Compliance Officer.

Advisory Note: All evidence should be emailed to RMACompliance@wdc.govt.nz and include in the subject line "Council Reference: LUXXXX".

5. The Consent Holder must submit a final Array Layout Plan and Site Plan that shows the solar farm layout in general accordance with that shown on the Array Layout Plan and Site Plan referenced in condition 1(h) and 1(i) of this consent. The plans should include detail regarding the confirmed type of panels to be utilised (either fixed or tilting).

Engineering Plans

6. The Consent Holder must submit a detailed set of engineering plans prepared in accordance with Council's Environmental Engineering Standards 2010 Edition. The engineering plans are to be submitted to Council's Development Engineer for approval, and approval provided, prior to the commencement of works.

It is to be noted that certain designs may only be carried out by an Independently Qualified Person (IQP) or Chartered Professional Engineer (CPEng) working within the bounds of their assessed competencies. IQP's must have been assessed by Council and hold a current status to submit design work.

All work needing design/certification by a Council approved IQP/CPEng will require completion of a producer statement (design) (EES-PS1 or similar).

The Consent holder is to submit all documentation as required by Council "Quality Assurance/Quality Control Manual – Vested Assets". This will include nomination of an IQP and an "Inspection and Test Plan" for approval by the Development Engineer before any works commence.

Prior to commissioning of the Solar Farm

The following conditions shall be complied with prior to the commissioning of the BESS facility to the satisfaction of the Team Leader RMA Approvals and Compliance or their delegated representative.

7. Detailed design of the project shall include an attenuation design for inverters within Site 2 (refer to Appendix B of the Marshall Day Report Rp 001 20230088 showing indicative location of the inverters). The attenuation design shall primarily consider selection and orientation of the inverters but may include other measures (such as the selection of non-tonal inverters, proprietary "noise reduction kits" or full/partial enclosure) as practicable and appropriate. The

attenuation design must ensure that the noise level at any receiver complies with the night-time noise limits in Consent Condition 9, below.

Ongoing conditions

8. The noise level from all operation of the solar farm shall meet the Whangarei District Plan noise limits (as operative when consent is granted) for any site and / or dwelling existing at the time of consent. Noise levels shall be measured and assessed in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and NZS 6802:2008 Acoustics – Environmental Noise.
9. Noise from construction activities shall, as far as practicable, not exceed the limits recommended in, and shall be measured and assessed in accordance with, New Zealand Standard NZS 6803: 1999 “Acoustics – Construction Noise”. Where exceedances of the guidelines in this standard are identified as likely to occur, they shall be managed through a construction noise and vibration management plan prepared by a recognised acoustician. All practicable noise attenuation measures shall be implemented.
10. In the event of archaeological sites or kōiwi being uncovered, activities in the vicinity of the discovery shall cease and the Consent Holder shall contact Heritage New Zealand Pouhere Taonga and Patuharakeke Te Iwi Trust Board. Work shall not recommence in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga approval has been obtained.

Resource Consent Conditions specific to Site 3

Conditions	
Building and Structures	<p><i>No buildings or structures (except non-conductive fencing) shall be located within 12m of the centreline of the Henderson – Marsden Point A (HEN-MDN-A) 220kV transmission line and the Marsden Point – Maungatapere A (MDN-MPE-A) 110 kV transmission line, National Grid transmission lines.</i></p> <p><i>No buildings or structures shall be located within 12m of any outer visible edge of the foundation of National Grid support structures MDN-MPE-A0005, MDN-MPE-A0006, HEN-MDN-A0326 and HEN-MDN-A0327; except for non-conductive fencing, which can be located 6m from any outer visible edge of the support structure foundation.</i></p>
NZECF Compliance	<p><i>All land use activities, including the construction of new buildings/structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed line parts shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECF 34:2001) or any subsequent revision of the code.</i></p>
Access	<p><i>The wetland and vegetation must be located to ensure vehicle access is maintained to the Henderson – Marsden Point A (HEN-MDN-A) 220kV transmission line and the Marsden Point – Maungatapere A (MDN-MPE-A) 110 kV transmission line, and support structure MDN-MPE-A0005, MDN-MPE-A0006, HEN-MDN-A0326 and HEN-MDN-A0327, for maintenance at all reasonable times, and emergency works at all times.</i></p>
Access – advice note	<p><i>Transpower NZ Ltd has a right to access its existing assets under s23 of the Electricity Act 1992. Any development on must not preclude or obstruct this right of access. It is an offence under s163D of the Electricity Act 1992 to intentionally obstruct any person in the performance of any duty or in doing any work that the person has the lawful authority to do under s23 of the Electricity Act 1992.</i></p>
Earthworks	<p><i>No fill or material shall be stockpiled or deposited under the HEN-MDN-A and MDN-MPE-A National Grid transmission lines so that the conductor to ground clearance is reduced to less than 7 metres.</i></p>
Land stability	<p><i>The consent holder must ensure that changes to the stormwater drainage patterns and runoff characteristics arising from the works do not result in any adverse effects on the foundations of any National Grid support structure.</i></p>
Vegetation	<p><i>Any proposed new trees or vegetation within 12 metres either side of the centreline of the HEN-MDN-A and MDN-MPE-A National Grid transmission lines must not exceed 2 metres in height at full maturity and must comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.</i></p>

Conditions	
	<p>Any proposed new trees or vegetation outside of 12 metres either side of the centreline of the HEN-MDN-A and MDN-MPE-A National Grid transmission lines must be setback sufficiently to ensure the tree cannot fall within 4 metres of the National Grid transmission lines and must comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.</p>
Notice of works	<p>The consent holder shall provide Transpower 10 working days' notice in writing prior to commencing the proposed wetland works on Part Section 11 Block VII Ruakaka SD, and Part Section 1 Block VII Ruakaka SD.</p> <p><u>Note:</u> Written notice should be sent to: transmission.corridor@transpower.co.nz</p>
Construction Management Plan	<p>Prior to the commencement of construction works on Part Section 11 Block VII Ruakaka SD, and Part Section 1 Block VII Ruakaka SD, the landowner shall prepare and submit to the Council for approval a Construction Management Plan (CMP) or a series of CMPs for the respective stages of works, to ensure the protection of the National Grid transmission lines. The CMP(s) shall be prepared in consultation with Transpower. The CMP(s) must be given to Transpower NZ Ltd for its review at least 20 working days prior to being submitted to the Council.</p> <p><u>Note:</u> The CMP(s) should be provided to Transpower via Patai Form 5 'Submit a Management Plan' – https://transpower.patai.co.nz</p> <p>The CMP(s) must include the following:</p> <ul style="list-style-type: none"> a) The name, experience and qualifications of the person/s nominated by the consent holder to supervise the implementation of, and adherence to, the CMP. b) Construction drawings, plans, procedures, methods and measures to demonstrate that all construction activities undertaken on the site will meet the safe distances within the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34: 2001) or any subsequent revision of the code; including (but not limited to) those relating to: <ul style="list-style-type: none"> i) Excavation and Construction near Towers (Section 2); ii) Building to conductor clearances (Section 3); iii) Ground to conductor clearances (Section 4); iv) Mobile Plant to conductor clearances (Section 5); and v) People to conductor clearances (Section 9). c) Details of any areas that are "out of bounds" during construction and/or areas within which additional management measures are required, such as fencing off, entry and exit hurdles, maximum height limits, or where a safety observer may be required (a safety observer will be at the consent holder's cost. d) Demonstrate how the existing transmission lines and support structures will remain accessible during and after construction activities; e) Demonstrate how the effects of dust (including any other material potentially resulting from construction activities able to cause material damage beyond normal wear and tear) on the transmission lines will be managed;

Conditions

- f) Demonstrate how changes to the drainage patterns, runoff characteristics and stormwater will avoid adverse effects on the foundations of any support structure;*
- g) Demonstrate how construction activities that could result in ground vibrations and/or ground instability will be managed to avoid causing damage to the transmission lines, including support structures.*
- h) Details of proposed contractor training for those working near the transmission lines.*

All activities are to be undertaken in accordance with the approved CMP(s).

Wetland Management Plan

Meridian to provide wording to the effect that Transpower is included in the consultation and development of this plan.