

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.XXX045014.01.01 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.045014.02.01XXX Vegetation clearance within, and within 10 metres of a 'natural inland wetland', and within a 'significant wetland'.
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AUT.045014.03.01XXX Divert stormwater during land-disturbanceearthworks activities.
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AUT.045014.04.01 Discharge of stormwater to land during earthworks activities

AUT.XXX045014.05.01 Divert stormwater in a river (redirection of Unnamed Drain through wetland)

Commented [BH1]: NRC amendments

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, except Appendix 10 – Proposed Conditions of Consent.

Commented [BH2]: In accordance with DH1

- (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 Annexure 1):

- (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 ~~thisese~~ 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.

The purpose of the meeting is to establish a working relationship between the Consent Holder's head#principal earthworks contractor and the Council's assigned compliance monitoring officer to achieve compliance with the consent conditions.

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

Commented [br3]: General note: Some of the conditions require documents to be certified by the Councils Compliance Monitoring Manager and others refer to the Council. These references have come directly from the NRC Consent Manager.

Commented [BH4]: Responds to DH2

Consent to be provided

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

Management plan ~~approval certification~~ and compliance

34 The management plans ~~and reports~~ required by the conditions of this consent must be:

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

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

~~(e)(b)~~ For Conditions 8-24 and 31-40 respectively, Prepared in consultation with Te Patuharakeke Te Iwi Trust Hapū and Te Parawhau Hapū; and

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

5 The certification process is as follows:

(a) The certification process for plans and reports required by conditions of this consent must be confined to confirming that the plans or reports give effect to their purposes, consent condition requirements, and contain the required information.

(b) If the Council's response is that it is not able to certify the management plan or report, it must provide the Consent Holders with reasons and recommendations for changes to the plan or report in writing. The Consent Holders must consider any reasons and recommendations of the Council and resubmit an amended management plan/report for certification.

(c) The review or amendment of a plan or report must follow the process above.

(d) Subject to compliance with (a)-(c) above, the Council must certify a management plan within twenty (20) working days of receipt.

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

Commented [BH5]: NRC amendment

Commented [BH6]: NRC amendment

Commented [BH7]: NRC amendment

Commented [BH8]: Responds to DH3 comment

Commented [BH9]: Response to NRC comment about there needing to be a timeframe for Council to certify management plans.

Commented [BH10]: NRC amendments - Condition 5(b) responds to DH4

46 ~~The Consent Holder must implement and comply with the certified management plan.~~ A copy of the latest version of the certified management plan must be always kept ~~at the on-site construction office~~ and relevant personnel must be kept informed of their responsibilities under each management plan or report.

Commented [BH11]: NRC amendment

Commented [BH12]: Responds to DH5

PRE-CONSTRUCTION APPROVALS

Works commencement

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

- (a) The CEMP and related management plans required by Conditions 8-240 of this consent ~~have~~ been certified.;
- (b) ~~The e~~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 ~~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 submit a Construction Environmental Management Plan (CEMP) to the Council for certification.~~

Commented [BH13]: NRC amendment

9 ~~The objectives of the CEMP is~~are to ensure that:

- (a) ~~appropriate environmental management practices are followed;~~and
- (b) ~~the construction effects of the project are in accordance with the assessments accompanying the resource consent application; and~~
- (c) ~~adverse construction effects are minimised to the extent practicable.~~

~~The purpose of the CEMP is:~~

6 ~~The objectives of the CEMP are:~~

710 ~~The CEMP shall~~e 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

~~(a) to ensure construction effects of the Project are in accordance with the assessments accompanying the resource consent applications;~~

Commented [BH14]: Reframed in response to DH6

811 The CEMP shall include the following plans:

- (a) Erosion and ~~S~~sediment ~~C~~ontrol ~~P~~lan (ESCP)
- (b) Native Avifauna Management Plan (NAMP)
- (c) Native Fish Capture and Relocation Plan (NFCRP)
- (d) Lizard Management Plan (LMP)
- ~~(e)~~ Bat Management Plan (BMP)

Advice Note: The Consent Holder will need to ensure that it has all the necessary permits from other Government Agencies for the transfer of native species if they are required.

Commented [BH15]: NRC amendment

912 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 ~~S~~sediment ~~C~~ontrol ~~P~~lan (ESCP)

13 The ~~Erosion and Ssediment Ccontrol Pplan~~ (ESCP) required under condition ~~11(a)~~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).

~~10~~14 ~~The ESCP shall cover all earthworks on Sites 1-3, including earthworks associated with wetland restoration and development,~~ and must include, but is not limited to, the following information:

Commented [BH16]: Response to DH7

~~(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;

~~(a)~~(b) The expected staging and sequencing of earthworks;

~~(b)~~(c) 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;

~~(e)~~(d) Details of erosion and sediment controls including specific pond design and calculations as required;

~~(e)~~(e) Supporting calculations and catchment boundaries for the erosion and sediment controls;

~~(e)~~(f) The commencement and completion dates for the implementation of the proposed erosion and sediment controls;

~~(f)~~(g) Methods to be used to stabilise batter faces;

~~(e)~~(h) Details of surface re-vegetation of disturbed sites and other surface covering measures to minimise erosion and sediment runoff following construction;

~~(h)~~(i) Measures to minimise sediment being deposited on public roads, beyond the works area; and

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

Native Avifauna Management Plan (NAMP)

1115 The objective of the NAMP is:

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

Commented [BH17]: Responds to DH8

1216 As a minimum, the NAMP must include the following:

(a) Management measures for **minimising/avoiding** adverse effects of construction works on **nesting** 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) **Management measures for minimising adverse effects of construction works on threatened and at risk native birds foraging within the Sites, including but not limited to matuku-hūrepo, tūturiwhatu and weweia.**

(a) —

(b)(c) Avifauna collision risk monitoring including two years of ~~post-construction~~ surveillance following the installation of solar panels on each of the Sites 1-3 to detect and assess the impact (if any) on at risk and threatened avifauna due to panel collision.

(d) A method for documenting at risk and threatened bird collision with vehicles on roads adjacent to the Site 3 wetland.

*Advice Note: The surveillance required under Condition 165(c**b**) may need to be staged depending on solar panel installation sequencing on each of the Sites 1-3.*

Native Fish Capture and Relocation Plan (NFCRP)

17 The objective of the NFCRP is to avoid and minimise the adverse effects of construction works on native fish.

1318 The NFCRP shall detail how native fish will be captured and relocated from wetlands, drains and river habitats prior to works.

1419 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)

1520 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 Council within 10 working days of completion of the fish relocation.

Commented [BH18]: NRC amendment

Lizard Management Plan (LMP)

1621 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 be able to~~ support viable native lizard populations for all species present predevelopment.

1722 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 mammalian pest management to ensure the relocation site is maintained as appropriate habitat.

Bat Management Plan (BMP)

1823 The ~~purpose-objective~~ 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.

Commented [BH19]: Responds to DH10

1924 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.
- (b) Monitoring procedures to be implemented for the removal of any ~~vegetation and/or~~ trees that are identified as potential bat roost.
- (c) Proposals for minimising disturbance from construction activities near any discovery of active roosts ~~until those roosts are vacated/removed;~~

Commented [BH20]: Responds to DH11

Commented [BH21]: Responds to DH12

- (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)

2025 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 (as at the date of the grant of this consent, see Annexure 2) 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 [BH22]: Responds to DH14

Commented [BH23]: NRC amendment

Kaitiaki Monitoring Programme

2126 Prior to the start of bulk earthworks, a Kaitiaki Monitoring Programme must be developed in cooperation with Te Patuharakeke Hapū Te Iwi Trust and Te Parawhau Hapū. This programme must be developed to include provisions for cultural monitoring of effects associated with:

Commented [BH24]: Responds to DH15

- (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 Prior to the start of works authorised by this consent, the Consent Holder must advise the Council that either:

(1) Written confirmation that the programme in Condition 264 has been agreed between the parties; or

(2) If an agreement has not been reached despite the Consent Holder's best endeavours, set out with the Consent Holder providing the reasons for this, must be submitted to council's assigned monitoring officer prior to commencement of works.

Commented [BH25]: NRC amendment

Commented [BH26]: Responds to DH16

Hydraulic modelling and attenuation

28 The Consent Holder shall must not increase flood levels on any land outside of the project Sites 1-3, achieve a flood level increase of not more than 5mm on any land

Commented [BH27]: NRC amendment

outside the project site in the 100 year, 5 year and 2 year ARI rainfall events, with the ARI rainfall events being those current at the time of the modelling. This shall must be demonstrated using a hydraulic model that takes into account the proposed 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, bunds, culverts, ground roughness and soil infiltration changes, into account. Soil infiltration changes shall must be calculated using the PV-SMaRT Solar Farm Runoff Calculator Version 3.0 tool from the University of Minnesota. A report on the hydraulic model and the outputs, and the final design details for flood mitigation measures must be provided to the Council's Compliance Monitoring Manager for certification at least twenty (20) working days prior to the commencement of earthworks on each of the Sites 1-3.

Commented [BH28]: Responds to DH17

Advice Note: Separate modelling and reporting may be required for each site depending on the staging/sequencing of earthworks.

Commented [BH29]: DH18 asks whether the intention is to require three separate models - the answer is maybe depending on the staging/sequencing of works - advice note added.

29 Peak flows discharged from the site each of the three Sites 1-3 shall must 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 flow rate (with climate change). A report providing design details of the on-site detention systems and comparison of peak flows shall must be submitted provided to Council's Compliance Monitoring Manager for certification at least a twenty (20) working days prior to the commencement of earthworks on Sites 1-3. nd approved 40 days prior to construction commencement. The climate change parameter used for this condition is Climate Change Scenario RCP4.5 (Representative Concentration Pathway scenario RCP4.5 as defined by the United Nations Intergovernmental Panel on Climate Change) projected to the end of 2065.

Commented [BH30]: Responds to DH19

Commented [BH31]: Includes various NRC amendments

Commented [BH32]: Responds to DH20

Advice Note: This condition relates to the runoff generated from within each the site and does not include flows entering these sites from other parts of the catchments.

ENVIRONMENTAL OFFSET AND ENHANCEMENT

Implementation timing

2230 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 12 months of the commencement of earthworks on Site 1.
Objectives set out in Condition 33129.	Achieved within 5 years of commencement of pProject earthworks.

Commented [BH33]: Responds to DH21

Wetland Restoration and Management Plan (WRMP)

2331 No less than twenty (20) working days prior to the scheduled commencement of any wetland construction works, including earthworks, on Sites 1-3 the Consent Holder must 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, hydrogeologist and civil engineer, each identifying and addressing their respective inputs, within their fields of expertise, to the WRMP.

Commented [BH34]: DH23 - MEL are likely to lodge this plan earlier than 20 working days to reduce the risk of delaying the construction start time.

Commented [BH35]: NRC amendment

2432 To offset the loss of natural inland wetlands on Site 1, the proposed wetland creation and restoration must include a minimum 9.1 ha wetland on Site 1 (encompassing 2.05 ha of existing wetland) and a minimum 11.73 ha wetland on Site 3 (excluding the foundations of the four Transpower transmission towers and access tracks) 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 [BH36]: DH24 - no change required as design confirmed in 34(g), certified under Condition 31

2533 ~~To offset the loss of natural inland wetlands on Site 1 the WRMP The wetlands must be designed to achieve the following minimum requirements: meet the following objectives:~~

- ~~(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, To ensure 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.~~

26 ~~The purpose of the WRMP is to:~~

- ~~(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.~~

2734 As a minimum, the WRMP must include the following:

- (a) A record of consultation with [Te Patuharakeke Hapū and Te Parawhau Hapū](#).
- (b) A healing garden ([Mara rongoa](#)), developed in consultation with [Te Patuharakeke Hapū, Te Iwi Trust and Te Parawhau Hapū](#).
- (c) The role that [the Te Patuharakeke Hapū and Te Parawhau Hapū](#) will play in monitoring the construction works and post completion in accordance with the Kaitiaki Monitoring Programme [approved-outlined](#) in Conditions [262](#) and [273](#).
- (d) A record of consultation with Transpower.

Commented [BH37]: Responds to DH3 comment

Commented [BH38]: Responds to DH3 comment

- (e)(e) ~~A record of consultation with and Northland Fish and Game Council regarding faunal matters in the wetland design.~~
- (e)(f) ~~A minimum of one (1) year of hydrological monitoring data to inform detailed design including summer conditions. The continuous monitoring of groundwater levels on Sites 1 and 3 at appropriate locations to characterise groundwater levels at the location of the offset wetlands. The monitoring shall include one summer seasons and ideally one year of hydrogeological monitoring data to inform detailed wetland design. The monitoring data collected shall be reported in accordance with Condition 35-32 below, and~~
- (g) Detailed wetland design to:
- (i) ~~Create the wetland typologies set out in Table 1 below, including water depth, size, layout, catchment area, staging, and construction completion timeframe; and~~
 - (ii) ~~Achieve a mosaic of habitats, including dense, tall reed-rush vegetation, lower-growing rushes and sedges, shallows, and deeper areas of open water.~~
- (h) ~~Consideration of saline influence and fish passage in the wetland design for the proposed wetland on Site 3, and~~
- (i) ~~Wetland and riparian plant species to be planted, including density, size and layout, and including connections to adjacent habitat, and~~
- (j) ~~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~~
- (k) ~~The information required by Schedule 2 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES) (as at the date of the grant of this consent, see see Annexure 3), and~~
- (l) ~~Measures to minimise construction effects on fish and fish habitats during earthworks, including adherence to the approved Native Fish Capture and Relocation plan, and~~
- (m) ~~Measures to avoid disturbance of nationally threatened or at-risk during breeding periods, including adherence to the approved Avifauna Management Plan, and~~
- (n) ~~Measures to protect the wetland in perpetuity (such as covenants), and~~

Commented [BH39]: Responds to DH27

(o) Maintenance and monitoring requirements, including but not limited to:

- (i) Monitoring in accordance with Condition 3556; ~~and~~
- (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.

Commented [BH40]: Responds to DH27

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

Typology	Approximate water depth (m)	Habitat/plant assemblages	Avifauna values	Estimated area (ha)
Seasonally saturated/ summer dry	0 to - 0.3	Sedges, rushes and wet-tolerant shrubs	Roosting and foraging for banded rail and crake	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

2835 ~~Prior to undertaking any earthworks associated with construction of wetlands on Site 1 or Site 3, At the same time as providing the WRMP to Council the Consent Holder must provide to the Northland Regional Council for certification a detailed report prepared by a suitably qualified and experienced hydrogeologist that presents the groundwater levels collected as per Condition 34(f) 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 design groundwater levels for the restored and constructed wetlands.~~

Commented [BH41]: Responds to DH29

Commented [BH42]: NRC amendments

2936 ~~Within one (1) month of the completion of the wetland creation works on Site 1 and 3, The Consent Holder shall must 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. This evidence must confirm all measures required to maintain the planting to allow for establishment are in place.~~

Commented [BH43]: Responds to DH30 (first part)

Commented [BH44]: NRC amendments

~~**Advice Note:** Separate completion reports may be required for the various wetlands in accordance with the different timing/sequencing in Condition 3028.~~

Commented [BH45]: Responds to DH30 (last part)

Animal Pest Management Plan (APMP)

3037 No less than twenty (20) working days prior to the scheduled commencement of any construction works [authorised under this consent and the WDC consent LU2300093](#), including earthworks, the [Consent Holder](#) must submit an APMP to the [Northland Regional Council](#) for certification.

Commented [BH46]: Responds to DH31

Commented [BH47]: NRC amendment

3138 The objective of the APMP is to improve the ecological integrity of forest, wetland and riparian habitats by managing pests across Sites 1 – 3.

3239 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 redonats~~; 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
- (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.

Commented [BH48]: Responds to DH32

3340 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 [396\(c\)](#) and any remediation measures required. [The annual and 5 yearly reviews must be provided to the Council for certification, including confirmation of any remediation measures proposed.](#)

Commented [BH49]: Responds to DH33

COMPLIANCE DURING CONSTRUCTION WORKS

~~34 The consent holder must undertake all activities authorised by these consents in accordance with the management plans certified under conditions 8 and 9.~~

3541 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.

3642 Erosion and sediment controls approved as part of the CEMP must be installed prior to the commencement of earthworks.

3743 No earthworks (other than earthworks associated with wetland construction) 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 [BH50]: Responds to DH36

3844 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. Conditions 7-1012.

Commented [BH51]: Responds to DH37

3945 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.

4046 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.

4147 All bare areas of land and fill must be covered with aggregate or topsoil 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.

4248 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.

4349 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 streamRiver, when compared to a site measured approximately 10m upstream of all earthworks land disturbance activities during the same sampling event:

Commented [BH52]: Responds to DH38

Commented [BH53]: NRC amendments

(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.

4450 The Consent Holder must, on becoming aware of any discharge associated with the Consent Holder's operations that is not authorised by **thisese** 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 **eCouncil's** Compliance **Monitoring** 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.

Commented [BH54]: NRC amendment

For telephone notification during the **eCouncil's** opening hours, the **eCouncil's** assigned monitoring officer for **thisese** 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.

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

4551 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)

4652 If the monitoring required ~~under Condition 14 of the~~ **by the certified** NAMP identifies that At Risk or Threatened birds are colliding with solar panels, the Consent Holder or

its agent/contractor must submit a ~~NACMP- Native Avifauna Collision Management Plan (NACMP)~~ to the Council's ~~assigned Monitoring Officer~~ for certification.

Commented [BH55]: NRC amendments

4753 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 ~~by the certified NAMP.~~

Commented [BH56]: NRC amendments

4854 The NACMP must be:

~~(e)~~ Prepared by a Suitably Qualified and Experienced Ornithologist; and

~~(a)~~

~~(b)~~ Provided to the Council's ~~Compliance Manager~~ within twenty (20) working days of the collision discovery; ~~and~~

~~(b)~~

Certified in writing by the Council's Compliance Manager;

~~(c)~~

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

Commented [BH57]: NRC amendments

Monitoring

4955 The Consent Holder shall monitor ecological information on vegetation and freshwater ecology, and ~~ground~~water 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 ~~29323-~~ ~~3342~~ are successfully achieved.

5056 The Consent Holder must provide an annual monitoring report to the ~~Northland Regional~~ Council detailing the results of the monitoring in Condition ~~553~~, and any remediation measures necessary to achieve the requirements of Conditions ~~32329-~~ ~~3342~~. 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.
- (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.

Advice Note: Separate monitoring reports may be required for the various wetlands in accordance with the different timing/sequencing in Condition 30.

Commented [BH58]: Responds to DH30 (last part)

5157 The Consent Holder must provide the Annual Monitoring Report required by condition 564 above to the Regional Council's assigned monitoring officer no later than one (1) month after each anniversary of the Project commissioning date, for a period of 5 years therein.

Commented [BH59]: NRC amendments

58 From the date of receipt of the written evidence required under Condition 364 of this consent, the Consent Holder shall must 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 [BH60]: DH41 - number reference

Commented [BH61]: NRC amendments

59 Once Condition 55 ceases to have effect, the Consent Holder must provide a report from a suitably qualified and experienced ecologist to the Council's assigned monitoring officer at a minimum of five yearly intervals that:

- (a) Assesses the ecological health of the restored and constructed wetlands;
- (b) Determines compliance with Condition 58; and
- (c) Provides any measures required to achieve Condition 58.

Flood control bund

5260 The flood control bund required to be designed and constructed under Conditions 284 and 295 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 [BH62]: DH43 number references

COMMUNITY FUND

61 Within forty (40) working days of the project becoming operational, the Consent Holder must establish a community fund to provide support for community groups and projects in the Ruakākā area (or other areas, as may be appropriate).

REVIEW CONDITION

5362 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.

~~(e)~~(d)

63 These consents will lapse five (5) years from the date of commencement, unless before this date the consents have been given effect to.

Advice Note: An application can be made to the Council in accordance with Section 125 of the Act to extend the date after which is the consents lapses. Such an application must be made before the consents lapses.

Commented [BH63]: NRC amendment

• **Lapse date:** 5 years

▪ **Duration:** 35 years

