

BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND

I MUA I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU

Decision No. [2021] NZEnvC 40

IN THE MATTER of six appeals under s 120 and/or s 174 of  
the Resource Management Act 1991 for  
Mount Messenger Bypass proposed State  
Highway 3 between Uruti and Ahititi, North  
Taranaki

BETWEEN DIRECTOR-GENERAL OF  
CONSERVATION  
(ENV-2019-WLG-000003)  
(ENV-2019-WLG-000004)

AND TE RŪNANGA O NGĀTI TAMA  
TRUST  
(ENV-2019-WLG-000005)

AND POUTAMA KAITIAKI CHARITABLE  
TRUST AND D & T PASCOE  
(ENV-2019-WLG-000006)  
(ENV-2019-WLG-000010)

AND TE KOROWAI TIAKI O TE HAUĀURU  
INCORPORATED  
(ENV-2019-WLG-000009)

Appellants

AND TARANAKI REGIONAL COUNCIL  
Respondent/Regional Authority

AND NEW PLYMOUTH DISTRICT  
COUNCIL  
Respondent/Section 274 party



Director General of Conservation & Ors v Taranaki Regional Council & Ors

AND

NEW ZEALAND TRANSPORT  
AGENCY

Respondent/Applicant

Court: Environment Judge BP Dwyer  
Māori Land Court Judge M Doogan  
Environment Judge MJL Dickey  
Environment Commissioner DJ Bunting  
Environment Commissioner RM Bartlett

Hearing: 15-19, 23 and 24 July 2019  
Last case event: Final conditions lodged 17 March 2021

Appearances: D Allan and A Brenstrum for New Zealand Transport Agency  
SJ Ongley for Director-General of Conservation  
V Morrison-Shaw for Te Rūnanga o Ngāti Tama  
R Enright and RG Haazen for Te Korowai Tiaki o Te Hauāuru  
Incorporated  
D & T Pascoe for themselves through R Gibbs and M Gibbs  
R Gibbs and M Gibbs for Poutama Kaitiaki Charitable Trust  
HP Harwood for New Plymouth District Council and Taranaki  
Regional Council

Date of Decision: 1 April 2021  
Date of Issue: 1 April 2021

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**FINAL DECISION OF THE ENVIRONMENT COURT**

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- A: Resource consents are granted and the NOR confirmed for the alteration of the current designation for SH3 to enable the construction and operation of a new bypass at Mount Messenger, subject to the conditions attached.
- B: Costs are reserved against Poutama Kaitiaki Charitable Trust.

## REASONS

### Introduction

[1] In our second interim decision, we allowed the appeals by the Director-General of Conservation and Te Rūnanga o Ngāti Tama, and dismissed appeals by Poutama Kaitiaki Charitable Trust and D & T Pascoe.<sup>1</sup> We directed the Agency to provide final conditions.

### Conditions

[2] The Agency lodged a final set of conditions and all plans on 17 March 2021. It has addressed the issue of inclusion of NES Freshwater conditions. It confirms that it no longer seeks specific, additional consents under the NES Freshwater. Instead, it requests that the Court impose conditions that may be required by the NES Freshwater on the consents as originally applied for.<sup>2</sup> The Agency submits that the conditions that give effect to the requirements of regs 62, 63 and 64 are straightforward – they require the Agency to provide information listed in those regulations to the Regional Council.<sup>3</sup> The additions to give effect to reg 69 are more detailed, but essentially require the Ecology and Landscape Management Plan to provide for the monitoring and maintenance specified in reg 69.<sup>4</sup> The Agency submits it is appropriate to retain these conditions.

[3] On the basis that the Agency no longer seeks specific consents under the NES Freshwater, and is volunteering to comply with additional reporting, monitoring and maintenance, the Court is prepared to approve the conditions.

[4] The Agency has attended to the minor matters listed in the Schedule attached to the second interim decision, to our satisfaction.

### Orders

[5] We grant the resource consents and confirm the NOR, subject to the conditions attached.

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<sup>1</sup> *Director-General of Conservation v Taranaki Regional Council* [2021] NZEnvC 27.

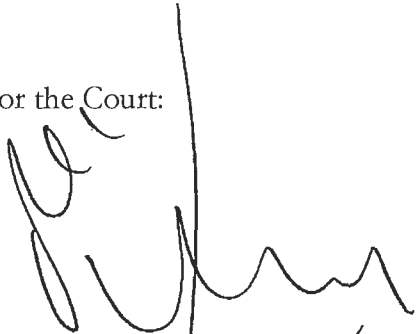
<sup>2</sup> Agency memorandum dated 17 March 2021 at [13].

<sup>3</sup> Agency memorandum dated 17 March 2021 at [9].

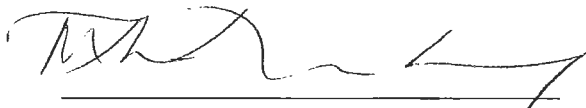
<sup>4</sup> Agency memorandum dated 17 March 2021 at [10].

[6] As directed in our Second Interim decision, costs are reserved against Poutama Kaitiaki Charitable Trust. Any costs applications to be made and responded to in accordance with clause 6.6 of the Environment Court Practice Note 2014. Time limits to run from the date of this decision.

For the Court:

  
 BP Dwyer  
 Environment Judge

  
 M Doogan  
 Māori Land Court Judge

  
 MJL Dickey  
 Environment Judge

  
 RM Bartlett  
 Environment Commissioner

  
 DJ Bunting  
 Environment Commissioner



## MT MESSENGER BYPASS – TRC REGIONAL CONSENT CONDITIONS - UPDATED MARCH 2021

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<b>Glossary of Abbreviations and Terms Used in Designation and Resource Consent Conditions</b>	
<b>ADP</b>	Accidental Discovery Protocol
<b>AEE</b>	Assessment of Effects on the Environment Report
<b>CDMP</b>	Construction Dust Management Plan
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certification</b>	The process of the Requiring Authority or Consent Holder submitting to the NPDC or TRC a report or an amendment to a management plan, a design, or a drawing for technical confirmation that it complies with the technical requirements of these designation or resource consent conditions and the management plan to which the design or drawings relate.
<b>CLMP</b>	Contaminated Land Management Plan
<b>Completion of Construction Works</b>	When Construction Works for the Project are complete. Completion of the restoration plantings required under Condition 29(a) and the riparian plantings required under Condition 29(g) of the Designation Conditions may occur after Completion of Construction Works. The Requiring Authority shall advise the Planning Lead (or Nominee) of the Completion of Construction Works in accordance with Designation Condition 43. The equivalent provisions in the TRC resource consents are set out in Condition GEN.28.
<b>Consent Holder</b>	NZ Transport Agency
<b>Construction Work(s)</b>	Main construction works, including: <ul style="list-style-type: none"> <li>• ground improvement works;</li> <li>• temporary and permanent drainage installation;</li> <li>• bulk earthworks (including cut and fill activities);</li> <li>• bridge and tunnel construction;</li> <li>• pavements and surfacing;</li> <li>• site reinstatement;</li> <li>• landscaping; and</li> </ul> installation of permanent road furniture and ancillary works.
<b>CNMP</b>	Construction Noise Management Plan
<b>COPTTM</b>	NZ Transport Agency Code of Practice for Temporary Traffic Management
<b>CTMP</b>	Construction Traffic Management Plan
<b>CWMP</b>	Construction Water Management Plan
<b>Day</b>	Working Day, unless otherwise stipulated
<b>dBA</b>	A unit of sound level which has its frequency characteristics modified by a filter (C-weighted) so as to account for the non-linear frequency

	response of the human ear at high noise level (typically greater than 100 decibels)
<b>DOC</b>	Department of Conservation
<b>ELMP</b>	Ecology and Landscape Management Plan
<b>Establishment Work(s)</b>	Progressively opening up and establishing the site, including: <ul style="list-style-type: none"> <li>• construction and/or widening of roads/tracks to access construction areas and install sediment control measures (e.g. sediment control ponds);</li> <li>• vegetation clearance;</li> <li>• establishment of construction yards;</li> <li>• establishing full width access tracks/haul roads;</li> <li>• installing remaining erosion and sediment controls; and stream diversions.</li> </ul>
<b>Existing Network Utilities</b>	All network utilities existing at the date of notification of the Notice of Requirement. Network utility has the same meaning as in section 166 of the Resource Management Act 1991
<b>KFG</b>	Kaitiaki & Stewardship Forum Group
<b>LEDF</b>	Landscape and Environment Design Framework
<b>NPDC</b>	New Plymouth District Council
<b>NESF</b>	Resource Management (National Environmental Standards for Freshwater) Regulations 2020
<b>Heritage New Zealand</b>	Heritage New Zealand Pouhere Taonga
<b>Maternity roost</b>	A roost occupied by two or more long tailed bats, including at least one parous, pregnant, lactating or post-lactating female long-tailed bat and/or young bat of the year
<b>Pest Management Area (PMA)</b>	The 3,650ha area that will be subject to pest management measures for biodiversity offsetting and compensation purposes. For the purpose of Designation Condition 30, the following terms are also defined in relation to the Pest Management Area: <ul style="list-style-type: none"> <li>• <b>Wider PMA:</b> the area shown in Figure 9.2 in the ELMP, that has an area greater than 3,650ha, from which the Confirmed 3,650ha PMA may be selected through the process in Condition 30(g).</li> <li>• <b>Intended PMA:</b> the 3,650ha area shown in Figure 9.1 in the ELMP, that is within the Wider PMA and that may be selected as the Confirmed PMA through the process set out in Condition 30(g).</li> <li>• <b>Confirmed PMA:</b> the 3,650ha area that is selected as the PMA through the process set out in Condition 30(g).</li> <li>• <b>Study Area:</b> the area, including the Project Area, the Intended PMA and land beyond both, over which bats will be tracked, as</li> </ul>



	<p>shown in Figure 9.3 in the ELMP and from which the Confirmed PMA may be selected through the process set out in Condition 30(g).</p> <ul style="list-style-type: none"> <li>• <b>Alternative PMA:</b> The Waitaanga Valley, as shown in Figure 9.4 in the ELMP, that has an area greater than 3,650ha, from which the Confirmed PMA may be selected through the process set out in Condition 30(g).</li> </ul>
<b>Planning Lead</b>	New Plymouth District Council Planning Lead for the Designation Conditions
<b>PMP</b>	Pest Management Plan
<b>Project</b>	The construction of a new section of SH3 generally between Uruti and Ahititi, north of New Plymouth that is approximately 6km in length and located to the east of the existing SH3 alignment, comprising all associated Work in the area shown as the proposed designation in Figure 1.1 of the AEE
<b>Project Area</b>	The area shown as the proposed designation in Figure 1.1 of the AEE
<b>Requiring Authority</b>	NZ Transport Agency
<b>RMA or 'the Act'</b>	Resource Management Act 1991
<b>SCWMP</b>	Specific Construction Water Management Plan
<b>SH3</b>	State Highway 3
<b>Stabilised Area</b>	An area inherently resistant to erosion such as rock, or rendered resistant by the application of aggregate, geotextile, vegetation or mulch, or as identified in the Construction Water Management Plan. Where vegetation is to be used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once an 80% vegetation cover has been established.
<b>Stabilisation</b>	The activity to achieve a Stabilised Area
<b>Stage or Staging</b>	A stage of the Works to construct the Project as identified in the CEMP, CWMP or SCWMP
<b>TRC</b>	Taranaki Regional Council
<b>TRoNT</b>	Te Runanga o Ngāti Tama
<b>VRP</b>	Vegetation Removal Protocol
<b>Work or Works</b>	Establishment Works and Construction Works associated with the Project
<b>Working Day</b>	Has the same meaning as under section 2 of the Resource Management Act 1991

## TRC REGIONAL RESOURCE CONSENT CONDITIONS

### GENERAL CONDITIONS APPLYING TO ALL CONSENTS

- GEN.1 (a) Except as modified by the conditions below, the Project shall be undertaken in general accordance with the information provided by the Consent Holder in the resource consent application dated December 2017, the Drawing Set dated 3 July 2020, the management plans (except for the Ecology and Landscape Management Plan) dated October 2018, and the Ecology and Landscape Management Plan dated May 2019.
- (b) Where there is conflict between the documents listed in (a) above and these conditions, these conditions shall prevail. Where there is an inconsistency between the information and plans lodged with the resource consent application and information provided subsequently, the most recent plans and information shall prevail.
- GEN.2 Pursuant to section 125(1) of the Act, the consents [referenced 10601-1.0, 10602-1.0, 10603-1.0, 10604-1.0, 10606-1.0, 10607-1.0, 10608-1.0, 10609-1.0, 10610-1.0, 10611-1.0, 10612-1.0, 10613-1.0, 10614-1.0, 10616-1.0, 10617-1.0, 10618-1.0, 10619-1.0, 10620-1.0, 10621-1.0, 10622-1.0, 10623-1.0, 10624-1.0, 10625-1.0, 10626-1.0, 10627-1.0, 10628-1.0, 10629-1.0, 10630-1.0, 10631-1.0, 10632-1.0, 10633-1.0, 10634-1.0, 10635-1.0, 10636-1.0, 10637-1.0, 10638-1.0, 10639-1.0, 10640-1.0, 10641-1.0, 10642-1.0, 10643-1.0, 10644-1.0, 10645-1.0, 10646-1.0, 10647-1.0, 10648-1.0, 10649-1.0, 10650-1.0, 10652-1.0, 10653-1.0, 10654-1.0, 10655-1.0, 10656-1.0, 10657-1.0, 10658-1.0, 10659-1.0, 10660-1.0] shall lapse 10 years from the date of commencement of the consents in accordance with section 116 of the Act.
- GEN.3 Pursuant to section 123(c) of the Act, the consents [referenced 10601-1.0, 10602-1.0, 10603-1.0, 10604-1.0, 10606-1.0, 10607-1.0, 10608-1.0, 10609-1.0, 10610-1.0, 10611-1.0, 10612-1.0, 10613-1.0, 10614-1.0, 10616-1.0, 10617-1.0, 10618-1.0, 10619-1.0, 10620-1.0, 10621-1.0, 10622-1.0, 10623-1.0, 10624-1.0, 10625-1.0, 10626-1.0, 10627-1.0, 10628-1.0, 10629-1.0, 10630-1.0, 10631-1.0, 10632-1.0, 10633-1.0, 10634-1.0, 10635-1.0, 10636-1.0, 10637-1.0, 10638-1.0, 10639-1.0, 10640-1.0, 10641-1.0, 10642-1.0, 10643-1.0, 10644-1.0, 10645-1.0, 10646-1.0, 10647-1.0, 10648-1.0, 10649-1.0, 10650-1.0, 10652-1.0, 10653-1.0, 10654-1.0, 10655-1.0, 10656-1.0, 10657-1.0, 10658-1.0, 10659-1.0, 10660-1.0] shall expire 35 years from the date of commencement in accordance with section 116 of the Act.
- GEN.4 In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of these resource consents by giving notice of review during the month of June annually, for the purpose of ensuring that the conditions are adequate to deal with any more than minor adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the resource consent applications were considered or which it was not appropriate to deal with at the time.

## Cultural protocols

GEN.5 At least three months prior to the Commencement of Construction, the Consent Holder shall invite mandated representatives of Ngāti Tama to participate in a Kaitiaki Forum Group (KFG).

(a) The KFG shall comprise up to 3 members who have been determined by Te Runanga o Ngāti Tama (TRoNT). From time to time, as appropriate, TRoNT may change the KFG membership-and may also invite other iwi, iwi representatives or other Ngāti Tama members to attend KFG meetings. TRoNT may appoint a chairperson to the KFG who would be responsible for confirming any advice from the KFG to the Consent Holder and who will oversee the implementation of KFG activities.

(b) The purpose of the KFG is to facilitate engagement between the Consent Holder and Ngāti Tama, to enable Ngāti Tama to provide-kaitiaki inputs to the design and construction of the Project.

(c) The KFG will be invited to hold regular meetings (monthly) throughout the construction period. The KFG shall continue until six months after Completion of Construction.

(d) The Consent Holder shall record the main points arising from each meeting of the KFG, and shall provide a copy of that record to the meeting invitees within a reasonable time following the meeting.

The Consent Holder shall, on receipt of an itemised invoices, be responsible for paying all reasonable costs associated with the attendance at KFG meetings to provide the kaitiaki inputs described in Condition GEN.5 and Condition GEN.5A.

*For the avoidance of doubt, while the KFG participants listed in condition GEN 5(a) must be invited to attend each meeting, the non-attendance of any participant does not invalidate the KFG meeting.*

GEN.5A The KFG shall be invited by the Consent Holder to participate in the following (amongst other things):

(a) The development of the Project designs to incorporate cultural values into elements such as (but not limited to):

- (i) Cultural expression in artwork on road corridor features such as the tunnel, bridge and in landscape works and plantings.
- (ii) Water management principles.
- (iii) Biodiversity mitigation offset and compensation measures implemented as part of the ELMP required by Condition GEN.22.
- (iv) Signage of local features.
- (v) Naming of the new highway.

(b) Review of the Accidental Discovery Protocol (as required by the NPDC Designation Condition 34) and any updates to this Protocol.

(c) The development and implementation of agreed cultural protocols / tikanga appropriate to stages of the works or activities (for example: blessings, accidental discoveries, vegetation clearance, relocation of animals).

(d) The development of cultural indicators covering matters such as (but not limited to) traditional association, mahinga kai and cultural stream health measures.

(e) The development and implementation of a Cultural Monitoring Plan. The purpose of the Cultural Monitoring Plan is to set out the agreed cultural monitoring requirements and measures to be implemented during construction activities, to acknowledge the historic and living cultural values of the area to Ngāti Tama, and to minimise potential adverse effects on these values. The Plan shall be prepared by a person endorsed by the KFG and the Consent Holder. Where the provisions of the Plan are not agreed by the Consent Holder reasons for the disagreement will be provided in writing to TRoNT and added to the agenda for the next KFG meeting.

### **Community Liaison Person**

GEN.6 (a) The Consent Holder shall appoint a Community Liaison Person for the duration of the construction phase of the Project to be the main and readily accessible point of contact for persons affected by Construction Works. An alternative contact shall be provided, in the event the liaison person is unavailable, to ensure that a Project contact person is available by telephone 24 hours per day/seven days per week during the construction phase of the Project.

(b) No less than one month prior to the commencement of Works, the Consent Holder shall advise all key project stakeholders listed in the CEMP of the liaison person's name and contact details.

(c) The Consent Holder shall keep stakeholders and the wider public informed of the construction works, progress and timing and shall carry out communications in general accordance with the CEMP.

### **Complaints**

GEN.7 (a) At all times during implementation of the consents, the Consent Holder shall maintain a register of any complaints received alleging adverse effects from, or related to, the exercise of the consents. The record shall include:

- (i) the name and address (where this has been provided) of the complainant;
- (ii) identification of the nature of the complaint;
- (iii) location, date and time of the complaint and of the alleged event;
- (iv) weather conditions at the time of the complaint (as far as practicable), including wind direction and approximate wind speed if the complaint relates to air discharges;
- (v) the outcome of the Consent Holder's investigation into the complaint;
- (vi) measures taken to respond to the complaint; and

- (vii) any other activities in the area, unrelated to the Project, which may have contributed to the complaint (such as non-Project construction, fires, or unusually dusty conditions generally).

(b) The Consent Holder shall:

- (i) acknowledge the complaint within 2 Working Days;
- (ii) promptly investigate, identify the level of urgency in respect of the complaint and communicate that to the complainant; and
- (iii) take reasonable steps to remedy or mitigate the matters giving rise to the complaint, if there are reasonable grounds for the complaint, within 10 Working Days of receiving the complaint or such sooner time as may be reasonably necessary in the circumstances.

(c) The Consent Holder shall also maintain a record of its responses and any remedial actions undertaken.

(d) This record shall be maintained on site and shall be made available to the Chief Executive, TRC upon request. The Consent Holder shall provide the Chief Executive, TRC with a copy of the complaints register every month.

*Advice Note: where for (b) and (c) there are a number of complaints relating to the same incident(s) the Consent Holder may bundle those complaints together and provide one response (to be provided to all complainants) in accordance with those conditions.*

## **Incidents**

GEN.8 The Consent Holder shall prepare procedures for incident management that outline how the Consent Holder will manage the incident and notify the Chief Executive, TRC of:

- (a) discharges from non-stabilised areas that are not treated by erosion and sediment control measures as required by the Construction Water Management Plan; and / or
- (b) failure of any erosion and sediment control measures; and / or
- (c) discharge of a hazardous substances or any other contaminants, including cement, to a water body; and / or
- (d) failure of any temporary stream diversion; and / or
- (e) any other event that occurs in contradiction to a current management plan.

The procedures shall be consistent with the Management Plans required under Condition GEN.9 and provided to the Chief Executive, TRC on request.

## **Management Plans – General**

GEN.9 All Works shall be carried out in general accordance with Condition GEN.1, the Landscape and Environmental Design Framework, and the management plans, certified in accordance with these resource consent conditions, which are the Construction Environmental Management Plan (CEMP) and the plans attached as appendices to the CEMP:

- (a) Ecology and Landscape Management Plan (ELMP) (those parts described under regional consent conditions GEN.22 and GEN23);
- (b) Construction Dust Management Plan (CDMP);
- (c) Construction Water Management Plan (CWMP), including Specific Construction Water Management Plans (SCWMPs);
- (d) Control of a Spill Procedure; and
- (e) Incident Reporting and Investigation.

*Advice note: In addition to the abovementioned plans, the CEMP also includes copies of the management plans and relevant documents required under the designation conditions but not for the resource consents, being: the remaining sections of the Ecology and Landscape Management Plan, the Construction Noise Management Plan (CNMP), Construction Traffic Management Plan (CTMP), Accidental Discovery Protocol ; and the Contaminated Land Management Plan (CLMP) required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations, 2011 (NES Soil).*

*Requirements for these additional plans shall be determined in accordance with the relevant designation condition(s) and the NES Soil conditions in relation to the CLMP.*

GEN.10 The management plans:

- (a) provide the overarching principles, methodologies and procedures for managing the effects of construction of the Project to achieve the environmental outcomes and performance standards required by these Conditions; and
- (b) shall be maintained and implemented by the Consent Holder during Works and in the case of the ELMP, those matters that continue beyond the Completion of Construction Works.
- (c) Works shall not commence until the management plans required under Condition GEN.9 have been certified in accordance with Condition GEN.10A.

#### **Management Plan Certification, amendment and review**

- GEN.10A
- (a) The management plan(s) required under Condition GEN.9 shall be certified in writing by the Chief Executive, TRC, in accordance with Conditions GEN.10A(b) to (d).
  - (b) The Consent Holder shall provide the management plan(s) to the Chief Executive, TRC for technical certification at least forty (40) Working Days prior to the commencement of Works.
  - (c) Certification (or withholding certification) shall be based solely on whether the management plan(s) meets the objectives, performance standards and technical requirements of the relevant Resource Consent Conditions, including for the ELMP, the matters set out in Schedule 1.
  - (d) The Chief Executive, TRC, will carry out his/her best endeavours to certify the management plan(s) within 20 Working Days of receipt of the management plan(s), noting that expert input may be required before certification can be provided. If the

Chief Executive, TRC, is unable to consider the management plan(s) within 20 Working Days he/she shall notify the Consent Holder and advise a revised timeframe. Regardless, the Chief Executive, TRC, will carry out his/her best endeavours to certify the management plan(s) as soon as possible after the 20 Working Day period and within a total of 40 Working Days of receipt.

(e) Provided that the Consent Holder has not been advised of a revised timeframe under Condition GEN.10A(d) the Chief Executive, TRC, shall, no later than 20 Working Days of receipt of the management plan(s), confirm in writing to the Consent Holder that the management plan(s) is either certified or declined, or shall request that the Consent Holder incorporate changes suggested by the Chief Executive, TRC. If a revised timeframe has been advised, confirmation of a decision shall be made by the Chief Executive, TRC, in accordance with that timeframe (with best endeavours to reach a decision within 40 Working Days from receipt of the management plan(s)).

(f) If 20 Workings Days have passed since the management plan(s) has been provided to the Chief Executive, TRC, and the Chief Executive, TRC, has not advised the Consent Holder of a revised timeframe under Condition GEN.10A(d) or certified or declined to certify the management plan(s) in accordance with Condition GEN.10A(e), then the management plan(s) shall be deemed to be certified and the Consent Holder may commence Works in accordance with the management plan(s) as provided.

(g) The resolution process stipulated under Condition GEN.17 shall be followed:

- (i) Where the Consent Holder and the Chief Executive, TRC are unable to agree on certification of a management plan(s); or
- (ii) Where the Consent Holder considers that the Chief Executive, TRC has not acted in accordance with Condition GEN.10A.

GEN.11 No earthworks shall commence on site unless a Specific Construction Water Management Plan (SCWMP) is in place for that specific area of works and the SCWMP has been certified by the Chief Executive, TRC. A SCWMP can be based on a geographic area or based on a specific activity type.

*Advice Note: The geographic basis for a SCWMP may be based on a specific chainage location along the alignment. The activity basis for a SCWMP may be based on having a SCWMP for a particular activity, such as shoulder widening, anywhere along the alignment.*

GEN.12 This condition has been intentionally left blank

GEN.13 (a) The Consent Holder may make minor amendments to the management plans at any time. For the purpose of this condition, a 'minor amendment' is either a small change to the content of the Management Plan which has either no or a de minimis adverse environmental effect, or is a change which would result in an improved environmental outcome. Any changes to the management plans shall remain consistent with the objectives and performance standards of the management plan and the resource consent conditions.

(b) The Consent Holder shall submit, in writing, the minor amendment to the Chief Executive, TRC at least 10 Working Days before Works associated with the amendment

are to be implemented. The Consent Holder shall maintain a record of all minor amendments.

(c) If the Chief Executive, TRC considers that the amendment is a material amendment in accordance with Condition GEN.14, then it must notify the Consent Holder within 5 Working Days of receipt of the amendment and then consider the amendment in accordance with Condition GEN.14. If the Consent Holder does not receive notice from TRC under Condition GEN.13(c) any Works associated with the minor amendment may proceed.

GEN.14 (a) The Consent Holder may make material amendments to the management plans at any time, subject to the certification of the Chief Executive, TRC. A material amendment is any amendment that is in general accordance with Condition GEN.1 but is not a minor amendment in accordance with Condition GEN.13.

(b) Any material amendment to the management plans shall meet the objectives and performance requirements of the management plan and these resource consent conditions.

(c) In the event of an amendment to a management plan under Condition GEN.14(a), the Consent Holder must submit, in writing, the amendment to the Chief Executive, TRC for Certification 20 Working Days before the commencement of the relevant Works. Certification shall confirm that the amendment is in accordance with Condition GEN.1 and meets the objectives and performance requirements of the management plan.

(d) The Chief Executive, TRC will carry out its best endeavours to consider the material amendment within 10 Working Days of receipt of the material amendment, noting that expert input may be required before Certification can be provided. If the Chief Executive, TRC is unable to consider the material amendment within 10 Working Days it shall notify the Consent Holder and advise a revised timeframe. Regardless, the Chief Executive, TRC will carry out its best endeavours to consider the material amendment within a total of 20 Working Days of receipt.

(e) Provided that the Consent Holder has not been advised of a revised timeframe under Condition GEN.14(d) the Chief Executive, TRC shall, no later than 10 Working Days of receipt of the material amendment, confirm in writing to the Consent Holder that the material amendment is either certified or declined, or shall request that the Consent Holder incorporate changes suggested by the Chief Executive, TRC. If a revised timeframe has been advised, confirmation shall be made in accordance with that timeframe.

(f) Should the Chief Executive, TRC decline to certify the material amendment or request the incorporation of changes to the material amendment the Consent Holder may then resubmit a revised material amendment to the management plan. The certification process for a revised material amendment shall follow the same process described above in Conditions GEN.14 (a) to (e).

(g) The resolution process stipulated under Condition GEN.17 shall be followed:

(i) Where the Consent Holder and the Chief Executive, TRC are unable to agree on the finalisation of a material amendment to a management plan; or



(ii) Where the Consent Holder considers that the Chief Executive, TRC has not acted in accordance with Condition GEN.14(d) to consider the material amendment within a reasonable timeframe.

Works unaffected by the amendment may continue.

GEN.15 This condition has been intentionally left blank

GEN.16 All personnel involved with the construction of the Project shall be made aware of, and have access to, all conditions and management plans applicable to the construction of the Project, including any amendments to the management plans made under Conditions GEN.13 and GEN.14. Copies of these documents shall be kept on site at all times.

GEN.17 (a) In the event of any dispute arising about the content of the management plans between the Chief Executive, TRC and the Consent Holder matters shall be referred in the first instance to the Chief Executive, TRC, and to the Consent Holder's Construction Manager (as described in the CEMP), to determine a process of resolution.

(b) If a resolution cannot be agreed under (a) within 15 Working Days, the matter shall be referred within 10 Working Days to an independent appropriately qualified expert, acceptable to both parties ('expert'), setting out the details of the matter to be referred for determination and the reasons the parties do not agree.

(c) The expert shall, as soon as possible, issue a recommendation on the matter. The Chief Executive, TRC must notify its decision to the Consent Holder within 5 Working Days of receipt of the recommendation from the expert that the management plan is certified, declined, or request that the Consent Holder incorporate changes suggested by the Council.

GEN.18 Commencing within 12 months of the notice provided under Condition GEN.21B, the Consent Holder shall undertake an annual review of all management plans. This review shall include, but not necessarily be limited to:

(a) Reviewing compliance with the Project consent conditions, the CEMP and management plans.

(b) Reviewing any significant changes to construction activities or methods and/or unanticipated adverse effects resulting from the Construction Works.

(c) Any changes to roles and responsibilities within the Project team.

(d) Reviewing the results of inspections, monitoring and reporting procedures associated with the management of adverse effects during construction.

(e) Reviewing responses to any comments or recommendations from TRC regarding the CEMP and management plans.

(f) Reviewing responses to any comments or recommendations from the KFG or DOC regarding the CWMP and the ELMP made in the previous 12 months.

(g) Reviewing any unresolved complaints and any response to complaints and remedial action taken to address the complaint.

The outcome of this annual review shall be provided to the Chief Executive, TRC within 15 months of the notice provided under Condition GEN.21B and then at subsequent annual intervals, and a copy shall be provided to the KFG and the Operations Manager of DOC New Plymouth District Office.

Where either the Consent Holder proposes, or the Chief Executive, TRC requests changes to management plans as a result of the Annual Review, any change to a management plan shall be made as soon as practicable and shall be subject to the provisions of Conditions GEN 13, 14 and 17.

Annual review of the management plans shall cease following Completion of Construction Works, except that review of the ELMP shall continue to be carried out in accordance with the reporting and review required under Condition GEN.26.

*Advice note: comments or recommendations regarding the CEMP and management plans may also be received from NPDC under the designation conditions.*

### **Construction Environmental Management Plan**

GEN.19 The Consent Holder shall implement the Construction Environmental Management Plan (CEMP), which provides the overarching framework to ensure that the Project remains within the limits and standards required by these conditions and that Works appropriately avoid, remedy, mitigate, offset or compensate for adverse effects on the environment. The CEMP shall remain in place until the Completion of Construction Works, with the exception of those matters of the ELMP that continue beyond the Completion of Construction Works.

GEN.20 The CEMP shall include details of:

- (a) key staff responsibilities and contact details, including emergency contacts;
- (b) training requirements for employees, sub-contractors and visitors;
- (c) environmental incident and emergency management (including the procedures required under regional consent condition GEN.8);
- (d) communication and interface procedures;
- (e) environmental complaints management (required under condition GEN.7);
- (f) compliance monitoring;
- (g) environmental reporting;
- (h) corrective action;
- (i) environmental auditing;
- (j) construction lighting;
- (k) rehabilitation of construction yards;
- (l) the methods to engage with stakeholders, including:

- (i) how the community will be kept informed of progress with Works, including proposed hours of operation outside normal working hours and Project construction personnel contact details;
- (ii) how the Consent Holder will engage with the community in order to foster good relationships and to provide opportunities for learning about the Project;
- (iii) providing early information on key Project milestones;
- (iv) identifying stakeholders such as landowners, road users, local community, iwi, regulatory authorities, industry, network utility operators, road maintenance contractors, emergency services;
- (v) responding to queries and complaints (in accordance with condition GEN.6);
- (vi) subject to any necessary health and safety requirements identified by the Consent Holder, provision for DOC staff (or their nominees) to gain reasonable access to the site during the construction period;

(m) CEMP review (in accordance with condition GEN.18); and

(n) Construction methodologies and construction timeframes, including Staging.

GEN.21 The Consent Holder shall appoint a representative(s) who shall be the TRC's principal contact person(s) in regard to matters relating to the resource consents for the Project. The Consent Holder shall inform the Council of the representative's name and how they can be contacted, prior to the commencement of construction. Should that person(s) change during the construction of the Project, the Consent Holder shall immediately inform TRC and provide confirmation of the new representative's name and contact details.

GEN.21A Subject to any necessary health and safety requirements identified by the Consent Holder, the Chief Executive, TRC shall have access to all relevant parts of the Project Area at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples.

GEN.21B. The Consent Holder shall provide the Chief Executive, TRC at least 5 days prior notice of the commencement of Project Works.

### **Ecology and Landscape Management Plan**

GEN.22 The Consent Holder shall implement the Ecology and Landscape Management Plan (ELMP), which identifies how the Project will avoid, remedy, mitigate, offset and compensate potential adverse effects on the ecological, landscape and biodiversity values of the land (including the beds of rivers, lakes and streams) within the Project Area and its surrounds, including on:

- (a) vegetation / habitat (including wetlands);
- (b) fish, kōura and kākahi; and
- (c) streams.

GEN.23 The matters to be addressed in the ELMP are set out in Schedule 1 to these Conditions. Only the matters addressed in Sections 1 (Objectives & matters addressed in the ELMP), 2 (Landscape and Vegetation Management Plan) and 6 (Freshwater Management Plan) of Schedule 1 are relevant to these Resource Consents.

GEN.23A (a) The Consent Holder shall provide a complete set of Ecological Constraints Maps covering the entire Project Area, as referred to in the ELMP. The Ecological Constraints Maps shall show the constraints identified in accordance with the ELMP and may be prepared to reflect the Stage or Staging of Works.

(b) The Ecological Constraints Maps for any Stage (or Stages) of Works shall be submitted to the Chief Executive, TRC for certification in accordance with Conditions GEN.13 or GEN.14.

(c) Should an amendment be required to the ELMP as a consequence of preparing the Ecological Constraints Maps, the amendment shall be submitted to the Chief Executive, TRC, in accordance with conditions GEN.13 or GEN.14.

(d) Once finalised in accordance with this condition, the Ecological Constraints Maps for each Stage (or Stages) of Work shall be inserted into Appendix A of the ELMP.

(e) Works associated with any Stage (or Stages) of the Project shall not commence until the Ecological Constraints Maps have been certified by the Chief Executive, TRC and inserted into the ELMP.

GEN.24 The Consent Holder shall undertake ecological mitigation and biodiversity offset and compensation measures in accordance with the ELMP to address the matters in Schedule 1 and to achieve the following:

(a) Vegetation:

(i) The retention, where possible, of the vegetation with the highest ecological value within the Project area as identified in Figures 4.1 and 4.2 of the ELMP.

(ii) Restoration planting as follows:

(1) At least 6ha of kahikatea swamp forest.

(2) At least 9ha of mitigation planting using an appropriate mix of plant seedlings.

(3) Planting of 200 saplings of the same species for each significant tree that is felled.

*Advice note: significant trees are defined in the ELMP and shown on the Landscape Concept Plans in the LEDF*

(4) Following the completion of vegetation clearance, the Consent Holder shall measure the extent of vegetation clearance and shall reassess the extent of restoration planting required under Conditions GEN.24(a)(ii) (2) and (3), using the methodology set out in the ELMP. The Consent Holder shall prepare and provide a report to the Chief Executive, TRC confirming the restoration planting required. If additional restoration planting is required, the extent of

the restoration planting area required shall be identified and the report provided to the Chief Executive, TRC for Certification that the calculation of the additional planting achieves the requirement of Conditions GEN.24(a)(ii) (2) and (3). If the recalculation results in a lesser restoration planting area, the planting area required in Condition GEN.24(a)(ii)(2) and (3) shall be provided.

*Advice Note: certification of the report shall be carried out in accordance with the certification process set out in Condition GEN.14.*

- (5) The completion of all restoration planting within three planting seasons of the Completion of Construction Works, unless natural conditions during Construction Works result in poor seed production, or poor seed condition and adversely limits seedling propagation for indigenous plant species, in which case completion would be delayed to reflect the availability of suitable seedlings. The Consent Holder shall notify the Chief Executive, TRC when the restoration plantings have been completed.
- (6) Should there be a delay in the completion of restoration planting due to the availability of suitable seedlings as described in (5) above, the Consent Holder shall provide the Chief Executive, TRC with an amended timeframe, which shall not exceed three planting seasons, and shall complete the planting as soon as reasonably possible within the agreed timeframe, informing the Chief Executive, TRC when planting is complete.
- (7) For the restoration planting required under Condition GEN.24(a)(ii)(1) and (2), the plantings shall achieve 80% canopy cover 6 years following planting in the areas where trees and shrubs are planted. If 80% canopy cover is not achieved at 6 years following planting, any necessary replacement planting and planting maintenance shall continue beyond year 6 until 80% canopy cover is achieved.
- (8) For the restoration planting required under Condition GEN.24(a)(ii)(1) the planting shall achieve kahikatea forming 16% of the tree canopy at year 10. Additional kahikatea will be planted in the areas where the kahikatea contribution to the canopy is less than 16%. At year 35, kahikatea shall comprise 65% of the canopy in the kahikatea swamp forest planting required by this Condition.
- (9) For each significant tree felled, the restoration planting required under Condition GEN.24(a)(ii)(3) shall achieve 90% survival of the 200 planted trees at 6 years following planting. If 90% plant survival has not been achieved within 6 years following planting, any necessary replacement planting and planting maintenance shall continue beyond year 6 until 90% survival is achieved.

(b) Fish, kōura and kākahi:

- (i) The recovery and relocation of fish, kōura and kākahi in the sections of waterways affected by instream works, prior to instream works occurring.
- (ii) The rescue and relocation of fish, kōura and kākahi from any spoil.
- (iii) The design and installation of permanent culverts that shall maintain fish passage in all affected waterways (with the exception that maintenance of fish passage is not required at culverts 2, 10 and 13). Culvert design shall be informed by the New Zealand Fish Passage Guidelines for Structures Up to 4 Metres (2018), and these permanent culverts shall be monitored and maintained to ensure that the provisions for the passage of fish do not reduce over its lifetime. The ELMP shall address:
  - (1) how the monitoring and maintenance will be done, including any monitoring and or maintenance required following a significant natural hazard event;
  - (2) the steps to be taken to avoid any adverse effects on the passage of fish;
  - (3) the steps to be taken to ensure that the structure's provision for the passage of fish does not reduce over its lifetime; and
  - (4) The reporting of this information to the Chief Executive, TRC, in accordance with Condition GEN.26.

(c) Streams

- (i) The design and construction of diverted streams shall be in accordance with the Stream Ecological Design Principles attached to the LEDF. 798m<sup>2</sup> of remediated stream diversions will be restored, through riparian planting, and livestock exclusion. Riparian margins of an average of 10m each side of the stream will be created and planted.
- (ii) The riparian planting and exclusion from livestock of at least 10,738m<sup>2</sup> of existing streambed area. Riparian margins of an average of 10m each side of the stream will be created and planted. Together with (i) this will create 11,536m<sup>2</sup> of stream restoration.
- (iii) Following the completion of stream works, the Consent Holder shall measure the extent of stream works and shall reassess the extent of riparian planting required under Conditions GEN.24(c)(ii), using the methodology set out in the ELMP. The Consent Holder shall prepare and provide a report to the Chief Executive, TRC confirming the riparian planting required. If additional riparian planting is required the extent of the riparian planting required shall be identified and the report provided to the Chief Executive, TRC for certification that the calculation of the additional planting achieves the requirement of Condition GEN.24(c)(ii). If the recalculation results in a figure less than 10,738m<sup>2</sup> of existing streambed area the Consent Holder shall provide planting to achieve the requirement of Condition GEN.24(c)(ii).

*Advice Note: certification of the report shall be carried out in accordance with the certification process set out in Condition GEN.14.*

- (iv) The completion of all riparian planting within three planting seasons of the Completion of Construction Works, unless natural conditions during Construction Works result in poor seed production, or poor seed condition and adversely limits seedling propagation for indigenous plant species, in which case completion would be delayed to reflect the availability of suitable seedlings. The Consent Holder shall notify the Chief Executive, TRC when the riparian plantings have been completed.
- (v) Should there be a delay in the completion of riparian planting due to the availability of suitable seedlings as described in (iv) above, the Consent Holder shall provide the Chief Executive, TRC with an amended timeframe, which shall not exceed three planting seasons, and shall complete the planting as soon as reasonably possible within the agreed timeframe, informing the Chief Executive, TRC when planting is complete.
- (vi) For the riparian planting required under Condition GEN.24(a)(ii)(7), the plantings shall achieve 80% canopy cover 6 years following planting in the areas where trees and shrubs are planted. If 80% canopy cover is not achieved at 6 years following planting, any necessary replacement planting and planting maintenance shall continue beyond year 6 until 80% canopy cover is achieved.

- GEN.24A (a) Works shall not commence until the Consent Holder provides the Chief Executive, TRC with written confirmation that it has in place the legal agreements and/or other authorisations necessary to allow the Consent Holder to enter onto land to carry out, continue and maintain all the measures set out in the ELMP, including the restoration planting and riparian planting. This shall also include appropriate access to such sites, for the purposes of undertaking those measures. The legal agreements and/or other authorisations shall (other than in the case of land vested in the Crown):
- (i) provide for the rights to carry out, continue and maintain the measures in perpetuity through appropriate covenants and/or encumbrances (or similar legal mechanisms) registered against the title; or
  - (ii) in the case of land either owned by Ngāti Tama and/or returned to Ngāti Tama under the Ngāti Tama Claims Settlement legislation, provide for a term of not less than 35 years, and require that any subsequent purchasers of the site(s) be bound by the agreements/other authorisations.
- (b) The Consent Holder shall ensure that the restoration and riparian planting is protected on an ongoing basis.

GEN.25 Monitoring of the ecological mitigation and biodiversity offset and compensation measures required in Conditions GEN.24(a) to (c) shall be undertaken by the Consent Holder in accordance with the details set out in Sections 2 (Landscape and Vegetation Management Plan) and 6 (Freshwater Management Plan) of Schedule 1.

GEN.26 (a) The Consent Holder shall prepare an annual monitoring report describing the findings of all monitoring undertaken in the previous 12 months pursuant to Condition

GEN. 25. The annual monitoring report shall be prepared by a suitably qualified ecologist. This report shall include an assessment of the effectiveness of the ELMP in achieving compliance with measures in Condition GEN.24 and Schedule 1, and if necessary, the actions to be undertaken to achieve compliance with Condition GEN.24 and Schedule 1, including identifying any necessary updates required to the ELMP. The Consent Holder shall provide a copy of the annual report to the KFG and DOC. The report shall be submitted to the Chief Executive, TRC.

(b) The report shall identify any actions required to achieve compliance with Condition GEN.24(a)(ii) (7) to (9) and GEN.24(c)(vi), including identifying any updates required to the ELMP. The reporting shall be submitted to the Chief Executive, TRC within 3 months of the completion of the monitoring. A copy of the report shall be provided to TRoNT and DOC.

(c) If the reporting required by Condition GEN.26(a) identifies that actions are required to achieve compliance with Condition GEN.24(a)(ii)(7) to (9) and GEN.24(c)(vi) the Consent Holder shall update the ELMP in accordance with the recommendations of the monitoring report within 2 months of the completion of the monitoring report. Any amendment to the ELMP shall be certified in accordance with Conditions GEN.13 and GEN.14. The Consent Holder shall implement any amendments to the ELMP made in accordance with this Condition.

(d) Annual reporting under Condition GEN. 26(a) shall cease following the completion of all monitoring required under Condition GEN.24(a)(ii)(7) to (9) and GEN.24(c)(vi).

### **General Monitoring**

GEN.27 On receipt of an itemised invoice, the Consent Holder shall pay to the Taranaki Regional Council all the administration, monitoring and supervision costs of these consents, fixed in accordance with section 36 of the Resource Management Act, 1991.

### **Completion of Construction Works**

GEN.28 (a) As soon as practicable following Completion of Construction Works, the Consent Holder shall notify the Chief Executive, TRC that Construction Works are complete. The notification shall include a list of the Construction Works completed, and be accompanied by maps to show the location of the completed works. This shall include the identification of:

- (i) areas of landscaping and reinstatement; and
- (ii) all areas of restoration and riparian plantings required under Condition GEN. 24(a)(ii) and (c)(ii) and notice of whether the plantings have been completed.

(b) If Completion of Construction Works is to occur more than six months following the operation of the new State highway commencing, the Consent Holder shall notify the Chief Executive, TRC of the expected date for Completion and Construction Works.

(c) Upon receipt of the notice under GEN.28(a) the Chief Executive, TRC shall confirm in writing to the Consent Holder that the requirements of this condition are met. This date shall be no more than 18 months following the operation of the new State highway commencing.



## CONSENT FOR DISCHARGE OF DUST TO AIR

### 10656-1.0 - To discharge contaminants (dust) to air from earthworks associated with the establishment of the Mt Messenger Bypass

- AIR.1 The Consent Holder shall implement the Construction Dust Management Plan (CDMP), which identifies and details methods to be used to manage, mitigate and monitor dust emissions during the Works. The CDMP shall remain in place until the Completion of Construction Works.
- AIR.2 The CDMP shall include, but need not be limited to:
- (a) identification of potential sources of dust taking into account construction activities and the construction programme;
  - (b) identification of sensitive receptors likely to be adversely affected by emissions of dust;
  - (c) methods for managing and mitigating adverse dust effects that may arise from construction activities, particularly in proximity to sensitive receptors. Where appropriate, these methods may include:
    - (i) the use of water carts or sprinklers to apply water to areas generating dust;
    - (ii) reducing vehicle speeds on unsealed surfaces; and
    - (iii) the use of commercial dust suppressants;
  - (d) an outline of the methods for managing the effects of dust on the dwelling at 2397 Mokau Road; and
  - (e) the methods of monitoring for potential dust generation, including assessment of weather conditions, soil conditions and visual dust assessments.
- AIR.3 The exercise of this consent shall not cause any noxious, dangerous, offensive or objectionable dust beyond the site boundary.

## DISCHARGE STORMWATER AND SEDIMENT

**10655-1.0 - To discharge stormwater and sediment onto and into land and into the Mangapepeke Stream and Mimi River and their tributaries from earthworks associated with the construction of the Mt Messenger Bypass**

### Sediment and Stormwater General

SED.1 This consent authorises the discharge of stormwater from land where earthworks is being undertaken for the purpose of constructing the Mt Messenger Bypass ('The Project').

### Construction Water Management Plan

SED.2 The Consent Holder shall implement the Construction Water Management Plan (CWMP), which identifies how all Works shall be undertaken and addresses:

- (a) The procedures for determining staging and sequencing of earthworks.
- (b) Identification of a suite of appropriate structural and non-structural erosion and sediment control measures to be installed prior to and during all Works.
- (c) The design specifications for all erosion and sediment controls to be implemented.
- (d) A procedure to establish and define minor on the ground changes to erosion and sediment control, in accordance with the intent of the CWMP.
- (e) The procedures for decommissioning the erosion and sediment control measures.
- (f) Methods for amending and updating the CWMP as required.
- (g) Methods for revegetation and / or stabilisation.
- (h) And all matters set out in Conditions SED.3 to SED.11.

The CWMP shall remain in place until the Completion of Construction Works.

*Advice note: The CEMP provides additional management details on personnel, training, emergency response, complaints management, construction activities, reporting and review procedure*

SED.3 The CWMP shall include, but need not be limited to:

- (a) construction activities to be undertaken;
- (b) area and volume of the earthworks and / or streamworks proposed;
- (c) location of the earthworks and / or streamworks with particular consideration of the downstream receiving environment;
- (d) methods for managing construction water effects;
  - (i) duration of the earthworks and / or streamworks;

- (ii) time of the year that the streamworks are to be undertaken, and where applicable, the measures to be implemented to respond to any heightened risks at that time;
- (iii) stabilisation and timing to reduce the open area of high risk locations to assist with a reduction in sediment generation;
- (iv) framework for the chemical treatment (flocculation) of sediment retention ponds and decanting earth bunds receiving catchments larger than 500m<sup>2</sup>; and

(e) construction water related monitoring programme in accordance with condition SED.11, including the procedures for adapting the controls to appropriately respond to the monitoring findings.

### **Specific Construction Water Management Plans**

SED.4 Specific Construction Water Management Plans (SCWMP) shall be prepared for all earthworks in accordance with the CWMP and shall otherwise be consistent with the CWMP.

The SCWMPs shall be provided to the Chief Executive, TRC for certification in accordance with Condition GEN.10A.

*Advice Note: These SCWMPs will be developed within the context of the principles and practices of the CWMP and the Construction Water Assessment Report and will allow for innovation, flexibility and practicality of approach to effects of construction on water (including, erosion and sediment control). The SCWMPs will also enable ongoing adaption to changing conditions throughout the Project lifetime.*

SED.4(A) For all earthworks to be carried out within the period from 1 May to 30 September inclusive, the relevant SCWMP shall include a specific risk assessment for the works, which shall address:

- (a) scope and nature of the proposed works and associated risk;
- (b) structural controls required to minimise risk;
- (c) non-structural controls required to minimise risk; and
- (d) maintenance considerations.

*Advice Note: Any revision to an existing SCWMP will be provided to the Chief Executive, TRC in accordance with either Condition GEN.13 or GEN.14.*

SED.5 Where applicable to a site or activity, SCWMPs shall include, the:

- (a) Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site, including site plans showing the location of all devices;
- (b) The design criteria and dimensions of all key erosion and sediment control structures;

(c) A summary of construction methodologies for the following aspects, where relevant to the given stage or activity covered by the SCWMP:

- (i) Staging of earthworks;
- (ii) Cut and fill operations;
- (iii) Disposal of surplus or unsuitable cut; and
- (iv) Dewatering.

(d) A site plan/s of a suitable scale to identify:

- (i) The locations of waterways;
- (ii) The extent of soil disturbance and vegetation removal;
- (iii) Any “no go” and/or buffer areas to be maintained undisturbed adjacent to watercourses, including specific identification of sensitive ecological areas where threatened species and /or habitats are to be protected;
- (iv) Areas of cut and fill;
- (v) Locations of topsoil (and fill) stockpiles;
- (vi) All key erosion and sediment control structures;
- (vii) The boundaries and area of catchments contributing to all erosion and sediment control devices;
- (viii) The locations of all specific points of discharge to the environment; and
- (ix) Any other relevant site information.

(e) Timing of erosion and sediment control works and the bulk earthworks proposed;

(f) Timetable and nature of progressive site rehabilitation, stabilisation and re-vegetation proposed as relevant to the works; and

(g) Details of the chemical treatment (flocculation) of sediment retention ponds and decanting earth bunds in accordance with condition SED.6.

Each stage or activity of earthworks shall be implemented in accordance with the corresponding certified SCWMP.

SED.6 In each SCWMP that specifies chemical treatment (flocculation) of sediment retention ponds and decanting earth bunds, the Consent Holder shall include:

- (a) specific design details of the chemical treatment system;
- (b) monitoring maintenance (including post-storm) and contingency programme;
- (c) details of optimum dosage (including catchment specific soil analysis and assumptions, and consideration of any environmental effects);
- (d) where it is considered necessary, procedures for carrying out an initial treatment trial; and

(e) details of the person or bodies that will hold responsibility for the maintenance of the chemical treatment system and the organisational structure which will support the system (which shall be described in the CEMP).

### **Erosion and Sediment Control Device requirements**

SED.7 The Consent Holder shall design, construct and maintain all erosion and sediment control measures in general accordance with the Transport Agency's Erosion and Sediment Control Guidelines for State Highway Infrastructure – Construction Stormwater Management 2014, including:

- a) Directing, including pumping, of all sediment laden runoff and groundwater during Construction Works shall be to Sediment Retention Ponds (SRPs), Decanting Earth Bunds (DEBs), or temporary sediment retention devices such as container impoundment systems.
- b) All DEBs and SRPs that serve a catchment area greater than 500m<sup>2</sup> shall be treated using a liquid flocculant and a rainfall activated dosing system. Flocculation shall be undertaken and managed in accordance with the certified SCWMP.
- c) All SRPs and DEBs shall be fitted with floating decants that are designed to discharge at a rate of 3 litres per second per ha of contributing catchment.
- d) All SRPs shall contain measures to cease discharge (e.g. decant pulley systems) and a forebay with a minimum volume of 10% of the pond volume.
- e) All erosion and sediment control devices shall be located outside of the 20 year Annual Return Interval (ARI) flood level, unless no other viable location exists. In the event where it is not possible to locate a device outside the 20 year ARI, the SCWMP prepared for that area of work shall set out how flooding risks will be managed.
- f) All DEBs shall have a volume no less than 3 m<sup>3</sup> for every 100m<sup>2</sup> of contributing catchment, unless the physical characteristics of the location of the DEB constrain the sizing of the device. In the event that the characteristics of the location of the DEB constrain the sizing of the device the SCWMP prepared for that area of work shall set out the sizing of the DEB.
- g) All SRPs shall have a volume no less than 3m<sup>3</sup> for every 100m<sup>2</sup> of contributing catchment and shall contain decant pulley systems and a forebay with a minimum volume of 10% of the pond volume, unless the characteristics of the location of the SRP constrain the sizing of the device. In the event that the characteristics of the location of the SRP constrain the sizing of the device the SCWMP prepared for that area of work shall set out the sizing of the SRP.
- h) All dirty water diversion channels shall be constructed with sediment sumps with a minimum volume of 2m<sup>3</sup> per sump. The details of the sediment sumps shall be set out in the SCWMP prepared for that area of work and shall be spaced at intervals generally no more than 50m.

*Advice note: Any modifications to the above shall be subject to certification in accordance with Condition GEN.13 or GEN.14.*

## **Stabilisation**

- SED.8 The Consent Holder shall stabilise areas of earthworks not actively worked for more than a 14 day period, as detailed in the CWMP, unless specified in a final SCWMP for that earthworks area.
- SED.8A Re-vegetation and / or stabilisation of all disturbed areas is to be completed in general accordance with the measures set out in the 'Erosion and Sediment Control Guidelines for State Highway Infrastructure – Construction Stormwater Management', NZ Transport Agency 2014.

## **As built audit**

- SED.9 (a) An 'as-built' audit of the erosion and sediment devices shall be undertaken by an appropriately qualified and experienced erosion and sediment control practitioner. The audit shall be provided to the Chief Executive, TRC as confirmation that the erosion and sediment control measures for that location / activity to which the SCWMP applies have been constructed in accordance with the SCWMP.
- (b) Bulk earthworks within each location to which a SCWMP applies shall not commence until the 'as-built' audit confirming compliance with the SCWMP has been provided to the Chief Executive, TRC.
- SED.10 No erosion and sediment control measures shall be removed or decommissioned from the earthworks location to which those measures apply, before that location is stabilised, unless the Chief Executive, TRC has been informed not less than 2 Working Days prior to such removal and decommissioning, and it is in accordance with:
- (a) the CWMP;
- (b) a SCWMP; and / or
- (c) works approved by a suitably qualified and experienced erosion and sediment practitioner.

## **Construction Water Discharges Monitoring Programme**

- SED.11 The Consent Holder shall undertake monitoring of construction water discharges in accordance with the Construction Water Discharges Monitoring Programme (set out as an Appendix C to the CWMP), until the relevant Project areas are stabilised and erosion and sediment control devices decommissioned. The Construction Water Discharges Monitoring Programme shall include:
- (a) Baseline monitoring – monitoring of at least 12 months of baseline water quality monitoring to be undertaken prior to the commencement of Works. This shall include at least 3 months of continuous turbidity monitoring at the locations described in (c) (i) below.
- (b) Monitoring undertaken during the construction period including both qualitative and quantitative monitoring. This monitoring shall include (i) to (iv) following rainfall trigger of 25 mm in a 24 hour period and 15mm in a 1 hour period:
- (i) Visual inspections of all receiving waterways, SRPs and DEB's;

- (ii) Manual inlet and outlet sampling from SRPs;
- (iii) Stream grab sampling at WQ1 to WQ5; and
- (iv) Sediment deposition sampling at Mimi wetland.

(c) Continuous monitoring - real-time continuous turbidity (NTU) monitoring shall be undertaken in both the Mimi River and the Mangapepeke Stream at locations to be confirmed with TRC, generally as follows:

- (i) at a point downstream of the works following reasonable mixing (CM1 and CM2); and
- (ii) at a point upstream of the works (EM4 and EM1).

Data shall be made available to the Chief Executive, TRC on request.

(d) If upstream monitoring in SED.11(c)(ii) above doesn't reflect the extent or stage of works, or is demonstrated to be unsuitable, the consent holder may seek written approval from the TRC to use an alternative upstream location, or to use baseline or control data as the comparison. Only once this approval has been obtained shall the monitoring programme be altered.

(e) The establishment of a publicly accessible Project website on which monitoring data gathered under this Condition shall be reported with a comparison of upstream versus downstream data made available.

All monitoring data gathered in accordance with Condition (b) shall be reported on the Project website within one week of the results becoming available to the Consent Holder.

All monitoring data gathered in accordance with Condition (c) shall be audited by the Consent Holder for its accuracy and shall be reported on the Project website on a weekly basis.

(f) Establishing the monitoring response triggers and the associated actions which shall be undertaken in the event that triggers are exceeded. This shall include a process for establishing trigger level(s) and actions for:

*'Event based monitoring triggers'* including:

- (i) increase(s) in turbidity between inlet and outlet of SRPs;
- (ii) increase(s) in TSS, turbidity and/or pH as measured by stream sampling;
- (iii) sediment deposition at the Mimi wetland;

and

*'Continuous monitoring triggers'* including:

(iv) continuous monitoring locations, and provision of a method to immediately alert the Consent Holder of an exceedance of a trigger at continuous monitoring locations and detail how this alert system will be effective 24 hours per day, 7 days per week. The trigger level(s) and actions for the continuous monitoring locations determined pursuant to this Condition shall include a trigger on downstream NTU against the

upstream NTU data for the sites in each of the Mangapepeke and Mimi Catchments, a process to verify exceedances as real. This shall be submitted to the Chief Executive, TRC for certification in accordance with Condition GEN.14.

(g) Any exceedance of the continuous downstream NTU Trigger levels shall be reported to the Chief Executive within two hours of the exceedance. The consent holder shall verify the exceedance, and notify the Chief Executive, TRC of the result of that verification exercise, within 24 hours of the exceedance. Any other exceedance of a trigger level shall be reported to the Chief Executive, TRC within two Working Days, including reporting on the actions undertaken, which could include amending the SCWMP(s).

*Advice note: the condition provides for the possibility that NTU Trigger level exceedances may not be 'real'. The condition provides for immediate reporting of the NTU trigger exceedance, and for the consent holder to then verify and confirm whether the exceedance is 'real', or caused by non-Project related issues, such as equipment issues.*

(h) Details on chemical treatment monitoring requirements;

(i) Procedures for responses to the spillage or accidental discharge of sediment or contaminants to an aquatic environment;

(j) Procedures for investigation, further monitoring and remedial actions following exceedance of event-based or continuous monitoring response triggers, including:

(i) in the event sediment deposition in the Mimi wetland is greater than 6mm as measured on sediment deposition plates at any place along the line shown as Figure 8.1 in the [May 2019 version of the ELMP], undertaking further ecological monitoring in the Mimi wetland involving a suitably qualified ecologist assessing the extent of any effect on that wetland including: visual inspection of sediment deposition, vegetation condition survey and fish survey; and

(k) Reporting requirements in accordance with this condition.

The Consent Holder shall prepare an annual monitoring report summarising the outcomes of all monitoring undertaken over the previous earthworks season in accordance with this Condition, Appendix C to the October 2018 version of the CWMP (and any revision to this Appendix certified in accordance with Condition GEN. 10A), and the provisions of Section 8.4 of the May 2019 version of the ELMP (and any revision to the ELMP certified in accordance with Condition GEN. 10A). The annual report shall address:

- (i) For baseline monitoring undertaken prior to the commencement of Works, the results of all baseline water quality, sediment deposition, fish and macroinvertebrate monitoring undertaken in accordance with this Condition, Appendix C to the CWMP and Section 8.4.2 of the ELMP.
- (ii) For construction monitoring undertaken during Works, the results of all water quality, sediment deposition, fish and macroinvertebrate monitoring undertaken in accordance with this Condition, Appendix C to the CWMP and the ELMP.



- (iii) The results of any event based monitoring undertaken in accordance with this Condition, Appendix C to the CWMP and the ELMP.
- (iv) Any exceedances of the trigger levels established under Condition SED.11(f), including reporting on the actions undertaken in relation to the exceedance.
- (v) An assessment of effects of the Works on watercourses. This assessment shall draw on all available monitoring data and consider the effects on watercourses as a whole, including the spatial extent of effects, their persistence, frequency and the extent to which effects cascade through the ecosystem, including effects on substrate, macrophytes, invertebrates and fish. The assessment shall assign a level of effect based on the effects descriptors in 'negligible', 'very low', 'low', 'moderate', 'high' or 'very high'. If the assessment identifies effects resulting from the Works that are 'moderate' or higher, then the report shall set out recommendations for additional monitoring, mitigation or further offset measures (if required).
- (vi) Any actions required to achieve compliance with the Conditions set out in this Consent, including identifying any amendments required to the CWMP, the SCWMP, or to the ELMP.

The Consent Holder shall appoint an independent freshwater ecology expert to complete a peer review of the report. The independent freshwater ecology expert shall be a person who has been agreed with The Chief Executive, TRC. Prior to appointment of the ecology expert the Consent Holder shall consult with DOC and the KFG and any feedback on the proposed expert shall be provided to The Chief Executive, TRC. Prior to finalising the annual monitoring report, the Consent Holder shall instruct the independent freshwater ecology expert to complete a peer review of the report.

The annual monitoring report and any feedback on the report from the independent freshwater ecology expert shall be provided to The Chief Executive, TRC, at the end of each earthworks season and no later than the end of June in each year.

Any amendments to the management plans required through this Condition shall be submitted for certification in accordance with Conditions GEN.13 and GEN.14.

- (k) If event based monitoring is undertaken in accordance with this Condition or the May 2019 version of the ELMP (and any revision to the ELMP certified in accordance with Condition GEN. 10A), and the assessment completed in accordance with the process set out in Appendix F to the ELMP determines that the ecological effects of the event are moderate or higher, the Consent Holder shall provide a preliminary report on the event monitoring to The Chief Executive, TRC within 15 Working Days of the completion of the monitoring. This preliminary report shall address:
  - (i) The causes of the discharge, the response to remedy the cause and measures proposed to avoid a recurrence of this cause;
  - (ii) An assessment undertaken by a suitably qualified and experienced aquatic ecologist which details any ecological effects of the exceedance. The assessment shall assign a level of effect based on the effects descriptors in 'negligible', 'very low', 'low', 'moderate', 'high' or 'very high';

- (iii) Recommendations for additional monitoring or for mitigation and/or further offset (if required); and
- (iv) Any actions required to achieve compliance with the Conditions set out in this Consent, including identifying any amendments required to the CWMP, the SCWMP, or to the ELMP.

The Consent Holder shall provide the preliminary report to the independent freshwater ecology expert appointed in accordance with Condition (j) above, to complete a peer review of the report.

The Consent Holder shall provide the final report to the Chief Executive, TRC within two months of the completion of the event monitoring. The final report shall address any feedback received from the Chief Executive, TRC, and the independent freshwater ecology expert. A copy of the final report shall be provided to DOC and the KFG.

Any amendments to the management plans required through this Condition shall be submitted for certification in accordance with Conditions GEN.13 and GEN.14.

## **SURFACE WATER TAKE CONSENTS**

**10601-1.0 - To take water from the Mimi River for dust suppression and other construction activities associated with the construction of the Mt Messenger Bypass.**

**10602-1.0 - To take water from the Mangapepeke Stream for dust suppression and other construction activities associated with the construction of the Mt Messenger Bypass.**

### **Mimi River**

SWT.1 The Consent Holder shall ensure that the maximum volume of water abstracted from the Mimi River does not exceed 150 cubic metres per day at a rate of less than 5L/s.

### **Mangapepeke Stream**

SWT.2 The Consent Holder shall ensure that the maximum volume of water abstracted from the Mangapepeke Stream does not exceed 300 cubic metres per day at a rate of less than 5L/s.

### **Intake Structure**

SWT.3 The Consent Holder shall:

(a) install, operate and maintain water intake structures, screens and any associated equipment to minimise the catching or capture of fish; and

(b) The fish screen shall be positioned so as not restrict fish passage and to avoid the entrapment of fish at the point of abstraction, and to minimise the risk of fish being damaged by contact with the screen face; and

(c) ensure that the intake structure, screen and associated equipment does not exceed:

(i) maximum water velocity into the entry point of the intake structure of 0.12 metres per second; and

(ii) intake screen mesh maximum aperture size of 3mm side-of-square or 2mm bar width.

## **GROUNDWATER TAKE CONSENTS**

**10603-1.0 - To take groundwater encountered during tunnel activities and ongoing operation of the tunnel associated with the Mt Messenger Bypass route; and**

**10604-1.0 - To take groundwater encountered during cut excavations associated with the Mt Messenger Bypass route**

GWT.1      The only water taken shall be groundwater encountered at cut faces and in the tunnel, as necessary for construction and operation of the Project.

## **DAMMING CONSENTS**

**10659-1.0 - To dam water in the Mimi River with a weir.**

**10660-1.0 - To dam water in the Mangapepeke Stream with a weir.**

- DAM.1 The weirs shall be located at or about the following locations:
- (a) Mimi River, at location near to the Project's southern tie-in point to SH3.
  - (b) Mangapepeke Stream, at location near to the Project's northern tie-in point to SH3.
- DAM.2 The height of the weir shall not exceed 1 metre above the existing bed.
- DAM.3 The Consent Holder shall notify the Chief Executive, TRC, in writing at least 5 Working Days prior to commencing construction of the weir. Notification shall include the consent number and a brief description of the activity consented and be emailed to [work.notification@trc.govt.nz](mailto:work.notification@trc.govt.nz). Final location co-ordinates shall be provided to the TRC at this time.
- DAM.4 Installation and removal of the weirs shall be undertaken in accordance with the relevant SCWMP.
- DAM.5 The weir shall be temporary and shall be removed when no longer required, and no later than 6 months after the Completion of Construction Works.
- DAM.6 Upon removal of the weir, the Consent Holder shall remove all introduced material from the bed of the stream, and reinstate the bed, as far as practicable, to its original condition.
- DAM.7 The exercise of this consent shall not restrict fish passage, and the weir shall be monitored and maintained to ensure that the provisions for the passage of fish do not reduce over its lifetime. The ELMP shall address:
- (a) how the monitoring and maintenance will be done, including any monitoring and or maintenance required following a significant natural hazard event;
  - (b) the steps to be taken to avoid any adverse effects on the passage of fish;
  - (c) the steps to be taken to ensure that the structure's provision for the passage of fish does not reduce over its lifetime; and
  - (d) the reporting of this information to the Chief Executive, TRC, in accordance with Condition GEN.26.
- DAM.8 Within twenty (20) Working Days of the installation of all weirs, the information required by Regulations 62(3) and 64(3) of the NESF must be collected by the Consent Holder and provided to the Chief Executive, TRC.

## **STREAM DIVERSIONS**

**10606-1.0 - To realign (#2) approximately 90m of an unnamed tributary of the Mangapepeke Stream through a newly constructed channel, including associated streambed disturbance and reclamation.**

**10607-1.0 - To realign (#3) approximately 900m of an unnamed tributary of the Mangapepeke Stream through a newly constructed channel, including associated streambed disturbance and reclamation.**

**10608-1.0 - To realign (#4) approximately 200m of an unnamed tributary of the Mangapepeke Stream through a newly constructed channel, including associated streambed disturbance and reclamation.**

**10609-1.0 - To realign (#5) approximately 220m of the Mangapepeke Stream through a newly constructed channel, including associated streambed disturbance and reclamation.**

**10610-1.0 - To realign (#6) approximately 100m of the Mangapepeke Stream through a newly constructed channel, including associated streambed disturbance and reclamation.**

**10611-1.0 - To realign (#7) approximately 350m of the Mangapepeke Stream through a newly constructed channel, including associated streambed disturbance and reclamation.**

**10612-1.0 - To realign (#8) approximately 300m of an unnamed tributary of the Mimi River through a newly constructed channel, including associated streambed disturbance and reclamation.**

**10613-1.0 - To realign (#9) approximately 230m of an unnamed tributary of the Mimi River through a newly constructed channel, including associated streambed disturbance and reclamation.**

**10614-1.0 - To realign (#10) approximately 75m of an unnamed tributary of the Mimi River through a newly constructed channel, including associated streambed disturbance and reclamation.**

- DIV.1 The permanent diversion of the full stream flow through a reconstructed channel, and reclamation of stream bed shall be generally in accordance with Condition GEN.1.
- DIV. 2 The diversions shall be designed and constructed to replicate the flow capacity and aquatic habitat values of the upstream and downstream channel sections, in accordance with the provisions set out in the LEDF.
- DIV.2A The diversion authorised by this consent shall be designed, constructed and maintained in such a manner so as to avoid causing any new or exacerbating any existing more than minor adverse flooding effects on adjacent and upstream land.
- DIV.3 The diversions shall provide for fish passage, in accordance with the provisions set out in the ELMP.
- DIV.4 The Consent Holder shall recover and relocate fish from the stream prior to the diversion occurring, and relocate any fish uncovered or stranded during the works in accordance with the Fish Recovery and Rescue Protocols in the ELMP.

- DIV.5 The Consent Holder shall provide final design plans, location details and calculations for each diversion of permanently flowing watercourses to the Chief Executive, TRC, at least 20 Working Days prior to any works related to that diversion authorised by this consent commencing. The purpose of this condition is to demonstrate compliance with the conditions of this consent.
- DIV.6 The Consent Holder shall undertake works in general accordance with the CWMP and relevant SCWMP(s) to minimise sedimentation and increased turbidity of the stream during the construction, implementation and maintenance of the works. The CWMP and SCWMP(s) address how:
- (a) All works shall be completed in the minimum time practicable;
  - (b) The placement of excavated material in the flowing channel shall be avoided;
  - (c) All machinery shall be kept out of the actively flowing channel, as far as practicable; and
  - (d) All disturbed areas shall be reinstated.
- DIV.7 To avoid introduction of unwanted pests, all machinery shall be thoroughly cleaned of soil and plant debris prior to use on the stream diversion works.
- DIV.8 Where there is an existing upstream flow, the Consent Holder shall maintain a continuous flow of water in the stream channel downstream of the work area by ensuring that there are temporary clean water diversions around the active work sites.

## TEMPORARY CULVERTS

**10616-1.0 - To install and use a temporary culvert (#1) in the Mangapepeke Stream.**

**10617-1.0 - To install and use a temporary culvert (#2) in an unnamed tributary of the Mangapepeke Stream.**

**10618-1.0 - To install and use a temporary culvert (#3) in the Mangapepeke Stream.**

**10619-1.0 - To install and use a temporary culvert (#4) in the Mangapepeke Stream.**

**10620-1.0 - To install and use a temporary culvert (#5) in an unnamed tributary of the Mangapepeke Stream.**

**10621-1.0 - To install and use a temporary culvert (#6) in an unnamed tributary of the Mangapepeke Stream.**

**10622-1.0 - To install and use a temporary culvert (#7) in the Mangapepeke Stream.**

**10623-1.0 - To install and use a temporary culvert (#8) in an unnamed tributary of the Mangapepeke Stream.**

**10624-1.0 - To install and use a temporary culvert (#9) in an unnamed tributary of the Mangapepeke Stream.**

**10625-1.0 - To install and use a temporary culvert (#10) in the Mangapepeke Stream.**

**10626-1.0 - To install and use a temporary culvert (#11) in the Mangapepeke Stream.**

**10627-1.0 - To install and use a temporary culvert (#12) in an unnamed tributary of the Mangapepeke Stream.**

**10628-1.0 - To install and use a temporary culvert (#13) in an unnamed tributary of the Mangapepeke Stream.**

**10629-1.0 - To install and use a temporary culvert (#14) in the Mangapepeke Stream.**

**10630-1.0 - To install and use a temporary culvert (#15) in an unnamed tributary of the Mangapepeke Stream.**

**10631-1.0 - To install and use a temporary culvert (#16) in an unnamed tributary of the Mangapepeke Stream.**

**10632-1.0 - To install and use a temporary culvert (#17) in an unnamed tributary of the Mimi River.**

TCV.1 All culverts shall be constructed generally in accordance with Condition GEN.1 and the certified SCWMP(s).

TCV.2 The Consent Holder shall be responsible for the design and structural integrity of all culverts and shall undertake maintenance of the culverts and any erosion control works that become necessary to preserve the integrity and stability of the waterway channel and/or to control erosion as a result of the exercise of this resource consent. All works shall be in accordance with the relevant SCWMP.



- TCV.3 The Consent Holder shall notify the Chief Executive, TRC, in writing at least 5 Working Days prior to the exercise of this consent. Notification shall include details of the location and design of the temporary culverts, state the consent number and a brief description of the activity consented and be emailed to [worknotification@trc.govt.nz](mailto:worknotification@trc.govt.nz). Final location co-ordinates shall be provided to the TRC at this time.
- TCV.4 Any work carried out in the river bed shall be in accordance with the CWMP and relevant SCWMP.
- TCV.5 The consent holder shall ensure that any wet concrete placed in the channel is not exposed to flowing water until it has cured.
- TCV.6 Between 1 May and 31 October no work shall be undertaken on any part of the stream bed that is covered by water, unless the work has been approved by the Chief Executive, TRC and all works is in accordance with the CWMP and relevant SCWMP.
- TCV.7 The Consent Holder shall undertake works in accordance with the CWMP and relevant SCWMP to minimise stream bed disturbance, sedimentation and increased turbidity during installation of the culvert The CWMP and SCWMP address how:
- (a) All works shall be completed in the minimum time practicable;
  - (b) The placement of excavated material in the flowing channel shall be avoided;
  - (c) All machinery shall be kept out of the actively flowing channel, as far as practicable; and
  - (d) All disturbed areas shall be reinstated.
- TCV.8 To avoid introduction of unwanted pests, all machinery shall be thoroughly cleaned of soil and plant debris prior to use on the stream diversion works.
- TCV.9 The temporary culverts shall allow for fish passage in accordance with the ELMP, and the culverts shall be monitored and maintained to ensure that the provisions for the passage of fish do not reduce over its lifetime. The ELMP shall address:
- (a) how the monitoring and maintenance will be done, including any monitoring and or maintenance required following a significant natural hazard event;
  - (b) the steps to be taken to avoid any adverse effects on the passage of fish;
  - (c) the steps to be taken to ensure that the structure's provision for the passage of fish does not reduce over its lifetime; and
  - (d) the reporting of this information to the Chief Executive, TRC, in accordance with Condition GEN.26.
- TCV.9A Within twenty (20) Working Days of the installation of all temporary culverts, the information required by Regulations 62(3) and 63(3) of the NESF must be collected by the Consent Holder and provided to the Chief Executive, TRC.
- TCV.10 The culvert structures authorised by this consent shall be designed, constructed and maintained in such a manner so as to avoid causing any new or exacerbating any existing more than minor adverse flooding effects on adjacent and upstream land.

- TCV.11 The Consent Holder shall repair any more than minor erosion, scour or instability of the stream bed or banks that the culvert causes and shall maintain the culvert so that it allows the free flow of water.
- TCV.12 All temporary culverts authorised by this consent shall be removed or decommissioned as soon as practical once they are no longer required, and no later than 6 months after the Completion of Construction Works.

## PERMANENT CULVERTS

- 10633-1.0 - To install and use a culvert (#1) in an unnamed tributary of the Mangapepeke Stream.
- 10634-1.0 - To install and use a culvert (#2) in an unnamed tributary of the Mangapepeke Stream.
- 10635-1.0 - To install and use a culvert (#3) in an unnamed tributary of the Mangapepeke Stream.
- 10636-1.0 - To install and use a culvert (#4) in an unnamed tributary of the Mangapepeke Stream.
- 10637-1.0 - To install and use a culvert (#5) in an unnamed tributary of the Mangapepeke Stream.
- 10638-1.0 - To install and use a culvert (#6) in an unnamed tributary of the Mangapepeke Stream.
- 10639-1.0 - To install and use a culvert (#7) in an unnamed tributary of the Mangapepeke Stream.
- 10640-1.0 - To install and use a culvert (#8) in an unnamed tributary of the Mangapepeke Stream.
- 10641-1.0 - To install and use a culvert (#9) in an unnamed tributary of the Mangapepeke Stream.
- 10642-1.0 - To install and use a culvert (#10) in an unnamed tributary of the Mangapepeke Stream.
- 10643-1.0 - To install and use a culvert (#11) in an unnamed tributary of the Mangapepeke Stream.
- 10645-1.0 - To install and use a culvert (#13) in an unnamed tributary of the Mangapepeke Stream.
- 10646-1.0 - To install and use a culvert (#14) in an unnamed tributary of the Mangapepeke Stream.
- 10647-1.0 - To install and use a culvert (#15) in the Mimi River.
- 10648-1.0 - To install and use a culvert (#16) in an unnamed tributary of the Mimi River.
- 10649-1.0 - To install and use a culvert (#17) in an unnamed tributary of the Mimi River.
- 10650-1.0 - To install and use a culvert (#18) in an unnamed tributary of the Mimi River.
- 10652-1.0 - To install and use a culvert (#20) in an unnamed tributary of the Mimi River.
- 10653-1.0 - To install and use a culvert (#21) in an unnamed tributary of the Mimi River.

- PCV.1 The culverts shall be constructed generally in accordance with Condition GEN.1.
- PCV.2 The Consent Holder shall provide design plans and calculations for each culvert to the Chief Executive, TRC, at least 20 Working Days prior to any works authorised by this consent commencing. The purpose of this condition is to demonstrate compliance with the conditions of this consent.
- PCV.3 The culvert structures authorised by this Consent shall be designed, constructed and maintained in such a manner so as to avoid causing any more than minor new or exacerbating to a more than minor degree any existing adverse flooding effects on adjacent and upstream land.
- PCV.4 The Consent Holder shall notify the Chief Executive TRC, in writing at least 5 Working Days prior to the exercise of this consent. Notification shall include the consent number and a brief description of the activity consented and be emailed to

[worknotification@trc.govt.nz](mailto:worknotification@trc.govt.nz). Final location co-ordinates shall be provided to the TRC at this time.

- PCV.5 The Consent Holder shall undertake works in accordance with the CWMP and relevant SCWMP to minimise stream bed disturbance, sedimentation and increased turbidity during installation of the culvert. The CWMP and SCWMP shall address how:
- (a) All works shall be completed in the minimum time practicable;
  - (b) The placement of excavated material in the flowing channel shall be avoided;
  - (c) All machinery shall be kept out of the actively flowing channel, as far as practicable; and
  - (d) All disturbed areas shall be reinstated as far as practicable.
- PCV.6 The consent holder shall ensure that any wet concrete placed in the channel is not exposed to flowing water until it has cured.
- PCV.7 Between 1 May and 31 October no work shall be undertaken on any part of the stream bed that is covered by water, unless the works set out in a SCWMP have been approved by the Chief Executive, TRC.
- PCV.8 To avoid introduction of unwanted pests, all machinery shall be thoroughly cleaned of soil and plant debris prior to use on the stream diversion works.
- PCV.9 Where there is an existing upstream flow, the Consent Holder shall maintain a continuous flow of water in the stream channel immediately downstream of the work area by ensuring that there are temporary clean water diversions around the active work sites.
- PCV.10 With the exception of culverts 2, 10 and 13, the culverts shall provide for fish passage in accordance with Condition GEN. 24(b) (iii) and the ELMP, and the culverts shall be monitored and maintained to ensure that the provisions for the passage of fish do not reduce over its lifetime. The ELMP shall address:
- (a) how the monitoring and maintenance will be done, including any monitoring and or maintenance required following a significant natural hazard event;
  - (b) the steps to be taken to avoid any adverse effects on the passage of fish;
  - (c) the steps to be taken to ensure that the structure's provision for the passage of fish does not reduce over its lifetime; and
  - (d) the reporting of this information to the Chief Executive, TRC, in accordance with Condition GEN.26.

For those culverts where fish passage is to be specifically provided for, the Consent Holder shall arrange a peer review by a suitably qualified and experienced freshwater ecologist to verify that the detailed design process for these culverts has appropriately addressed effects on fish passage, and shall provide this written confirmation of such verification to the Chief Executive, TRC.

- PCV.11 The Consent Holder shall recover and relocate fish from the stream prior to the culvert installation occurring, and relocate any fish uncovered/stranded during the works in accordance with the Fish Recovery and Rescue Protocols in the ELMP.
- PCV.11A Within twenty (20) Working Days of the installation of all permanent culverts, the information required by Regulations 62(3) and 63(3) of the NESF must be collected by the Consent Holder and provided to the Chief Executive, TRC.
- PCV.12 Riparian planting shall be undertaken in accordance with Condition GEN.24.
- PCV.13 On completion of works, the banks of the channel upstream and downstream of the culvert shall be no steeper than the existing natural banks. Where the bank consists of fill, the fill must be well compacted and stable and shall be constructed in accordance with the approved SCWMP.
- PCV.14 The Consent Holder shall repair any more than minor erosion, scour or instability of the stream bed or banks that the culvert causes and shall maintain the culvert so that it allows the free flow of water.

## BRIDGE CONSENTS

**10654-1.0 - To construct, use and maintain a bridge over the Mimi River, including associated disturbance of the stream bed.**

**10644-1.0 - To construct, use and maintain a bridge over an unnamed tributary of the Mangapepeke Stream, including associated disturbance of the stream bed.**

- BRG.1 Bridges shall be constructed generally in accordance with Condition GEN.1.
- BRG.2 The Consent Holder shall notify the Chief Executive TRC, in writing at least 5 Working Days prior to the exercise of this consent. Notification shall include the consent number and a brief description of the activity consented and be emailed to [worknotification@trc.govt.nz](mailto:worknotification@trc.govt.nz).
- BRG.3 The Consent Holder shall be responsible for the design, structural integrity and maintenance of bridges, and for any erosion control works that become necessary to preserve the integrity and stability of the bridges and the underlying wetland at the Mimi swamp forest and the watercourse at or about Chainage 2400 and/or to control erosion as a result of the exercise of this resource consent.
- BRG.4 Works in the wetland beneath the bridge over the Mimi swamp forest are to be limited to the minimum required to achieve the bridge structure, and any areas that are disturbed are reinstated to their original condition.
- BRG.5 The Consent Holder shall undertake works in accordance with the CWMP and SCWMP to minimise sedimentation and increased turbidity of the waterway during the construction, implementation and maintenance of the works. The CWMP and SCWMP shall address how:
- (a) All works shall be completed in the minimum time practicable;
  - (b) The placement of excavated material in the flowing channel shall be avoided;
  - (c) All machinery shall be kept out of the actively flowing channel, as far as practicable; and
  - (d) All disturbed areas shall be reinstated as far as practicable.

## CONSENT FOR VEGETATION REMOVAL

### 10657-1.0 - To remove and disturb vegetation associated with constructing the Mt Messenger bypass.

- VEG.1 The vegetation disturbance and removal authorised by this consent shall be as generally described in the ELMP.
- VEG.2 To mitigate the effects of the exercise of this consent, the Consent Holder shall undertake restoration planting in accordance with the ELMP and LEDF
- VEG.3 The Consent Holder shall ensure that the slash is managed and stored in accordance with the ELMP and CWMP so as to minimise erosion or sediment discharges and/or avoid exacerbating flood risk, including
- (a) storing slash away from water ways and the paths of floodwaters;
  - (b) ensuring slash piles are stable and placed away from steep slopes to prevent accelerated soil erosion from debris avalanche.
- VEG.4 Where practicable, trees shall be felled away from, and not be dragged through, any waterway.

## CONSENT TO PLANT IN RIVERBEDS

### 10658-1.0 - To undertake riverbed planting for restoration of diverted stream beds associated with the establishment of the Mt Messenger Bypass

- PLN.1 The planting shall be undertaken generally in accordance with the resource consent application and the ELMP.
- PLN.2 The Consent Holder shall notify the Chief Executive, TRC, in writing at least 5 Working Days prior to the commencement of planting work. Notification shall include the consent number and a brief description of the activity consented and be emailed to [worknotification@trc.govt.nz](mailto:worknotification@trc.govt.nz). Final location co-ordinates shall be provided to the TRC at this time.
- PLN.3 The Consent Holder shall ensure that the area and volume of stream bed disturbance during planting is, as far as practicable, minimised and any areas that are disturbed are, as far as reasonably practicable, reinstated.
- PLN.4 The Consent Holder shall undertake works in accordance with the CWMP and SCWMP to minimise sedimentation and increased turbidity of the waterway during the construction, implementation and maintenance of the works. The CWMP and SCWMP shall address how:
- (a) All works shall be completed in the minimum time practicable;
  - (b) The placement of excavated material in the flowing channel shall be avoided;
  - (c) All machinery shall be kept out of the actively flowing channel, as far as practicable; and
  - (d) All disturbed areas shall be reinstated as far as practicable.
- PLN.5 The planting shall not materially restrict flow or exacerbate flooding events.



## **SCHEDULE 1: RESOURCE CONSENT REQUIREMENTS ADDRESSED IN THE ELMP**

**Note: as set out in Condition GEN.23 only the matters addressed Sections 1 (Objectives & matters addressed in the ELMP), 2 (Landscape Management Plan) and 6 (Freshwater Management Plan) apply to these Resource Consents.**

### **1. Overarching objectives and matters addressed in the ELMP**

- a) The objectives of the Ecology and Landscape and Management Plan (**ELMP**) are to:
  - i. identify how the potential adverse effects of the Project on the ecological, landscape and biodiversity values within the Project Area and its surrounds will be avoided, remedied, mitigated, offset and compensated for, including on: vegetation / habitats (including wetlands); herpetofauna (lizards and frogs); bats; avifauna; peripatus; fish, kōura and kākahi; and streams; and
  - ii. achieve a net gain in biodiversity after the residual effects on biodiversity have been offset or compensated for.
- b) The ELMP shall include a summary of the ecological and landscape values and effects of the Project.
- c) The ELMP shall comprise a series of sub-management plans that address the designation and resource consent conditions, including: Landscape and Vegetation Management Plan; Bat Management Plan; Avifauna Management Plan; Herpetofauna Management Plan; Freshwater Management Plan; Pest Management Plan; Peripatus Management Plan; and Biosecurity Management Plan.
- d) The ELMP shall also describe:
  - i. The physical mechanisms (e.g. fences) to protect the restoration and riparian planting from clearance and / or livestock, on an ongoing basis.
  - ii. The necessary rights to carry out the restoration and riparian planting, and to carry out the required pest management where these activities are to occur on land that is not owned by the Consent Holder.
  - iii. The measures proposed for biosecurity management, including the management of risk associated with myrtle rust, and the management of pest plants and pest animals.
- e) The ELMP shall include maps showing:
  - i. existing vegetation types for all areas of proposed mitigation plantings, to determine if these will result in habitat gain;
  - ii. the location and extent of the stream reaches proposed for restoration works;
  - iii. the location and extent of the Intended PMA.
- f) The ELMP shall contain details of monitoring and reporting to the Chief Executive, TRC prior to, during and post-construction to determine if the ELMP objectives and the performance measures are being met, including a repeatable monitoring design incorporating adaptive management responses.
- g) The ELMP shall include details of the roles and responsibilities of key staff responsible for implementing the ELMP and procedures for training of contractors and other Project staff regarding the ELMP.

- h) The ELMP shall include details of the process for reviewing and amending the Plan, in accordance with the Conditions of the Designation and Resource Consents.

## **2. Landscape and Vegetation Management Plan**

### **Specific objectives**

The Landscape and Vegetation Management Plan shall address:

- a) Details of the method for a pre-construction survey of wetland vegetation composition and structure to assist planning for the swamp forest restoration planting.
- b) The retention, where possible, of the high value ecological areas identified in Figures 4.1 and 4.2 in the ELMP dated May 2019.
- c) Provisions for the relocation or cultivation of threatened plants found within the Project Area.
- d) Details of how, prior to vegetation removal, the appropriate delineation of vegetation to be cleared will be made.
- e) A programme for vegetation clearance that allows for vegetation to be cleared only prior to Works beginning in any particular Stage (or Stages) of the Project Area in order to reduce habitat effects and reduce the potential for erosion and sediment generation.
- f) The staging of restoration planting and landscape treatments in relation to the construction programme to reduce the potential for erosion and sediment generation. Where practicable restoration planting shall commence after the completion of any Stage of Construction Work.
- g) Provisions for the cultural use of significant trees by Ngāti Tama.
- h) The supervision of vegetation clearance by a suitably qualified person.
- i) Landscaping design and treatments (landform and planting), including rehabilitation of all areas used for temporary work and construction yards.
- j) The location, details and principles for achieving the following restoration planting, including identification (maps) of where the restoration planting will take place:
  - i. At least 6 hectares of kahikatea swamp forest.
  - ii. At least 9ha of mitigation planting using an appropriate mix of plant seedlings
  - iii. Planting of saplings in ecologically appropriate sites at a loss to replacement ratio of 1:200 on a 'like for like' species basis for each significant tree that is felled.
  - iv. All new plantings must be eco-sourced from the North Taranaki Ecological District.
  - v. The Consent Holder shall complete all restoration planting within three planting seasons of the Completion of Construction Works, unless natural conditions during Construction Works result in poor seed production, or poor seed condition and adversely limits seedling propagation for indigenous plant species, in which case completion would be delayed to reflect the availability of suitable seedlings.
  - vi. Should there be a delay in the completion of restoration planting due to the availability of suitable seedlings as described in v above, the Consent Holder

shall provide the Chief Executive, TRC with an amended timeframe, which shall not exceed three planting seasons, and shall complete the planting as soon as reasonably possible within the agreed timeframe, informing the Chief Executive, TRC when planting is complete.

- k) Provisions to monitor and manage all planting so that plants establish and those that fail to establish are replaced, such that the listed performance measures are met within their specified timeframes.

**Performance measures**

- l) The Landscape and Vegetation Management Plan shall address the following performance measures.
  - i. For each significant tree felled, 90% survival of the 200 planted trees required by j)iii at 6 years following planting. If 90% plant survival has not been achieved within 6 years following planting, any necessary replacement planting and planting maintenance shall continue beyond year 6 until 90% survival is achieved.
  - ii. 80% canopy cover 6 years following planting for all restoration planting required by j)i and j)ii, in the areas where trees and shrubs are planted. If 80% canopy cover is not achieved at 6 years following planting, any necessary replacement planting and planting maintenance shall continue beyond year 6 until 80% canopy cover is achieved.
  - iii. For kahikatea swamp forest planting required by j)i, kahikatea forming 16% of the tree canopy at year 10. Additional kahikatea will be planted in the areas where the kahikatea contribution to the canopy is less than 16%.
  - iv. 65% canopy cover at year 35 for kahikatea swamp forest planting required by j)i.

**Monitoring**

The Landscape and Vegetation Management Plan shall include the following survey and monitoring requirements.

- m) Provision to measure the extent of actual vegetation clearance within 6 months following the completion of Establishment Works and to reassess the extent of restoration planting required under j)ii and j)iii. The Consent Holder shall prepare and provide a report to the Chief Executive, TRC confirming the restoration planting required to achieve the amount specified under j)ii and j)iii. If additional restoration planting is required, the extent of the restoration planting required shall be identified in the report. If the recalculation results in lesser restoration planting area than that specified in j)ii and j)iii, the restoration planting shall remain as that required under j)ii and j)iii. The report shall be provided to the Chief Executive, TRC for Certification that the additional planting is in accordance with the restoration planting required under j)ii and j)iii.
- n) Provision to undertake post-construction monitoring of vegetation condition for all restoration planting to demonstrate that the performance measures for the Landscape and Vegetation Management Plan have been met. The monitoring shall be

undertaken, as required, until such time as all of the performance measures have been shown to be achieved.

### **3. Bat Management Plan**

#### **Specific objectives**

The Bat Management Plan shall address the following matters:

- a) Provision for a long-tailed bat radio tracking programme to identify long-tailed bat roost locations and confirm the PMA location.
  - b) Vegetation Removal Protocols (VRP) for:
    - i. the 17 significant trees.
    - ii. all other trees that are >80 cm Diameter at Breast Height (DBH), and trees between 15cm and 80cm DBH which are considered by a specialist bat ecologist as having features suitable for bat roosting, such features including: including:
      - (1) cracks, crevices, cavities, fractured limbs, or other deformities, large enough to support roosting bat(s);
      - (2) sections of loose flaking bark large enough to support roosting bats;
      - (3) a hollow trunk, stem or branches;
      - (4) deadwood in canopy or stem of sufficient size to support roost cavities or hollows;
      - (5) guano, grease marks and/or urine staining around cavity entrances; and
      - (6) selected individual trees with high epiphyte loading (five or more perched nested epiphytes located on horizontal branches).
    - iii. all trees shown through the bat monitoring programme to be Roosts.
- Advice Note: the VRP shall not apply to the removal of any other vegetation.*
- c) When Automatic bat detectors (ABMs) are used to determine the presence of bats around potential roost trees, provision for monitoring to occur for a minimum of three consecutive nights.
  - d) Provision for consultation with the DOC Operations Manager New Plymouth District Office to discuss appropriate actions if a bat roost remains occupied for longer than 7 days.
  - e) Other than the amendments made through a) to c) above, the VRP shall be in accordance with Annex DH of the 'NZ Transport Agency (the Transport Agency) research report 623 'Effects of land transport activities on New Zealand's endemic bat populations: reviews of ecological and regulatory literature' (Smith et al. 2017)' and set out in the ELMP, which includes modification to account for local conditions.

### **Performance outcomes**

- f) The performance outcomes for bats will be achieved by the successful implementation of the VRP and by pest management in the PMA (refer to Pest Management Plan).

### **Monitoring**

- g) There are no specific monitoring requirements for bats, other than those associated with the implementation of the VRP and the monitoring for pest management in the PMA.

## **4. Avifauna Management Plan**

### **Specific objectives**

The Avifauna Management Plan shall address the following matters;

- a) Measures to detect and protect kiwi from the likelihood of direct mortality during the construction and operation of the road, including:
  - i. A North Island brown kiwi radio-tracking programme, prior to and during construction, conducted by a suitably qualified ecologist along the entire length of the road corridor.
  - ii. Provision for the capture and relocation of kiwi and/or their eggs during construction, if deemed appropriate by the kiwi expert, and in accordance with DOC best practice for kiwi (2018).
  - iii. Details of the design, installation and ongoing maintenance of kiwi exclusion fencing at locations shown on the maps titled "Ecology: Kiwi Fencing Locations" (sheets 1 - 10) attached to Schedule 3 of the designation conditions. This will direct kiwi to culvert underpass locations where they can pass beneath the road during low stream flow conditions. The design of these fences and culvert underpasses shall be discussed with the DOC Operations Manager New Plymouth District.
  - iv. Provision for the placement of appropriate road signage along the new road corridor to warn motorists about the possible presence of kiwi.
- b) Measures to provide for the detection of kōkako in the construction area and to prevent disturbance from construction, along with measures outlining the subsequent actions to be taken that avoid disturbance in the event that any nesting kōkako or their nests be detected within the Project Area. Notification shall be provided to DOC Operations Manager New Plymouth District Office, TRoNT, and the Chief Executive, TRC, within 2 hours of kokako being detected. Appropriate response actions shall be implemented immediately to avoid disturbance.
- c) Monitoring of Australasian bittern using automatic acoustic bird monitors at the Mimi wetland and in the Mangapepeke Valley prior to construction. If bittern are detected, notification must be provided to the DOC Operations Manager New Plymouth District Office. The Consent Holder shall design, install and maintain low fencing adjacent to the road corridor at marshland locations where bittern are recorded.

### **Performance outcomes**

- d) The performance outcomes for avifauna will be achieved by the successful implementation of the measures outlined above under a) to c) for kiwi, kōkako and Australasian bittern and by pest management in the PMA (refer to Pest Management Plan).

### **Monitoring**

The Avifauna Management Plan shall include the following survey and monitoring requirements:

- e) Details of up to 1 year of post-construction monitoring utilising motion detection cameras deployed at selected locations to assess the effectiveness of the exclusion fences and use of the culvert underpasses by kiwi.
- f) Details of a survey involving the placing of automatic acoustic bird monitors for bittern in the Mimi wetland and Mangapepeke Valley in the spring of 2018.
- g) Additional avifauna monitoring associated with the Pest Management Plan is set out in Section 7 below.

## **5. Herpetofauna Management Plan**

### **Specific objectives**

The Herpetofauna Management Plan shall address the following matters:

- a) Provision for (limited) salvage effort for lizards that may be located on vegetation cleared within the Project Area, focusing on high value habitat and known lizard locations. The provisions shall also include details on the relocation and release of salvaged striped skink at the Rotokare Scenic Reserve and other lizards into the PMA.
- b) Provision for the development of a management plan for Hochstetter's frog (*Leiopelma aff. hochstetteri*) and Archey's frog (*Leiopelma archeyi*), if they are discovered in the Project Area.

### **Performance outcomes**

- c) The performance outcomes for herpetofauna will be achieved by the successful implementation of the salvage measures outlined in a) above.

### **Monitoring**

- d) The Herpetofauna Management Plan shall include: provision for recording the details of any salvaged lizards, including: species, sex, age class, weight, snout to vent length, and location of capture and release. All records shall be reported to the BioWeb Herpetofauna database.

## **6. Freshwater Management Plan**

### **Specific objectives**

The Freshwater Management Plan shall address the following matters:

- a) The design and construction of reinstated and diverted streams in accordance with the Stream Ecological Design Principles attached to the LEDF. 798m<sup>2</sup> of remediated stream diversions will be restored, through riparian planting, and livestock exclusion. Riparian margins of an average of 10m each side of the stream will be created and planted.
- b) The measures to maintain fish passage in all affected waterways as a result of permanent culverts (with the exception of culverts 2, 10 and 13), which shall be informed by the New Zealand Fish Passage Guidelines for Structures Up to 4 Metres (2018).
- c) Riparian planting and exclusion from livestock of at least 10,738m<sup>2</sup> of existing stream within the Mimi and Mangapepeke catchments. Riparian margins of an average of 10m each side of the channel shall be created and planted. Together with (a) this will create 11,536m<sup>2</sup> of stream restoration. Should culvert or stream diversion lengths be increased in the detailed design stage of the Project, the length of riparian planting required shall be re-calculated using the same Stream Ecological Valuation (SEV) method used to derive the 10,738m<sup>2</sup> figure (note that provisions are addressed in the Landscape and Vegetation Management Plan).
- d) The Consent Holder shall complete all riparian planting within three planting seasons of the Completion of Construction Works, unless natural conditions during Construction Works result in poor seed production, or poor seed condition and adversely limits seedling propagation for indigenous plant species, in which case completion would be delayed to reflect the availability of suitable seedlings.
- e) Should there be a delay in the completion of riparian planting due to the availability of suitable seedlings as described in d) above, the Consent Holder shall provide the Chief Executive, TRC with an amended timeframe, which shall not exceed three planting seasons, and shall complete the planting as soon as reasonably possible within the agreed timeframe, informing the Chief Executive, TRC when planting is complete.
- f) Fish Recovery and Rescue Protocols, including addressing:
  - i. How the recovery and relocation of fish, kōura and kākahi will occur prior to instream works.
  - ii. How the rescue of fish, kōura and kākahi will occur from any spoil.
  - iii. The qualifications and experience required for fish recovery/rescue work.
  - iv. Details of fish recovery, relocation and rescue methods to be used.

*Advice Note: Details of the water quality monitoring, response process and measures to address potential adverse effects of sediment and other contaminant discharges to waterways during construction, including streams and wetlands, are set out in the Construction Water Management Plan and the Construction Water Discharges Monitoring Plan.*

#### **Performance outcomes**

The Freshwater Management Plan includes the following performance measures:

- g) Provision of fish passage through all permanent culverts, except culverts 2, 10 and 13.

- h) Implementation of stream diversions and riparian planting to achieve successful colonisation by aquatic biota, and to match existing habitat types compared with the original stream reach affected.
- i) For the riparian planting required by (c) the plantings shall achieve 80% canopy cover 6 years following planting in the areas where trees and shrubs are planted. If 80% canopy cover is not achieved at 6 years following planting, any necessary replacement planting and planting maintenance shall continue beyond year 6 until 80% canopy cover is achieved.

#### **Monitoring**

The Freshwater Management Plan shall provide for the following survey and monitoring requirements:

- j) Provision for monitoring the fish passage performance after peak upstream migration (August – December) upstream of culverts 9, 11, 15, 17 and 18 annually for two years after construction is completed. The monitoring will be used to determine if recruitment is occurring by assessing if a suitable age structure (juvenile and adult fish) is present within the fish population above culverts 9, 11, 15, 17 and 18. If after 2 years the recruitment of young fish is not occurring then refinements to the culvert fish passage devices will be made.
- k) Provision for monitoring of macroinvertebrates and fish at 3 selected locations in each of the Mangapepeke and Mimi catchments.
  - i. Pre-construction and construction phase fish monitoring will be undertaken during base flow conditions at least two weeks following any large flood event in spring (October to December) and summer (February to April). Fish surveys will use methods consistent with the New Zealand freshwater fish sampling protocols (Joy et al. 2013). Fish will be identified, counted and lengths recorded.
  - ii. Pre-construction and construction phase aquatic macroinvertebrate monitoring will be undertaken during base flow conditions at least two weeks following any large flood event in spring (October to December) and summer (February to April). Aquatic macroinvertebrate surveys will use methods consistent with Protocols for sampling macroinvertebrates in wadeable streams (Stark et al. 2001). For each site the area sampled and type of stable habitat sampled will be recorded. The following metrics will be calculated from the aquatic macroinvertebrate data: taxa richness, Macroinvertebrate Community Index (MCI), Quantitative Macroinvertebrate Community Index (QMCI), %EPT taxa and %EPT abundance. EPT (Ephemeroptera-Plecoptera-Trichoptera) metrics will exclude the species *Oxyethira* and *Paroxyethira*. Following at least one year of baseline monitoring and one year of construction monitoring, aquatic macroinvertebrate monitoring will be reduced to annual monitoring if there is less than 20% change in QMCI or MCI comparable to baseline sampling.
- l) Provision for pre-construction and construction phase sediment deposition monitoring at a site within the raupo reedland, downstream of the Mimi Stream tributary draining the tunnel portal, located upstream of the Mimi swamp forest. This



involves monitoring change in sediment accumulation e.g. artificial astroturf attached to a tray. The purpose of the monitoring is to assess sediment deposition that might extend from the end of the stream to the Mimi swamp forest. The monitoring will follow selected heavy rain events prior to the commencement of construction and in response to specific rainfall events during construction (set out in the Construction Water Discharge Monitoring Programme in Appendix C of the CWMP).

- m) The Freshwater Management Plan shall address the requirements of Conditions DAM. 7, TCV. 9 and PCV.10.

## **7. Pest Management Plan**

### **Specific objectives**

The Pest Management Plan shall address the following matters:

- a) The identification of the confirmed location for the 3,650ha Pest Management Area (PMA).
- b) Within the PMA, to:
- i. reduce and maintain rats, possums, feral cats and mustelids to low levels in perpetuity.
  - ii. reduce and maintain feral goats and pigs to low densities in perpetuity.
  - iii. exclude farm stock in perpetuity
  - iv. monitor and control wasps along the road corridor during construction and through to the conclusion of a 6 year plant maintenance period.
- c) To generate biodiversity benefits within the PMA across a wide range of plants and animals.
- d) An adaptive management approach to enable pest management techniques to be modified if target pest densities and the performance outcomes for avifauna identified below are not met.

### **Performance outcomes**

The Pest Management Plan shall provide for the following performance measures:

- e) The following target pest densities in the PMA, measured immediately prior to the breeding season (for bats and birds) and then through the critical stages when young remain in the roost / nest:
- i. rat species – ≤5% tracking tunnel index;
  - ii. mustelids – no detections;
  - iii. cats – no detections;

And throughout any year, the following target pest densities in the PMA:

- a. possums – ≤5% chew card index;
  - b. goats and deer - <1 kill per hunter/day;
  - c. feral pigs - <1 kill per hunter/day; and
  - d. farm livestock – zero presence.
- f) For palatable plant species:
- i. The recruitment of vegetation species which are currently suffering ungulate induced recruitment failure. Indicator species will include: mahoe,

hangehange, large leaved coprosma spp., pate, wineberry, tawa, hinau, kamahi and pikopiko.

- ii. Recovery of condition of possum palatable trees. Indicator species will focus on measuring changes in foliage density of small trees such as; swamp maire, mahoe, kaikomako, northern rata and thin-barked totara.
- g) A statistically significant 20% increase in relative abundance for kiwi, tui, bellbird, kereru, whitehead, long-tailed cuckoo, fernbird, and North Island Robin in the PMA within 12 years of the Completion of Construction Works.

#### **Monitoring**

The Pest Management Plan shall include the following survey and monitoring requirements within the PMA.

- h) Provision for monitoring pest levels to assess performance targets and enable adaptive management processes in the event targets are not met.
- i) Provision for a quantitative assessment of canopy condition and understorey condition to establish pre-pest management and post-pest management vegetation condition knowledge for the PMA, including the composition and abundance of palatable vegetation.
- j) Provision for monitoring avifauna prior to commencement of pest management in the PMA to establish a relevant baseline, including for kiwi, kōkako, forest birds and fernbird.
- k) Provision for outcome monitoring of kiwi, tui, bellbird, kereru, whitehead, long-tailed cuckoo, fernbird, North Island Robin conducted for 12 years, at 3-yearly intervals, following the onset of the pest management measures.

### **8. Peripatus Management Plan**

#### **Specific objectives**

The Peripatus Management Plan shall address the following matters:

- a) The specific procedures to avoid, remedy or mitigate adverse effects associated with the construction and operation of the Project on peripatus species through salvaging peripatus contained within suitable selected peripatus habitat into a suitable relocation site outside of the Project Area.

#### **Performance outcomes**

The Peripatus Management Plan includes the following performance measures:

- b) To salvage peripatus contained within suitable selected peripatus habitat locate and capture peripatus from the proposed Project Area, and to successfully relocate it at predetermined release sites, immediately adjacent to the Project Area, with minimal stress caused to the animals.

#### **Monitoring**

- c) There are no specific monitoring requirements for peripatus.

## **9. Biosecurity Management Plan**

### **Specific objectives**

The Biosecurity Management Plan shall address the following matters:

- a) The biosecurity measures to avoid the likelihood of spread or introduction of invasive pest plants and pest animals as a result of Project-related activities.
- b) Specific provisions for the minimisation of spread of Myrtle Rust onto and along the Project Area;
- c) Measures to avoid the introduction to the Project Area of invasive pest plants and animals with nursery produced seedlings

### **Performance outcomes**

The Biosecurity Management Plan shall provide for the following performance measures:

- d) Non-detection in the planting areas of pest plants and pest animals.

### **Monitoring**

The Biosecurity Management Plan shall include the following survey and monitoring requirements within the Project Area:

- e) Provision for pest plant and pest animal surveillance to be carried out by suitably qualified personnel within the Project Area and at restoration planting areas for the first growing season of any new plantings.
- f) Before-delivery inspections by suitably qualified personnel for invertebrate and plant pests at the premises of supplier nurseries of plant material being grown for planting in the Project Area and mitigation sites.
- g) Before construction walk-through survey of the Project Area by suitably qualified personnel to identify plant and animal pests and plant diseases already present.

## MT MESSENGER BYPASS –DESIGNATION CONDITIONS - UPDATED MARCH 2021

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<b>Glossary of Abbreviations and Terms Used in Designation and Resource Consent Conditions</b>	
<b>ADP</b>	Accidental Discovery Protocol
<b>AEE</b>	Assessment of Effects on the Environment Report
<b>CDMP</b>	Construction Dust Management Plan
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certification</b>	The process of the Requiring Authority or Consent Holder submitting to the NPDC or TRC a report or an amendment to a management plan, a design, or a drawing for technical confirmation that it complies with the technical requirements of these designation or resource consent conditions and the management plan to which the design or drawings relate.
<b>CLMP</b>	Contaminated Land Management Plan
<b>Completion of Construction Works</b>	When Construction Works for the Project are complete. Completion of the restoration plantings required under Condition 29(a) and the riparian plantings required under Condition 29(g) may occur after Completion of Construction Works. The Requiring Authority shall advise the Planning Lead (or Nominee) of the Completion of Construction Works in accordance with Designation Condition 43. The equivalent provisions in the TRC resource consents are set out in Condition GEN.28.
<b>Consent Holder</b>	NZ Transport Agency
<b>Construction Work(s)</b>	Main construction works, including: <ul style="list-style-type: none"> <li>• ground improvement works;</li> <li>• temporary and permanent drainage installation;</li> <li>• bulk earthworks (including cut and fill activities);</li> <li>• bridge and tunnel construction;</li> <li>• pavements and surfacing;</li> <li>• site reinstatement;</li> <li>• landscaping; and</li> <li>• installation of permanent road furniture and ancillary works.</li> </ul>
<b>CNMP</b>	Construction Noise Management Plan
<b>COPTTM</b>	NZ Transport Agency Code of Practice for Temporary Traffic Management
<b>CTMP</b>	Construction Traffic Management Plan
<b>CWMP</b>	Construction Water Management Plan
<b>Day</b>	Working Day, unless otherwise stipulated
<b>dBA</b>	A unit of sound level which has its frequency characteristics modified by a filter (C-weighted) so as to account for the non-linear frequency response of the human ear at high noise level (typically greater than 100 decibels)
<b>DOC</b>	Department of Conservation
<b>ELMP</b>	Ecology and Landscape Management Plan

<b>Establishment Work(s)</b>	<p>Progressively opening up and establishing the site, including:</p> <ul style="list-style-type: none"> <li>• construction and/or widening of roads/tracks to access construction areas and install sediment control measures (e.g. sediment control ponds);</li> <li>• vegetation clearance;</li> <li>• establishment of construction yards;</li> <li>• establishing full width access tracks/haul roads;</li> <li>• installing remaining erosion and sediment controls; and stream diversions.</li> </ul>
<b>Existing Network Utilities</b>	All network utilities existing at the date of notification of the Notice of Requirement. Network utility has the same meaning as in section 166 of the Resource Management Act 1991
<b>KFG</b>	Kaitiaki Forum Group
<b>LEDF</b>	Landscape and Environment Design Framework
<b>NPDC</b>	New Plymouth District Council
<b>Heritage New Zealand</b>	Heritage New Zealand Pouhere Taonga
<b>Maternity roost</b>	A roost occupied by two or more long tailed bats, including at least one parous, pregnant, lactating or post-lactating female long-tailed bat and/or young bat of the year
<b>Pest Management Area (PMA)</b>	<p>The 3,650ha area that will be subject to pest management measures for biodiversity offsetting and compensation purposes. For the purpose of Designation Condition 30, the following terms are also defined in relation to the Pest Management Area:</p> <ul style="list-style-type: none"> <li>• <b>Wider PMA:</b> the area shown in Figure 9.2 in the ELMP, that has an area greater than 3,650ha, from which the Confirmed 3,650ha PMA may be selected through the process in Condition 30(g).</li> <li>• <b>Intended PMA:</b> the 3,650ha area shown in Figure 9.1 in the ELMP, that is within the Wider PMA and that may be selected as the Confirmed PMA through the process set out in Condition 30(g).</li> <li>• <b>Confirmed PMA:</b> the 3,650ha area that is selected as the PMA through the process set out in Condition 30(g).</li> <li>• <b>Study Area:</b> the area, including the Project Area, the Intended PMA and land beyond both, over which bats will be tracked, as shown in Figure 9.3 in the ELMP and from which the Confirmed PMA may be selected through the process set out in Condition 30(g).</li> <li>• <b>Alternative PMA:</b> The Waitaanga Valley, as shown in Figure 9.4 in the ELMP, that has an area greater than 3,650ha, from which the Confirmed PMA may be selected through the process set out in Condition 30(g).</li> </ul>
<b>Planning Lead</b>	New Plymouth District Council Planning Lead for the Designation Conditions
<b>PMP</b>	Pest Management Plan

<b>Project</b>	The construction of a new section of SH3 generally between Uruti and Ahititi, north of New Plymouth that is approximately 6km in length and located to the east of the existing SH3 alignment, comprising all associated Work in the area shown as the proposed designation in Figure 1.1 of the AEE
<b>Project Area</b>	The area shown as the proposed designation in Figure 1.1 of the AEE
<b>Requiring Authority</b>	NZ Transport Agency
<b>RMA or 'the Act'</b>	Resource Management Act 1991
<b>SCWMP</b>	Specific Construction Water Management Plan
<b>SH3</b>	State Highway 3
<b>Stabilised Area</b>	An area inherently resistant to erosion such as rock, or rendered resistant by the application of aggregate, geotextile, vegetation or mulch, or as identified in the Construction Water Management Plan. Where vegetation is to be used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once an 80% vegetation cover has been established.
<b>Stabilisation</b>	The activity to achieve a Stabilised Area
<b>Stage or Staging</b>	A stage of the Works to construct the Project as identified in the CEMP, CWMP or SCWMP
<b>TRC</b>	Taranaki Regional Council
<b>TRoNT</b>	Te Runanga o Ngāti Tama
<b>VRP</b>	Vegetation Removal Protocol
<b>Work or Works</b>	Establishment Works and Construction Works associated with the Project
<b>Working Day</b>	Has the same meaning as under section 2 of the Resource Management Act 1991

## MT MESSENGER BYPASS DESIGNATION CONDITIONS

### General and Administration

1. (a) Except as modified by the conditions below, the Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated December 2017, the Drawing Set dated 3 July 2020, the management plans (except for the Ecology and Landscape Management Plan) dated October 2018, and the Ecology and Landscape Management Plan dated May 2019.  
  
(b) Except for the work required under the Ecology and Landscape Management Plan (ELMP) and the Pest Management Plan (PMP) and in respect of the Ecological Review Panel in Conditions 27 - 33 none of the conditions apply to the on-going operation or maintenance of SH3 once construction is complete and the new road is operational.  
  
(c) Where there is conflict between the documents listed in (a) above and these designation conditions, these Conditions shall prevail. Where there is an inconsistency between the information and plans lodged with the Notice of Requirement and information provided subsequently, the most recent plans and information shall prevail.  
  
(d) The Requiring Authority shall provide the Council with an electronic file containing the designation boundaries in a DXF (or ACAD dwg file with version noted) file.
2. As soon as practicable following Completion of Construction Works, the Requiring Authority shall:
  - (a) review the extent of the area designated for the Project;
  - (b) identify any areas of designated land that are no longer necessary for the on-going operation or maintenance of SH3, or the mitigation or offsetting of effects of the Project; and
  - (c) give notice to NPDC in accordance with section 182 of the RMA for the removal of those parts of the designation identified in (b) above.
3. *This condition is intentionally left blank.*

### Cultural protocols

4. At least three months prior to the Commencement of Construction, the Requiring Authority shall invite mandated representatives of Ngāti Tama to participate in a Kaitiaki Forum Group (KFG).
  - (a) The KFG shall comprise up to 3 members who have been determined by Te Runanga o Ngāti Tama (TRoNT). From time to time, as appropriate, TRoNT may change the KFG membership, and may also invite other iwi, iwi representatives or other Ngāti Tama members to attend KFG meetings. TRoNT may appoint a chairperson to the KFG who would be responsible for confirming any advice from



the KFG to the Requiring Authority and who will oversee the implementation of KFG activities.

(b) The purpose of the KFG is to facilitate engagement between the Requiring Authority and Ngāti Tama in respect of the activities authorised by this designation and to enable Ngāti Tama to provide kaitiaki inputs to the design and construction of the Project.

(c) The KFG will be invited to hold regular meetings (monthly) throughout the construction period. The KFG shall continue until six months after Completion of Construction.

(d) The Requiring Authority shall record the main points arising from each meeting of the KFG, and shall provide a copy of that record to the meeting invitees within a reasonable time following the meeting.

The Requiring Authority shall, on receipt of itemised invoices, be responsible for paying all reasonable costs associated with the attendance at KFG meetings to provide the kaitiaki inputs described in Condition 4 and Condition 4A.

*For the avoidance of doubt, while the KFG participants listed in condition 4(a) must be invited to attend each meeting, the non-attendance of any participant does not invalidate the KFG meeting.*

4A. The KFG shall be invited by the Requiring Authority to participate in the following (amongst other things):

(a) The development of the Project designs to incorporate cultural values into elements such as (but not limited to):

- (i) Cultural expression in artwork on road corridor features such as the tunnel, bridge and in landscape works and plantings.
- (ii) Water management principles.
- (iii) Biodiversity mitigation, offset and compensation measures implemented as part of the ELMP required by Condition 27.
- (iv) Signage of local features.
- (v) Naming of the new highway.

(b) Review of the Accidental Discovery Protocol (as required by designation Condition 34) and any updates to this Protocol.

(c) The development and implementation of agreed cultural protocols / tikanga appropriate to stages of the works or activities (for example: blessings, accidental discoveries, vegetation clearance, relocation of animals).

(d) The development of cultural indicators covering matters such as (but not limited to) traditional association, mahinga kai and cultural stream health measures.

(e) The development and implementation of a Cultural Monitoring Plan. The purpose of the Cultural Monitoring Plan is to set out the agreed cultural monitoring

requirements and measures to be implemented during construction activities, to acknowledge the historic and living cultural values of the area to Ngāti Tama, and to minimise potential adverse effects on these values. The Plan shall be prepared by a person endorsed by the KFG and the Requiring Authority. Where the provisions of the Plan are not agreed by the Requiring Authority, reasons for the disagreement will be provided in writing to TRoNT and added to the agenda for the next KFG meeting.

### **Community Liaison Person**

5. (a) The Requiring Authority shall appoint a Community Liaison Person for the duration of the construction phase of the Project to be the main and readily accessible point of contact for persons affected by construction works. An alternative contact shall be provided in the event the liaison person is unavailable, to ensure that a Project contact person is available by telephone 24 hours per day/seven days per week during the construction phase of the Project.  
  
(b) No less than one month prior to the commencement of construction, the Requiring Authority shall advise all key project stakeholders listed in the CEMP of the liaison person's name and contact details.  
  
(c) The Requiring Authority shall keep stakeholders and the wider public informed of the construction works, progress and timing and shall carry out communications in general accordance with the CEMP.

### **Mr and Mrs Pascoe social, amenity and ecology mitigation, offset and compensation and stewardship**

- 5A. The Requiring Authority shall undertake the following measures to mitigate, offset and compensate Mr Tony Pascoe and Mrs Debbie Pascoe for the social, amenity and ecological effects of the Project on them and on their land at 3072 Mokau Road, being land described as Legal Description Section 9 SO 457513 and shown indicatively hatched red and blue on the plan titled "Pascoe Land Showing Little Farm" attached as Schedule 4 to these Conditions (the "**Pascoe Land**"), and to have regard to their stewardship over this land:
  - (a) Prior to the commencement of Works, the Requiring Authority shall invite Mr and Mrs Pascoe to attend an information sharing workshop at the Pascoe Land or an alternative mutually agreed venue, and on a date which is agreeable to Mr and Mrs Pascoe (but which shall be no later than two months following confirmation of the Designation). The purpose of the workshop shall be to enable Mr and Mrs Pascoe to exchange and share information relating to their land with the Requiring Authority and representatives from the Mt Messenger Alliance. The workshop will enable discussions on, but not limited to, the Project designs, construction methods, the methods that will be used to manage the effects of the Project (including the Management Plans required under Condition 8) and the Conditions set out in the Project Designation and Resource Consents on the Pascoe Land. In particular, the workshop will cover the design and construction of the construction yard, haul road, spoil sites (and where known at that time, areas of specific importance to Mr and Mrs Pascoe as set out in Condition 5A(d)(v) below) on the Pascoe Land. The Requiring Authority shall make available at the workshop key representatives from

the Alliance's design, environmental management, communications and construction team. If requested by Mr and Mrs Pascoe, representatives from NPDC and TRC shall be invited to attend the workshop. The Requiring Authority shall be responsible for paying Mr and Mrs Pascoe for their time in attending the workshop as set out in Condition 5A(h) below, and for reimbursing reasonable travel expenses.

(b) At least 5 Working Days prior to the commencement of Works, the Requiring Authority shall invite Mr and Mrs Pascoe to attend a site visit, accompanied by a representative of the Mt Messenger Alliance, to an active Transport Agency roading construction project. The purpose of the site visit shall be to provide Mr and Mrs Pascoe with an opportunity to discuss details of construction and environmental management with representatives from the construction project. The Requiring Authority shall be responsible for paying Mr and Mrs Pascoe for their time in attending the site visit, and for reimbursing reasonable travel expenses, as set out in Condition 5A(h) below.

(c) Prior to the commencement of Works, the Requiring Authority shall provide an opportunity for Mr and Mrs Pascoe to undertake relevant Health and Safety training. The Requiring Authority shall provide to Mr and Mrs Pascoe, free of charge, all personal protective equipment reasonably required to enable safe access onto the Pascoe Land during the Works.

(d) Construction effects:

#### **Communications**

(i) To enable effective communications with Mr and Mrs Pascoe over the duration of the Works, the Requiring Authority shall:

(1) Appoint a Liaison Person from the Mt Messenger Alliance to be available to Mr and Mrs Pascoe by email, and by telephone 24 hours per day/seven days per week, to respond to matters of concern regarding any aspect of the Works carried out on or adjacent to the Pascoe Land. An alternative contact shall be provided in the event the Liaison Person is unavailable. The Liaison Person shall:

a. Ensure that any matter raised by Mr and Mrs Pascoe is conveyed to the Construction Manager (or nominee) within a maximum of 1 Working Day, who shall promptly investigate the matter and take all reasonable steps to address the matter. Details of any actions taken or to be taken, or an explanation as to why no actions are to be taken, shall be conveyed by email to Mr and Mrs Pascoe within 3 Working Days of the Construction Manager (or nominee) having been notified.

b. Where it is agreed between Mr and Mrs Pascoe and the Liaison Person that the matter requires urgent attention, convey the matter to the Construction Manager (or Nominee) immediately, and provide details of any response to be taken, or that has been taken, or if no response is required the reasons why, to Mr and Mrs Pascoe within no more than 1 Working Day.

- c. Maintain a record of all matters raised and any actions taken, or if actions are not taken the reasons why, which shall be made available to the Planning Lead (or Nominee) on request.

The Requiring Authority's Mt Messenger Alliance Owner Interface Manager will be available to respond to any concerns raised by Mr and Mrs Pascoe as to the actions of the Liaison Person at any time during office hours on a Working Day, and will take all reasonable steps to address such concerns in a timely manner.

- (2) Offer to provide and pay for an internet and email connection to the dwelling where Mr and Mrs Pascoe will reside during the Works and shall offer to provide basic training in its operation, along with reasonable IT support. The purpose of this connection is to enable direct email communications between the Pascoes, the Requiring Authority and the Mt Messenger Alliance.
- (3) Prior to the commencement of Works, offer to provide to Mr and Mrs Pascoe, free of charge and for their own personal use, one device (iPad or equivalent tablet) with wifi and GPS capability. The device shall enable email connectivity for Mr and Mrs Pascoe and shall have loaded onto it up to date design and construction drawings which provide Mr and Mrs Pascoe with an ability to establish, via GPS location, where Project activities will occur on the Pascoe Land. The drawings shall be offered to be updated on the device, on a regular basis, by the Construction Manager (or Nominee).

**Fortnightly construction activities meeting and site walkover**

- (ii) Over the duration of the Works, the Requiring Authority shall invite Mr and Mrs Pascoe to meet fortnightly with the Construction Manager (or nominee). The invite shall specify the date and a time of the meeting and its location either on the Pascoe Land or an agreed alternative location. The purpose of the meeting is to discuss construction effects and mitigation related to the Pascoe Land, including, but not limited to:
  - (1) Upcoming construction activities, including a schedule of construction activities for the subsequent 6 week period;
  - (2) Details of substantive design or construction method changes (including offering updates onto the device supplied to Mr and Mrs Pascoe under Condition 5A(d)(i)(3));
  - (3) Activities occurring through the implementation of the Management Plans including erosion and sediment control works, stream diversion and realignment works, restoration or landscape planting activities;
  - (4) Specific features or locations on the Pascoe land that require particular attention during construction activities identified under Condition 5A(d)(v) below;

- (5) Agreeing any site walkovers required over the upcoming weeks to enable Mr and Mrs Pascoe to discuss site specific features or construction matters with the Construction Manager (or nominee) or to be present during certain specified works;
- (6) Assessing and agreeing access by Mr and Mrs Pascoe on to the Pascoe Land over the upcoming 6 week period (if any) to carry out the activities identified in Condition 5A(d)(viii) below;
- (7) Any upcoming opportunities for Mr and Mrs Pascoe to contribute to activities occurring on the Pascoe Land, where agreed with the Construction Manager (or nominee), including involvement in ecological monitoring and mitigation works, and/or by way of casual employment;
- (8) Any issues arising from construction activities experienced by Mr and Mrs Pascoe on the Pascoe Land, including potential actions to avoid, remedy or mitigate the issue.

The Requiring Authority shall maintain minutes from these meetings and provide a copy to Mr and Mrs Pascoe within two Working Days of a meeting occurring. The minutes shall record any agreements reached, including identifying actions and timeframes for implementation. The minutes shall be made available to the Planning Lead (or Nominee) on request.

- (iii) Over the duration of the Works, and as agreed at the fortnightly site meeting above, subject to Health and Safety requirements, the Requiring Authority shall invite Mr and Mrs Pascoe to attend site walkovers with the Construction Manager (or nominee), and to be present at agreed construction activities occurring on the Pascoe Land.
- (iv) The Requiring Authority shall be responsible for paying Mr and Mrs Pascoe for their time in attending the fortnightly meetings and site walkovers established by the above Conditions 5A(d)(ii) and 5A(d)(iii), in accordance with Condition 5A(h) below.

**Minimising damage to features of value to Mr and Mrs Pascoe**

- (v) Prior to undertaking any Works on the Pascoe Land, the Requiring Authority shall provide Mr and Mrs Pascoe the opportunity (which may be through the workshop in Condition 5A(a) above) to identify to the Construction Manager (or nominee) any features of particular importance or value to them on the Pascoe Land that could be affected by the Project. These features could include, but are not limited to, features known generally as: the old willow tree; the gum tree; the pet burial area; and the old homestead site. The features shall be recorded by GPS and identified on construction drawings.
- (vi) Where any features identified in Condition 5A(d)(v) above will be damaged or destroyed by construction activities, excluding the gum tree which is addressed in (vii) below, the Construction Manager (or nominee) shall consider construction methods that may minimise damage, and where such methods are reasonably practicable and feasible, shall prepare a

construction method statement that identifies the feature and the methods that shall be adopted to minimise damage to the feature. A copy of the construction method statement shall be provided to Mr and Mrs Pascoe and the Works undertaken in accordance with the statement (and all other requirements of the Designation and Resource Consent Conditions).

- (vii) If the gum tree identified in Condition 5A(d)(v) above is to be damaged or destroyed by the Works, the tree shall be felled and the usable logs offered to Mr and Mrs Pascoe.

**Providing for Mr and Mrs Pascoe's access and land use**

- (viii) Where rural activities are reasonably able to be continued on the Pascoe Land during the Works, the Requiring Authority shall, subject to any Health and Safety or any Project related requirements (including for the avoidance of doubt actions required by these Conditions to address the effects of the Project on ecological and other values) identified by the Construction Manager (or nominee), provide access to Mr and Mrs Pascoe, their employees or contractors, to undertake activities that have been agreed with the Construction Manager (or nominee). These activities could include, but are not limited to, bee hive placement and retrieval, farm materials storage, and access to other parts of the Pascoe Land.
- (ix) The activities and access requirements shall be discussed in the fortnightly meetings under Condition 5A(d)(ii).

**Involvement of Mr and Mrs Pascoe in ecological mitigation, offset or compensation activities**

- (x) Where the Requiring Authority is to undertake ecological mitigation, offset or compensation activities on the Pascoe Land, in accordance with the Ecological and Landscape Management Plan required by Condition 27, Mr and Mrs Pascoe shall be offered the opportunity, subject to agreement with the Construction Manager (or nominee) and the Project Ecologist, and subject to any Health and Safety requirements or specific Wildlife Act permit obligations, to attend and participate, as appropriate, in the activity. This participation could include, but is not limited to: vegetation surveys; restoration or landscape plantings; kiwi monitoring, capture or relocation work; lizard survey; fish surveys and fish recovery and relocation work; pest monitoring or management activities.
- (xi) If the Requiring Authority is undertaking ecological training or educational activities for other parties, where the activity is to occur on the Pascoe Land, Mr and Mrs Pascoe shall be invited to attend. Any invitation to such training shall be provided to Mr and Mrs Pascoe at least one week in advance of the event.

**Opportunities for casual employment**

- (xii) Over the duration of the Works, the Requiring Authority shall discuss with Mr and Mrs Pascoe the opportunity of casual employment on suitable activities being undertaken by the Mt Messenger Alliance on the Pascoe Land. The nature of such employment (if any), including the rate for

payment, shall be agreed with the Construction Manager (or nominee). This Condition is not subject to the provisions of Condition 5A(h).

**Reinstatement of Temporary Occupation Area**

(xiii) At the Completion of Construction Works, which shall be determined in accordance with Condition 43, or at an earlier time agreed with Mr and Mrs Pascoe, all Pascoe Land within the Temporary Occupation Area, including all construction yard works, construction buildings or structures, haul roads, stockpiling areas, and any other land disturbed by Works, shall be, unless otherwise agreed with Mr and Mrs Pascoe, reinstated to the general condition of the land prior to commencement of the Works. Prior condition of the land shall be established by the Mt Messenger Alliance by way of a photographic and video survey of the land within the Temporary Occupation Area and a copy of the survey provided to Mr and Mrs Pascoe within 4 weeks of it being completed.

(e) Operational effects

(i) The Requiring Authority shall invite Mr and Mrs Pascoe to participate in the development of the landscape and biodiversity restoration planting plans required by Condition 25 or Condition 27 for any plantings to occur on the Pascoe Land.

(ii) Screening Plan:

(1) Should, within 6 months following the commencement of the Works on the Pascoe Land, Mr and Mrs Pascoe advise the Requiring Authority of their intention to return to their existing dwelling at the Pascoe Land on Completion of Construction Works, the Requiring Authority shall offer to engage a suitably qualified and experienced landscape architect to develop a visual screen planting plan (the Screening Plan), which has the purpose of screening views of the new section of SH3 from the Pascoes' existing dwelling. The Requiring Authority shall ensure that the landscape architect consults with Mr and Mrs Pascoe in the development of the Screening Plan.

(2) Prior to undertaking any works recommended by the Screening Plan, the Requiring Authority shall arrange a peer review by a suitably qualified and experienced landscape architect to verify that the Screening Plan will provide an appropriate level of visual screening and shall provide written confirmation of such verification to Mr and Mrs Pascoe and to the Planning Lead (or Nominee). Upon receipt of the peer review the Planning Lead (or Nominee) shall confirm by writing to the Requiring Authority that the requirements of this Condition are met.

(3) If accepted by Mr and Mrs Pascoe, the Screening Plan shall be implemented at the Requiring Authority's cost, as soon as

practicable during the Works. All plantings required by the Screening Plan shall, subject to Mr and Mrs Pascoe enabling access, be maintained by the Requiring Authority, at its cost, for a period of 6 years following completion of the planting.

(iii) Additional restoration planting and amenity enhancement:

- (1) In addition to the landscape and biodiversity restoration planting required under Condition 25 and Condition 27, the Requiring Authority shall, if accepted, provide a total sum of \$55,000 (plus GST, if any) of plants and/or planting, including associated fencing, to Mr and Mrs Pascoe. The plants shall be planted either by the Mt Messenger Alliance subject to provision of necessary access by Mr and Mrs Pascoe (in which case the cost of planting is included in the \$55,000 total sum) or by Mr and Mrs Pascoe, on the land owned by Mr and Mrs Pascoe on the western side of SH3, opposite to the Pascoe Land, and described as Legal Description Section 51, Section 57 and Part Section 52 Block VIII Mimi Survey District, or some other property as agreed with the Requiring Authority, and at a precise location agreed between Mr and Mrs Pascoe and the Requiring Authority and selected in consultation with the Project Ecologist. The nature and details of the planting shall be developed by the ecologist, in consultation with Mr and Mrs Pascoe, but could include: mass plantings of native species, shelter or amenity plantings, specimen tree plantings, wetland or riparian plantings (or a mix of the above). If the planting location is not already protected from stock by appropriate fencing, the cost of establishing fencing shall be deducted from the \$55,000 total sum.
- (2) The Requiring Authority shall discuss with, and offer to, Mr and Mrs Pascoe the establishment of a small memorial feature on the Pascoe Land at a location to be agreed with them, to acknowledge the family's connection to the land on which the Project is constructed. This memorial would be in the form of a small plaque, sculptural feature or sign, and may or may not be in a location accessible to the public.

(iv) If Mr and Mrs Pascoe agree in writing to sell all of the Pascoe Land, excluding the 11.5ha "little farm" shown hatched red on the plan titled "Pascoe Land Showing Little Farm" attached as Schedule 4 to these Conditions ("**Little Farm**"), on terms acceptable to the Requiring Authority and within 8 weeks of receiving a written offer to that effect from the Requiring Authority, then the Requiring Authority shall offer to Mr and Mrs Pascoe to:

- (1) provide appropriate fencing to restrict stock access from Little Farm into the adjacent PMA land.



- (2) undertake an assessment of the existing dwelling at the Pascoe Land to establish the feasibility of salvaging materials from the dwelling that are of value to Mr and Mrs Pascoe (e.g. matai flooring, doors, fittings). Where salvage is considered reasonably practicable by the Requiring Authority, the Requiring Authority shall offer, at no cost to Mr and Mrs Pascoe, to transport the agreed items to a site identified by Mr and Mrs Pascoe and which has been agreed with the Requiring Authority. Subject to Health and Safety requirements, the Requiring Authority shall offer to Mr and Mrs Pascoe the opportunity to participate in the process of salvaging materials from the dwelling. The Requiring Authority shall not be responsible for storage of the items or for any other costs beyond the agreed salvage costs and the costs associated with transport.
- (3) establish a building platform at Little Farm and associated access way connecting to the existing SH3, provide for necessary services at the site, including single-phase power supply, telephone, water, and wastewater treatment and onsite disposal, and design in consultation with Mr and Mrs Pascoe, consent and construct a new dwelling on the building platform. The new dwelling shall be of a size no less than the existing dwelling at 3072 Mokau Road, and designed and constructed to comply with all relevant RMA and Building Code requirements. Where agreed by the Requiring Authority, the new dwelling could incorporate materials from the existing dwelling that have been salvaged in accordance with Condition 5A(e)(iv)(2). The maximum value payable by the Requiring Authority to fulfil this Condition 5A(e)(iv)(3) shall be \$700,000 including GST (if any).

*Advice note: A breakdown detailing the anticipated expenditure associated with each component of Condition 5A(e)(iv)(3) is set out in Schedule 5 to these conditions.*

- (4) establish a small, temporary, relocatable accommodation unit, such as a caravan, with necessary services, on the Little Farm, to provide accommodation for Mr and Mrs Pascoe while the new dwelling is being constructed. Should Mr and Mrs Pascoe agree to this provision, the obligation to offer alternative housing under Condition 19(b) shall not apply.
- (5) provide up to \$15,000 for landscaping and amenity planting on the Little Farm; and
- (6) offer to Mr and Mrs Pascoe to establish, at its cost, a short walking track on the floor of the Mangapepeke Valley, at a location determined by the Requiring Authority on the Pascoe Land. This track shall be maintained by the Requiring Authority for a period of 5 years from it being completed.

For the purposes of this condition 5A(e)(iv), “sell”, in the case of land that would be utilised solely for the purposes of ecological planting and / or pest management, includes encumbering that land, or similar, in a manner that the Requiring Authority agrees will enable the land to be fully utilised for the purposes of restoration or landscape planting and pest management required by the relevant conditions.

The obligations on the Requiring Authority under (1) – (6) above will only be triggered once the transfer of the land is complete (and if relevant, any encumbrance or similar is registered against the title to the Pascoe Land).

(f) If Condition 5A(e)(iv) relating to the sale / encumbering of the Pascoe Land (minus Little Farm) is triggered, then the following Conditions described above shall not apply (or shall cease to apply): Condition 5A(d)(xiii); and Conditions 5A(e)(ii)(1) to (3).

(g) Where Condition 5A refers to ‘Mr and Mrs Pascoe’, in the event that one or other is unable to or elects not to participate in any of the matters outlined in this Condition, the Condition shall be given effect to by the invitation to and/or participation of either Mr or Mrs Pascoe.

(h) Payment to Mr and Mrs Pascoe to reimburse them for their time is required under Conditions 5A(a), 5A(b), 5A(d)(ii) and 5A(d)(iii). These payments are payable by the Requiring Authority on receipt of signed and itemised invoices. The rate of payment to Mr and Mrs Pascoe shall be \$70 per hour plus GST (if any). For the avoidance of doubt, no payment to account for Mr and Mrs Pascoe’s time is required under any other parts of Condition 5A, and no payment to account for the time of any other individuals is required under any part of Condition 5A.

*Advice note: This Condition 5A is proffered by the Requiring Authority on an Augier basis.*

## **Complaints**

6. (a) At all times during the Works, the Requiring Authority shall maintain a register of any complaints received alleging adverse effects from, or related to, the Works. The record shall include:
  - (i) the name and address (where this has been provided) of the complainant;
  - (ii) identification of the nature of the complaint;
  - (iii) the location, date and time of the complaint and of the alleged event;
  - (iv) weather conditions at the time of the complaint (as far as practicable), including wind direction and approximate wind speed if the complaint relates to air discharges;
  - (v) the outcome of the Requiring Authority's investigation into the complaint;
  - (vi) measures taken to respond to the complaint; and

- (vii) any other activities in the area, unrelated to the Project, which may have contributed to the complaint (such as non-Project construction, fires, or unusually dusty conditions generally).

(b) When a complaint is received, the Requiring Authority shall:

- (i) acknowledge the complaint within 2 Working Days;
- (ii) promptly investigate, identify the level of urgency in respect of the complaint and communicate that to the complainant; and
- (iii) take reasonable steps to remedy or mitigate the matters giving rise to the complaint if there are reasonable grounds for the complaint, within 10 Working Days of receiving the complaint or such sooner time as may be reasonably necessary in the circumstances.

(c) The Requiring Authority shall also maintain a record of its responses and any remedial actions undertaken.

This record shall be maintained on site and shall be made available to the Planning Lead (or Nominee) upon request. The Requiring Authority shall provide the Planning Lead (or Nominee) with a copy of the complaints register every month.

*Advice Note: where for (b) and (c) there are a number of complaints relating to the same incident(s) the Requiring Authority may bundle those complaints together and provide one response (to be provided to all complainants) in accordance with those conditions.*

#### **Outline Plans**

7. The Requiring Authority shall provide to the Council an Outline Plan (or Outline Plans) in accordance with the provisions of s176A of the RMA for the following elements of the Project, prior to their construction:

- (a) The tunnel control building;
- (b) The tunnel emergency water supply tanks; and
- (c) The bridge over the Mimi swamp forest and the bridge at or about Chainage 2400.

Any other Works carried out in general accordance with Condition 1 shall not be subject to the requirement for an Outline Plan to be submitted to NPDC.

An Outline Plan shall be required under Section 176A of the RMA in respect of matters not in accordance with Condition 1.

#### **Management Plans – General**

8. All Works shall be carried out in general accordance with Condition 1, the Landscape and Environmental Design Framework, and the management plans certified in accordance with these designation conditions, which are the Construction Environmental Management Plan (CEMP) and the following documents provided as appendices to the CEMP:

- (a) Construction Noise Management Plan (CNMP);
- (b) Construction Traffic Management Plan (CTMP);
- (c) Ecology and Landscape Management Plan (ELMP);
- (d) Accidental Discovery Protocol (ADP);
- (e) Control of a Spill Procedure; and
- (f) Incident Reporting and Investigation.

*Advice Note: In addition to the abovementioned plans, the CEMP shall also include copies of the management plans required under the resource consents but not for the designation, being: the Contaminated Land Management Plan (CLMP), the Construction Water Management Plan (CWMP) and any associated Specific Construction Water Management Plans (SCWMP), and the Construction Dust Management Plan (CDMP). The requirements for these additional plans shall be determined in accordance with the relevant Resource Consent Condition(s).*

9. The management plans:
- (a) provide the overarching principles, methodologies and procedures for managing the effects of construction of the Project to achieve the environmental outcomes and performance standards required by these conditions; and
  - (b) shall be maintained and implemented by the Requiring Authority during Works, and in the case of the ELMP, those matters that continue beyond the Completion of Construction Works.
  - (c) Works shall not commence until the management plans required under Condition 8 have been certified in accordance with Condition 9A.

**Management Plan Certification, amendment and review**

- 9A. (a) The management plan(s) required under Condition 8 shall be certified in writing by the Planning Lead (or Nominee) in accordance with Conditions 9A(b) to (d).
- (b) The Requiring Authority shall provide the management plan(s) to the Planning Lead (or Nominee) for technical certification at least 40 Working Days prior to the commencement of Works.
- (c) Certification (or withholding certification) shall be based solely on whether the management plan(s) meets the objectives, performance standards and technical requirements of the relevant Designation Conditions, including for the ELMP, the matters set out in Schedule 1.
- (d) The Planning Lead (or Nominee) will carry out his/her best endeavours to certify the management plan(s) within 20 Working Days of receipt of the management plan(s), noting that expert input may be required before certification can be provided. If the Planning Lead (or Nominee) is unable to consider the management plan(s) within 20 Working Days he/she shall notify the Requiring Authority and advise a revised timeframe. Regardless, the Planning Lead (or Nominee) will carry

out his/her best endeavors to certify the management plan(s) as soon as possible after the 20 Working Day period and within a total of 40 Working Days of receipt.

(e) Provided that the Requiring Authority has not been advised of a revised timeframe under Condition 9A(d) the Planning Lead (or Nominee) shall, no later than 20 Working Days of receipt of the management plan(s), confirm in writing to the Requiring Authority that the management plan(s) is either certified or declined, or shall request that the Requiring Authority incorporate changes suggested by the Planning Lead (or Nominee). If a revised timeframe has been advised, confirmation of a decision shall be made by the Planning Lead (or Nominee) in accordance with that timeframe (with best endeavors to reach a decision within 40 Working Days from receipt of the management plan(s)).

(f) If 20 Workings Days have passed since the management plan(s) has been provided to the Planning Lead (or Nominee), and the Planning Lead (or Nominee) has not advised the Requiring Authority of a revised timeframe under Condition 9A(d) or certified or declined to certify the management plan(s) in accordance with Condition 9A(e), then the management plan(s) shall be deemed to be certified and the Requiring Authority may commence Works in accordance with the management plan(s) as provided.

(g) The resolution process stipulated under Condition 14 shall be followed if:

- (i) the Requiring Authority and the Planning Lead (or Nominee) are unable to agree on certification of a management plan(s); or
- (ii) the Requiring Authority considers that the Planning Lead (or Nominee) has not acted in accordance with Condition 9A.

10. (a) The Requiring Authority may make minor amendments to the management plans described in Condition 8 at any time. For the purpose of this condition, a 'minor amendment' is either a small change to the content of the Management Plan which has either no or a de minimis adverse environmental effect; or is a change which would result in an improved environmental outcome. Any changes to the management plans shall remain consistent with the objectives and performance standards of the management plan and the designation conditions.

(b) The Requiring Authority shall submit, in writing, the minor amendment to the Planning Lead (or Nominee) at least 10 Working Days before Works associated with the amendment are to be implemented. The Requiring Authority shall maintain a record of all minor amendments.

(c) If the Planning Lead (or Nominee) considers that the amendment is a material amendment in accordance with Condition 11, then it must notify the Requiring Authority within 5 Working Days of receipt of the amendment and then consider the amendment in accordance with Condition 11. If the Requiring Authority does not receive notice from the Planning Lead (or Nominee) under Condition 10(c) any Works associated with the minor amendment may proceed.

11. (a) The Requiring Authority may make material amendments to the final management plans at any time subject to the Certification of the Planning Lead (or Nominee). Material amendment is any amendment that is in general accordance with Condition 1, but is not a minor amendment in accordance with Condition 10.
- (b) Any material amendment to the management plans shall meet the objectives and performance requirements of the management plan and these designation conditions.
- (c) In the event of an amendment to a management plan under Condition 11(a), the Requiring Authority must submit, in writing, the amendment to the Planning Lead (or Nominee) for Certification 20 Working Days before the commencement of the relevant Works. Certification shall confirm that the amendment is in accordance with Condition 1 and meets the objectives and performance requirements of the management plan.
- (d) The Planning Lead (or Nominee) will carry out its best endeavours to consider the material amendment within 10 Working Days of receipt of the material amendment, noting that expert input, including from the Ecological Review Panel, may be required before Certification can be provided. If the Planning Lead (or Nominee) is unable to consider the material amendment within 10 Working Days it shall notify the Requiring Authority and advise a revised timeframe. Regardless, the Planning Lead (or Nominee) will carry out its best endeavors to consider the material amendment within a total of 20 Working Days of receipt.
- (e) Provided that the Requiring Authority has not been advised of a revised timeframe under Condition 11(d) the Planning Lead (or Nominee) shall, no later than 10 Working Days of receipt of the material amendment, confirm in writing to the Requiring Authority that the material amendment is either certified or declined, or shall request that the Requiring Authority incorporate changes suggested by the Planning Lead (or Nominee). If a revised timeframe has been advised, confirmation shall be made in accordance with that timeframe.
- (f) Should the Planning Lead (or Nominee) decline to certify the material amendment or request the incorporation of changes to the material amendment the Requiring Authority may then resubmit a revised material amendment to the management plan. The Certification process for a revised material amendment shall follow the same process described above in Conditions 11 (a) to (e).
- (g) Any material amendment involving changes to pest management methodologies and monitoring, kiwi fencing and underpasses, and amendments to the ELMP if the PMA is selected based on Scenario 3 or Scenario 4 shall be reviewed by the Ecological Review Panel.
- (h) The resolution process stipulated under Condition 14 shall be followed:
- (i) Where the Requiring Authority and the Planning Lead (or Nominee) are unable to agree on the finalisation of a material amendment to a management plan; or

- (ii) Where the Requiring Authority considers that the Planning Lead (or Nominee) has not acted in accordance with Condition 11(d) to consider the material amendment within a reasonable timeframe.

Works unaffected by the amendment may continue.

12. *This condition is intentionally left blank.*
13. All personnel involved with the construction of the Project shall be made aware of, and have access to, all conditions and management plans applicable to the construction of the Project, including any amendments to the management plans made under Conditions 10 and 11. Copies of these documents shall be kept on site at all times.
14. (a) In the event of any dispute arising about the content of the management plans between NPDC and the Requiring Authority, matters shall be referred in the first instance to the Planning Lead, and to the Requiring Authority's Construction Manager (as described in the CEMP), to determine a process of resolution.  
  
(b) If a resolution cannot be agreed under (a) within 15 Working Days, the matter shall be referred within 10 Working Days to an independent appropriately qualified expert, acceptable to both parties, setting out the details of the matter to be referred for determination and the reasons the parties do not agree.  
  
(c) The expert shall, as soon as possible, issue a recommendation on the matter. The Planning Lead (or Nominee) must notify its decision to the Requiring Authority within 5 Working Days of receipt of the recommendation from the expert that the management plan is certified, declined, or request that the Requiring Authority incorporate changes suggested by the Council.
15. Commencing within 12 months of the notice provided under Condition 18B, the Requiring Authority shall undertake an annual review of all management plans. This review shall include, but not necessarily be limited to:
  - (a) Reviewing compliance with the Project designation conditions, the CEMP and management plans.
  - (b) Reviewing any significant changes to construction activities or methods, and/or any unanticipated adverse effects resulting from the Construction Works.
  - (c) Any changes to roles and responsibilities within the Project team.
  - (d) Reviewing the results of inspections, monitoring and reporting procedures associated with the monitoring of adverse effects during construction.
  - (e) Reviewing responses to any comments or recommendations from NPDC regarding the CEMP and management plans.
  - (f) Reviewing responses to any comments or recommendations from KFG, NPDC, DOC or the Ecological Review Panel regarding the ELMP and PMP made in the previous 12 months.

(g) Reviewing any unresolved complaints and any response to complaints and remedial action taken to address the complaint.

The outcome of this annual review shall be provided to the Planning Lead (or Nominee) within 15 months of the notice provided under Condition 18B and then at subsequent annual intervals, and a copy shall be provided to the KFG and the Operations Manager of DOC New Plymouth District Office.

Where either the Requiring Authority proposes, or the Planning Lead (or Nominee) requests changes to management plans as a result of the annual review, any change to a management plan shall be made as soon as practicable and shall be subject to the provisions of Conditions 10, 11 and 14.

Annual review of the management plans shall cease following the Completion of Construction Works, except that review of the ELMP and PMP shall continue to be carried out in accordance with the reporting and review required under Condition 32.

*Advice note: comments or recommendations regarding the CEMP and management plans may also be received from TRC under the resource consent conditions.*

### **Construction Environmental Management Plan**

16. The Requiring Authority shall implement the Construction Environmental Management Plan (**CEMP**), which provides the overarching framework to ensure that the Project remains within the limits and standards required by these conditions and that Works appropriately avoid, remedy, mitigate, offset or compensate for adverse effects on the environment. The CEMP shall remain in place until the Completion of Construction Works with the exception of those matters of the ELMP that continue beyond the Completion of Construction Works.
17. The CEMP shall include details of:
  - (a) staff and contractors' responsibilities;
  - (b) training requirements for employees, sub-contractors and visitors;
  - (c) environmental incident and emergency management (including the procedures required under regional consent condition GEN.8);
  - (d) communication and interface procedures;
  - (e) complaints management (in accordance with condition 6);
  - (f) compliance monitoring;
  - (g) environmental reporting;
  - (h) corrective action;
  - (i) environmental auditing;
  - (j) construction lighting;
  - (k) rehabilitation of construction yards;



- (l) the methods to engage with stakeholders, including:
  - (i) how the community will be kept informed of progress with Works, including proposed hours of operation outside normal working hours and Project construction personnel contact details;
  - (ii) how the Requiring Authority will engage with the community in order to foster good relationships and to provide opportunities for learning about the Project;
  - (iii) providing early information on key Project milestones;
  - (iv) identifying stakeholders such as landowners, road users, local community, iwi, regulatory authorities, industry, network utility operators, road maintenance contractors, emergency services;
  - (v) responding to queries and complaints (in accordance with condition 6);
  - (vi) subject to any necessary health and safety requirements identified by the Requiring Authority, provision for DOC staff (or their nominees) to gain reasonable access to the site during the construction period;
- (m) CEMP review (in accordance with condition 15); and
- (n) construction methodologies and construction timeframes, including Staging.

- 18. The Requiring Authority shall appoint a representative(s) who shall be the Planning Lead's (or Nominee) principal contact person(s) in regard to matters relating to the designation conditions for the Project. The Requiring Authority shall inform the Council of the representative's name and how they can be contacted, prior to the commencement of construction. Should that person(s) change during the construction of the Project, the Requiring Authority shall immediately inform the Planning Lead (or Nominee) and provide confirmation of the new representative's name and contact details.
- 18A. Subject to any necessary health and safety requirements identified by the Requiring Authority, the Planning Lead (or Nominee) shall have access to all relevant parts of the Project Area at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples.
- 18B. The Requiring Authority shall provide the Planning Lead (or Nominee) at least 5 days prior notice of the commencement of Works.

**Construction Noise Management Plan**

- 19. Construction noise shall, subject to the exceptions provided for in the Construction Noise Management Plan (**CNMP**) set out in conditions 20 and 21, comply with the following criteria in accordance with NZS6803: 1999:

	Time period	dB LAeq	dB LAFmax
Weekdays	0630-0730	55	75
	0730-1800	70	85
	1800-2000	65	80
	2000-0630	45	75

Saturday	0630-0730	45	75
	0730-1800	70	85
	1800-2000	45	75
	2000-0630	45	75
Sunday and Public Holidays	0630-0730	45	75
	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

*Notes: Measurement and assessment of construction noise shall be undertaken in accordance with NZS6803:1999.*

- 19(a). Should the Requiring Authority not rent or otherwise occupy the dwelling at 2397 Mokau Road during construction:
- (a) operation of the spoil disposal site at 2397 Mokau Road shall be limited to Monday to Saturday 0730 to 1800 (no works are permitted on Sundays, public holidays or between 1800 and 0730 Monday to Saturday); and
- (b) Noise mitigation at this site shall be implemented in accordance with the CNMP.
- 19b. The Requiring Authority shall prior to the commencement of Works, write to the occupiers of the dwelling at 3072 Mokau Road to offer to provide alternative housing from the commencement of Works until the Completion of Construction Works. If that offer is accepted, the Requiring Authority will provide that alternative housing in a form that is as similar as is reasonably practicable to the dwelling at 3072 Mokau Road. The obligation to provide alternative housing under this condition will not apply (or will cease to apply) if condition 5A(e)(iv) applies or if the Requiring Authority acquires rights over the dwelling at 3072 Mokau Road.
20. The Requiring Authority shall implement the CNMP, which identifies how the Requiring Authority will manage effects from construction noise that will exceed the criteria in condition 19. The CNMP shall remain in place until the Completion of Construction Works.
- The CNMP shall be in accordance with:
- (a) the requirements of Annex E to NZS 6803:1999; and
- (b) the NZ Transport Agency State highway construction and maintenance noise and vibration guide (2013).
21. The CNMP shall include:
- (a) the general hours of work for the Project;
- (b) the details of any activities that may be undertaken outside of the general hours of work for the Project;
- (c) procedures to comply with NZS6803:1999;
- (d) the details of any activities that may not comply with NZS6803:1999 and measures to mitigate construction noise from those activities as far as practicable to ensure the effects are appropriate;

(e) the necessary setbacks for specific construction plant and equipment in relation to residential dwellings; and

(f) the management and communication procedures for Works that may not comply with NZS6803:1999.

### **Construction Traffic Management Plan**

22. The Requiring Authority shall implement the Construction Traffic Management Plan (**CTMP**), which identifies how the Requiring Authority will manage construction traffic to:

(a) protect public safety;

(b) minimise delays to road users;

(c) minimise disruption to property access; and

(d) inform the public about any potential impacts on the road network.

The CTMP shall remain in place until the Completion of Construction Works.

23. The CTMP shall include:

(a) details of traffic management activities and sequencing proposed for the Project;

(b) methods for managing construction related traffic movements;

(c) provisions to ensure that, as far as practicable, road users will not be held up by construction activities for an unreasonable period of time (such time period to be specified); and

(d) provisions for emergency services to have access along SH3 24 hours per day, unless construction requires the temporary closure of a road, in which case, prior to any temporary closure, an emergency action plan shall be developed and agreed with emergency services to provide for access for the duration of that closure.

24. The CTMP shall comply with the version of the NZ Transport Agency Code of Practice for Temporary Traffic Management (**COPTTM**) which applies at the date of the CTMP. Where it is not possible to adhere to the COPTTM, the COPTTM's prescribed Engineering Exception Decision process shall be followed.

### **Landscape and Environment Design Framework**

25. The Requiring Authority shall ensure that detailed design of the Project is in general accordance with the LEDF dated July 2018 including consideration of the following:

#### *(a) Restoration planting*

Extensive revegetation of riparian margins and areas of pasture, as further detailed in the ELMP. The revegetation is to use indigenous species eco-sourced from the area, and planted to reflect natural patterns. Planting techniques are to use enrichment planting to mimic succession. Revegetation is to be coordinated between ecological restoration experts, landscape experts and Ngāti Tama.

#### *(b) Naturalisation of Stream Diversions*

Naturalising stream diversions to reflect characteristics of the existing streams at each location.

*(c) Retention of Significant Trees and Vegetation*

Retaining as many significant trees (and other significant vegetation) as possible close to the alignment through such measures as fine-tuning the alignment and earthworks.

*(d) Cut Batters*

Designing cut batters to integrate with the area's landforms, including echoing natural slope angles, avoiding benched cuts, and treatment of rock faces to promote natural revegetation over time.

Minimising the visual impact of the mesh drape by avoiding drape in the lower 8m of cut faces, unless the Requiring Authority determines it is required for engineering or safety purposes, and exploring opportunities to configure the highway cross-section that might obviate the need for the mesh drape.

*(e) Fill Batters*

Treatment of fill batters to minimise footprint or merge with natural contours depending on context, and revegetation of batter slopes.

*(f) Surplus fill disposal*

Selection of sites with low visibility and low natural value for the disposal of surplus fill, contouring such fill to marry with natural contours, and revegetating it with indigenous bush species.

*(g) Bridge Design*

Detail design of the Mimi swamp forest bridge (its form and finish) appropriate to its setting adjacent to a significant natural area and including attention to barrier and rail design to maintain views from the bridge, whilst addressing safety and engineering requirements.

Simplifying the suite and spatial layout of 'highway furniture' (such as barriers and signage poles) to minimise visual clutter.

*(h) Cycling Shoulder*

Detail design of the 1.5m shoulder to ensure its suitability for cycling, noting that this is to be modified in the tunnel to a 1.2m shoulder in conjunction with a painted median.

*(i) Access and stopping places*

Reinstatement of access to the Kiwi Road Track. Consideration of stopping places where acceptable.

*(j) Cultural expression and kaitiakitanga*

Expression by Ngāti Tama of their cultural presence and kaitiakitanga integrated into the detailed design and mitigation through such aspects as involvement in the

restoration of natural systems, design and finish of the tunnel portals and bridge, naming of elements (such as tunnel and bridge), and dedicating the large trees to be removed for cultural purposes.

26. Prior to construction of any Stage (or Stages) of the Construction Works, the Requiring Authority shall arrange a peer review by a suitably qualified and experienced landscape architect to verify that the detailed design is in general accordance with the LEDF and the matters listed in Condition 25, and shall provide written confirmation of such verification to the Planning Lead (or Nominee). Upon receipt of the peer review for any Stage (or Stages) of Construction Work the Planning Lead (or Nominee) shall confirm by writing to the Requiring Authority that the requirements of this condition are met.

*Advice note: This Condition does not apply to Establishment Works.*

### **Ecology and Landscape Management Plan**

27. The Requiring Authority shall implement the Ecology and Landscape and Management Plan (**ELMP**), which identifies how the Project will avoid, remedy, mitigate, offset and compensate for potential adverse effects on the ecological, landscape and biodiversity values of the land within the Project Area and its surrounds, including on:
- (a) vegetation / habitat (including wetlands);
  - (b) herpetofauna (lizards and frogs);
  - (c) bats;
  - (d) avifauna;
  - (e) peripatus;
  - (f) fish, kōura and kākahi; and
  - (g) streams.
28. The matters to be addressed in the ELMP are set out in Schedule 1 to these Conditions, in accordance with a series of sub-management plans:
- (a) Landscape and Vegetation Management Plan;
  - (b) Bat Management Plan;
  - (c) Avifauna Management Plan;
  - (d) Herpetofauna Management Plan;
  - (e) Freshwater Management Plan;
  - (f) Pest Management Plan;
  - (g) Peripatus Management Plan; and
  - (h) Biosecurity Management Plan.

- 28A. (a) The Requiring Authority shall provide a complete set of Ecological Constraints Maps covering the entire Project Area, as referred to in the ELMP. The Ecological Constraints Maps shall show the constraints identified in accordance with the ELMP and may be prepared to reflect the Stage or Staging of Works.
- (b) The Ecological Constraints Maps for any Stage (or Stages) of Works shall be submitted to the Planning Lead (or Nominee) for certification in accordance with Conditions 10 or 11.
- (c) Should an amendment be required to the ELMP as a consequence of preparing the Ecological Constraints Maps, the amendment shall be submitted to the Planning Lead (or Nominee) in accordance with Conditions 10 or 11.
- (d) Once finalised in accordance with this condition, the Ecological Constraints Maps for each Stage (or Stages) of Work shall be inserted into Appendix A of the ELMP.
- (e) Works associated with any Stage (or Stages) of the Project shall not commence until the Ecological Constraints Maps have been certified by the Planning Lead (or Nominee) and inserted into the ELMP.
29. The Requiring Authority shall undertake ecological mitigation and biodiversity offset and compensation measures in accordance with the ELMP to address the matters in Schedule 1 and to achieve the following:
- (a) Vegetation:
- (i) The retention, where possible, of the vegetation with the highest ecological value within the Project area as identified in Figures 4.1 and 4.2 of the ELMP;
- (ii) Restoration planting as follows:
- (1) At least 6ha of kahikatea swamp forest; and
- (2) At least 9ha of mitigation planting using an appropriate mix of plant seedlings.
- (3) Planting of 200 saplings of the same species for each significant tree that is felled.
- Advice note: significant trees are defined in the ELMP and shown on the Landscape Concept Plans in the LEDF.*
- (4) Following the completion of vegetation clearance, the Requiring Authority shall measure the extent of vegetation clearance and shall reassess the extent of restoration planting required under Conditions 29(a)(ii) (2) and (3), using the methodology set out in the ELMP. The Requiring Authority shall prepare and provide a report to the Planning Lead (or Nominee) confirming the restoration planting required. If additional restoration planting is required, the extent of the restoration planting area required shall be identified and the report provided to the Planning Lead (or Nominee) for Certification that the calculation of the additional planting achieves the requirement of Conditions 29(a)(ii) (2)

and (3). If the recalculation results in a lesser restoration planting area, the planting area required in Condition 29(a)(ii)(2) and (3) shall be provided.

*Advice Note: Certification of the report shall be carried out in accordance with the Certification process set out in Condition 11.*

(5) The completion of all restoration planting within three planting seasons of the Completion of Construction Works, unless natural conditions during Construction Works result in poor seed production, or poor seed condition and adversely limits seedling propagation for indigenous plant species, in which case completion would be delayed to reflect the availability of suitable seedlings. The Requiring Authority shall notify the Planning Lead (or Nominee) when the restoration plantings have been completed.

(6) Should there be a delay in the completion of restoration planting due to the availability of suitable seedlings as described in (5) above, the Requiring Authority shall provide the Planning Lead (or Nominee) with an amended timeframe, which shall not exceed three planting seasons, and shall complete the planting as soon as reasonably possible within the agreed timeframe, informing the Planning Lead (or Nominee) when planting is complete.

(7) For the restoration planting required under Condition 29(a)(ii)(1) and (2), the plantings shall achieve 80% canopy cover 6 years following planting in the areas where trees and shrubs are planted. If 80% canopy cover is not achieved at 6 years following planting, any necessary replacement planting and planting maintenance shall continue beyond year 6 until 80% canopy cover is achieved.

(8) For the restoration planting required under Condition 29(a)(ii)(1) the planting shall achieve kahikatea forming 16% of the tree canopy at year 10. Additional kahikatea will be planted in the areas where the kahikatea contribution to the canopy is less than 16%. At year 35, kahikatea shall comprise 65% of the canopy in the kahikatea swamp forest planting required by this condition.

(9) For each significant tree felled, the restoration planting required under Condition 29(a)(ii)(3) shall achieve 90% survival of the 200 planted trees at 6 years following planting. If 90% plant survival has not been achieved within 6 years following planting, any necessary replacement planting and planting maintenance shall continue beyond year 6 until 90% survival is achieved.

(b) Herpetofauna:

- (i) The salvage and relocation of lizards from felled vegetation within the Project Area in accordance with the ELMP.
- (ii) The Requiring Authority shall provide funding of a total of \$200,000 (plus GST, if any) as a contribution to one or more research and / or

development projects where the outcomes are intended to benefit herpetofauna in the North Taranaki Ecological District. The project or projects to receive this funding will be nominated by DOC, following discussion by the Requiring Authority with the Operations Manager of DOC New Plymouth District Office and the Planning Lead (or Nominee).

- (iii) DOC will receive, administer and distribute the funding required to be provided pursuant to Condition 29(b)(ii). The Requiring Authority will make the funding available prior to commencing Works, and will provide written notice to the Planning Lead (or Nominee) that it has done so. Within two years of commencing Works, the Requiring Authority will provide a written update to the Planning Lead (or Nominee) setting out progress on how the funding has been allocated and will be utilised.

(c) Bats:

- (i) For vegetation removal within the Project Area, the Vegetation Removal Protocol (VRP) set out in Annex DH of the 'NZ Transport Agency (the Transport Agency) research report 623 'Effects of land transport activities on New Zealand's endemic bat populations: reviews of ecological and regulatory literature' (Smith et al. 2017)' and set out in the ELMP, which includes modification to account for local conditions shall apply to:

(1) all trees greater than 80cm Diameter at Breast Height (DBH).

(2) all trees between 15cm and 80cm DBH which are considered by a specialist bat ecologist as having features suitable for bat roosting, such features including:

- i. cracks, crevices, cavities, fractured limbs, or other deformities, large enough to support roosting bat(s);
- ii. sections of loose flaking bark large enough to support roosting bats;
- iii. a hollow trunk, stem or branches;
- iv. deadwood in canopy or stem of sufficient size to support roost cavities or hollows;
- v. guano, grease marks and/or urine staining around cavity entrances; and
- vi. selected individual trees with high epiphyte loading (five or more perched nested epiphytes located on horizontal branches).

(3) All trees shown through the bat monitoring programme (Condition 30) to be Roosts.

(4) The 17 significant trees referred to in condition 29(a)(ii)(3).

*Advice Note: the VRP shall not apply to the removal of any other vegetation.*



(d) Avifauna:

- (i) The tracking and monitoring of kiwi prior to and during construction along the entire length of the road corridor, and the relocation of kiwi where necessary.
- (ii) The design, installation and ongoing maintenance of kiwi exclusion fencing to restrict kiwi accessing the road and to guide kiwi to culvert underpasses/safe crossing points.
- (iii) The placement of appropriate road signage along the new road corridor to warn motorists about the possible presence of kiwi.
- (iv) Monitoring of Australasian bittern using automatic acoustic bird monitors at the Mimi wetland and in the Mangapepeke Valley prior to construction. Should bittern be recorded in the Project Area the Requiring Authority shall advise the Operations Manager of DOC New Plymouth District Office within two days of the data from the automatic acoustic bird monitor being analysed. The Requiring Authority shall design, install and maintain low fencing adjacent to the road corridor at marshland locations where bittern are recorded, prior to operation of the road.
- (v) The DOC Operations Manager New Plymouth District Office, TRoNT and the Planning Lead (or Nominee) shall be notified should nesting kokako or their nests be detected in the construction area. Notification shall be provided within 2 hours of detection. Appropriate response actions shall be implemented immediately to avoid disturbance.

(e) Peripatus

- (i) The salvage and relocation of peripatus contained within suitable selected peripatus habitat from within the Project Area.

(f) Fish, kōura and kākahi

- (i) The recovery and relocation of fish, kōura and kākahi in the sections of waterways affected by instream works, prior to instream works occurring.
- (ii) The rescue and relocation of fish, kōura and kākahi from any spoil.
- (iii) The design and installation of permanent culverts that shall maintain fish passage in all affected waterways (with the exception that maintenance of fish passage is not required at culverts 2, 10 and 13). Culvert design shall be informed by the New Zealand Fish Passage Guidelines for Structures Up to 4 Metres (2018).

(g) Streams

- (i) The design and construction of diverted streams shall be in accordance with the Stream Ecological Design Principles attached to the LEDF. 798m<sup>2</sup>

of remediated stream diversions will be restored, through riparian planting, and livestock exclusion. Riparian margins of an average of 10m each side of the stream will be created and planted.

- (ii) The riparian planting and exclusion from livestock of at least 10,738m<sup>2</sup> of existing streambed area. Riparian margins of an average of 10m each side of the stream will be created and planted. Together with (i) this will create 11,536m<sup>2</sup> of stream restoration.
- (iii) Following the completion of stream works, the Requiring Authority shall measure the extent of stream works and shall reassess the extent of riparian planting required under Conditions 29(g)(ii), using the methodology set out in the ELMP. The Requiring Authority shall prepare and provide a report to the Planning Lead (or Nominee) confirming the riparian planting required. If additional riparian planting is required the extent of the riparian planting required shall be identified and the report provided to the Planning Lead (or Nominee) for Certification that the calculation of the additional planting achieves the requirement of Condition 29(g)(ii). If the recalculation results in a figure less than 10,738m<sup>2</sup> of existing streambed area the Requiring Authority shall provide planting to achieve the requirement of Condition 29(g)(ii).

*Advice Note: Certification of the report shall be carried out in accordance with the Certification process set out in Condition 11.*

- (iv) The completion of all riparian planting within three planting seasons of the Completion of Construction Works, unless natural conditions during Construction Works result in poor seed production, or poor seed condition and adversely limits seedling propagation for indigenous plant species, in which case completion would be delayed to reflect the availability of suitable seedlings. The Requiring Authority shall notify the Planning Lead (or Nominee) when the riparian plantings have been completed.
- (v) Should there be a delay in the completion of riparian planting due to the availability of suitable seedlings as described in (iv) above, the Requiring Authority shall provide the Planning Lead (or Nominee) with an amended timeframe, which shall not exceed three planting seasons, and shall complete the planting as soon as reasonably possible within the agreed timeframe, informing the Planning Lead (or Nominee) when planting is complete.
- (vi) For the riparian planting required under Condition 29(g)(ii), the plantings shall achieve 80% canopy cover 6 years following planting in the areas where trees and shrubs are planted. If 80% canopy cover is not achieved at 6 years following planting, any necessary replacement planting and planting maintenance shall continue beyond year 6 until 80% canopy cover is achieved.

- (h) Pest management:
- (i) Pest management in perpetuity over the Pest Management Area (PMA) confirmed by Condition 30, being an area of 3,650ha.
  - (ii) Pest management in the PMA shall be undertaken in accordance with the Pest Management Plan (PMP) in the ELMP to:
    - (1) reduce and maintain rats, possums, feral cats and mustelids to low levels in perpetuity.
    - (2) reduce and maintain feral goats and pigs to low densities in perpetuity.
    - (3) exclude farm stock in perpetuity.
    - (4) monitor and control wasps along the road corridor only during construction and through to the conclusion of a 6 year plant maintenance period.
  - (iii) Implementation of the PMP shall commence as soon as practicable, and no later than one year following the commencement of Works.
  - (iv) Pest management shall be undertaken in accordance with the PMP to achieve the following outcome target pest densities in the PMA, measured immediately prior to the breeding season (for bats and birds) and then through the critical stages when young remain in the roost / nest:
    - (1) rat species –  $\leq 5\%$  tracking tunnel index.
    - (2) mustelids – no detections.
    - (3) cats – no detections.

And throughout any year, to achieve the following outcome target pest densities in the PMA:

    - (4) possums –  $\leq 5\%$  chew card index.
    - (5) goats and deer -  $< 1$  kill per hunter/day.
    - (6) feral pigs -  $< 1$  kill per hunter/day; and
    - (7) farm livestock – zero presence.
  - (v) Pest management shall be undertaken in accordance with the PMP to achieve the following outcomes for palatable plant species:
    - (1) The recruitment of vegetation species in the PMA which are currently suffering ungulate induced recruitment failure, with the following species used as indicators of recruitment: mahoe, hangehange, large leaved coprosma spp., pate, wineberry, tawa, hinau, kamahi and pikopiko.

(2) Recovery of condition of possum palatable trees in the PMA, with the following species used as indicators of recovery: swamp maire, mahoe, kaikomako, northern rata and thin-barked totara.

(vi) Pest management shall be undertaken in accordance with the PMP to achieve the following outcome for avifauna:

(1) A statistically significant 20% increase in relative abundance for kiwi, tui, bellbird, kereru, whitehead, long-tailed cuckoo, fernbird, and North Island Robin in the PMA within 12 years of the Completion of Construction Works.

29A. (a) Works shall not commence until the Requiring Authority provides the Planning Lead (or Nominee) with written confirmation that it has in place the legal agreements and/or other authorisations necessary to allow the Requiring Authority to enter onto land to carry out, continue and maintain all the measures set out in the ELMP, including the restoration planting, riparian planting and pest management measures. This shall also include appropriate access to such sites, for the purposes of undertaking those measures. The legal agreements and/or other authorisations shall (other than in the case of land vested in the Crown):

- (i) provide for the rights to carry out, continue and maintain the measures in perpetuity through appropriate covenants and/or encumbrances (or similar legal mechanisms) registered against the title; or
- (ii) in the case of land either owned by Ngāti Tama and/or returned to Ngāti Tama under the Ngāti Tama Claims Settlement legislation, provide for a term of not less than 35 years, and require that any subsequent purchasers of the site(s) be bound by the agreements/other authorisations.

(b) If the final location of the PMA is confirmed through the application of Scenario 4 in Condition 30, Works may commence before the Requiring Authority has in place the relevant agreements and/or other authorisations to carry out, continue and maintain pest management measures, but:

- (i) Implementation of the PMP shall commence in accordance with Condition 29(h)(iii); and
- (ii) The statement confirming legal agreements and/or other authorisations, required under Condition 29A(a), shall also be provided to the Planning Lead (or Nominee) prior to implementation of the PMP.

(c) The Requiring Authority will carry out pest management within the PMA in perpetuity, and ensure that the restoration and riparian planting is protected on an ongoing basis.

(d) The Requiring Authority shall notify the Planning Lead (or Nominee) at least 2 years prior to the expiry of the term of any authorisations under Condition 29A(a)(ii) if new or amended location/s for some of the PMA will be required to be confirmed, and shall either immediately commence the process for renewing the relevant

authorisations if the land is continued to be used, or confirm new or amended location/s.

(e) Any new or amended locations required under Condition 29A(d) shall be confirmed following the process set out in Condition 30 (as applicable given that parts of Condition 30 specifically reference proposed locations for the Pest Management Area as at the time of Confirming the Designation). The new or amended locations must contain a sufficient number of long-tailed bat maternity roosts to verify that the locations are suitable habitat for long-tailed bats as determined by the Requiring Authority's bat expert in consultation with DOC's nominated bat expert (taking into account the size and nature of maternity roosts and their value to the long-tailed bat population). Any new or amended PMA must be at least 3,650 ha and comprised of areas contiguous or in close proximity to provide confidence that the pest abundance targets in Condition 29(h)(iv) will be achieved (including minimising the length of edge of the new or amended PMA). For the avoidance of any doubt, the process set out in Conditions 30(h) to (l), requiring consultation with DOC and the KFG and certification by the Planning Lead (or Nominee) shall be used to review and certify any new or amended PMA.

(f) Any new or amended location/s required under Condition 29A(d) shall be protected for a term of at least 35 years. The location and details for the new or amended location/s, including amendments to the ELMP, shall be certified following the process in Condition 11. The Requiring Authority shall provide written confirmation to the Planning Lead (or Nominee) that it has in place the legal agreements and/or other authorisations to carry out the relevant measures according to the requirements of Condition 29A.

(g) The requirements of Conditions 29A(d)–(f) shall apply on an ongoing basis, such that the Requiring Authority will always be required to have locations necessary to carry out, continue and maintain all the measures set out in the ELMP in place and secured by way of agreements and/or authorisations.

30. (a) The Requiring Authority shall implement a programme of long-tailed bat radio tracking (the "Monitoring Programme") to establish the location of long-tailed bat roosts and in particular Maternity Roosts within the Study Area. The purpose of the Monitoring Programme is to identify and define the location of the PMA based on the location of Maternity Roosts, to ensure that the intended outcomes for long-tailed bats are achieved.

*Advice note: It is acknowledged that at the time of Confirming the Designation, the Requiring Authority has implemented the process set out under Condition 30 and that the location of the PMA has been confirmed and will be as described in the ELMP. Should the PMA area be refined in the future, Condition 30 describes the process that shall be followed to confirm the refined PMA area.*

#### **Bat Monitoring Programme**

(b) The Monitoring Programme shall be carried out for one season during the period of peak long-tailed bat activity (1 October to 31 March).

(c) The Monitoring Programme will confirm and map the location of long-tailed bat Maternity Roosts within the Study Area. Knowledge gained from the monitoring programme will be used to confirm the location of the PMA, and to identify the roost trees that will be subject to the VRPs.

(d) The Requiring Authority shall appoint a bat expert (the “bat expert”) who will manage the Monitoring Programme and prepare the Bat Monitoring Report. The Requiring Authority will also appoint Dr Stuart Parsons, or an alternative independent peer reviewer selected by the Planning Lead (or Nominee) in consultation with the Requiring Authority and DOC (the “independent peer reviewer”).

(dd) The bat expert and the independent peer reviewer shall meet the E Class bat competency, as set out in Table D2 of Appendix D: to ‘NZ Transport Agency research report 623 ‘Effects of land transport activities on New Zealand’s endemic bat populations: reviews of ecological and regulatory literature’ (Smith et al. 2017)’. All other personnel involved in implementing the monitoring programme shall meet the bat competency class of D for all personnel involved in bat handling, or C2 for all personnel involved in roost identification, as set out in Table D2 of Appendix D: to NZ Transport Agency research report 623.

(e) The Monitoring Programme shall be undertaken in accordance with the DOC best practice manual of conservation techniques for bats Version 1 (DOCDM-131465), and the methodology as set out in the ELMP.

(f) The Monitoring Programme described in Condition 30(a) shall involve:

- (i) At least 30 nights of bat trapping effort in conditions suitable for bat activity;
- (ii) The use of at least 8 harp traps, as well as mist-net traps and acoustic lures;
- (iii) An additional 10 nights of trapping should fewer than 10 Maternity Roosts have been identified at the conclusion of 30 nights of monitoring;
- (iv) The fitting of bats with radio transmitters, and the subsequent tracking of those bats until the transmitters are no longer transmitting; and
- (v) Bat trapping may cease earlier than provided for in (i) and (iii) above if 30 bats have been fitted with radio transmitters and those bats have been tracked until the transmitters are no longer transmitting.

#### ***Bat Monitoring Report***

(g) On completion of the Monitoring Programme a report (the “Bat Monitoring Report”) shall be prepared by the bat expert that:

- (i) Details the methods used and the monitoring effort undertaken;
- (ii) Sets out the findings of the Monitoring Programme;
- (iii) Identifies the location of all identified long-tailed bat roosts, including Maternity Roosts (if found) within the Study Area;

- (iv) Sets out any comments received from the independent peer reviewer and any comments received from DOC's nominated bat expert regarding whether the monitoring programme has been completed in accordance with the requirements of these conditions and on the recommended location of the PMA; and
- (v) Recommends the location of the PMA in accordance with the following Scenarios 1, 2, 3 or 4.

**Scenario 1**

In the event that the Monitoring Programme identifies:

- (1) 10 or more Maternity Roosts within the Intended PMA; or
- (2) 10 or more Maternity Roosts within the Study Area and 70% of these are located within the Intended PMA area shown on Figure 9.1 in the ELMP:

the Intended PMA will be the Confirmed PMA.

**Scenario 2:**

In the event that Scenario 1 above does not apply, but the Monitoring Programme identifies suitable bat roosting habitat that is located in the Wider PMA, the bat expert shall, in consultation with DOC's nominated bat expert, review the monitoring data and consider whether the Wider PMA supports suitable Maternity Roosts for the PMA to be set within the Wider PMA.

In doing so, the bat expert shall take into account the size and nature of the Maternity Roosts and their value to the local long-tailed bat population, along with any other relevant matters that relate to determining the suitability of the Wider PMA for bat habitat.

If after reviewing the monitoring data, the bat expert, in consultation with Mr MacGibbon, Mr Nicholas Singers and Dr John McLennan (or, if Mr MacGibbon, Mr Singers or Dr McLennan are not available, other experts in vegetation and avifauna selected by the Requiring Authority) and DOC's nominated bat expert, considers that the Wider PMA does support suitable Maternity Roosts, the PMA may be recommended to be located within the Wider PMA.

In recommending the boundaries of the PMA the following factors will be considered:

- (a) the ability to utilise Parininihi;
- (b) the location of the identified Maternity Roosts;
- (c) retaining the Project Area and kahikatea-swamp forest plantings in the PMA;
- (d) minimising the overall length of the edge of the PMA;
- (e) minimising the length of the edge of the PMA that adjoins mature forest;

- (f) the practicality of implementing pest management, including access; and
- (g) the effectiveness of the PMA in offsetting or compensating for the effects of the Project on other ecological values, in particular vegetation and avifauna.

**Scenario 3:**

In the event that the majority of Maternity Roosts are discovered in the Study Area but outside of the Wider PMA, the bat expert shall, in consultation with, Mr MacGibbon, Mr Nicholas Singers and Dr John McLennan (or, if Mr MacGibbon, Mr Singers or Dr McLennan are not available, other experts in vegetation and avifauna selected by the Requiring Authority) and DOC's nominated bat expert, review the monitoring data and consider whether the Study Area supports suitable Maternity Roosts for the PMA to be recommended to be within the Study Area.

In doing so, the bat expert shall take into account the size and nature of the Maternity Roosts and their value to the local long-tailed bat population, along with any other relevant matters that relate to considering the suitability of the Study Area for bat habitat.

If after reviewing the monitoring data, the bat expert, in consultation with DOC's nominated bat expert, considers that the Study Area does support suitable Maternity Roosts, the PMA may be recommended to be located within the Study Area.

In that case, the PMA shall be 3,650 ha, and the boundaries shall be recommended by the bat expert in consultation with Mr Roger MacGibbon, Mr Nicholas Singers and Dr John McLennan (or, if Mr MacGibbon, Mr Singers or Dr McLennan are not available, other experts in vegetation and avifauna selected by the Requiring Authority) and DOC's nominated bat expert, considering the following factors:

- (a) the ability to utilise Parininihi;
- (b) the location of the identified Maternity Roosts;
- (c) minimising the overall length of the edge of the PMA;
- (d) minimising the length of the edge of the PMA that adjoins mature forest;
- (e) the practicality of implementing pest management, including access;
- (f) the effectiveness of the PMA in offsetting or compensating for the effects of the Project on other ecological values, in particular vegetation and avifauna; and
- (g) the availability of the land for inclusion in the PMA.

Where the bat expert recommends that land that is both outside the Wider PMA and not administered by DOC should be included in the PMA:

- (a) that land will only be included in the PMA if the Requiring Authority confirms to the bat expert that it is able to acquire the necessary rights over



that land in order to carry out the pest control and related activities required in the PMA under the Pest Management Chapter of the ELMP; and

Where the bat expert (having consulted with others as required under this Scenario) considers there is no appropriate alternative for setting the PMA within the Study Area, Scenario 4 below will apply.

#### **Scenario 4**

In the event that the PMA has not been recommended to be confirmed through Scenarios 1, 2 or 3, the PMA shall be located in the Alternative PMA, or some other location agreed with DOC.

In that case, the PMA shall be 3,650 ha, and the boundaries shall be recommended by the bat expert in consultation with Mr Roger MacGibbon, Mr Nicholas Singers and Dr John McLennan (or, if Mr Roger MacGibbon, Mr Singers or Dr McLennan are not available, other experts in vegetation and avifauna selected by the Requiring Authority) and DOC's nominated bat expert, considering the following factors:

- (a) the location of the known short-tailed bat Maternity Roosts, or should the Requiring Authority seek to establish the PMA elsewhere, the location of long-tailed bat Maternity Roosts determined through a further radio-tracking study, the scope of which would be equivalent to the programme described in Condition 30(b) – (f).;
- (b) minimising the overall length of the edge of the PMA;
- (c) minimising the length of the edge of the PMA that adjoins mature forest;
- (d) the practicality of implementing pest management, including access;
- (e) the effectiveness of the PMA in offsetting or compensating for the effects of the Project on other ecological values, in particular vegetation and avifauna;
- (f) the availability of the land for inclusion in the PMA; and
- (g) other pest control undertaken by DOC that may act as a buffer to the PMA.

(h) The Bat Monitoring Report prepared under Condition 30(g) shall be provided to DOC and the KFG for comment. Should DOC and / or the KFG have comments on the report they shall be provided to the Requiring Authority within 15 Working Days of receipt of the Report.

(i) The Bat Monitoring Report prepared under Condition 30(g), and any comments from DOC and / or the KFG, shall be provided to the independent peer reviewer who shall review the Report and provide an assessment of the findings, including whether:

- (i) The monitoring programme has been completed in accordance with the requirements of these Conditions; and

- (ii) The PMA has been recommended to be located in accordance with the provisions of Condition 30(g).

If the independent peer reviewer is unable to confirm the matters described in Condition 30(i)(i) and 30(i)(ii), the independent peer reviewer shall make recommendations to the Requiring Authority that address any concerns. The Requiring Authority shall provide the peer review assessment to DOC and the KFG for comment. The Requiring Authority must consider any comments on the assessment that are provided by DOC or the KFG within 10 Working Days of receipt of the report.

(j) The Requiring Authority shall consider the peer review assessment and any comments from DOC and the KFG and shall update the Bat Monitoring Report prepared under Condition 30(g), including identifying how any comments from the peer reviewer, DOC or the KFG have been addressed. If required, the Bat Management Chapter and the Pest Management Chapter of the ELMP shall be updated to reflect the findings of the Bat Monitoring Report.

(k) The Bat Monitoring Report and any amendments to the ELMP shall be provided to the Planning Lead (or Nominee), for Certification that the recommended PMA is the Confirmed PMA. Certification of the Bat Monitoring Report and any amendment to the ELMP shall be carried out in accordance with the Certification process set out in Condition 11.

(kk) If the PMA has been recommended in accordance with Scenario 3 or Scenario 4, the Planning Lead (or Nominee) shall seek advice or recommendations from the Ecological Review Panel as part of the Certification process under Condition 30(k).

(kkk) If the PMA has been recommended in accordance with Scenario 4, the amendment to the ELMP shall address how the residual ecological effects of the Project are offset or compensated for at the Alternative PMA, including the residual effects on long-tailed bats, avifauna and vegetation.

(l) A copy of the final certified Bat Monitoring Report and any changes to the ELMP shall be provided to DOC and the KFG.

(m) The Requiring Authority shall implement the findings of the final Bat Monitoring Report and Bat Management and Pest Management ELMP Chapters, including the location of the PMA, in accordance with Condition 29(h)(iii).

(n) Works shall not commence until Conditions 30(a) to 30(l) have been met.

(o) For the avoidance of any doubt, the final PMA shall be a single 3,650 ha area, unless otherwise agreed by the Transport Agency.

- 31. Monitoring of the ecological mitigation and biodiversity offset and compensation measures required in Conditions 29(a) to (h) shall be undertaken by the Requiring Authority in accordance with the details set out in Schedule 1.
- 32. (a) The Requiring Authority shall prepare an annual monitoring report describing the findings of all monitoring undertaken in the previous 12 months pursuant to Condition 31. The annual monitoring report shall be prepared by a suitably qualified ecologist. This report shall include an assessment of the effectiveness of the ELMP in

achieving compliance with the measures required in Condition 29 and Schedule 1, and if necessary, the actions to be undertaken to achieve compliance with Condition 29 and Schedule 1, including identifying any necessary updates required to the ELMP. If the 1 year post-construction monitoring under Schedule 1 clause 4(e) indicates that the kiwi fencing is ineffective in restricting kiwi from accessing the road at any location, or that dispersing kiwi are not passing through any culvert underpasses that are monitored under Schedule 1 clause 4(e), the Requiring Authority will obtain the advice of an ecologist with expertise in kiwi, and include in the report (based on that advice):

- (i) recommended updates to:
  - 1) the design of the kiwi fencing; and/or
  - 2) small-scale modifications of the relevant culvert underpasses monitored under Schedule 1 clause 4(e) where kiwi have been detected investigating the culvert underpasses but not passing through them; and/or
  - 3) recommendations to extend the kiwi fencing.
- (ii) a programme for 1 year of further monitoring of any culvert underpasses modified under (i)(2).

The Requiring Authority shall provide a copy of the annual report to the KFG and DOC. The report shall be submitted to the Planning Lead (or Nominee).

(b) Annual reporting under Condition 32(a) shall cease one year following Completion of Construction Works other than additional kiwi monitoring if required under (a)(ii) and monitoring to assess the effectiveness of the PMP.

(c) Reporting on the monitoring undertaken pursuant to Condition 31 to assess the effectiveness of the PMP in achieving compliance with Conditions 29(h)(iv) to (vi) shall be undertaken as follows:

- (i) Vegetation reporting – three reports in total, to be prepared following the 1st, 3rd and 5th year after the Completion of Construction Works.
- (ii) Avifauna reporting – four reports in total, to be prepared following the 3rd, 6th, 9th and 12th year after the Completion of Construction Works.
- (iii) Pest management reporting – at the end of every year after the Completion of Construction Works, on an ongoing basis.

(d) If necessary, the report shall identify any actions required to achieve compliance with Condition 29(h)(iv) to (vi), including identifying any updates required to the ELMP. The reporting shall be submitted to the Planning Lead (or Nominee) within 3 months of the completion of the monitoring. A copy of the report shall be provided to TRoNT and DOC.

(e) If the reporting required by Condition 32(a) identifies that actions are required to achieve compliance with Condition 29(h)(iv) to (vi) or 29(d)(ii) the Requiring Authority shall update the ELMP in accordance with the recommendations of the

monitoring report within 2 months of the completion of the monitoring report. Any amendment to the ELMP shall be dealt with in accordance with Conditions 10 or 11. The Requiring Authority shall implement any amendments to the ELMP made in accordance with this Condition.

### **Ecological Review Panel**

33. (a) As soon as practicable following confirmation of the designation the Requiring Authority shall establish an expert ecological review panel. The expert panel shall:
- (i) Comprise three suitably qualified experts with skills in ecology and pest management. DOC, TRoNT, and the Requiring Authority shall each be invited to provide one member for this panel, whose names shall be agreed with the Planning Lead (or Nominee). From time to time, and if requested by the panel by agreement of all members, the Planning Lead (or Nominee) may appoint an additional expert in any or all of the following areas of ecology: terrestrial vegetation, terrestrial invertebrates, herpetofauna, avifauna, bats, freshwater ecology, or pest management to assist the panel in its functions. Any such additional expert panel members shall not be employees of either DOC, TRoNT or the Requiring Authority.
  - (ii) Provide expert advice and recommendations to the Planning Lead (or nominee) if such advice is required by Condition 11 or otherwise determined to be required by the Planning Lead (or Nominee). This shall include:
    - (1) Reviewing any material amendments to the ELMP under Condition 11.
    - (2) Reviewing the location and design of kiwi exclusion fencing, provided in accordance with Condition 29(d)(ii).
    - (3) Reviewing the pest management methods to be employed in the PMA.
    - (4) Reviewing the results of pest monitoring and any changes to the pest management methods in the PMP needed to achieve the pest densities set out in Condition 29(h)(iv).
    - (5) Reviewing the reporting required under Condition 32.
    - (6) Reviewing the Bat Monitoring Report if Scenario 3 in Condition 30(g) is used to recommend the PMA.
    - (7) Reviewing the Bat Monitoring Report, and any necessary amendments to the ELMP, if Scenario 4 in Condition 30(g) is used to recommend the PMA. If the PMA has been recommended in accordance with Scenario 4, the Ecological Review Panel shall consider:
      - A. Whether the Panel requires additional expertise to assess the Bat Monitoring Report. If the Panel considers additional

expertise is required, experts shall be appointed in accordance with Condition 33(a)(i).

B. Whether the residual ecological effects of the Project are offset or compensated for at the Alternative PMA, including the residual effects on long-tailed bats, avifauna and vegetation.

C. Whether the amendments made to the ELMP in relation to the Alternative PMA, and in particular to the Pest Management Plan, will offset or compensate for the Project's residual effects and achieve the objectives stated in Schedule 1 and in the ELMP. The Ecological Review Panel may recommend amendments to the ELMP.

D. Prior to recommending any amendments to the ELMP in accordance with Condition 33(a)(ii)(7)C above, the Ecological Review Panel shall consult with the experts employed by the Requiring Authority to prepare the Bat Monitoring Report and the amendments to the ELMP.

(iii) Before engaging the expert panel the Planning Lead (or Nominee) must notify the Requiring Authority.

(b) On receipt of an itemised invoice the Requiring Authority shall pay all reasonable costs associated with the engagement of the expert panel.

(c) The Ecological Review Panel shall remain in place until all actions under Condition 33(a)(ii) have been completed.

#### **Accidental Discovery Protocol**

34. The Requiring Authority shall rely on P45, the NZ Transport Agency Accidental Discovery Protocol and implement that protocol throughout Works. P45, the Transport Agency Accidental Discovery Protocol, shall be reviewed by the KFG and modified to:

(a) reflect the site specific Project detail; and

(b) be consistent with any archaeological authority issued by Heritage New Zealand under the *Heritage New Zealand Pouhere Taonga Act 2014* applying to the Project.

*Advice Note: The Ministry for Culture and Heritage must also be advised of any artefact finds within 28 days of the discovery in accordance with the Protected Objects Act 1975. The final repatriation of artefacts is a matter for the Ministry of Culture and Heritage in consultation with iwi.*

35. The Accidental Discovery Protocol referred to in condition 34 shall not apply, and need not be implemented, in the event that:

(a) the Project is subject to an archaeological authority granted under section 48 of the *Heritage New Zealand Pouhere Taonga Act 2014* (or the corresponding provision in any legislation replacing that Act); and

(b) that authority provides for a protocol to be implemented in the event of discovery of cultural or archaeological artefacts or features during the construction of the Project, including the matters provided in condition 34.

*Advice Note: The purpose of this condition is to ensure consistency between these conditions and the conditions imposed on any archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.*

*Advice note: Archaeological Authority 2019/057 was granted by Heritage New Zealand Pouhere Taonga on 28<sup>th</sup> August 2018. Implementation of the Authority would meet the requirements of Condition 35(a) and (b).*

#### **Access**

36. The Requiring Authority shall, as far as reasonably practicable, maintain access to the Kiwi Road and Mt Messenger Tracks during construction.
37. The Requiring Authority will ensure that reasonable vehicular access is maintained during the Project to the properties currently served by the section of SH3 that will be bypassed or otherwise affected by the Project.

#### **Network utilities**

38. Works within the designation shall be undertaken in accordance with the National Code of Practice for Utility Operators' Access to Transport Corridors (September 2016), or any approved update to that code.

#### **Construction Lighting**

39. The Requiring Authority shall implement procedures at all times during construction to manage lightspill (if any) to residential properties from any night lighting that is required on the site, in accordance with AS 4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting". Construction lighting shall also be managed in a manner which reduces, to the extent that is reasonably practicable, adverse light overspill effects on nocturnal fauna.

#### **Operational Lighting**

40. Lighting installed at the tie-ins points with the existing SH3 and the tunnel shall be designed and screened to minimise the amount of light overspill and illumination received at residential dwellings and to reduce adverse effects on bats and other nocturnal fauna. The Requiring Authority shall:
  - (a) Demonstrate that all lighting designed in accordance with "Road lighting Standard AS/NZS1158"; and
  - (b) Provide written verification to the Planning Lead from an ecologist that the lighting has been designed to reduce adverse effects on nocturnal fauna.

#### **Engineering Review**

41. Prior to construction of any Stage (or Stages) of the Works, the Requiring Authority shall provide written confirmation to the Planning Lead (or Nominee) that peer review of geotechnical and structural detailed design has been carried out by an

independent and suitably qualified and experienced engineer(s), with particular emphasis on ensuring that detailed design manages the significant risks from natural hazards. Upon receipt of the peer review for any Stage (or Stages) of Construction Work the Planning Lead (or Nominee) shall confirm by writing to the Requiring Authority that the requirements of this condition are met.

41A. Prior to the Completion of Construction Works, the Requiring Authority shall provide the Planning Lead (or Nominee) with the detailed design and operational details of the tunnel. This shall be accompanied by the results of a safety audit of the tunnel carried out for the Requiring Authority by a suitably qualified, experienced and independent road safety auditor, which includes but is not limited to, consideration of:

(a) the effects of wind on cyclists within the tunnel from both passing vehicles and naturally occurring high winds outside the tunnel;

(b) the position of side protection barriers and the safety tunnel wall correlated to near-side shy line requirements;

(c) the width of the shoulder and other tunnel dimensions; and

(d) the appropriate and safe speed limit for vehicles in the tunnel.

Upon receipt of the detailed design and operational details of the tunnel and the safety audit of the tunnel the Planning Lead (or Nominee) shall confirm by writing to the Requiring Authority that the requirements of this condition are met.

#### **General Monitoring**

42. On receipt of an itemised invoice, the Requiring Authority shall pay to the New Plymouth District Council all the administration, monitoring and supervision costs of these Conditions, fixed in accordance with section 36 of the Resource Management Act, 1991.

#### **Completion of Construction Works**

43. (a) As soon as practicable following Completion of Construction Works, the Requiring Authority shall notify the Planning Lead (or Nominee) that Construction Works are complete. The notification shall include a list of the Construction Works completed, and be accompanied by maps to show the location of the completed works. This shall include the identification of:

(i) areas of landscaping and reinstatement; and

(ii) all areas of restoration and riparian plantings required under Condition 29(a)(ii) and 29(g)(ii) and notice of whether the plantings have been completed.

(b) If Completion of Construction Works is to occur more than six months following the operation of the new State highway commencing, the Requiring Authority shall notify the Planning Lead (or Nominee) of the expected date for Completion and Construction Works. This date shall be no more than 18 months following the operation of the new State highway commencing.

Upon receipt of the notice under 43(a) the Planning Lead (or Nominee) shall confirm in writing to the Requiring Authority that the requirements of this condition are met.

**Kiwi Road Track Access Parking**

44. Unless otherwise agreed with the Planning Lead (or Nominee), prior to the Completion of Construction Works the Requiring Authority shall construct a carpark area to provide parking for the users of the Kiwi Road Track. This carpark area shall be in accordance with the drawing titled "Indicative Carpark Layout", reference MMA-DES-GEM-E1-FIG-0022 Rev A provided in Schedule 2 to these conditions.



## **SCHEDULE 1: DESIGNATION REQUIREMENTS ADDRESSED IN THE ELMP**

### **1. Overarching objectives and matters addressed in the ELMP**

- a) The objectives of the Ecology and Landscape and Management Plan (ELMP) are to:
  - i. identify how the potential adverse effects of the Project on the ecological, landscape and biodiversity values within the Project Area and its surrounds will be avoided, remedied, mitigated, offset and compensated for, including on: vegetation / habitats (including wetlands); herpetofauna (lizards and frogs); bats; avifauna; peripatus; fish, kōura and kākahi; and streams; and
  - ii. achieve a net gain in biodiversity after the residual effects on biodiversity have been offset or compensated for.
- b) The ELMP shall include a summary of the ecological and landscape values and effects of the Project.
- c) The ELMP shall comprise a series of sub-management plans that address the designation and resource consent conditions, including: Landscape and Vegetation Management Plan; Bat Management Plan; Avifauna Management Plan; Herpetofauna Management Plan; Freshwater Management Plan; Pest Management Plan; Peripatus Management Plan; and Biosecurity Management Plan.
- d) The ELMP shall also describe:
  - i. The physical mechanisms (e.g. fences) to protect the restoration and riparian planting from clearance and / or livestock, on an ongoing basis.
  - ii. The necessary rights to carry out the restoration and riparian planting, and to carry out the required pest management where these activities are to occur on land that is not owned by the Requiring Authority.
  - iii. The measures proposed for biosecurity management, including the management of risk associated with myrtle rust, and the management of pest plants and pest animals.
- e) The ELMP shall include maps showing:
  - i. existing vegetation types for all areas of proposed mitigation plantings, to determine if these will result in habitat gain;
  - ii. the location and extent of the stream reaches proposed for

restoration works;

iii. the location and extent of the Intended PMA.

- f) The ELMP shall contain details of monitoring and reporting to the Planning Lead (or Nominee) prior to, during and post-construction to determine if the ELMP objectives and the performance measures are being met, including a repeatable monitoring design incorporating adaptive management responses.
- g) The ELMP shall include details of the roles and responsibilities of key staff responsible for implementing the ELMP and procedures for training of contractors and other Project staff regarding the ELMP.
- h) The ELMP shall include details of the process for reviewing and amending the Plan, in accordance with the Conditions of the Designation and Resource Consents.

## **2. Landscape and Vegetation Management Plan**

### **Specific objectives**

The Landscape and Vegetation Management Plan shall address:

- a) Details of the method for a pre-construction survey of wetland vegetation composition and structure to assist planning for the swamp forest restoration planting.
- b) The retention, where possible, of the high value ecological areas identified in Figures 4.1 and 4.2 in the ELMP dated May 2019.
- c) Provisions for the relocation or cultivation of threatened plants found within the Project Area.
- d) Details of how, prior to vegetation removal, the appropriate delineation of vegetation to be cleared will be made.
- e) A programme for vegetation clearance that allows for vegetation to be cleared only prior to Works beginning in any particular Stage (or Stages) of the Project Area in order to reduce habitat effects and reduce the potential for erosion and sediment generation.
- f) The staging of restoration planting and landscape treatments in relation to the construction programme to reduce the potential for erosion and sediment generation. Where practicable restoration planting shall commence after the completion of any Stage of Construction Work.
- g) Provisions for the cultural use of significant trees by Ngāti Tama.
- h) The supervision of vegetation clearance by a suitably qualified person.
- i) Landscaping design and treatments (landform and planting), including

rehabilitation of all areas used for temporary work and construction yards.

- j) The location, details and principles for achieving the following restoration planting, including identification (maps) of where the restoration planting will take place:
- i. At least 6 hectares of kahikatea swamp forest.
  - ii. At least 9ha of mitigation planting using an appropriate mix of plant seedling.
  - iii. Planting of saplings in ecologically appropriate sites at a loss to replacement ratio of 1:200 on a 'like for like' species basis for each significant tree that is felled.
  - iv. All new plantings must be eco-sourced from the North Taranaki Ecological District.
  - v. The Requiring Authority shall complete all restoration planting within three planting seasons of the Completion of Construction Works, unless natural conditions during Construction Works result in poor seed production, or poor seed condition and adversely limits seedling propagation for indigenous plant species, in which case completion would be delayed to reflect the availability of suitable seedlings.
  - vi. Should there be a delay in the completion of restoration planting due to the availability of suitable seedlings as described in v above, the Requiring Authority shall provide the Planning Lead (or Nominee) with an amended timeframe, which shall not exceed three planting seasons, and shall complete the planting as soon as reasonably possible within the agreed timeframe, informing the Planning Lead (or Nominee) when planting is complete.
- k) Provisions to monitor and manage all planting so that plants establish and those that fail to establish are replaced, such that the listed performance measures are met within their specified timeframes.

**Performance measures**

- l) The Landscape and Vegetation Management Plan shall address the following performance measures.
- i. For each significant tree felled, 90% survival of the 200 planted trees required by j)iii at 6 years following planting. If 90% plant survival has not been achieved within 6 years following planting, any necessary replacement planting and planting maintenance shall continue beyond year 6 until 90% survival is

achieved.

- ii. 80% canopy cover 6 years following planting for all restoration planting required by j)i and j)ii, in the areas where trees and shrubs are planted. If 80% canopy cover is not achieved at 6 years following planting, any necessary replacement planting and planting maintenance shall continue beyond year 6 until 80% canopy cover is achieved.
- iii. For kahikatea swamp forest planting required by j)i, kahikatea forming 16% of the tree canopy at year 10. Additional kahikatea will be planted in the areas where the kahikatea contribution to the canopy is less than 16%.
- iv. 65% canopy cover at year 35 for kahikatea swamp forest planting required by j)i.

### **Monitoring**

The Landscape and Vegetation Management Plan shall include the following survey and monitoring requirements.

- m) Provision to measure the extent of actual vegetation clearance within 6 months following the completion of Establishment Works and to reassess the extent of restoration planting required under j)ii and j)iii. The Requiring Authority shall prepare and provide a report to the Planning Lead (or Nominee) confirming the restoration planting required to achieve the amount specified under j)ii and j)iii. If additional restoration planting is required, the extent of the restoration planting required shall be identified in the report. If the recalculation results in lesser restoration planting area than that specified in j)ii and j)iii, the restoration planting shall remain as that required under j)ii and j)iii. The report shall be provided to the Planning Lead (or Nominee) for Certification that the additional planting is in accordance with the restoration planting required under j)ii and j)iii.
- n) Provision to undertake post-construction monitoring of vegetation condition for all restoration planting to demonstrate that the performance measures for the Landscape and Vegetation Management Plan have been met. The monitoring shall be undertaken, as required, until such time as all of the performance measures have been shown to be achieved.

### **3. Bat Management Plan**

#### **Specific objectives**

The Bat Management Plan shall address the following matters:

- a) Provision for a long-tailed bat radio tracking programme to identify long-

tailed bat roost locations and confirm the PMA location.

- b) Vegetation Removal Protocols (VRP) for:
- i. the 17 significant trees.
  - ii. all other trees that are >80 cm Diameter at Breast Height (DBH), and trees between 15cm and 80cm DBH which are considered by a specialist bat ecologist as having features suitable for bat roosting, including:
    - (1) cracks, crevices, cavities, fractured limbs, or other deformities, large enough to support roosting bat(s);
    - (2) sections of loose flaking bark large enough to support roosting bats;
    - (3) a hollow trunk, stem or branches;
    - (4) deadwood in canopy or stem of sufficient size to support roost cavities or hollows;
    - (5) guano, grease marks and/or urine staining around cavity entrances; and
    - (6) selected individual trees with high epiphyte loading (five or more perched nested epiphytes located on horizontal branches).
  - iii. all trees shown through the bat monitoring programme to be Roosts.

*Advice Note: the VRP shall not apply to the removal of any other vegetation.*

- c) When Automatic bat detectors (ABMs) are used to determine the presence of bats around potential roost trees, provision for monitoring to occur for a minimum of three consecutive nights.
- d) Provision for consultation with the DOC Operations Manager New Plymouth District Office to discuss appropriate actions if a bat roost remains occupied for longer than 7 days.
- e) Other than the amendments made through a) to c) above, the VRP shall be in accordance with Annex DH of the 'NZ Transport Agency (the Transport Agency) research report 623 'Effects of land transport activities on New Zealand's endemic bat populations: reviews of ecological and regulatory literature' (Smith et al. 2017)' and set out in the ELMP after modification to account for local conditions.

**Performance outcomes**

- f) The performance outcomes for bats will be achieved by the successful implementation of the VRP and by pest management in the PMA (refer to Pest Management Plan).

### **Monitoring**

- g) There are no specific monitoring requirements for bats, other than those associated with the implementation of the VRP and the monitoring for pest management in the PMA.

## **4. Avifauna Management Plan**

### **Specific objectives**

The Avifauna Management Plan shall address the following matters;

- a) Measures to detect and protect kiwi from the likelihood of direct mortality during the construction and operation of the road, including:
  - i. A North Island brown kiwi radio-tracking programme, prior to and during construction, along the entire length of the road corridor, conducted by a suitably qualified ecologist.
  - ii. Provision for the capture and relocation of kiwi and/or their eggs during construction, if deemed appropriate by the kiwi expert, and in accordance with DOC best practice for kiwi (2018).
  - iii. Details of the design, installation and ongoing maintenance of kiwi exclusion fencing at locations shown on the maps titled "Ecology: Kiwi Fencing Locations" (sheets 1 - 10) attached to these conditions (Schedule 3). This will direct kiwi to culvert underpass locations where they can pass beneath the road during low stream flow conditions. The design of these fences and culvert underpasses shall be discussed with the DOC Operations Manager New Plymouth District.
  - iv. Provision for the placement of appropriate road signage along the new road corridor to warn motorists about the possible presence of kiwi.
- b) Measures to provide for the detection of kōkako in the construction area and to prevent disturbance from construction, along with measures outlining the subsequent actions to be taken that avoid disturbance in the event that any nesting kōkako or their nests be detected within the Project Area. Notification shall be provided to DOC Operations Manager New Plymouth District Office, TRoNT, and the Planning Lead (or Nominee) within 2 hours of kokako being detected. Appropriate response actions shall be implemented immediately to avoid disturbance.
- c) Monitoring of Australasian bittern using automatic acoustic bird monitors at the Mimi wetland and in the Mangapepeke Valley prior to construction. If bittern are detected, notification must be provided to the DOC Operations Manager New Plymouth District Office within two days of the data from the automatic acoustic bird monitor being

analysed. The Requiring Authority shall design, install and maintain low fencing adjacent to the road corridor at marshland locations where bittern are recorded, prior to operation of the road.

#### **Performance outcomes**

- d) The performance outcomes for avifauna will be achieved by the successful implementation of the measures outlined above under a) to c) for kiwi, kōkako and Australasian bittern and by pest management in the PMA (refer to Pest Management Plan).

#### **Monitoring**

The Avifauna Management Plan shall include the following survey and monitoring requirements:

- e) Details of up to 1 year of post-construction monitoring utilising motion detection cameras deployed at selected locations to assess the effectiveness of the exclusion fences and use of the culvert underpasses by kiwi.
- f) Details of a survey involving the placing of automatic acoustic bird monitors for bittern in the Mimi wetland and Mangapepeke Valley in the spring of 2018.
- g) Additional avifauna monitoring associated with the Pest Management Plan is set out in Section 7 below.

### **5. Herpetofauna Management Plan**

#### **Specific objectives**

The Herpetofauna Management Plan shall address the following matters:

- a) Provision for (limited) salvage effort for lizards that may be located on vegetation cleared within the Project Area, focusing on high value habitat and known lizard locations. The provisions shall also include details on the relocation and release of salvaged striped skink at the Rotokare Scenic Reserve and other lizards into the PMA.
- b) Provision for the development of a management plan for Hochstetter's frog (*Leiopelma aff. hochstetteri*) and Archey's frog (*Leiopelma archeyi*), if they are discovered in the Project Area.

#### **Performance outcomes**

- c) The performance outcomes for herpetofauna will be achieved by the successful implementation of the salvage measures outlined in a) above.

### **Monitoring**

- d) The Herpetofauna Management Plan shall include: provision for recording the details of any salvaged lizards, including: species, sex, age class, weight, snout to vent length, and location of capture and release. All records shall be reported to the BioWeb Herpetofauna database.

## **6. Freshwater Management Plan**

### **Specific objectives**

The Freshwater Management Plan shall address the following matters:

- a) The design and construction of reinstated and diverted streams in accordance with the Stream Ecological Design Principles attached to the LEDF. 798m<sup>2</sup> of remediated stream diversions will be restored, through riparian planting, and livestock exclusion. Riparian margins of an average of 10m each side of the stream will be created and planted.
- b) The measures to maintain fish passage in all affected waterways as a result of permanent culverts (with the exception of culverts 2, 10 and 13), which shall be informed by the New Zealand Fish Passage Guidelines for Structures Up to 4 Metres (2018).
- c) Riparian planting and exclusion from livestock of at least 10,738m<sup>2</sup> of existing stream within the Mimi and Mangapepeke catchments. Riparian margins of an average of 10m each side of the channel shall be created and planted. Together with (a) this will create 11,536m<sup>2</sup> of stream restoration. Should culvert or stream diversion lengths be increased in the detailed design stage of the Project, the length of riparian planting required shall be re-calculated using the same Stream Ecological Valuation (SEV) method used to derive the 10,738m<sup>2</sup> figure (note that provisions are addressed in the Landscape and Vegetation Management Plan).
- d) The Requiring Authority shall complete all riparian planting within three planting seasons of the Completion of Construction Works, unless natural conditions during Construction Works result in poor seed production, or poor seed condition and adversely limits seedling propagation for indigenous plant species, in which case completion would be delayed to reflect the availability of suitable seedlings.
- e) Should there be a delay in the completion of riparian planting due to the availability of suitable seedlings as described in d) above, the Requiring Authority shall provide the Planning Lead (or Nominee) with an amended timeframe, which shall not exceed three planting seasons, and shall complete the planting as soon as reasonably possible within the agreed timeframe, informing the Planning Lead (or Nominee) when



planting is complete.

- f) Fish Recovery and Rescue Protocols, including addressing:
- i. How the recovery and relocation of fish, kōura and kākahi will occur prior to instream works.
  - ii. How the rescue of fish, kōura and kākahi will occur from any spoil.
  - iii. The qualifications and experience required for fish recovery/rescue work.
  - iv. Details of fish recovery, relocation and rescue methods to be used.

*Advice Note: Details of the water quality monitoring, response process and measures to address potential adverse effects of sediment and other contaminant discharges to waterways during construction, including streams and wetlands, are set out in the Construction Water Management Plan and the Construction Water Discharges Monitoring Plan.*

#### **Performance outcomes**

The Freshwater Management Plan shall provide for the following performance measures:

- g) Provision of fish passage through all permanent culverts, except culverts 2, 10 and 13.
- h) Implementation of stream diversions and riparian planting to achieve successful colonisation by aquatic biota, and to match existing habitat types compared with the original stream reach affected.
- i) For the riparian planting required by (c) the plantings shall achieve 80% canopy cover 6 years following planting in the areas where trees and shrubs are planted. If 80% canopy cover is not achieved at 6 years following planting, any necessary replacement planting and planting maintenance shall continue beyond year 6 until 80% canopy cover is achieved.

#### **Monitoring**

The Freshwater Management Plan shall include the following survey and monitoring requirements:

- j) Provision for monitoring the fish passage performance after peak upstream migration (August – December) upstream of culverts 9, 11, 15, 17 and 18 annually for two years after construction is completed. The monitoring will be used to determine if recruitment is occurring by assessing if a suitable age structure (juvenile and adult fish) is present within the fish population above culverts 9, 11, 15, 17 and 18. If after 2 years the recruitment of young fish is not occurring then refinements to

the culvert fish passage devices will be made.

- k) Provision for monitoring of macroinvertebrates and fish at 3 selected locations in each of the Mangapepeke and Mimi catchments.
  - i. Pre-construction and construction phase fish monitoring will be undertaken during base flow conditions at least two weeks following any large flood event in spring (October to December) and summer (February to April). Fish surveys will use methods consistent with the New Zealand freshwater fish sampling protocols (Joy et al. 2013). Fish will be identified, counted and lengths recorded.
  - ii. Pre-construction and construction phase aquatic macroinvertebrate monitoring will be undertaken during base flow conditions at least two weeks following any large flood event in spring (October to December) and summer (February to April). Aquatic macroinvertebrate surveys will use methods consistent with Protocols for sampling macroinvertebrates in wadeable streams (Stark et al. 2001). For each site the area sampled and type of stable habitat sampled will be recorded. The following metrics will be calculated from the aquatic macroinvertebrate data: taxa richness, Macroinvertebrate Community Index (MCI), Quantitative Macroinvertebrate Community Index (QMCI), %EPT taxa and %EPT abundance. EPT (Ephemeroptera-Plecoptera-Trichoptera) metrics will exclude the species *Oxyethira* and *Paroxyethira*. Following at least one year of baseline monitoring and one year of construction monitoring, aquatic macroinvertebrate monitoring will be reduced to annual monitoring if there is less than 20% change in QMCI or MCI comparable to baseline sampling.
- l) Provision for pre-construction and construction phase sediment deposition monitoring at a site within the raupo reedland, downstream of the Mimi Stream tributary draining the tunnel portal, located upstream of the Mimi swamp forest. This involves monitoring change in sediment accumulation e.g. artificial astroturf attached to a tray. The purpose of the monitoring is to assess sediment deposition that might extend from the end of the stream to the Mimi swamp forest. The monitoring will follow selected heavy rain events prior to the commencement of construction and in response to specific rainfall events during construction (set out in the Construction Water Discharge Monitoring Programme in Appendix C of the CWMP).

## **7. Pest Management Plan**

### **Specific objectives**

The Pest Management Plan shall address the following matters:

- a) The identification of the confirmed location for the 3,650ha Pest Management Area (PMA).
- b) Within the PMA, to:
  - i. reduce and maintain rats, possums, feral cats and mustelids to low levels in perpetuity.
  - ii. reduce and maintain feral goats and pigs to low densities in perpetuity.
  - iii. exclude farm stock in perpetuity.
  - iv. monitor and control wasps along the road corridor during construction and through to the conclusion of a 6 year plant maintenance period.
- c) To generate biodiversity benefits within the PMA across a wide range of plants and animals.
- d) An adaptive management approach to enable pest management techniques to be modified if target pest densities and the performance outcomes for avifauna identified below are not met.

**Performance outcomes**

The Pest Management Plan shall provide for the following performance measures:

- e) The following target pest densities in the PMA, measured immediately prior to the breeding season (for bats and birds) and then through the critical stages when young remain in the roost / nest:
  - i. rat species – ≤5% tracking tunnel index;
  - ii. mustelids – no detections;
  - iii. cats – no detections;

And throughout any year, the following target pest densities in the PMA:

  - a. possums – ≤5% chew card index;
  - b. goats and deer - <1 kill per hunter/day;
  - c. feral pigs - <1 kill per hunter/day; and
  - d. farm livestock – zero presence.
- f) For palatable plant species:
  - i. The recruitment of vegetation species which are currently suffering ungulate induced recruitment failure. Indicator species will include: mahoe, hangehange, large leaved coprosma spp., pate, wineberry, tawa, hinau, kamahi and pikopiko.
  - ii. Recovery of condition of possum palatable trees. Indicator species will focus on measuring changes in foliage density of small trees such as; swamp maire, mahoe, kaikomako, northern rata and thin-barked totara.
- g) A statistically significant 20% increase in relative abundance for kiwi, tui,

bellbird, kereru, whitehead, long-tailed cuckoo, fernbird, and North Island Robin in the PMA within 12 years of the Completion of Construction Works.

### **Monitoring**

The Pest Management Plan shall include the following survey and monitoring requirements within the PMA.

- h) Provision for monitoring pest levels to assess performance targets and enable adaptive management processes in the event targets are not met.
- i) Provision for a quantitative assessment of canopy condition and understorey condition to establish pre-pest management and post-pest management vegetation condition knowledge for the PMA, including the composition and abundance of palatable vegetation.
- j) Provision for monitoring avifauna prior to commencement of pest management in the PMA to establish a relevant baseline, including for kiwi, kōkako, forest birds and fernbird.
- k) Provision for outcome monitoring of kiwi, tui, bellbird, kereru, whitehead, long-tailed cuckoo, fernbird, North Island Robin conducted for 12 years, at 3-yearly intervals, following the onset of the pest management measures.

## **8. Peripatus Management Plan**

### **Specific objectives**

The Peripatus Management Plan shall address the following matters:

- a) The specific procedures to avoid, remedy or mitigate adverse effects associated with the construction and operation of the Project on peripatus species through salvaging peripatus contained within suitable selected peripatus habitat into a suitable relocation site outside of the Project Area.

### **Performance outcomes**

The Peripatus Management Plan shall provide for the following performance measures:

- b) To salvage peripatus contained within suitable selected peripatus habitat locate and capture peripatus from the proposed Project Area, and to successfully relocate it at predetermined release sites, immediately adjacent to the Project Area, with minimal stress caused to the animals.

**Monitoring**

- c) There are no specific monitoring requirements for peripatus.

**9. Biosecurity Management Plan**

**Specific objectives**

The Biosecurity Management Plan shall address the following matters:

- a) The biosecurity measures to avoid the likelihood of spread or introduction of invasive pest plants and pest animals as a result of Project-related activities.
- b) Specific provisions for the minimisation of spread of Myrtle Rust onto and along the Project Area;
- c) Measures to avoid the introduction to the Project Area of invasive pest plants and animals with nursery produced seedlings

**Performance outcomes**

The Biosecurity Management Plan shall provide for the following performance measures:

- d) Non-detection in the planting areas of pest plants and pest animals.

**Monitoring**

The Biosecurity Management Plan shall include the following survey and monitoring requirements within the Project Area:

- e) Provision for pest plant and pest animal surveillance to be carried out by suitably qualified personnel within the Project Area and at restoration planting areas for the first growing season of any new plantings.
- f) Before-delivery inspections by suitably qualified personnel for invertebrate and plant pests at the premises of supplier nurseries of plant material being grown for planting in the Project Area and mitigation sites.
- g) Before construction walk-through survey of the Project Area by suitably qualified personnel to identify plant and animal pests and plant diseases already present.