

BEFORE THE ENVIRONMENT COURT

Decision No [2012] NZEnvC **27**

ENV- 2009 – WLG – 000060

ENV- 2009 – WLG – 000061

ENV- 2009 – WLG – 000062

ENV- 2009 – WLG – 000063

ENV- 2009 – WLG – 000065

IN THE MATTER

of appeals under section 120 the
Resource Management Act 1991

BETWEEN

MERIDIAN ENERGY LIMITED
OHARIU PRESERVATION
SOCIETY
R P HARLEY
A & J TOLO
MAKARA GUARDIANS
INCORPORATED SOCIETY
Appellants

AND

WELLINGTON CITY COUNCIL
First Respondent

WELLINGTON REGIONAL
COUNCIL
Second Respondent

PORIRUA CITY COUNCIL
Third Respondent

FINAL DECISION ON CONDITIONS

Decision issued: **16 FEB 2012**

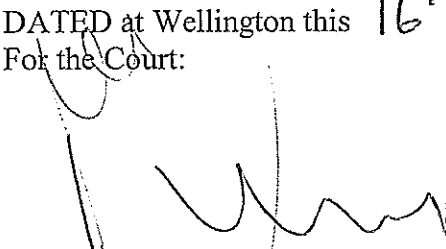


[1] In our interim decision on conditions¹, we considered further memoranda and directed final changes be made to the conditions to reflect the comments in that decision.

[2] The Court received the final conditions on 1 February 2012. We have considered them, and are satisfied, except for one matter. In para [83] of decision [2011] NZEnvC 406 we noted that condition 89 should be amended to allow for consideration of any adverse effects that were not expressly recognised at the time of granting consent. It appears the parties overlooked that amendment. Condition 89 (now 90) in the conditions attached has been amended by the Court to include that provision. The Court has also removed the note at the beginning of the Wellington City Council conditions, as it is unnecessary.

[3] The Court therefore directs that Meridian Energy Limited's consent for a wind farm comprising 26 turbines at Mill Creek is subject to the conditions attached.

DATED at Wellington this 16th day of February 2012
For the Court:


B P Dwyer
Environment Judge



¹ [2011] NZEnvC 406.

RESOURCE CONSENT CONDITIONS – JANUARY 2012

SCHEDULE 1: RESOURCE CONSENT CONDITIONS

WELLINGTON CITY COUNCIL

General

1. With the exception of amendments required to comply with other conditions of this consent and any conditions of related resource consents granted by the Porirua City Council and Wellington Regional Council, the proposed development must be carried out in accordance with the information and plans provided with Application Service Request number 176538.

For the purpose of the following conditions any reference to 'residential building' means a residential building in accordance with the definition in the District Plan, and applies to any such building(s) which is/are existing, have been granted a land use consent, or had a notified resource consent application in process, at the time of notification of this application on the 17th April 2008.

Lapse Date

2. In accordance with section 125(1) of the Resource Management Act 1991, this consent shall lapse if not given effect to within seven (7) years of the date of commencement.

Landscape/Visual

3. No more than twenty-six (26) wind turbine generators ("turbines") are permitted to be installed by way of this consent.
 - a) The approved site layout includes turbines E01, E04, E05, E06, E07, E08; F03, F04, F05, F06, F07, F08, F09, F10, F13, F14, F15; H01, H02; J01, J02; K01, K02, K03, L01, L02 and all related infrastructure and access tracks.
4. Each turbine shall be a Siemens 2,3-82 VS or equivalent and must be:
 - a) A pitch regulated upwind three bladed rotor type, with a tubular steel tower, as indicatively shown on Page 2 of Appendix B - Construction Effects and Management Report to the AEE submitted with the application.
 - b) Located no more than 100 metres from the site shown for the respective turbine on the plan marked "*Sheet 1 – Overall Site Development Plan – Site Layout*" of the AEE and the grid location shown in Table 3 of the AEE.
 - c) No higher than 111 metres measured from the base of the tower to the vertically extended blade tip.
 - d) Finished with a low reflectivity (not exceeding 30%) light grey paint finish (RAL7035 or similar) on all external parts, including turbine towers, nacelles and turbine blades of a type approved by the Compliance Monitoring Officer so as to minimise blade glint.
 - e) Maintained and upgraded to the satisfaction of the Compliance Monitoring Officer so as to ensure that it does not materially alter its visual or noise characteristics existing at the time of installation.



5. The substation and the operations and maintenance facility must be located, designed and painted so as to minimise its visibility from beyond the site and must be screened where practical from any view and any location within the legal roads of Makara Road, Ohariu Valley Road and Takarau Gorge Road in a manner approved by the Compliance Monitoring Officer, except that the roof of the substation building may be finished in a reflective exterior colour consistent with the building's use and the need to avoid heat-absorbing colours. The general location of the substation area is identified in the application and is shown on the drawing labelled "*Sheet 1 – Overall Site Development*".
6. A plan showing the location of the concrete batching plant must be submitted to and approved by the Compliance Monitoring Officer prior to construction of the plant. The concrete batching plant must be located to minimise visual impact and must be located at least 100 metres from any intermittent and perennial stream. The concrete batching plant must be a temporary installation for the construction period only and must be removed within six (6) months of completion of construction of the wind farm and no later than three (3) years after installation of the concrete batching plant.
7. The transformer building associated with each wind turbine must be painted Excel Colorbond "Bushland" or similar to match the surrounding landscape and located so that it is hidden from the view of nearby residential buildings. In order to achieve this earth bunding may be required.
8. The wind monitoring masts must be located within a 150m radius of the locations shown on the drawing labelled "*Sheet 1 – Overall Site Development*" of the AEE.
9. The HVDC Electrode Earth Transmission Line must be realigned to be within the 85m wide realignment corridor detailed in Appendix B - Construction Effects and Management Report of the AEE and shown on drawing "*Overall Site Development Plan – Sheet 1 of 2*" within Appendix A of the Construction Effects and Management Report.
10. Details of any internal overhead cabling must be submitted to and approved by the Compliance Monitoring Officer prior to the commencement of the works. Any internal overhead cabling in a visible location may not be approved and underground cabling would be required instead.

Noise

Construction Noise

11. Noise from all construction and decommissioning work including (but not limited to):
 - a) Site works;
 - b) Wind turbine generator assembly and placement;
 - c) Concrete placement;
 - d) Wind turbine decommissioning;
 - e) Land reinstatement;
 - f) Widening of Ohariu Valley Road and Boom Rock Road;
 - g) Construction of the new track through Spicer Forest;
 - h) Repairs and replacement of wind turbines; and
 - i) Commissioning trials of new or altered plant.



shall be measured, assessed and controlled using New Zealand Standard NZS6803:1999 *Acoustics - Construction Noise*. The noise limits shall be those set out in Table 2 of NZS6803 for works of "long term" duration.

Table 2 Construction noise limits

Time of week	Time period	Typical duration works		Long term duration works	
		L _{Aeg} (1h)	L _{AFmax}	L _{Aeg} (1h)	L _{AFmax}
Weekdays	0630-0730	60 dB	75 dB	55 dB	75 dB
	0730-1800	75 dB	90 dB	70 dB	85 dB
	1800-2000	70 dB	85 dB	65 dB	80 dB
	2000-0630	45 dB	75 dB	45 dB	75 dB
Saturdays	0630-0730	45 dB	75 dB	45 dB	75 dB
	0730-1800	75 dB	90 dB	70 dB	85 dB
	1800-2000	45 dB	75 dB	45 dB	75 dB
	2000-0630	45 dB	75 dB	45 dB	75 dB
Sundays and public holidays	0630-0730	45 dB	75 dB	45 dB	75 dB
	0730-1800	55 dB	85 dB	55 dB	85 dB
	1800-2000	45 dB	75 dB	45 dB	75 dB
	2000-0630	45 dB	75 dB	45 dB	75 dB

12. A **Construction Noise Management Plan** shall be prepared and implemented prior to commencement of construction. This shall be generally in accordance with Section 8 and the relevant annexes of New Zealand Standard NZS6803:1999 *Acoustics - Construction Noise* which detail the types of construction and procedures that will be carried out to ensure compliance with the Standard. The noise management plan shall be prepared by appropriately qualified and experienced persons, prior to relevant construction stages commencing, and shall be submitted to the Compliance Monitoring Officer, prior to construction commencing. A copy of the plan must be provided to the Community Liaison Group prior to the time it is submitted to the Compliance Monitoring Officer.
13. A **Decommissioning Noise Management Plan** shall be prepared and implemented prior to decommissioning of the wind farm. This shall be generally in accordance with Section 8 and the relevant annexes of New Zealand Standard NZS6803:1999 *Acoustics - Construction Noise* which detail the types of procedures that will be carried out to ensure compliance with the Standard. The decommissioning noise management plan shall be prepared by appropriately qualified and experienced persons, prior to relevant construction stages commencing, and shall be approved by the Compliance Monitoring Officer, prior to any decommissioning works commencing. A copy of the draft plan must be provided to the Community Liaison Group prior to the time it is submitted to the Compliance Monitoring Officer for approval. The Community Liaison Group will be given a period of two weeks in



which to forward any comments it may have on the draft plan to the Compliance Monitoring Officer prior to any approval being given.

14. All aspects of concrete manufacture shall not exceed the following noise limits:

06.00am to 10.00pm 55dBA L_{10}

at or within the boundary of any site other than the site from which the noise is generated;
and:

6.00am to 7.00am 35dBA L_{10} .

6.00am to 7.00am 60dBA L_{max}

7.00am to 8.00pm 45dBA L_{10}

8.00pm to 10.00pm 35dBA L_{10}

8.00pm to 10.00pm 60dBA L_{max}

at or within the notional boundary of a residential building other than on the site from which the noise is generated:

The noise shall be measured in accordance with NZS6801:1991: *Measurement of Sound* and assessed in accordance with NZS6802:1991: *Assessment of Environmental Sound*.

Note: For these conditions the notional boundary is defined as a line 20 metres from any side of a residential building, or the legal boundary where this is closer to the residential building.

15. Concrete shall not be manufactured outside of the hours of 6.00am to 10.00pm on any day.

Operational Noise (Non-turbine Related)

16. Noise from all other activities on the site (other than wind turbine operation and construction activities) shall not exceed the following limits at or within the notional boundary of any residential building (excluding any residential building on the Wind Farm site):

7.00am to 8.00pm 45dBA L_{10}

8.00pm to 7.00am 35dBA L_{10}

8.00pm to 7.00am 60dBA L_{max}

The noise shall be measured in accordance with NZS6801:1991: *Measurement of Sound* and assessed in accordance with NZS6802:1991: *Assessment of Environmental Sound*.

Operational noise (turbines)

17. The consent holder shall ensure that, at the specified assessment positions, wind farm sound levels comply with:

- a) During daytime or at any time when the wind speed is greater than 6 m/s, the noise limit shall be 40dBA $L_{A90(10 \text{ min})}$, provided that the noise limit in (c) shall apply in the circumstances stated;
- b) During nighttime at any wind speed less than 6m/s, the noise limit shall be 35dBA $L_{A90(10 \text{ min})}$, provided that the noise limit in (c) shall apply in the circumstances stated;



- c) At any time when the background sound level plus 5dB is greater than the noise limits in (a) or (b) the noise limit shall be the background sound level $L_{A90(10 \text{ min})}$, plus 5dB.
- d) For the purposes of these conditions daytime shall be 7am to 8pm on any day and nighttime shall be 8pm to 7am the following day.

Wind farm sound shall be measured and assessed in accordance with NZS6808:2010. *Acoustics - Wind farm noise.*

The reference test method for tonality shall be that prescribed as Annex C to ISO 1996 - 2:2007.

The assessment positions shall be at the notional boundary of residential dwellings existing or consented or able to be constructed as a permitted activity at the time consent is granted for Project Mill Creek.

- 18. Prior to the installation of any turbine, the consent holder must submit to the Compliance Monitoring Officer certified copies of independent test results confirming that the turbines supplied for Mill Creek do not exhibit special audible characteristics, when assessed against NZS 6808:2010.
- 19. A prediction report shall be submitted to the Compliance Monitoring Officer in accordance with section 8.4.2 of NZS 6808:2010 based upon certified noise emission profiles supplied by the manufacturer for the turbines that are to be installed for Project Mill Creek. The report shall detail any wind turbine controls necessary to achieve full predicted compliance at all specified assessment positions, including those where the houses have not yet been built but have all permissions necessary at the time consent was granted for Project Mill Creek. Any wind turbine controls necessary to achieve full predicted compliance at all occupied houses shall be implemented as soon as the turbines are operating.
- 20. A compliance assessment report shall be prepared by a suitably qualified independent person agreed to by the Council and shall be submitted to the Compliance Monitoring Officer in accordance with Section 8.4.1 of NZS6808:2010. Measurement positions used for compliance testing shall be as shown on Figure A, which is attached to these conditions:
 - a) 252 Takarau Gorge Road
 - b) 329 Takarau Gorge Road
 - c) 335 Takarau Gorge Road
 - d) 569 Takarau Gorge Road
 - e) 1000 Makara Road
 - f) 1020 Makara Road

Background sound level measurements at position (d) can be conducted while West Wind is operating. Measurements at this position are exempt from clause 5.6.3 of NZS 6808:2010 and no correction is required for any contribution of West Wind to the measured background sound levels.



21. The sound from three wind turbines shall be measured prior to completion of the wind farm. The turbines that are installed at the wind farm shall be same type as those measured pursuant to this condition. These measurements shall be conducted at a single meteorologically sheltered location between 800 and 1000 metres from the turbines. For the purposes of this condition only, this location shall be treated as if it were a noise sensitive location in accordance with NZS6808:2010. The three turbines to be tested and the measurement location shall be agreed with the compliance Monitoring Officer. A compliance assessment report for one of the three turbines operating alone and for all three turbines operating together shall be submitted to the Compliance Monitoring Officer in accordance with Section 8.4.1 of NZS 6808:2010. A copy of this report must also be provided to the Community Liaison Group as soon as it is available. Turbines K03, F13, and F14 shall not be operated unless this report has been submitted and it shows that no special audible characteristics are present, when assessed in accordance with NZS 6808:2010. If special audible characteristics are detected at any subsequent time during the operation of the wind farm, the NZS 6808:2010 cl 5.4.2 penalty of up to 6dB shall be imposed when assessing compliance of the wind farm with the conditions of consent. The reference test method for tonality shall be that prescribed as Annex C to ISO 1996 - 2:2007.

Note: The intention is that selected turbines sited away from residents are tested for tonality, in accordance with Annex C to ISO 1996 - 2:2007. A report is then forwarded to the compliance monitoring officer, Wellington City Council that shows the tested turbines are not tonal. This report is required before the operation of turbines at the wind farm that are sited close enough to residents, that if tonal, may expose residents to special audible characteristics when assessed in accordance with NZS 6808: 2010.

22. The Council may reasonably direct testing to take place at any location.

Water Supply

23. If any roof-top potable water supply is affected by dust caused by any activities undertaken pursuant to this consent during the exercise of this consent, the Consent holder at its cost must ensure that a sufficient supply of water, consistent in quality, is provided to the affected property owner until either the original supply is restored or a suitable replacement is established.

Earthworks

24. The relevant Environmental Management Plan relating to visual amenity, dust, stability and the road network must be submitted to and approved by the Compliance Monitoring Officer, and modified as directed by the Compliance Monitoring Officer on site to address any deficiencies in its operation. A copy of the draft plan must be provided to the Community Liaison Group prior to the time it is submitted to the Compliance Monitoring Officer for approval. The Community Liaison Group will be given a period of two weeks in which to forward any comments it may have on the draft plan to the Compliance Monitoring Officer prior to any approval being given.
25. The location, design, implementation and operation of all earthworks must be undertaken in general accordance with the following documents, unless any modifications are required to comply with any of the conditions of this consent:



- a) the consent application lodged with the Wellington City Council on 12 March 2008 (including relevant s92 material and evidence presented at the Hearing); and
 - b) any additional plans or information to be prepared and submitted to the Wellington City Council for approval in accordance with various conditions of this consent.
26. Details of the location and design of any fill sites (including proposed earthworks bund opposite 626 Ohariu Valley Road) must be submitted to and approved by the Compliance Monitoring Officer prior to the commencement of work. The proposed earthworks bund opposite 626 Ohariu Valley Road is to be established by the consent holder as soon as practicable once on site earthworks begin.
27. Details of the location and dimension of any borrow sites must be submitted to and approved by the Compliance Monitoring Officer prior to the commencement of work.

Pre-construction administration requirements

28. The Consent holder must provide written notification of the works commencing on each **Environmental Management Plan (EMP)** area to the Compliance Monitoring Officer and the Community Liaison Group at least five working days prior to works commencing in each area.
29. The Consent holder must provide a copy of this consent and all documents referred to in this consent to any operator or contractor undertaking works authorised by this consent, prior to the works commencing.
30. The Consent holder must prepare, submit and implement a site-wide EMP for the administration of all construction works authorised by this consent to the Compliance and Monitoring Officer. The EMP must be submitted to the Compliance and Monitoring Officer for approval at least 20 working days prior to works commencing. A copy of the draft plan must be provided to the Community Liaison Group prior to the time it is submitted to the Compliance Monitoring Officer for approval. The Community Liaison Group will be given a period of two weeks in which to forward any comments it may have on the draft plan to the Compliance Monitoring Officer prior to any approval being given. A suitably qualified ecologist and environmental management specialist shall assist in the preparation of the EMP.
- a) The EMP must include the following administrative elements, but not limited to:
 - roles and responsibilities, including appointment of a representative to be the primary contact person in regard to matters relating to this consent;
 - arrangement and conduct of a pre-construction site meeting between all relevant parties, including all contractors and relevant local authorities, prior to any works commencing on the site to discuss implementation of erosion and sediment control measures;
 - sequencing of works over the whole site;
 - monitoring, record-keeping and maintenance requirements.
 - b) The EMP must include, but not be limited to:
 - a detailed design and construction methodology for all works;

- notification of any operator or contractor appointed to carry out the works authorised by this consent, including the contractor's company, address, named representative and their contact details;
 - a detailed schedule of construction activities including the expected commencement date and duration of works in each location within the area;
 - a staging of works to demonstrate that the area of disturbance will be kept to a minimum;
 - evidence that a suitably qualified engineer has been appointed to carry out the overall design, supervision and certification of earthworks (including cut/fill batter stability and construction of all erosion and sediment controls); and
 - identification of measures to ensure that there is no tracking of mud or earth onto the surrounding road network.
- c) In respect of **re-vegetation and rehabilitation** activities, the EMP shall include, but not be limited to:
- principles and procedures for rehabilitation of exposed areas, including rehabilitation methods and vegetation mixes;
 - identification of soil resource to be used for rehabilitation;
 - identification of the vegetation types to be used on a plan or schedule;
 - a programme for revegetation and maintenance activities for a period up to the expiry date of this consent (maintenance activities may include the exclusion of pest browsers and stock and the removal of weeds, and additional fencing may be required for the exclusion of stock); and
 - identification of treatments of exposed rock cuttings that are to be used.

The following rehabilitation principles should be expressly adopted:

- Minimisation of sidling cuts wherever practicable, and locating road and turbine platforms on or as close to ridgelines as practicable.
- To identify and give particular attention to high cuts that will be visible from residential buildings and public open space including from at sea.
- For the engineer, ecologist and landscape architect to work together to design the final shape of, and re-vegetation proposals for, earthworks and rock cuts as part of the detailed design process.
- To educate each excavator operator, so that s/he understands the rehabilitation objectives and is able to be flexible in response to the rock that is uncovered. *Note: Informing and gaining the active support of the machine operator will often lead to superior results where they take a pride in the finished result.*
- To shape the finished cuts to emulate natural rock features and avoid the creation of uniform linear features. This may include rolling back the top, ripping sections to create shaped corners, creating gully like features and scree-like slopes, benching etc.



- To shape the finished cuts to provide areas of fractured rock that will provide microhabitats for native grasses, ferns and shrubs. *Note: This can be achieved by ripping the face, shaping the face to create hollows and guts and so on.*
 - To shape the finished cuts to allow the deposition of soil in key areas so that tall shrubs can rapidly establish helping to break up the face. This can include benching, and bunding the toe of the cut when turbine erection has been completed.
 - To vegetate cuts with plants equivalent to the slopes above and below the cut.
- d) The EMP must demonstrate that full consideration has been given to:
- minimising the extent and effects of earthworks, including but not limited to, the following techniques;
 - minimising the extent and effects of earthworks, including but not limited to, the following techniques;
 - Following ridgelines where practicable;
 - Locating cuts so that they are hidden from views from residential and coastal locations outside the site as far as practicable;
 - Battered to represent natural slopes; and
 - Benching, contouring and otherwise softening rock cuts where practicable and appropriate.
- e) The EMP must include contingency measures for the containment of spills. The contingency plan must:
- identify designated bulk fuel storage, contaminant storage facilities and re-fuelling locations;
 - require that these locations are bunded, and that machinery is parked long-term only in these designated areas;
 - require that all mobile fuel tankers carry spill kits and that spill kits are stored at bulk storage tank locations at all times;
 - detail the contents of the spill kits, including absorbent pads, booms, pillow and socks and appropriate pegs/rope to hold the absorbent material in place;
 - record the names of operators trained in spill response and remediation;
 - detail an internal and external notification procedure in the event of a spill; and
 - identify measures to be undertaken to remediate a contaminant spill.
31. Works must not commence on site until the following documents have been approved by the Compliance Monitoring Officer:
- a) a site-wide Environmental Management Plan (in accordance with condition 30 of this consent); and



- b) a Site-Wide Accidental Discovery Protocol (in accordance with condition 68 of this consent).

General Construction Conditions

- 32. The Consent holder may request amendments to the EMP by submitting the amendments in writing to the Compliance Monitoring Officer for approval, prior to any changes taking effect.
- 33. The Consent holder must ensure that the discharge of dust created by earthworks, transportation and construction activities is suitably controlled to minimise dust hazard or nuisance. This shall be managed through:
 - a) The preparation of a Dust Management Plan which describes how the discharge of dust created by earthworks, transportation and construction activities will be controlled to avoid contamination of domestic water supplies and generally to minimise dust hazard or nuisance. The Dust Management Plan must be submitted to the Compliance Monitoring Officer for approval at least 20 working days prior to works commencing on the Spicer Forest access track.
 - b) Sealing of site to public road network transition zones to control any potential material tracked from site to the public road network. That is the initial section of the site access road from Boom Rock Road and the southern end of Spicer Forest access track (from the intersection of Ohariu Valley Road North) is to be sealed for a minimum length of 100m.
- 34. The Consent holder must ensure that:
 - a) all fill slopes are keyed into the surrounding land, as far as practicable;
 - b) all fill material is placed and compacted so as to minimise instability of the fill material;
 - c) fill material is restricted to natural rock and soil; and
 - d) final disposal site slope profiles are contoured to merge in with the existing slope, as far as practicable.
- 35. The Consent holder must provide the Compliance Monitoring Officer with an updated schedule of construction activities at monthly intervals during the works.
- 36. The works authorised by this consent remain the responsibility of the Consent holder and must be maintained to the satisfaction of the Compliance Monitoring Officer.
- 37. The Consent holder must ensure that:
 - a) all contaminant storage or re-fuelling areas are bunded or contained in such a manner so as to prevent the discharge of contaminants;
 - b) all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants;
 - c) no machinery is cleaned, stored or refuelled within 50 metres of any ephemeral or permanent watercourse; and



- d) all contaminants (e.g. fuel, hydraulic oils, lubricants etc) are removed at the end of the construction period except for those required for ongoing maintenance of the wind farm and operational activities.
38. The plant species used shall be consistent with the species in the immediate vicinity of the exposed area, replacing "like with like". The re-vegetation and rehabilitation of exposed areas shall be in accordance with the requirements of the relevant EMP developed in accordance with condition 30(c) of this consent. The Consent holder shall ensure that the plants and seeds for any indigenous revegetation work carried out in regard to the proposed development shall be eco-sourced, and where practicable, this shall be from within the wind farm site.

Avifauna Monitoring

39. The Consent holder must record and report any evidence of bird strikes to the Compliance Monitoring Officer. Should a bird species that is nationally critical, nationally endangered, nationally vulnerable or in serious decline as listed in *New Zealand Threat Classification System 2007, Threatened Species Occasional Publication No: 23, Biodiversity Recovery Unit, Department of Conservation compiled by R. Hitchmough* be found injured or dead at the site, the Department of Conservation and Community Liaison Group are to be notified immediately and the bird provided to the Department of Conservation or its nominated agent for autopsy or rehabilitation.

Traffic Management

40. The Consent holder must submit detailed plans and information showing the final route from the port to Porirua City to be approved by the Compliance Monitoring Officer prior to the commencement of the turbine component transportation. This must include:
- a) Tracking/swept paths for the types of construction vehicles to be used along the selected route and intersections; and
 - b) Details of any road widening, signage, visibility etc required to ensure minimal impact on other traffic, public safety and private access.
41. The Consent holder must not relocate and/or modify any traffic control devices such as traffic signal assets, signs, traffic islands, road markings, streetlight poles and trolley poles without prior approval from the Compliance Monitoring Officer for these changes.
42. The Consent holder must engage an independent consultant approved by the Compliance Monitoring Officer to carry, out at their own cost, a survey of the condition of Ohariu Valley Road and Boom Rock Road, and recommend an appropriate standard of road maintenance to be achieved throughout the construction period. This must be approved by the Compliance Monitoring Officer prior to the commencement of any works.
43. The Consent holder must maintain Ohariu Valley Road and Boom Rock Road to the standards agreed under condition 42 during the construction period of the wind farm project.
44. The proposed upgrade of Ohariu Valley Road and Boom Rock Road and additional construction details are to be further developed by the Consent holder. The Consent holder must provide detailed construction plans at a scale of 1:250 with additional 1:50 cross sections for all sections of the new and upgraded road. These plans must be submitted to and approved by the Compliance Monitoring Officer prior to the commencement of any works to the roads. A copy of the draft plan must be provided to the Community Liaison Group prior to the time it is submitted to the Compliance Monitoring Officer for approval. The Community Liaison Group will be given a period of two weeks in



which to forward any comments it may have on the draft plan to the Compliance Monitoring Officer prior to any approval being given.

45. Prior to commencement of any site preparation (including any earthworks) or construction works on-site, the Consent holder must at its own cost undertake the roading improvement works proposed for Ohariu Valley Road, Boom Rock Road and Spicer Forest.

Note: This condition does not preclude the use of the site as an adjunct to road upgrade works, such as for vehicle storage or on-site fill disposal associated with the roading improvement works.

46. The use of the upgraded/refurbished roads by heavy construction vehicles for wind farm construction/site preparation traffic (other than site preparation as referenced under the note to condition 45) must not commence until the Compliance Monitoring Officer has approved in writing that the road meets the Council requirements.

Note: For the purposes of these conditions "heavy construction vehicles" and trucks are vehicles with a gross vehicle mass that exceeds 3,500kg.

47. All trucks using the route through Spicer Forest, Ohariu Valley Road and Boom Rock Road must be required to give way to other vehicles and pass at designated locations. A plan showing these locations and their forward sightlines must be submitted to and approved by the Compliance Monitoring Officer prior to construction works commencing. If satisfactory forward sightlines can not be provided additional signage and road marking must be installed to ensure safe usage.

48. The Consent holder must show the forward visibility at all bends along the route and provide adequate forward sight distances to ensure that opposing vehicles (excluding over weight and over dimension vehicles) will be able to pass safely and not in conflict. Where forward visibility distances can not be met additional traffic safety signs must be installed.

49. Where the Ohariu Valley Road and Boom Rock Road cross section of 6.5m sealed width is not able to be achieved, details of the narrower cross section must be submitted to and approved by the Compliance and Monitoring Officer.

50. The tracking/swept paths for the types of construction vehicles to be used along the selected route must be submitted and approved by the Compliance and Monitoring Officer. These should show any changes (road widening, signage, visibility etc) necessary to ensure minimal impact on other traffic, public safety and private access.

51. All traffic associated with the construction of the wind farm must use the Spicer Forest access track. This includes workers travelling to and from the site, with the exception of staff travelling between the Mill Creek site and the West Wind site using Takarau Gorge Road and Ohariu Valley Road during the transition period between wind farm construction and operation being no more than ten one way trips per day.

52. All construction vehicles must only use Ohariu Valley Road (via Spicer Forest), and Boom Rock Road between the following hours:

Monday to Friday: 7am to 7pm

Saturdays, Sundays and Public Holidays: No construction vehicles except that this condition does not preclude workers travelling to and from the site in 'people carrying' vehicles, such as 10 seater buses on Saturdays and Sundays between the hours of 7.00am – 8.00am, 12.30pm – 1.30pm and 5.00pm – 6.00pm, up to a maximum of 10 mini-buses travelling one



way to the site each day. (Note: Buses will remain on the site from the morning travel 'window' and return to Spicers Forest in the two afternoon windows).

The following are exempt from this restriction:

- Site security staff
- A site supervisor and related staff directly associated with monitoring the site in relation to health and safety, and environmental effects
- Maintenance/emergency staff and vehicles (requested by the site security staff or site monitoring staff) necessary to carry out emergency maintenance works or respond to a health and safety matter that cannot reasonably wait to be carried out during the hours permitted set out above.

53. The Consent holder must prepare, submit and implement a travel plan, with ongoing monitoring, for the bussing of Workers to the site on Saturdays and Sundays authorised by this consent to the Compliance Monitoring Officer. The travel plan must be submitted to the Compliance and Monitoring Officer for approval at least 20 working days prior to the bussing of workers to the site. A copy of the draft plan must be provided to the Community Liaison Group prior to the time it is submitted to the Compliance Monitoring Officer for approval. The Community Liaison Group will be given a period of two weeks in which to forward any comments it may have on the draft plan to the Compliance Monitoring Officer prior to any approval being given.

54. The Consent holder must take all reasonable steps to reduce the number of trips required.

(Note this may include:

- *Sourcing aggregate from on-site sources.*
- *Using truck and trailer units as opposed to truck only units.*
- *Encouraging car-pooling facilities for workers.)*

55. The Consent holder shall manage construction traffic so that no delays are caused to non-construction traffic of more than 2 minutes duration. During widening of Ohariu Valley Road when longer delays for specific works are anticipated, the Consent Holder shall apply to, and obtain approval from the Wellington City Council under the Wellington City Council Code of Practice for Working on the Road for any longer delays.

Note: Delay is defined as the duration a vehicle is stationary. The Wellington City Council Code of Practice for Working on the Road sets a maximum delay to road users of two minutes except where express approval has been given. Such approval is only to be granted when the need for longer delays has been clearly established, when the matter has been discussed with affected residents and when the parameters of dates, times, locations and durations have been defined and are acceptable. Any such approvals would not be the norm and it is expected that the two minute delay period would not usually be exceeded.

56. That prior to any wind turbine component delivery by heavy construction vehicles to the site the Consent holder shall first organise a trial run with one of each turbine component type (a tower section, a nacelle and a blade) to verify the delay occurring. The Consent holder must provide written notification of the trial run to the Compliance and Monitoring Officer at least five working days prior to commencing.

Note: The purpose of this condition is to ascertain if the necessary laybys, road corridor space and operating speed will ensure that Condition 55 can be complied with.



57. Trucks accessing or departing the site must not use engine braking within the Ohariu Valley, including the descent through Spicer Forest, from the ridgeline to Ohariu Valley Road between the hours of 7.00pm and 7.00am, and must not use engine braking on Boom Rock Road or on Ohariu Valley Road at any time, except for the short descent between 1,300 and 1,400m from the Spicer Forest access.
58. The Spicer Forest access track is being constructed to facilitate construction of the wind farm. It is not intended to be used by the general public during or after construction of the wind farm. The Consent holder must install barricades to the satisfaction of the Compliance Monitoring Officer at each end of the Spicer Forest access track to ensure that there is no direct public vehicle access between Broken Hill Road and Ohariu Valley Road over the access track during and after its construction. Following the commissioning of the wind farm the Spicer Forest access track shall only be used by Meridian for transporting loads associated with the maintenance of the Mill Creek Wind Farm which cannot be transported by way of the public road due to the size or weight of the loads.
59. The Consent holder must reinstate affected fencelines and driveways and leave property frontages within Ohariu Valley Road and Boom Rock Road in a tidy condition (commensurate with that existing prior to construction) to the satisfaction of the Compliance Monitoring Officer upon completion of the works. This condition does not oblige the Consent holder to undertake any works on private property where landowner consent has not been provided.

Note: Meridian will record the existing standard of fencelines, driveways and property frontages (that may be affected by the road upgrade works) prior to commencing construction.

60. Traffic management techniques must be used to ensure safe movement of heavy construction vehicles at all passing areas and widening areas shown in locations where the 6.5 metre sealed road width cannot be achieved for the duration of construction.
61. The Consent holder must clean up promptly any construction materials or components deposited on these roads. The haul route must be swept as required in accordance with the Construction Traffic Management Plan.
62. The Consent holder must maintain a log of all vehicles travelling through each site security office on a daily basis, and make this available to the Compliance Monitoring Officer on request.
63. A **Construction Traffic Management Plan** must be prepared by the Consent holder and approved by the Compliance Monitoring Officer before works relating to the transportation of construction equipment and material to the site begins, this will include plans for any pre-upgrading survey and design works affecting the road, any road works required to upgrade or modify the road in any way including changes to, or provision of, signage and or road markings, maintenance of the road during the life of the project. A copy of the draft plan must be provided to the Community Liaison Group prior to the time it is submitted to the Compliance Monitoring Officer for approval. The Community Liaison Group will be given a period of two weeks in which to forward any comments it may have on the draft plan to the Compliance Monitoring Officer prior to any approval being given. The purpose of the plan will be to set out in detail matters relating to the extent and timing of construction traffic activity to achieve the safe and efficient operation of the roading network, and traffic management provisions to be put in place during this time to achieve a safe and efficient road network. The plan shall be updated as required by the Compliance Monitoring Officer to maintain safety and efficiency of the roading network, and such amendments may take



into account matters raised by the public, the community liaison group and other stakeholders during the construction process. The plan shall specifically include but not be limited to the following:

- a) An assurance that all contractors and sub-contractors comply with the Construction Traffic Management Plan including methods of monitoring and ensuring compliance.
- b) Methods of how the Consent holder will ensure that all contractors and sub-contractors access the site from the north using the route along Spicer Forest and Ohariu Valley Road. This should include ways of dealing with contractors and sub-contractors who do not comply with this requirement.
- c) Specify locations where all trucks using the Ohariu Valley Road and Boom Rock Road will be required to pull over to allow other vehicles to pass.
- d) Details of how the route through the city would be managed. This should include consideration of the following:
 - Methodologies for negotiating street furniture and signage along the proposed route;
 - The anticipated lane utilisation of the transporters and pilot vehicles;
 - Hours of operation;
 - Consultation process relating to emergency services, NZ Police (traffic unit), NZ Transport Agency (over dimension permits issuing unit), Wellington City Council (Roads and Traffic Department), Wellington Cable Car Limited, NZ Bus Limited, Mana Coach Services Ltd, and Wellington Regional Council;
 - Contractor methodology for monitoring any accidents or near misses, queues, delays and pavement effects of transportation, impact on overtaking and impacts on the pavement surfaces.
- e) Details of the content and location of any additional safety warning signage required by condition (forward sightline distances).
- f) Details of security measures (e.g. signage, fencing) that will be put in place to ensure the safety of recreation users of Spicer Forest, Te Ara Roa and Colonial Knob and how the separation of the construction access road from recreational users will occur.
- g) Methodology of monitoring delay times at the critical points. This could be achieved through placement of cameras, tube counts etc.
- h) Details of the traffic management measures (signs, road markings and safety measures) that are required to ensure the safety of road users.
- i) Details of how the Consent holder will minimise delays to meet condition 55; this could include additional passing bays, allotted travel times, consideration of peak travel times, limitations on the number of trucks on the road at any one time etc.
- j) Identify and address any potential conflicts between construction traffic and existing local users which include vehicles, horses, cyclists and pedestrian. The identification of conflicts should be done in consultation with the Community Liaison Group. The methods of addressing the potential conflicts could include speed limit restriction, limitations on number of trucks on the road at any one time, allotted travel times etc.



- k) Details of measures for protecting the health and safety of construction workers using the Spicer Forest access route (including passing areas for vehicles using this route, signage, road marking and guard rails where required).
- l) Details of the traffic management techniques required by condition 61 such as traffic signals, manual control or benching corners.
- m) Methods of keeping the road clean including how and when this will occur.
- n) A schedule detailing the movements of over-weight / over-dimension truck movements which also records that the relevant approvals have been obtained where applicable for the specific or multiple loads.
- o) A protocol for truck drivers travelling to and from the wind farm site, so as to ensure optimum safety and convenience for other road users. This should include procedures to ensure priority of travel is given to traffic not associated with the wind farm, where practicable.
- p) Procedures to ensure vehicles travelling to and from the site do not disrupt the Ohariu Valley residents (for example, stopping outside residential buildings is not permitted).
- q) The Consent holder is to cover the full cost of all road and traffic related mitigation measures.
- r) Details of how the Consent holder will provide traffic related information to the community. This should cover the following issues:
 - Provide the Community Liaison Group (refer to conditions 78 to 81 for the roles and functions of the Community Liaison Group) with the proposed hours for moving overweight/over dimension loads between Spicer Forest and the Mill Creek site;
 - Proposed programme for road widening and expected delays;
 - Consideration of times for farm operations to take place (e.g. stock movement);
 - Regularly provide up to date information on proposed restrictions to the Community Liaison Group;
 - A system to collect and deal with residents concerns and issues (including an 0800 number).
- s) Procedures to record and report any truck movements if it becomes necessary through emergency circumstances to move heavy construction vehicles onsite or offsite outside of construction vehicle hours provided in condition 52.

Hazardous Substances

- 64. The secondary containment must be adequate to contain at least 110% of the tank's capacity.
- 65. Prior to filling the tank with diesel, it must be inspected by an ERMA approved test certifier and a Stationary Container Test Certificate must be issued. A copy of the certificate must be provided to the Compliance Monitoring Officer.
- 66. Signage to indicate the presence of hazardous substances, and appropriate emergency signage must be installed.



67. The ground beneath the fuel tank and refuelling area must be covered with an impervious material.

Cultural Heritage and Archaeology

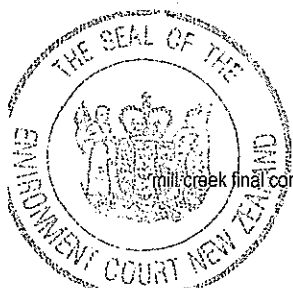
68. The Consent holder must comply with the **Accidental Discovery Protocol** included in Appendix J of the resource consent application. This must be in place for any earthmoving or ground modification that occurs during the construction and operation of the wind farm.
69. The Consent holder must have an archaeologist on site during surface clearing work along the F ridge in the vicinity of the recorded cultivations. The archaeologist must be given the opportunity to examine any archaeological deposits disturbed by the development work, and to make recommendations for further detailed examination of these deposits, if located, and where appropriate.
70. The Consent holder must have an archaeologist on call during construction work on all other parts of the project area, in the lesser likelihood of intact archaeological material being uncovered in these areas.
71. Any artefacts and material uncovered and recorded during site clearing work must be lodged with an appropriate repository. The Consent holder must pay for the cost of any conservation required for artefacts or material.
72. The Consent holder will need apply to the Historic Places Trust for an authority under Section 12 of the Historic Places Act 1993 to modify, damage or destroy archaeological sites at the Mill Creek site, Wellington, being possible gardening sites along the F ridge.
73. Any public interpretive displays prepared in relation to the Project Mill Creek site must note the existence of the Māori cultivation sites within the area, such as Kumuhore. The content of any interpretive material on Māori cultivation sites must be prepared in consultation with mana whenua associations, in particular the Wellington Tenth Trust, Te Runanga o Toa Rangatira Incorporated and agreed representatives of Ngati Tama.
74. A Memorandum of Understanding must be developed between the Consent holder, the land owners, the mana whenua associations, in particular the Wellington Tenth Trust, Te Runanga o Toa Rangatira Incorporated and agreed representatives of Ngati Tama as an effective means of addressing issues as the development progresses.

De-commissioning

75. At the end of the operational life of the wind farm, or of any individual turbine or turbines which are not renewed, replaced, or used for generation purposes for a continuous period of 2 years, every inoperative turbine and all other inoperative above ground structures must be removed, and turbine footings covered in topsoil and re-vegetated.

Lighting

76. Lights shall only be installed on the turbines when required to meet Civil Aviation Authority requirements. The light intensity and flash requirements will be determined by the CAA. The lights will be directed upwards, shielded downwards, and installed on top of the nacelles.
77. The Consent holder must limit lighting as far as reasonably practicable to protect the night sky from unnecessary light pollution.



Community Liaison Group

78. The Consent holder must facilitate the creation of a Community Liaison Group, at its own cost and to the satisfaction of the Compliance and Monitoring Officer, with the following organisations or interested parties being invited to nominate a representative or representatives from:

- a) Independent Chair (convenor)
- b) Makara/Ohariu Community Board (1 representative)
- c) Ohariu Valley Residents (2 representatives)
- d) Wellington City Council (1 representative)
- e) Wellington Regional Council (1 representative)
- f) Makara Valley Residents (2 representatives)

One representative nominated by the Consent holder will also be a member of this group.

79. The function of the Community Liaison Group shall be to provide communication between the community, the Consent holder, Wellington City Council and Wellington Regional Council on issues arising from the construction of Project Mill Creek (including the construction of the Spicer Forest access track and the widening of Ohariu Valley Road).

80. The first meeting of the Community Liaison Group must occur within three months of the date of commencement of this consent.

81. The specific roles of the Community Liaison Group must be determined by the group and must be to the satisfaction of the Compliance Monitoring Officer. A document stating its terms of reference must be produced within three months of the first meeting.

Note: The role of the Community Liaison Group is to facilitate communication between various parties and it does not have a regulatory function.

82. The Community Liaison Group must provide a quarterly newsletter until such time as the windfarm is operational and generating electricity into the national grid, at the cost of the Consent holder, to the community highlighting issues relating to Project Mill Creek.

83. The Consent holder shall provide copies of the reports and plans required by conditions 12, 13, 19, 20 and 21 to the Community Liaison Group at its next meeting after the reports are produced, and shall make technical staff available to the Community Liaison Group to explain the noise assessment processes and current status.

Communications Interference

84. The Consent holder must remedy any television interference that is a direct result of the installation and operation of the wind turbines as soon as practicable after interference occurs. The remedy will be restoration of reception for free to air channels at the Consent holder's cost to the level of reception quality in existence at each point of interference prior to wind farm construction.

Radio Links

85. The Consent holder must remedy any interference that affects the operational standards in relation to any RADAR system operated by New Zealand Airways Corporation, and the Marlborough Marine Radio Association and the Royal New Zealand Coastguard Federation



fixed radio links and that is a direct result of the installation and operation of the wind turbines as soon as practicable after interference occurs.

Complaints Procedure

86. The Consent holder must establish and publicise an 0800 number so that members of the Makara and Ohariu Valley communities have a specified and known point of contact to raise related issues that may arise during construction and operation of the wind farm including, but not limited to, noise and traffic related issues. A permanent record of all calls received alleging adverse effects from, or related to, the exercise of this consent made must be kept.

The record must include:

- a) the name and address (as far as practicable) of the complainant;
- b) identification of the nature of the matter complained about;
- c) date and time of the complaint and of the alleged event;
- d) weather conditions at the time of the complaint (as far as practicable);
- e) the outcome of the Consent holders investigation into the complaint;
- f) measures taken to acknowledge receipt of a complaint to the complainant, and to assess complaints;
- g) a response time for this acknowledgement;
- h) an estimated time to deal with the complaint; and
- i) a close out action once the complaint has been dealt with, including advice to the complainant of this.

This record must be maintained at the work site and must be made available to the Compliance Monitoring Officer upon request. The Consent holder must notify the Compliance Monitoring Officer in writing of any such complaint within a 5 working days of the complaint being brought to the attention of the Consent holder.

87. The Consent holder must nominate an appropriately experienced staff member to be responsible for:
- a) Liaison with residents;
 - b) Overseeing the assessment procedure;
 - c) Receiving and dealing with complaints;
 - d) Ensuring the implementation and updating of the above automatic control measuring system on an ongoing basis.

Monitoring

88. Prior to construction of the wind farm commencing and subsequently prior to any part of the work as determined by the Compliance Monitoring Officer, the Consent holder must give at least four weeks notice to the Compliance Monitoring Officer and the Community Liaison Group before work starts. This advice shall be given to the Wellington City Council's Specialist Advice and Compliance Unit by either telephone (801 4017) or facsimile (801 3165), and must include the address of the property and the service request number.
89. The Consent holder must pay to the Wellington City Council the actual and reasonable costs associated with the monitoring of conditions, or review of consent conditions, or



supervision of the resource consent as set in accordance with section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.

Note: Refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Review Condition

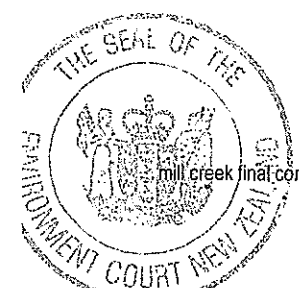
90. The Compliance Monitoring Officer may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, for the purposes specified below in (a) to (e) inclusive, annually from the date of commencement of this consent until five years after the completion and every five years thereafter for the purposes specified below in (c), (d) and (e):
- a) To review the effectiveness of the landscape and visual conditions at any time except that this shall not extend to a review of the type or specifications of the turbines, or their locations as approved by conditions (3) or (4).
 - b) To review the adequacy and implementation of any recommendations of the Construction Traffic Management Plan and Environmental Management Plan, at any time.
 - c) To review the noise requirements for the following reasons: -
 - At any time subsequent to the commencement of Project Mill Creek should the noise emissions differ significantly from those detailed in the report required by condition 19; and
 - To deal with any non compliance with the remaining noise conditions regulating wind farm sound, including sound with any special audible characteristics, which may arise from the operation of the wind turbines.
 - d) To deal with any issues arising from complaints.
 - e) To deal with any adverse effects on the environment, including any adverse effects that were not expressly recognised at the time of granting consent, which may arise from the exercise of this consent, and which it is appropriate to deal with at a later stage.

Note: Following review more appropriate conditions may be set if deemed necessary.

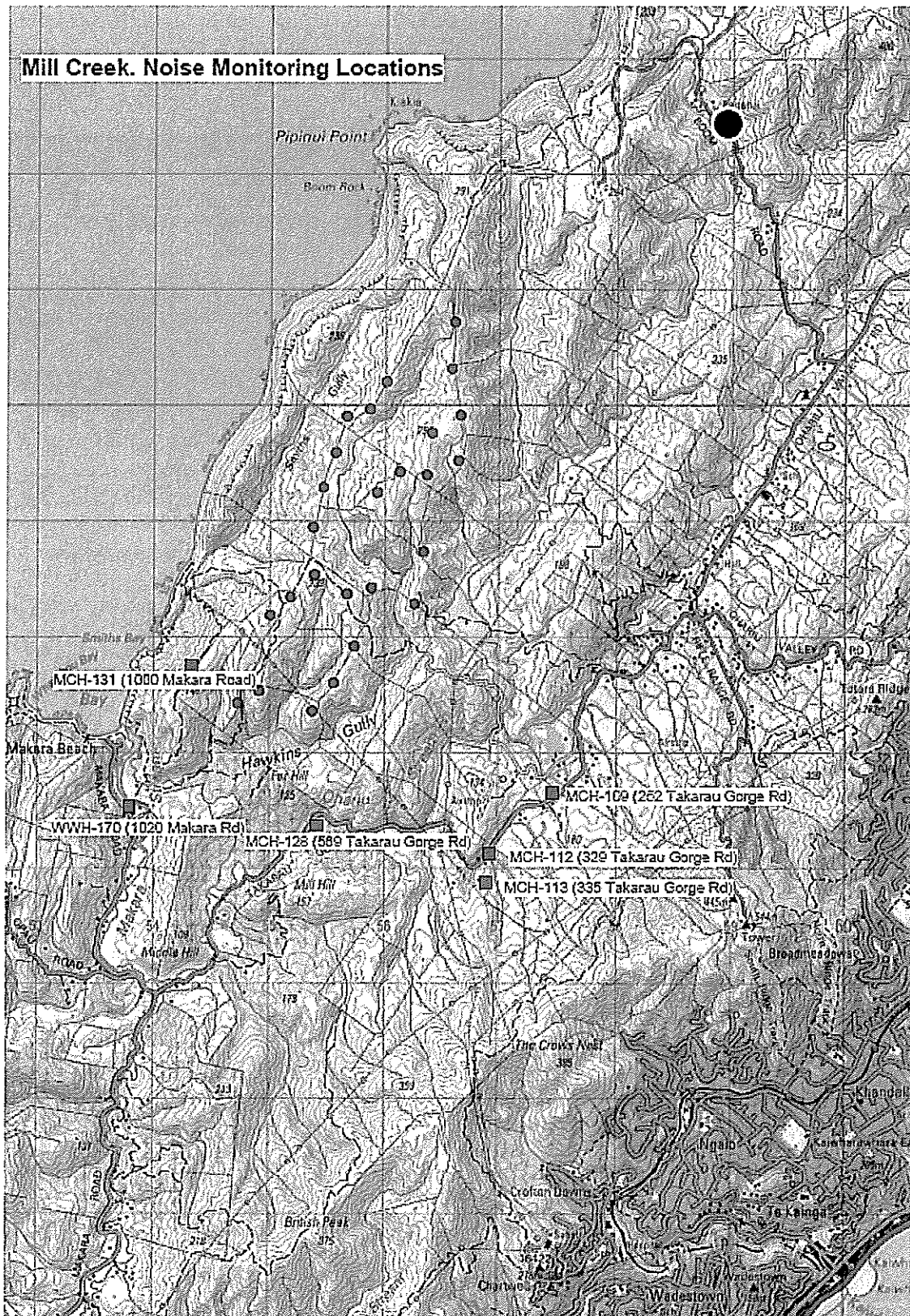
Advice Notes:

1. Where appropriate, the Council may agree to reduce the required monitoring charges where the Consent holder will carry out appropriate monitoring and reporting back to the Council.
2. This resource consent is not a consent to build. Such a consent must be obtained under the Building Act 2004 prior to commencement of construction.
3. It is the responsibility of the Consent holder to identify and at all times operate within site boundaries.
4. For the purposes of conditions imposed under this consent, the ACOUSTIC DEFINITIONS AND TERMINOLOGY are to be applied, as shown in the table overleaf.

Background sound level	$L_{A90(10min)}$, in decibels, is the A-weighted sound pressure level equalled or exceeded for 90% of the time and is the component of sound that subjectively is perceived as continuously present.
decibel (dB)	dB is the unit used to express sound pressure levels.
L_{A10}	Is that sound level which is equalled or exceeded for 10% of the time, in decibels.
$L_{Aeq(t)}$	Time average level which is the continuous steady level that is equivalent to the time varying level, in decibels.
L_{Amax}	The maximum fast time-weighted sound level in the period of interest, in decibels.
Notional Boundary	The notional boundary is defined as a line 20 metres from any side of a residential building, or the legal boundary where this is closer to the residential building.
Special Audible Characteristics	A distinctive characteristic which may affect the subjective acceptability of a sound (e.g. if it is noticeably impulsive or tonal). If the special audible characteristics are confirmed in accordance with the specified assessment Standard (i.e. NZS 6802 or NZS 6808) the sound level or noise limit shall be adjusted as specified by the Standard. N.B. Tonality is already accounted for in the tables in the NZS 6803:1999 <i>Acoustics - Construction Noise</i> and no further penalty is made for construction noise that has special audible characteristics when assessed using that Standard.



SCHEDULE 1, APPENDIX A



SCHEDULE 2: RESOURCE CONSENT CONDITIONS

PORIRUA CITY COUNCIL

General

1. With the exception of amendments required to comply with other conditions of this consent and any conditions of related resource consents granted by the Wellington City Council and Wellington Regional Council, the proposed development shall proceed in general accordance with the information and plans provided with Application and held on Council File RC 5202.

Lapse Date

2. In accordance with section 125(1) of the Resource Management Act 1991, this consent shall lapse if not given effect to within seven (7) years of the date of commencement.

Traffic Management

3. The Consent holder must take all reasonable steps to reduce the number of trips required
(Note this may include:
 - Sourcing aggregate from on-site sources.
 - Using truck and trailer units as opposed to truck only units.
 - Encouraging car-pooling facilities for workers.)
4. Prior to commencement of any construction works on-site, the Consent holder must at its own cost undertake the roading improvement works for Spicer Landfill. The proposed road upgrade and additional construction details are to be further developed by the Consent holder and supplied to the Porirua City Council ("the Council") for approval. The Consent holder must provide detailed construction plans for all sections of the new and upgraded road. The detailed construction plans should be to a scale of 1:250 with additional 1:50 cross sections. The Consent holder must also show the forward visibility at all bends along the route and provide the adequate forward sight distances to ensure that opposing vehicles (excluding over weight and over dimension vehicles) will be able to pass safely and not in conflict.
5. Prior to the construction of the wind farm, the Consent holder shall obtain an overweight permit from the Council for any overweight loads travelling through Porirua City. The Consent holder must abide by the requirements of any such permit issued.
6. Prior to the construction of the wind farm, the Consent holder shall obtain an Over-Dimension Load Permit from Land Transport New Zealand, for any Over-Dimension loads travelling through Porirua City. The Consent holder shall provide the Council with a copy of this Permit.
7. A **Construction Traffic Management Plan** shall be prepared by the Consent holder and approved by the General Manager Environment and Regulatory Services before any transportation of construction equipment and material to the Spicer Landfill and before any construction works commence at Spicer Landfill or within Spicer Forest. The purpose of the plan will be to set out in detail matters relating to the extent and timing of construction traffic activity to achieve the safe and efficient operation of the roading network, and traffic management provisions to be put in place during this time to achieve a safe and efficient road network. The plan shall be updated as required by the General Manager Environment

and Regulatory Services to maintain safety and efficiency of the roading network, and such amendments may take into account matters raised by the public, and other stakeholders during the construction process. The plan shall specifically include but not be limited to the following:

- a) Trucks accessing or departing the site shall minimise engine braking where safely achievable along the length of Broken Hill Road, Raiha Street and Kenepuru Drive.
- b) Further details of the route of the over-dimension and / or overweight loads through Porirua City. This information must include the following: -
 - Details of the agreed route and any other requirements of the overweight permit which must have first been obtained from Porirua City Council pursuant to Condition 6 above.
 - Swept paths for the over-dimension vehicles;
 - Each over-dimension load must have a pilot vehicle and trailing vehicle travelling in convoy. The pilot vehicle will have a flashing beacon but no siren;
 - Details of the movement and replacement of street furniture;
 - Details of any signs that need to be displaced and provision for their replacement at the end of every night;
 - Arrangements for other traffic while the over-dimension movements are being undertaken;
 - The hours during which such movements to and from the access track will occur.
- c) Details of security measures (e.g. signage, fencing) that will be put in place to ensure the safety of recreation users of Spicer Forest, Te Ara Roa and Colonial Knob and maintain separation of the construction access road from recreational users.
- d) Details of measures for protecting the health and safety of construction workers using the Spicer Forest and Spicer Landfill access route, and landfill staff and customers, including details of passing areas for vehicles using this route; and details of signage, road marking and guard rails where required, and security arrangements.
- e) Over-weight permit applications for the over-weight turbine components shall be submitted to the Resource Consent Monitoring and Enforcement Team one month before these movements are due to occur.
- f) An agreed protocol for truck drivers travelling to and from the wind farm site, so as to ensure optimum safety and convenience for other road users. Procedures must be used to ensure priority of travel is given to traffic not associated with the wind farm, where practicable.
- g) Procedures must be used to ensure vehicles travelling to and from the site at night time do not disrupt any residents along the Porirua route (for example, stopping outside dwellings is not to be permitted).

8. As the need arises, and prior to any traffic movements occurring, a Traffic Management Plan shall be prepared to cover any wind farm related traffic movements through Spicer

Forest which might occur during the Further Access Period as defined in and provided for in the Access Agreement with Porirua City Council dated 22 June 2007, or any signed variations thereto.

Note: Section 1.6 of the Access Agreement provides for Meridian to have the right to use the access road from time to time during the Further Access Period, with the prior consent of Porirua City Council, for the purpose of transporting loads associated with the maintenance of the Mill Creek Wind Farm which cannot be transported by way of the public road due to the size or weight of the loads. This further access right expires 30 years from the date of the agreement (22 June 2007).

9. The Consent holder shall abide by the requirements of the approved Traffic Management plan.
10. The Consent holder must ensure all of its contractors and subcontractors comply with the Traffic Management Plan.
11. The Consent holder shall maintain a log of all vehicles travelling through each site security office on a daily basis, and make this available to the Resource Consent Monitoring and Enforcement Team on request.
12. The Consent holder shall implement an information strategy in consultation with the Porirua City Council to cover the following issues:
 - a) Proposed hours for moving overweight/over dimension loads;
 - b) Proposed programme for moving overweight/over-dimension loads;
 - c) Regularly provide up to date information on proposed movements;
 - d) A system to collect and deal with residents concerns and issues (including an 0800 number).
13. The Consent holder shall establish and publicise an 0800 number so that road users and the public have a specified and known point of contact to raise any traffic related issues that may arise during construction. A log book of all calls received shall be kept, and in each month in which calls are received details of those calls shall be forwarded to Resource Consent Monitoring and Enforcement Team at the end of that month.
14. Prior to commencement of construction the Consent holder shall provide detailed construction plans for all sections of the new and upgraded access track, and any traffic management measures (signs, road markings, security and safety measures) required to ensure the safety of track users, landfill employees and customers, and road users.
15. Prior to construction commencing the Consent holder shall engage an independent consultant approved by the General Manager Environment and Regulatory Services to carry out at the Consent holder's cost and to the satisfaction of the General Manager Environment and Regulatory Services a survey of the condition of the existing internal landfill access road between Broken Hill Road and the start of the proposed new access track, Broken Hill Road, Raiha Street, Kenepuru Drive and Mungavin Bridge.
16. The Consent holder shall repair any damage to street furniture or pavement surfaces caused by movement of overweight/over-dimension turbine components and shall pay a proportionate cost for maintenance of the following:



- The existing internal landfill access road between Broken Hill Road and the start of the proposed new access track;
- Broken Hill Road;
- Raiha Street;
- Kenepuru Drive and
- Mungavin Bridge.

Note: A proportionate cost should be borne for road maintenance between the Consent Holder and the General Manager Asset Management and Operations which takes into account wear and tear from other heavy vehicles using the same route to the landfill. The Consent Holder's portion of the cost will be any additional maintenance over and above what would otherwise be required on the road if the consent was not being given effect to. The methodology for apportioning the cost for road maintenance shall be determined between the Consent Holder and the General Manager Asset Management and Operations prior to heavy traffic movements commencing.

17. Upon completion of each overweight or over-dimensioned transportation, (or upon completion of all transportations, as the case may be), the Consent holder shall reinstate any street furniture to the location that it was in prior to the transportation, in accordance with the requirements of the Traffic Management Plan.
18. The Consent holder shall clean up promptly any construction materials or components it deposits on these roads. The haul route must be swept as required in accordance with the Construction Traffic Management Plan, and the said construction materials or components reasonably removed from these roads.
19. The Consent holder shall establish and/or arrange for the use of suitable facilities at the end of Broken Hill Road where transports will be required to wait until dawn or until they receive clearance to continue over to Ohariu Valley.
20. The Spicer Forest access track is being constructed to facilitate construction of the wind farm. It is not intended to be used by the general public during or after construction of the wind farm. The Consent holder must install barricades to the satisfaction of the Compliance Monitoring Officer at each end of the Spicer Forest access track to ensure that there is no direct public vehicle access between Broken Hill Road and Ohariu Valley Road over the access track during and after its construction. Following the commissioning of the wind farm the Spicer Forest access track shall only be used by Meridian for transporting loads associated with the maintenance of the Mill Creek Wind Farm which cannot be transported by way of the public road due to the size or weight of the loads.
21. The Council may review the traffic related conditions set out above, by giving notice of its intention to do so under Section 128 of the Resource Management Act 1991, at any time during construction of the wind farm, for the following purposes:
 - a) To deal with any adverse effects on the environment resulting from traffic related to the Wind Farm, either directly or indirectly.
 - b) To review the adequacy and implementation of any recommendations of the Construction Traffic Management Plan.

Following review more appropriate conditions may be set if deemed necessary.



Earthworks and Sediment Control

22. Prior to the commencement of any works on the site the Consent holder shall provide evidence to the Resource Consent Monitoring and Enforcement Team that a suitably qualified chartered engineer has been appointed to carry out the design, supervision and certification of earthworks.
23. For earth fills, specific design and construction requirements will be required to suit the proposed development. All fills are to be designed by, and constructed under the supervision of, a suitably qualified chartered engineer. Plans are to be supplied to the satisfaction of the General Manager, Environment and Regulatory Services, showing the location of all compaction tests, together with a certificate prepared by an inspecting suitably qualified Chartered Professional Engineer stating the suitability of the earthworks for the proposed development.
24. Upon completion of the earthworks (or, if deemed necessary by PCC, during the earthworks period) the Consent holder shall provide to the satisfaction of the General Manager, Environment and Regulatory Services, a report from a chartered engineer with geotechnical experience addressing the stability of the constructed cut batters. This report shall give specific reference to sections 205.3 and 205.3.4 of the Porirua City Council's Code of Urban Subdivision, 1983.
25. The Consent holder shall ensure that land disturbed by earthworks, trenching or building activities is regularly wetted so that dust nuisance is maintained within the site at all times.
26. The Consent holder shall ensure that all areas exposed by earthworks, trenching or building activities are re-grassed/hydro-seeded at the earliest possible opportunity following excavation or at the latest within 1 month after completion of the earthworks.
27. The Consent holder shall ensure that, where earth worked materials are carried onto the surrounding road network, the road(s) is cleaned and / or repaired back to its original condition each evening during the earthworks period. In doing this, the Consent holder shall ensure that no materials are washed or swept into any storm water drains or natural drainage systems.

Access Track

28. Prior to commencement of works, the Consent holder shall submit for engineering approval, plans and design calculations for the proposed development. The design shall be to the satisfaction of the General Manager, Environment & Regulatory Services. These plans shall show full engineering details, including technical details, of the proposed:
 - a) Earthworks, showing areas of fill and cut, depths of fill and cut and cut batters;
 - b) Any subsoil drainage system;
 - c) For stormwater disposal other than to a public main; (Long-term):
 - Any design submitted shall demonstrate that storm-water runoff is disposed in an effective and responsible way, and avoids creating any adverse effects to the environment such as erosion or scouring or a nuisance to surrounding properties or areas.
 - Where it is proposed to discharge stormwater to the surrounding countryside, stormwater pipes shall be extended down to the bottom of gullies. These



stormwater pipes shall end in flow dissipation/our prevention measures, such as using a suitably designed stilling basin with downstream lip and rip-rap embedded in concrete immediately downstream.

- The Consent holder shall submit to Council a design including construction drawings and detailing the proposed storm-water services (including calculations and allowances for storm-water runoff and over land flow paths) within or servicing the proposed development.

~~27.~~

29. The plans required by condition 28 above shall be accompanied by a copy of Schedule 1A NZS 4404:2004, Design Certificate - Land Development/ Subdivision Work, signed by a suitably qualified design professional carrying professional indemnity insurance - the minimum of which shall be commensurate with the current amounts recommended by IPENZ, ACENZ, TNZ, INGENIUM for design professionals involved in land development/ subdivision work.

Upon completion of earthworks, the Consent holder shall submit a copy of Schedule 1C NZS 4404:2004, Certificate of Person Responsible for Inspection and Review of Construction, Upon Completion of Land Development/ Subdivision Work, signed by a suitably qualified professional carrying professional indemnity insurance - the minimum of which shall be commensurate with the current amounts recommended by IPENZ, ACENZ, TNZ, INGENIUM for As Built drawings (see below).

As Built Drawings:

30. As Built drawings shall be submitted for approval to the satisfaction of the General Manager Environment and Regulatory Services in accordance with Schedule 1D NZS 4404:2004 Criteria for As Built Drawings.



SCHEDULE 3: RESOURCE CONSENT CONDITIONS

WELLINGTON REGIONAL COUNCIL

Schedule 1

Land use consent [26777] to undertake the following works within the stream beds of unnamed tributaries of the Ohariu Stream in association with Ohariu Valley Road upgrades:

- Replace, extend and upsize existing culvert structures;
- Extend existing culvert structures;
- Place inlet/outlet works;
- Place rock ramps for fish passage; and
- Place an edge protection structure.

Including any associated temporary diversion of flow and disturbance of the beds of those streams.

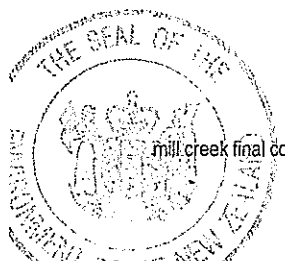
General conditions

1. The location, design, implementation and operation of the works shall be in general accordance with the:
 - a) consent application and its associated plans and documents, lodged with the Wellington Regional Council on 12 March 2008; and
 - b) further information and amendments received by the Wellington Regional Council on 17 April 2008, 15 July 2008, 16 July 2008 and 18 July 2008; and
 - c) information that is approved by the Wellington Regional Council in accordance with the conditions of this consent.

Note 1: Any change from the location, design concepts and parameters implemented and/or operation may require a change in consent conditions pursuant to Section 127 of the Resource Management Act 1991.

Note 2: Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

2. The consent holder shall advise the Manager, Environmental Regulation, Wellington Regional Council, in writing at least 48 hours prior to the works commencing in each location.
3. The consent holder shall provide a copy of this consent, including any relevant site plans and attachments, to the contractor undertaking the works authorised by this consent, prior to the works commencing.
4. If kōiwi (skeletal remains), wahi tapu, taonga (treasures), or other artefact material is discovered in any area, all works in the vicinity are to cease immediately. The consent



holder shall notify the Manager, Environmental Regulation, Wellington Regional Council; the Wellington Tenth Trust; Te Runanga o Toa Rangatira Inc.; an approved representative of Ngati Tama; the Historic Places Trust; and if necessary, the New Zealand Police. Works in the vicinity shall not re-commence until a site inspection has been undertaken by the representatives of these parties, appropriate tikanga (protocols) have occurred, and the artefacts have either been recovered or the appropriate approval to continue is given.

5. If any fish are stranded due to the works, the consent holder shall ensure that these are placed back in the active flowing part of the channel as soon as practicable.
6. All works affecting the streams, including tidy up on completion of the works, shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Pre-work conditions

7. Prior to undertaking any works authorised by this consent, the consent holder shall engage an appropriately qualified ecologist to determine which tributaries of the Ohariu Stream, where works authorised under this consent are to be carried out, would benefit from fish passage being provided.
8. Prior to undertaking works, the applicant shall submit a report from an appropriately qualified ecologist to the Manager, Environmental Regulation, Wellington Regional Council, detailing the results of the inspection required under Condition 7 of this consent. The report shall detail the following:
 - identification of which culverts require fish passage works (using existing OHVRD culvert road pegs); and
 - for each tributary, identify whether fish passage will be provided through a replacement culvert or via a rock ramp.

Design conditions

9. All works authorised under this consent must provide fish passage, for the tributaries identified under Condition 7 of this consent, on completion and in accordance with Condition 8 of this consent.
10. Inlet and/or outlet erosion protection works must be provided for all existing perched culvert inlets and/or outlets that require extension.
11. All replaced culverts must be able to accommodate a 1 in 10 year flood event.
12. All replaced culverts must be placed at the same gradient as the existing stream bed and be sufficiently embedded to avoid erosion and scour of the stream bed and banks.

If it is determined or found that erosion and scour of the stream bed and/or banks either has or will occur, even with sufficient embedment, appropriate inlet and/or outlet protection works must be added.
13. All other structures authorised under this consent (i.e. fish passes, edge protection structures, inlet/outlet protection structures) must be sufficiently embedded so as to avoid erosion and scour of the stream bed and/or banks.
14. Within one month of constructing each structure authorised under this consent, the consent holder shall provide to the Manager, Environmental Regulation, Wellington Regional



Council, a certificate signed by an appropriately qualified and experienced engineer to certify that the structure has been constructed in accordance with the conditions of this consent.

15. The consent holder shall provide design details of any of the structures authorised under this consent to the Manager, Environmental Regulation, Wellington Regional Council, on request.

Contamination prevention conditions

16. The consent holder shall ensure that:
 - all contaminant storage or re-fuelling areas are bunded or contained in such a manner as to prevent the discharge of contaminants;
 - all machinery is thoroughly cleaned of vegetation and contaminants prior to entering the site;
 - all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants; and
 - no machinery is refuelled within 50 metres of any intermittent or permanent watercourse.
17. The consent holder shall take all practicable steps to minimise sedimentation and disturbance of the streams during the construction and implementation of the works, including:
 - completing all works in the minimum time practicable;
 - minimising the area of disturbance at all times;
 - avoiding placement of excavated material in the wetted channels;
 - separating construction activities from the wetted channels i.e. by temporarily diverting the flow around the area of works or bunding the works area;
 - minimising time spent by machinery in the wetted channels, including the number of vehicle crossings;
 - immediately removing any excess material from the bed and banks of the streams on completion of the works.
18. The consent holder shall ensure that appropriate erosion and sediment control measures are installed prior to, and during, all construction works.
19. The consent holder shall ensure that all exposed areas are stabilised against erosion by re-vegetating the area within 20 working days of completing the works in each location, or as soon as practicable.

Note: For the purposes of this condition "stabilised" in relation to any site or area means inherently resistant to erosion or rendered resistant, such as by using indurated rock or by the application of basecourse, colluvium, grassing, mulch, or another method to the reasonable satisfaction of the Manager, Environmental Regulation, Wellington Regional Council and as specified in Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region, September 2002. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised



once, on reasonable visual inspection by the Manager, Environmental Regulation, Wellington Regional Council, an 80% vegetative cover has been established.

Maintenance condition

20. The works shall remain the responsibility of the consent holder and be maintained so that:
- a) any erosion, scour or instability of the stream bed or banks that is attributable to the works carried out as part of this consent is remedied by the consent holder;
 - b) fish passage is not impeded on completion of works;
 - c) the structures remain substantially free of debris; and
 - d) the structural integrity of the structures remains sound.

Note: Maintenance of lawful structures is generally permitted under Rule 22 of the Regional Freshwater Plan for the Wellington Region. Any additional works (including structures, reshaping or disturbance to the bed of the watercourse) following completion of the construction and maintenance works as provided for in the approved plans, may require further resource consents.

Duration of consent

21. In accordance with section 123(c) of the Resource Management Act 1991, this consent shall expire thirty five (35) years from the date of commencement.

Lapse of consent

22. In accordance with section 125(1) of the Resource Management Act 1991, this consent shall lapse if not given effect to within seven (7) years of the date of commencement.

Schedule 2

Land use consent [26848] to undertake the following works within the stream bed of an unnamed tributary of the Ohariu Stream in association with Boom Rock Road upgrades:

- Reclaim sections of stream bed;
- Extend existing culvert structures;
- Place inlet/outlet structures;
- Place rock ramps for fish passage; and
- Place rock protection works.

Including any associated temporary diversion of flow, and disturbance of, and deposition on, the beds of those streams.

Pre-works and general conditions

1. The consent holder shall prepare and submit a **Design and Construction Plan** for all structures and stream works authorised by this consent to the Manager, Environmental Regulation, Wellington Regional Council, for approval at least 20 working days prior to the works commencing.

Unless otherwise authorised by the Manager, Environmental Regulation, Wellington Regional Council, works may not commence until the Design and Construction Plan has been approved.

The **Design** detail and plans shall include, but not be limited to, the following:

- cross sectional and aerial drawings showing the locations (paths) and profiles of the realigned channels;
- details of the rock protection works including dimensions, size of the rock rip-rap and the depth to which it will be embedded to;
- details of how the realigned channels will be stabilised on completion;
- details of any culvert inlet/outlet structures e.g. pre-cast wing walls or aprons and the depth that these will be embedded to below the stream beds;
- design details of the rock ramp(s) for fish passage; and
- any other measures or details as appropriate to ensure compliance with all conditions of this consent.

The **Construction** detail and methodology shall include, but not be limited to, the following:

- the sequence of works, step by step, and a timeline for undertaking the works;
- details of the temporary diversions (including through use of a water pump with a fish screen) to enable works to be undertaken outside of the actively flowing channel, including methods to bund upstream and downstream of the works areas;



- how the bunded works areas will be dewatered to prevent sediment-laden water that pools in these areas from entering any surface waterbodies; and
- details of any other erosion and sediment control measures that will be employed on site to undertake the works.

Any amendments to the **Design and Construction Plan** must be approved and be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

The consent must be exercised in general accordance with the approved plan and any subsequent approved amendments.

General conditions

2. The location, design, implementation and operation of the works shall be in general accordance with the:
 - a) consent application and its associated plans and documents, lodged with the Wellington Regional Council on 12 March 2008; and
 - b) further information and amendments received by the Wellington Regional Council on 17 April 2008, 15 July 2008, 16 July 2008 and 18 July 2008; and
 - c) the information that is approved by the Wellington Regional Council in accordance with Condition 1 of this consent.

Note 1: Any change from the location, design concepts and parameters implemented and/or operation may require a change in consent conditions pursuant to Section 127 of the Resource Management Act 1991.

Note 2: Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

3. The consent holder shall advise the Manager, Environmental Regulation, Wellington Regional Council, in writing at least 48 hours prior to the works commencing in each location.
4. The consent holder shall provide a copy of this consent, including any relevant site plans and attachments, to the contractor undertaking the works authorised by this consent, prior to the works commencing.
5. If kōiwi (skeletal remains), wahi tapu, taonga (treasures), or other artefact material is discovered in any area, all works in the vicinity are to cease immediately. The consent holder shall notify the Manager, Environmental Regulation, Wellington Regional Council; the Wellington Tenth Trust; Te Runanga o Toa Rangatira Inc.; an approved representative of Ngati Tama; the Historic Places Trust; and if necessary, the New Zealand Police. Works in the vicinity shall not re-commence until a site inspection has been undertaken by the representatives of these parties, appropriate tikanga (protocols) have occurred, and the artefacts have either been recovered or the appropriate approval to continue is given.
6. All works affecting the streams, including tidy up on completion of the works, shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Contamination prevention conditions

7. The consent holder shall ensure that:
 - all contaminant storage or re-fuelling areas are bunded or contained in such a manner as to prevent the discharge of contaminants;
 - all machinery is thoroughly cleaned of vegetation and contaminants prior to entering the site;
 - all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants; and
 - no machinery is refuelled within 50 metres of any intermittent or permanent watercourse.
8. The consent holder shall take all practicable steps to minimise sedimentation and disturbance of the stream during the construction and implementation of the works, including:
 - completing all works in the minimum time practicable;
 - minimising the area of disturbance at all times;
 - avoiding placement of excavated material in the wetted channels;
 - separating construction activities from the wetted channels by temporarily diverting the flow around the entire areas of works (including the areas of the culvert extensions and rock protection works);
 - minimising time spent by machinery in the wetted channels, including the number of vehicle crossings; and
 - immediately removing any excess material from the bed and banks of the streams on completion of the works.
9. The consent holder shall ensure that appropriate erosion and sediment control measures are installed prior to, and during, all construction works.
10. Sediment-laden water which pools within the bunded areas of works shall be dewatered by pumping it to land (where it is unable to enter surface water) or by other such method approved under Condition 1 of this consent.
11. All fill material placed in the stream beds shall be restricted to natural material, such as clay, soil and rock, shall accord with the Ministry for Environment "cleanfill" definition as detailed in '*A guide to the management of Cleanfills, 2002*' and all such fill material shall be placed and compacted so as to minimise its erosion and instability.
12. The consent holder shall ensure that all exposed areas are stabilised against erosion by re-vegetating the area within 20 working days of completing the works in each location, or as soon as practicable.



Fish passage and habitat

13. If any fish are stranded due to the works, the consent holder shall ensure that these are placed back in the active flowing part of the channel as soon as practicable.
14. The consent holder shall ensure that fish passage is provided on completion of the construction works.
15. A graded mix of rock rip-rap shall be used to fill voids within rock protection works located in the stream bed at the time of construction.
16. The profiles of the realigned channels shall incorporate meandering bends where possible.
17. Existing vegetation shall only be cleared where it is necessary to implement and construct the works.

Erosion and scour

18. All structures and works authorised under this consent shall be constructed as to avoid erosion and scour of the stream beds and/or banks.

Flooding

19. All structures and works authorised under this consent shall be constructed so to avoid exasperation of flood flows.

Maintenance condition

20. The works shall remain the responsibility of the consent holder and be maintained so that:
 - a) any erosion, scour or instability of the stream bed or banks that is attributable to the works carried out as part of this consent is remedied by the consent holder;
 - b) fish passage is not impeded on completion of works;
 - c) the structures remain substantially free of debris; and
 - d) the structural integrity of the structures remains sound.

Note: Maintenance of lawful structures is generally permitted under Rule 22 of the Regional Freshwater Plan for the Wellington Region. Any additional works (including structures, reshaping or disturbance to the bed of the watercourse) following completion of the construction and maintenance works as provided for in the approved plans, may require further resource consents.

Duration of consent

- ~~23-~~21. In accordance with section 123(c) of the Resource Management Act 1991, this consent shall expire thirty five (35) years from the date of commencement.

Lapse of consent

- ~~24-~~22. In accordance with section 125(1) of the Resource Management Act 1991, this consent shall lapse if not given effect to within seven (7) years of the date of commencement.



Schedule 3

Water permit [26780] to permanently divert the full flow of the following:

- Ohariu Stream;
- Mill Creek; and
- unnamed tributaries of the Ohariu Stream, Mill Creek and Hawkins Stream

through pipes, rock protection structures and realigned channels in association with the construction of new roads and the upgrade of existing roads.

General conditions

1. The location, design, implementation and operation of the works shall be in general accordance with the:
 - a) consent application and its associated plans and documents, lodged with the Wellington Regional Council on 12 March 2008; and
 - b) further information and amendments received by the Wellington Regional Council on 17 April 2008, 15 July 2008, 16 July 2008 and 18 July 2008.

Note 1: Any change from the location, design concepts and parameters implemented and/or operation may require a change in consent conditions pursuant to Section 127 of the Resource Management Act 1991.

Note 2: Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

2. The consent holder shall provide a copy of this consent, including any relevant site plans and attachments, to the contractor undertaking the works authorised by this consent, prior to the works commencing.
3. The works shall remain the responsibility of the permit holder and shall be maintained to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council. This shall include the repair of any erosion of the bed and/or banks of the stream that is attributable to the works.

Duration of consent

4. In accordance with section 123(d) of the Resource Management Act 1991, this consent shall expire thirty five (35) years from the date of commencement.

Lapse of consent

5. In accordance with section 125(1) of the Resource Management Act 1991, this consent shall lapse if not given effect to within seven (7) years of the date of commencement.



Schedule 4

Discharge permit [26847] to discharge sediment-laden water to land where it may enter water and to water in association with the operation of a mobile aggregate crushing plant.

General conditions

1. The location, design and operation of the plant shall be in general accordance with:
 - a) the consent application and its associated plans and documents, lodged with the Wellington Regional Council on 12 March 2008; and
 - b) further information and amendments received by the Wellington Regional Council on 17 April 2008; and

Note 1: Any change from the location, design concepts and parameters implemented and/or operation may require a change in consent conditions pursuant to Section 127 of the Resource Management Act 1991.

Note 2: Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

2. The consent holder shall advise the Manager, Environmental Regulation, Wellington Regional Council, in writing at least 48 hours prior the operation of the aggregate crushing plant commencing.
3. If kōiwi (skeletal remains), wahi tapu, taonga (treasures), or other artefact material is discovered in any area, all works in the vicinity are to cease immediately. The consent holder shall notify the Manager, Environmental Regulation, Wellington Regional Council; the Wellington Tenth Trust; Te Runanga o Toa Rangatira Inc.; an approved representative of Ngati Tama; the Historic Places Trust; and if necessary, the New Zealand Police. Works in the vicinity shall not re-commence until a site inspection has been undertaken by the representatives of these parties, appropriate tikanga (protocols) have occurred, and the artefacts have either been recovered or the appropriate approval to continue is given.
4. Notwithstanding the requirements of the other conditions of this permit, the consent holder shall at all times take all practicable steps for preventing erosion and/or minimise the suspended solids content of any discharge that enters water.
5. All erosion and sediment control measures shall be well maintained so that they operate efficiently and to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.
6. During the exercise of this permit, all practicable steps shall be taken to minimise any discharge to any watercourse that may result in any of the following effects after reasonable mixing:
 - The production of any conspicuous oil or grease films, scums or foams or floatable or suspended material;
 - Any conspicuous change in colour or visual clarity;



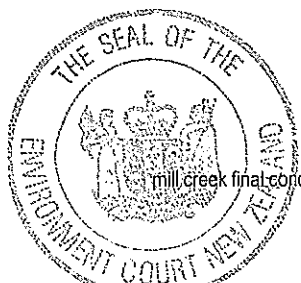
- Any emission of objectionable odour;
- The rendering of fresh water unsuitable for consumption by humans and farm animals;
- Any significant adverse effect on aquatic life;
- A change of more than 3° Celsius in the natural temperature of the water.

Duration of consent

7. In accordance with section 123(d) of the Resource Management Act 1991, this consent shall expire seven (7) years from the date of commencement.

Lapse of consent

8. In accordance with section 125(1) of the Resource Management Act 1991, this consent shall lapse if not given effect to within seven (7) years of the date of commencement.



Schedule 5

Discharge permit [26781] to discharge contaminants to air in association with the pneumatic conveying of bulk materials from the operation of a concrete batching plant.

Pre-works conditions

1. The permit holder shall prepare and submit details regarding the chosen contractor, and the detailed design, location and implementation of the concrete batching plant to the Manager, Environmental Regulation, Wellington Regional Council, at least 20 working days prior to commencing concrete production from the plant.

Note 1: The location of the concrete batching plant shall not be within 100 metres of any intermittent or permanent watercourse.

2. The permit holder shall prepare and submit for approval a **Batching Plant Management Plan (BPMP)** to the Manager, Environmental Regulation, Wellington Regional Council, at least 20 working days prior to the commencement of construction of the plant.

Discharge to air from the batching plant shall not commence until this plan is approved.

The **Management Plan** shall include, but not be limited to, the following:

- a) an operation and maintenance manual detailing regular monitoring to be undertaken, including visual checks and maintenance of all plant machinery and equipment to prevent accidental discharges;
- b) a contingency plan for spills and/or discharges to the environment from the plant; and
- c) mitigation measures to be implemented during the operation of the plant, including the installation of a water sprinkler system to minimise dust emissions, the installation of a level control alarm in the cement storage silo, speed restrictions within the plant boundary, and general yard management.

Any amendments to the **BPMP** must be approved and be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

The consent must be exercised in general accordance with the approved plan and any subsequent approved amendments.

3. The consent holder shall advise the Manager, Environmental Regulation, Wellington Regional Council, in writing at least 48 hours prior to the operation of the concrete batching plant commencing.

Operational conditions

4. The location, design and operation of the plant shall be in general accordance with:
 - a) the consent application and its associated plans and documents, lodged with the Wellington Regional Council on 12 March 2008; and
 - b) further information and amendments received by the Wellington Regional Council on 17 April 2008; and



- c) the information that is provided to and/or approved by the Wellington Regional Council in accordance with Conditions 1 and 2 of this permit.

Note 1: Any change from the location, design concepts and parameters implemented and/or operation may require a change in consent conditions pursuant to Section 127 of the Resource Management Act 1991.

Note 2: Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

5. There shall be no discharges to air resulting from the exercise of this permit that are noxious, dangerous, offensive or objectionable at or beyond a 20 metre wide buffer zone around the physical boundary of the plant.

Maintenance and keeping of records

6. Regular maintenance of the plant, including weekly visual inspections of the equipment prior to use, shall be carried out by a trained operator. Records of maintenance and visual inspections shall be kept and made available to the Wellington Regional Council on request.
7. The consent holder shall keep a record of any incident that results, or could result, in adverse effects on the environment at or beyond a 20 metre wide buffer zone around the physical boundary of the plant. The incident record shall be made available to the Wellington Regional Council on request.

The consent holder shall notify the Manager, Environmental Regulation, Wellington Regional Council, of any incident within 24 hours, or the next working day. The consent holder shall forward an incident report to the Manager, Environmental Regulation, Wellington Regional Council, within 7 working days of the incident occurring. The report shall describe reasons for the incident, measures undertaken to mitigate the incident and measures undertaken to prevent recurrence.

8. The consent holder shall keep a record of any complaints received. The complaints record shall contain the following where practicable:
- The name and address of the complainant (if supplied);
 - Identification of the nature of the complaint;
 - Date and time of the complaint and alleged event;
 - Weather conditions at the time of the alleged event; and
 - Any mitigation measures adopted.

The complaints record shall be made available to the Wellington Regional Council on request.

The consent holder shall notify the Manager, Environmental Regulation, Wellington Regional Council, in writing of any complaints received relating to the exercise of this permit within 24 hours of being received by the permit holder, or the next working day.



Review conditions

9. The Wellington Regional Council may review any or all conditions hereof by giving notice of its intention to do so pursuant to Section 128 of the Resource Management Act 1991, within six months of the first, third and fifth anniversaries of the granting of this discharge permit for either of the following purposes:
- a) To deal with any adverse effects on the environment which may arise from the exercise of this permit, and which are appropriate to deal with at that time; and
 - b) To review the adequacy of the operating and maintenance procedures and the monitoring requirements for this permit, so as to incorporate any modification to the operation and maintenance procedures or monitoring that may be necessary to deal with any adverse effects on the environment arising from the management or operation of the processes undertaken by the permit holder.

Duration of consent

10. In accordance with section 123(d) of the Resource Management Act 1991, this consent shall expire seven (7) years from the date of commencement.

Lapse of consent

11. In accordance with section 125(1) of the Resource Management Act 1991, this consent shall lapse if not given effect to within seven (7) years of the date of commencement.



Schedule 6

Land use consent [27383] to place pipe and rock protection structures in the beds of the Ohariu Stream and Mill Creek including any associated temporary diversion of flow and disturbance to the beds of those streams.

Environmental Enhancement Plan

1. The consent holder shall register a covenant in favour of Wellington Regional Council for the purpose of enhancing the ecological values of the Makara Stream and Estuary, by undertaking riparian planting. The covenant shall relate to 5.79 hectares of land contained within Certificate of Title WN7D/340 (Lot 1 DP 30935).

Note - As a part of enhancing this land the consent holder intends to consult with stakeholders who are interested in improving the ecological values along the Makara Stream and Estuary.

Mitigation planting shall be carried out in general accordance with Greater Wellington's . *Mind the Stream – A guide to looking after urban and rural streams in the Wellington Region 2004.*

The consent holder shall provide the following information to the Manager, Environmental Regulation, Wellington Regional Council, once consultation with stakeholders has been completed:

- The location and extent of where riparian planting will be undertaken on Certificate of Title WN7D/340(Lot 1 DP 30935);
- The species proposed to be planted and the density of planting. These species shall be suitable for the environment, including the soil type and surrounding land use;
- The method(s) that will be used to protect the planting;
- Details of how the site will be maintained and how often, including the ongoing replacement of plants that do not survive, details of any irrigation and fertilization that will be provided, and eradication of invasive weeds from the planting site(s) to ensure adequate growth; and
- A timeline for registering the covenant and completing the planting.

Pre-works and general conditions

2. The consent holder shall prepare and submit a **Diversion Design and Construction Plan** for all structures and stream works authorised by this consent to the Manager, Environmental Regulation, Wellington Regional Council, for approval at least 20 working days prior to the works commencing.

The **Design** details shall include, but not be limited to, the following:



- a) (for Mill Creek only) an aerial plan showing the location of the culvert, rock protection works and temporary diversion works in relation to the rocky outcrop, in accordance with Condition 20 of this consent;
- b) details of the flow capacity that the culverts can accommodate and data to support this;
- c) the location of the secondary overflow paths for events greater than what the culvert can accommodate and how these will be stabilised if they are located over any exposed earthwork surfaces;
- d) measures to ensure fish passage will be provided including details of:
 - the stony substrate that will be placed throughout the culvert structures;
 - the baffle structures that will ensure that the stony substrate is retained within the culverts; and
 - the depth to which the culverts will be embedded below the streambeds.
- e) details of the rock protection structures including dimensions, size of the rock rip-rap and the depth to which it will be embedded to;
- f) details of any culvert inlet/outlet structures e.g. pre-cast wing walls or aprons and the depth that these will be embedded to below the stream beds; and
- g) any other measures or details as appropriate to ensure compliance with all conditions of this consent.

The **Construction** methodology shall include, but not be limited to, the following:

- a) the sequence of works, step by step, and a timeline for undertaking the works;
- b) details of the temporary diversion works including:
 - its location, width and grade to which the diversion works will be constructed;
 - the method(s) that will be used to stabilise the diversion works ; and
 - how the areas of works will be bunded off both upstream and downstream.
- c) how the bunded works areas will be dewatered to prevent sediment-laden water that pools in these areas from entering any surface waterbodies; and
- d) details of any other erosion and sediment control measures that will be employed on site to undertake the works.

Any amendments to the **Diversion Design and Construction Plan** shall be approved and be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

The consent must be exercised in general accordance with the approved plan and any subsequent amendments.

3. The location, design, implementation and operation of the works shall be in general accordance with the:
 - a) consent application and its associated plans and documents, lodged with the Wellington Regional Council on 12 March 2008; and

- b) further information and amendments received by the Wellington Regional Council on 17 April 2008, 15 July 2008, 16 July 2008 and 18 July 2008; and
- c) the information that is approved by the Wellington Regional Council in accordance with Condition 2 of this consent.

Note 1: Any change from the location, design concepts and parameters implemented and/or operation may require a change in consent conditions pursuant to Section 127 of the Resource Management Act 1991.

Note 2: Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

The consent holder shall advise the Manager, Environmental Regulation, Wellington Regional Council, in writing at least 48 hours prior to the works commencing in each location.

- 4. The consent holder shall provide a copy of this consent, including any relevant site plans and attachments, to the contractor undertaking the works authorised by this consent, prior to the works commencing.
- 5. If kōiwi (skeletal remains), wahi tapu, taonga (treasures), or other artefact material is discovered in any area, all works in the vicinity are to cease immediately. The consent holder shall notify the Manager, Environmental Regulation, Wellington Regional Council; the Wellington Tenth Trust; Te Runanga o Toa Rangatira Inc.; an approved representative of Ngati Tama; the Historic Places Trust; and if necessary, the New Zealand Police. Works in the vicinity shall not re-commence until a site inspection has been undertaken by the representatives of these parties, appropriate tikanga (protocols) have occurred, and the artefacts have either been recovered or the appropriate approval to continue is given.
- 6. All works affecting the streams, including tidy up on completion of the works, shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Contamination prevention conditions

- 7. The consent holder shall ensure that:
 - a) all contaminant storage or re-fuelling areas are bunded or contained in such a manner as to prevent the discharge of contaminants;
 - b) all machinery is thoroughly cleaned of vegetation and contaminants prior to entering the site;
 - c) all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants; and
 - d) no machinery is cleaned, stored or refuelled within 50 metres of any intermittent or permanent watercourse.
- 8. The consent holder shall take all practicable steps to minimise sedimentation and disturbance of the streams during the construction and implementation of the works, including:
 - a) completing all works in the minimum time practicable;



- b) minimising the area of disturbance at all times;
 - c) avoiding placement of excavated material in the wetted channels;
 - d) separating construction activities from the wetted channels by temporarily diverting the flow around the entire areas of works (including the areas of the culverts and rock protection works);
 - e) minimising time spent by machinery in the wetted channels, including the number of vehicle crossings;
 - f) immediately removing any excess material from the bed and banks of the streams on completion of the works.
9. The stream diversion works shall be stabilised by lining it with geotextile fabric, or other such method as approved under Condition 2 of this consent, prior to diverting stream flows through.
 10. The consent holder shall ensure that appropriate erosion and sediment control measures are installed prior to, and during, all construction works.
 11. Sediment-laden water which pools within the bunded areas of works shall be dewatered by pumping it to land (where it is unable to enter surface water) or by other such method approved under Condition 2 of this consent.
 12. The consent holder shall ensure that all exposed areas are stabilised against erosion by re-vegetating the area within 20 working days of completing the works in each location, or as soon as practicable.

Fish passage

13. The temporary diversion works shall be constructed at an appropriate width and grade to provide fish passage.
14. The consent holder shall ensure that fish passage is maintained during, and on completion of, the construction works.
15. If any fish are stranded due to the works, the consent holder shall ensure that these are placed back in clear, actively flowing part of the channel as soon as practicable.
16. A graded mix of rock rip-rap shall be used to fill voids within rock protection works located in the stream beds at the time of construction.

Inspection and reporting requirements for fish passage

17. The consent holder shall engage an appropriately qualified ecologist to undertake the following:
 - a) an inspection of the culverts one year after instalment; and
 - b) an inspection of the culverts four years after instalment; and
 - c) Notwithstanding the above, if fish passage is found to be restricted during the inspection, inspections shall be continued to be undertaken annually until the ecologist is satisfied that fish passage is continually being provided for.

The inspections shall be undertaken between 1 February and 30 March, if practicable, to ensure that fish passage is continually being provided for throughout the culvert structures.



The defined period above is preferred as most native fish species should be present during this time and, therefore, an accurate representation of the fish species and the effects of the structure on these will be able to be determined.

If low flow conditions during this time inhibit surveys being able to be undertaken, surveys must be undertaken as close to the defined period as possible.

The inspection shall include the following:

- a) a survey of freshwater fish in an appropriate area immediately upstream of the culverts; and
 - b) a survey of freshwater fish in an appropriate area downstream of the culverts (for comparison with the upstream survey); and
 - c) a visual inspection to check the following:
 - that gravel bed substrate is being retained within the culvert pipes;
 - whether there are any signs of erosion or scour of the stream bed or banks around the structures;
 - the condition of the structure including the baffles and rock protection works;
 - stream flow velocities are not increased in any areas within the culvert structures or upstream/downstream of the culvert structures that could be adverse to fish passage e.g. baffles and rock protection are adequate and in good condition; and
 - whether there is debris that could block the passage of fish or increase velocities.
18. The consent holder shall submit a report from a qualified ecologist to the Manager, Environmental Regulation, Wellington Regional Council, within one month of undertaking the inspection required under Condition 17 of this consent. The report shall detail the following:
- a) the results of the fish surveys, the methods used to survey the fish, the location of the surveys and the dates that they were undertaken;
 - b) the results of the visual inspections, for each of the points that are listed under Condition 17 of this consent;
 - c) an assessment of effects on fish passage using the fish surveys and results of the visual inspections; and
 - d) measures/works that will be implemented to address any actual or potential effects on fish passage as a result of the inspections and when these will be implemented by.

Stream works time period restrictions

19. No in-stream works shall be undertaken between 1 August and 30 November (inclusive) or between 1 March and 30 June (inclusive) to avoid upstream and upstream fish migration times, except for in the following circumstances:
- a) The written approval of the Manager, Environmental Regulation, Wellington Regional Council is obtained; and



- b) the in-stream works are limited to 2 days out of each 7 day period and total to no more than 8 days in any 30 day period.

Note: This condition excludes works as permitted by Rule 22 of the Regional Freshwater Plan for the Wellington Region.

Mill Creek culvert, rock protection and temporary diversion work restrictions

20. No works, structures or part of any structures (i.e. culvert or rock protection or diversion works) shall be placed within, or extend into, the area of the rocky outcrop within Mill Creek, which begins at approximate map reference NZMS 260:R27; 2656796.5998203. All structures authorised by this consent shall be located upstream of this point.

No temporary diversion work which is constructed in accordance with Condition 2 of this consent shall extend into the rocky outcrop area defined above.

Erosion and scour

21. All structures authorised under this consent shall be constructed so as to avoid erosion and scour of the stream beds and/or banks.

Flooding

22. All structures authorised under this consent shall be constructed so to avoid any increase in flood flows.

Maintenance condition

23. The works shall remain the responsibility of the consent holder and be maintained so that:
- a) any erosion, scour or instability of the stream bed or banks that is attributable to the works carried out as part of this consent is remedied by the consent holder;
 - b) fish passage is not impeded on completion of works;
 - c) the structures remain substantially free of debris; and
 - d) the structural integrity of the structures remains sound.

Note: Maintenance of lawful structures is generally permitted under Rule 22 of the Regional Freshwater Plan for the Wellington Region. Any additional works (including structures, reshaping or disturbance to the bed of the watercourse) following completion of the construction and maintenance works as provided for in the approved plans, may require further resource consents.

Duration of consent

24. In accordance with section 123(c) of the Resource Management Act 1991, this consent shall expire thirty five (35) years from the date of commencement.

Lapse of consent

25. In accordance with section 125(1) of the Resource Management Act 1991, this consent shall lapse if not given effect to within seven (7) years of the date of commencement.



Schedule 7

Land use consent [27384] to:

- pipe and reclaim sections of intermittent and ephemeral stream beds in association with the construction of new access roads within the Core Site and Spicer Forest; and
- undertake remedial works in association with two existing perched culverts

including any associated temporary diversion of flow, and disturbance of, and deposition on, the beds of those streams.

Environmental Enhancement Plan

1. The consent holder shall register a covenant in favour of Wellington Regional Council for the purpose of enhancing the ecological values of the Makara Stream and Estuary, by undertaking riparian planting. The covenant shall relate to 5.79 hectares of land contained within Certificate of Title WN7D/340 (Lot 1 DP 30935).

Note - As a part of enhancing this land the consent holder intends to consult with stakeholders who are interested in improving the ecological values along the Makara Stream and Estuary.

Mitigation planting shall be carried out in general accordance with Greater Wellington's *Mind the Stream – A guide to looking after urban and rural streams in the Wellington Region 2004*.

The consent holder shall provide the following information to the Manager, Environmental Regulation, Wellington Regional Council, once consultation with stakeholders has been completed:

- The location and extent of where riparian planting will be undertaken on Certificate of Title WN7D/340 (Lot 1 DP 30935);
- The species proposed to be planted and the density of planting. These species shall be suitable for the environment, including the soil type and surrounding land use;
- The method(s) that will be used to protect the planting;
- Details of how the site will be maintained and how often, including the ongoing replacement of plants that do not survive, details of any irrigation and fertilization that will be provided, and eradication of invasive weeds from the planting site(s) to ensure adequate growth; and
- A timeline for registering the covenant and completing the planting.

General conditions

2. The location, design, implementation and operation of the works shall be in general accordance with the:



- a) consent application and its associated plans and documents, lodged with the Wellington Regional Council on 12 March 2008; and
- b) further information and amendments received by the Wellington Regional Council on 17 April 2008, 15 July 2008, 16 July 2008, 18 July 2008, 23 July 2008 and 19 August 2009.

Note 1: Any change from the location, design concepts and parameters implemented and/or operation may require a change in consent conditions pursuant to Section 127 of the Resource Management Act 1991.

Note 2: Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

Note 3: The application includes 18 identified culverts within the core site and 2 within the Spicer Forest and further culverts in ephemeral waterways related to the project and to be finally identified at the detailed design phase.

- 3. Culvert F1 must be placed in the location identified within Figure 16 of the further information and amendments received by Wellington Regional Council on 23 July 2008.
- 4. The consent holder shall advise the Manager, Environmental Regulation, Wellington Regional Council, in writing at least 48 hours prior to the works commencing in each location.
- 5. The consent holder shall provide a copy of this consent, including any relevant site plans and attachments, to the contractor undertaking the works authorised by this consent, prior to the works commencing.
- 6. If kōiwi (skeletal remains), wahi tapu, taonga (treasures), or other artefact material is discovered in any area, all works in the vicinity are to cease immediately. The consent holder shall notify the Manager, Environmental Regulation, Wellington Regional Council; the Wellington Tenth Trust; Te Runanga o Toa Rangatira Inc.; an approved representative of Ngati Tama; the Historic Places Trust; and if necessary, the New Zealand Police. Works in the vicinity shall not re-commence until a site inspection has been undertaken by the representatives of these parties, appropriate tikanga (protocols) have occurred, and the artefacts have either been recovered or the appropriate approval to continue is given.
- 7. If any fish are stranded due to the works, the consent holder shall ensure that these are placed back in the active flowing part of the channel as soon as practicable.
- 8. All works affecting the streams, including tidy up on completion of the works, shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.



Design conditions

9. Culverts A3, A4, C2, C5a and F1 must be able to accommodate a 1 in 100 year return flood event and be sufficiently embedded, to avoid erosion and scour of the stream beds and banks, and provide fish passage, in accordance with Conditions 11 and 12 of this consent.
10. Culverts SF4 and SF5 (Spicer Forest) and Culverts A2, C1, C3-C5, D1-D2, E1-E3, H1-H2 and L1 (Core Site) must be able to accommodate a minimum of a 1 in 10 year return flood event, and be sufficiently embedded to avoid erosion and scour of the stream beds and banks, and provide fish passage, in accordance with Conditions 11 and 12 of this consent.
11. All culverts authorised under this consent shall be sufficiently embedded to avoid erosion and scour of the stream bed and banks.

If it is determined or found that erosion and scour of the stream bed and/or banks either has or will occur, even with sufficient embedment, appropriate inlet and/or outlet protection works must be added.
12. All culverts authorised under this consent must be able to provide fish passage.
13. All culverts authorised under this consent shall be placed at the same gradient as the existing stream bed, where practicable.

If the slope angles are too high, then the use of grade controls and/or drop structures shall be implemented.
14. Culverts SF4 and SF5 (Spicer Forest) and Culverts A2, C1, C3-C5, D1-D2, E1-E3, H1-H2 and L1 (Core Site) must have the provision of a secondary overflow path.
15. Culverts SF4 and SF5 (Spicer Forest) must have debris arrestors or grills fitted at the culvert inlets to prevent debris from entering and blocking the culverts.
16. Within one month of constructing each culvert structure authorised under this consent, the consent holder shall provide to the Manager, Environmental Regulation, Wellington Regional Council, a certificate signed by an appropriately qualified and experienced engineer to certify that the culvert structure has been constructed in accordance with the conditions of this consent.
17. The consent holder shall provide design details of any of the structures authorised under this consent to the Manager, Environmental Regulation, Wellington Regional Council, on request.

Remediation conditions

18. Within three months of the completion of Culvert F1 the consent holder shall remediate two existing perched culverts within an unnamed tributary of the Hawkins Stream (the tributary where Culvert F1 is to be placed) at approximate map references NZMS 260: R27;2654776.5997585 and NZMS 260: R27; 2654929.5997905 to enable fish passage throughout the culvert structures. This may include, but not be limited to, undertaking the following works:



- a) installing fish ramps; and/or
 - b) removing and re-embedding the existing culvert or a new culvert structure to an appropriate grade and depth below the stream bed.
19. Within one month of completing the remedial works for each culvert structure identified under Condition 18 of this consent, the consent holder shall provide to the Manager, Environmental Regulation, Wellington Regional Council, a certificate signed by an appropriately qualified ecologist to certify that the culvert structures provides for fish passage.

Contamination prevention conditions

20. The consent holder shall ensure that:
- a) all contaminant storage or re-fuelling areas are bunded or contained in such a manner as to prevent the discharge of contaminants;
 - b) all machinery is thoroughly cleaned of vegetation and contaminants prior to entering the site;
 - c) all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants; and
 - d) no machinery is cleaned, stored or refuelled within 50 metres of any intermittent or permanent watercourse.
21. The consent holder shall take all practicable steps to minimise sedimentation and disturbance of the streams during the construction and implementation of the works, including:
- a) completing all works in the minimum time practicable;
 - b) minimising the area of disturbance at all times;
 - c) avoiding placement of excavated material in the wetted channels;
 - d) separating construction activities from the wetted channels i.e. by temporarily diverting the flow around the area of works and/or bunding the works area;
 - e) minimising time spent by machinery in the wetted channels, including the number of vehicle crossings;
 - f) immediately removing any excess material from the bed and banks of the streams on completion of the works.
22. The consent holder shall ensure that appropriate erosion and sediment control measures are installed prior to, and during, all construction works.
23. Any sediment-laden water which pools within the areas of works shall be dewatered by pumping it to land (where it is unable to enter surface water) or by other such method to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.



24. All fill material placed in the stream beds shall be restricted to natural material, such as clay, soil and rock, shall accord with the Ministry for Environment "cleanfill" definition as detailed in 'A guide to the management of Cleanfills, 2002' and all such fill material shall be placed and compacted so as to minimise its erosion and instability.
25. The consent holder shall ensure that all exposed areas are stabilised against erosion by re-vegetating the area within 20 working days of completing the works in each location, or as soon as practicable.

Maintenance condition

26. The works shall remain the responsibility of the consent holder and be maintained so that:
 - a) any erosion, scour or instability of the stream bed or banks that is attributable to the works carried out as part of this consent is remedied by the consent holder;
 - b) fish passage is not impeded on completion of works;
 - c) the structures remain substantially free of debris; and
 - d) the structural integrity of the structures remains sound.

Note: Maintenance of lawful structures is generally permitted under Rule 22 of the Regional Freshwater Plan for the Wellington Region. Any additional works (including structures, reshaping or disturbance to the bed of the watercourse) following completion of the construction and maintenance works as provided for in the approved plans, may require further resource consents.

Duration of consent

27. In accordance with section 123(d) of the Resource Management Act 1991, this consent shall expire thirty five (35) years from the date of commencement.

Lapse of consent

28. In accordance with section 125(1) of the Resource Management Act 1991, this consent shall lapse if not given effect to within seven (7) years of the date of commencement.

Schedule 8

Discharge permit [27385] to discharge sediment-laden water to land where it may enter water and directly to water in association with the following activities:

- roading and tracking;
- soil disturbance on erosion prone land;
- bulk earthworks; and
- construction of fill disposal sites.

Land use consent [27386] to disturb soil in association with constructing tracks with an upslope batter greater than 2 metres extending for a length greater than 200 metres.

Land use consent [27387] to undertake soil disturbance on erosion prone land in association with aggregate sourcing, and the construction of turbine platforms, laydown areas and building platforms.

Environmental Enhancement Plan

1. The consent holder shall register a covenant in favour of Wellington Regional Council for the purpose of enhancing the ecological values of the Makara Stream and Estuary, by undertaking riparian planting. The covenant shall relate to 5.79 hectares of land contained within Certificate of Title WN7D/340 (Lot 1 DP 30935).

Note - As a part of enhancing this land the consent holder intends to consult with stakeholders who are interested in improving the ecological values along the Makara Stream and Estuary.

Mitigation planting shall be carried out in general accordance with Greater Wellington's *Mind the Stream – A guide to looking after urban and rural streams in the Wellington Region 2004*.

The consent holder shall provide the following information to, the Manager, Environmental Regulation, Wellington Regional Council, once consultation with stakeholders has been completed:

- The location and extent of where riparian planting will be undertaken on Certificate of Title WN7D/340(Lot 1 DP 30935);
- The species proposed to be planted and the density of planting. These species shall be suitable for the environment, including the soil type and surrounding land use;
- The method(s) that will be used to protect the planting;
- Details of how the site will be maintained and how often, including the ongoing replacement of plants that do not survive, details of any irrigation and fertilization that will be provided, and eradication of invasive weeds from the planting site(s) to ensure adequate growth; and



- A timeline for registering the covenant and completing the planting.

General conditions

2. The location, design, implementation and operation of all earthworks and associated discharges of sediment-laden stormwater to land and water shall be undertaken in general accordance with the following documents, unless any modifications are required to comply with any of the conditions of this consent:

- a) the consent application lodged with the Wellington Regional Council on 12 March 2008;
- b) further information and amendments received by the Wellington Regional Council on 17 April 2008, 15 July 2008, 16 July 2008, 18 July 2008 and 23 July 2008; and
- c) Wellington Regional Council's *Erosion and Sediment Control Guidelines for the Wellington Region* dated September 2002.

Note: Where there may be contradiction or inconsistencies between practices described in the Erosion and Sediment Control Guidelines for the Wellington Region and conditions of this consent, the conditions shall apply.

- d) any additional plans or information to be prepared and submitted and approved by the Wellington Regional Council in accordance with various conditions of this consent.

Note 1: Any change from the location, design concepts and parameters implemented and/or operation may require a change in consent conditions pursuant to Section 127 of the Resource Management Act 1991.

Note 2: Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

Baseline Aquatic Monitoring Plan

3. The permit holder shall submit a **Baseline Aquatic Monitoring Plan** ("the BAMP") to the Manager, Environmental Regulation, Wellington Regional Council, for approval at least 40 working days prior to the proposed start date of the baseline water quality monitoring programme.

The BAMP shall be prepared and submitted by a suitably qualified, experienced and independent ecologist. The ecologist that the permit holder engages shall be to the approval of the Manager, Environmental Regulation, Wellington Regional Council.

Monitoring shall not commence until the BAMP is approved.

Purpose of the BAMP

The purpose of the BAMP is to establish sites where baseline monitoring will be undertaken to assess the current state of the aquatic environments that will receive discharges from the



exercise of this consent. Monitoring of current water quality, macro invertebrates and sediment deposition is required.

The details that need to be submitted within the BAMP are listed below.

Period for implementing BAMP

Once the plan is approved, the permit holder shall implement the requirements of the BAMP in sufficient time to ensure that all the monitoring can occur, and that the report on the findings from the BAMP are provided to the Manager 20 working days prior to bulk earthworks commencing within the Core Project Site (principally, see the requirements of condition 8).

Note: The timeframe for when the BAMP will be implemented should take into account the requirements for conditions 5 and 6 of this permit.

Monitoring locations – water quality

The water quality monitoring sites shall be those locations generally described below, or as otherwise approved by the Manager, Environmental Regulation, Wellington Regional Council except where sampling at selected sites cannot be undertaken in compliance with the project health and safety plan:

Overall control site for the project:

- MC05 Mill Creek – upper (Control)

Sites within the core project site:

- MC01 Hawkins Stream – upper
- MC02 Hawkins Stream – access track crossing
- MC02b Up stream of access track crossing at first tributary
- MC04 Hawkins Stream – lower
- MC06 Mill Creek – mid
- MC07 Mill Creek – lower
- MC08 Ohariu Stream – upper (a) (Control)
- MC09 Ohariu Stream – upper (b)
- MC11 Ohariu Stream – mid
- MC12 Ohariu Stream - confluence

Sites beyond the core project site

- MC10 Ohariu Stream – tributary
- MC13 Ohariu Stream
- MC14 Ohariu Stream – lower
- MC15 Makara Stream – confluence (Control)
- MC16 Makara Stream – lower

The general location of these monitoring sites is shown in Proposed Monitoring Locations Map; Boffa Miskell 15 December 2009.



Frequency of water quality monitoring

Water quality monitoring shall occur at each monitoring site listed above apart from MC-04 when a rainfall event exceeds 20mm over a 24 hour period as measured at the rainfall station approved by the Manager, Environmental Regulation, Wellington Regional Council. The samples taken at these sites shall be taken as a grab sample.

Note: For the purposes of this condition a grab sample refers to a single water sample taken. More than one sample may be taken at the time of monitoring or over the course of the rainfall event.

Water quality sampling at site MC-04

At site MC04, a pump sampler shall be installed to take samples on regular basis during rainfall events. The following details of the monitoring programme for this sampler shall be provided to the Manager, Environmental Regulation, Wellington Regional Council with the Baseline Aquatic Monitoring Plan:

- a) specifications of the pump;
- b) sampling frequency;
- c) how the system operates;
- d) what data is recorded e.g. suspended sediment, flow;
- e) what the samples will be analysed for (e.g. suspended solids and turbidity); and
- f) a maintenance plan (detailing routine inspections; spare parts to be held)

Duration of baseline water quality monitoring at site MC-04

The pump sampler shall be operated for a 6 month period prior to construction.

Monitoring locations – macroinvertebrates, deposited sediment

The monitoring of macroinvertebrate and deposited sediment shall occur at the following monitoring locations within the core project site:

- MC01 Hawkins Stream – upper
- MC02 Hawkins Stream – access track crossing
- MC02b Up stream of access track crossing at first tributary
- MC04 Hawkins Stream - lower
- MC06 Mill Creek - mid
- MC07 Mill Creek - lower
- MC08 Ohariu Stream – upper (a) (Control)
- MC09 Ohariu Stream – upper (b)
- MC11 Ohariu Stream – mid
- MC12 Ohariu Stream – confluence



Frequency of macro invertebrate and deposited sediment monitoring

The monitoring of macro invertebrates shall occur at least once every 3(three) months.

The monitoring of deposited sediment shall occur at least once every 3 (three) months.

Part B - Sampling requirements – water quality, macro invertebrates and deposited sediment

The permit holder shall provide the following details within the BAMP:

Water quality sampling

- a) Details shall be provided to show how the following parameters that will be recorded during sampling:
 - turbidity (NTU);
 - clarity observation; and
 - suspended solids (g/m³).
- b) Details shall be provided on the methodology that will be used to undertake sampling of each of the above parameters.
- c) Details shall be provided to show how water quality sampling (excluding the automatic fixed turbidity samplers with Hawkins Catchment) will be undertaken at each monitoring site when a rainfall event exceeds 20mm over a 24 hour period.

Macro invertebrate sampling

Details shall be provided to show the methodology that will be used to survey macro invertebrates, including but not limited to:

- a) the technique(s) that will be used to carry out samples;
- b) the area that sampling will be undertaken over;
- c) the number of samples that will be taken at each sample site;
- d) analysis methods that will be used to present the data i.e. MCI and QMCI; and
- e) any other assessments that will be undertaken i.e. physical habitat assessments.

Deposited sediment sampling

The methodology that will be used to survey sediment deposition, including but not limited to:

- a) the technique(s) that will be used to carry out sampling i.e. quorer method, Molman particle size assessment method;
- b) the area that sampling will be undertaken over;
- c) the number of samples that will be taken at each sample site;
- d) analysis methods that will be used to present the data;



- e) any other assessments that will be undertaken. This *shall* include photographs of the streambed of each sample site, prior to sampling being undertaken, and of any influences (e.g. landslip, failed sediment control measure) that may have had an effect on the results.

Part C – Other matters

Rain gauge

The permit holder shall provide details of how rainfall is going to be recorded with a continuous data logging capable rain gauge within the Core Project Site.

Details shall be provided to show how these data will be recorded and how they will be made available to the Manager, Environmental Regulation, Wellington Regional Council.

Monitoring Site identification

The permit holder shall provide details of how each of the monitoring sites will be made clearly identifiable onsite (e.g. signage and/or brightly coloured stakes). The permit holder shall provide GPS co-ordinates of all sampling sites.

Amendments and Implementation to the approved Baseline Aquatic Monitoring Plan

4. Any amendments to the BAMP shall be approved to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

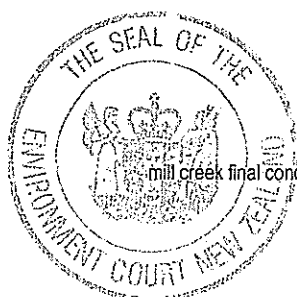
This consent must be exercised in general accordance with the approved BAMP and any subsequent amendments.

Baseline Aquatic Monitoring Plan Report

5. The consent holder shall provide a Baseline Aquatic Monitoring Plan Report ("**the BAMPR**") by an appropriately qualified and experienced ecologist which details the findings of the approved BAMP to the Manager, Environmental Regulation, Wellington Regional Council for approval at least 20 working days prior to bulk earthworks commencing on site programme.

The BAMPR shall include, but not be limited to, the following:

- a) Water quality sampling results from all other sampling undertaken at each monitoring site;
- b) Macro-invertebrate sampling results from each of the monitoring sites;
- c) Deposited sediment monitoring results from each of the monitoring sites (including photos);
- d) Using the baseline results, recommendations for the following:
 - the level(s) of turbidity and/or suspended solids that will not be exceeded during the exercise of this discharge permit at each monitoring site e.g. Turbidity (NTU) and/or suspended solids (g/m³) level for each site or a percentage that will not be exceeded for all sites when compared to either upstream monitoring or baseline data;



- the level(s) of deposition that will not be exceeded at each approved monitoring site and how this will be measured;
 - identification of the sensitive macro invertebrate taxa at each approved monitoring site and how a degradation in the communities will be measured using the identified sensitive taxa i.e. comparing baseline MCI values and providing threshold values which indicate minor, moderate and severe decline.
- e) All data and rationale used to calculate d) above.
- f) A review of the baseline monitoring programme shall be undertaken in conjunction with the Manager, Environmental Regulation, Wellington Regional Council in the seventh month. The review shall consider:
- The performance of the sampler to provide reliable data and identification of operational issues;
 - How this data can be used during construction of the wind farm;
 - The correlation between data obtained from the sampler and other monitoring sites in the catchment;
 - Any benefit in continuing with the sampler in monitoring or in increasing the number of samplers.

Following the review, if there is a demonstrable benefit from either continuing with or extending the number of pump samplers, the Manager, Environmental Regulation, Wellington Regional Council may require (in the reasonable exercise of his/her discretion) either the continuation of the operation of the pump sampler or the installation of additional pump samplers not exceeding a maximum of three subject to identifying suitable locations.

Note: A 20 working day timeframe for approving the plan has been allocated to allow for time for: the ecologist engaged by the permit holder and Wellington Regional Council staff to liaise, if required; assessment and feedback to be provided to the permit holder and any subsequent amendments to be made; and the preparation and approval of the plan in condition 6 below.

Construction Aquatic Monitoring Plan

6. The permit holder shall submit a **Construction Aquatic Monitoring Plan** ("the CAMP") to the Manager, Environmental Regulation, Wellington Regional Council, for approval at least 20 working days prior to bulk earthworks commencing on site.

No bulk earthworks or monitoring shall commence until the CAMP is approved

Purpose of the CAMP

The purpose of the CAMP is to monitor the environmental effects of the discharges on aquatic receiving environments during the construction phase of the wind farm. This



requirement continues until 12 months after the site is completely stabilised in order to assess any recovery to those environments.

Frequency of the monitoring

The monitoring of macro invertebrates and deposited sediment shall occur at least once every 3 (three) months during the bulk earthworks phase, except that this frequency for deposited sediment shall increase to monthly over the period June to August (inclusive).

Water quality monitoring shall occur at each monitoring site (without a fixed turbidity sampler) when a rainfall event exceeds 20mm over a 24 hour period.

Part A – Overall monitoring locations

The monitoring sites shall be the same as the approved BAMP. If changes are required to the monitoring site evidence shall be provided as to why the change is needed and details that the new location is sufficiently similar to that site approved under the BAMP

Part B - Sampling requirements – water quality, macro invertebrates and deposited sediment

The monitoring parameters (water quality, macro invertebrates and sediment deposition) shall be the same as in the approved BAMP.

The permit holder shall prepare and submit a Sediment Retention Pond Water Quality Monitoring Plan to the Manager, Environmental Regulation, Wellington Regional Council, for approval at least 20 working days prior to the commencement of bulk earthworks.

The purpose of the Plan is to determine the level of discharge from sediment retention ponds. The plan shall include but not be limited to the following:

The following details of the monitoring programme for this sampler shall be provided to the Manger, Environmental Regulation, Wellington Regional Council:

- identification of a representative pond to be monitored;
- specifications of the pump;
- sampling frequency;
- how the system operates;
- what data is recorded (e.g. suspended sediment, flow);
- what the samples will be analysed for (e.g. suspended solids and turbidity);
- a monitoring strategy for other sediment retention ponds; and
- a maintenance plan (detailing routine inspections; spare parts to be held).



Part C – Other matters

Specific requirements

The consent holder shall specify in the CAMP the level(s) of turbidity and/or suspended solids that will not be exceeded during the exercise of this discharge permit at each monitoring site or a percentage that will not be exceeded for all sites when compared to either upstream monitoring or baseline data (as identified through the BAMPR process)

The CAMP shall specify the level(s) of deposited sediment that will not be exceeded at each approved monitoring site and how this will be measured;

The CAMP shall identify the sensitive macro invertebrate taxa at each monitoring site and how any degradation will be measured using the identified sensitive taxa i.e. comparing baseline MCI values and providing threshold values which indicate minor, moderate and severe decline.

Amendments and Implementation to the approved Construction Aquatic Monitoring Plan

- 6a. Any amendments to the CAMP shall be approved to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

This consent must be exercised in general accordance with the approved CAMP and any subsequent amendments.

Construction Aquatic Monitoring Report

7. The consent holder shall provide a quarterly **Construction Aquatic Monitoring Report ("the CAMR")** to the Manager, Environmental Regulation, Wellington Regional Council from the commencement of bulk earthworks within the Core Site.

The CAMR shall be prepared and submitted by a suitably qualified, experienced and independent ecologist and shall detail the findings of the CAMP.

The ecologist that the consent holder engages to prepare the CAMR shall be to the approval of the Manager, Environmental Regulation, Wellington Regional Council.

The CAMR shall be provided on a quarterly basis to the Manager, Environmental Regulation, Wellington Regional Council;

The **CAMR** shall include, but not be limited to:

- g) The results of the monitoring undertaken under the CAMP;
- h) An analysis of the results and what this indicates in regards to the effects that discharges are having on the aquatic ecosystems in each particular monitoring location and tributaries as a whole;
- i) Recommendations for approval to the Manager, Environmental Regulation, Wellington Regional Council, to remedy or mitigate any significant adverse effects that have occurred or to avoid foreseen significant adverse effects. This may include, but not be limited to:



- Changes in the management or implementation of erosion and sediment control measures;
- Methods to remedy the significant adverse effects; and
- Mitigation measures to offset the significant adverse effects.

Note: for the purposes of this condition "significant adverse effects" are those effects which are determined to be significant in the professional opinion of the engaged ecologist.

The Manager, Environmental Regulation, Wellington Regional Council will consider the recommendations from the Ecologist and any recommendations approved by the Manager, Environmental Regulation, Wellington Regional Council shall be undertaken by the consent holder to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council and within the timeframe specified by the Manager, Environmental Regulation, Wellington Regional Council.

Note: A resource consent may be required to undertake the works recommended within the CAMR.

Ceasing monitoring required under the Construction Aquatic Monitoring Plan

8. Following stabilisation of all areas distributed by earthworks or construction above a continuous monitoring site, the consent holder may apply to the Manager, Environmental Regulation, Wellington Regional Council, for permission to cease the monitoring at the site.

Note: For the purposes of this condition "stabilised" in relation to any site or area means inherently resistant to erosion or rendered resistant, such as by using indurated rock or by the application of basecourse, colluvium, grassing, mulch, or another method to the reasonable satisfaction of the Manager, Environmental Regulation, Wellington Regional Council and as specified in Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region, September 2002. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once, on reasonable visual inspection by the Manager, Environmental Regulation, Wellington Regional Council, an 80% vegetative cover has been established.

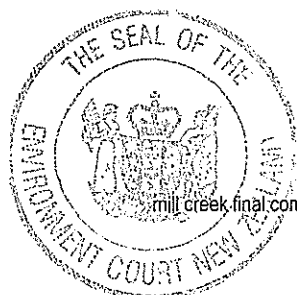
Makara Estuary Baseline and Construction Monitoring Plan

9. The consent holder shall engage an appropriately qualified and experienced estuarine ecologist to prepare and submit a **Makara Estuary Baseline and Construction Monitoring Plan ("the MEBCMP")** to the Manager, Environmental Regulation, Wellington Regional Council, for approval at least 20 working days prior to the proposed start date of the baseline water quality monitoring programme site.

The ecologist that the consent holder engages shall be to the approval of the Manager, Environmental Regulation, Wellington Regional Council.

No bulk earthworks or monitoring shall commence until the MEBCMP is approved.

Purpose of the MEBCMP



The purpose of the MEBCMP is to monitor the environmental effects of the discharges on the Makara Estuary receiving environments during the construction phase of the of the wind farm. This requirement continues until 12 months after the site is completely stabilised in order to assess any recovery to those environments.

Commencement of monitoring

The baseline monitoring shall commence at least 6 (six) months prior to bulk earthworks commencing on the Core Site. The MEBCMP must be approved prior to any monitoring commencing.

Details to be included in MEBCMP

The MEBCMP shall include but not be limited to:

- j) A scaled plan(s) that show the following:
 - the proposed location(s) of monitoring;
 - the areas that monitoring will be undertaken over;
- k) Details of the following:
 - the parameters that will be measured. These parameters shall result in, at a minimum:
 - baseline macrofauna abundance and diversity;
 - select key taxa being identified from baseline for longer term study over the remainder of the monitoring period; and
 - sediment deposition rates i.e. from core or metal plate sampling.
 - the technique that will be used to measure the parameters;
 - the frequency and duration of monitoring for baseline monitoring and details of how long it will take to identify the select key taxa;
 - the frequency and duration of monitoring once bulk earthworks commence on site;
 - the frequency and duration of monitoring once the site is stabilised;
 - the overall timeline of monitoring and when this will commence using the above; and
 - what details will be provided in a report, prepared by a qualified estuarine ecologist, which is to be submitted to the Manager, Environmental Regulation, Wellington Regional Council. The report *shall* include, but not be limited to:
 - Results of the monitoring undertaken;
 - Identification of the taxa being surveyed and their relevance/tolerance in association with the health of the estuarine system;
 - Comparisons of monitoring results over time and what this indicates in regards to the health of the estuarine system in each particular monitoring location and as a whole system; and



- Details of any particular characteristics that were noted during monitoring that may influence the results e.g. activities or incidents occurring in the Makara Catchment.
- l) How often the reports required above will be submitted to the Manager, Environmental Regulation, Wellington Regional Council.

Note: For the purposes of this condition "stabilised" in relation to any site or area means inherently resistant to erosion or rendered resistant, such as by using indurated rock or by the application of basecourse, colluvium, grassing, mulch, or another method to the reasonable satisfaction of the Manager, Environmental Regulation, Wellington Regional Council and as specified in Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region, September 2002. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once, on reasonable visual inspection by the Manager, Environmental Regulation, Wellington Regional Council, an 80% vegetative cover has been established.

Amendments and Implementation to the approved Makara Estuary Baseline and Construction Monitoring Plan

10. Any amendments to the **MEBCMP** shall be approved to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

The consent must be exercised in general accordance with the approved **MEBCMP** and any subsequent amendments.

Environmental Management Plan

11. The permit holder shall prepare and submit an **Environmental Management Plan ("the EMP")** for all construction activities related to the project to the Manager, Environmental Regulation, Wellington Regional Council, for approval, at least 20 working days prior moving any machinery onsite to commence bulk earthworks.

No bulk earthworks shall commence until the EMP is approved.

The EMP shall include, but not be limited to:

- m) roles and responsibilities, including appointment of a representative to be the primary contact person in regard to matters relating to this consent;
- n) construction timetable for all works and the sequencing of the works;
- o) identification of who the contractor(s) is for each phase of the works;
- p) identification of experienced person(s) to manage the environmental issues on site and identification of a representative to be the primary contact person in regard to matters relating to this permit;

Bunds/cleaning/refuelling/spills

- a) details of how machinery will be thoroughly cleaned of unwanted vegetation (e.g. weeds), seeds or contaminants prior to coming onto the site;



- b) details of how re-fuelling areas will be bunded or contained in such a manner so as to prevent the discharge of contaminants;
- c) details to ensure that no machinery is cleaned, stored or refuelled within 50 metres of any intermittent or permanent watercourse;
- d) requirements to ensure that all mobile fuel tankers carry spill kits and that spill kits are stored at bulk storage tank locations at all times;
- e) details of a spill prevention and response procedure specifying those trained in spill response, how spills will be contained, remedied and any material used disposed of. Contents of proposed spill kits, including absorbent pads, booms, pillow and socks and appropriate pegs/rope to hold the absorbent material in place should also be included in this procedure.
- f) details of an internal and external notification procedure in the event of a spill (e.g GW Environmental Protection Team for external notification).

Environmental incidents

- a) procedures for notifying WRC of incidents, including who is responsible and the timeframes;
- b) procedures for recording details of incidents and responses to those incidents;

Public complaints

- a) procedures for keeping records of public complaints and any action taken to rectify the cause to the complaint;
- b) Works shall not commence until this EMP has been approved by the Manager, Environmental Regulation, Wellington Regional Council and this permit shall be exercised in accordance with the approved EMP.

Any amendments to the approved EMP shall be to the satisfaction of the Manager, Environmental Regulation

Design specifications for sediment retention ponds

12. If sediment retention ponds are determined to be appropriate through the SEMP process (refer to condition 13) they shall be constructed in accordance with the following provisions:
 - a) Sediment ponds where appropriate within Hawkins Catchment shall have a main bay capacity of 450m³ per hectare of exposed earthwork area;
 - b) Sediment ponds where appropriate within Mill Creek and Ohariu catchments shall have a main bay capacity of 300m³ per hectare of exposed earthwork area;
 - c) Sediment ponds where appropriate within the Spicer Forest Catchment shall have a main bay capacity of 300m³ per hectare of exposed earthwork area;
 - d) If the SEMP process determines that a chemical flocculation system is appropriate for any given sediment pond(s), then such sediment retention ponds shall be fitted with appropriate rainfall activated flocculation systems;
 - e) All ponds shall be constructed with a forebay to a capacity at least equal to 10% of the ponds total design capacity;



- f) All ponds shall have a stabilised level spreader installed across the full width of the pond;
- g) All discharges from the sediment retention ponds shall, where practical, be directed to rank grass or other stabilised outlet.
- h) All sediment retention ponds shall be designed and constructed in full accordance with section 5.1 of the Greater Wellington Erosion and Sediment Control Guidelines (GWECG) September 2002, subject to the suggested deviations below:
 - That concrete may be used to stabilise the batter surfaces of the level spreader between the main bay and fore bay, however a level timber weir of that specified in the guideline must be fitted;
 - That the float design may be incorporated into the decant pipe through the use of upturned pipes on PVC elbow joints at either end;
 - That waratahs are placed on either side of the decant structure, at either end of the decant structure, not the pipe leading from the riser to the decant;
 - That the flexible fitting between the manhole and the riser may be totally flexible non punched nova coil, sealed at every fitting;

Note: For the purposes of clarity all bulk earthworks in the Hawkins Catchment catchment includes Roads E, F, H, K, L and their associated turbines platforms, laydown areas and fill disposal sites.

Note: For the purposes of clarity all bulk earthworks in the Mill Creek and Ohariu catchments includes Roads A, B, C D, J and their associated turbine laydown areas and fill disposal sites, substation and service building and site office.

Supplementary Environmental Management Plans

13. The permit holder shall prepare and submit for approval a **Supplementary Environmental Management Plan ("the SEMP")** for each of the SEMP areas described in the application, or as agreed by the Manager, Environmental Regulation, Wellington Regional Council. A suitably qualified ecologist and environmental management specialist shall assist in the preparation of the SEMP.

The SEMP shall be submitted at least 20 working days prior to bulk earthworks commencing in each plan area.

No bulk earthworks shall commence in any SEMP area until the SEMP for that area is approved, and all such works shall be undertaken in accordance with the approved SEMP.

Sediment retention ponds

If a sediment retention pond(s) is proposed in any SEMP area, the following information shall be included in the relevant SEMP:

- a) Identification of the sediment retention ponds which are proposed to have a chemical flocculation system i.e. areas with high traffic volumes, areas close to a watercourse(s), steep sites or highly weathered sites.



- b) the expected commencement dates for the construction of sediment retention pond(s) in each SEMP area;
- c) details of measures to be used to treat any runoff from the down slope batter of the pond(s) (e.g. super silt fences);
- d) the expected date for the commencement of bulk earthworks in the area following construction of the sediment retention pond and the installation of the flocculation treatment system;
- e) specific location of any sediment retention pond, showing contours at suitable intervals, cut and fill operations and catchment boundaries for the sediment controls;
- f) the location of ponds should take into consideration ease of location for maintenance purposes. All practical steps to be taken to avoid scouring of water directed to all sediment control treatment measures;
- g) design calculations to confirm that where required, sediment retention ponds are designed and sized to meet condition 12 of this permit;
- h) details of how each sediment retention pond will be marked or numbered on site, so they can be clearly identified;
- i) details of how outlets or discharge points will be marked or numbered on site, so they can be clearly identified;
- j) confirmation of the outlets or discharge points from all sediment treatment measures including the discharge path to gullies and streams;
- k) details of measures to ensure that sediment deposition within the ponds can be measured (e.g. markers on the risers and gauge levels within the pond);
- l) identification of any roads that are likely to be subject to high construction traffic movements and details of the specific erosion control measures that will be implemented in these areas;
- m) detailed maintenance and inspection programme for assessing and removing sediment accumulated in the ponds;
- n) detail of where disposed sediment will be placed onsite to ensure that it does not enter water (e.g. in a bunded area);
- o) Details of how the discharge from the outlet of any sediment retention pond will be dispersed.
- p) a template and process for recording as built information about sediment ponds to demonstrate they have been built in accordance with condition 12h.

Fill disposal sites



- a) Design details of clear water diversions to the implemented and stabilisation methods;
- b) Identification of all fill disposal sites, which must not be within the following areas:
 - Sites with slope gradients equal to or greater than 28 degrees (defined as erosion prone in The Regional Soil Plan for the Wellington Region, unless appropriate documentation is submitted for approval to the Manager, Environmental Regulation, Wellington Regional Council to show that the site is stable;
 - Sites that are unstable and/or areas where fill cannot be contained to remain stable;
 - Areas that contain intermittent or permanent watercourses;
 - Areas of native vegetation with high ecological values, or any regenerating wetland areas with high ecological values;
 - Archaeological and iwi sites;
 - The 'No Go' areas shown in *Sheet 81 Rev 1*; and
 - Protected natural areas (reserves and covenants).
- c) details of benching and contour drains for fill areas;
- d) details of how the fill will be track rolled or compacted during placement;
- e) a programme for progressive rehabilitation of fill areas, including specific timeframes;
- f) method of stabilisation to be used in winter months on the fill site such as the application of straw mulch and requirement that this measure implemented from 1st June prior to winter months (winter months are defined as June, July and August);

Erosion control measures

- a) Details and specific erosion control methods to be installed progressively (e.g. scour protection to be installed on water tables susceptible to scouring as soon as practical);
- b) Additional measure to implement for mitigating effects prior to any rainfall following prolonged dry periods;
- c) details, areas and methodologies for straw mulching or other appropriate erosion sediment control methods.

Monitoring and maintenance schedules

- a) monitoring and maintenance schedules for all erosion and sediment control measures on a set frequency (at least weekly), or an inspection is undertaken as soon as practical following a rainstorm event that is likely to impair the function or performance of the sediment control and treatment measures and that maintenance of structures be undertaken as soon as safe access is available;



- b) details of how the results of the monitoring will be submitted to the Manager, Environmental Regulation on a two weekly basis.

Any amendments to an approved SEMP shall be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Flocculation management plan

- 14. The permit holder shall prepare and submit a **Flocculation Management Plan** ("the FMP") to the Manager, Environmental Regulation, Wellington Regional Council for approval, at least 10 working days prior to any bulk earthworks commencing on site.

No flocculation shall commence until the FMP for that area is approved.

The FMP shall include, but not be limited to:

- a) details of flocculant(s) to be used, the calculation of dosing rates and application methods;
- b) procedures for the storage of flocculation chemical(s) onsite;
- d) a flocculation chemical spill contingency plan; and
- e) identification of contingency actions required in response to monitoring results;
- f) methods and responsibilities for monitoring and maintenance of the system, including the maintenance of records;
- g) details of how the system will be actively managed including a template sheet for recording weekly after each rainfall event the following:
 - flocculant usage;
 - pond fore bay and main bay clarity
 - pond pH (if Polyaluminium Chloride is used as a flocculant)
 - templates for audits;
 - identification of a suitably qualified person to operate and maintain the flocculation system.

Any amendments to approved FMP shall be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Notification of commencement of bulk earthworks

- 15. The consent holder shall provide written notification of the works commencing in each SEMP areas described the application to the Manager, Environmental Regulation, Wellington Regional Council, at least five working days prior to works commencing in each area.
- 16. The consent holder shall provide a copy of this consent and all documents referred to in this consent to any operator or contractor undertaking works authorised by this consent, prior to the works commencing.



General discharge conditions

17. The consent holder shall ensure that all sediment-laden discharges from the site are treated by sediment treatment measures as approved in the relevant SEMP, prior to discharge.
18. All erosion and sediment control measures shall remain the responsibility of the consent holder, and be installed, operated and maintained efficiently and in accordance with Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region (dated September 2002), and any plans approved under the conditions of this permit and to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.
19. The consent holder shall ensure that:
 - a) all fill material is placed and compacted so as to minimise any erosion and/or instability of the fill material;
 - b) fill material is restricted to natural rock and soil;
 - c) final disposal site slope profiles are contoured to merge in with the existing slope, as far as practicable, to minimise erosion and hydrological changes; and
 - d) long-term stockpiles of topsoil and excavated material are suitably stabilised to minimise erosion potential.
20. The works authorised by this consent shall remain the responsibility of the permit holder and shall be maintained to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Reporting and auditing of the erosion and sediment treatment measures

21. The consent holder shall ensure that the site is audited by an appropriately qualified person on a weekly basis during the bulk earthworks phase to ensure that the sediment and erosion control methods are being maintained in accordance with approved SEMP for each area.

The audits of the site shall include the following information:

- a) Date;
- b) Name of auditor;
- c) Site condition;
- d) Sediment Management (identification of areas of potential sediment generation and review of sediment suppression activities);
- e) Runoff control (check of diversion channels and check silt retention ponds);
- f) Condition of sediment control measures including bunds, silt fences and sediment retention ponds and flocculation units;
- g) Maintenance required; and
- h) General comments.



22. The results of the audit required by condition 21 shall be forwarded to the Manager, Environmental Regulation, Wellington Regional Council every two weeks.

Decommissioning and removal of sediment treatment devices

23. The consent holder shall submit a plan for the decommissioning of any chemically flocculated sediment pond which states how material removed from the pond will be disposed of.
24. The consent holder shall ensure that no sediment retention ponds, chemical flocculation systems or perimeter controls are to be removed or decommissioned unless the removal or decommissioning is to satisfaction of the Manager, Environmental Regulation, Wellington Regional Council, and the entire area is stabilised - unless such removal and decommissioning is in accordance with the requirements of the SEMP.

Note: For the purposes of this condition 'stabilised' means inherently resistant to erosion or rendered resistant, such as by using indurated rock or by the application of basecourse, colluvium, grassing, mulch, or another method to the reasonable satisfaction of the Manager, Environmental Regulation, Wellington Regional Council and as specified in Erosion and Sediment Control Guidelines in the Wellington Region. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once, on reasonable visual inspection by the Manager, Environmental Regulation, Wellington Regional Council, 80% vegetative ground cover has been established.

Re vegetation

25. The consent holder shall ensure that all areas exposed by earthworks are re-grassed or re-vegetated within 20 working days or as soon as practicable upon completion of the earthworks in each SEMP area.
26. The plant species used shall be consistent with the species in the immediate vicinity of the exposed area, replacing "like with like".

The following rehabilitation principles should be expressly adopted:

- a) Where practical, to shape the finished cuts to allow the deposition of soil in key areas so that tall shrubs can rapidly establish helping to break up the face. This can include benching, and bunding the toe of the cut when turbine erection has been completed.
- b) To vegetate cuts with plants equivalent to the slopes above and below the cut, where practicable.

Water Supply

27. The consent holder shall identify the location of any domestic water supply sources (if any) within each of the SEMP areas described in the application prior to the works commencing and confirm the works will not interfere with that water supply.
28. If any domestic water supply is interfered with by the consent holder during the exercise of this consent, the consent holder at its cost must ensure that a sufficient supply of water,



consistent in quality, is provided to the affected property owner until either the original supply is restored or a suitable replacement is established.

29. The Consent holder must comply with the **Accidental Discovery Protocol** included in Appendix J of the resource consent application. This must be in place for any earthmoving or ground modification that occurs during the construction and operation of the wind farm.

Review condition

30. The Manager, Environmental Regulation, Wellington Regional Council, may review any or all conditions of this consent by giving notice of its intention to do so pursuant to Section 128 of the Resource Management Act 1991, at any time for any of the following purposes;
- a) To deal with any adverse effects on the environment arising from the exercise of this consent, which are not foreseen given the conditions of consent or which it is appropriate to deal with at a later stage; and/or
 - b) To review the adequacy of any erosion control and treatment measures following the analysis of any monitoring results so as to incorporate additional erosion control and treatment measures;
 - c) To require further monitoring or other requirements which may become necessary to deal with any adverse effects on the environment arising from the exercise of this consent.
 - d) To review the need for remediation or mitigation measures in response to any monitoring results.

Duration of consent

31. In accordance with section 123(d) of the Resource Management Act 1991, this consent shall expire seven (7) years from the date of commencement.

Lapse of consent

32. In accordance with section 125(1) of the Resource Management Act 1991, this consent shall lapse if not given effect to within seven (7) years of the date of commencement.



Schedule 9

Land use consent [27388] to pipe and reclaim sections of ephemeral stream beds in association with the placement of fill disposal sites.

Environmental Enhancement Plan

1. The consent holder shall register a covenant in favour of Wellington Regional Council for the purpose of enhancing the ecological values of the Makara Stream and Estuary, by undertaking riparian planting. The covenant shall relate to 5.79 hectares of land contained within Certificate of Title WN7D/340 (Lot 1 DP 30935).

Note - As a part of enhancing this land the consent holder intends to consult with stakeholders who are interested in improving the ecological values along the Makara Stream and Estuary.

Mitigation planting shall be carried out in general accordance with Greater Wellingtons *Mind the Stream – A guide to looking after urban and rural streams in the Wellington Region 2004*.

The consent holder shall provide the following information to the Manager, Environmental Regulation, Wellington Regional Council, once consultation with stakeholders has been completed:

- The location and extent of where riparian planting will be undertaken on Certificate of Title WN7D/340 (Lot 1 DP 30935);
- The species proposed to be planted and the density of planting. These species shall be suitable for the environment, including the soil type and surrounding land use;
- The method(s) that will be used to protect the planting;
- Details of how the site will be maintained and how often, including the ongoing replacement of plants that do not survive, details of any irrigation and fertilization that will be provided, and eradication of invasive weeds from the planting site(s) to ensure adequate growth; and
- A timeline for registering the covenant and completing the planting.

General conditions

2. The location, design, implementation and operation of the works shall be in general accordance with the:
 - a) consent application and its associated plans and documents, lodged with the Wellington Regional Council on 12 March 2008; and
 - b) further information and amendments received by the Wellington Regional Council on 17 April 2008, 15 July 2008, 16 July 2008 and 18 July 2008.
 - c) information that is approved by the Wellington Regional Council in accordance with the conditions of this consent.



Note 1: Any change from the location, design concepts and parameters implemented and/or operation may require a change in consent conditions pursuant to Section 127 of the Resource Management Act 1991.

Note 2: Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

3. The consent holder shall advise the Manager, Environmental Regulation, Wellington Regional Council, in writing at least 48 hours prior to the works commencing in each location.
4. The consent holder shall provide a copy of this consent, including any relevant site plans and attachments, to the contractor undertaking the works authorised by this consent, prior to the works commencing.
5. If kōiwi (skeletal remains), wahi tapu, taonga (treasures), or other artefact material is discovered in any area, all works in the vicinity are to cease immediately. The consent holder shall notify the Manager, Environmental Regulation, Wellington Regional Council; the Wellington Tenth Trust; Te Runanga o Toa Rangatira Inc.; an approved representative of Ngati Tama; the Historic Places Trust; and if necessary, the New Zealand Police. Works in the vicinity shall not re-commence until a site inspection has been undertaken by the representatives of these parties, appropriate tikanga (protocols) have occurred, and the artefacts have either been recovered or the appropriate approval to continue is given.
6. All works affecting the streams, including tidy up on completion of the works, shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Fill disposal site selection criteria conditions

7. Fill disposal sites shall not be located in areas with the following characteristics:
 - a) Sites with slope gradients equal to or greater than 28 degrees;
 - b) Sites that are unstable and/or areas where fill cannot be contained to remain stable;
 - c) Areas that contain intermittent or permanent watercourses;
 - d) Areas of native vegetation with high ecological values, or any regenerating wetland areas with high ecological values;
 - e) Archaeological and iwi sites;
 - f) The 'No Go' areas shown in Sheet 81 Rev 1; and
 - g) Areas within a 250 metre radius of turbines F13, F14 and K03.
8. The consent holder shall prepare, submit and implement a **Supplementary Environmental Management Plan ("the SEMP")** for each of the SEMP areas described in the application, or as agreed by the Manager, Environmental Regulation, Wellington Regional Council. The SEMP shall be submitted to the Manager, Environmental Regulation, Wellington Regional Council, for approval at least 20 working days prior to works commencing in each plan area.



A suitably qualified ecologist and environmental management specialist shall assist in the preparation of the SEMP.

9. The purpose of the plan is to indicate how the conditions of this consent will be complied within each proposed fill disposal site in each SEMP area. The SEMP shall include, but not be limited to:

- a) The specific location and extent of each proposed fill site;
- b) The lengths of any piping/subsoil drainage required for each location; and
- c) Details of the characteristics and ecological values of any watercourse where fill is proposed to be placed.

Note: A site visit will be undertaken as part of the approval process required from the Manager, Environmental Regulation, Wellington Regional Council. The purpose of the site visits are to assess the appropriateness of the proposed fill locations and/or discuss alternative options that may be put forward in a revised SEMP.

No piping and/or reclamation in association with fill disposal sites in any SEMP area shall commence until the SEMP for that area has been approved.

Contamination prevention conditions

10. The consent holder shall ensure that:

- all contaminant storage or re-fuelling areas are bunded or contained in such a manner as to prevent the discharge of contaminants;
- all machinery is thoroughly cleaned of vegetation and contaminants prior to entering the site;
- all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants; and
- no machinery is cleaned, stored or refuelled within 50 metres of any intermittent or permanent watercourse.

11. The consent holder shall take all practicable steps to minimise sedimentation and disturbance of any watercourses during the construction and implementation of the works, including:

- a) completing all works in the minimum time practicable;
- b) minimising the area of disturbance at all times;
- c) avoiding placement of excavated material in the wetted channels;
- d) separating construction activities from the wetted channels i.e. by temporarily diverting the flow around the area of works and/or bunding the works area;
- e) minimising time spent by machinery in the wetted channels, including the number of vehicle crossings; and
- f) immediately removing any excess material from the bed and banks of the streams on completion of the works.

12. The consent holder shall ensure that appropriate erosion and sediment control measures are installed prior to, and during, all construction works.



13. Any sediment-laden water which pools within the areas of works shall be dewatered by pumping it to land (where it is unable to enter surface water) or by other such method to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.
14. All fill material placed in the stream beds shall be restricted to natural material, such as clay, soil and rock, shall accord with the Ministry for Environment "cleanfill" definition as detailed in '*A guide to the management of Cleanfills, 2002*' and all such fill material shall be placed and compacted so as to minimise its erosion and instability.
15. The works shall remain the responsibility of the consent holder and be maintained so that any erosion, scour or instability of the stream bed or banks that is attributable to the works carried out as part of this consent is remedied by the consent holder.

Duration of consent

16. In accordance with section 123(d) of the Resource Management Act 1991, this consent shall expire thirty five (35) years from the date of commencement.

Lapse of consent

17. In accordance with section 125(1) of the Resource Management Act 1991, this consent shall lapse if not given effect to within seven (7) years of the date of commencement.



