

## Meridian Energy Limited

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Decision on an application for a resource consent to **undertake large-scale land disturbance, the associated discharge of sediment and the discharge of clean fill into and onto land for the construction of a Battery Energy Storage System at Bunnythorpe**

Application Reference: APP-2024204765.00

Decision Date: 20 August 2024

Expiry Date: 1 July 2033

## Application Summary

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### *Proposal*

Meridian Energy Limited (hereafter referred to as the Applicant) has applied for a resource consent to undertake large-scale land disturbance, the associated discharge of sediment and the discharge of clean fill to land for the construction and development of a Battery Energy Storage System (BESS) at Ashhurst Road, Bunnythorpe. The property is legally described as Sec 1 Survey Office Plan 21863, Pt Lot 172 and Lot 173 DP 217 and Sec 2 Survey Office plan 37876, Lot 2 DP 91129, Sec 71-72 Subn C Manchester Blk, Sec 38 Subn O Manchester Dist (hereafter referred to as the site). The property is 52.7 hectares (52.7 ha) in size with approximately 16 hectares (16 ha) of the site to be utilised for the development of the BESS. The proposed BESS construction is to ensure reliable electricity supply to homes and businesses and help New Zealand decarbonise its electricity supply.



**Figure 1:** Proposed location of Battery Energy Storage System at Bunnythorpe outlined in blue (16 ha) and the wider site owned by the Applicant outlined in green (50 ha)

The land disturbance associated with the site primarily relates to the development of the BESS platform, associated roading, landscape bunding, and attenuation basins. Across the 16ha site, the Applicant is proposing to disturb a total area of 6.7 ha with the proposed volume of earthworks being a balanced cut to fill of 22,000m<sup>3</sup>. The clean fill discharge is associated with importing aggregate to stabilise the roading within the site, and hard fill for laydown areas, the switching station area and the BESS platform, amounting to 10,000m<sup>3</sup>.

Construction activities are set to take place over a 14 month period with no specified start date provided.

The Applicant has requested a consent term of 35 years.

### *Existing Environment*

The site is situated to the south of Ashhurst Road and east of Stoney Creek Road at Bunnythorpe, approximately 3.8km north of Palmerston North. The wider site is generally undeveloped, primarily comprising of paddocks and several farm sheds located across the wider site. A single forestry block is located in the northeast of the site. The predominant land uses in the wider area are pastoral, with residential properties to the north, and Bunnythorpe Township to the west. There are industrially zoned properties located across Ashhurst Road to the north-west. The Bunnythorpe Transpower substation is located to the north of the site, and additionally, there are National Grid lines and local Powerco distribution lines on the application site. The BESS will be connected to the Transpower substation with 33kV lines via a switching station.

There is currently no established site access from Ashhurst Road. An assessment of site entrance locations along Ashhurst Road site frontage was undertaken and a new permanent site access is proposed to be established. This will provide vehicle access for traffic coming from both the east and west. The eastbound shoulder of Ashhurst Road will be widened to allow through traffic to pass vehicles that are turning right to enter the site.

### *Rule Assessment*

While there is a Permitted Activity Rule for land disturbance, this application does not comply with One Plan Rule LF-LAND-R1 which outlines a maximum area of land disturbance up to 2,500m<sup>2</sup>. In this case, the Applicant is proposing to develop a section of the site, amounting to land disturbance of up to approximately 67,000m<sup>2</sup>. Thus, One Plan Rule LF-LAND-R6 applies and is a **Controlled Activity**.

While there is a Permitted Activity for discharges of clean fill material under Rule LF-LW-R29 of the One Plan (2024), this requires the rate of clean fill material discharge to be no more than 2,500m<sup>3</sup>. In this case, the Application is for the discharge of approximately 10,000m<sup>3</sup> of clean fill. Thus, One Plan Rule LF-LW-R38 applies and is a **Discretionary Activity**.

### *Activity Summary*

Activity Description	Status	Authorisation Number
<b>Land Use, Land,</b> Large-scale Land Disturbance	One Plan (2024) Rule LF-LAND-R6, Controlled Activity	ATH-2024207134.00
<b>Discharge, Land,</b> Clean fill Discharge	One Plan (2024) Rule LF-LW-R38, Discretionary Activity	ATH-2024207235.00

***Bundling Principle***

It is considered that the above activities are inseparable and, therefore, the bundling principle applies. The bundling principle requires the most onerous activity status to be applied to the proposed activities. On this occasion, all activities associated with the application will be considered on a Discretionary basis.

## Assessment Summary

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The application has been assessed against the following:

### 1.1 *Environmental Effects – Resource Management Act 1991 (Section 104(1)(a))*

The Resource Management Act under section 104(1)(a) states that when considering an application for a resource consent, the consent authority shall have regard to any actual or potential adverse effects on the environment prior to authorising the activity. I have based the following assessment upon this information provided by the Applicant and the technical assessment of the following expert:

1. Mr Kerry Pearce, Bryant Environmental Solutions Limited – on behalf of the Manawatū-Whanganui Regional Council for Erosion and Sediment Control measures.

#### Actual and Potential Environmental Effects

##### **Erosion and Sediment Control Measures**

Mr Pearce has assessed the Erosion & Sediment Control Plan (E&SCP) and considers it to be appropriate for the level of earthworks proposed. The total earthworks are being undertaken over 6.7ha and is a balanced cut to fill of 22,000m<sup>3</sup>. 10,000m<sup>3</sup> of fill is to be imported for laydown areas and aggregates.

The earthworks to be undertaken onsite are associated with establishing the BESS platform, associated roading, landscape bunding, and construction of two dry stormwater attenuation basins, fill disposal areas and erosion and sediment controls. Mr Pearce notes the application outlines all land disturbance will be undertaken in a manner that ensures areas of open soil will be minimised by stripping only as required, promptly stabilising surfaces including temporary stockpiles of excavated or imported material and utilising the imported clean fill material to stabilise exposed areas. It is noted the site is located at the top end of the catchment, and therefore, no clean water diversions are proposed.

Mr Pearce notes the application has not indicated when the proposed works will be undertaken and outlines that sediment discharge risk can be greatly reduced by undertaking bulk earthworks in the summer construction season. Any works proposed to be undertaken in winter should give appropriate regard to the wetter conditions that can be experienced in winter. As such, Mr Pearce has recommended seasonal restrictions and standard winter works conditions in this instance.

##### E&SCP

The Applicant has provided an E&SCP for the proposed works which have been designed in accordance with the principles of the Greater Wellington Regional Council Erosion and Sediment Control Guidelines. The key erosion and sediment controls proposed include two flocculated sediment retention ponds (SRP's) and super silt fences (SSF's) for smaller areas that cannot be directed to the sediment retention ponds. Details of the SRP's have been provided with the application. Mr Pearce acknowledges however, that the E&SCP does not contain specific reduced level detail on the design of the Erosion and Sediment Control measures and a Flocculation Management Plan for the proposed works has not been included. As such, Mr Pearce has recommended a consent condition requiring a finalised E&SCP and Flocculation Management Plan in accordance with the GWRC Guidelines be provided and certified. This has been included as a condition of consent.

### Dust Suppression

Soil disturbance of both the site soil and imported fill has the potential to generate dust if not suppressed during windy and dry conditions, posing a risk to site workers and the public. The management of dust on site has been addressed in the E&SCP and the Applicant has outlined that to ensure exposed soil does not generate dust, the exposed soil will be kept sufficiently damp when necessary to prevent dust generation. Stockpiles on site are proposed to be grassed or use of other temporary cover on exposed soil can be utilised if required.

### Monitoring and Maintenance

As with all earthworks, the proposal has the potential to be higher risk if poorly managed and careful erosion and sediment control planning, implementation and monitoring is required to minimise the associated risk. The application includes details of maintenance and weekly monitoring provisions, heavy rainfall response and site responsibilities. These aspects have been assessed by Mr Pearce as providing further confidence that the site will be appropriately managed.

Mr Pearce notes the E&SCP confirms that all control measures will be inspected, with maintenance or improvements that are required being recorded and physical works undertaken as a site priority. In the event a control measure fails, remedial actions will be undertaken as soon as practicable.

### **Cultural Values**

Sediment retention ponds and other E&SC measures have been proposed to manage and treat sediment laden water generated on site. The unnamed drain/tributary that runs through the property and adjacent to the works site flows downstream, connecting in with the Mangaone Stream. Rivers are important to iwi, and as such it is important to ensure that any work recognises this and minimises the risk on the unnamed tributary and Mangaone Stream.

The location of the site is within the rohe of Rangitāne o Manawatū, and as such the Applicant engaged with iwi representatives prior to lodging the consent. Raythe Tanoa-Te Purei, on behalf of Rangitāne o Manawatū, provided a cultural memorandum outlining that the project can give effect to Te Mana o te Wai by prioritising appropriate management, protection and enhancement of the streams and wetlands on site. Consent conditions were recommended by Rangitāne o Manawatū to ensure the relationship with the Wai in the Mangaone Stream is protected and enhanced through the proposed development. The feedback was addressed throughout the application and the Applicants outlined they will continue to positively engage with Rangitāne o Manawatū on their requests.

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### **CONCLUSION**

Based on the assessment of Mr Pearce, as well as feedback from Rangitāne o Manawatū, I am of the opinion the effects of the proposed earthworks and clean fill discharge are considered to be less than minor, subject to adherence to the recommended consent conditions.

## 1.2 Relevant Provisions – Resource Management Act 1991 (Section 104(1)(b))

The Resource Management Act section 104 (1)(b) states that when considering an application for a resource consent, the consent authority shall have regard to any relevant provisions before authorising the activity.

### Relevant Provisions

#### **National Policy Statement for Freshwater Management (2020)**

OBJECTIVE	Natural & Physical Resources Management
POLICY 1	Freshwater Management gives effect to Te Mana o te Wai
POLICY 2	Tangata Whenua Freshwater Management Active Involvement
POLICY 3	Land Use, Catchment & Receiving Environment Effects
POLICY 15	Social, Economic & Cultural Well-being

#### NATIONAL POLICY STATEMENT CONSIDERATIONS

The National Policy Statement for Freshwater Management (NPS-FM) 2020 was introduced in 2020 and replaces the previous NPS-FM 2017. The new NPS-FM came into effect on September 2020 and was most recently amended in January 2024. The NPS-FM 2020 directs Resource Managers to safeguard the life supporting capacity and the health of people and communities, by sustainably managing the use and development of land and of the discharge of contaminants. The Objective and Policies 1, 2, 3 and 15 are considered relevant to this application.

The Objective sets out the management of natural and physical resources and directs resource managers, in this case the Manawatū-Whanganui Regional Council, to safeguard the life supporting capacity, the health of people and communities, and the ability of people and communities to provide for their social, economic, and cultural wellbeing.

Policy 1 aims to ensure that freshwater is managed in a manner that gives effect to the concept of Te Mana o te Wai, as it is conceptualised in the NPS-FM. Te Mana o te Wai is a concept that recognises the value of protecting the health and wellbeing of freshwater and the wider environment. It protects the mauri (life force/essence) of the Wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment and the community. The potential effects of the proposed activity and the associated mitigation measures were assessed by Mr Kerry Pearce. Based on Mr Pearce's assessment, I have concluded that the potential environmental effects are considered to be less than minor, the reasons for this conclusion are discussed in more detail in the above section 1.1 titled 'Environmental Effects'. Therefore, I consider the proposal to be consistent with Policy 1.

Policy 2 states that tangata whenua are actively involved in freshwater management (including decision making processes), and that Maori freshwater values are identified and provided for. In this instance, the application was circulated to Rangitāne o Manawatū as per their respective Statutory Acknowledgement. In addition to this, the Applicant engaged with Te Ao Turoa Environmental Centre (TATEC) on behalf of Rangitāne o Manawatū prior to lodging the consent. This engagement is discussed in more detail in Section 1.1 above titled 'Environmental Effects'. Therefore, I consider the proposal to be consistent with Policy 2.

Policy 3 outlines that freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving

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environments. Based on the assessment by Mr Pearce, proposed mitigation measures and the recommended conditions of consent, I am satisfied that the effects on land and freshwater will not be adversely affected by this proposed activity, and therefore, is consistent with Policy 3.

Policy 15 aims to ensure that communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with the NPS-FM. The development of a BESS allows for the use of energy from alternate resources during a time when other energy sources are limited. This will provide for the social, economic and cultural wellbeing of communities and organisations in a way which is consistent with the policy statement. Therefore, I consider the proposal to be consistent with Policy 15. Overall, I am of the opinion that the proposed land disturbance is consistent with the relevant Objective and Policies of the NPS-FM 2020.

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### **One Plan (2024) - Regional Policy Statement**

EIT-O2	Energy
EIT-P1	Benefits of Infrastructure and Other Physical Resources of Regional or National Importance
EIT-P4	Renewable Energy
LF-LAND-O2	Regulating Potential Causes of Accelerated Erosion
LF-LAND-P2	Regulation of Land Use Activities
LF-LAND-P3	Supporting Codes of Practice, Standards, Guidelines, Environmental Management Plans and Providing Information on Best Management Practices
LF-LW-O4	Water Quality
LF-LW-P9	Maintenance of Groundwater Quality
LF-LW-P13	Point Source Discharges to Land

#### **REGIONAL POLICY STATEMENT CONSIDERATIONS**

##### Infrastructure and Other Physical Resources of Regional or National Importance

Chapter EIT – Energy, Infrastructure and Transport of the One Plan (2024) outlines the regionally significant issues for infrastructure, energy and waste and sets out the objectives, policies and methods that derive from these issues. Objective EIT-O2 seeks to see improvements in the efficiency of the end use of energy and an increase in the use of renewable energy resources within the region. EIT-P1 outlines that Regional Councils must recognise facilities of energy and its supporting infrastructure that supply the National Grid and electricity distribution and transmission networks, as being physical resources of regional and national importance. The Regional Council must have regard to the benefits derived from those activities. Policy EIT-P4 further outlines the Regional Council must have particular regard to the Regions potential for, and the benefits of, the use and development of renewable energy sources. The proposal will have positive effects in terms of providing a reliable supply of renewable energy to meet the country’s national goals. Given this, it is considered the proposal is consistent with Chapter EIT – Energy, Infrastructure and Transport.

##### Land and Freshwater

Chapter LF – Land and Freshwater of the One Plan (2024) seeks to ensure that the potential adverse effects associated with accelerated erosion are managed appropriately and addresses the management

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of freshwater in the Region. Objective LF-LAND-O2 seeks to ensure that land is used in a manner which ensures that accelerated erosion and increased sedimentation in water bodies caused by land disturbance is avoided as far as reasonably practicable, or otherwise remedied or mitigated. Sediment loads entering waterbodies are required to be reduced to the extent required to be consistent with the water management Objectives and Policies. It is implemented by Policy LF-LAND-P2 which seeks to regulate land disturbance to minimise the risk of accelerated erosion, minimise discharges of sediment to water, and maintain the benefits of riparian vegetation for waterbodies. The proposed earthworks has been assessed in combination with the E&SCP measures proposed. Based on the assessment of Mr Kerry Pearce and the recommended consent conditions, the proposed earthworks are considered to be consistent with the Objective and Policy.

Objective LF-FW-O4 seeks to ensure that surface and groundwater quality is managed to ensure that existing water quality is maintained. An unnamed tributary/drain of the Mangaone Stream runs adjacent and around the works site. The application outlines there is no intention of works within the tributary and E&SC measures will be established to mitigate potential sediment run-off.

Policies LF-FW-P9 and LF-LW-P13 seek to manage discharges to land to maintain or enhance groundwater quality, prevent soil being rendered unsafe for agriculture, domestic or recreational use, maximise the reuse of nutrients, and generally avoid the exceedance of available water storage capacity of the soil. The proposed discharge to land is considered to be consistent with these policies as all materials discharged to land will be sediment that is kept on site and all clean fill will be sourced from an approved quarry.

Overall, the proposal is considered to be consistent with the relevant Objectives and Policies of the Regional Policy Statement.

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### **One Plan (2024) - Regional Plan**

IO-O2	Consent Duration, Review & Enforcement
IP-P5	Consent Durations
LF-LAND-O1	Regulation of Vegetation Clearance, Land Disturbance, Forestry & Cultivation
LF-LAND-P1	Regional Rules for Vegetation Clearance, Land Disturbance, Forestry and Cultivation
LF-LAND-P2	Consent Decision-Making for Vegetation Clearance, Land Disturbance, Forestry and Cultivation
LF-LW-O2	Management of Discharges to Land, Water & Land Uses Affecting Ground and Surface Water Quality
LF-LW-P5	Consent Decision-Making for Discharges to Land
LF-LW-P12	Consent Decision-Making Requirements from the National Policy Statement for Freshwater Management

### **REGIONAL PLAN CONSIDERATIONS**

Objective IO-O2 and Policy IP-P5 provide guidance on duration of consents. These provisions are discussed further in Section 1.3 below titled '*Duration and Review*'.

Objective LF-LAND-O1 and Policy LF-LAND-P1 and LF-LAND-P2 provides guidance on the matters which Regional Council must consider when assessing an application for land disturbance, and include provision

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and assessment of erosion and sediment control measures. Mr Kerry Pearce has assessed the application and advises that with adherence to the recommended consent conditions, that the effects of the earthworks from sedimentation will be less than minor. On this basis, and given that the matters requiring consideration in Policy LF-LAND-P1 and LF-LAND-P2 have been assessed, the proposal is considered to be consistent with the Objectives and Policies.

Objective LF-LW-O2 and Policy LF-LW-P5 provides guidance to the Regional Council when making decisions on applications of discharges to land. These matters have been assessed and as the discharge of clean fill material intended to be used to stabilise disturbed ground, along with the proposed E&SC measures and the distance to the nearest waterway, it is unlikely to have any effect on groundwater quality or surface water bodies.

For the reasons outlined above in Section 1.1 titled '*Environmental Effects*', the proposal is considered to be consistent with the relevant Objectives and Policies of the Regional Plan.

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## **CONCLUSION**

The proposed earthworks are considered to be consistent with the relevant provisions of the NPS-FM (2020) and the One Plan (2024).

### **1.3 Matters Relevant to Certain Applications (Section 105)**

#### **Relevant Matters**

The provisions of Section 105 of the Resource Management Act 1991 have been met and I have determined that any effects associated with the proposed works on the receiving environment will be less than minor.

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### **1.4 Discharge Permit Restrictions (Section 107)**

#### **Relevant Matters**

Section 107(1) of the Resource Management Act 1991 (RMA) places restrictions on the granting of certain Discharge Permits that would contravene Section 15 of 15(A) of the RMA. I am satisfied that the proposed discharge will not give rise to any of the effects listed in Section 107(1).

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### **1.5 Duration and Reviews**

#### **Relevant Matters**

Policy IP-P5(2) states that resource consent durations for the applications under s13, s14, and s15 of the Resource Management Act 1991 will generally be set to the next common catchment expiry date. The proposed activity is located within the Lower Manawatū, Upper Mangaone Stream (Mana\_11d) Water Management Area (WMA). The common catchment expiry date for this Water Management Zone is 1

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July 2013, or in 10 year increments where a consent term longer than 10 years can be granted. The Applicant is seeking a consent term of 35 years.

The Applicant has indicated most of the works will be carried out over a 14 month period with no planned start date. Giving regard to the nature of works and the common catchment expiry date, I have recommended a consent duration of 9 years with an expiry date of **1 July 2033** to align with the common catchment expiry date.

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#### 1.6 Purpose and Principles (Resource Management Act Part 2)

##### Principles

Part 2 of the Resource Management Act 1991 outlines the purpose and principles of the Act. Following the Davidson Decision (*RJ Davidson Family Trust v Marlborough District Council [2018] NZCA 316*), the Court identified there is the ability to recourse Part 2 when it is appropriate to do so. In this case, recourse to Part 2 would not provide any further guidance to the decision-maker for this consent. Further, no issues have been identified and as such no further assessment against Part 2 of the Resource Management Act 1991 is considered necessary for this consent.

## Recommendation

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It is recommended that the resource consent application by **Meridian Energy Limited** to undertake large-scale land disturbance, the associated discharge of sediment and the discharge of clean fill into and onto land for the construction of a Battery Energy Storage System at Bunnythorpe be granted, subject to the conditions outlined in the attached condition schedule for the following reasons:

- a. the activities have been assessed by Kerry Pearce – Bryant Environmental Solutions Limited, on behalf of the Manawatū-Whanganui Regional Council. Based on his assessment, I am satisfied the proposal will have less than minor actual or potential adverse effects on the environment; and
- b. the activity is consistent with the relevant Objectives and Policies of the relevant NPS-FM (2020) and the One Plan (2024).



Adelaide Hodges  
**CONSENTS PLANNER**

## Decision

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The Manawatū-Whanganui Regional Council Team Leader Consents grants resource consent for the reasons stated in the recommendation above to **Meridian Energy Limited** under sections 104, 104A and 108 of the Resource Management Act 1991 to undertake large-scale land disturbance, the associated discharge of sediment and the discharge of clean fill for the construction of a battery energy storage system at Bunnythorpe for a term expiring **1 July 2033**, subject to the conditions outlined in the attached schedule.



Sara Westcott  
**TEAM LEADER CONSENTS**

*Made Under Authority Delegated to the Team Leader Consents*  
20 August 2024

## 1. Land Use, Land, Large-Scale Land Disturbance

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The following details the location, classifications and conditions associated with the activity.

Authorisation Number	<b>ATH-2024207134.00</b>
Activity Type	Land Use, Land
Activity Class	Controlled Activity
Activity Primary Industry	Power Generation
Activity Primary Purpose	Land Development, Recontouring, Reclamation or Conversion

### *Location*

The following summarises the authorised location for the consented activity.

Activity Location Description	Ashhurst Road, Palmerston North
Valuation Number	14461/733.01
Legal Description	Sec 1 Survey Office Plan 21863, Pt Lot 172 and Lot 173 DP 217 and Sec 2 Survey Office plan 37876, Lot 2 DP 91129, Sec 71-72 Subn C Manchester Blk, Sec 38 Subn O Manchester Disct
Map References	LOC-2024100523 (Centroid: BM34:245-371)

### *Classifications*

The following summarises the classifications associated with the application activity.

Groundwater Management Zone	Manawatū
Water Management Zone	Manawatū Catchment, Lower Manawatū, Upper Mangaone Stream (Mana_11d)
Associated River	MANAWATŪ RIVER, Mangaone Stream (325040)

## 2. Discharge, Land, Clean fill Discharge

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The following details the location, classifications and conditions associated with the activity.

Authorisation Number	<b>ATH-2024207235.00</b>
Activity Type	Discharge to Land
Activity Class	Discretionary Activity
Activity Primary Industry	Power Generation
Activity Primary Purpose	Land Development, Recontouring, Reclamation or Conversion

### *Location*

The following summarises the authorised location for the consented activity.

Activity Location Description	Ashhurst Road, Palmerston North
Valuation Number	14461/733.01
Legal Description	Sec 1 Survey Office Plan 21863, Pt Lot 172 and Lot 173 DP 217 and Sec 2 Survey Office plan 37876, Lot 2 DP 91129, Sec 71-72 Subn C Manchester Blk, Sec 38 Subn O Manchester Disct
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### *Classifications*

The following summarises the classifications associated with the application activity.

Groundwater Management Area	Manawatū
Water Management Area	Manawatū Catchment, Lower Manawatū, Upper Mangaone Stream (Mana_11d)
Associated River	MANAWATŪ RIVER, Mangaone Stream (325040)

***Descriptive Specification***

1. This consent authorises large-scale earthworks, the associated discharge of sediment and the discharge of clean fill into and onto land associated with the development of a site for a Battery Energy Storage System on the property legally described as **Sec 1 Survey Office Plan 21863, Pt Lot 172 and Lot 173 DP 217 and Sec 2 Survey Office plan 37876, Lot 2 DP 91129, Sec 71-72 Subn C Manchester Blk, Sec 38 Subn O Manchester Disct** (hereafter referred to as the property) at approximate map reference NZTopo50 **BM34:245-371**.
2. The Consent Holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with the Manawatū-Whanganui Regional Council on **12 July 2024**.
  - a. further information received on **8 August 2024** via **Email** being a **s92 response**; and
  - b. further information received on **9 August 2024** via **Email** being **the full Appendix C**.

Where there may be inconsistencies between information provided by the Applicant and conditions of the resource consent, the conditions of the resource consent will apply.

**ADVICE NOTE:** Any variance from the location, design concepts and parameters, implementation and / or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

***Pre-Development Assurance***

3. The Consent Holder must be responsible for all contracted operations related to the exercise of this resource consent and must ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.
4. A copy of this consent must be kept onsite at all times that physical works authorised by this resource consent are being undertaken and must be produced without unreasonable delay upon request from a servant or agent of the Manawatū-Whanganui Regional Council.

**ADVICE NOTE:** This may be in the form of an electronic copy on a device.
5. The Consent Holder must inform the Manawatū-Whanganui Regional Council's Consent Monitoring Team Leader no less than **ten (10) working days** prior to the commencement of activities of the start date of the works authorised by this resource consent and within **twenty-four (24) hours** of completion of the works.

**ADVICE NOTE:** The Consent Monitoring Team Leader can be contacted on Freephone 0508 800 800.

6. Prior to activities commencing as authorised by this resource consent, the Consent Holder must appoint a representative(s) who must be the Manawatū-Whanganui Regional Council's principal contact person(s) in regard to matters relating to this resource consent. The Consent Holder must inform the Manawatū-Whanganui Regional Council of the representative's name and how they can be contacted, prior to this resource consent being exercised. Should that person(s) change during the term of this resource consent, the Consent Holder must immediately inform the Manawatū-Whanganui Regional Council and must also give written notice to the Manawatū-Whanganui Region Council of the new representatives' name and how they can be contacted.
7. The Consent Holder must arrange and conduct a pre-construction site meeting and invite, with a minimum of **ten (10) working days'** notice, the Manawatū-Whanganui Regional Council, the site representative(s) nominated under **Condition 6** of this consent, the contractor, and any other party representing the Consent Holder prior to any work authorised by this consent commencing on site.

**ADVICE NOTE:** In the case that any of the invited parties, other than the site representative does not attend this meeting, the Consent Holder will have complied with this condition, provided the invitation requirement is met.

8. The Consent Holder must at least **ten (10) working days** prior to commencing activities authorised by these resource consent, provide the Manawatū-Whanganui Regional Council with a finalised Erosion and Sediment Control Plan (E&SCP). The E&SCP must as a minimum be based upon and incorporate those specific principles and practices which are appropriate for the activity authorised by this consent and contained within the document titled "Erosion and Sediment Control – Guidelines for the Wellington Region, dated February 2021", and must include at least the following:
  - a. Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site, including flocculation if required;
  - b. The design criteria and dimensions of all key erosion and sediment control structures;
  - c. A site contour plan of a suitable scale to identify;
    - i. The locations of waterways/ stormwater infrastructure;
    - ii. The extent of soil disturbance and vegetation removal;
    - iii. Any "no go" and/or buffer areas to be maintained undisturbed adjacent to watercourses;
    - iv. Areas of cut and fill;
    - v. Locations of topsoil stockpiles;
    - vi. All key erosion and sediment control structures;
    - vii. The boundaries and area of catchments contributing to all stormwater impoundment structures;
    - viii. The locations of all specific points of discharge to the environment; and

- ix. Any other relevant site information;
- d. Construction timetable for the erosion and sediment control works and the bulk earthworks proposed;
- e. Timetable and nature of progressive site rehabilitation and re-vegetation proposed;
- f. Maintenance, monitoring and reporting procedures;
- g. Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures;
- h. Procedures and timing for review and/or amendment to the E&SCP; and
- i. Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures.

The E&SCP must be certified in writing by the Manawatū-Whanganui Regional Council acting in a technical certification capacity prior to any activities authorised by this resource consent commencing and the Consent Holder must undertake all earthworks authorised by this consent in accordance with the certified E&SCP.

**ADVICE NOTE:** Regarding Manawatū-Whanganui Regional Council Certification: Several conditions require the certification of the Manawatū-Whanganui Regional Council. That certification (or withholding of certification) must be based on the Manawatū-Whanganui Regional Council's assessment of whether the matters being considered achieve the objective of minimising sediment discharges from the site to the extent practicable.

- 9. Any changes proposed to the E&SCP required by **Condition 8** must be confirmed in writing by the Consent Holder and certified in writing by the Manawatū-Whanganui Regional Council acting in a technical certification capacity, prior to the implementation of any changes proposed.
- 10. The Consent Holder must ensure that a copy of the certified E&SCP required by **Condition 8**, including any certified amendments, is kept onsite and this copy is updated within **five (5) working days** of any amendments being certified.
- 11. The Consent Holder must prepare and forward a detailed schedule of construction activities to the Manawatū-Whanganui Regional Council prior to the commencement of works authorised by this resource consent, and updates at one-month intervals during works. These must include details of;
  - a. The commencement date and expected duration of the major cut and fill operations;
  - b. The location of the major cut and fill operations;
  - c. The location of topsoil stockpiles;
  - d. The commencement and completion dates for the implementation of erosion and sediment controls; and
  - e. The proposed construction and methodology, including staging of earthworks.

12. The Consent Holder must prior to 'bulk earthworks' commencing, submit to the Manawatū-Whanganui Regional Council a statement signed by an appropriately qualified and experienced professional certifying that all erosion and sediment control structures have been constructed in accordance with the certified E&SCP required by **Condition 8**. Erosion and sediment controls covered within the statement must include at least all sediment retention ponds, decanting earth bunds, diversion channels and/or bunds, silt fences, super silt fences. The certification statement must be supplied to the Manawatū-Whanganui Regional Council within **five (5) working days** of the completion of the construction of the structures concerned. Information contained in the certification statement must include at least the following;
- a. Confirmation of contributing catchment areas;
  - b. The location, capacity and design of each structure;
  - c. Position of inlets and outlets;
  - d. Stability of the structures;
  - e. Measures to control erosion; and
  - f. Any other relevant matter.

**ADVICE NOTE:** Bulk earthworks includes cut and fill operations required to re-grade an area. It also applies to larger scale earthworks such as for building excavations, construction of temporary access tracks and earthworks.

13. The Consent Holder must, **ten (10) working days** prior to commencing activities authorised by this resource consent, provide the Manawatū-Whanganui Regional Council with a finalised Flocculation Management Plan. This Plan must be certified in writing by the Manawatū-Whanganui Regional Council, acting in a technical certification capacity. The Flocculation Management Plan must include as a minimum:
- a. Specific design details of the flocculation system;
  - b. Monitoring, maintenance (including post-storm) and including a record system;
  - c. Details of optimum dosage (including assumptions);
  - d. Results of any initial flocculation trial;
  - e. A spill contingency plan;
  - f. Contact details of the person responsible for the operation and maintenance of the flocculation treatment system and the organisational structure to which this person must report.
14. Any changes proposed to the Flocculation Management Plan must be confirmed in writing by the Consent Holder and certified in writing by the Manawatū-Whanganui Regional Council acting in a technical certification capacity, prior to the implementation of any changes proposed.

15. Unless site specific analysis provides evidence to the contrary, as detailed in the Flocculation Management Plan, the Consent Holder must ensure that the pH of any discharge to the receiving environment must not be less than 5.5 or greater than 8.5 pH units.

### ***Environmental Standard***

16. The discharge of clean fill must not include the following materials:
- a. combustible, putrescible (except that clean fill may contain up to 5 % by weight putrescible matter), degradable or leachable components;
  - b. household or industrial refuse, car bodies;
  - c. hazardous substances;
  - d. products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
  - e. materials that may present a risk to human health, animals or plants;
  - f. liquid waste; and
  - g. material that when buried or placed will not breakdown, decay, give rise to gas or leachates.

**ADVICE NOTE:** It is recommended that the Consent Holder refers to 'A Guide to the Management of Clean fills' (Ministry for the Environment, 2002) for further information on the discharge of clean fill.

17. The Consent Holder must ensure that sediment losses to natural water arising from the exercise of this resource consent are minimised during the duration of the works and during the term of this consent. In this regard, erosion and sediment control measures must be established and maintained in accordance with the document titled "Erosion and Sediment Control – Guidelines for the Wellington Region, dated February 2021", and the certified E&SCP.

18. During the construction period, discharges from the work site must not cause an increase in turbidity (NTU) in any flowing water body by more than **30% after reasonable mixing**.

**ADVICE NOTE:** Reasonable mixing is defined as **seven (7) times** the bed width.

19. There must be no discharge of airborne particulate matter that causes an adverse effect at or beyond the boundary of the property.

### ***Operational Restrictions***

20. The Consent Holder must ensure that the site is appropriately stabilised **by 30 April** of each year unless otherwise certified in writing by the Manawatū-Whanganui Regional Council. Stabilisation must be undertaken by providing adequate measures (vegetative and/or structural and including,

pavement, metalling, hydro-seeding, re-vegetation and mulching) that will minimise erosion of exposed soil to the extent practical.

21. Earthworks must not be conducted during the period **1 May to 30 September** inclusive during any year that this resource consent is current, apart from necessary maintenance works, unless certified in writing by the Manawatū-Whanganui Regional Council.
22. Requests to undertake earthworks during the period **1 May to 30 September** inclusive, for any year that this resource consent is current, must be submitted in writing to the Manawatū-Whanganui Regional Council **by 1 April**, or as otherwise agreed to in writing, and must be in the form of amendments to the certified E&SCP in accordance with **Condition 8** of this consent.

In considering a request for the continuation of winter earthworks, the Manawatū-Whanganui Regional Council will consider a number of factors; including:

- a. The nature of the site and the winter soil disturbance works proposed;
  - b. The quality of the existing/proposed erosion and sediment controls;
  - c. The compliance history of the site/operator;
  - d. Seasonal/local soil and weather conditions;
  - e. Sensitivity of the receiving environment; and
  - f. Any other relevant factor.
23. All earthmoving machinery, pumps, generators and ancillary equipment must be operated in a manner, which ensures spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities must be carried out away from any water body, ephemeral water body, or overland flow path, such that any spillage can be contained so that it does not enter surface water.
  24. The Consent Holder must ensure that, as far as practicable, all clean water run-off from stabilised surfaces including catchment areas above the site must be diverted away from the exposed areas via a stabilised system to prevent erosion.
  25. The Consent Holder must ensure that all sediment laden run-off from the site is treated by sediment retention structures. These structures must be fully operational before bulk earthworks commence and must be maintained to perform at least at 80% of their operational capacity.
  26. The Consent Holder must carry out monitoring and maintenance of erosion and sediment controls in accordance with the conditions of this resource consent and must maintain records detailing:
    - a. The date, time and results of the monitoring undertaken; and
    - b. The erosion and sediment controls that required maintenance; and
    - c. The date and time when the maintenance was completed.

These records must be provided to the Manawatū-Whanganui Regional Council at all reasonable times and within **three (3) days** of a written request to do so.

27. All staff/contractors involved in drilling, earthmoving or mining operations must undertake cultural induction training invited to be provided by Te Ao Turoa Environmental Centre (TATEC) prior to those staff/contractors undertaking construction activities on site.
28. In the event of an archaeological site, waahi tapu or koiwi being discovered or disturbed during the activities authorised by this consent, the Consent Holder must immediately cease further work and inform:
  - a. the local iwi and hapū – Rangitāne o Manawatū;
  - b. Heritage NZ, National Office; and
  - c. the Police; and
  - d. the Manawatū-Whanganui Regional Council’s Consent Monitoring Team Leader.

Further work at the site must be suspended while iwi carry out their procedures for removal of taonga. The Manawatū-Whanganui Regional Council’s Consent Monitoring Team Leader will advise the Consent Holder when work at the site may recommence.

**ADVICE NOTE:** In the event that human remains are found the Police should be contacted immediately and all works must cease until advice is given that works can recommence.

**ADVICE NOTE:** Heritage NZ, National Office, can be contacted on (04) 472 4341.

**ADVICE NOTE:** Manawatū-Whanganui Regional Council’s Consent Monitoring Team Leader can be contacted on 0508 800 800.

29. The Consent Holder must implement the accidental discovery protocol issued by Rangitāne o Manawatū that was submitted under Appendix H of the application.

### ***Monitoring Provision***

30. The Consent Holder must ensure that all erosion and sediment control structures are inspected on a weekly basis and within **twenty-four (24) hours** of each rainstorm event that is likely to impair the function or performance of the controls.
31. The Consent Holder must carry out monitoring and maintenance of erosion and sediment controls in accordance with the conditions of this resource consent and must maintain records detailing:
  - a. The date, time and results of the monitoring undertaken; and
  - b. The erosion and sediment controls that required maintenance; and
  - c. The date and time when the maintenance was completed.

These records must be provided to the Manawatū-Whanganui Regional Council at all reasonable times and within **three (3) days** of a written request to do so.

32. The Consent Holder must progressively stabilise, re-contour and re-vegetate any disturbed areas, to minimise sediment runoff and erosion until the site has been stabilised in accordance with the measures detailed in the document titled “Erosion and Sediment Control – Guidelines for the Wellington Region, dated February 2021”, as soon as practically possible and within a period not exceeding **three (3) days** after completion of any works authorised by this resource consent.
33. Stabilisation must be undertaken by providing adequate measures (vegetative and/or structural) that will instantly stabilize disturbed areas, and will minimise sediment runoff and erosion to the satisfaction of the Manawatū-Whanganui Regional Council acting in a technical certification capacity. The Consent Holder must monitor and maintain the site until vegetation is established to such an extent that it prevents erosion and prevents sediment from entering any water body.

***Duration***

34. The resource consent will expire on **1 July 2033**.