



PROPOSED CONSENT CONDITIONS – S92 RMA RESPONSE 'CLEAN' VERSION

PROPOSED CONSENT CONDITIONS

General Conditions

1. The Consent Holder shall subject to final design, undertake all operations in accordance with any drawings, specifications, and all other information supplied as part of this resource consent including but not limited to [INSERT].
2. Where a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.
3. All works and structures relating to this resource consent shall be designed and constructed to conform to the best engineering practices and at all times maintained to a safe and serviceable standard.

Flood Evacuation Contingency Plan Updates & Mitigation Measures

4. Within 20 working days of practical completion, the Consent Holder shall submit to the Regulatory Manager, Gisborne District Council, for certification, an updated *Te Karaka Flood Evacuation Contingency Plan*. The plan shall be updated to address increased flood hazard risk to Kanakanaia Road bridge and Mangaone Road with updates undertaken by a suitably experienced and/or qualified person(s). The updates to the plan shall include but not be limited to:
 - a. Updated flood hazard maps and evacuation maps.
 - b. Updates to the warning system and trigger points and a process for advance warnings to local residents of alternative routes, evacuations and bridge and road closures where required.
 - c. An outline of all mitigation measures required to reduce flood risk and impacts on the community to an acceptable level with regard to health and safety before and during flood events.
5. If a written response is not received within 20 working days of the Consent Holder submitting the plan for certification, the certification shall be deemed to be confirmed. After certification of the plan, the plan shall be implemented immediately.

Construction Season & Hours of Operation

6. The construction season for this work shall be 1 October to 30 June of the following year.

7. Minor works and SH2 road raising beyond the construction season detailed in condition 6 above may be undertaken subject to the approval of the Regulatory Manager, Gisborne District Council.
8. Construction work may only take place between the hours of 7:30 am to 6:00 pm, Monday to Saturday. This condition does not prevent quiet construction activities and meetings from taking place at any time, provided that any noise generated complies with limits of 45 dB LAeq and 75 dB LAm_{ax} at any occupied dwelling.. There shall be no work on Sundays and Public Holidays.

Advice Note: *The noise limits outside of 7:30 am and 6:00 pm on Monday to Saturday are based on providing respite from noisy construction activity and avoiding annoyance and sleep disturbance at night.*

Construction Environmental Management Plan (CEMP), Design Requirements & Management Plans

9. At least 20 working days prior to the first construction season, the Consent Holder shall submit to the Regulatory Manager, Gisborne District Council, for certification, a Construction Environmental Management Plan (CEMP) prepared by a suitably qualified and/or experienced person(s). The CEMP shall include but not be limited to:
 - a. an outline of the environmental management and monitoring measures to be installed prior to and maintained during construction works, demonstrating that construction works can be carried out in such a way to minimise adverse environmental effects as much as practicable.
 - b. noise & vibration management measures (to show compliance with conditions 33 to 37);
 - c. dust control mitigation measures;
 - d. water quality (to show compliance with conditions 39 to 49);
 - e. erosion & sediment control plan and measures (to show compliance with conditions 51 to 56);
 - f. site design, spill containment, spill management, waste management, signage and contingency plans for construction lay down areas and compounds and locations where bulk fuel is stored to demonstrate compliance with Tairāwhiti Resource Management Plan C5.2.6.1 General Standards;
 - g. site remediation or reinstatement details;
 - h. contaminated land management details;
 - i. fish passage management during works in waterways;
 - j. specific measures to manage the effects of construction of activities within ecologically sensitive areas including native bat surveys during October to April prior to tree felling;
 - k. dewatering details and management plan (if dewatering is required);
 - l. overview of construction programme for each stage of the construction works;
 - m. detailed staging plan and design details and program including:

- i. earthworks for all works including stopbank works;
 - ii. confirmed stopbank alignment and design details and confirmation if the alternative alignment is required;
 - iii. culvert works;
 - iv. road raising works;
 - v. fish passage works;
 - vi. stopbank edge planting; and
 - vii. reinstatement works.
10. Construction activities shall not commence until the CEMP has been certified by the Regulatory Manager, Gisborne District Council, and written confirmation from the Regulatory Manager, Gisborne District Council has been received. If a written response is not received within 20 working days of the Consent Holder submitting the CEMP for certification, the certification shall be deemed to be confirmed.
11. The Consent Holder may amend the CEMP provided under condition 9, at any time by submitting the amended plan to the Consents Compliance Manager, Gisborne District Council, for certification, following the same process outlined in Condition 9 above. Construction activities subject to the amendment shall not commence until the amendment has been certified by the Manager, Gisborne District Council.
12. The Consent Holder shall supply as built engineering designs to the Consent Authority within 2 months of the end of each construction season. Any future maintenance of the Te Karaka part of the Waipaoa Flood Control Scheme shall be in accordance with these as-built engineering plans.

SH2 Culvert and Fish Passage

13. At least 20 working days prior to construction, the Consent Holder shall submit to the Regulatory Manager, Gisborne District Council, for certification the detailed design of the proposed culvert and management plan along State Highway 2 on the tributary of the Waipaoa River and the 'eastern stream'.
14. The design of the culvert and management plan shall include but be limited to:
- a. An automatic flood gate that is open to provide fish passage below the flood event interval design; or
 - b. A passive flood gate that is routinely monitored (quarterly) and checked after the flood event design interval is reached. The passive gate must be opened as much as practicable to provide fish passage including during times when flows are below the flood event design.
 - c. The new culvert extension invert shall be installed a minimum of 0.1 metres below the bed of the stream at the downstream end unless otherwise agreed with Regulatory Manager, Gisborne District Council.

- d. Details confirming how the proposed culvert and management approach provides a net benefit to fish passage compared to the current culvert through the addition of a fish friendly ramp or another suitable solution.
 - e. The culvert shall not cause a significant increase on upstream water levels or flooding on neighbouring properties.
15. Construction activities of the culvert shall not commence until the culvert detailed design and management plan has been certified by the Regulatory Manager, Gisborne District Council, and written confirmation from the Regulatory Manager, Gisborne District Council has been received. If a written response is not received within 20 working days of the Consent Holder submitting the culvert design for certification, the certification shall be deemed to be confirmed.

Planting Plan

16. At least 20 working days prior to the proposed planting, the Consent Holder shall submit to the Regulatory Manager, Gisborne District Council, for certification, a Planting Plan prepared by a suitably qualified and experienced person(s). The planting plan shall include mitigation planting details on the new roading embankment at Rangatira Road to soften and screen past earthworks and operational bulk form. All plant species shall be natives / indigenous and be selected in accordance with Gisborne District Council roading guidelines and code of practices.
17. Planting activities shall not commence until the planting plan has been certified by the Regulatory Manager, Gisborne District Council, and written confirmation from the Regulatory Manager, Gisborne District Council has been received. If a written response is not received within 20 working days of the Consent Holder submitting the planting plan for certification, the certification shall be deemed to be confirmed.

Advice note: the planting plan can be submitted as part of the CEMP.

Pre-Season Construction Team Meeting

18. At a date in August or September prior to each construction season, the Consent Holder shall hold a meeting with GDC Regulatory Team representatives to outline the upcoming season construction works including matters such as (but not limited to):
- a. Stopbank design levels;
 - b. Earthworks and borrow area location and extent;
 - c. Number and location of culverts;
 - d. Review of the CEMP; and
 - e. Review of proposed fish passage enhancements.
19. At least 5 working days prior to each construction season the Consent Holder, shall hold a meeting with GDC Regulatory Team representatives and the primary

Contractor. This meeting shall form the basis for confirming communication channels and the details of the Construction Methodology and proposed earthworks management and associated methodologies and shall ensure that all Contractors are aware of and familiar with the proposed construction methodologies.

20. At least 20 working days prior to the first construction season, the Consent Holder shall submit to the Regulatory Manager, Gisborne District Council, for certification, a Communications Plan that sets out procedures detailing how the public and stakeholders will be communicated with throughout the construction works program. As a minimum, the Communications Plan shall include:
 - a. Details of a contact person available at all times during the works. Contact details shall be prominently displayed at the site office so that they are clearly visible to the public at all times;
 - b. Methods to consult with surrounding landowners, occupiers, representatives of Te Aitanga a Mahaki iwi, the local residential and rural community and utility operators, which may include:
 - i. Publications of a newsletter, or similar, and its proposed delivery area;
 - ii. Newspaper advertising;
 - iii. Council website;
 - iv. Notification of the owners and occupiers of properties located adjacent to the stopbank corridor where and when construction activities will take place; and
 - v. Notification to public utility operators with utilities within the Project Area, where and when construction activities will take place.
 - c. A register for recording any public or stakeholder feedback and any incidents or non-compliance in relation to the construction of the Project, including the outcome of any investigation or remedial action taken (in compliance with relevant conditions of this consent).
 - d. Monitoring and review procedures for the Communications Plan.
21. A copy of the register of feedback shall be provided to the Regulatory Manager, Gisborne District Council, annually at the end of each construction season or as requested by the Manager, Gisborne District Council.
22. Construction activities shall not commence until the Communications Plan has been certified by the Regulatory Manager, Gisborne District Council, and written confirmation from the Manager has been received. If a written response is not received within 20 working days of the Consent Holder submitting the Communications Plan, the certification shall be deemed to be confirmed.

23. The Consent Holder may amend the Communications Plan provided under condition 22, at any time by submitting the amended plan to the Manager, Gisborne District Council, for certification, following the same process outlined in condition 22 above. Construction activities subject to the amendment shall not commence until the amendment has been certified by the Manager, Gisborne District Council.

Feedback & Incidents

24. At all times during construction works the Consent Holder shall maintain a register of any public or stakeholder feedback received, and any incidents or non-compliance noted by the Consent Holder 's contractor, in relation to the construction of the Project. The register shall include:
- a. The name and contact details (as far as practicable) of the person providing feedback or contractor observing the incident / non -compliance;
 - b. Identification of the nature and details of the feedback/incident; and
 - c. Location, date and time of the feedback/incident.
25. The Consent Holder shall promptly investigate any negative feedback, incident or non -compliance. This shall include but is not limited to:
- a. Recording weather conditions at the time of the event (as far as is practicable), and including wind direction and approximate wind speed if the adverse feedback or incident relates to dust;
 - b. Recording any other activities in the area, unrelated to the Project that may have contributed to the negative feedback/incident/non-compliance, such as non - Project construction, fires, traffic accidents or unusually dusty conditions generally (if applicable); and
 - c. Investigating other circumstance surrounding the incident.
26. In relation to conditions 24 and 25 above, the Consent Holder shall:
- a. Record the outcome of the investigation in the register;
 - b. Record any remedial action or measures undertaken to address or respond to the matter in the register; or
 - c. Respond to the initiator, in closing the feedback loop, if practicable; and
 - d. Where the adverse feedback or incident was in relation to non-compliance with a condition of resource consent, the Regulatory Manager, Gisborne District Council, shall be notified in writing of the matter within 10 working days of the non-compliance, and informed of the remedial actions undertaken.

Ecological Sensitive Areas & Management Requirements

27. All works shall be undertaken at least 10m away from the potential wetland shown in Figure [insert reference].

28. (a) The consent holder shall not fell exotic trees during the bat breeding and roosting season (April to October), unless otherwise provided for under clause (b) below;

(b) As an alternative to clause (a), tree felling may occur during the bat breeding and roosting season where the Construction Environmental Management Plan (CEMP) required under Condition [9], includes procedures for identifying, monitoring and managing potential bat roosts prior to tree felling. These procedures shall be prepared by a suitably qualified ecologist and shall have regard to the Bat Recovery Group protocols and relevant Department of Conservation guidance.

Archaeological and Cultural Discovery Protocols

29. In the event of any site, waahi tapu, taonga or koiwi being discovered during the works authorized by this consent, the Consent Holder shall immediately cease work at the affected site and secure the area. The Consent Holder shall contact the Council to obtain contact details of the relevant hapu and /or marae. The Consent Holder shall then consult with the appropriate tribal entities and Heritage New Zealand Pouhere Taonga, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga and appropriate tribal entity approvals (including associated affected party approvals) to damage, destroy or modify such sites have been obtained.

30. The Consent Holder shall establish and agree written protocols in relation to any cultural practices to be observed during earthworks and specifically in relation to the accidental discovery of heritage artefacts and/or koiwi. The protocols shall be made available to the Consent Authority at least 10 working days prior to each stage of the earthworks.

Noise And Vibration

31. At least ten working days before any construction works authorised by this consent begin, the consent holder shall submit a Construction Noise and Vibration Management Plan (CNVMP) to Gisborne District Council for written certification. The CNVMP shall include but not be limited to:

a) Objectives that must:

- i. Set out the procedures to identify and adopt the best practicable options for minimising adverse construction noise and vibration effects; and
- ii. Define the procedures to be followed to ensure that the project construction noise and vibration standards are being met.

- b) To achieve the objectives above, the final CNVMP must be prepared by a suitably qualified person and with reference to Annex E of NZS 6803:1999 *Acoustics – Construction noise* and the Association of Australasian Acoustical Consultants *Guideline for Interpreting and Applying NZS 6803-1999*, and include the following information:
- i. The consented construction noise and vibration limits for the project.
 - ii. Requirements and specifications for acoustically effective barriers and any localised screening required for compliance with the project limits.
 - iii. Minimum setback distances for compliance.
 - iv. Identification of surrounding noise and/or vibration sensitive receivers.
 - v. Details of general noise and vibration mitigation measures.
 - vi. Details for advising the occupiers of the neighbouring buildings of the works, including when the highest noise levels and perceptible vibration can be expected.
 - vii. Procedures for responding to concerns from neighbours and dealing with any complaints (including the provision of contact details for any concerns regarding noise and vibration).
 - viii. Procedures for noise and vibration monitoring to be undertaken during the works and for applying any corrective action measures.
 - ix. Procedures for ensuring that all contractors and operators on site are aware of the construction noise and vibration monitoring requirements during the works, and the requirement to minimise noise and vibration effects as far as practicable on the neighbouring sites.

Advice note: The CNVMP may be subject to amendment through the life of the project. Any subsequent amendment of the certified CNVMP which comprises changes to the construction methodology must be tracked and the revised CNVMP submitted to the Council for certification.

Notice of works to receivers

32. At least ten working days before any earthworks authorised by this consent begin, the consent holder must advise the occupants of all buildings within 100 m of the works. The advice must be provided in writing and include the following information:
- a. A general description of the construction works.
 - b. The construction hours and expected duration of the works.
 - c. The approximate dates, times, and durations of the activities that will generate the highest levels of construction noise and vibration.

- d. A contact name and phone number for any questions or complaints regarding noise and vibration throughout the project.

Construction noise limits

- 33. Construction works on the site must be designed and conducted to ensure that noise emissions do not exceed the following limits at 1 m from the façade of any occupied dwelling outside the subject site between 7:30 am and 6:00 pm on Monday to Saturday:
 - a. the project limits of 70 dB L_{Aeq} and 85 dB L_{Amax}
 - b. higher limits of 80 dB L_{Aeq} and 95 dB L_{Amax} when an activity cannot practicably comply with the project limits in (a). Before the activity begins, notice of the higher noise levels must be provided to the residents including the dates, times, and duration of the activity. The activity must be identified in the CNVMP. The reasons why compliance with the project limits in (a) is not practicable must be stated and the best practicable options for mitigating noise effects of the activity must be identified.
 - c. The L_{Amax} noise limits in this condition do not apply at 1 m from the façade of any occupied building that does contain a noise sensitive activity.
- 34. All construction noise must be measured and assessed in accordance with NZS 6803:1999 *Acoustics – construction noise*.

Construction vibration amenity limits

- 35. Construction works on the site must be designed and conducted to ensure that vibration does not exceed 5 mm/s PPV within any occupied building outside the subject site. Where vibration is expected to exceed 2 mm/s PPV within an occupied building outside the site, the consent holder must provide the following information in writing to the occupants:
 - a. The dates, times, and duration of the vibration expected to exceed 2 mm/s PPV.
 - b. A phone number and contact person for any questions or to advise of any sensitive times for construction vibration during the day.
- 36. The information / advice provided under condition 35 must be provided no less than 3 days before the works expected to exceed 2 mm/s PPV begin. The consent holder must maintain records of any consultation and provide them to Gisborne District Council on request.
- 37. The vibration from all other works must comply with 2 mm/s PPV within any occupied building.

Advice note: The vibration amenity limits do not apply at any building that is not occupied during the works. This allows higher vibration works to be scheduled when occupants are not in the building, subject to compliance with building damage

criteria and compliance with the amenity limits at other nearby buildings that are occupied.

Construction vibration limits to avoid building damage

38. Construction works on the site must be designed and conducted to ensure that vibration does not exceed the limits set out in German Industrial Standard DIN 4150-3:2016 *Vibration in buildings – Part 3: Effects on structures* when measured in accordance with that Standard on any structure not on the same site.

Works In The Bed Of A River & Surface Water Quality

39. The Consent Holder shall take all practicable measures to limit the amount of sediment and prevent contaminants from entering any water bodies during construction. Such measures shall include (but not be limited to):
- a. Any surplus soil or cleared vegetation or debris shall be removed and deposited at an appropriate disposal site;
 - b. The wash water from containers and tools shall not be discharged into any waterbodies and the washing equipment shall not occur in any waterbodies;
 - c. Fuelling and carrying out of machinery maintenance away from water bodies;
 - d. The installations of erosion and sediment control measures in accordance with the certified Construction and Environmental Management Plan, as required by condition 9; and
 - e. No spoil or other debris shall be directly deposited into a permanently flowing water body or deposited into a position where it can readily enter or be carried into a permanently flowing water body.
40. No clearly discernible change in visual clarity of the water shall occur after reasonable mixing downstream of the activity site more than 48 hours after any construction work commences
41. The Consent Holder shall take all practicable measures to prevent contaminants such as diesel and oil entering any waterbodies in the event of a spill during construction.
42. Works within the streambed and banks shall only occur within 1 October and 1 March. Any works within the streambed and banks outside of this period shall be approved by the Consent Authority prior to any works occurring.
43. Where, by any cause, (accidental or otherwise), contaminants associated with the Consent Holder 's operations escape to water, the Consent Holder shall:

- a. Immediately take all practicable steps to contain and then remove the contamination from the environment;
 - b. Immediately notify the Council of the escape; and
 - c. Report to Council within 7 working days, describing the manner and cause of the escape, steps taken to control it and prevent its occurrence and steps taken to prevent a reoccurrence.
44. The Consent Holder shall ensure that at the completion of the works, any newly established surfaces, grassed slopes and vegetated areas that were cleared or damaged as a result of construction, are revegetated in order to prevent sediment from entering the water.
45. The Consent Holder shall where practicable construct all structures using methods and materials non-toxic to aquatic life.
46. No machinery used for the exercise of this consent, shall enter, operate or excavate within water in the waterbodies during the exercise of this consent except for river crossings, which shall be kept to a minimum and located at the upstream end of riffles where possible.
47. Any damage caused by the Consent Holder to any access way or other assets as a result of the exercise of this consent shall be repaired to the satisfaction of the Consent Authority and at the Consent Holders expense.
48. The Consent Holder shall ensure that any materials, machinery or equipment from the activities authorised by this consent (including any temporary structures) are:
- a. not stored in or on the bed of any watercourse;
 - b. removed after completion of the activity;
 - c. disposed of in an appropriate manner where it will not adversely affect the stream channel or impede the flow of water.
49. The Consent Holder shall comply with all notices and guidelines issued by Biosecurity New Zealand (refer to www.biosecurity.govt.nz/didymo) in relation to avoiding the spread of the pest organism *Didymosphenia Geminata* (known as 'Didymo') and other freshwater pests.
50. In the event a spillage of chemicals occurs, or other such event, which may have a significant adverse effect on the quality of the water, the Consent Holder shall notify, as soon as reasonably practicable, the registered drinking-water supply operators concerned, the Medical Officer of Health and Drinking Water Assessor and the Manager, Gisborne District Council,

Earthworks & Erosion and Sediment Control

51. While borrow excavation is in progress, a vegetated strip of at least two metres wide will be left between the borrow excavation and the top of the riverbank for the purpose of sediment filtration. Any exemption to this minimum requirement will require pre-approval from the Regulatory Manager, Gisborne District Council.

Advice Note: *This will provide a sediment detention barrier that is intended to minimise sediment discharge into the nearby watercourse. In some cases, the vegetated strip will be less than 2 metres when there is insufficient space to enable this. An individual borrow area will typically remain open from two weeks on small jobs, through to 10 or 12 weeks on larger jobs if rain delays work. This buffer will need to be removed at the completion of each construction phase to ensure adequate drainage of the berms and to discourage siltation which decreases flood capacity.*

52. The Consent Holder shall minimise the time the borrow area is exposed by minimising the number of sites exposed at a time, and progressively exposing each borrow site only as needed. Multiple borrow areas supplying a long length of stopbank upgrade will similarly be reinstated in a progressive manner as the respective sections of stopbank they provide material for are completed.
53. Earthworks activities involving the stripping of the existing stopbank batter exceeding 500m in length, require site specific controls to be outlined in detail within Condition 9m (Staging Details).
54. The Consent Holder shall ensure that at the completion of the works, any newly established surfaces, grassed slopes and vegetated areas that were cleared or damaged as a result of construction, are revegetated in order to prevent sediment from entering the water.
55. The Consent Holder shall ensure that, where practicable, the borrow sites are appropriately stabilised by 30 May of each year unless otherwise certified in writing by Regulatory Manager, Gisborne District Council. Stabilisation shall be undertaken by providing adequate measures (vegetative and/or structural and including, pavement, metalling, re-vegetation and mulching) that will minimise erosion of exposed soil to the extent practical to avoid sediment run off.
56. Sediment control measures shall be installed prior to works and shall remain in place until any bare earth associated with the works has re-vegetated sufficiently to avoid sediment runoff.

Vegetation removal & disposal

57. Where any vegetation is removed that includes exotic plants such as willow and pampas, it is not to be disposed of in locations where such vegetation is not present. Exotic plants must be disposed of at a location and in a manner where it will not cause the spread of exotic plants. The disposal of exotic plants at a facility authorized to receive exotic vegetation will also satisfy this condition.

Waipaoa River Water Take

58. Water shall be taken from the Waipaoa River at a rate of take of no more than 30 litres per second and 1,000 cubic metres per day.
59. Water taken under this consent shall be only for general construction purposes such as dust suppression, wheel wash facilities, concrete 'make-up' water and reinstatement activities (minor irrigation of grass and vegetation).
60. The consent holder shall install, maintain and calibrate a suitable water meter and data logger in accordance with the *Resource Management (Measurement and Reporting of Water Takes) Regulations 2010*, record the water taken (instantaneous rate of take and volume) and return the records to the Council on a monthly basis. Advice note: Telemetry is not required.
61. Water authorised to be taken under this resource consent shall not be transferred or replaced upon expiry.
62. Mobile water take intake pumps shall be screened with mesh wire screen with gaps of a maximum of 1.5mm or as otherwise agreed in writing with the Regulatory Manager, Gisborne District Council.

Post Construction

63. All waste material shall be removed from the site on completion of the works and the shape of the streambed shall be reinstated to the predevelopment streambed profile or to a profile agreed to by the Regulatory Manager, Gisborne District Council.
64. The works shall remain the responsibility of the Consent Holder and shall 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 within ten (10) working days.
65. The Consent Holder shall be responsible for the continued maintenance of the culverts, stopbank and associated works and shall replace any parts of the works that may be dislodged through naturally occurring events; particularly should this compromise the integrity of the culvert, stopbank or impede access to the river or stream flow.