

**Appendix U: Conditions for Land Use Consent for Tower Foundation Drilling Below the Water Table – Consent Number 116904, Land Use Consent for Vegetation Clearance and Earthworks in a High-Risk Erosion Area – Consent Number 116902, and a Discharge Permit for Site Water and Drilling Fluids – Consent Number 116905**

**General**

1. The consent holder shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure that all personnel working on the site are made aware of the conditions of this resource consent and the Construction Management Plan and Erosion and Sediment Control Plan required under this consent, and shall ensure compliance with those conditions.
2. A copy of this resource consent shall be available to contractors undertaking the works at all times that physical works authorised by this consent are being undertaken, and shall be produced without unreasonable delay upon request from a servant or agent of the Waikato Regional Council.
3. The consent holder shall appoint one or more representatives prior to the exercise of this resource consent, that shall be the Waikato Regional Council's principal contact person(s) in regard to matters relating to construction works. At least 10 days prior to the works authorised by this consent, the consent holder shall inform the Waikato Regional Council of the representatives' names and how they can be contacted within the works period. Should the person(s) appointed as representative(s) change during the period of construction works, the consent holder shall immediately inform the Waikato Regional Council and shall also give written notice to the Waikato Regional Council of the new representatives' names and how they can be contacted.

**Construction Management Plan (CMP)**

4. A Construction Management Plan shall be prepared and have the purpose of ensuring that the activities within consent numbers 116902, 116904 and 116905, are managed in an integrated and effective manner, and in accordance with the conditions of consent. The Construction Management Plan shall outline the consent holder's intended approach to (as appropriate):

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- (a) storage and reuse of top soil;
  - (b) management and disposal of spoil;
  - (c) silt and dust control during earthwork stages;
  - (d) temporary activities and equipment storage in specified areas;
  - (e) water quality management;
  - (f) any contaminated land management procedures;
  - (g) construction dust;
  - (h) cultural and archaeological protocols (including discovery protocols);
  - (i) land stability management and water quality and sediment controls;
  - (j) geotechnical investigation techniques and management;
  - (k) vegetation clearance, disposal and restoration;
  - (l) community information and liaison procedures (including with landowners with regard to stock disturbance and effects on farm operations);
  - (m) quality assurance/quality control;
  - (n) engineering design details;
  - (o) detailed construction methods;
  - (p) an intended construction timetable (including staging if relevant);
  - (q) contractor training;
  - (r) generic contents of Site Works Plans (SWPs);
  - (s) an outline of procedures to be followed onsite to ensure compliance with consent conditions, rules in Regional Plans, legislation and regulations; and
  - (t) methodology and approval procedures for making changes to the Construction Management Plan.

5. The Construction Management Plan shall be submitted for the written approval of the Waikato Regional Council, acting in a technical certification capacity. The works authorised by this consent shall not be commenced prior to such approval of the Construction Management Plan.
6. Any changes to the Construction Management Plan shall be made in accordance with the methodology and approved procedures in that plan, and shall be confirmed in writing by the consent holder following consultation with the Waikato Regional Council before implementation.
7. The consent holder shall carry out all operations in general accordance with the provisions of the approved Construction Management Plan, and any subsequent changes.

**Earthworks, erosion and sediment control**

8. The consent holder shall submit an Erosion and Sediment Control Plan which is consistent with the Construction Management Plan required by condition 4, for the written approval of the Waikato Regional Council acting in a technical certification capacity, prior to the start of the earthworks authorised by this resource consent. This shall be submitted at least 20 working days prior to the activities authorised by this consent.

Information provided (as relevant) shall include:

- (a) details of all principles, procedures and practices that will be implemented for erosion and sediment control to minimise the potential for sediment discharge from the site;
- (b) the design criteria and dimensions of typical erosion and sediment control structures;
- (c) construction timetable for the erosion and sediment control works and any bulk earthworks involved;
- (d) timetable and nature of progressive site rehabilitation and re-vegetation proposed, including hydroseeding or other methods, as appropriate;
- (e) maintenance, monitoring and reporting procedures;
- (f) 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;

- (g) timing, circumstances and methodology for the removal of any erosion and sediment control installations;
  - (h) procedures and timing for review and/or amendment to the Erosion and Sediment Control Plan; and
  - (i) identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control activities.
- 9.** Erosion and sediment control measures shall be constructed and maintained in general accordance with the Waikato Regional Council document titled *Erosion and Sediment Control–Guidelines for Soil Disturbing Activities* (Technical Report No. 2002/01, dated May 2003), except where a higher standard is detailed in that document, in which case this higher standard shall apply.
- 10.** No works shall commence until the relevant Erosion and Sediment Control Plan required by condition 8 has been approved in writing by the Waikato Regional Council, acting in a technical certification capacity, and the following additional details have been provided for each site or group of sites and certified by the Waikato Regional Council:
- A site plan of a suitable scale and other details to identify:
- (a) the locations of any waterways;
  - (b) the extent of earthworks and vegetation removal;
  - (c) any ‘no-go’ and/or buffer areas to be maintained undisturbed adjacent to watercourses;
  - (d) all key erosion and sediment control structures;
  - (e) the boundaries and area of catchments contributing to all stormwater impoundment structures;
  - (f) the locations of all specific points of discharge to the environment;

- (g) site rehabilitation proposed, including any revegetation proposed and intentions for maintenance and/or removal of any erosion and sediment control measures; and
  - (h) any other relevant site information.
11. The consent holder shall exercise this consent in accordance with the approved Erosion and Sediment Control Plan, and any subsequent amendments.
12. Soil disturbance activities authorised by this resource consent that exceed 1000 cubic metres in volume shall not be undertaken during the period of 1 May to 30 September inclusive of any year, apart from minor maintenance works, unless approved in writing by the Waikato Regional Council in accordance with condition 8 and 10 of this consent.

**Advice note:**

1. *In considering a request for the continuation of winter earthworks in accordance with condition 12, the Waikato Regional Council will consider a number of factors, including:*
- the nature of the site and the soil disturbance proposed;*
  - the quality of the existing / proposed erosion and sediment controls;*
  - the compliance history of the site / operator;*
  - seasonal / local soil and weather conditions;*
  - sensitivity of the receiving environment; and*
  - any other relevant factor.*
13. The consent holder shall ensure that all sediment and erosion control structures are inspected on a weekly basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the controls. A record shall be kept of the date and time of inspections undertaken, any maintenance requirements identified and of maintenance undertaken to the erosion and sediment control structures. Records associated with the maintenance of the erosion and sediment control structures shall be made available to the Waikato Regional Council at all reasonable times.
14. All decanting earth bunds shall be sized at not less than two per cent of the contributing catchment, unless otherwise approved in accordance with condition 8.

**Construction activities**

15. The consent holder shall provide the Waikato Regional Council with an updated schedule of construction activities, completed in the previous month and intended for the following month, at the end of each month during the duration of the works.
16. Prior to works authorised by this consent commencing, the consent holder or its agent shall arrange and conduct a pre-construction meeting between the Waikato Regional Council, the consent holder and the primary contractor. If the construction authorised by this consent is undertaken on a staged basis, a pre-construction meeting shall take place prior to each stage.

**Stabilisation**

17. The works shall be stabilised against erosion as soon as practicable and in a progressive manner as earthworks are finished over the various sites covered by the consent.
18. The consent holder shall engage a suitably qualified geotechnical engineer to ensure that each individual cut slopes exceeding 3 metres in height and any spoil disposal site for more than 1,000 cubic metres of spoil material, will be stable and that appropriate drainage is installed at each such site.
19. Before the end of each working day, the consent holder shall ensure that all excavated material is contained and stable in a safe manner.

**Contaminant management**

20. No disturbed soil or debris or other material shall be deposited or placed in a position where it may enter any water body or cause diversion, damming or erosion of any waterway.
21. All machinery shall be operated in a manner which ensures that spillages of fuel, oil and similar contaminants are avoided, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities shall be carried out away from any water body such that any accidental spillage can be contained.
22. The consent holder shall notify the Waikato Regional Council as soon as is practicable, and as a minimum requirement within 12 hours, of the consent holder becoming aware of a spill of hazardous materials, fuel, oil, hydraulic fluid or other similar contaminants. The consent holder shall, within seven days of the incident occurring, provide a written report to the Waikato

Regional Council, identifying the possible causes, steps undertaken to remedy the effects of the incident and any additional measures that will be undertaken to avoid future spills.

### **Discharges**

23. The consent holder shall ensure that there shall be no erosion or scour as a result of a discharge.
24. There shall be no direct discharge to surface waters, and any discharge management structures shall be located at least 10 metres from any surface water.
25. The consent holder shall ensure that stock is excluded from all areas of work authorised by this consent where grazing, trampling or physical damage by stock may reduce the effectiveness of discharge management methods.

### **Artesian conditions**

26. If artesian conditions are encountered, the foundation shall be designed to seal the aquifer and prevent potential flowing artesian ground water, and to prevent any ground instability. Foundation completion shall be such that groundwater leakage under flowing artesian pressures is prevented.

### **Dust emissions**

27. All activities undertaken on-site shall be conducted and managed in a manner that ensures that all dust emissions are kept to a practicable minimum and in accordance with the provisions of the Construction Management Plan.

### **Archaeological sites**

28. The consent holder shall protect and manage archaeological sites in a manner consistent with the application documentation and the provisions of the Construction Management Plan, as follows:

#### *Known archaeological sites*

- (a) All relevant known archaeological sites within the Waikato region have been identified in the evidence of Brent Druskovich to the Board of Inquiry dated 31 January 2008 and 8 May 2008.

*Unknown archaeological sites*

- (b) In the event of archaeological evidence being uncovered (eg, shell, midden, hangi or oven pit depressions, defensive ditches, artefactual material or human bones), work is to cease in the vicinity of the discovery and a suitably qualified archaeologist is to be contacted so that appropriate action can be taken before work can recommence at the discovery site.

**Wāhi tapu**

29. Any wāhi tapu that is reasonably expected to be impacted by works authorised by this consent is to be addressed in accordance with the document entitled *Transpower North Island Grid Upgrade Project Draft Protocol for Dealing with Kōiwi or Taonga Unearthed during Construction and the Discovery of Sites of Significance, Wāhi Tapu, Heritage Sites and Archaeological Sites*, or its subsequent version.

**Works completion**

30. The consent holder shall ensure those areas of each site where earthworks activities have been completed are progressively stabilised against erosion as necessary as soon as practicable after completion of the works. Stabilisation shall be undertaken by providing adequate measures (vegetative and/or structural and which may include metalling, hydroseeding, revegetating and mulching or other appropriate method) that will minimise erosion of exposed soil.
31. The consent holder shall ensure that all clean water runoff from stabilised surfaces including catchment areas above and around each site shall be diverted away from the foundation area, and that the surface drainage incorporates adequate protection against erosion.

**Review condition**

32. The Waikato Regional Council may in December 2009 and each subsequent December serve notice on the consent holder under section 128(1) of the Resource Management Act 1991, of its intention to review the conditions of consent for the following purposes:
- (a) to review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions; or

- (b) to review the adequacy of and the necessity for monitoring undertaken by the consent holder.

**Advice notes:**

1. *It is expected that the works will be completed by December 2013.*
2. *All relevant conditions should be referred to within the contract documents.*
3. *The consent holder is advised that it will be required to pay to Waikato Regional Council any administrative charge fixed in accordance with section 36(1) of the Resource Management Act 1991, or any additional charge required pursuant to section 36(3) of the Resource Management Act 1991 in respect of this consent.*
4. *The consent holder is referred to section 124 of the Resource Management Act 1991, which provides for the exercising of a consent while applying for a new consent for the same activity.*
5. *The Waikato Regional Council has the power for its officers or agents to access the work site at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.*