

DESIGNATION & RESOURCE CONSENT ~~CONDITIONS~~ **CONDITIONS** – ~~17 JULY 2018~~ **6 August 2018 - Changes highlighted yellow**

DEFINITIONS DESIGNATION AND RESOURCE CONSENT CONDITIONS			REASON FOR SUGGESTED CHANGES
Application	The application for resource consents for the Project dated December 2017 and supporting information dated [to be updated]		
ADP	Accidental Discovery Protocol		
AEE	Assessment of Effects on the Environment Report		
CDMP	Construction Dust Management Plan		
Certification	The process of the Requiring Authority or Consent Holder submitting to the NPDC or TRC a management plan, design, drawing to for technical confirmation confirm that it complies with the technical requirements of these designation or resource consent conditions or the management plan to which the design or drawings relate.		Redrafted to reflect Commissioner's comments and discussions during the hearing with the Councils.
CLMP	Contaminated Land Management Plan		
Completion of Construction Works	When Construction Works for the Project are complete, and the new road is opened and available for use by highway traffic being the point at which the Transport Agency notifies the Council that practical completion of the construction works have been achieved Restoration plantings required under <u>Condition 29 may occur after Construction Works for the Project are complete.</u>		<u>To clarify that restoration planting work may continue past the point where construction works are complete.</u>
Consent Holder	NZ Transport Agency		
Construction Work(s)	Main construction works, including: <ul style="list-style-type: none"> • ground improvement works; • temporary and permanent drainage installation; • bulk earthworks (including cut and fill activities); • bridge and tunnel construction; • pavements and surfacing; • site reinstatement; • landscaping; and • installation of permanent road furniture and ancillary works. 		
CNMP	Construction Noise Management Plan		
COPMA	Core Offset Pest Management Area		
CTMP	Construction Traffic Management Plan		
COPTTM	NZ Transport Agency Code of Practice for Temporary Traffic Management		
CTMP	Construction Traffic Management Plan		
CWMP	Construction Water Management Plan		

DEFINITIONS DESIGNATION AND RESOURCE CONSENT CONDITIONS		REASON FOR SUGGESTED CHANGES
dB(A)	A unit of sound level which has its frequency characteristics modified by a filter (C-weighted) so as to account for the non-linear frequency response of the human ear at high noise level (typically greater than 100 decibels)	
DOC	Department of Conservation	
ELMP	Ecology and Landscape Management Plan	
Establishment Work(s)	Progressively opening up and establishing the site, including: <ul style="list-style-type: none"> • construction and/or widening of roads/tracks to access construction areas and install sediment control measures (e.g. sediment control ponds); • vegetation clearance; • establishment of construction yards; • establishing full width access tracks/haul roads; • installing remaining erosion and sediment controls; and • stream diversions. 	
Existing Network Utilities	All network utilities existing at the date of notification of the Notice of Requirement. Network utility has the same meaning as in section 166 of the Resource Management Act 1991	
KFG	Kaitiaki Forum Group	
LEDF	Landscape and Environment Design Framework	
Manager	Regulatory Manager of the New Plymouth District Council for the Designation Conditions and the Regulatory Manager of Taranaki Regional Council for the Resource Consent Conditions (excluding the Contaminated Land Management Plan)	
NPDC	New Plymouth District Council, including any officer of New Plymouth District Council	
Heritage New Zealand	Heritage New Zealand Pouhere Taonga	
Pest Management Areas	The 1085ha 3,650ha area that will be subject to pest management measures for biodiversity offsetting purposes	
PMA	Pest Management Area	
Planning Lead	New Plymouth District Council Planning Lead for the Designation Conditions	Update to definition following consideration of the NPDC Section 42A Report
PMP	Pest Management Plan	

DEFINITIONS DESIGNATION AND RESOURCE CONSENT CONDITIONS		REASON FOR SUGGESTED CHANGES
Preparatory Work(s)	Initial works to enable Establishment Works and Construction Works, such as: <ul style="list-style-type: none"> • site surveys; • investigations (including geotechnical investigations); • monitoring; and • <u>where:</u> <ul style="list-style-type: none"> • <u>the Permitted Activity standards in the operative Taranaki Regional Plans / New Plymouth District Plan are met;</u> • <u>a SCWMP has been prepared and the required controls are implemented;</u> • <u>and vegetation clearance is in accordance with the ELMP and CWMP;</u> land disturbance activities to establish site access, access tracks, construction yards, laydown areas and spoil disposal sites and associated erosion and sediment controls may commence.	
Project	The construction of a new section of SH3 generally between Uruti and Ahititi, north of New Plymouth that is approximately 6km in length and located to the east of the existing SH3 alignment, comprising all associated Work in the area shown as the proposed designation in Figure 1.1 of the AEE	
Project Area	The area shown as the proposed designation in Figure 1.1 of the AEE	
Requiring Authority	NZ Transport Agency	
RMA or 'the Act'	Resource Management Act 1991	
SCWMP	Specific Construction Water Management Plan	
SH3	State Highway 3	
Stabilised Area	An area inherently resistant to erosion such as rock, or rendered resistant by the application of aggregate, geotextile, vegetation or mulch, or as identified in the Construction Water Management Plan. Where vegetation is to be used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once an 80% vegetation cover has been established.	
Stabilisation	The activity to achieve a Stabilised Area	
Stage or Staging	A stage of the Works to construct the Project as identified in the, CEMP, CWMP or SCWMP	
TRC	Taranaki Regional Council, including any officer of Taranaki Regional Council	
TRoNT	Te Runanga o Ngāti Tama	
Work or Works	Establishment Works and Construction Works associated with the Project (to avoid doubt, this does not include Preparatory Works)	
Working Day	Has the same meaning as under section 2 of the Resource Management Act 1991	

TABLE OF CONTENTS FOR DESIGNATION CONDITIONS

Condition No.	Condition Content	Reason for the Change
1 - 2	In-g <u>General and administration accordance</u>	
3	Designation lapse and expiry	
4 and 4(a)	Cultural protocols {placeholder}	<u>Condition now included in condition set (was previously a placeholder)</u>
5 <u>4</u>	<u>Community Liaison Person</u>	<u>New condition following consideration of the NPDC Section 42A Report</u>
6	<u>Complaints</u>	<u>Condition moved following consideration of the NPDC Section 42A Report</u>
7	<u>Outline Plan</u>	<u>New condition following consideration of the NPDC Section 42A Report</u>
5-12-8-15	Management Plans - General	
13-14-16-18	Construction Environmental Management Plan	
15-17-19-21	Construction Noise Management Plan	
18-20-22-24	Construction Traffic Management Plan	
25-26	<u>Landscape and Environmental Design Framework</u>	<u>New condition following consideration of the NPDC Section 42A Report</u>
21-26-27-31	Ecology and Landscape Management Plan	
27-32-327(a)	Pest Management Plan	
28-29-33	Ecological <u>Pest Management Peer Review Panel</u>	<u>New condition to reflect discussions with DOC</u>
30-31-34-35	Accidental Discovery Protocol	
32-33-36-37	Access	
38 <u>5</u>	Network utilities	
39	<u>Construction Lighting</u>	<u>New condition following consideration of the NPDC Section 42A Report</u>
40	<u>Operational Lighting</u>	<u>New condition following consideration of the NPDC Section 42A Report</u>
41	<u>Engineering Review</u>	<u>New condition following consideration of the NPDC Section 42A Report</u>
42	<u>General Monitoring</u>	<u>New condition following consideration of the NPDC Section 42A Report</u>

DESIGNATION CONDITIONS

Designation conditions for the construction of a State highway, being the Mt Messenger Bypass Project:

Ref.	Designation Condition		Reason for the Change
	General and Administration		
1.	<p>(a) Except as modified by the conditions below, and subject to final design, the Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated December 2017, <u>the Drawing Set provided at the Hearing, and the final management plans dated May July [insert] 2018.</u></p> <p>(b) Except for the <u>work required under the Ecological and Landscape Management Plan (ELMP) and the Pest Management Plan (PMP) in Conditions 28, 27 – 32(a)</u>, none of the conditions apply to the on-going operation or maintenance of SH3 <u>once construction is complete and the new road is operational.</u></p> <p><u>(c)</u> Where there is conflict between the documents listed in (a) above and these designation conditions, these conditions shall prevail. Where there is an inconsistency between the information and plans lodged with the Notice of Requirement and information provided subsequently, the most recent plans and information shall prevail.</p> <p>(d) <u>The Requiring Authority shall provide the Council with an electronic file containing the designation boundaries in a DXF (or ACAD dwg file with version noted) file.</u></p>		<p><u>Proposed change following consideration of the NPDC Section 42A Report and further discussions with the Council.</u></p> <p><u>Date changed to reflect Commissioner's comments and the date is to be added by the Commissioner (if recommendation that the designation be approved).</u></p>
2.	<p>As soon as practicable following Completion of Construction Works, the Requiring Authority shall:</p> <p>(a) review the extent of the area designated for the Project;</p> <p>(b) identify any areas of designated land that are no longer necessary for the on-going operation or maintenance of SH3, or the mitigation or offsetting of effects of the Project; and</p> <p>(c) give notice to NPDC in accordance with section 182 of the RMA for the removal of those parts of the designation identified in (b) above.</p>		
3.	The designation shall lapse if not given effect to within 10 years from the date on which it is included in the New Plymouth District Plan under section 175 of the RMA.		<u>The Agency's legal submissions will address this condition further.</u>
	Cultural protocols		
4.	<p><u>At least three months prior to the Commencement of Construction, the Requiring Authority shall invite mandated representatives of Ngāti Tama to participate in a Kaitiaki Forum Group (KFG).</u></p> <p><u>(a) The KFG shall comprise up to 3 members who have been determined by Te Runanga o Ngāti Tama (TRoNT). From time to time, as appropriate, TRoNT may change the KFG membership and may also invite other iwi, iwi representatives or other Ngāti Tama members to attend KFG meetings. TRoNT</u></p>		<u>New condition to reflect cultural mitigation proposed by the Transport Agency.</u>

	<p><u>may appoint a chairperson to the KFG who would be responsible for confirming any advice from the KFG to the Requiring Authority and who will oversee the implementation of KFG activities.</u></p> <p><u>(b) The purpose of the KFG is to facilitate engagement between the Requiring Authority and Ngāti Tama in respect of the activities authorised by this designation and to enable Ngāti Tama to provide kaitiaki inputs to the design and construction of the Project.</u></p> <p><u>(c) The KFG will be invited to hold regular meetings (monthly) throughout the construction period. The KFG shall continue until six months after Completion of Construction.</u></p> <p><u>(d) The Requiring Authority shall record the main points arising from each meeting of the KFG, and shall provide a copy of that record to the meeting invitees within a reasonable time following the meeting.</u></p> <p><u>The Requiring Authority shall, on receipt of an itemised invoice, be responsible for paying all reasonable costs associated with the resourcing of the KFG to provide the kaitiaki inputs described in Condition 4 and Condition 4(a).</u></p>		
4(a).	<p>The KFG shall be <u>invited by the Requiring Authority to</u> provided opportunities by the Requiring Authority to participate in the following (amongst other things):</p> <p><u>(a) The development of the Project designs to incorporate cultural values into elements such as (but not limited to):</u></p> <p><u>(i) Cultural expression in artwork on road corridor features such as the tunnel, bridge and in landscape works and plantings.</u></p> <p><u>(ii) Water management principles.</u></p> <p><u>(iii) Biodiversity offset and ecological mitigation proposals implemented as part of the ELMP required by Condition 27.</u></p> <p><u>(iv) Signage of local features.</u></p> <p><u>(v) Naming of the new highway.</u></p> <p><u>(b) Review of the Accidental Discovery Protocol (as required by designation Condition 34) and any updates to this Protocol</u></p> <p><u>(c) The development and implementation of <u>agreed</u> cultural protocols / tikanga appropriate to stages of the works or activities (for example: blessings, accidental discoveries, vegetation clearance, relocation of animals)</u></p> <p><u>(d) The development of cultural indicators covering matters such as (but not limited to) traditional association, mahinga kai and cultural stream health measures. The Requiring Authority shall have regard to any cultural indicators provided in the preparation of the Cultural Monitoring Plan required under Condition 4(a)(e).</u></p> <p><u>(e) The development and implementation of a Cultural Monitoring Plan. The purpose of the Cultural Monitoring Plan is to set out the agreed cultural monitoring requirements and measures to be</u></p>		<p><u>New condition to reflect cultural mitigation proposed by the Transport Agency.</u></p> <p><u>Highlighted changes made to reflect Commissioner's concerns as to vires.</u></p>

	<p><u>implemented during construction activities, to acknowledge the historic and living cultural values of the area to Ngāti Tama and to minimise potential adverse effects on these values. The Plan shall be prepared by a person endorsed by the KFG and the Requiring Authority. Where the provisions of the Plan are not agreed by the Requiring Authority, reasons for the disagreement will be provided in writing to Ngati Tama and added to the agenda at the next KFG Forum in accordance with Condition 4.</u></p>		
	<p><u>Community Liaison Person</u></p>		
5.	<p><u>(a) The Requiring Authority shall appoint a Community Liaison Person for the duration of the construction phase of the Project to be the main and readily accessible point of contact for persons affected by construction works. If the liaison person will not be available for any reason, an alternative contact shall be provided, to ensure that a Project contact person is available by telephone 24 hours per day/seven days per week during the construction phase of the Project.</u></p> <p><u>(b) No less than one month prior to the commencement of construction, the Requiring Authority shall advise all key project stakeholders listed in the CEMP of the liaison person's name and contact details.</u></p> <p>(a)<u>(c) The Requiring Authority shall keep stakeholders and the wider public informed of the construction works, progress and timing and shall carry out communications in general accordance with the CEMP.</u></p> <p><u>(d) Recreational users (in particular hunters) shall be added to the list of 'Key Project Stakeholders' in the CEMP, prior to certification of the CEMP.</u></p>		<p><u>New condition following consideration of the NPDC Section 42A Report</u></p>
	<p><u>Complaints</u></p>		
6.	<p><u>(a) At all times during the Works, the Requiring Authority shall maintain a register of any complaints received alleging adverse effects from, or related to, the Works. The record shall include:</u></p> <p><u>(i) the name and address (where this has been provided) of the complainant;</u></p> <p><u>(ii) identification of the nature of the complaint;</u></p> <p><u>(iii) location, date and time of the complaint and of the alleged event;</u></p> <p><u>(iv) weather conditions at the time of the complaint (as far as practicable), including wind direction and approximate wind speed if the complaint relates to air discharges;</u></p> <p><u>(v) the outcome of the Requiring Authority's investigation into the complaint;</u></p> <p><u>(vi) measures taken to respond to the complaint; and</u></p> <p><u>(vii) any other activities in the area, unrelated to the Project, which may have contributed to the complaint (such as non-Project construction, fires, or unusually dusty conditions generally.</u></p> <p><u>(b) The Requiring Authority shall:</u></p>		<p><u>Moved condition following consideration of the NPDC Section 42A Report. This wording matches provisions of the CEMP</u></p>

	<p><u>(i) acknowledge the complaint within 2 working days;</u></p> <p><u>(ii) promptly investigate, identify the level of urgency in respect of the complaint and communicate that to the complainant; and</u></p> <p><u>(iii) take reasonable steps to remedy or mitigate the matters giving rise to the complaint if there are reasonable grounds for the complaint within 10 working days of receiving the complaint or such sooner time as may be reasonably necessary in the circumstances.</u></p> <p><u>(c) The Requiring Authority shall also maintain a record of its responses and any remedial actions undertaken.</u></p> <p><u>This record shall be maintained on site and shall be made available to the Planning Lead (or Nominee) upon request. The Requiring Authority shall provide the Planning Lead (or Nominee) with a copy of the complaints register every month.</u></p> <p><i>Advice Note: where for (b) and (c) there are a number of complaints relating to the same incident(s) the Requiring Authority may bundle those complaints together and provide one response in accordance with those conditions</i></p>		
	Outline Plans		
7.	<p><u>The Requiring Authority shall provide to the Council an Outline Plan (or Outline Plans) in accordance with the provisions of s176A of the RMA for the following elements of the Project, prior to their construction:</u></p> <p><u>(a) The tunnel control building;</u></p> <p><u>(b) The tunnel emergency water supply tanks;</u></p> <p><u>(c) The bridge over the Mimi swamp forest and the bridge at or about Chainage 2400; and</u></p> <p><u>(d) The car parking provided for access to the Kiwi Road and Mt Messenger Walking tracks.</u></p> <p><u>Any other Works carried out in general accordance with Condition 1 shall not be subject to the requirement for an Outline Plan to be submitted to NPDC.</u></p> <p><u>An Outline Plan shall be required under Section 176A of the RMA in respect of matters not in accordance with Condition 1.</u></p>		<u>Proposed change following consideration of the NPDC Section 42A Report</u>
	Management Plans – General		
6.	<p>The Requiring Authority shall, in accordance with conditions 6 and 7, provide to the Manager all of the management plans for the Project prior to the commencement of Works. The management plans:</p> <p>(b) provide the overarching principles, methodologies and procedures for managing the effects of construction of the Project to achieve the environmental outcomes and performance standards required by these conditions; and</p> <p>(a) shall be finalised, maintained and implemented in general accordance with the draft management plans included with the documents and information provided in support of the Notice of Requirement.</p>		<u>Condition deleted as finalised management plans provided with the Transport Agency's evidence</u>

<p><u>7.8.</u></p>	<p>All Works shall be carried out in general accordance with the plan set [Volume 2 of the application documentation] <u>Condition 1</u> and the management plans required <u>authorised</u> by these designation conditions and attached as appendices to, which are the Construction Environmental Management Plan, which are (CEMP) [dated May/July [Insert] 2018] and the following documents provided as appendices to the CEMP:</p> <ul style="list-style-type: none"> (a) Construction Noise Management Plan (CNMP); (b) Construction Traffic Management Plan (CTMP); (c) Ecology and Landscape Management Plan (ELMP); and (d) Pest Management Plan (PMP); <u>(e) Accidental Discovery Protocol (ADP);</u> <u>(f) Landscape and Environmental Design Framework (LEDF);</u> <u>(g) Control of a Spill Procedure; and</u> <u>(e)(h) Incident Reporting and Investigation.</u> <p><i>Advice note:</i> <i>In addition to the abovementioned plans, the CEMP shall also include copies of the management plans required under the resource consents, being: the Contaminated Land Management Plan (CLMP), the Construction Water Management Plan (CWMP) and any associated Specific Construction Water Management Plans (SCWMP), and the Construction Dust Management Plan (CDMP). The requirements for these additional plans shall be determined in accordance with the relevant Resource Consent Condition(s).</i></p>	<p><u>Changes to condition following consideration of the NPDC Section 42A Report</u></p> <p><u>Date changed to reflect Commissioner's comments and the date is to be added by the Commissioner (if recommendation that the designation be approved).</u></p>
<p><u>8.9.</u></p>	<p>The Requiring Authority shall provide the updated CEMP, CNMP and CTMP, to the Manager Planning Lead (or Nominee) at least 30 working days before the all of the management plans required under Condition 8 for the Project at least 5 working days prior to the commencement of Works. The Requiring Authority shall consider any comments received from the Manager when finalising each management plan. If the Requiring Authority has not received comments from the Manager within 15 working days of providing The management plan, the Requiring Authority may finalise and implement the management plan accordingly. plans:</p> <ul style="list-style-type: none"> <u>(a) provide the overarching principles, methodologies and procedures for managing the effects of construction of the Project to achieve the environmental outcomes and performance standards required by these conditions; and</u> <u>(a)(b) shall be maintained and implemented by the Requiring Authority during construction.</u> <u>(b) The Requiring Authority shall provide the final management plan to the Manager at least 5 working days before the commencement of Works.</u> <p><i>Advice note: Pursuant to condition 1(a), the final management plan shall be updated in accordance with the draft management plan provided to the hearing panel as part of the consent application. The Requiring Authority shall take into account any comments received from the TRC Manager when finalising the management plan.</i></p>	<p><u>Condition change to reflect that finalised management plans are provided with the Transport Agency's evidence</u></p> <p><u>Deletions to reflect Commissioner's comments as to certainty - if approved the plans are done and are attached to the decision (therefore do not need to be provided again).</u></p>

	<p>(b) — The Requiring Authority shall provide the updated ELMP and PMP to the Manager, TRoNT and DoC at least 30 working days before the commencement of Works. The Requiring Authority shall consider any comments received from the Manager, TRoNT and DoC when finalising the ELMP and PMP. If the Requiring Authority has not received comments from the Manager, TRoNT, or DoC within 15 working days of providing the management plans, the Requiring Authority may finalise and implement the management plan accordingly.</p> <p>(c) — The Requiring Authority shall provide the final ELMP and PMP to the Manager, TRoNT, and DoC at least 5 working days before the commencement of Works.</p> <p><i>Advice note: Pursuant to condition 1(a), the final management plan shall be updated in accordance with the draft management plan provided to the hearing panel as part of the consent application. The Requiring Authority shall take into account any comments received from the TRC Manager when finalising the management plan.</i></p>	<p>Condition deleted as finalised management plans provided with the Transport Agency's evidence</p>
<p>9.10.</p>	<p>The Requiring Authority may make minor <u>reasonable</u> amendments to the finalised management plans <u>described in Condition 8</u> at any time. Reasonable <u>A minor</u> amendment is any amendment where the adverse environmental effect arising from the amendment is the same or less than the effect <u>that would result in the absence of the amendment</u> anticipated in the final management plan provided under conditions 7 or 8. In addition, any changes to the management plans shall remain consistent with the overall intent of the <u>final originally finalised</u> management plan. The Requiring Authority shall provide the <u>Manager Planning Lead (or Nominee)</u> with a copy of any amendment as soon as practicable and before Works associated with that amendment are implemented.</p> <p><u><i>Advice note: reasonable means minor</i></u></p>	<p><u>Condition change to reflect that finalised management plans are provided with the Transport Agency's evidence and following consideration of the NPDC Section 42A Report and further discussions with NPDC.</u></p>
<p>10.11.</p>	<p>(a) The Requiring Authority may make material amendment <u>amendments</u> to the finalised management plans at any time subject to the certification of the <u>Manager Planning Lead (or Nominee)</u>. Material amendment is <u>any amendment that is in general accordance with Condition 1, but is not a minor amendment in accordance with Condition 10.</u> amendment where there is an adverse (beyond de minimis) environmental effect above that anticipated in the final management plan provided under conditions 7 or 8.</p> <p>(b) Any material changes <u>amendments</u> to the management plans shall be consistent with the overall intent of the <u>originally finalised</u> management plan.</p> <p>(c) In the event of material amendment to a management plan, the Requiring Authority must submit the amendment to the <u>Manager Planning Lead (or Nominee)</u> for certification 20 working days before the commencement of the relevant Works. <u>The Planning Lead (or Nominee) will carry out best endeavors to consider the management plans within 120 working days, noting that expert input may be required before certification can be provided. NPDC shall, within a reasonable timeframe either confirm in writing to the Requiring Authority that the material amendment is certified, declined, or request that the Requiring Authority incorporate changes suggested by the Council. Where the Requiring Authority and NPDC are unable to agree on the finalisation of material amendments to management plans, the</u></p>	<p><u>Condition change to reflect that finalised management plans are provided with the Transport Agency's evidence and following consideration of the NPDC Section 42A Report and further discussions with NPDC.</u></p> <p><u>Date changed to reflect timing as identified by the Commissioner – if plan to be provided 20 WD before works commence having a 20 WD timeframe for comment does not work.</u></p>

	<p>resolution process stipulated under Condition 14 shall be followed. If the Manager has not provided comment or certification within 10 working days, the Requiring Authority may finalise the amended management plan.</p> <p>— The Requiring Authority shall provide the <u>The Manager Planning Lead (or Nominee)</u> with a copy of a material shall certify that the amendment to a <u>is consistent with the relevant management plan</u> condition and that it meets the other requirements set out in these designation conditions.</p> <p><u>Works unaffected by the amendment may continue.</u></p> <p>-working days before the commencement of the relevant Works.</p>		
11.12.	<p><u>(a) Preparatory Works and all Works that are a Permitted Activity in the New Plymouth District Plan can be carried out at any time, provided the Permitted Activity standards are met.</u> can commence prior to the certification finalisation of the management plans, except for vegetation clearance which shall be carried out in accordance with the relevant management plans.</p> <p><u>(a)(b) At least 5 days prior to the commencement of Preparatory Works, the Requiring Authority shall notify the Planning Lead (or Nominee) that it intends undertaking the works, and shall confirm that all measures required by the management plans described in Condition 8 will be implemented over the duration of the works.</u></p>		<u>Updated following discussion with NPDC.</u>
12.13.	All personnel involved with the construction of the Project shall be made aware of, and have access to, all conditions and management plans applicable to the construction of the Project. Copies shall be kept on site at all times.		
13.14.	<p>(a) In the event of any dispute, disagreement or inaction arising about the <u>content or</u> implementation of the management plans, matters shall be referred in the first instance to the <u>Manager Planning Lead</u>, and to the Requiring Authority's Construction Manager (as described in the CEMP), to determine a process of resolution.</p> <p>(b) If a resolution cannot be agreed under (a) within 15 working days, the matter shall be referred within 10 working days to an independent appropriately qualified <u>expert person</u>, acceptable to both parties ('mediator'), setting out the details of the matter to be referred for determination and the reasons the parties do not agree.</p> <p>(c) The <u>expert mediator</u> shall, as soon as possible, issue a decision on the matter.</p> <p>(d) The decision of the <u>expert mediator</u> on the implementation of the management plan is binding and shall be implemented by the Requiring Authority.</p> <p>(e) <u>The dispute resolution process above will be applied before any formal enforcement action is taken by NPDC, except in urgent situations.</u></p>		<p><u>Change to condition following consideration of the NPDC Section 42A Report.</u></p> <p><u>The Commissioner raised a question about the vires of the 'mediator' which will be addressed in legal submissions.</u></p> <p><u>(e) is deleted to ensure certainty that the Council's prosecution role is not compromised.</u></p>
14.15.	The Requiring Authority shall undertake an annual review of all management plans that takes into account (this is not an exclusive list):		<u>Change to condition following consideration of the NPDC Section 42A Report and further discussions with NPDC</u>

	<p>(a) Compliance with the Project consent and designation conditions, the CEMP and management plans.</p> <p>(f) Any significant changes to construction activities or methods, <u>and/or any unanticipated more than minor adverse effects resulting from the Construction Works.</u></p> <p>(g) Key changes to roles and responsibilities within the Project team.</p> <p>(h) Results of inspections, monitoring and reporting procedures associated with the monitoring of adverse effects during construction.</p> <p>(i) Comments or recommendations from NPDC regarding the CEMP and management plans.</p> <p>(j) Comments or recommendations from <u>KFC/TrONT</u> or DOC regarding the ELMP and PMP.</p> <p>(k) Unresolved complaints and any response to complaints and remedial action taken to address the complaint.</p> <p>The outcome of this review shall be provided to the <u>Planning Lead (or Nominee) Manager.</u> <u>Material changes to any management plan(s) resulting from the annual review shall be subject to certification under Condition 11. Where recommendations are not accepted by the Requiring Authority reasons shall be provided.</u></p> <p><u>Annual review of the management plans shall cease following the Completion of Construction Works, except that review of the ELMP and PMP shall continue to be carried out in accordance with the reporting and review required under Condition 31.</u></p> <p><i>Advice note: comments or recommendations regarding the CEMP and management plans may also be received from TRC under the resource consent conditions.</i></p>		
	<p>Construction Environmental Management Plan</p>		
<p><u>15.16.</u></p>	<p>The <u>Requiring Authority shall finalise have in place until the Completion of Construction Works a</u> Construction Environmental Management Plan (CEMP) <u>dated [insert], to provides</u> an overarching framework to ensure that the Project remains within the limits and standards required by these conditions and that Works appropriately avoid, remedy, mitigate or offset <u>more than minor</u> adverse effects on the environment. <u>The CEMP shall remain in place until the Completion of Construction Works.</u></p>		<p><u>Condition change to reflect that finalised management plans are provided with the Transport Agency's evidence and following consideration of the NPDC Section 42A Report</u></p> <p><u>Changes reflect comments from the Commissioner as to certainty of wording should the designation be approved. Commissioner to include date.</u></p>
<p><u>16.17.</u></p>	<p>The <u>CEMP shall includes,</u> but need not be limited to, details of:</p> <p>(a) staff and contractors' responsibilities;</p> <p>(b) training requirements for employees, sub-contractors and visitors;</p> <p>(c) environmental incident and emergency management (including the procedures required under regional consent condition <u>67GEN.8</u>);</p> <p>(d) communication and interface procedures;</p>		<p><u>Change to designation condition numbers</u></p> <p><u>Change reflects comments from the Commissioner as to certainty of wording should the designation be approved.</u></p>

	<p>(e) environmental complaints management <u>(in accordance with condition 6)</u>;</p> <p>(f) compliance monitoring;</p> <p>(g) environmental reporting;</p> <p>(h) corrective action;</p> <p>(i) environmental auditing;</p> <p>(j) construction lighting;</p> <p>(k) rehabilitation of construction yards;</p> <p>(l) the methods to engage with stakeholders, including:</p> <p>(i) how the community will be kept informed of progress with Works, including proposed hours of operation outside normal working hours and Project construction personnel contact details;</p> <p>(ii) how the Requiring Authority will engage with the community in order to foster good relationships and to provide opportunities for learning about the Project;</p> <p>(iii) providing early information on key Project milestones;</p> <p>(iv) identifying stakeholders such as landowners, road users, local community, iwi, regulatory authorities, industry, network utility operators, road maintenance contractors, emergency services; and</p> <p>(v) responding to queries and complaints (in accordance with condition 633); and</p> <p><u>(m) CEMP review (in accordance with condition 1415); and</u></p> <p>The CEMP shall also set out;</p> <p><u>(n) construction methodologies and construction timeframes, including Staging.</u></p>													
18.	<p><u>The Requiring Authority shall appoint a representative(s) who shall be the NPDC's principal contact person(s) in regard to matters relating to the designation conditions for the Project. The Requiring Authority shall inform the Council of the representative's name and how they can be contacted, prior to the commencement of construction. Should that person(s) change during the construction of the Project, the Requiring Authority shall immediately inform the NPDC and provide confirmation of the new representative's name and contact details.</u></p>		<p><u>New condition following consideration of the TRC Section 42A Report and to provide consistency between the designation and consent conditions.</u></p>											
	<p>Construction Noise and Construction Noise Management Plan</p>													
17.19.	<p>Construction noise shall, subject to the exceptions provided for in the Construction Noise Management Plan (CNMP) set out in conditions 1820 and 1921, comply with the following criteria in accordance with NZS6803: 1999:</p> <table border="1" data-bbox="371 1749 1780 1879"> <thead> <tr> <th></th> <th>Time period</th> <th>dB LAeq</th> <th>dB LAFmax</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Weekdays</td> <td>0630-0730</td> <td>55</td> <td>75</td> </tr> <tr> <td>0730-1800</td> <td>70</td> <td>85</td> </tr> </tbody> </table>		Time period	dB LAeq	dB LAFmax	Weekdays	0630-0730	55	75	0730-1800	70	85		<p><u>Change to designation condition numbers</u></p>
	Time period	dB LAeq	dB LAFmax											
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19(a).	<p><u>Should the Requiring Authority not enter into an agreement with the landowner to rent or otherwise occupy the dwelling at 2397 Mokau Road during construction:</u></p> <p>(a) <u>operation of the spoil disposal site at 2397 Mokau Road shall be limited to Monday to Saturday 0730 to 1800 (no works are permitted on Sundays, public holidays or between 1800 and 0730 Monday to Saturday); and</u></p> <p>(b) <u>Noise mitigation at this site shall be implemented in accordance with the CNMP.</u></p>		<p><u>New condition following consideration of the NPDC Section 42A Report</u></p>																																			
18.20.	<p>The Requiring Authority shall finalise <u>have in place until the Completion of Construction Works a</u> CNMP <u>dated [insert]</u> for the Project to identify <u>how it the Requiring Authority</u> will manage effects from construction noise that will exceed the criteria in condition 17.19. <u>The CNMP shall remain in place until the Completion of Construction Works.</u></p> <p>The CNMP shall be in accordance with:</p> <p>(a) the requirements of Annex E to NZS 6803:1999; and</p> <p>(b) the NZ Transport Agency State highway construction and maintenance noise and vibration guide (2013).</p>		<p><u>Condition change to reflect that finalised management plans are provided with the Transport Agency's evidence</u></p> <p><u>Changes reflect comments from the Commissioner as to certainty of wording should the designation be approved. Commissioner to include date.</u></p>																																			
19.21.	<p>The CNMP shall include, but need not be limited to:</p> <p>(a) the general hours of work for the Project;</p> <p>(b) the details of any activities that may be undertaken outside of the general hours of work for the Project;</p> <p>(c) procedures to comply with NZS6803:1999;</p> <p>(d) the details of any activities that may not comply with NZS6803:1999 and measures to mitigate construction noise from those activities as far as practicable to ensure the effects are appropriate;</p>		<p><u>Change reflects comments from the Commissioner as to certainty of wording should the designation be approved.</u></p>																																			

	<p>(e) the necessary setbacks for specific construction plant and equipment in relation to residential dwellings; and</p> <p>(f) the management and communication procedures for Works that may not comply with NZS6803:1999.</p>		
	Construction Traffic Management Plan		
<u>20-22.</u>	<p>The Requiring Authority shall finalise have in place until the Completion of Construction Works a Construction Traffic Management Plan (CTMP) dated [insert] for the Project that identifies how it the Requiring Authority will manage construction traffic to:</p> <p>(a) protect public safety;</p> <p>(b) minimise delays to road users;</p> <p>(c) minimise disruption to property access; and</p> <p><u>(d) inform the public about any potential impacts on the road network.</u></p> <p><u>The CTMP shall remain in place until the Completion of Construction Works.</u></p>		<p><u>Condition change to reflect that finalised management plans are provided with the Transport Agency's evidence</u></p> <p><u>Changes reflect comments from the Commissioner as to certainty of wording should the designation be approved. Commissioner to include date.</u></p>
<u>21-23.</u>	<p>The CTMP shall includes, but need not be limited to:</p> <p>(a) details of traffic management activities and sequencing proposed for the Project;</p> <p>(b) methods for managing construction related traffic movements;</p> <p>(c) provisions to ensure that, as far as practicable, road users will not be held up by construction activities for an unreasonable period of time (such time period to be specified); and</p> <p>(d) provisions for emergency services to have access along SH3 24 hours per day, unless construction requires the temporary closure of a road, in which case, prior to any temporary closure, an emergency action plan shall be developed and agreed with emergency services to provide for access for the duration of that closure.</p>		<p><u>Change reflects comments from the Commissioner as to certainty of wording should the designation be approved.</u></p>
<u>22-24.</u>	<p>The CTMP shall comply with the version of the NZ Transport Agency Code of Practice for Temporary Traffic Management (COPTTM) which applies at the time the Plan is prepared. Where it is not possible to adhere to the COPTTM, the COPTTM's prescribed Engineering Exception Decision process shall be followed.</p>		
	<u>Landscape and Environmental Design Framework</u>		
<u>25.</u>	<p>The Requiring Authority shall ensure that detailed design of the Project is informed by the LEDF dated [insert] informs detailed design, including consideration of the following:</p> <p><u>(a) Restoration planting</u></p> <p><u>Extensive revegetation of riparian margins and areas of pasture, as further detailed in the ELMP. The revegetation is to use indigenous species eco-sourced from the area, and planted to reflect natural</u></p>		<p><u>New condition following consideration of the NPDC Section 42A Report</u></p> <p><u>Changes reflect comments from the Commissioner as to certainty of wording should the designation be approved. Commissioner to include date.</u></p>

patterns. Planting techniques are to use enrichment planting to mimic succession. Revegetation is to be coordinated between ecological restoration experts, landscape experts and Ngāti Tama.

(b) *Naturalisation of stream diversions*

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

(c) *Retention of significant trees and vegetation*

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

(d) *Cut batters*

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

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

(e) *Fill batters*

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

(f) *Surplus fill disposal*

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

(g) *Bridge design*

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

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

(h) *Cycling shoulder*

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

(i) *Access and stopping places*

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

(j) *Cultural expression and kaitiakitanga*

	<u>Expression by Ngāti Tama of their cultural presence and kaitiakitanga integrated into the detailed design and mitigation through such aspects as involvement in the restoration of natural systems, design and finish of the tunnel portals and bridge, naming of elements (such as tunnel and bridge), and dedicating the large trees to be removed for cultural purposes.</u>		
<u>26.</u>	<u>Prior to construction of any particular part of the Construction Works, the Requiring Authority shall arrange a peer review by a suitably qualified and experienced landscape architect to verify that the detailed design is in general accordance with the LEDF, and shall provide written confirmation of such verification to the Planning Lead (or Nominee).</u> <u>Advice note: This Condition does not apply to Preparatory Works or Establishment Works.</u>		<u>New condition following consideration of the NPDC Section 42A Report</u>
	Ecology and Landscape Management Plan		
<u>23-27.</u>	The Requiring Authority shall finalise the <u>have in place and implement an</u> Ecology and Landscape and Management Plan (ELMP) dated [insert] to identify how the Project will avoid, remedy, mitigate, and offset <u>and compensate for</u> potential adverse effects on the ecological values , <u>landscape</u> and biodiversity values of the land within the Project Area and its surrounds; as well as pre and post Works monitoring.		<u>Condition change to reflect that finalised management plans are provided with the Transport Agency's evidence</u> <u>Changes reflect comments from the Commissioner as to certainty of wording should the designation be approved. Commissioner to include date.</u>
<u>24-28.</u>	The ELMP shall address how the Project will avoid, remedy, mitigate, and offset <u>and compensate adverse</u> effects on ecological, <u>landscape and biodiversity</u> values, including: (a) vegetation / habitat (including wetlands); (b) herpetofauna (lizards); (c) bats; (d) avifauna; <u>(e) peripatus;</u> <u>(f) fish, kōura and kākahi; and</u> <u>(g) streams; and</u> <u>(h) rehabilitation and restoration planting.</u>		<u>Change to reflect finalised ELMP, consideration of the NPDC Section 42A Report and discussions with DOC and Forest and Bird</u> <u>Changes reflect comments from the Commissioner as to certainty of wording should the designation be approved.</u>
<u>25-29.</u>	The ELMP Requiring Authority shall include the following <u>undertake</u> ecological mitigation and ecological <u>biodiversity</u> offset measures <u>in accordance with the ELMP, including: to achieve:</u> Pest management measures described in the Pest Management Plan referred to in condition 28. (a) <u>Vegetation</u> (i) <u>The retention, where possible, of the high value ecological areas identified in Figures 4.1 and 4.2 of the ELMP.</u>		<u>Change to reflect finalised ELMP, consideration of the NPDC Section 42A Report and discussions with DOC and Forest and Bird</u> <u>Changes in response to questions from the Commissioner and Councils.</u>

- (ii) Prior to vegetation removal, the appropriate delineation of vegetation to be cleared.
- (iii) Vegetation will be cleared only prior to Works beginning in the Project Area in order to reduce habitat effects and reduce the potential for erosion and sediment generation.
- (iv) The relocation or cultivation of threatened plants found within the Project Area.
- (v) The staging of restoration planting and landscape treatments in relation to the construction programme to reduce the potential for erosion and sediment generation.
- (vi) Supervision of vegetation clearance by a suitably qualified person.
- (vii) Restoration planting as follows of:
 - (1) At least 6ha of kahikatea swamp forest; and
 - (2) 9ha At least 8.389ha of dryland planting using an appropriate mix of plant seedlings.
 - (3) Planting of at least 200 seedlings of the same species for each significant tree that is felled, as identified shown on the Landscape Concept Plans in the LEDE.
 - (4) Riparian planting and exclusion from livestock of up to 8.9km at least 8.4558.627km of existing stream, or if culvert or stream diversion lengths are reduced in the detailed design, the length of existing stream that is calculated by the Stream Ecological Valuation method. Riparian margins of an average of 10m each side of the channel stream will be created and planted.
 - (4a) Following the completion of stream works and vegetation clearance, the Requiring Authority shall measure the extent of stream works and vegetation clearance and shall reassess the extent of restoration planting required under Conditions 29(a)(vii) (2), (3) and (4), using the methodology set out in the ELMP. The Requiring Authority shall prepare and provide a report to the Planning Lead (or Nominee) confirming the restoration planting required. If more restoration planting is required the extent of the restoration planting required and provide the report to the Planning Lead (or Nominee) for shall certification the calculation of the additional planting is in accordance with the ELMP prior to the commencement of restoration planting. If the recalculation results in lesser restoration planting the minimum provisions in (1) to (4) shall be provided.

Advice Note: certification of the report shall be carried out in accordance with the certification process set out in Condition 11(c).

- (5) Landscaping design and treatments (landform and planting), including rehabilitation of all areas used for temporary work and construction yards. Relocation or cultivation of threatened plants found

(6) All new plantings shall be eco-sourced from the North Taranaki Ecological District

(7) Where the restoration planting is to occur on land not owned by the Requiring Authority, the Requiring Authority shall secure the necessary rights to carry out the planting.

(8) (a) The Requiring Authority shall complete restoration planting within three planting seasons of the Completion of Construction Works, unless natural conditions during Construction Works result in poor seed production or poor seed condition and adversely limits seedling propagation for indigenous plant species, in which case completion would be delayed to reflect the availability of suitable seedlings.

(b) Should there be a delay in the completion of restoration planting due to the availability of suitable seedlings as described in (a) above, the Requiring Authority shall provide the Planning Lead (or Nominee) with an amended timeframe and complete the planting as soon as reasonably possible within that timeframe, informing the Planning Lead (or Nominee) when planting is complete.

(b) Herpetofauna:

(i) The salvage and relocation to minimise loss of herpetofauna in accordance with the ELMP, within the Project Area.

(ii) The establishment of a predator fenced pest free area at least 1 ha in size, around a suitable habitat where striped skink have recently been recorded.

(c) Bats:

(i) The Vegetation Removal Protocol (VRP) set out in Annex DH of the 'NZ Transport Agency (the Transport Agency) research report 623 'Effects of land transport activities on New Zealand's endemic bat populations: reviews of ecological and regulatory literature' (Smith et al. 2017)' shall apply to:

(1) all trees greater than 80cm diameter at chest height, and

(2) all trees between 50cm and 80cm diameter at chest height which are classified by a specialist bat ecologist as having features suitable for bat roosting, such features being five or more nested epiphytes located on horizontal branches or sufficient damage to the tree crown or trunk that could provide roosting voids..

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

(d) Avifauna:

(i) The tracking and monitoring of kiwi throughout construction, and the relocation of kiwi where necessary, and the design and implementation of kiwi exclusion fencing where required, along the road corridor.

(ii) Monitoring of Australasian bittern prior to construction and installation of fencing as required during construction, should bittern be recorded in the Project Area.

(e) Peripatus

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

(f) Fish, kōura and kākahi:

(i) The recovery of fish, kōura and kākahi prior to instream works.

(ii) The rescue of fish, kōura and kākahi from any spoil.

(iii) The relocation of fish, kōura and kākahi.

(iv) The design of fish passage provisions for culverts shall be informed by the NZ Transport Agency's "Fish passage guidance for state highways" (August 2013) guidelines.

(g) Streams

(i) The design and construction of reinstated and diverted streams in accordance with the Stream Ecological Design Principles attached to the LEDF.

(h) Pest management:

(i) The implementation of the Pest Management Plan referred to in condition 32.

~~Where pest management is to occur on land not owned by the Requiring Authority, the Requiring Authority shall secure the necessary rights to carry out the required pest management.~~

~~In addition, the ELMP shall describe:~~

~~(a) The physical mechanisms (e.g. fences) to protect the restoration and riparian planting described in this condition from clearance and / or livestock, on an ongoing basis.~~

~~(b) The legal mechanisms to protect the restoration and riparian planting described in this condition on an ongoing basis.~~

~~The measures proposed for biosecurity management, including the management of risk associated with myrtle rust, and the management of pest plants and pest animals. The staging of planting and landscape treatments in relation to the construction programme.~~

~~The ELMP shall also include maps showing:~~

	<p>existing vegetation types for all areas of proposed mitigation plantings, to determine if these will result in habitat gain; and</p> <p>(i) the location and extent of the stream reaches proposed for restoration works.</p>		
29A	<p>(a) The ELMP shall describe:</p> <p>(i) The physical mechanisms (e.g. fences) to protect the restoration and riparian planting described in this Condition 29 from clearance and / or livestock, on an ongoing basis.</p> <p>(ii) (ii) The legal mechanisms to protect the restoration and riparian planting described in this Condition 29 on an ongoing basis.</p> <p>(iii) (iii) The measures proposed for biosecurity management, including the management of risk associated with myrtle rust, and the management of pest plants and pest animals.</p> <p>(b) The ELMP shall include maps showing:</p> <p>(i) existing vegetation types for all areas of proposed mitigation plantings, to determine if these will result in habitat gain;</p> <p>(ii) the location and extent of the stream reaches proposed for restoration works; and</p> <p>(iii) the location of possible lizard enclosure areas.</p>		Changes reflect comments from the Commissioner as to certainty of wording should the designation be approved.
29B	<p>The Requiring Authority shall seek to achieve the following performance targets, in accordance with the ELMP:</p> <p>(a) A 20% increase in relative abundance for kiwi, tui, bellbird, kereru, whitehead, long-tailed cuckoo, fernbird, North Island Robin in the PMA, monitored in accordance with Condition 30(h), within 12 years of the Completion of Construction Works.</p> <p>(b) For the restoration planting required under condition 29(a)(vii)(1) and (2), 80% canopy cover 6 years following planting, in the areas where trees and shrubs are planted. If 80% canopy cover has not been achieved within 6 years following planting, any necessary replacement planting and planting maintenance shall continue beyond year 6 until 80% canopy cover is achieved.</p> <p>(c) For each significant tree felled, 90% survival of the 200 planted trees required by Condition 29(a)(vii)(3), within 6 years following planting. If 90% plant survival has not been achieved within 6 years following planting, any necessary replacement planting and planting maintenance shall continue beyond year 6 until 90% survival is achieved.</p>		Change to reflect finalised ELMP, consideration of the NPDC Section 42A Report and discussions with DOC and Forest and Bird
26-30.	<p>The ELMP Requiring Authority shall include the following undertake monitoring in accordance with the ELMP as follows:</p> <p>(a) Pre-construction vegetation monitoring to provide more detailed baseline information on forest condition, including the composition and abundance of palatable vegetation, and the condition of the forest canopy.</p>		Change to reflect finalised ELMP, consideration of the NPDC Section 42A Report and discussions with DOC and Forest and Bird

	<p>(b) Pre-construction survey of wetland vegetation composition and structure to assist planning for the swamp forest restoration planting.</p> <p>(c) Survey of actual vegetation loss immediately following Completion of <u>resulting from</u> Construction Works, <u>in accordance with Condition 29(a)(vii)(4a).</u></p> <p>(d) <u>Pre-construction and construction water quality monitoring, as described in the Construction Water Discharges Monitoring Program in the CWMP.</u></p> <p>(e) <u>Macroinvertebrate monitoring.</u></p> <p>(f) <u>Fish monitoring, including the monitoring of fish passage at selected culverts.</u></p> <p>(g) <u>A North Island brown kiwi radio-tracking programme, during construction, conducted by a suitably qualified ecologist.</u></p> <p>(h) <u>Outcome monitoring within the PMA. This monitoring will include:</u></p> <p>(i) <u>Monitoring of kiwi, tui, bellbird, kereru, whitehead, long-tailed cuckoo, fernbird, North Island Robin conducted for up to 12 years, at 3-yearly intervals, following the onset of the pest management measures described in Conditions 32 and 32(a).</u></p> <p>(ii) <u>Assessment of palatable plant species recovery and canopy cover/condition improvement.</u></p>		
27.31.	<p>(a) <u>The Requiring Authority shall prepare an annual monitoring report describing the findings of all monitoring undertaken in the previous 12 months. This report shall include an assessment of the effectiveness of the ELMP in achieving compliance with Condition 29, and if necessary, the actions to be undertaken to achieve compliance with Conditions 29 and 29B, including identifying any necessary updates required to the ELMP. The Requiring Authority shall provide a copy of the annual report to the KFG and DOC. The report shall be submitted to the Planning Lead (or Nominee).</u></p> <p>(b) <u>Annual reporting shall cease one year following Completion of Construction Works.</u></p> <p>(c) <u>A report on the outcome monitoring required under Condition 30(h) shall be prepared and provided to the TRONT, DOC and the Planning Lead (or Nominee) within 3 months of the completion of each monitoring activity. The report shall include an assessment of the effectiveness of achieving compliance with Condition 29B, and if necessary, the actions to be undertaken to achieve compliance.</u></p>		<p><u>Change to reflect finalised ELMP, consideration of the NPDC Section 42A Report and discussions with DOC and Forest and Bird</u></p>
	<p>Pest Management Plan</p>		
28.32.	<p>(a) The Requiring Authority shall finalise have in place and implement a Pest Management Plan (PMP) dated [insert] <u>that shall include</u> pest management over an area <u>core area</u> COPMA of no less than 222ha <u>250ha</u> 3,650ha (the Pest Management Area, PMA) <u>with a buffer area on all sides of the core area of an additional</u> 340ha <u>835ha (total 562ha) (Pest Management Area PMA 1085ha)</u> and:</p>		<p><u>Change to reflect finalised ELMP, consideration of the NPDC Section 42A Report and discussions with DOC and Forest and Bird</u></p>

	<p>(i) Focus on shall describe how the Requiring Authority will control wasps, rats, possums, mustelids, feral cats, feral pigs and goats to at low densities, and will exclude all farm livestock;</p> <p>(ii) requires that pest management be undertaken by, or on behalf of, the Requiring Authority in perpetuity, or until such time as technological advances mean that pest control is no longer necessary; and</p> <p>(iii) provides for the timing of pest control that seeks to provide the optimal ecological benefit.</p> <p>(b) While the exact location of the PMA may change over time, it shall not be less than 3.650 ha.</p> <p>(c) The Requiring Authority shall secure the necessary rights to carry out the required pest management where pest management is to occur on land that it does not own.</p> <p>(d) Implementation of the PMP shall commence prior to the Completion of Construction Works.</p> <p><i>Advice note: should technology advances mean that pest control is no longer necessary, the Requiring Authority may seek to vary these Conditions.</i></p>	<p>Changes reflect comments from the Commissioner as to certainty of wording should the designation be approved. Commissioner to include date.</p>
32(a).	<p>The PMP shall address:</p> <p>(a) the target pest species;</p> <p>(b) appropriate residual pest targets and triggers to achieve the desired biodiversity outcomes;</p> <p>(c) the methods proposed to:</p> <p>(i) reduce and maintain rats, possums, feral cats and mustelids to low levels in perpetuity;</p> <p>(ii) reduce and maintain feral goats and pigs to low densities in perpetuity;</p> <p>(iii) monitor and control wasps along the road corridor;</p> <p>(d) the pest density monitoring and analysis proposed to determine if the target outcomes are being achieved; and</p> <p>(e) the skill requirements of the personnel employed to undertake this work.</p>	<p>Change to reflect finalised ELMP</p> <p>Change reflects comments from the Commissioner as to certainty of wording should the designation be approved.</p>
	<p>Ecological Pest Management Peer Review Panel</p>	
29.33.	<p>(a) Prior to the Completion of Construction Works the Requiring Authority shall establish an expert ecology pest management peer review panel. The expert peer review panel shall:</p> <p>(i) Comprise two three independent, suitably qualified ecologists pest management experts. DOC, TRONT, and the Requiring Authority shall each be invited to provide one member for this panel, whose names have shall be agreed with the Planning Lead (or Nominee).</p> <p>(ii) Provide expert pest management advice to the Planning Lead if such advice is required. This advice shall be limited to:</p>	<p>New condition to reflect discussions with DOC</p>

	<p><u>(1) Reviewing the pest management methods to be employed in the PMA.</u></p> <p><u>(2) Reviewing the results of pest monitoring and any changes to the pest management methods and the PMP needed to achieve the pest densities set out in the ELMP.</u></p> <p><u>(3) Reviewing the reporting required under Condition 31.</u></p> <p><u>review the outcome monitoring reports prepared in accordance with Condition 31.</u></p> <p><u>(iii) Before engaging the expert peer review panel to provide advice, the Planning Lead must notify consult with the Requiring Authority.</u></p> <p><u>(a)(b) On receipt of an itemised invoice the Requiring Authority shall pay all reasonable costs associated with the engagement of the peer review panel.</u></p>		
	Accidental Discovery Protocol		
<u>30.34.</u>	<p>The Requiring Authority shall rely on P45, the NZ Transport Agency Accidental Discovery Protocol and implement that protocol throughout Works. P45, the Transport Agency Accidental Discovery Protocol, shall be reviewed by <u>the KFGTRoNT</u> and modified to:</p> <p>(a) reflect the site specific Project detail; and</p> <p>(b) be consistent with any archaeological authority issued by Heritage New Zealand under the <i>Heritage New Zealand Pouhere Taonga Act 2014</i> applying to the Project.</p> <p><i>Advice Note:</i></p> <p><i>The Ministry for Culture and Heritage must also be advised of any artefact finds within 28 days of the discovery in accordance with the Protected Objects Act 1975. The final repatriation of artefacts is a matter for the Ministry of Culture and Heritage in consultation with iwi.</i></p>		<u>Change to reflect condition 4 and 4(a)</u>
<u>31.35.</u>	<p>The Accidental Discovery Protocol referred to in condition <u>3429</u> shall not apply, and need not be implemented, in the event that:</p> <p>(a) the Project is subject to an archaeological authority granted under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014 (or the corresponding provision in any legislation replacing that Act); and</p> <p>(b) that authority provides for a protocol to be implemented in the event of discovery of cultural or archaeological artefacts or features during the construction of the Project, including the matters provided in condition <u>3429</u>.</p> <p><i>Advice Note: The purpose of this condition is to ensure consistency between these conditions and the conditions imposed on any archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.</i></p>		<u>Change to update condition numbers</u>
	Access		

32.36.	The Requiring Authority shall, as far as reasonably practicable, maintain access to existing recreation facilities of the Kiwi Road and Mt Messenger Tracks during construction.		
33.37.	The Requiring Authority will ensure that reasonable vehicular access is maintained during the Project to the properties currently served by the section of SH3 that will be bypassed or otherwise affected by the Project.		
	Complaints		
	<p>(a) — At all times during implementation of the Notice of Requirement, the Requiring Authority shall maintain a register of any complaints received alleging adverse effects from, or related to, the exercise of the Notice of Requirement. The record shall include:</p> <ul style="list-style-type: none"> (i) — the name and address (where this has been provided) of the complainant; (ii) — identification of the nature of the complaint; (iii) — location, date and time of the complaint and of the alleged event; (iv) — weather conditions at the time of the complaint (as far as practicable), including wind direction and approximate wind speed if the complaint relates to air discharges; (v) — the outcome of the Requiring Authority's investigation into the complaint; (vi) — measures taken to respond to the complaint; and (vii) — any other activities in the area, unrelated to the Project, which may have contributed to the complaint (such as non-Project construction, fires, or unusually dusty conditions generally). <p>(c) — The Requiring Authority shall:</p> <ul style="list-style-type: none"> (i) — acknowledge the complaint within 2 working days; (ii) — promptly investigate, identify the level of urgency in respect of the complaint and communicate that to the complainant; and (iii) — take reasonable steps to remedy or mitigate the matters giving rise to the complaint if there are reasonable grounds for the complaint within 10 working days of receiving the complaint or such sooner time as may be reasonably necessary in the circumstances. <p>(d) — The Requiring Authority shall also maintain a record of its responses and any remedial actions undertaken.</p> <p>This record shall be maintained on site and shall be made available to the Manager upon request. The Requiring Authority shall provide the Manager with a copy of the complaints register every month.</p>		<u>Moved to earlier in the designation conditions</u>
	Network utilities		

34. <u>38.</u>	<u>Works within the designation shall be undertaken in accordance with the National Code of Practice for Utility Operators' Access to Transport Corridors (September 2016), or any approved update to that code.</u>		<u>New condition to respond to the submission of Powerco Limited</u>
	<u>Construction Lighting</u>		
<u>39.</u>	<u>The Requiring Authority shall implement procedures at all times during construction to manage lightspill (if any) to residential properties from any night lighting that is required on the site, in accordance with AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". Construction lighting shall also be managed in a manner which reduces, as appropriate, adverse light overspill effects on nocturnal fauna.</u>		<u>New condition following consideration of the NPDC Section 42A Report</u>
	<u>Operational Lighting</u>		
<u>40.</u>	<u>Lighting installed at the tie-ins points with the existing SH3 with the two new local road intersections and at the tunnel shall be designed and screened to minimise the amount of light overspill and illumination received at residential dwellings and to reduce adverse effects on bats and other nocturnal fauna. The Requiring Authority shall demonstrate that:</u> <u>(a) All lighting designed in accordance with "Road lighting Standard AS/NZS1158"; and</u> <u>(b) Written verification from an ecologist that the lighting has been designed to reduce adverse effects on nocturnal fauna.</u>		<u>New condition following consideration of the NPDC Section 42A Report</u>
	<u>Engineering Review</u>		
<u>41.</u>	<u>Prior to construction of any particular part of the Works, the Requiring Authority shall provide written confirmation to the Planning Lead (or Nominee) that peer review of geotechnical and structural detailed design has been carried out by an independent and suitably qualified and experienced engineer(s), with particular emphasis on ensuring that detailed design manages the significant risks from natural hazards.</u>		<u>New condition following consideration of the NPDC Section 42A Report</u>
	<u>General Monitoring</u>		
<u>42.</u>	<u>On receipt of an itemised invoice the Requiring Authority shall pay the Council's reasonable costs of any monitoring necessary to ensure compliance of the use with the conditions specified.</u>		<u>New condition following consideration of the NPDC Section 42A Report</u>

RESOURCE MANAGEMENT (NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH) REGULATIONS 2011 (NES)

	Contaminated Land Management Plan	
1.	<p>The Consent Holder shall finalise <u>have in place until the Completion of Construction Works,</u> a Contaminated Land Management Plan (CLMP) to establish dated [insert]. <u>The CLMP shall remain in place until the Completion of Construction Works.</u> prepared by a suitably qualified and experienced practitioner as required by the procedures <u>Resource Management (National Environmental Standard for handling potentially contaminated soils, and contaminated materials excavated on site, including the discovery of unexpected contaminated material</u> Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.</p>	<p><u>Changes made to reflect that the DSI report has now been completed and the CLMP updated accordingly</u></p> <p><u>Changes reflect comments from the Commissioner as to certainty of wording should the designation be approved. Commissioner to include date.</u></p>
2.	<p>The CLMP shall be, <u>and shall remain,</u> in general accordance with Ministry for the Environment Contaminated Land Management Guideline No. 1: Reporting on Contaminated Sites in New Zealand (Revised 2011). The CLMP shall include <u>procedures for the</u> to manage the effects of contaminated or potentially contaminated soils on human health and the environment during ground disturbance activities, including the following: events (this is not an exclusive list):</p> <ul style="list-style-type: none"> (a) — triggers and methods for further testing and monitoring of potentially contaminated material; <u>(a) site establishment procedures for contaminated soil;</u> (b) — classification of soil to be disturbed; <u>(c) soil management and procedures for off-site disposal of contaminated soil/material; and</u> (b) — how the placement of re-used contaminated soil/material will be recorded and tracked; <u>(d) unexpected discovery of contaminated material; and protocol and requirement to record and track placement of any such material if reused on-site.</u> <p>procedures for managing the potential risks to human health, in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.</p>	<p><u>Changes made to reflect that the DSI report has now been completed and the CLMP updated accordingly</u></p> <p><u>Changes reflect comments from the Commissioner as to certainty of wording should the designation be approved.</u></p>
3.	<p><u>On receipt of an itemised invoice the Consent Holder shall pay the Council's reasonable costs of any monitoring necessary to ensure compliance of the use with the conditions specified.</u></p>	