

**JOINT DECISION AND RECOMMENDATION OF INDEPENDENT  
COMMISSIONERS 28 MAY 2010**

**PART 10**

**Selwyn District Council consents and conditions**

<b>Distribution network:</b>	<b>Central</b>	<b>065214</b>
	<b>Darfield</b>	<b>065215</b>
	<b>Sheffield</b>	<b>065216</b>
	<b>Springfield</b>	<b>065217</b>
	<b>Te Pirita</b>	<b>065218</b>
	<b>Windwhistle</b>	<b>065219</b>
<b>Additional by-wash discharges:</b>	<b>Selwyn River</b>	
	<b>Hawkins River</b>	<b>075156</b>

**1.0 General**

**1.1 Scope of Works**

Except where modified by specific conditions set out below, or otherwise authorised by a change of consent condition or other resource consent, the scheme and all incidental work shall be constructed, operated and maintained generally in accordance with the details contained in each of the applications for resource consent and supporting material, including any changes supplied in evidence, including:

- Applications for Land Use Consent– Annexure A - Assessment of Effects on the Environment, Section 3 - Description of the Proposed Activities.
- Application for Land Use Consent– Annexure D – Plans of the Central Plains Water Distribution Network.
- Application for Land Use Consent– Annexure E – Images of Typical Ancillary Structures.

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**1.2 Term**

In accordance with section 125 of the Resource Management Act 1991, the Consent Holder has a period of 10 years from the date of the decision in which to give effect to each of the above consents.

**1.3 Other Approvals**

Details of all necessary permissions required and or obtained under other legislation (e.g., Historic Places Act, Reserves Act) shall be supplied to the Selwyn District Council at least one month prior to the commencement of works.

**1.4 Complaints Register**

The Consent Holder shall maintain a complaint register for all aspects of all operations in relation to all activities. It shall include the complaints registers required for the specific management plans specified in the conditions below, as well as any other complaints

received and shall contain the date, time and type of complaint, cause of the complaint, and action taken by the Consent Holder in response. The register shall be available to the Selwyn District Council at all reasonable times.

### **1.5 Annual Environmental Report**

An Annual Environmental Report is to be submitted on each anniversary of the date of commencement of these consents, until 5 years following the scheme being commissioned. The matters to be covered shall include:

- (a) A description of the works (including construction, mitigation, rehabilitation, monitoring and reporting) carried out in the preceding 12 months.
- (b) An explanation of any departure in the preceding 12 months from the previous Annual Environmental Report.
- (c) A description of all construction, mitigation, rehabilitation, monitoring and reporting intended to be carried out in the next 12 months with an approximate timetable of activities.
- (d) A description and analysis of any unexpected adverse effect on the environment that has arisen as a result of the works in the last 12 months, the steps taken in response to that effect, and the results of those steps.
- (e) A record of complaints received in the last 12 months and the mitigation measures adopted.

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## **2.0 Community Liaison**

### **2.1 Distribution Network Owners' Liaison**

Before any works permitted under the resource consents are commenced, the Consent Holder must appoint a Distribution Network Owners' liaison person and notify all owners of land affected by the distribution network of the person appointed and his or her contact details.

The Distribution Network Owners' liaison person must:

- (a) Maintain a register of all property owners affected by the Distribution Race Network;
- (b) Ensure plans, and any amendment to those plans for the Distribution Race, on that owner's property are provided to the property owner as soon as reasonably practicable after they become available;
- (c) Ensure a representative of the Consent Holder undertakes a site visit of each affected property, unless the property owner advises in writing that is not required;
- (d) Act as a point of contact for all issues relating to the design, construction and operation of the Distribution Network.

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## **3.0 Construction**

### **3.1 Hours of Work**

Construction of the distribution network shall be undertaken in accordance with the following restrictions:

- (a) Work on the distribution network within 300m of any residential dwelling shall be limited to between 0730 - 1800 hours, Monday to Saturday inclusive, but excluding any public holiday, except with the written approval of the owner/s and occupier/s of any such dwelling.
- (b) There shall be no work on Easter Friday, Easter Sunday, Anzac Day, Christmas Day and Boxing Day.
- (c) Movement of heavy construction vehicles through Coalgate within 200m of any residential dwelling shall be limited to between 0630 – 2000 hours, Monday to Saturday

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inclusive, but excluding any public holiday, and 0730 – 1800 hours on Sundays, except with the written approval of the owner/s and occupier/s of any such dwelling.

- (d) Notwithstanding the above restrictions, concrete pouring and associated activities can occur at any time, subject to compliance with all other conditions of consent, including noise restrictions.

### 3.2 Environmental Construction Management Plan

- (a) The Consent Holder shall submit to the Selwyn District Council, at least one month prior to the commencement of works, an Environmental Construction Management Plan (ECMP) outlining the construction activities and all practices and procedures to be adopted in the construction and maintenance of the Central Plains Water Irrigation Scheme. The general purpose of this document is to achieve compliance with the conditions of the designation and resource consents and to ensure that the effects of construction activities are minimised to the greatest extent practicable. The ECMP will be the over-arching document for environmental compliance. The Consent Holder and its agents shall consult with the Selwyn District Council in the development of the ECMP.

- (b) The matters to be addressed in the ECMP shall include the following:

(i) General

- Plan Purpose
- The practices and procedures to be adopted to achieve compliance with the conditions of the designation and resource consents
- Plan Revision and Compliance Issue Resolution Processes
- ECMP/Management Plan Certification Process
- Roles and Responsibilities

(ii) Mitigation of Adverse Effects

- Environmental Objectives and Principles
- Environmental Management Approach and Methods

(iii) Plan Requirements

- Implementation of designation and resource consent conditions
- Annual Environment Report Process

- (iv) The ECMP shall include the following Management Plans to address specific effects issues:

- a) Construction Phase Management Plan
- b) Public Health and Safety Plan
- c) Traffic Management Plan
- d) Landscape and Rehabilitation Management Plan
- e) Noise and Vibration Management Plan
- f) Terrestrial Ecology Protection Plan
- g) Remediation Action Plan
- h) Waste Management Plan
- i) Hazardous Substances/Spill Contingency Management Plan
- j) Archaeological and Heritage Management Plan
- k) Dust Control Management Plan

*Note: That the Management Plans in conditions 3.2(b)(iv), g), i) and k) relate to matters within the functions of Environment Canterbury and not those of the Selwyn District Council.*

- (c) Prior to the commencement of any works authorised by the resource consents, the Consent Holder shall submit to the Selwyn District Council the ECMP and a certificate

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produced by an independent, suitably qualified and experienced person(s) (acknowledged by the Chief Executive Officer of the Selwyn District Council as being competent and suitable to provide such certification), to certify that the ECMP and the works and measures described in it are appropriately designed to:

(i) Address the matters set out in condition 3.2(b)(iv) above (excluding g), i) and k)); and

(ii) Comply with the relevant conditions.

- (d) The Consent Holder shall submit to the Chief Executive Officer of the Selwyn District Council the relevant biographical information on the proposed independent, suitably qualified and experienced person(s) at least three weeks prior to submitting the certification. The Selwyn District Council should within 10 working days of receipt of that information inform the Consent Holder whether the person(s) is considered to be suitably experienced.

If the Selwyn District Council considers that the person is not suitably experienced, the Consent Holder shall propose another person.

Works shall not proceed until the Selwyn District Council confirms that the person is suitably experienced. However, if no response is provided by the Selwyn District Council within 10 working days of receipt of the biographical information, the person shall be deemed to be suitably experienced.

- (e) Works shall not proceed until the ECMP and certification described in condition 3.2(c) above have been received and acknowledged in writing by the Chief Executive Officer of the Selwyn District Council, who shall provide written acknowledgement within 10 working days, but in any case shall not unreasonably delay such notice. If such acknowledgement is not provided within ten working days the certification shall be deemed to be confirmed.

- (f) During scheme construction the Selwyn District Council may, by written notice within one month of the anniversary of the certification provided under condition 3.2(c), require that the Consent Holder undertake an assessment of the extent to which the ECMP and the works and measures described therein appropriately satisfy the requirements of condition 3.2(c) (i) and (ii).

(i) The assessment shall be carried out by an independent, suitably qualified and experienced person(s) appointed by the Requiring Authority, who may be the same person(s) accepted under condition 3.2(d).

(ii) The Consent Holder shall, within 15 working days of receiving notice of the assessment, provide the Selwyn District Council with relevant biographical information on the proposed independent, suitably qualified and experienced person(s) to undertake the assessment.

(iii) The Selwyn District Council should within 10 working days of receipt of that information inform the Consent Holder whether the person(s) is/are considered to be suitably experienced. If no response is provided by the Selwyn District Council within 10 working days of receipt of the biographical information, then that person shall be deemed to be suitably experienced.

(iv) If the Selwyn District Council does not accept the person(s) proposed by the Consent Holder, the Consent Holder shall propose another person within 15 working days of being informed under condition 3.2(f) (iii).

(v) The independent, suitably qualified and experienced persons(s) shall assess all elements of the ECMP and either:

- Certify that the ECMP satisfies condition 3.2(c)(i) and (ii); or
- Recommend changes to ensure the ECMP satisfies condition 3.2(c) (i) and (ii).

- (g) The Consent Holder may authorise amendments to the ECMP provided that any amendments made maintain or enhance the degree and/or extent to which adverse environmental effects attributable to the construction or maintenance of the scheme are

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avoided or mitigated. The Consent Holder shall provide a copy of any such amendment to the ECMP to the Selwyn District Council for its review, consideration, and if necessary, amendment, prior to implementation.

- (h) All works shall be carried out in accordance with the ECMP certified in accordance with condition 3.2(e) or as amended under condition 3.2(f).

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### 3.3 Construction Phase Management Plan

A Construction Phase Management Plan shall be submitted to the Selwyn District Council in accord with the ECMP certification process at least one month prior to the commencement of works. Works shall not proceed until the Plan has been certified by the Selwyn District Council. All works undertaken by the Consent Holder or their agents shall be subject to, and comply with the provisions of the Construction Phase Management Plan, which shall include but not be limited to, the following:

- (a) The phases in which work shall be undertaken for the purposes of constructing and maintaining the scheme;
- (b) The timing and duration for each phase; and
- (c) The disturbed area in square metres, associated with each phase of construction.

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### 3.4 As Built Plans

Within two months of the completion of the construction works for any of the major components of the Central Plains Water Enhancement Scheme, the Consent Holder shall supply the Selwyn District Council with a complete set of "as built" plans confirming the location of the works.

## 4.0 Public Safety/Health and Safety

### 4.1 Health and Safety Management Plan

Prior to any construction the Consent Holder shall develop and implement a Health and Safety Management Plan for both construction and operation of the Central Plains Water Irrigation Scheme which shall be provided to the Selwyn District Council, and shall be complied with on an ongoing basis. The Plan shall include at least the following:

#### Construction

- (a) Ensuring contractors comply with relevant construction regulations, codes of practice and procedures set out in the ECMP in order to ensure compliance with all conditions.
- (b) Ensuring contractors assess hazards on site and develop appropriate control plans that incorporate public health and safety requirements and incorporate public risk mitigation prior to engagement/ commencement of construction. This includes the provision of fencing and warning signs where appropriate to keep the public safe from harm, and to prevent unauthorised access of people and stock into areas where hazards exist including, borrow areas, fill areas and haul roads.
- (c) Public and stakeholder consultation, education and information sharing.
- (d) Contractor and sub-contractor management.
- (e) Public notification of areas of any blasting activities.
- (f) Induction/training requirements.
- (g) Emergency protocols/requirements, including arrangements for 24 hour emergency vehicle access (e.g., Civil Defence, Ambulance, Fire Service and Police).
- (h) Incident reporting procedures.
- (i) Appropriate hazard warnings (e.g., signs, sirens).
- (j) Restricting river use within 500m in either direction of blasting.

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#### Operation

- (a) Procedures to review and update the Plan as required.
- (b) How to deal with emergency events such as oil spills, earthquakes, fires and floods.

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## 4.2 Emergency Response and Contingency

As part of implementing the Health and Safety Management Plan, the Consent Holder shall:

- (a) Identify contingency events/document associated emergency response plans.
- (b) Make the plan available to relevant parties (e.g., councils, employees, civil defence, residents, etc).

## 4.3 Access During Construction

During construction, public access will be restricted to all construction, cut, fill and borrow areas by the use of suitable fences/barriers, with warning signs erected and maintained at appropriate locations.

*Note: Please see condition 6.1 regarding requirements to maintain alternative public access to riverbeds in such circumstances.*

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## 5.0 Traffic Management

### 5.1 Road/Rail Crossings

The Midland rail line (Rolleston – Greymouth) shall remain open at all times.

The design of any road/rail/distribution race crossing shall meet the relevant sight distances specified in Appendix 10 of the Rural Section of the Selwyn District Plan, New Zealand Transport Agency Standards and Guideline Manual (SP/M/021), Planning and Policy Manual (SP/M001) and State Highway Geometric Design Manual (SP/M024) for safe stopping distances, safe passing distances, intersection entry sight distances and clear zone distances to hazards.

### 5.2 Construction Traffic

Prior to construction, a Traffic Management Plan shall be prepared and a copy given to the Selwyn District Council and New Zealand Transport Agency. This management plan shall be complied with at all times and it shall include the following provisions:

- (a) On all public roads, signs shall be erected warning motorists of a haul road intersection giving rise to a hazard due to heavy trucks crossing.
- (b) Warning signs shall be erected at intersections of all haul roads and public roads prohibiting public access to the construction zone.
- (c) Stock crossing methods shall be established after consulting with local farmers.
- (d) Local emergency services shall be notified of all temporary local road closures.
- (e) All construction vehicles shall be fitted with and use flashing lights while operating in the construction zone and on haul roads.
- (f) All construction vehicles shall comply with the New Zealand Transport Agency rule for vehicle dimensions and mass on public roads, unless specific over dimension permits are obtained.
- (g) Movement of oversize vehicles and equipment on SH 1, SH73 and SH 77 shall comply with New Zealand Transport Agency requirements.
- (h) Road signs shall be erected on roads where necessary to warn motorists of the hazard caused by fog or frost. The design and location of such signs shall be approved by New Zealand Transport Agency for SH1, SH73 and SH77, or the Selwyn District Council for all other roads.
- (i) Road safety audits shall be carried out every six months of traffic signals/stop signs controlling the intersections of all public roads with haul roads. The results of those audits shall be reviewed and steps taken to ensure motorists do not suffer unreasonable delays. Regular monitoring of traffic signals to ensure any faults are identified and repaired.

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- (j) No canal or distribution race cleanings shall be deposited on legal road or in a position where such material may be carried onto legal road by vehicle tyres, stormwater flows, wind or any other mechanism.
- (k) Traffic management measures shall consider the issue of residential amenity arising from the passage of traffic through any living zone (particularly in the vicinity of commercial areas, schools, hospitals, and accommodation for the elderly) and where practicable construction traffic shall be directed to take alternative roads where the impact on amenity will be less.
- (l) On State Highways and District roads Road Condition Surveys shall be carried out of all road sections where it is assessed that there is a reasonable possibility of the road being affected by the scheme. These shall record the 'before' condition of the road prior to the waterways being first flooded. The specific matters to be included in these surveys will be determined by the representative road controlling authorities but will be limited to aspects potentially affected by the scheme.
- (m) Where the Road Controlling Authority has demonstrable reason to believe that damage to the road network may have occurred as a result of the scheme identified by whatever means, they may request that the Consent Holder carries out a further Road Condition Survey of the affected section of the network covered by the 'before' survey. Where any defects are found to be attributable to water effects arising from the operation of the scheme then the Consent Holder shall make good the defects and take all reasonable measures to ensure that further damage does not arise.
- (n) On District roads the Consent Holder and a representative of the Council shall carry out Road Condition Surveys in the vicinity of all on-road worksites and also near off-road worksites where on-road traffic management is required or access to the site is to be from a road. These surveys shall be completed at each worksite before any work commences, and the 'after' survey will be completed prior to commencement of the maintenance period. A copy of the record of the 'before' survey is to be lodged with the relevant road controlling authority prior to work commencing, and a copy of the 'after' survey with a description of any deficiencies observed arising from the works and remedial action proposed shall be lodged with the road controlling authority within one month of substantial completion at individual worksites.
- (o) All existing property accesses from legal roads onto property shall be maintained under terms satisfactory to the landowner or operator.
- (p) Access to parcels of land within properties that are divided by the works shall be provided under terms satisfactory to the land owner or operator.
- (q) Unless explicitly permitted by the relevant road controlling authority the horizontal and vertical profiles of all road carriageways shall be preserved at the existing lines, grades, crossfalls and levels at all road crossings.
- (r) Where a road is operating as a two way road then, regardless of the traffic flow on that road the bridge or culvert crossing will be built to at least the minimum standard in the Bridge Manual for a low volume two-lane bridge, with clearances meeting the Preferred Minimum Standard.
- (s) Unless explicitly permitted by the relevant road controlling authority all culverts will extend to a point at least 3.0m clear of the edge of the formed carriageway.
- (t) Where a new bridge is constructed, or an existing bridge with pedestrian facilities is modified to accommodate the works, within the road reserve within 500m of a living zone of a township or settlement or within such a living zone, then the bridge shall provide for a pedestrian foot path on at least one side. The footpath shall be at least 2.0m wide to provide for pedestrian and cycle traffic.
- (u) When planning the timing of any works on any one route, the applicant in preparing their Traffic Management Plans for approval for the Road Controlling Authority shall take into account other planned works on the project that will affect the route to ensure the overall

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impact on the road user is minimised. This shall include making an assessment of the overall delays to the route upon which the specific Traffic Management Plan applies and submitting a programme of works affecting the route with the Traffic Management Plan.

- (v) For the duration of the project, including the full duration of all maintenance periods the applicant will pay all reasonable direct costs arising from the appointment of such staff or consultants necessary to address the Council's responsibilities on relation to the project (including but not necessarily limited to: Road Traffic Safety Auditors, Design Auditors and traffic Management Coordinators).
- (w) The applicant agrees to be party to the design checking and traffic safety processes outlined above and to provide reasonable lines of communication between the Road Controlling Authorities staff and its own designers and safety engineers to facilitate the process.
- (x) Measures for suppression to mitigate the effects of dust.
- (y) Measures to maintain vehicles and machinery to mitigate the effects of fumes.

### 5.3 Haul Roads – Intersection with State Highways 73 and 77

Where any haul road intersects with a State Highway, the construction and operation of the intersections shall comply with the following:

- (a) Prior to construction, a Traffic Management Plan dealing with State Highway intersections with haul roads shall be prepared which complies with the New Zealand Transport Agency Code of Practice for Temporary Traffic Management. A copy of this plan shall be provided to New Zealand Transport Agency prior to construction commencing.
- (b) Where any haul road intersects any State Highway, the haul road shall be constructed to a maximum width of 15m, with a speed limit imposed on Haul Road traffic of 30 km/hr.
- (c) Where any haul road intersects any State Highway, sight distances both ways shall comply with the requirements of E10.2 set out in Appendix 10 of the Selwyn District Plan (Rural Section).
- (d) Dust suppressant shall be applied to any haul road when required within 100 metres of an intersection with State Highway to ensure dust does not reduce the visibility for drivers approaching the intersection.

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### 5.4 Hauls Roads – Intersection with Selwyn District Council Roads

Where any haul road intersects with any formed legal roads other than a State Highway, the construction and operation of the intersection shall comply with the following:

- (a) Prior to construction, a Traffic Management Plan shall be prepared which complies with the New Zealand Transport Agency Code of Practice for Temporary Traffic Management. A copy of this plan shall be provided to the Selwyn District Council prior to construction commencing.
- (b) Stop signs shall be erected and maintained to control intersections between all formed public roads any haul road.
- (c) Where any haul road intersects with any formed public road, the haul road shall be constructed to a maximum width of 15m, with a speed limit imposed on haul road traffic of 30 km/hr.
- (d) Where any project haul road intersects any formed public road, sight distances both ways shall comply with the requirements of E10.2 set out in Appendix 10 of the Selwyn District Plan (Rural Section).
- (e) Dust suppressant shall be applied to any haul roads when required within 100 metres of an intersection with any formed public road to ensure dust does not reduce the visibility of drivers approaching the intersection.

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## 6.0 River Access

## 6.1 Maintenance of River Access

Where practicable all existing access points, both vehicular and pedestrian, to and along the Rakaia and Waimakariri Rivers shall be maintained to a standard not less than that existing prior to construction.

Where existing public access to or within a river is restricted as a result of either construction works or the finished scheme components subject to this application, the Consent Holder or its contractors shall, as far as practicable and subject to requirements of public safety, provide alternative access to the same or better standard in a location as near as practicable to the existing access point.

In such circumstances, the Consent Holder is to provide the Selwyn District Council with a photographic record of the existing access prior to works commencing, along with plans and details illustrating the alternative proposal for certification as part of the ECMP.

The Consent Holder shall ensure that at all times ECan and its contractors and agents shall have access along the Waimakariri Riverbed for the purpose of operation and maintenance of the Waimakariri River Flood Protection Scheme.

Key areas where such certification would be required include (but are not necessarily limited to) the following:

- Waimakariri River between Gorge Bridge and Bleakhouse corner;
- Hawkins River near Racecourse Hill;
- Hawkins River at Essendon Road;
- Hawkins River at Sheffield;
- Hororata River;
- Rakaia River at Steeles Road;
- Rakaia River at Sleemans Road; and
- Rakaia River between Sleemans Road and the gorge.

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## 7.0 Landscape and Rehabilitation

### 7.1 Landscape and Rehabilitation Objectives

The Consent Holder shall undertake rehabilitation of the land surface, topsoil, drainage and vegetation in all areas disturbed in the construction and/or maintenance of the scheme to achieve the following objectives:

- (a) To reinstate vegetation cover on previously vegetated areas disturbed by construction or maintenance activities, where those areas do not contain components of scheme infrastructure or permanent access.
- (b) To visually integrate finished structures, landforms and vegetation into the surrounding landscape so that as far as practicable they appear to be naturally occurring features or features which are already present in the immediate area. In particular the race embankments and any excess cut stockpiles are to be shaped as naturalised landforms.
- (c) To ensure short and long term stability of disturbed land areas and their surrounding areas particularly on the terrace edges.
- (d) To minimise the loss of existing vegetation where possible, most notably riparian vegetation on the edge of any river terrace.
- (e) To compensate for the loss of any native vegetation removed during construction.

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### 7.2 Landscape and Rehabilitation Management Plan

The Consent Holder shall prepare a Landscape and Rehabilitation Management Plan which shall be lodged with and certified by the Selwyn District Council in accordance with the ECMP process set out in condition 3.2. Land restoration following construction must adhere to the Landscape and Rehabilitation Management Plan which shall apply to all areas except

to the extent they are inconsistent with the conditions of any land use consents obtained from the Canterbury Regional Council.

The Landscape and Rehabilitation Management Plan shall be:

- Prepared, implemented and maintained in a manner that is consistent with the Terrestrial Ecology Protection Plan for the duration of the construction period and a 24 month maintenance period following completion of all plantings required by conditions.
- Reviewed not less than annually and the revised Plan shall be submitted to the Selwyn District Council for certification as outlined above within one month of the review being completed.

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The Landscape and Rehabilitation Management Plan shall contain:

- (a) Detail of how the above objectives are to be achieved.
- (b) Incorporation of the proposed concept planting plan and mitigation measures contained in the evidence entitled *Statement of Evidence of Chris Glasson*, and in particular the Enhancement Measures described in paragraphs 158 to 162 (but excluding that information related to the aspects of the scheme that have been withdrawn) and shown in the Sections 15.4 to 15.6 of the Graphic Supplement.
- (c) Details of all landforms, finishing, layouts, soiling, planting and grassing, roads, tracks, structures and maintenance programmes proposed for the scheme.
- (d) Specifications for the use of recessive colours for all structures (all colours shall have a reflectivity of less than 40%).
- (e) The final contours and finished heights of earthworks.
- (f) Methods for stripping, storing and re-use of topsoil.
- (g) Details of proposed planting – including species, location and timing.
- (h) Identification of specific ecological, heritage, cultural or geological features within or immediately adjoining the construction zone which are to be protected, the methods of such protection, and the identification of the features on a plan.
- (i) The staging of vegetation removal.
- (j) The rehabilitation of haul roads.
- (k) Methods and protocols for educating and training contracting personnel about the requirements of the Landscape and Rehabilitation Management Plan.
- (l) On-going pest and weed control measures for both exposed areas and stockpiles over the construction period and rehabilitated landscape planting areas over the operation of the scheme.
- (m) Methods for monitoring the success of re-vegetation plantings for at least 24 months following the planting.
- (n) Methods to enable the completion of all such works at the earliest opportunity, but no later than 1 season following completion of construction.
- (o) On-going methods to minimise fire risk (whether by grazing, mowing or other means) on the head race embankments.

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### 7.3 Landscape and Rehabilitation Areas

The Landscape and Rehabilitation Management Plan shall cover the following areas:

- (a) Borrow areas within the designated land that will not ultimately be covered by the main headrace;
- (b) Fill areas;
- (c) Canal/race embankments – all of which shall be either re-grassed or otherwise covered with rehabilitative/amenity plantings;
- (d) Sediment traps;
- (e) Construction storage areas; and

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(f) The construction zone generally where land has been disturbed.

**7.4 Landscape and Rehabilitation Management Plan Content**

Throughout the landscape, recessive colours will be used for storage tanks, pump stations and any other scheme utility components.

**7.5 Rehabilitation Requirements**

- (a) Within two months of completion of any component of the construction works, the Consent Holder shall issue a notice to the Selwyn District Council certifying that all construction debris or other materials from the construction works other than rock stockpiled for the purpose of maintaining erosion protection works or for landscaping purposes has been removed.
- (b) Within six months of completion of commissioning of the scheme, the Consent Holder shall remove all temporary buildings, plant and equipment associated with the scheme (whether attached to the land or not).

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**7.6 Landscape Reinstatement**

- (a) The reinstatement of all works areas and landscaping shall be completed within one season (12 months) of the finishing of construction in that area.
- (b) All landscaping shall be maintained on an on-going basis. In the event of rehabilitation plantings not becoming successfully established they will be replanted and maintained until successful.

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**8.0 Noise and Vibration**

**8.1 Construction Noise Limits**

All construction activity shall be conducted so that noise emissions do not exceed the noise limits contained in the following table. Sound levels shall be measured and assessed in accordance with the provisions of NZS 6803:1999 "Acoustics – Construction Noise". These limits shall apply at all occupied residential units and schools. The Consent Holder shall liaise with all schools and avoid construction noise during any particularly sensitive times.

Time of week	Time period	Duration of work					
		Typical duration (dBA)		Short-term duration (dBA)		Long-term duration (dBA)	
		L <sub>eq</sub>	L <sub>max</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>eq</sub>	L <sub>max</sub>
Weekdays	0630-0730	60	75	65	75	55	75
	0730-1800	75	90	80	95	70	85
	1800-2000	70	85	75	90	65	80
	2000-0630	45	75	45	75	45	75
Saturdays	0630-0730	45	75	45	75	45	75
	0730-1800	75	90	80	95	70	85
	1800-2000	45	75	45	75	45	75
	2000-0630	45	75	45	75	45	75
Sundays and public holidays	0630-0730	45	75	45	75	45	75
	0730-1800	55	85	55	85	55	85
	1800-2000	45	75	45	75	45	75
	2000-0630	45	75	45	75	45	75

## 8.2 Noise and Vibration Management Plan

Prior to the commencement of any construction activity, the Consent Holder shall appoint an appropriately qualified acoustic engineer to prepare a Noise and Vibration Management Plan. That plan shall be lodged with the Selwyn District Council as part of the ECMP certification process and adhered to during construction

The Noise and Vibration Management Plan shall include:

- (a) Minimum buffer distances and attenuation measures for specific activities and areas in order to comply with the standards set out in condition 8.1 above.
- (b) All applicable noise limits.
- (c) Hours of operation, including times and days when construction work would occur.
- (d) Machinery and equipment to be used.
- (e) Mitigation options to be adopted as required in order to comply with the noise limits, such as temporary barriers and enclosures.
- (f) Description of the adoption of the best practicable option (BPO), in accordance with section 16 of the Resource Management Act.
- (g) Procedures for identifying dwellings within 150 metres of the headrace, 250 metres of bridges/siphons/piling, 75 metres of the distribution network, and 500 metres of any blasting.
- (h) Procedures for conducting pre and post construction structural checks for buildings within the vibration buffer distances in accord with (g).
- (i) Provision for independent certification, monitoring and technical review procedure to outline the Consent Holder's responsibility to undertake vibration checks and deformation surveys of any other potentially affected heritage building and/or structure before, during and no less than 24 months post the commissioning of the scheme.
- (j) Details of vibration testing of equipment to confirm that the vibration standards in DIN4150-Part 3 (1999) 'Structural vibration – Effects of vibration on structures' are not exceeded. In the event that other machinery is to be used, vibration testing is to occur prior to works commencing to ensure that the vibration standards will be met.
- (k) Development of alternative strategies where full compliance with DIN4150-Part 3 (1999) 'Structural vibration – Effects of vibration on structures' may not be achieved, including consultation with residents and other occupiers to achieve acceptable outcomes.
- (l) Detailed methods for monitoring and reporting on construction noise and vibration throughout the process, including the location of vibration and noise monitoring for construction activities that are adjacent to occupied dwellings.
- (m) Liaison and complaint procedures. The complaint procedure shall require investigation of complaints within twenty-four hours, with immediate cessation of any construction activity found to be breaching the noise limits.

*Note: For the purpose of assessment under DIN4150-Part 3 (1999) 'Structural vibration – Effects of vibration on structures' historic buildings shall be classified as "sensitive structures".*

## 8.3 Operational Noise Limits

All operational noise from the scheme shall comply with the following noise limits when measured in accordance with NZS 6801:1991 "Measurement of Sound" and assessed in accordance with NZS 6802:1991 "Assessment of Environmental Sound":

Within the notional boundary of any dwelling, rest home, hospital, or classroom in any educational facility, except where that dwelling, rest home, hospital or classroom is located within a Living Zone:

0730 to 2000 hrs	60 dBA L <sub>10</sub>
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2000 to 0730 hrs	45 dBA L <sub>10</sub> , 70 dBA L <sub>max</sub>
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Within any site boundary in a Living Zone:

0730 to 2000 hrs	55 dBA L <sub>10</sub>
2000 to 0730 hrs	40 dBA L <sub>10</sub> , 70 dBA L <sub>max</sub>

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## **9.0 Affected Properties**

### **9.1 Access to Canals and Races**

The Consent Holder shall erect and maintain stock fences between the Central Plains Enhancement Scheme and adjacent farms to the same standard as that existing, or otherwise required to prevent cattle accessing the main headrace canal or any inlet canal.

### **9.2 Pest and Weed Control**

All fenced scheme areas, including the canal and race embankments, shall be subject to pest and weed control so as to prevent the spread of pests and weeds on to adjoining properties.

### **9.3 Restoration Work – Private Property**

Where the works constructed under the resource consents affects land or chattels, the Consent Holder shall reconfigure, relocate, or restore all existing:

- (a) Fences;
- (b) Irrigation facilities;
- (c) Water races;
- (d) Farm lanes/tracks;
- (e) Buildings;
- (f) Landscaping (including shelterbelts); and
- (g) Livestock drinking water;

to the same standard as that existing or otherwise at the satisfaction of the land/infrastructure owner. This includes providing bridges and/or alternative structures where necessary to maintain viable lanes/tracks or irrigation facilities to the affected property.

### **9.4 Restoration Work – Council Community Drinking Supplies, Stock Water and Water Race Schemes**

As part of the ECMP the Consent Holder is to identify and outline procedures to manage any disruption to Community Water Supply, Stock Water and Water Race Schemes during the construction of the intakes and associated structures, the head race canal and the distribution network. As a minimum this is to achieve a continuity of supply in accordance with the Selwyn District Council 'levels of service' in place at the time of construction. This may involve the provision of an alternative supply at the cost of the Consent Holder if required.

The design of all crossing points is to be undertaken in conjunction with and be approved by the Selwyn District Council Asset Manager Utilities prior to the ECMP being submitted for certification in accord with condition [3.2](#).

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## **10.0 Terrestrial Ecology**

### **10.1 Terrestrial Ecology Protection Objectives**

The Consent Holder shall undertake all scheme works in accordance with the following objectives:

- (a) Avoid the loss or disturbance of indigenous vegetation and habitats to the greatest extent practicable, and where that is not possible, to ensure there is a scheme wide 'no net loss' (by area) of significant indigenous vegetation.
- (b) Mitigate for the loss of any indigenous vegetation and habitats destroyed, removed or disturbed during construction and operation of the scheme.
- (c) Mitigate for the loss of any indigenous vegetation-landform associations destroyed, removed or disturbed during construction and operation of the scheme.
- (d) Ensure the successful establishment and long term viability of proposed mitigation plantings.
- (e) Minimise the potential for lizards and large ground-dwelling invertebrates to be significantly affected by construction.
- (f) Minimise the establishment or spread of noxious weeds within the scheme area and also on to neighbouring properties.

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## 10.2 Terrestrial Ecology Protection Plan

Prior to any construction occurring, the Consent Holder shall, in consultation with Selwyn District Council and the Department of Conservation, prepare and certify a Terrestrial Ecology Protection Plan and adhere to this on an ongoing basis.

The Terrestrial Ecology Protection Plan shall:

- (a) Detail how the above objectives stated in condition 10.1 are to be achieved:
- (b) Include the attached map of all known significant indigenous vegetation within the scheme area and identify those sites/areas that have the potential to be destroyed or adversely affected by construction activities.
- (c) Require field investigations/survey of any such identified sites/areas in sufficient detail so as to achieve objectives (a) to (c) included in condition 10.1 above.
- (d) Detail a calculation of biodiversity 'no net loss' (by area) using international best practice approaches, including the valuation of the biodiversity costs associated with any destruction/damage and the benefits of mitigation and any proposed biodiversity offsets.
- (e) The Terrestrial Ecology Protection Plan shall be prepared and maintained for the duration of the construction period and a 24 month maintenance period following completion of all plantings. In accordance with the ECMP process the Plan shall be submitted to the Selwyn District Council for certification at least one month prior to construction commencing.
- (f) The Terrestrial Ecology Protection Plan shall be prepared, implemented and maintained in conjunction with, and in a manner that is consistent with, the Landscape and Rehabilitation Management Plan.
- (g) The Terrestrial Ecology Protection Plan shall be maintained as current at all times by the Consent Holder and be reviewed not less than annually. The review shall incorporate all monitoring results obtained during the preceding monitoring period. A copy of each annual Terrestrial Ecology Protection Plan review shall be forwarded to the Selwyn District Council and the Department of Conservation within one calendar month of its completion.

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## 11.0 Waste Management and Hazardous Substances

### 11.1 Remediation Action Plan

A Remediation Action Plan for contaminated areas will be prepared, certified and lodged with the Selwyn District Council prior to any construction activity and adhered to where the construction of any works subject to the resource consents requires the disturbance on removal of any:

- (a) Landfill;
- (b) Farm dump;

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- (c) Offal pit;
- (d) Septic tank;
- (e) Silage pits;
- (f) Dairy effluent disposal ponds; and
- (g) Coal mine or coal mine workings.

The Remediation Action Plan above shall address the matters set out in (a) - (f) below, with a level of detail appropriate to the degree of risk presented by the disturbance, removal or inundation of each specific contaminated area:

- (a) The earthworks and transport controls to minimise the off-site mitigation of contamination\* (via air or water during the remedial works).
- (b) Appropriate measures for the control of dust or odour;
- (c) The diversion of stormwater away from the remedial works;
- (d) The treatment of contaminated stormwater or groundwater in the remediation area;
- (e) Sampling and reporting;
- (f) The health and safety requirements for remediation workers.

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### 11.2 Solid Waste

A Waste Management Plan shall be prepared and lodged with the Selwyn District Council prior to any construction activity and adhered to, for the management of domestic waste from site staff, construction waste and hazardous waste.

At each construction area, provision shall be made for the recycling of paper, plastic, glass, aluminium, cans, waste oil and solvents. Containers and appropriate storage arrangements shall be provided for all other classes of waste.

Clean-fill construction waste shall be disposed of within the area of the designation and/or subject to the resource consents.

All other construction waste shall be transported in enclosed containers to a Selwyn District or Christchurch City transfer station.

### 11.3 Hazardous Substances

All fuel, oil and hazardous substances shall be stored in accordance with a Hazardous Substances/Spill Contingency Management Plan to be prepared and submitted to the Selwyn District Council at least one month prior to construction.

The Hazardous Substances Management Plan shall address the following matters:

- (a) Hazardous chemical storage
- (b) Fuel and chemical spill control
- (c) Spill containment
- (d) Spill clean up
- (e) Incident reporting

That plan shall be kept on site and provided to the Selwyn District Council upon request.

Fuel, oil and hazardous substance storage areas shall be bunded with capacity to contain 120% of the volume of stored material in the event of a spill.

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## 12.0 Cultural and Heritage Impacts

### 12.1 Archaeological and Heritage Management Plan

Prior to commencing any construction the Consent Holder shall commission an Archaeological and Heritage Management Plan prepared by a suitably qualified professional in conjunction with Te Rūnanga o Ngāi Tahu and the NZ Historic Places Trust and certified in accord with the ECMP process set out in condition 3.2. Once finalised, copies shall be lodged with the Selwyn District Council, Te Rūnanga o Ngāi Tahu, Te Taumutu Rūnanga and the NZ Historic Places Trust. This plan shall be complied with and shall cover any

destruction, damage or modification to any archaeological site, or historic site or building classified under the NZ Historic Places Act 1993 and identify any conditions to be complied with in relation to heritage. The Archaeological and Heritage Management Plan shall include:

- (a) Methods for avoiding, remedying or mitigating adverse effects on known archaeological and cultural sites and heritage places.
- (b) The Consent Holder's other legal responsibilities when dealing with archaeological and cultural and heritage places, including Iwi Management Plans, the Ngai Tahu Claims Settlement Act 1998, the Protected Objects Act 1975 and the Historic Places Act 1993 (see condition 12.4).
- (c) Methods for identifying unrecorded archaeological and cultural sites and heritage places which are discovered during the construction of the scheme and appropriate accidental discovery protocols to deal with these (see condition 12.4).
- (d) The identification of areas where there are likely to be sites of significance that require the presence of a cultural monitor on site during construction.
- (e) Responsibilities of contractors and project managers.
- (f) Control of vegetation, stock and soil erosion.
- (g) Public access and vandalism.
- (h) Methods of excavation.
- (i) Sampling and analysis of archaeological materials.

Any taonga tuturu (artefacts of tangata whenua origin) that are recovered during the works are the property of the Crown and should be registered with the Ministry for Culture and Heritage. Such artefacts shall be stored in an appropriate repository either in a local or regional museum.

#### 12.2 Site Survey

Before commencing any vegetation clearance or earthworks in any area listed in the Selwyn District Plan as a Wāhi Taonga site, Wāhi Taonga Management Area or Mahinga Kai site, the Consent Holder shall contact local rūnanga for advice as to the most appropriate methods for avoiding, remedying or mitigating adverse effects of the proposed activity.

Further survey/investigation of potential effects on the archaeological site identified as containing ovens and artefacts in the vicinity of Old West Coast Road and Intake Road (M 35/146) is required prior to any works commencing on Race D 2.1 in this area.

#### 12.3 Historic Places Act Authority

Prior to commencing any construction, the Consent Holder shall obtain the appropriate Authority to destroy, damage or modify any archaeological site, historic site or historic building classified under the Historic Places Act 1993, from the NZ Historic Places Trust for the work required to complete that stage of the project (section 18 Authority).

Where practicable, all sites should be avoided, but where such sites cannot be avoided, full and appropriate recording and documentation of such sites should be undertaken before they are destroyed. Any mitigation of damage, modification or destruction of the sites shall be undertaken according to sections 10 and 12 of the Historic Places Act 1993.

#### 12.4 Accidental Discovery Protocol

This protocol shall cover archaeological sites, historic sites and historic buildings classified under the Historic Places Act 1993. Where appropriate, all contractors, project managers and stakeholders shall be inducted into the protocol and made aware of their individual responsibilities under the protocol.

In the event of any disturbance of Koiwi Tangata (human bones) or taonga (treasured artefacts), the Consent Holder shall immediately:

- (a) Advise the Te Rūnanga o Ngāi Tahu, Te Taumutu Rūnanga, or their representative, and the Selwyn District Council of the disturbance;

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(b) Cease earthmoving operations in the affected area until the area containing the Koiwi Tangata or taonga has been clearly demarcated, and Kaumatua and archaeologists have certified that it is appropriate for earthmoving to recommence.

In the event of accidental discovery of archaeological remains, the following steps shall be taken:

- (a) All activity affecting the immediate area shall cease and the Regional Archaeologist of the New Zealand Historic Places Trust shall be contacted;
- (b) The site shall be secured to ensure that the remains are not further disturbed;
- (c) Further works affecting the remains will not commence until either:
  - i. The Regional Archaeologist of the New Zealand Historic Places Trust has confirmed in writing that the archaeological provisions of the Historic Places Act 1993 do not apply; or
  - ii. The requirements of the archaeological provisions of the Historic Places Act 1993 have been met, and if required, and archaeological authority has been granted by the New Zealand Historic Places Trust.

If human remains / koiwi tangata are located, in addition to the above steps, the Runanga representative for the area and the New Zealand Police must be contacted.

The above protocol shall only be amended in consultation with the New Zealand Historic Places Trust (NZHPT) Te Rūnanga o Ngāi Tahu and Te Taumutu Rūnanga. Once finalised copies shall be lodged with those parties and the Selwyn District Council prior to any construction commencing.

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## 13.0 Utilities

### 13.1 Power Utilities

Where any part of a building or structure needs to be constructed/located within the restricted areas specified under Table 2 of the NZECP 34:2001, prior to that construction commencing, the Consent Holder must submit to the Selwyn District Council (and a copy to Transpower) a certificate from a suitably qualified electrical engineer confirming that any building or structure complies with the minimum safe distances from the Benmore – Haywards A Benmore – Islington A, Roxburgh – Islington A, Brackendale – Hororata A, and Hororata – Islington E lines as specified in Table 3 of the NZECP 34:2001.

Please note that the distances specified include an allowance for climatic conditions (i.e., conductor swing).

No buildings or structures (including temporary buildings) shall be located within 12 metres of the outer edge of the visible foundations of any transmission line tower.

No fences of conductive materials shall be located within 5 metres of the outer edge of the visible foundations of any transmission line tower.

All buildings and other structures constructed on site shall be located so as not to preclude existing 4-wheel drive access to any transmission line support structure.

All machinery and mobile plant operated on site must maintain a minimum clearance distance of 4 metres from all transmission line conductors at all times.

No person shall, in the case of any tower supporting any conductor, excavate or otherwise interfere with any land:

- (a) at a depth greater than 300mm within 6 metres of the outer edge of the visible foundations of the tower; or
- (b) at a depth greater than 3 metres, between 6 metres and 12 metres of the outer edge of the visible foundation of the tower; or
- (c) in such a way as to create an unstable batter.

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(d) When, in exceptional circumstances, the Consent Holder wishes to undertake works within the specified distances, Transpower shall be consulted with in order to provide the requisite approvals for encroachment, in accordance with the NZECP 34:2001.

Excavated or other material must not be deposited under or near the Benmore – Islington A, Roxburgh – Islington A, Brackendale – Hororata A, and Hororata – Islington E transmission lines so as to reduce the vertical distance from the ground to the conductors to a distance less than:

- (a) 6.5 metres vertically, across or along driveways or on any other land traversable by vehicles;
- (b) 5.5 metres vertically, on any land not traversable by vehicles due to inaccessibility; and
- (c) 3 metres in any distance other than vertical on all land.

Excavated or other material must not be deposited under or near the Benmore – Haywards A transmission line so as to reduce the vertical distance from the ground to the conductors to a distance less than:

- (a) 8 metres vertically, across or along driveways or any other land traversable by vehicles;
- (b) 6.5 metres vertically, on any land not traversable by vehicles due to inaccessibility;
- (c) 3 metres in any distance other than vertical on all land.

*Please note that the distances specified include an allowance for mechanic creep (i.e., permanent elongation of the conductors).*

The Consent Holder must ensure that the discharge of dust created by earthworks, transportation and construction activities does not create any dust hazard or nuisance to any high voltage transmission lines.

Prior to the commencement of any construction, the Consent Holder must submit a “Dust Control Management Plan” for the activity to the Planning Manager, Selwyn District Council (and a copy to Transpower). In particular, the Dust Management Control Plan shall specify the potential dust sources and the mitigation measures to be undertaken to minimize dust in order to protect the existing high voltage transmission lines and locations where ground levels may change in and around transmission lines.

All land use activities, including earthworks located on site must comply with the New Zealand Code of Practice for Electrical Safe Distances NZECP 34:2001 or any subsequent amendment to this code.

All trees and vegetation planted on site must comply with the Electricity (Hazards from Trees) Regulations 2003 or any subsequent amendment to these regulations.

Existing access arrangements to transmission line support structures shall be retained where practicable. Where the Consent Holder requires or causes a change in access arrangements, then alternative arrangements shall be made (to the satisfaction of Transpower) to provide safe 4-wheel drive, 24hr access to support structure bases (including during the construction period).

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## **14.0 Bonding of Construction, Operation and Maintenance**

### **14.1 Scheme Construction, Operation and Maintenance**

The Consent Holder shall maintain and repair the works authorised under these consents including, but not limited to, the distribution channels, bywashes, pump stations, and all other ancillary structures such as bridges, siphons and culverts.

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### **14.2 Environmental Bonding**

To secure condition 14.1 the Consent Holder shall provide and maintain in favour of the Selwyn District Council a bond on terms and conditions satisfactory to them in all respects.

### **14.3 Form of Bond**

The bond shall be in a form generally used by a bank or insurance company registered to conduct business in New Zealand and approved by the Selwyn District Council.

#### 14.5 Content of Bond

The bond shall apply until all construction works relating to the distribution network, by washes and any ancillary utility structures have been completed and shall provide that the Consent Holder shall be liable and remain liable for meeting the lesser cost of:

- (a) Completion; or
- (b) Reinstating land affected by the construction including making safe and mitigating any adverse effects arising from the work undertaken during construction.

#### 14.6 Payment

The payment of the bond quantum by the Consent Holder shall be guaranteed by a guarantor acceptable to the Selwyn District Council.

The guarantor shall bind itself to pay up to the bond quantum for the carrying out and completion of all obligations of the Consent Holder under the bond.

#### 14.7 Term

The bond shall be executed before the commencement of any construction works associated with the distribution network and may be renewed from time to time in accordance with this condition and shall remain in place until construction is complete.

#### 14.8 Amount

(a) The bond may vary from time to time but at any given time shall be sufficient to cover the lesser of the estimated costs of completion (including any contingency), or compliance with all conditions, including as required by condition 14.5:

- (i) Demolition and removing of any buildings or other structures; and
- (ii) Rehabilitation of land affected by the Scheme.

(b) The bond shall be set prior to the commencement of construction by agreement between the Consent Holder and the Selwyn District Council, taking into account the estimated cost of meeting the obligations for which the bond is given as set out in condition 14.5 above.

(c) In the event of the Consent Holder and the Selwyn District Council not reaching agreement on the initial bond amount it will be assessed by a suitably qualified and experienced independent bond assessor appointed by the Selwyn District Council, and the decision of that person shall be final and binding.

(d) The amount of the bond will then be reviewed and reassessed by the Consent Holder and the Selwyn District Council every 12 months from the date the initial bond amount was lodged until construction of the distribution network is complete.

(e) During the construction phase of the Scheme, a scope of works planned for the balance of the construction period will be provided by the Consent Holder to the Selwyn District Council, both prior to setting the initial bond amount, and again at each annual reassessment, to assist in setting the bond amount as outlined in condition 14.8(a) above.

(f) In the event of the Consent Holder and the Selwyn District Council not reaching agreement on a bond amount within thirty (30) working days of the date the review and reassessment falls due, it will be assessed by a suitably qualified and experienced independent bond assessor appointed by the Selwyn District Council, and the decision of that person shall be final and binding.

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(g) If at any time the amount of the bond is varied pursuant to condition 14.8(d) then the Consent Holder and guarantor approved by the Selwyn District Council, shall within thirty (30) working days of notification to the Consent Holder of the varied bond amount, execute and lodge with the Selwyn District Council a new bond for the varied amount or the additional amount required in excess of the existing bond.

(h) The Consent Holder shall not commence, or shall cease to commence, any activity authorised under these consents until:

(i) The bond referred to in condition 14.5 above is executed by the Consent Holder and guarantor and deposited with the Selwyn District Council; and

(ii) In respect of any varied bond referred to in condition 14.8(g) above, after thirty (30) working days has expired from the date the Consent Holder was notified of the terms of the varied bond by the Selwyn District Council, unless the varied bond has been executed by the Consent Holder and guarantor, and has been deposited with the Selwyn District Council, or the varied bond decreases the bond amount required to be provided by the Consent Holder.

#### **14.9 Section 109**

The provisions of Section 109 of the Act shall apply to any bond required pursuant to this condition.

#### **14.10 Costs**

The Consent Holder shall meet the costs of providing any bond, including the costs of preparation of the bond and any substitute bond, and the costs of any professional bond assessor engaged to resolve the appropriate quantum of the initial bond to be provided or any varied bond on review and reassessment.

### **15.0 Insurance**

#### **15.1 Public Liability Insurance**

The Consent Holder shall, all at times after construction has commenced, have in place public liability insurance on terms suitable in all respects to the Selwyn District Council, to cover the full costs of remediating any environmental damage, including damage to private property and public infrastructure in the event of any failure of the distribution network and/or by washes authorised by these consents. The insurance shall be obtained on the following conditions:

(a) The Selwyn District Council shall be the beneficiary of the insurance policy and shall be able to enforce its terms;

(b) The Consent Holder shall ensure that the Selwyn District Council has, at all times after construction commences, written confirmation that the insurance required by this condition is in place.

(c) The Consent Holder shall ensure that the insurer is required to copy all relevant information regarding the insurance to the Selwyn District Council. This obligation includes an express term that the insurer must immediately notify the Selwyn District Council of any non-performance of the terms of insurance by the Consent Holder.

(d) In the event of non-performance of any term of the insurance, the Selwyn District Council shall be given the opportunity to rectify the non-performance before the insurance is cancelled.

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### **16.0 Review of Conditions**

Pursuant to section 128(1) of the Act, the Consent Authority may review any of the conditions by serving notice either:

- (a) Within a period of two months of the date of commencement of these consents; or
- (b) Within a period of three months commencing on each anniversary of the date of issue of these consents for any of the following purposes:
  - i. To deal with any adverse effects on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
  - ii. To require the Consent Holder to adopt the best practicable option to mitigate any adverse effect upon the environment; or
  - iii. To deal with any other adverse effect on the environment on which the exercise of the consent may have any influence;
  - iv. To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and is such that it is necessary to apply more appropriate conditions.

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**ADVICE NOTES:**

1. The Council will require payment of its administrative charges in relation to monitoring, as authorised by the provisions of section 36 of the Resource Management Act 1991.
2. Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. An authority (consent) from the NZ Historic Places Trust must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage. The Consent Holder is advised to contact the NZ Historic Places Trust for further information.

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**Independent Commissioners 28 May 2010**



Philip Milne (chair)



Bob Nixon



Andrew Fenemor

A handwritten signature in blue ink, appearing to read "R. O'Callaghan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ray O'Callaghan