

Comments on Conditions	Claire Penman (reporting officer)	SHL Comments	SHL – Suggested Amendments to Conditions	XXX
<p>1. The works shall be limited to:</p> <p>(a) The construction, maintenance and use of an irrigation pump station and intake on the shoreline and lake bed of Lake Ohau at or about NZMS 260 H38:621-522; and</p> <p>(b) The construction, maintenance, and use of a pipeline underneath Maori Creek at or about NZMS 260 H38:617-512.</p> <p>Note: For the purposes of this consent “maintenance” as described in condition 1 of this consent includes, but is not limited to, repairs to the gallery, pipeline and pumping stations.</p>	<p>I do not consider that this condition adequately defines the scope of the activity. There is no mention of the size of the pump station or pipeline, the location above minimum lake level, the area and depth of excavation required, or if vegetation removal is required.</p> <p>There is also no link to any location or design plans of the gallery (as included in Ian McIndoe's evidence, figures 39 &amp; 40).</p>	<p>The condition is consistent with Condition 1 of all other consents and is considered appropriate. Reference should be made a plan which would form part of the consent.</p>	<p>The works shall be limited to:</p> <p>(a) The construction, maintenance and use of an irrigation pump station and intake on the shoreline and lake bed of Lake Ohau at or about NZMS 260 H38:621-522; and</p> <p>(b) The construction, maintenance, and use of a pipeline underneath Maori Creek at or about NZMS 260 H38:617-512</p> <p><a href="#">as shown on attached Plan A, which is attached to, and forms part of this consent.</a></p> <p>Note: For the purposes of this consent “maintenance” as described in condition 1 of this consent includes, but is not limited to, repairs to the gallery, pipeline and pumping stations.</p>	
<p>2. Excavation shall not exceed a depth of 3 metres below the level of the natural lake or river bed prior to excavation.</p>	<p>This condition conflicts with evidence of Ian McIndoe at paragraph 430 where he states the excavation will be to 3.3m below the lake bed.</p>	<p>Proposed amendment to condition is considered acceptable.</p>	<p>Excavation shall not exceed a depth of <u>3.3</u> metres below the level of the natural lake or river <u>bed</u> prior to excavation.</p>	
<p>3. If further excavation at the site in the active lake or river bed is not to occur within seven days following the last working at the site, then the following shall occur:</p> <p>(a) All deposits of gravel, sand and other natural material shall be levelled to the natural bed level;</p> <p>(b) The excavation area shall be reshaped and formed to a state consistent with the surrounding natural river bed.</p>	<p>Change the word “excavation” to “works” throughout condition.</p> <p>Amend (b) as follows: “...<b>surrounding natural river or lake bed.</b>”</p>	<p>Agree with suggested changes as they add clarity to requirements.</p>	<p>If further <u>works</u> at the site in the active lake or river bed is not to occur within seven days following the last working at the site, then the following shall occur:</p> <p>(a) All deposits of gravel, sand and other natural material shall be levelled to the natural bed level;</p> <p>(b) The excavation area shall be reshaped and formed to a state consistent with the surrounding natural river <u>or lake</u> bed.</p>	
	<p>Recommend following condition be included:</p> <p><b>“The Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, shall be notified not less than 3 working days prior to the commencement of works described in condition (1)”</b></p>	<p>The proposed condition is accepted.</p>		
<p>4. Prior to commencing excavation, a copy of this resource consent shall be given to all persons undertaking activities authorised by this consent.</p>	<p>Change the word “excavation” to “works”</p>	<p>The proposed amendments to the condition are accepted.</p>		

5.	Prior to giving effect to this consent, the consent holder shall obtain any necessary easements from Land Information New Zealand associated with the occupation of Lake Ohau.	Agree			
		Recommend condition limiting duration of installation works (e.g. 4 weeks).	A condition to this effect is unnecessary given Condition 3 provides adequate measures in place in the case of delays during period of works.		
6.	Works to construct and maintain the intake structure shall not be carried out on public holidays, or public holiday weekends.	Agree			
7.	Works to construct and maintain the intake structure shall only occur during the hours of 7am to 7pm, Monday – Sunday.	Agree			
<b>Accidental Discovery Protocol</b>					
8.	<p>The consent holder shall ensure that the following procedure is adopted in the event that koiwi (human remains) or taonga (cultural artefacts) are unearthed or are reasonably suspected to have been unearthed during the course of construction and other activities.</p> <p>(a) Immediately as it becomes apparent, or is suspected by workers at the site that koiwi or taonga have been uncovered, all activity at the site will cease.</p> <p>(b) The plant operator will shut down all machinery or activity immediately, and leave the area and advise his or her supervisor of the occurrence.</p> <p>(c) The supervisor shall take steps to immediately to secure the area in a way that ensures that koiwi or taonga remain untouched as far as possible in the circumstances and shall notify the consent holder.</p> <p>(d) The Project Manager will notify the New Zealand Police (in the case of koiwi) and the relevant runanga representatives that it is suspected that koiwi and/or taonga have been uncovered at the site.</p> <p>(e) The runanga representatives will contact the appropriate kaumatua to act on their behalf in this matter in order to guide and advise the consent holder as to the appropriate course of action.</p> <p>(f) The consent holder shall ensure that representatives on its behalf are available to meet and guide kaumatua and police (as appropriate) to the site, assisting with any requests they may make.</p> <p>(g) If the kaumatua are satisfied that the koiwi or taonga are of Maori origin the kaumatua will decide how they are to be dealt with and will communicate its decision to the consent holder, New Zealand Police and such other parties as are considered appropriate.</p> <p>(h) Activity on site shall remain halted until the Police and the kaumatua have given approval for operations to recommence.</p> <p>(i) The consent holder shall ensure that kaumatua are given the opportunity to undertake karakia and such other religious or cultural ceremonies and activities at the site as may be considered appropriate in accordance with tikanga Maori (Maori custom and protocol).</p>	(d) "Project Manager" should read "consent holder"	The proposed amendment to the condition is accepted.		

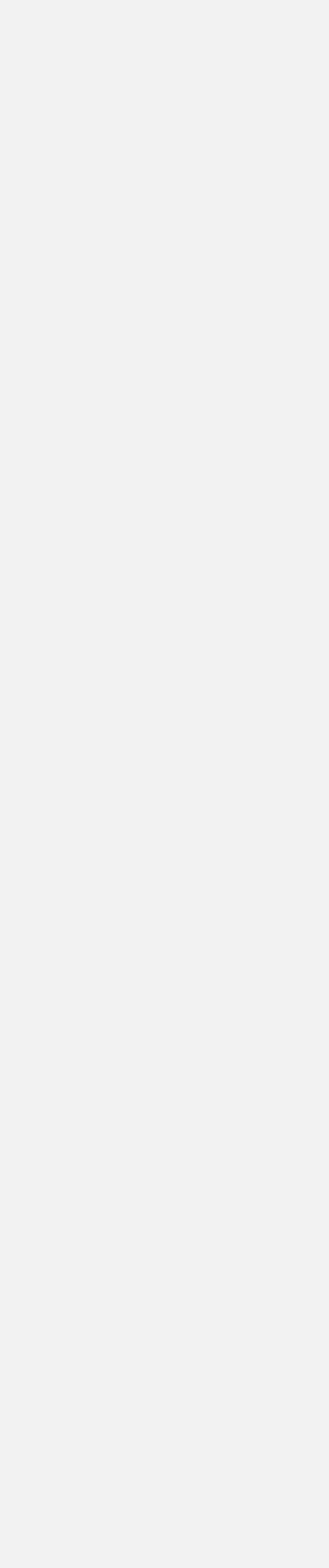
	<b>Erosion Protection</b>				
9.	Works shall not cause erosion, or instability of the banks and bed of Lake Ohau or Maori Creek.	Can be deleted as covered by condition (11).	Agree – condition can be deleted.	Delete condition.	
10.	Erosion controls shall be installed on all earthworks to prevent sediment from flowing into any surface water body.	Agree			
11.	Works shall not be undertaken in any manner likely to cause erosion of or instability to, the banks or bed of Lake Ohau or Maori Creek; or reduce the flood-carrying capacity of the waterway.	Agree			
	<b>Sediment Control</b>				
12.	All practical measures shall be taken to minimise the disturbance of the beds of Lake Ohau and Maori Creek.	Can be deleted as covered by condition (13)	Agree – condition can be deleted.	Delete condition.	
13.	The consent holder shall adopt the best practicable options to: (a) Minimise soil disturbance and prevent soil erosion; (b) Prevent sediment from flowing into any surface water; and (c) Avoid placing cut or cleared vegetation, debris, or excavated material in a position such that it may enter surface water.	Agree			
14.	At least 20 working days prior to the commencement of the works, the consent holder shall submit to the Canterbury Regional Council, Attention: RMA Enforcement and Compliance Manager an Erosion and Sediment Control Plan (ESCP) that includes, but is not limited to the following: (a) a locality map; and (b) detailed drawings showing the type and location of erosion and sediment control measures, on-site catchment boundaries, and off-site sources of run-off; and (c) drawings and specifications of all designated erosion and sediment control measures with supporting calculations; and (d) a programme of works, which includes but is not limited to a proposed timeframe for the works; (e) a schedule of inspections and maintenance of erosion and sediment control measures; and (f) details of when the erosion and sediment control measures are to be established and decommissioned; and (g) measures to ensure that there is no tracking of mud or earth onto the surrounding road network, including the provision of shaker ramps and/or wheel washes where appropriate; and (h) measures to be undertaken should erosion and sediment control measures fail and result in contamination of any watercourse or water body.	Agree			
15.	The ESCP shall be prepared in general accordance with the Environment Canterbury Erosion and Sediment Control Guidelines 2007 (ECAN ESC Guidelines).	Agree			
16.	The ESCP shall be communicated to all persons undertaking activities authorised by this consent and a copy of the ESCP shall be kept on site at all times.	Agree			

17.	The Erosion and Sediment Control Plan and any revisions of that document shall be submitted to the Canterbury Regional Council Attention: RMA Compliance and Enforcement Manager for certification that the Erosion and Sediment Control Plan meets all the requirements of the conditions of this consent.	Agree			
18.	No activities authorised by this consent shall commence or be undertaken other than in full compliance with the Erosion and Sediment Control Plan that has been certified by or on behalf of the Canterbury Regional Council RMA Compliance and Enforcement Manager in terms of condition 14.	Agree			
19.	<p>Prior to any construction or maintenance works being carried out in the period 1 September to 1 February, the consent holder shall ensure that:</p> <ul style="list-style-type: none"> <li>(a) a suitably qualified and independent person inspects the proposed area of works, no earlier than eight working days prior to any works being carried out, and locates any bird breeding sites of birds listed in Appendix A;</li> <li>(b) the person carrying out the inspection prepares a written report that identifies all the located bird breeding or nesting sites and provides copies of that report to the consent holder and the Canterbury Regional Council;</li> <li>(c) the name and qualifications of the person carrying out the inspection are provided to the Canterbury Regional Council with the report;</li> <li>(d) any person carrying out works authorised by this consent are informed of any bird breeding or nesting sites located; and</li> <li>(e) where work ceases for more than 10 days, the site will be re-inspected for bird breeding and nesting sites in accordance with parts (a) to (d) of this condition.</li> </ul> <p><b>Appendix A – list of bird species</b>  South Island Pied Oystercatcher  Black Stilt  Pied Stilt  Wrybill  Banded Dotterel  Black-fronted Dotterel  Grey warbler  Fantail  Bellbird  Silvereye  Spur-winged Plover  Paradise Shelduck  Grey Duck  NZ Shoveler  Grey Teal  NZ Scaup  Black-billed Gull  Red-billed Gull  Caspian Tern  White-fronted Tern</p>	Agree			

	Black-fronted Tern White-winged Black Tern Australasian Bittern Marsh Crake Spotless Crake Cormorant/shag colonies Or any other bird species deemed by a suitably qualified person to require protection.				
20.	The consent holder shall ensure that no construction or maintenance work is undertaken within 100m of any bird breeding or nesting sites as identified in accordance with condition 19.	Agree			
21.	Construction and maintenance works shall avoid the period of 1 August to 31 October inclusive, in any year	Agree			

22.	To prevent the spread of Didymo or any other aquatic pest, the consent holder shall ensure that activities authorised by this consent are undertaken in accordance with the Biosecurity New Zealand's hygiene procedures.	Need to add advice note as follows:  <b>Note: You can access the most current version of these procedures from the Biosecurity New Zealand website <a href="http://www.biosecurity.govt.nz">http://www.biosecurity.govt.nz</a> or Environment Canterbury Customer Services.</b>	Do not consider it necessary to include advice note.		
23.	The consent holder shall ensure that during construction: (a) All practicable measures shall be undertaken to prevent oil and fuel leaks from vehicles and machinery. (b) There shall be no storage of fuel or refuelling of vehicles and machinery within 20 metres of the bed of a river. (c) Fuel shall be stored securely or removed from site overnight.	Agree			
24.	The consent holder shall ensure that works do not prevent the passage of fish, or cause the stranding of fish in pools or channels.	Agree			
25.	The consent holder shall ensure that machinery shall be free of plants and plant seeds prior to use in the waterbody.	Agree			
	<b>Noise</b>				
26.	The consent holder shall ensure that the use of the pump station associated with this consent does not exceed an operational noise level of 40dBA.	Agree	Whilst the proposed condition is agreed to, it should be contained within the consent for taking of water given that this consent only details with the physical works required to facilitate the take. Condition 26 should be deleted and inserted into CRC073115.		
	<b>Upon Completion</b>				
27.	All disturbed areas outside the lake or river bed shall be stabilised and revegetated with similar species to those found in the intermediate vicinity of the particular site following completion of the works.	Agree			
28.	All spoil and other waste material from the works shall be removed from site on completion of works.	Agree			
	<b>Fish Screens</b>				
29.	The consent holder shall ensure that water is abstracted using a gallery intake and shall be designed to prevent native and exotic fish species from entering the system. The fish screen shall be designed and constructed in a manner that ensures the principals of the NIWA fish screening guidelines are achieved.	Recommend slightly amended version of conditions (29 and (30) as follows: <b>(a) The consent holder shall ensure that water is abstracted under consent CRC040835 using a gallery intake and shall be designed to prevent native and exotic fish species from entering the system.</b> <b>(b) The fish screen shall be designed by a person with experience in freshwater ecology and fish screening techniques, and constructed in a manner that ensures the principals of the NIWA fish screening guidelines</b>	Given a gallery intake is proposed there is no requirement for a fish screen and it is therefore suggested that this condition be deleted.  It is also noted that the proposed condition specifies the method through which water should be abstracted. It is not considered appropriate for this permit for to dictate the method by which water is to be extracted. Reference to <u>how</u> water is to be extracted should be left to consents for the taking of water. It would, however, be appropriate to include conditions associated with the physical works associated with the intake gallery.  Having regard to the above, conditions (a) and (b) should be deleted. Conditions (c) and (d) are supported, with minor amendments.	29. Upon completion of <b>any</b> intake structure a report <b>shall be</b> provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager. The report shall be prepared by the consent holder for certification and shall demonstrate compliance with the following: (a) Design plan for the gallery specifying gallery dimensions; (b) Detail of depths and sizes of layers of gravel over the gallery; (c) Photographic evidence of key stages of construction of the gallery,	

		<p>(Fish Screening: Good Practice Guidelines for Canterbury, NIWA Client Report 2007-092, October 2007. (Copy available on <a href="http://www.ecan.govt.nz">www.ecan.govt.nz</a>) are achieved.</p> <p>(c) No water may be taken in terms of this permit until, upon completion of the intake structure a report is provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager. The report shall be prepared by the consent holder for certification and shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> <li>(i) Design plan for the gallery specifying gallery dimensions;</li> <li>(ii) Detail of depths and sizes of layers of gravel over the gallery;</li> <li>(iii) Photographic evidence of key stages of construction of the gallery, including demonstrating compliance with gravel specifications in sub clause (c)(ii) above;</li> <li>(iv) Any ongoing maintenance required by the manufacturer is carried out in accordance with their specifications.”</li> </ul> <p>(d) The intake structure shall be maintained in good working order. Records shall be kept of all inspections and maintenance. And those records shall be provided to the Canterbury Regional Council upon request.</p>		<p>including demonstrating compliance with gravel specifications in sub clause (c)(ii) above;</p> <p>(d) Any ongoing maintenance required by the manufacturer is carried out in accordance with their specifications.”</p> <p>30. <u>Any</u> intake structure shall be maintained in good working order. Records shall be kept of all inspections and maintenance. And those records shall be provided to the Canterbury Regional Council upon request.</p>	
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30.	<p>Upon completion of the intake structure a report to the Canterbury Regional Council shall be prepared by the consent holder for certification, the report shall demonstrate compliance with the following:</p> <p>(a) Design plan for the gallery specifying gallery dimensions;</p> <p>(b) Detail of depths and sizes of layers of gravel over the gallery;</p> <p>(c) Photographic evidence of key stages of construction of the gallery;</p> <p>(d) Any ongoing maintenance required by the manufacturer is carried out in accordance with their specifications.</p>		As stated above, this condition should be inserted at condition 29, with some amendments.		
	<b>Review</b>				
			Lapsing condition proposed in accordance with all other relevant consents.	<a href="#">For the purposes of Section 125 of the Resource Management Act (1991), this consent shall lapse 10 years from the date it is granted.</a>	
31.	<p>The Canterbury Regional Council may once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.</p>	Agree	Suggest condition should refer to review under s.128 of the RMA	<p>The Canterbury Regional Council may once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent, <a href="#">pursuant to Section 128 of the RMA</a>, for the purposes of dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.</p>	

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