

KANIERE VALLEY

HYDRO ELECTRIC POWER SCHEME – MCKAYS HEPS ENHANCEMENTS

Westland District Council

Proposed Consent Conditions

5 August 2011

OPERATION OF THE McKAYS FORKS HYDRO ELECTRIC POWER SCHEME ('HEPS')

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Decision No 1

Westland District Council: Land Use Consent to:

- (a) All activities associated with the construction, operation, maintenance and repair of the enhanced McKays Hydro Electric Power Scheme (HEPS) for hydro electric power generation purposes, including;
- construction of infrastructure and buildings including additions/enhancements to an existing McKays power station (McKays),
 - clearance of indigenous vegetation within and outside riparian margins and earthworks,
 - undertaking construction activities in accordance with the New Zealand Standard for Construction Noise NZS6803:1999 “Acoustics – Construction Noise”; and
- (b) Any other land use consents necessary to enable TrustPower to construct, operate and maintain the HEPS (including the proposed enhancements).

1. **Resource Consent Number:** 110075
2. **Date of commencement:** As provided in s.116 of the Resource Management Act 1991.
3. **Purpose of consent:** To undertake land use activities associated with the McKays HEPS enhancements in general accordance with the relevant conditions in Schedule A as set out below.
5. **Land Use Consent 110075 is subject to the following conditions,** which are set out in detail in Schedule A.

Schedule A: McKays HEPS Westland District Council

Proposed Consent Conditions

Definitions

Consent Authority” means the Westland District Council. Where a condition specifies the Consent Holder is to ‘notify’ the Consent Authority, this means the Environmental Services Manager of the Westland District Council.

“McKays HEPS Enhancement” or *“MKY HEPS Enhancements”* as depicted in the area shown in Appendix 1 and as more particularly described in the Assessment of Effects (Kaniere Valley Hydro Electric Power Scheme – Kaniere HEPS and McKays HEPS) dated 31 November 2010.

1. Recommended General Conditions

1.1 Method of Operations

1. All activities authorised by these consents Effects for the McKays HEPS shall be undertaken generally in accordance with the information contained in:
 - (a) The Application and Assessment of Environmental (Kaniere Valley Hydro Electric Power Scheme – Kaniere HEPS and McKays HEPS) dated 31 November 2010;
 - (b) The response to the Section 92 request dated 15 July 2011; and
 - (c) All supporting technical documents and plans as provided to the Consent Authority, except where inconsistent with these conditions.
2. The Consent Holder shall ensure all key staff and contractors are made aware of the conditions of these resource consents to ensure compliance with conditions.
3. Where conditions of these consents require the provision of further information such as reports or management plans by the Consent Holder, the Consent Authority may undertake a peer review of this information. This peer review shall be at the Consent Holder's expense.

1.2 Fees

4. The Consent Holder shall pay to the Consent Authority such administration, supervision and monitoring fees as are fixed from time to time by the Consent Authority in accordance with Section 36 of the Act. The Consent Holder shall meet the reasonable costs of compliance of all requirements and conditions of these consents.

1.3 Complaints and Non-compliance

5. The Consent Holder shall maintain and keep a complaint register for all activities authorised by these consents. The register shall detail the date, time and type of complaint, cause of the complaint, and the action taken by the Consent Holder in response to the complaint. The register shall, on request, be made available to the Consent Authority within 48 hours.
6. Unless otherwise stated within these consents, in the event of any breach of compliance with the conditions of these consents the Consent Holder shall notify the relevant Consent Authority within 48 hours of the breach being detected. Within seven days of any breach, the Consent Holder shall provide written notification to the Consent Authority, which explains the cause of the breach, and if the cause was within the control of the Consent Holder, steps which were taken to remedy the breach and steps which will be taken to prevent any further occurrence of the breach.

1.4 Notification of Exercise of Consent and cessation of construction activities

7. The Consent Holder shall notify the Consent Authority in writing of the intention to exercise any consent at least two (2) months prior to the commencement of any activities authorised by these consents.
8. Notwithstanding Condition 7, the Consent Holder shall, within 10 working days of commencement, notify the Consent Authority in writing of the date that it first exercised these consents.
9. The Consent Holder shall notify the Consent Authority in writing no less than 20 working days after construction activities cease.

1.5 Lapsing of Consents

10. Pursuant to Section 125(1), resource consent 110075 shall lapse on the expiry of ten years after the date of commencement of the consents unless the consents are given effect to before the end of that period or upon application in terms of Section 125(1)(b) of the Act, the Consent Authority grants an extension.

1.6 Review of Conditions

11. Pursuant to Section 128(1) of the Act, the Consent Authority may review any of the conditions of these consents by serving notice:
 - a) Within a period of six months, third and sixth anniversary of the date of commencement of these consents; and
 - b) every five years thereafter;
for any of the following purposes:
 - (i). To deal with any adverse effect on the environment which may arise from the exercise of the consents and which it is appropriate to deal with at a later stage;
 - (ii). To deal with any other adverse effect on the environment on which the exercise of the consent may have any influence;
 - (iii). To assess the appropriateness of imposed compliance standards, monitoring parameters, and monitoring frequencies and to alter these accordingly; and
 - (iv). ensure the adequacy of the operation of any of the Management Plans required by Condition 12 of this consent.

1.7 Management Plans

12. At least 2 months prior to the commencement of construction of the Kaniere HEPS Enhancement as authorised by these consents, the Consent Holder shall provide to the Consent Authority the following plans which have been prepared by independent and appropriately qualified persons and are in accordance with Conditions 17 to 25:
 - (a) Environmental Management Plan;
 - (b) Landscape Rehabilitation Plan;
 - (c) Historic Heritage Management Plan
 - (d) Traffic Management Plan; and
 - (e) Construction Noise Management Plan.
13. Construction activity shall not commence until the Management Plans required in Condition 12 have been certified by the Consent Authority to meet the relevant matters set out in Conditions 1.7.1 to 1.7.5. below. If the Consent Authority has not advised the Consent Holder in writing that it has certified a Management Plan required under Condition 12, or amended subject to Condition 15, within 15 working days of formal receipt of the Management Plans, then the Consent Holder may commence activities in accordance with the Management Plan unless the Consent Authorities advises the Consent Holder that it refuses to certify the Management Plan on the grounds that it fails to meet one or more conditions of consent.
14. Subject to any other conditions of these consents, all activities shall be undertaken in accordance with the current version of the Plans.
15. The Consent Holder may, at any time, make amendments to the Plans specified in Condition 12, by submitting the amendments in writing to the Consent Authority for certification that the amendments are consistent with the objectives of the relevant Plan. Minor amendments to take into account unforeseen conditions on site, or conditions for immediate action do not need to be submitted in advance of the work being undertaken, but shall be submitted on completion of the works relating to the minor amendment.
16. A copy of the current version of the Plans shall be kept on site at all times and all key personnel shall be made aware of contents of each Plan.

1.7.1 Environmental Management Plan

17. The Environmental Management Plan shall provide details as to the construction programme, and methods for the management of environment effects arising as a consequence of construction activities. The objectives of the Environment Management Plan shall be:
 - (a) To ensure that the practices and procedures for construction achieve compliance with the conditions of consent.
 - (b) That the Consent Holder undertakes its activities to ensure that the environmental nuisance effects of construction activities are minimised.
 - (c) To provide a framework for the individual management plans identified in Condition 12 (b) – (e)
18. The Environmental Management Plan shall as a minimum address the following matters:
 - (a) A construction programme including a timetable, sequence of construction events and duration. Specific detail should include:
 - (i). A description of the earthworks construction activities to be

- undertaken, including access arrangements, construction machinery, and vegetation clearance;
 - (ii). A schedule of the operations, mitigation measures, rehabilitation and reporting intended to be undertaken over the full construction period, including a general timetable of key construction / rehabilitation times;
 - (iii). A description of site controls, including working hours, noise controls and hazardous substance management.
- (b) Methods for the management of nuisance dust generated as a consequence of construction activities undertaken in exercising these consents.
 - (c) Training and supervision of operators and contractors during construction activities.
 - (d) Details of the minimum requirements for investigations, inspections and monitoring throughout construction to ensure that construction is being undertaken in accordance with the requirements of these conditions.
 - (e) Provision of a framework for the individual management plans identified in Condition 12 (b) – (e)
 - (f) A description of the documentation and information management and approvals processes to be used in implementing the plan, and a description of the process for monitoring performance including non-conformance reporting and staff training and changes to the plan based on monitoring activity.

An organisation chart showing the positions responsible for plan implementation and including a brief summary of responsibilities relevant to the plan such that the provisions of the plan can be implemented at all times.

1.7.2 Landscape Rehabilitation Plan

19. The Landscape Rehabilitation Plan shall provide details as to the rehabilitation and enhancement of the land surface, topsoil, drainage and vegetation in all disturbed areas. The Consent Holder will produce, maintain and undertake activities prescribed in the **Landscape Rehabilitation Plan** for the construction period of the HEPS; and either:
- (a) a minimum period of five years post construction of the Kaniere HEPS Enhancement to cover maintenance requirements of planting/regeneration that may be required; or
 - (b) when the indigenous vegetation cover has successfully re-established. Rehabilitation planting/regeneration has been certified as being successful by a suitably qualified ecologist when the following targets have been met:
 - (i). Canopy cover of indigenous species or gorse > 90% with at least 50% canopy cover of indigenous species in terrestrial ecosystems.
 - (ii). Canopy cover of indigenous species > 75% in wetland ecosystems.
 - (iii). percentage cover of bare ground is < 10%
20. The Landscape Rehabilitation Plan shall provide details as to the landscaping programme, methods for monitoring replanting (or regeneration) and rehabilitation and animal and plant pest control in accordance with the following objectives:

- (a) To re-establish an indigenous vegetation cover on all disturbed areas previously covered by indigenous species, excluding the HEPS footprint unless otherwise specified by other conditions of these consents, including but not limited to:
 - (i). the McKays Tunnel deviation envelope.
 - (b) To minimise maintenance after completion of planting.
 - (c) To the extent practicable, and having regard to the Scheme's operational safety and efficiency, visually integrate finished structures, landforms and vegetation into the surrounding landscape.
21. The Landscape Rehabilitation Plan shall as a minimum detail the following matters:
- (a) all landforms, finishing, layouts, soiling, planting and re-grassing of roads and tracks;
 - (b) plans, layouts, sections, photographs, written explanations, schedules, quantities and timetables as necessary;
 - (c) methods for monitoring the success of rehabilitation plantings/regeneration on a six monthly basis for the first two years and yearly thereafter for a minimum of five years following the planting,;
 - (d) rehabilitation procedures that will maximise the blending of the private haul roads, canal and any embankments and other proposed structures within the adjacent landscapes;
 - (e) the management practices associated with stripping and stockpiling of vegetation and other rehabilitation resources;
 - (f) the methods to be employed to manage and monitor pest plant species and pest animal species;
 - (g) Locations and descriptions, plans of any areas where amenity / picnic areas are to be developed.

1.7.3 Heritage Management Plan

22. The Heritage Management Plan shall be prepared, in consultation with Department of Conservation and the New Zealand Historic Places Trust, and shall provide for the following objectives:
- (a) avoidance of known heritage sites (except the Coal Creek Flume) and the minimisation of disturbance of any other sites identified during construction;
 - (b) To ensure that the discovery of a heritage site, *koiwi tangata* (human skeletal remains), *taonga* or archaeological artefacts are dealt with in accordance with conditions of consent including the Accidental Discovery Protocol.
23. The Historic Heritage Management Plan will include:
- (a) An Accidental Discovery Protocol which establishes procedures for identifying, reporting and managing features of historic heritage significance that may be uncovered in the course of construction activity;
 - (b) details as to how historic fabric and values (excluding for those components which are identified within the application as being decommissioned, retired or modified), are to be protected during construction activities associated with the McKays HEPS Enhancement.
 - (c) A map showing the specific location of each structure and / or component related to the construction activity and identified archaeological features, and a cross referenced table outlining the schedule of works and construction management procedures relating to each feature, including

but not limited to the necessity for specific Temporary Protection Plans ('TPPs') as required.

- (d) A description of the documentation and information management and approvals processes to be used in implementing the plan, and a description of the process for monitoring performance including non-conformance reporting and staff training and changes to the plan based on monitoring activity;
- (e) An organisation chart showing the positions responsible for plan implementation and including a brief summary of responsibilities relevant to the plan such that the provisions of the plan can be implemented at all times;
- (f) A training schedule for staff and contractors.

1.7.4 Traffic Management Plan

24. The Traffic Management Plan, shall be prepared after consulting with the Westland District Council and shall provide details as to how the safe and efficient operation of the transport system can be maintained during construction activities associated with the McKays HEPS Enhancement and shall include details on:

- (a) Construction sequence and methodology relating to all traffic activity associated with the project;
- (b) Hours of operation, including times and days when traffic-generating activities would occur;
- (c) Description of the types of vehicles that will be used on public roads, and identification of roads within the Westland District to be used by construction traffic;
- (d) Details and locations of where works will occur within the road reserve and the method of traffic management control that will be utilised;
- (e) Development of alternative management strategies where full compliance with safety standards may not be achieved, including for example active control of traffic at locations where full scale stopping distances are not practical to achieve for the temporary traffic volumes expected;
- (f) Description of routes for haulage of materials on the public road, and measures for ensuring the road network is maintained in a satisfactory condition;
- (g) Details on how provision will be made for property access to affected properties during construction;
- (h) Temporary work-site access arrangements;
- (i) Specification of procedures for liaison between the community, the consent holder, the contractor and the Westland District Council with regard to traffic related matters; and
- (j) Monitoring of any hazardous traffic conditions arising from dust on public roads and on-site haul roads.

1.7.5 Construction Noise Management Plan

25. The Construction Noise Management Plan shall be generally in accordance with Section 8 and Annex E of the NZ Standard NZS6803:199 "Acoustic – Construction Noise" which details the types of construction and procedures that will be carried out to ensure compliance with the Standard. The Construction

Noise Management Plan shall be submitted to the Consent Authority for certification that the Construction Noise Management Plan is generally in accordance with Section 8 and Annex E of the Standard.

1.8 Noise

26. Construction activities shall be conducted in accordance with the requirements of *NZS 6803:1999 "Acoustics – Construction Noise"* and comply with the limits given in Table 2 of that Standard.
27. All equipment and machinery shall be regularly maintained to ensure they do not exceed the levels permitted by the consent.
28. Construction activities shall be designed and managed to ensure the following noise levels are complied with as measured at the boundary of any land used for a residential activity, as located within 250m of the construction corridor:

Construction Noise Limits that apply to Works		
	Noise Limit (dB)	
	LAeq (T)	LAFmax
0730 – 1800 Monday - Saturday	75	90
1800 – 2000 Monday - Friday	70	85
0630 – 0730 Monday - Friday	60	75
0730 – 1800 Sunday	55	85
All other times	45	75

29. Commissioned works shall be designed and managed to ensure the following noise levels are complied with as measured at the notional boundary of a residential dwelling:

Monday to Friday – 7:00am to 9:00pm	55dBA L ₁₀
Saturday – 7:00am to 6:00pm	55dBA L ₁₀
At all other times including any public holiday	45dBA L ₁₀
30. Sound levels shall be measured in accordance with New Zealand Standard 6801:1991 "Measurement of Sound" and assessed in accordance with the provisions of New Zealand Standard 6802:1991 "Assessment of Environmental Sound".
31. Additional noise monitoring shall be conducted at any time upon a reasonable request from Council following receipt of justifiable noise complaints. Where any non-compliance is recorded, repeat noise monitoring shall be conducted on a monthly basis until compliance is achieved.

1.9 Public Roads and access arrangements

32. The Consent Holder shall take the best practicable option to avoid the deposit of debris onto public roads during the construction period. Any facilities

required to achieve this outcome shall be installed prior to work commencing.

33. Where legal access to other properties, not owned by the consent holder is restricted by construction activities, the consent holder shall provide alternative legal access to the property to the satisfaction of Council. Any facilities required to achieve this outcome shall be installed prior to any construction activities taking place within 50m of the existing legal access being restricted.

1.10 Landscape – Transmission lines

34. The Consent Holder shall ensure that additional transmission lines avoid any skyline effects that may incur from public viewpoints.

1.11 Vegetation and Flora

General

35. The Consent Holder shall:

- (a) Upon the uplift of building consent for the HEPS and between the period of September and April, the consent holder shall, in consultation with the Department of Conservation (West Coast Office – Tai Poutini Conservancy), carry out a survey to determine whether there are bat roost sites within the construction envelope. If bat roost sites are located within the construction envelope, the consent holder shall, in consultation with the Department of Conservation (West Coast Office – Tai Poutini Conservancy), develop and implement a programme and management plan to mitigate any adverse effects of proposed works on roost sites.
- (b) Construction works shall be confined to the smallest construction envelope practicable.
- (c) A suitably qualified ecologist shall:
 - (i). Certify that the final selection of fill sites avoid significant effects on indigenous vegetation, habitats or fauna (including aquatic communities);
 - (ii). the detailed design process to minimise adverse effects on vegetation communities and faunal habitats.
- (d) Best practice guidelines shall be used to prevent weed establishment during construction including:
 - (i). sourcing clean materials;
 - (ii). cleaning equipment and machinery before it enters the site; andpromptly re-vegetating disturbed soil with appropriate vegetation cover, and/or mulch.

1.12 Indigenous vegetation clearance mitigation

36. In consultation with the Department of Conservation, the Consent Holder shall develop a program to offset effects on flora and fauna, including the protection, restoration or enhancement of terrestrial habitat areas to mitigate those removed during the McKays HEPS Enhancements. The following criteria shall apply to the selection of the relevant terrestrial habitat areas:

- (a) Location (in order of preference)
 - (i). Within or adjacent to the area in which habitat loss will occur;

- (ii). Within the same catchment; or
 - (iii). Within the Ecological District.
- (b) Size, Condition and value of the vegetation and habitats removed during the McKays HEPS Enhancements.
- (c) a minimum area size of 1.1ha.

NOTES TO THE CONSENT HOLDER

Accidental Discovery Protocol

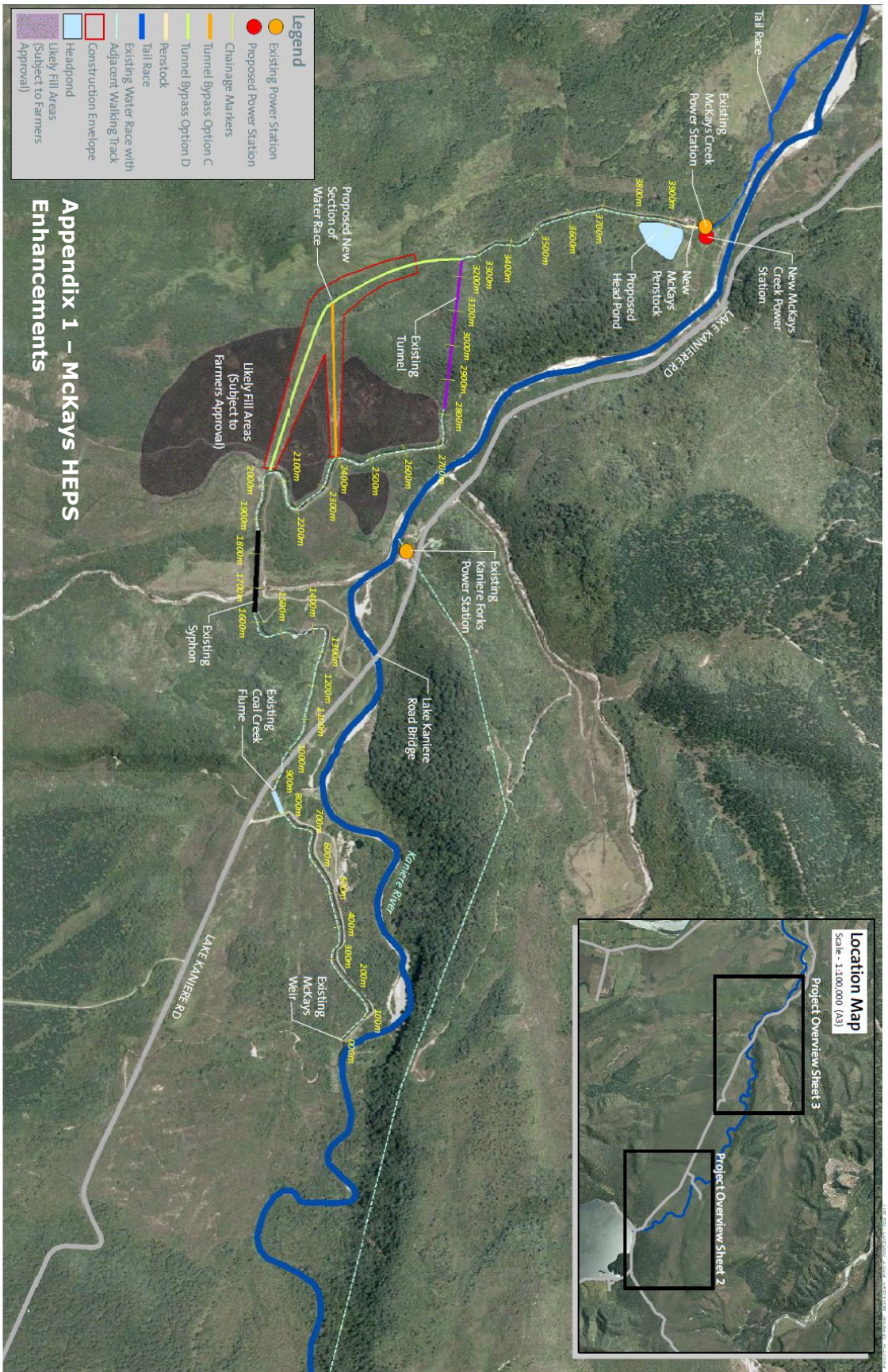
Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. An archaeological authority (consent) from the New Zealand Historic Places Trust for the McKays HEPS Enhancements is being sought. All conditions of the authority must be adhered to.

- (a) Should any archaeological material or sites be discovered during the course of work on the HEPS, that work in that area of the site shall stop immediately and the appropriate agencies including the Project Archaeologist, New Zealand Historic Places Trust and Mana Whenua shall be contacted immediately.
- (b) The following agreed procedure will be adopted in the event that koiwi, taonga or wahi tapu are unearthed or discovered or are reasonably suspected to have been unearthed or discovered during the course of construction activities.
 - (i). Immediately it becomes apparent or is suspected by workers at the site that koiwi, taonga or a wahi tapu has been uncovered/discovered all activity within a 5m radius of the site will cease.
 - (ii). The plant operator will shut down all machinery or activity immediately, leave the area and advise his or her Supervisor of the occurrence.
 - (iii). The Supervisor shall take steps immediately to secure the area in a way that ensures that the discovery remains untouched as far as possible in the circumstances and shall notify the Project Manager.
 - (iv). Dependent on the nature of the discovery, the Project Manager will notify the nominated Te Runanga O Ngati Waewae representative, the project archaeologist, NZ Historic Places Trust and, in the case of suspected koiwi, the New Zealand Police.
 - (v). The Te Runanga O Ngati Waewae representative will contact the appropriate kaumatua to act on their behalf in this matter in order to guide and advise TrustPower and other parties as to the appropriate course and will immediately advise the Project Manager of the identity of such kaumatua and such other details as may be appropriate in the circumstances.
 - (vi). The Project Manager will ensure that staff assistance is made available to meet and guide kaumatua, police, archaeologist or Historic Places Trust staff to the site, assisting with any requests that they may make.

- (vii). If the kaumatua are satisfied that the koiwi, taonga or wahi tapu are of Maori origin the kaumatua will decide how the find is to be dealt with. In the case of an archaeological site, this decision must be made in conjunction with the Project Archaeologist. The kaumatua will communicate such decision to TrustPower, NZ Police and such other parties as are considered appropriate. In the event of a wahi tapu discovery further discussions may be required.
- (viii). Activity on site will remain halted until the Project Archaeologist, Police, Historic Places Trust (as the case may be) and the kaumatua have given approval for operations to recommence.
- (ix). The Project Manager 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).
- (x). All parties involved will endeavour to ensure that these matters are dealt with as expeditiously as possible – normally within a 24-hour time frame.

Private Land

The Consent Holder acknowledges that these consents does not confer a right of access, and that permission of the legal owner of administering body of that land may also be required.



Appendix 1 – Mckays HEPS Enhancements

- Legend**
- Existing Power Station
 - Proposed Power Station
 - Chainage Markers
 - Tunnel Bypass Option C
 - Tunnel Bypass Option D
 - Penstock
 - Tail Race
 - Existing Water Race with Adjacent Walking Track
 - Construction Envelope
 - Headpond
 - Likely Fill Areas (Subject to Farmers Approval)



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KANIERE / MCKAYS RE-CONSENTING
Project Overview Sheet 3 - Mckays Creek Enhancement
 Date: 18th November 2010
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