

## RECOMMENDED CONDITIONS FOR RESOURCE CONSENTS

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##### **Part I – NESCS - Contamination**

Regional Resource consents required for works relating to Horne Creek and One Mile Creek:

- Diversion of water (Discretionary Activity)
- Erection of structures in river bed (Discretionary Activity)
- Alteration of bed of river (Discretionary Activity)
- Discharge of contaminants to water for up to two years from a short term activity (Restricted Discretionary Activity)

#### NESFM Regulations: Requirements

- Post Construction Information on Culverts
- Monitoring and Maintenance Plan for Culverts

#### NESCS Land Use Consents required for Earthworks

- Disturbing the soil on a piece of land that does not have a Detailed Site Investigation (Discretionary Activity)

### **Acronyms used**

AEE	Assessment of Environmental Effects that accompanied the application
CLMP	Contaminated Land Management Plan
ESCP	Erosion and Sediment Control Plan
KLG	Kaitiaki Liaison Group
NESCS	National Environmental Standard for Assessing and Managing Contaminants to Protect Human Health
NESF	National Environmental Standards for Freshwater
NZTA	New Zealand Transport Agency.
ORC	Otago Regional Council
QLDC	Queenstown Lakes District Council
RMA	Resource Management Act 1991 (and all amendments)
UDLP	Urban Design and Landscape Plan

### **Advice Note**

Where the conditions of consent require notification to the Otago Regional Council (ORC) the notification can be sent to [compliance@orc.govt.nz](mailto:compliance@orc.govt.nz).

### **Regional Consents**

#### **Part A – General and Administration**

##### **Approved plans**

1. Except as modified by the conditions below, and subject to final design, the Queenstown Town Centre Arterial Project (the Project) shall be undertaken in general accordance with information provided by the Consent Holder in the Application for Resource Consents and, in particular, the following supporting documents formally received by the Environment Protection Authority on the *[insert date]*:
  - (a) Description of the Project in section 4 of the AEE;
  - (b) The Preliminary Engineering Plans in Appendix 3 of the AEE;
  - (c) The Urban Design Technical Report in Appendix 20 of the AEE (including typical cross sections);
  - (d) The Stormwater Technical Report in Appendix 16 of the AEE (including proposed stormwater design drawings);
  - (e) The Aquatic Ecological Report in Appendix 17 of the AEE; and
  - (f) The Preliminary Site Investigation Report and Draft Contaminated Land Management Plan (CLMP) in Appendix 13 of the AEE.

These conditions shall apply to all that land identified in the schedule contained in the Application for Resource Consents unless specified otherwise in a specific condition.

##### **Inconsistencies**

2. Where there is inconsistency between the documents listed in Condition 1 above and these conditions, these conditions shall prevail.

##### **Consent Lapse and Expiry**

3. Pursuant to Schedule 6 Clause 37(7) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 the expiry dates for the various resource consents shall lapse 2 years after the date of commencement unless given effect to prior to this date.

### **Kaitiaki Liaison Group**

4. Within 20 working days of the commencement of the consent the Consent Holder shall establish a Kaitiaki Liaison Group (KLG) to provide opportunities for Kāi Tahu to exercise kaitiakitanga by participating in processes relating to the design and construction of the Project. The role of the KLG will conclude with the completion of all construction works.
5. The frequency at which the KLG meets and the format or nature of the meetings shall be monthly unless agreed otherwise between the Consent Holder and Kāi Tahu.
6. The Requiring Authority must meet the reasonable administrative costs of the KLG meetings (e.g. meeting invitations; meeting venue; preparation of meeting minutes).
7. The role of the KLG is to facilitate consultation about, and enable Kāi Tahu to provide input as kaitiaki to:
  - a) The Erosion and Sediment Control Plan;
  - b) The Fish Management Plan;
  - c) The design of and materials selected for structures and features;
  - d) Designing the monitoring programme;
  - e) Designing accidental discovery protocols; and
  - f) The results of monitoring and any matters that may arise as a result of the monitoring.
8. The KLG may provide written advice to the Consent Holder in relation to any of the above matters. The Consent Holder must consider this advice and the means by which any suggestions are incorporated in the Project.

### **Part B – Construction Administration**

9. At least 20 working days prior to the commencement of construction the Consent Holder shall notify the ORC in writing of the proposed date of commencement of construction.
10. Within 15 working days prior to commencement of construction, the Consent Holder shall arrange and conduct a pre-commencement meeting that:
  - (a) Is located on the site;
  - (b) Is scheduled not less than five days before the anticipated commencement of construction;
  - (c) Includes an invitation to ORC representatives;
  - (d) Includes Consent Holder representatives;
  - (e) Includes representation from the head contractor(s) with overall responsibility for the works; and
  - (f) Includes an invitation to Kāi Tahu via the KLG.
11. The pre-commencement meeting shall discuss the works methodology and shall ensure all relevant parties are aware of and are familiar with the conditions of the resource consents. In the case that any of the invited parties, other than the representatives of the Consent Holder and the contractors, do not attend this meeting, the Consent Holder will have been deemed to have complied with this condition, provided reasonable notice is given to the parties listed above.

### **Part C – Erosion and Sediment Control**

#### **Erosion and Sediment Control Plan (ESCP)**

12. The Consent Holder shall engage a suitably qualified and experienced person to prepare an Erosion and Sediment Control Plan. At least 20 working days prior to the commencement of these works (excluding site investigations and enabling works) the Consent Holder shall submit the ESCP to the ORC for certification that the ESCP gives effect to the objective in Condition 14 and complies with the requirements in Conditions 15 and 16.
13. The Consent Holder shall ensure the Queenstown Lakes District Council is consulted on the ESCP and any feedback received from the District Council shall be included with the submission of the ESCP under Condition 12.
14. The objective of the ESCP is to set out the measures to be implemented during construction to minimise erosion and the discharge of sediment into waterbodies.

15. Earthworks designs and the ESCP shall be prepared in accordance with the NZTA Guideline *Erosion and Sediment Control Guideline for State Highway Infrastructure – Construction Stormwater Management* (New Zealand Transport Agency, September 2018) and, to the extent relevant in Queenstown, with *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region* (Guidance Document GD 2016/005, Auckland Council, June 2016) and shall achieve the following outcomes:
- (a) Batter slopes and road alignments appropriate to the location’s soil types and geology;
  - (b) Minimisation of the potential for sediment generation and runoff;
  - (c) Maintenance of water quality in streams and Lake Wakatipu;
  - (d) Effective dust control; and
  - (e) Stable final surfaces suitable for rehabilitation and planting.
16. Unless agreed otherwise with the ORC the ESCP shall include, but not be limited to, the following information as appropriate to the scale, location and type of earthworks:
- (a) Contour information at suitable intervals;
  - (b) Erosion and sediment controls including specific design (location, dimensions, capacity);
  - (c) Details of measures to control sediment runoff, dust and the removal of soil, debris and demolition and construction materials from public roads or places, including wheel wash for construction vehicles at site exit points. Dust mitigation measures should include use of water sprays to control dust nuisance on dry or windy days;
  - (d) Supporting calculations and design drawings;
  - (e) Catchment boundaries for the sediment controls;
  - (f) Discharge locations for each catchment/sediment control device;
  - (g) Location of the works, and cut and fill operations;
  - (h) Details of measures for managing any contaminated land identified in the CLMP;
  - (i) Details of construction methods to be employed, including timing and duration;
  - (j) A programme for managing and limiting exposed areas of soil, including progressive stabilisation considerations;
  - (k) Identification of the suitably qualified persons to manage the erosion and sediment controls;
  - (l) Identification of the persons who have clearly defined roles and responsibilities to monitor compliance with the ESCP;
  - (m) Details of the chain of responsibility for managing erosion and sediment controls and details of responsible personnel;
  - (n) Details on the monitoring methodology that will be employed to confirm sediment control devices meet the outcomes and standards specified in Condition 15;
  - (o) Maintenance requirements; and
  - (p) Procedures for monitoring rainfall, heavy rainfall alerts and actions depending on the alert level (rainfall depth predicted).
17. An ESCP may be submitted in parts or in stages to address particular activities or to reflect the staged implementation of the Project. Where applicable, an ESCP shall clearly show the integration with adjacent stages and interrelated activities.
18. An ESCP may be amended if necessary to reflect any changes in design, construction methods or management of effects. Any amendments are to be discussed with and submitted to ORC for information.
19. Any material changes to a certified ESCP shall be submitted to the *[insert relevant person at Council]* for certification. Any material change must be consistent with the purpose of the ESCP and the requirements of the relevant conditions of these consents.
20. If the Consent Holder has not received a response from the *[insert relevant person at Council]* within 20 working days of submitting a management plan for certification, the Consent Holder will be deemed to have plan approval.

**Erosion and sediment control during construction**

21. All works shall be carried out in accordance with the certified ESCP(s).
22. All erosion and sediment controls shall be in place prior to streamworks commencing.
23. During construction the requiring authority shall take all practicable measures to minimise erosion and prevent the discharge of sediment beyond the boundaries of the site.

24. No stormwater from any HAIL sites shall be discharged to the erosion and sediment control system, stormwater network, streams or lake without suitable controls in place as required by the CLMP.
25. Separate erosion and sediment control measures shall be constructed to contain and manage any runoff from contaminated soils. Where practicable this shall be abstracted via sucker truck and discharged to land at a time and location that avoids any transport of contaminants to water.

#### **Inspections and monitoring of erosion and sediment controls**

26. There shall be no deposition of earth, mud or other debris on any road, driveways or footpath beyond the boundary of the site resulting from earthworks or streamworks activities. In the event that such deposition does occur, it shall immediately (within 24 hours) be removed. Roads or footpaths shall not be washed down with water unless appropriate erosion and sediment control measures are in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.
27. The sediment and erosion controls shall be inspected on a weekly basis and, additionally, prior to any rainfall event predicted to generate more than 5mm rainfall, and within 24 hours following each such rainfall event. Any maintenance required as a result of inspections shall be undertaken within 24 hours (unless unsafe to do so, in which event maintenance will be undertaken at the earliest safe opportunity).
28. The Consent Holder shall carry out monitoring in accordance with the ESCP and shall keep records, which shall be made available to Council on request, detailing:
  - (a) The days and times when monitoring was undertaken;
  - (b) The monitoring undertaken including the sites, and erosion and sediment controls that were inspected;
  - (c) The erosion and sediment controls that required maintenance;
  - (d) The day/time when the maintenance was completed; and
  - (e) Areas of non-compliance with the erosion and sediment control plan and the reasons for the non-compliance.

#### **Stabilisation and Decommissioning of Erosion and Sediment Controls**

29. The site shall be stabilised to minimise erosion as soon as practicable, and in a progressive manner, as earthworks are finished over various areas of the site. Areas of bulk earthworks not actively worked for a period of two weeks shall be stabilised until such time as further earthworks occur in a specific area.
30. Upon completion or abandonment of earthworks on the Project site all areas of bare earth shall be permanently stabilised using grass or other landscaping features (in accordance with the approved Urban Design and Landscape Plan) to minimise erosion.

### **Part D – Works in Watercourses**

#### **Fish Management Plan**

31. A Fish Management Plan shall be prepared by a suitably qualified and experienced person. The purpose of the Fish Management Plan is to provide options for fish passage within the watercourses affected by the works. This shall include:
  - (a) measures for fish salvage/relocation prior to works commencing;
  - (b) details providing for the migration of fish up and downstream during and after the construction period, including consideration of barriers where appropriate to support indigenous biodiversity; and
  - (c) Measures to ensure that culverts are designed to New Zealand Fish Passage Guidelines and that creek bed conditions are simulated and are contiguous with the existing creek beds in order to minimize habitat loss and provide suitable fish passage.
32. The Fish Management Plan shall be submitted to the ORC to certify compliance and consistency with the above condition at least 20 working days prior to commencement of streamworks.
33. If the Consent Holder has not received a response from the [insert relevant person at Council] within 20 working days of submitting a management plan for certification, the Consent Holder will be deemed to have plan approval.

## Construction Design Approval

34. At least 20 working days prior to commencement of streamworks within Horne Creek and One Mile Creek, the Consent Holder shall submit construction design details for stream realignment and installation of culverts/bridges or other structures within watercourses to the ORC for certification that the construction design details address the matters in (a)-(c) below. The details shall include, but not be limited to:
- (a) Detailed design of the proposed stream works (including flow diversions, coffer dams etc) including long sections and cross sections, fish passage provision during and after works;
  - (b) Proposed riparian planting, and any other proposed freshwater habitat improvements; and
  - (c) The matters listed in Condition 49(g).

## Construction of Streamworks

35. At least 10 working days prior to the commencement of streamworks the Consent Holder shall forward a detailed streamworks construction programme and methodology to the [*relevant person from Council*] for certification that the information includes details of:
- (a) The commencement date and expected duration of the streamworks;
  - (b) The location of any works and structures in relation to the streamworks;
  - (c) Procedures for the capture and relocation of fish associated with temporary and permanent stream diversions;
  - (d) Implementation fish passage provisions during works;
  - (e) Any replanting to restore riparian habitat around the culverts;
  - (f) Any vegetation clearance in the vicinity of the stream, including haul areas and access roads to the site;
  - (g) Replanting of the daylighted section of One Mile Creek is to be native flora and to reflect the local ecological communities;
  - (h) Dates for the implementation of erosion and sediment controls; and
  - (i) Provision for regular updates to the Council for the duration of the streamworks.
36. Once certified under Condition 35, any material amendments to the streamworks construction programme and methodology shall be submitted to the ORC for certification that the amendments include sufficient detail to address the information requirements in Condition 29 prior to the amendments being implemented.
37. Streamworks shall be carried out only during periods when all flows, up to the 20 year return period 24 hour duration storm event, can be diverted around the area of works. During periods of flow greater than the capacity of the diversion, up to the 100 year flood event, a stabilised secondary flowpath shall be provided to ensure no scour or erosion occurs and so that flows can pass safely around or through the area of works with minimum nuisance, damage and sediment generation or discharge.

## In-stream Structures and Machinery

38. The Consent Holder shall ensure that any temporary dam structure built within Horne Creek or One Mile Creek shall be constructed from non-erodible material (such as sandbags or sheet piles).
39. The Consent Holder shall ensure that when dewatering, no sediment-laden water shall be discharged directly into the stormwater network, watercourse or lake. Any sediment-laden water must be treated in an appropriate sediment treatment device in accordance with NZTA Guideline *Erosion and Sediment Control Guideline for State Highway Infrastructure – Construction Stormwater Management* (New Zealand Transport Agency, September 2018), and where practicable the treated water is discharged to land before entering a waterbody.
40. All machinery shall be maintained and operated in a way which ensures that spillages of fuel, oil and similar contaminants are prevented, particularly during machinery servicing.
41. No refuelling of machinery shall occur within the beds of or within 10m of a watercourse or lake, or within proximity of an unprotected stormwater inlet (sump/mudtank).
42. A spill management plan shall be developed prior to commencement of construction and a spill kit shall be located within each worksite.
43. The ORC Pollution Hotline shall be informed immediately of any spills which result in discharge to the stormwater network, streams or lake.

44. The Consent Holder shall implement any riparian planting approved under Condition 34 within 12 months of Completion of Construction.

#### **Maintenance of Riparian Planting**

45. The Consent Holder shall ensure the on-going maintenance of any riparian planting approved under Condition 34 for a period of not less than 3 years. This shall include on-going monitoring and eradication of woody weed species which may establish within the One Mile Creek plantings. These control measures could include a combination of spraying and hand-pulling depending on the species. Target species will include, but not be limited to broom and Douglas fir.

#### **Part E – Stormwater**

46. To prevent the discharge of sediment to the stormwater network, streams and lake, permanent stormwater management systems and devices must - be fully operational, permanent site works complete and exposed areas of soil stabilised or landscaped, prior to erosion and sediment control measures being decommissioned.
47. No stormwater shall be discharged to any permanent management devices (treatment devices) until the site is fully stabilised to minimise erosion.

#### **Part F – Review Condition**

48. The ORC may review any or all conditions of this consent listed in Parts A to Part E of this consent by giving notice of its intention to do so in accordance with section 128 of the RMA, at any time within six months of the first, third, fifth anniversaries of the date of commencement of construction to deal with any unforeseen adverse effects on the environment, which may arise from the exercise of this consent, and which it is appropriate to deal with at a later date.

#### **NESF Requirements**

#### **Part G – Post Construction Information on Culverts**

49. No later than 20 working days after the completion of the culvert construction within Horne Creek and One Mile Creek the Consent Holder shall provide the following information to the ORC:
- (a) The geographical co-ordinates of the culverts in the two streams (upstream and downstream ends);
  - (b) The flow of the One Mile Creek and Horne Creek in normal summer low flow conditions, normal winter low flow conditions, and the design flow (100-year event);
  - (c) At the location of each culvert the width of the stream at the water's surface (in normal summer and winter low flow conditions as well as the 100- year event) and the width of the bed of the stream;
  - (d) Details on any improvements to the culverts to mitigate any effects the culverts may have on the passage of fish and these improvements have been designed to protect particular species, or prevent passage of particular species to protect other species;
  - (e) Subject to (d), details regarding the likelihood that the culverts will impede the passage of fish;
  - (f) Photographs that show both ends of the culverts, viewed upstream and downstream; and
  - (g) Details on the finished culverts:
    - (i) Asset identification number and confirmation of ownership;
    - (ii) The shape, length, width and height of the culverts;
    - (iii) The material from which the culverts are made;
    - (iv) The mean depth of the water through the culverts (at normal summer and winter low flow and design flow);
    - (v) The mean water velocity in the culverts at normal summer and winter low flow and design flow);
    - (vi) Whether there are low-velocity zones which will provide resting places for fish downstream of the culvert;
    - (vii) The type of bed substrate that is present within most of the culvert length;
    - (viii) Whether there are fish passage remediation features (e.g. baffles or spat rope) in the culverts;
    - (ix) Whether the culverts have wetted margins;
    - (x) The slope of the culverts; and
    - (xi) The alignment of the culverts compared to the stream channel upstream and downstream.

#### **Part H – Monitoring and Maintenance Plan for the Culverts**

50. The Consent Holder shall engage a suitably qualified and experienced person to prepare a Monitoring and Maintenance Plan (MMP) for the culverts located in One Mile Creek and Horne Creek. No later than 3 months following the completion of site works the Consent Holder shall submit the plan to the ORC for certification that the MMP gives effect to the objective in Condition 51 and includes the information requirements in Condition 52.
51. The objective of the MMP is to require monitoring and maintenance of the culverts that is sufficient to ensure that the provision for the passage of fish does not reduce over their lifetime.
52. The MMP shall include:
- (a) Information on how the monitoring and maintenance will be undertaken. This should include but not be limited to the following:
    - (i) Frequency of inspections including regular inspections and post-storm event inspections;
    - (ii) Timing of any consequential maintenance;
    - (iii) Items/locations that will be checked during inspections;
    - (iv) Types of maintenance likely to be required including specific reference to requirements for repair of any erosion that have any adverse effects on fish passage over their lifetime; and
    - (v) The steps that may be undertaken to avoid any reduction in hydraulic capacity due to aggradation of the stream bed within/upstream or downstream of the culvert;
  - (b) Any feedback received from the KLG on the design of the monitoring programme; and
  - (c) Details on how often the information required in (a) is to be provided to ORC and the process for providing that information.
53. The monitoring and maintenance plan shall be reviewed and provided to the ORC at intervals not exceeding 5 years.
54. The Consent Holder shall comply with the requirements outlined in the certified MMP for the duration of the lifetime of the Culvert structures.

## **Land Use Consents - NESCS**

### **Part I - Contamination**

55. Prior to excavation in areas of potentially contaminated land, a Contaminated Land Management Plan (CLMP) shall be prepared to detail the measures to manage health, safety, and environmental risk associated with works in contaminated material during construction.
56. The CLMP shall include :
- (a) The measures to be undertaken in the handling, storage and disposal of all contaminated material excavated during construction works;
  - (b) The soil validation testing that will be undertaken;
  - (c) The soil verification testing that will be undertaken to determine the nature of any contamination in excavated spoil and the potential reuse or disposal options for that spoil;
  - (d) Measures to be undertaken in the event of unexpected contamination being identified during construction activities, including measures to:
    - i) Assist with identification of unknown contaminated material; and
    - ii) Stop work or isolate the area once any such material is identified;
  - (e) The measures to be undertaken to manage contaminated land to:
    - i) Protect the health and safety of workers and the public;
    - ii) Control stormwater run-on and run-off; and
    - iii) Remove or manage any contaminated soil.
57. The consent holder shall submit a final version of the Contaminated Land Management Plan to the QLDC (*[insert relevant person at Council]*), 5 working days prior to any site works commencing.
58. All works in areas of potentially contaminated land, must be undertaken in accordance with the Contaminated Land Management Plan. Any required management measures must be in place before works commence in areas of potentially contaminated land, in any particular area and remain in place until that portion of the soil disturbance is completed.



59. All works in areas of potentially contaminated land, excavations shall be undertaken in a manner which allows for regular inspections and monitoring of the subsurface conditions to enable the identification of unforeseen contamination, and to allow soils of a different type/composition/contaminant characteristic to be kept separate, should contamination be identified.
60. Any material imported to the earthworks site as backfill shall be clean fill, and the Lead Contractor shall maintain records to demonstrate that any imported material is obtained from a quarry or other certified source.
61. In the event that excavated soils are unexpectedly found to have visible staining, odours and/or, suspected asbestos containing materials or other conditions that indicate soil contamination then work in immediate proximity to the area of concern must cease until a Suitably Qualified and Experienced Practitioner (SQEP) on land contamination has assessed the matter and advised of the appropriate investigation, management and disposal options for these soils.
62. Adequate dust control measures must be in place at all times when excavating in areas of potentially contaminated land, so as to minimise any dust nuisance to neighbouring properties. Appropriate equipment (e.g. water hose, sprinkler system) shall be available on site at all times and used as necessary.
63. All contaminated soils removed from the site must be disposed of at a facility whose waste acceptance criteria permit the disposal.
64. The following records shall be kept for the duration of the Project:
  - (a) Load registers and weigh bridge dockets for soil taken off-site;
  - (b) Records of imported fill material;
  - (c) Any analytical results for soils removed from site;
  - (d) Any complaints or incidents regarding earthworks or soil handling that were identified during the Project; and
  - (e) Reports on any discoveries of any unexpected contamination.
  - (f) Any documentation provided by the Contaminated Land Advisor, and laboratory analysis for future reference.
65. Within two months of the completion of the soil disturbance works on site an Earthworks Completion Report shall be provided to the QLDC (*[insert relevant person at Council]*). This report shall include:
  - (a) The location and dimensions of the excavations carried out, including a relevant site plan;
  - (b) Records of contamination encountered during the works including soil validation results, if applicable; and
  - (c) Copies of the disposal dockets for the material removed from the site and any clean fill imported onto the site.