

Activity Specific Conditions

Descriptive Specification

1. These resource consents authorise the land disturbance and vegetation clearance at 765 Muhunua West Road, Ōhau, on the property legally described as **Lots 1 & 2 DP 51446 and part of Lot 4 DP 44581 Blks I III Waitohu SD (Esplanade Reserve)** (hereafter referred to as the property) at 765 Muhunua West Road, Ōhau at approximate map reference **NZTopo50 Centroid BN33:833-979**.
2. The Consent Holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with the Manawatū-Whanganui Regional Council on **2 July 2021** including the Erosion and Sediment Control Plan (ESCP) and associated Plans (June 2021), and;
 - a. further information received on **14 September 2021** via **email** being a partial response to the s92 request of **1 September 2021** and including ESCP Plans (*North West Corner, North East Corner, South West Corner, South East Corner Plan Numbers J709 – ENG–150 to 153, Revision B dated 3 September 2021*);
 - b. further information received on **4 October 2021** via email being a partial response to an the Regional Council email of **1 October 2021** relating to ecological and coastal information; and
 - c. further information received on **1 November 2021** via **email** being a partial response to the s92 request (Cultural effects) of **29 October 2021**.
3. Where there may be inconsistencies between information provided by the Applicant and conditions of these resource consents, the conditions of these resource consents apply.

ADVICE NOTE: Any variance from the location, design concepts and parameters, implementation and / or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.
4. The Consent Holder must be responsible for all contracted operations related to the exercise of these resource consents and must ensure contractors are made aware of the conditions of these resource consents and ensure compliance with those conditions.
5. A copy of these consents must be kept onsite at all times that physical works authorised by these resource consents are being undertaken and must be produced without unreasonable delay upon request from a servant or agent of the Manawatū-Whanganui Regional Council.

ADVICE NOTE: An electric version of these consents is considered appropriate to satisfy **Condition 4.**

Pre-Development Assurance

General conditions: water quality and movement

- (3) The general conditions relating to water quality and movement are as follows:
 - (a) the activity must not result in the discharge of a contaminant if the receiving environment includes any natural wetland in which the contaminant, after reasonable mixing, causes, or may cause, 1 or more of the following effects:
 - (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (ii) a conspicuous change in colour or visual clarity;
 - (iii) an emission of objectionable odour;
 - (iv) the contamination of freshwater to the extent that it is not suitable for farm animals to drink;
 - (v) adverse effects on aquatic life that are more than minor; and
 - (b) the activity must not increase the level of flood waters that would, in any flood event (regardless of probability), inundate all or any part of the 1% AEP floodplain (but *see* subclause (4)); and
 - (c) the activity must not alter the natural movement of water into, within, or from any natural wetland (but *see* subclause (5)); and
 - (d) the activity must not involve taking or discharging water to or from any natural wetland (but *see* subclause (5)); and
 - (e) debris and sediment must not—
 - (i) be placed within a setback of 10 m from any natural wetland; or
 - (ii) be allowed to enter any natural wetland.
- (4) Subclause (3)(b) does not apply if the person undertaking the activity—
 - (a) owns or controls the only land or structures that would be affected by a flood in all or any part of the 1% AEP floodplain; or
 - (b) has—
 - (i) obtained written consent to undertaking the activity from each person who owns or controls the land or structures that would be affected by a flood in all or part of the 1% AEP floodplain, after informing them of the expected increase in the level of flood waters; and
 - (ii) satisfied the relevant regional council that they have complied with subparagraph (i).
- (5) Despite subclause (3)(c) and (d), the temporary taking, use, damming, or diversion of water around a work site, or discharges of water into the water around a work site, may be undertaken if the following conditions are complied with:
 - (a) the activity must be undertaken during a period when there is a low risk of flooding; and
 - (b) the activity must be undertaken only for as long as necessary to achieve its purpose; and
 - (c) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of any affected natural wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (d) to be verified; and
 - (d) the bed profile and hydrological regime of the natural wetland must be returned to their original condition no later than 14 days after the start of the activity; and
 - (e) if the activity is damming, the dam must be no higher than 600 mm; and
 - (f) if the activity is a diversion that uses a pump, a fish screen with mesh spacing no greater than 3 mm must be used on the intake.
- (6) In subclauses (3) and (4), **1% AEP floodplain** means the area that would be inundated in a flood event of a size that has a 1% or greater probability of occurring in any one year.

- (7) The general condition relating to earth stability and drainage is that the activity must not create or contribute to—
- (a) the instability or subsidence of a slope or another land surface; or
 - (b) the erosion of the bed or bank of any natural wetland; or
 - (c) a change in the points at which water flows into or out of any natural wetland; or
 - (d) a constriction on the flow of water within, into, or out of any natural wetland; or
 - (e) the flooding or overland flow of water within, or flowing into or out of, any natural wetland.

General conditions: earthworks, land disturbance, and vegetation clearance

- (8) The general conditions on earthworks, land disturbance, and vegetation clearance are as follows:
- (a) during and after the activity, erosion and sediment control measures must be applied and maintained at the site of the activity to minimise adverse effects of sediment on natural wetlands; and
 - (b) the measures must include stabilising or containing soil that is exposed or disturbed by the activity as soon as practicable after the activity ends; and
 - (c) the measures referred to in paragraph (b) must remain in place until vegetation covers more than 80% of the site; and
 - (d) if the activity is vegetation clearance, it must not result in earth remaining bare for longer than 3 months.

General conditions: vegetation and bird and fish habitats

- (9) The general conditions relating to vegetation and bird and fish habitats are as follows:
- (a) only indigenous species that are appropriate to a natural wetland (given the location and type of the natural wetland) may be planted in it; and
 - (b) the activity must not result in the smothering of indigenous vegetation by debris and sediment; and
 - (c) the activity must not disturb the roosting or nesting of indigenous birds during their breeding season; and
 - (d) the activity must not disturb an area that is listed in a regional plan or water conservation order as a habitat for threatened indigenous fish; and
 - (e) the activity must not, during a spawning season, disturb an area that is listed in a regional plan or water conservation order as a fish spawning area.

General condition: historic heritage

- (10) The general condition relating to historic heritage is that the activity must not destroy, damage, or modify a site that is protected by an enactment because of the site's historic heritage (including, to avoid doubt, because of its significance to Māori), except in accordance with that enactment.
- (11) In subclause (10), **enactment** includes any kind of instrument made under an enactment.

General conditions: machinery, vehicles, equipment, and construction materials

- (12) The general conditions on the use of vehicles, machinery, equipment, and materials are as follows:
- (a) machinery, vehicles, and equipment used for the activity must be cleaned before entering any natural wetland (to avoid introducing pests, unwanted organisms, or exotic plants); and
 - (b) machinery that is used for the activity must sit outside a natural wetland, unless it is necessary for the machinery to enter the natural wetland to achieve the purpose of the activity; and
 - (c) if machinery or vehicles enter any natural wetland, they must be modified or supported to prevent them from damaging the natural wetland (for example, by widening the tracks of track-driven vehicles or using platforms for machinery to sit on); and
 - (d) the mixing of construction materials, and the refuelling and maintenance of vehicles, machinery, and equipment, must be done outside a 10 m setback from any natural wetland.

General conditions: miscellaneous

- (13) The other general conditions are as follows:
- (a) the activity must be undertaken only to the extent necessary to achieve its purpose; and
 - (b) the activity must not involve the use of fire or explosives; and
 - (c) if there is existing public access to a natural wetland, the activity must not prevent the public from continuing to access the natural wetland (unless that is required to protect the health and safety of the public or the persons undertaking the activity); and
 - (d) no later than 5 days after the activity ends,—
 - (i) debris, materials, and equipment relating to the activity must be removed from the site; and
 - (ii) the site must be free from litter.

Review

6. The Manawatū-Whanganui Regional Council, under s128(1)(a) of the Resource Management Act, in July 2027, 2032 and 2037, serve notice of its intention to review the conditions of this resource consent for the purpose of reviewing the effectiveness of these conditions in avoiding and mitigating any adverse effects on the environment. The review of conditions shall allow for:
 - a. An assessment of the water abstraction volumes and rates detailed in the conditions of this consent against any future allocation policy, and if necessary a change to the monitoring outlined in the conditions of the consent; and/-OR-
 - b. To review the adequacy of and the necessity for monitoring undertaken by the Consent Holder; and/-OR-
 - c. deletion or amendments to any conditions of this resource consent to ensure adverse effects are appropriately mitigated; and/-OR-
 - d. addition of new conditions as necessary, to avoid, remedy or mitigate any unforeseen adverse effects on the environment.
7. The Manawatū-Whanganui Regional Council, under s128(1)(b) of the Resource Management Act, may review this resource consent, when a regional plan has been made operative which sets rules relating to maximum or minimum levels, flows or rates of water use, and in Manawatū- Whanganui Regional Council's opinion is appropriate to review the conditions of this consent in order to enable the levels, flows or rates set by the rule to be met.

Duration and Lapsing

8. If this resource consent is not given effect to by the commencement date + 5 Years it shall lapse pursuant to s125 of the Resource Management Act 1991.
9. The resource consent will expire on **1 July 2042**.