

Conditions for Earthworks Resource Consent No.67340

TE AHI O MAUI LIMITED PARTNERSHIP

A resource consent:

- (a) under section 9(2)(a) of the Resource Management Act 1991 and Rule 1C and Rule 2C of the Bay of Plenty Regional Water and Land Plan to undertake a discretionary activity being to **Undertake Earthworks and Vegetation Clearance for the Construction of a Geothermal Power Station and Ancillaries;**

subject to the following conditions:

1 **Purpose of this Resource Consent**

To authorise and set conditions for approximately 70,000m³ of earthworks for the construction of tracks, roads, stormwater and geothermal water soakage pond building platforms, fluid pipelines and transmission lines.

2 **Location**

As shown on the plan referenced as B.O.P.R.C. Plan Number RC 67340-2.

3 **Map References**

All works shall be contained within the site defined in section 4 of this consent.

4 **Legal Description**

Pt Kawerau A8D, BLK IX, Rangitaiki Upper (SD), CT 301500, (Whakatane District).

5 **Notifying the Regional Council of Works**

- 5.1 No less than five working days prior to the start of construction works authorised under this consent, the consent holder shall request (in writing) a site meeting between the principal site contractor and the Chief Executive of the Regional Council or delegate ("Regional Council"). Notification at this time shall include details of who is to be responsible for site management and compliance with consent conditions (see Advice Note 4).
- 5.2 The consent holder shall notify the Regional Council (in writing) no less than five working days before the completion of works under this consent, prior to the removal of erosion and sediment controls (see Advice Note 4).

6 Erosion and Sediment Control Plan

- 6.1 No less than 20 working days before the start of the earthworks authorised by this consent, the consent holder shall submit, in writing, to the Regional Council, an Erosion and Sediment Control plan. The plan shall adhere to the principles found in the Bay of Plenty Regional Council guideline document "Erosion and Sediment Control Guidelines for Land Disturbing Activities, No.2010/01" or its successor.
- 6.2 The control plan required under condition 6.1 shall include but not necessarily be limited to the following information:
- (a) details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site;
 - (b) the design criteria and dimensions of typical erosion and sediment control structures;
 - (c) construction timetable for the erosion and sediment control works and any bulk earthworks involved;
 - (d) timetable for and nature of progressive site rehabilitation and re-vegetation proposed;
 - (e) maintenance, monitoring and reporting procedures;
 - (f) rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures;
 - (g) procedures and timing for review and/or amendment to the Erosion and Sediment Control Plan;
 - (h) identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control activities; and
 - (i) A site plan of a suitable scale to identify:
 - the locations of any waterways;
 - the extent of earthworks and vegetation removal;
 - any 'no-go' and/or buffer areas to be maintained undisturbed adjacent to watercourses;
 - all key erosion and sediment control structures;
 - the boundaries and area of catchments contributing to all stormwater impoundment structures; and
 - the locations of all specific points of discharge to the environment.
 - (j) Any other relevant information.
- 6.3 Earthworks authorised by this consent shall not commence until the Erosion and Sediment Control Plan required by condition 6.1 has been approved in writing by the Regional Council.

- 6.4 Prior to each subsequent earthworks season (15 September) within the duration of this consent, the consent holder shall submit an updated Erosion and Sediment Control Plan to the Regional Council for approval before the implementation of that Erosion and Sediment Control Plan.
- 6.5 Should earthworks be necessary between 1 May to 15 September (inclusive) of any year within the duration of this consent, a winter earthworks plan shall be submitted for approval to the Regional Council. The winter earthworks plan shall include erosion and sediment controls for a 1 in 100 year storm event. No earthworks shall take place between 1 May to 15 September until the approved winter earthworks erosion and the required sediment controls are in place.
- 6.6 The Regional Council shall advise whether it approves the Erosion and Sediment Control Plan required under conditions 6.1, 6.4 or 6.5 within 10 working days of receipt of the Erosion and Sediment Control Plan.

7 Erosion and Sediment Control

- 7.1 Construction and earthworks shall be carried out in general accordance with the information submitted with the application for this consent and with the following documents (as relevant):
- The erosion and sediment control plan required by condition 6.1 and approved under condition 6.3 or 6.4;
 - The revised erosion and sediment control plan for winter earthworks;
 - Any subsequent plan that has received written approval from the Regional Council.
- 7.2 Any earthworks authorised by this consent shall be completed within 4 years of the commencement of construction and earthworks under this consent and not less than 6 months before the expiry of this consent.
- 7.3 The consent holder shall ensure that all exposed areas of earth resulting from works under this consent are effectively stabilised using the following methods by their respective dates:
- Topsoiling and grassing by 30 April of each year within the duration of the consent;
 - Hydroseeding (or by use of a comparably effective method) by 15 May of each year within the duration of this consent; or
 - Using hay or straw mulching (or by use of a comparably effective method) by 31 May of each year within the duration of this consent.
- 7.4 Stabilisation work shall be completed by 31 May each year, and no earthworks shall be undertaken during the period 1 May to 15 September (inclusive) of each year within the duration of this consent unless authorised under condition 6.5.
- 7.5 The consent holder shall ensure that all exposed areas of earth resulting from works under this consent are effectively stabilised against erosion by vegetative cover or other methods as soon as practicable following the completion of works to the satisfaction of the Regional Council.
- 7.6 All erosion and sediment controls shall be installed prior to the commencement of earthworks.

- 7.7 The consent holder shall ensure that all practicable measures are taken to ensure that no material is tracked off site.
- 7.8 The consent holder shall divert uncontaminated catchment runoff away from the area of earthworks.
- 7.9 The consent holder shall ensure that where runoff controls (such as diversion channels, bunds, contour drains etc) have slopes greater than 2%, then the runoff controls shall be protected from erosion by the use of geotextile materials, rock or other suitable materials.
- 7.10 Unless otherwise specified in this consent, the consent holder shall ensure that all erosion and sediment controls comply with specifications set out in Bay of Plenty Regional Council Guideline No. 2010/01 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor.
- 7.11 The consent holder shall ensure that only cleanfill is deposited on site.
- 7.12 For the purposes of this consent, the definition of cleanfill shall include only natural materials such as clay, soil, rock and such other materials as concrete, brick or demolition products that are free of:
- (a) Combustible or putrescible components (including green waste) apart from up to 10 percent by volume untreated timber in each load
 - (b) Hazardous substances or materials (such as municipal waste) likely to create leachate by means of biological or chemical breakdown
 - (c) Any products or materials derived from hazardous waste treatment, stabilisation or disposal processes
 - (d) Any other material that has received written approval from the Regional Council.

8 Temporary Stormwater Discharge

The consent holder shall ensure that sediment contaminated stormwater generated on the site is contained within the site and discharges to ground soakage.

9 Dust Control

- 9.1 The consent holder shall ensure that at all times, including outside of normal working hours, appropriate dust controls are in place on exposed areas to prevent dust from generating nuisance effects beyond the boundary of the works site.
- 9.2 No less than 20 working days before the start of the earthworks authorised by this consent, the consent holder shall submit, in writing, to the Regional Council, a proactive dust management plan. The plan shall comply with the principles found in the Bay of Plenty Regional Council guideline document "Erosion and Sediment Control Guidelines for Land Disturbing Activities, No.2010/01" or its successor, to prevent a dust nuisance from occurring beyond the property boundary.
- 9.3 In the event that wind conditions render dust control impracticable, the consent holder shall ensure that any machinery generating airborne dust ceases to operate until such time as effective dust control can be re-established.

- 9.4 The control plan required under condition 9.2 shall include but not necessarily be limited to the following information:
- (a) details of all principles, procedures and practices that will be implemented to undertake dust control to minimise the potential for nuisance effects beyond the site boundary.
 - (b) details of all mitigation measures that will be used on site to control dust, including but not limited to:
 - volumes of water to be used on site,
 - number of water trucks that will be available on site;
 - use of mulch or other material to control dust from open area.
 - (c) monitoring methods that will be used to ensure that dust mitigation measures are appropriately implemented. This shall include but not be limited to:
 - wind speed monitoring
 - visual dust monitoring
 - (d) responsibilities for the implementation of the mitigation;
 - (e) reporting procedures;
 - (f) training;
 - (g) procedures and timing for review and/or amendment to the Dust Management Plan;
- 9.5 Earthworks authorised by this consent shall not commence until the Dust Management Plan required by condition 9.2 has been approved in writing by the Regional Council.
- 9.6 Despite conditions 9.2 to 9.5 above, the consent holder shall undertake additional or alternative dust control measures to the satisfaction of the Regional Council.
- 9.7 The consent holder shall be responsible for ensuring that all people working on the site are aware of the Dust Management Plan and implement it.
- 9.8 The consent holder shall ensure that, outside of normal working hours, staff are available on-call to operate the water application system for dust suppression.
- 9.9

10 Signage

Prior to the commencement of works under this consent, the consent holder shall erect a prominent sign adjacent to the main entrance to the site, and maintain it throughout the period of the works. The sign shall clearly display, as a minimum, the following information:

- The consent holder;
- A 24 hour contact telephone number for the consent holder or appointed agent;

- A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about dust nuisance or any other problem resulting from the exercise of this consent.

11 Maintenance

- 11.1 The consent holder shall ensure that the erosion and sediment controls, spillways and associated erosion protection devices and dust controls are maintained in an effective capacity at all times during works and until the site is stabilised in accordance with conditions of this consent.
- 11.2 The consent holder shall ensure that, as far as practicable, any necessary maintenance of erosion and sediment controls identified by inspection under conditions of this consent or by Regional Council staff, is completed within 24 hours.
- 11.3 Accumulated sediment shall be removed from the sediment retention devices before sediment levels reach 25% of that device's volume.
- 11.4 The consent holder shall ensure that sediment removed from a sediment retention device is placed in a stable position where it cannot re-enter a device or enter any water body.
- 11.5 The consent holder shall ensure that all-weather machinery access is maintained to the sediment control devices.

12 Monitoring and Reporting

- 12.1 The consent holder shall ensure that the erosion and sediment controls are inspected -
- At least weekly during the duration of this consent; and
 - Within 12 hours of each rainstorm event which is likely to impair the function or performance of the erosion and sediment controls.
- 12.2 The consent holder shall maintain records of -
- The date and time of every inspection of erosion and sediment controls on the site;
 - The date, time and description of any maintenance work carried out.
- 12.3 The consent holder shall forward a copy of records required by conditions of this consent to the Regional Council within 48 hours of its request (see Advice Note 4).

13 Review of Conditions

- 13.1 The Regional Council may, serve notice on the consent holder under s.128(1)(a)(ii) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent. The purpose of such a review is to assess the need for monitoring and treatment of storm water, erosion and sediment control, the prevention of dust nuisance, and to impose additional control conditions, if appropriate.

- 13.2 The Regional Council may, upon completion of any impact, environmental investigation or compliance report carried out by the Regional Council that shows there is an adverse effect on the environment as a result of any discharge or land use activity, serve notice on the consent holder under s. 128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent.

14 **Sites of Archaeological, Historic or Cultural Significance**

In the event of any archaeological site or koiwi being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall advise the Regional Council (see Advice Note 2), the Te Ahi O Maui Limited Partnership cultural advisor, and contact the relevant iwi authority. The consent holder shall then consult with the relevant iwi authority, the Te Ahi O Maui Limited Partnership cultural advisor, and the New Zealand Historic Places Trust and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary.

15 **Lapse**

Under section 125(1) of the Resource Management Act 1991, this consent will lapse on the seventh anniversary of the date of commencement, as defined by section 116 of the Resource Management Act 1991 unless it is given effect prior to that date.

16 **Resource Management Charges**

The consent holder shall pay the Bay of Plenty Regional Council such administrative charges as are fixed from time to time by the Regional Council in accordance with section 36 of the Resource Management Act 1991.

17 **Term of Consent**

This consent shall expire 10 years from the date of commencement.

The Resource Consent hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

Advice Notes

- 1 *This consent does not authorise the holder to modify or disturb any archaeological or historic sites within the area affected by this consent. Should any artefacts, bones or any other sites of archaeological or cultural significance be discovered within the area affected by this operation, written authorisation should be obtained from the Historic Places Trust before any damage, modification or destruction is undertaken. If human remains are discovered, the consent holder shall notify the New Zealand Police.*
- 2 *The Regional Council is able to advise of contact details for the relevant iwi authority.*
- 3 *This consent does not authorise any damming or diversion of water at the activity site. Any such action may require further approval unless a rule in a regional plan expressly allows the dam or diversion.*

- 4 *Reporting, notification and submission of plans required by conditions of this consent be directed (in writing) to the Pollution Prevention Manager, Bay of Plenty Regional Council, PO Box 364, Whakatane or fax 0800 884 882 or email notify@boprc.govt.nz, this notification shall include the consent number 67340.*
- 5 *The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
- 6 *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
- 7 *This consent does not allow for the take of water for dust control.*