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# RESOURCE CONSENTS CRC174745-CRC174749

*Pursuant to Section 104 of the Resource Management Act 1991*

## The Canterbury Regional Council (known as Environment Canterbury)

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GRANTS TO:	New Zealand Transport Agency, Wellington National Office
CRC174745, A LAND USE CONSENT (S9):	Restoration works on land.
CRC174746, A COASTAL PERMIT (S12):	Restoration works in the coastal marine area.
CRC174747A, A LAND USE CONSENT (S13):	Restoration works in the beds of rivers or lakes for permanent structures.
CRC174747B, A LAND USE CONSENT (S13):	All restoration works in the beds of rivers or lakes other than those authorised by CRC174747A.
CRC174748, A WATER PERMIT (S14):	Restoration works involving the taking, using, damming or diversion of water.
CRC174749, A DISCHARGE PERMIT (S15):	Restoration works involving the discharge of contaminants to land, water and air.
COMMENCEMENT DATE:	ALL CONSENTS: 8 March 2017
EXPIRY DATE:	CRC174745: Unlimited CRC174746: 8 March 2052 CRC174747A: 8 March 2052 CRC174747B: 8 March 2032 CRC174748: 8 March 2032 CRC174749: 8 March 2032
LOCATION:	State Highway 1, Northern Coastal Corridor between Kaikoura township and the Clarence River

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### **SUBJECT TO THE FOLLOWING CONDITIONS:**

#### **Condition 1 - Authorised Activities**

1. These conditions apply to a resource consent that authorises any activities in subclause (2) that it is necessary or desirable to undertake, because of or in connection with the Hurunui/Kaikoura earthquakes, to

- a. repair and rebuild the coastal route; and
  - b. enhance the safety and improve the resilience of the coastal route.
2. The activities are all temporary and permanent activities for land transport requiring consent under section 9, 12, 13, 14, or 15 of the RMA.
  3. The final location of any structure or reclamation must be provided to the relevant regional council and territorial authority after the activities are completed.
  4. Activities authorised by resource consents CRC174745-CRC174749 (NZTA)/ CRC174757- CRC174761 (KiwiRail) shall be for the purpose of restoration work on the coastal route north of Kaikoura as shown on Plan CRC174745-CRC174749 (NZTA)/ CRC174757- CRC174761 (KiwiRail) which forms part of this consent.

### Condition 2 - Definitions

2 In this consent,—

**20-year ARI rain event** means the rainfall depth that is expected to occur, on average, once every 20 years

**100-year ARI rain event** means the rainfall depth that is expected to occur, on average, once every 100 years

**Construction works** means activities (other than minor works) undertaken to fully restore a safe and resilient coastal route for road and rail from 330 km MNL (north of Tunnel 24, which is north of Tuamarina; NZTM: 1680440; 5414638) to 125 km MNL (south of Phoebe Station, which is inland from Cheviot; NZTM: 1618705; 5265446)

**Council** means,—

- a. in the case of a resource consent granted by a territorial authority, the territorial authority in whose district the works are to be undertaken:
- b. in the case of a resource consent granted by a regional council, the regional council in whose region the works are to be undertaken

**minor works** means preliminary activities, including geotechnical investigations and establishment of mitigation measures, and minor upgrading and repair along the coastal road and rail route existing as at 14 November 2016

**project** means the restoration of a safe and resilient coastal route for road and rail from 330 km MNL (north of Tunnel 24, which is north of Tuamarina; NZTM: 1680440; 5414638) to 125 km MNL (south of Phoebe Station, which is inland from Cheviot; NZTM: 1618705; 5265446).

**working day** has the meaning given in [clause 3\(1\)](#) of the Hurunui/Kaikoura Earthquakes Recovery (Coastal Route and Other Matters) Order 2016.

### Condition 3 - Iwi Adviser

3 1. Before starting construction works, the consent holder must invite each of the relevant

mana whenua (for the particular works) to appoint 1 Iwi Adviser (collectively, the Iwi Adviser) to undertake the roles and responsibilities as set out in these conditions.

2. The Iwi Adviser will be supported by a team of cultural monitors, mandated by the relevant mana whenua, who can provide on-site guidance to the consent holder to enable effective management of cultural indicators.
3. The consent holder must invite the Iwi Adviser to provide cultural indicators covering traditional associations, mahinga kai, cultural stream health, and cultural heritage.
4. The consent holder must take into account any such cultural indicators in the preparation of any plans required under these conditions.
5. The requirements in this clause are considered to be satisfied if, at any time, the appointed Iwi Adviser is unavailable or unwilling to undertake the roles and responsibilities set out in these conditions.

#### **Condition 4 - Restoration Liaison Group**

4.
  1. At least 20 working days before starting construction works, the consent holder must invite representatives (who have authority to make decisions on behalf of their organisation) from the Council and any other relevant local authority, Heritage New Zealand Pouhere Taonga, the Department of Conservation, relevant mana whenua, and the Kaikoura Marine Guardians to be part of a restoration liaison group.
  2. The purpose of the restoration liaison group is to help inform the design, management, and monitoring of all construction works.
  3. The consent holder must—
    - a. prepare terms of reference for the restoration liaison group to be discussed and agreed (by consensus, if possible) at the group's first meeting; and
    - b. a record of any comments provided by the restoration liaison group with respect to the design, management, and monitoring of the construction works; and
    - c. an explanation to the restoration liaison group of how the comments have been taken into account.
  4. If the restoration liaison group cannot, by consensus, agree on the terms of reference at its first meeting, the terms of reference must be determined by majority vote (with 1 vote for each organisation represented on the group, including the consent holder). If votes on the terms of reference are tied, the consent holder has a casting vote.

#### **Condition 5 - Construction Environmental Management Plan**

5.
  1. The consent holder must prepare a Construction Environmental Management Plan (**CEMP**) for the construction works.
  2. The CEMP must include—
    - a. the roles and responsibilities of construction management staff, including the

overall manager responsible for the control of erosion and sediment:

- b. a description of the training and education programme that will be implemented to ensure compliance with conditions:
  - c. procedures for hazard, including fire hazard, identification, and control:
  - d. the details of at least 2 emergency contacts and responders who must be contactable 24 hours 7 days a week during construction and have authority to authorise immediate response actions:
  - e. the contact details of any construction staff living on site during the project construction:
  - f. methods for responding to queries and complaints:
  - g. methods for amending and updating the CEMP as required:
  - h. details of the process to identify, record, and investigate incidents:
  - i. details of how the project ecological principles will guide environmental outcomes.
  - j. details of how the consent holder will act to ensure that the spread of pests (both flora and fauna) will be avoided or remedied.
3. At least 3 working days before finalising the CEMP, the consent holder must invite comments from the members of the restoration liaison group and must have regard to any such comments when finalising the CEMP.
  4. The consent holder must—
    - a. implement the CEMP for the duration of construction works; and
    - b. provide a copy of the CEMP to the Council for information before starting construction works.

### **Condition 6 - Earthworks**

- 6 The consent holder must undertake all construction works in accordance with the best methods available at the time of construction to —
  - a. minimise the volume and area of the proposed earthworks required for the project through the design of batter slopes appropriate to expected soil types and geology:
  - b. maximise the effectiveness of erosion and sediment control measures associated with earthworks by minimising potential for sediment generation and sediment yield:
  - c. minimise (and, having regard to the purpose of the Hurunui/Kaikoura Earthquakes Recovery Act 2016, take all reasonable steps in the circumstances to avoid) adverse effects on freshwater and marine water environments within or beyond the project boundary, with particular regard to reducing opportunities for the project to generate sediment:
  - d. minimise (and, having regard to the purpose of the Hurunui/Kaikoura Earthquakes

Recovery Act 2016, take all reasonable steps in the circumstances to avoid) effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna within the project boundary.

### **Condition 7 - Erosion and Sediment Control Plan**

- 7
1. The consent holder must prepare an Erosion and Sediment Control Plan or Plans (ESCP) for the construction works to identify how the objectives in clause 6 will be met.
  2. The ESCP must specify the following:

#### *General*

- a. appropriate structural and non-structural erosion and sediment control measures to be installed prior to and during all construction works for representative parts of the project, including earthworks, coastal works, and works within watercourses:
- b. key environmental risks, particularly in relation to geographic form and the receiving environment:
- c. the approach and procedures for ensuring advance warning of a rainfall event:
- d. procedures for decommissioning the erosion and sediment control measures:
- e. procedures for determining staging and sequencing of earthworks:
- f. methods for amending and updating the ESCP as required:

#### *Responsibilities*

- g. the names of—
  - i. appropriately qualified and experienced staff to manage the erosion and sediment control devices, associated maintenance procedures, and monitoring requirements:
  - ii. staff directly responsible for supervising installation, maintenance, and decommissioning of erosion and sediment control devices and the associated works:

#### *Incident management*

- h. the process to identify, record, and investigate incidents that result in the release or accidental discharge of contaminants or material into any watercourse due to structural failure of any erosion and sediment control measures:

#### *Visual assessment*

- i. a procedure for ongoing visual assessments of all erosion and sediment control measures, including details of analysis of trends in erosion and sediment control performance and consequential erosion and sediment control amendments.

3. If any erosion and sediment control measure fails, the consent holder must engage a suitably qualified and experienced ecologist to undertake an ecological survey of any affected areas as soon as is reasonably practicable having regard to the purpose of the Hurunui/Kaikoura Earthquakes Recovery Act 2016. In the event that significant adverse effects are identified by such a survey, the consent holder, in consultation with the Council, must develop and implement appropriate remedial measures (which may include offsets) commensurate to the scale of the effects.
4. At least 5 working days before starting construction works, the consent holder must,—
  - a. if the ESCP is prepared in accordance with the New Zealand Transport Agency's Erosion and Sediment Control Guidelines for State Highway Infrastructure (September 2014), submit a hard copy of the ESCP to the Council for its information; or
  - b. if the ESCP is not prepared in accordance with those guidelines, submit a hard copy of the ESCP to the Council for certification that it meets the requirements of subclauses (1) and (2). If the consent holder has not received any response from the Council within 5 working days of submitting the ESCP, the ESCP is deemed to have been certified.
5. The consent holder must implement the ESCP submitted in accordance with subclause (4)(a), or certified in accordance with subclause (4)(b), for the duration of the construction works.

*Erosion and sediment control criteria*

6. At all practical times, streamworks activities and associated construction works must be undertaken with stream diversions in place to accommodate up to the 20-year ARI rain event.

*Erosion and sediment control device requirements*

7. The consent holder must design, construct, and maintain all erosion and sediment control measures to comply with the guidelines referred to in subclause (4)(a).

**Condition 8 - Dust Management**

8. The consent holder must prevent, as far as practicable, dust that arises from construction activities from spreading beyond the boundary of the project area.

**Condition 9 - Contaminated Land**

9.
  1. Subclauses (2) and (3) apply if the consent holder undertakes earthworks on contaminated land.
  2. The consent holder must dispose of any material removed from a site identified as contaminated land at a facility authorised to receive material of that kind.
  3. The consent holder must take all practicable measures to—

- a. control the discharge of soil and stormwater from contaminated land to waterways:
  - b. maintain the integrity of any structure designed to contain contaminated soil or other contaminated materials:
  - c. reinstate the soil to an erosion resistant state at the completion of the earthworks.
4. In this clause, contaminated land means land to which the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 would apply.

#### **Condition 10 - Works in Watercourse**

- 10
1. All construction works in a watercourse must be carried out in accordance with an ESCP prepared in accordance with clause 7.
  2. At all practical times, streamworks activities and associated construction works must be undertaken with stream diversions in place to accommodate up to the 20-year ARI rain event.

#### **Condition 11 - Requirements for Streamworks**

- 11
1. Permanent works in any watercourse (for example, all viaducts, bridges, culverts, and permanent stream diversions) must—
    - a. allow for the 100-year ARI rain event:
    - b. take all reasonable steps in the circumstances, having regard to the purpose of the Hurunui/Kaikoura Earthquakes Recovery Act 2016, to avoid stream loss where threatened or at risk species are present, and otherwise minimise stream loss:
    - c. be designed by a suitably qualified and experienced engineer and a suitably qualified and experienced ecologist.
  2. Permanent culvert design must—
    - a. minimise flooding effects
    - b. address the risks of non-performance, such as blockage, taking into account the risk of a soil or rock debris flow:
    - c. unless subclause (3) applies, incorporate fish passage elements to enable all aquatic species that are or are expected (by a suitably qualified ecologist) to be present to migrate into and through each culvert for 300 days of the year on a long-term average basis (that is, considering the velocities and flow depths associated with the 10th percentile to 90th percentile flow range within the specific culvert and the locomotive limitations of the target species):
    - d. incorporate energy dissipation and erosion control measures to minimise the occurrence of bed scour and bank erosion in receiving environments using the best practicable option.
  3. Fish passage must be provided and maintained on all permanent culverts in

accordance with subclause (2)(c) unless a suitably qualified ecologist deems it unnecessary. In that case, appropriate data and reasons for this decision must be provided with the design drawings to the Council (see subclause (4)). The Department of Conservation must also be advised if culverts that do not provide fish passage are necessary.

4. At least 10 working days before starting permanent works within a watercourse, the consent holder must submit hard copies of the design drawings for permanent culverts (including fish passage), bridges, and stream diversions to the Council for certification that those details meet the requirements of clause 10 and subclauses (1) to (3). If the consent holder has not received a response from the Council within 5 working days after submitting the design drawings, the consent holder is deemed to have certification and may commence the works within a watercourse.
5. All permanent works in a watercourse must be carried out in accordance with designs certified under subclause (4).
6. The consent holder must ensure that any machinery or equipment used in the activities authorised by the consent—
  - a. is not stored in or on the bed or banks of the watercourse; and
  - b. is disposed of in an appropriate manner, and in a place where it will not adversely affect the stream channel or impede the flow of water.
7. The consent holder must ensure that—
  1. no machinery leaking fuel, lubricants, hydraulic fluids, or solvents is operated within a watercourse or near a watercourse where runoff may enter water:
  2. no refuelling of any vehicles, machinery, or equipment may take place within the bed of a watercourse, or in a position where spills may enter water:
  3. the storage of fuel or contaminants adjacent to a watercourse does not result in any fuel or contaminants entering water:
  4. other fuels and lubricants, but excluding sediment, are not released to water in a watercourse.
8. The consent holder must ensure that construction material, demolition material, and any subsequent materials from repair and maintenance activities that are authorised by the consent and that are no longer required as part of the construction works are removed on completion of the construction works and disposed of in an appropriate manner and in a place where they will not affect floodwaters.
9. The consent holder must comply with all notices and guidelines issued by Biosecurity New Zealand that relate to preventing the spread of the pest organism *Didymosphenia geminata*.

#### **Condition 12 - Stormwater Discharge**

- 12
1. The consent holder must use coarse sediment traps where higher sediment loads are expected, such as sediment traps for sediment eroded off rock cuts.
  2. New land drains must be designed to accommodate the 20-year ARI rain event, and must include appropriate erosion control.
  3. The consent holder must document the operation and maintenance requirements of the stormwater treatment devices, including sediment traps, within 3 months after the completion of the construction works. The documents must be submitted to the Council.

### *Flooding*

4. The consent holder must design any new permanent culvert to ensure that any headwater ponding upstream of the culvert in the 100-year ARI rain event does not cause any significant adverse effect.

### **Condition 13 - Coastal Works**

- 13
1. All works in the CMA must be carried out in accordance with an ESCP prepared in accordance with [clause 7](#).
  2. Permanent works in the CMA (for example, sea walls, rock revetments, or groynes) must be designed by a suitably qualified and experienced engineer and a suitably qualified and experienced ecologist, having regard to the project ecological principles, and must consider and incorporate measures as far as practicable to address the effects of climate change.
  3. The consent holder must maintain any construction site in good order and, where appropriate, remedy, as far as practicable, any damage and disturbance of the foreshore or seabed caused by plant and equipment during construction.
  4. The structures permitted to occupy part of the CMA by the consent must be maintained in good and sound condition, and any repairs and reinstatement that are necessary must be made.

### **Condition 14 - Construction Machinery and Maintenance**

- 14
1. All vehicles and equipment entering the CMA associated with the exercise of the consent must be in a good state of repair and free of any fuel or oil leaks.
  2. No machinery may be left within the intertidal zone during high-tide periods in a position where it could come into contact with coastal water.
  3. The consent holder must ensure that an oil spill response kit is held on site, by the person who is to carry out the work, during the period of construction, repair, or maintenance works.
  4. Fuelling and maintenance of plant and equipment used during any construction, repair,

or maintenance work must not be carried out in the CMA or in any other location near the site where fuel or oil could enter the CMA.

5. The consent holder must, on becoming aware that any contaminant associated with the consent holder's operations has escaped otherwise than in conformity with the consent,—
  - a. immediately take such action or carry out any work that may be necessary to stop or contain the escape; and
  - b. immediately notify the following, by telephone, of the escape:
    - i. the Council's monitoring manager; and
    - ii. the Department of Conservation, if there is imminent risk from the escape of contaminant of adverse effects on any at risk or threatened species, or on any marine mammals; and
  - c. take all reasonable steps, having regard to the purpose of the Hurunui/ Kaikoura Earthquakes Recovery Act 2016, to remedy or mitigate any adverse effects on the environment resulting from the escape.

#### **Condition 15 - Construction Noise**

- 15 1. Construction noise must comply, as far as practicable, with the long-term duration limits provided in Table 2 of NZS 6803:1999.
2. The consent holder must take all practicable measures to reduce levels of noise from plant and equipment operating onsite during construction, including the generation of underwater noise.

#### **Condition 16 - Ecology**

##### 16 *Development of project ecological principles*

1. The consent holder must appoint a suitably qualified and experienced ecologist (a project ecologist) for the duration of the project to inform the design, management, and monitoring of all construction works, and effects on terrestrial, intertidal and marine environments.
2. Before starting construction works, the consent holder must develop ecological principles informed by the cultural indicators to guide the project design and environmental outcomes.
3. The consent holder must—
  - a. provide a draft copy of the ecological principles to the members of the restoration liaison group for comment:
  - b. if any comments are received within 3 working days after the draft is provided to the members of the restoration liaison group, have regard to those comments when

finalising the ecological principles:

- c. when finalising the ecological principles, the consent holder must note any comments received from members of the restoration liaison group, along with an explanation of how those comments have been taken into account.
4. The consent holder must take the ecological principles into account when undertaking the construction works.

*Ecological scoping survey*

5. Before starting construction works, a suitably qualified and experienced ecologist (or ecologists) must, together with a suitably qualified and experienced ecologist nominated by Te Runanga o Ngai Tahu (the Ngai Tahu project ecologist), complete an ecological scoping survey of the relevant construction works area, and adjacent areas (within the designation), to identify any at risk or threatened flora or fauna (as defined in the current version of the New Zealand Threat Classification System), any taonga species (as defined in section 287 of the Ngai Tahu Claims Settlement Act 1998), and any marine mammals (as defined in the Marine Mammals Protection Act 1978) that may be significantly adversely affected during or as a result of construction.
6. The ecological scoping survey must be carried out in general accordance with the Ecological Impact Assessment Guidelines (Environment Institute of Australia and New Zealand, March 2015).
7. The consent holder must provide a copy of the final ecological scoping survey to each member of the restoration liaison group.

*Development of measures to minimise adverse effects*

8. If any flora or fauna (including taonga species and marine mammals) referred to in subclause (5) are identified, the project ecologist, in association with the wider project team, must develop and implement measures to avoid, as far as practicable (having regard to the purpose of the Hurunui/Kaikoura Earthquakes Recovery Act 2016), or to minimise, any adverse effects on those flora or fauna, taking into account the project ecological principles.
9. Any measures taken under subclause (8) must be monitored at regular intervals during the term of construction and reported every 2 months together with any recommendations by the project ecologist, working with the Iwi Adviser, to change those measures.
10. The consent holder must provide a copy of each report prepared under subclause (9) to the members of the restoration liaison group.

**Condition 17 - Design**

- 17 1. The consent holder must provide to the Council design drawings of any area of proposed reclamation (including associated permanent CMA occupation and permanent structures) at least 10 working days before the proposed date of commencement of the construction of that reclamation or structure.

2. Any reclamation and construction methodology must be designed by a suitably qualified and experienced engineer and a suitably qualified and experienced ecologist, and must consider—
  - a. the risk profile of the area, including soil and geology characteristics, geographic form, and receiving environment:
  - b. operational safety and resilience:
  - c. opportunities for tourism, for example, viewing areas:
  - d. the effects of climate change
  - e. any opportunities to enhance public access to and along the CMA:
  - f. any opportunities to enhance paua and other marine species' habitat, including passage for marine mammals and birds:
  - g. the project ecological principles:
  - h. landscape and amenity values.
3. Any reclamation must be carried out in accordance with an ESCP prepared in accordance with clause 7.

#### **Condition 18 - Fill and Spoil Placement**

- 18 All fill material imported from outside the project area to be used in a reclamation must be in accordance with the Ministry for the Environment's "cleanfill" definition, as detailed in publication ME: 418, A Guide to the Management of Cleanfills (2002) or subsequent updates.

#### **Condition 19 - Construction Machinery and Maintenance**

- 19
1. All vehicles or equipment entering the CMA during the exercise of the consent must be in a good state of repair and free of any fuel or oil leaks.
  2. No machinery may be left within the intertidal zone during high-tide periods in a position where it could come into contact with coastal water.
  3. The consent holder must ensure that an oil spill response kit is held on site, by the person who is to carry out the work, during the period of construction.
  4. Fuelling and maintenance of plant and equipment used during any construction or maintenance work must not be carried out in the CMA or in any other location near the site where fuel or oil could enter the coastal marine area. If an accidental spillage to land occurs, all contaminated soil must be collected and removed to a disposal site that is authorised to receive such material.
  5. The consent holder must, on becoming aware that any contaminant associated with the consent holder's operations has escaped otherwise than in conformity with the

consent,—

- a. immediately take such action or carry out any work that may be necessary to stop or contain the escape; and
- b. immediately notify the following, by telephone, of the escape:
  - i. the Council's monitoring manager; and
  - ii. the Department of Conservation, if there is imminent risk from the escape of contaminant of adverse effects on any at risk or threatened species, or on any marine mammals; and
- c. take all reasonable steps, having regard to the purpose of the Hurunui/ Kaikoura Earthquakes Recovery Act 2016, to remedy or mitigate any adverse effects on the environment resulting from the escape.

**Condition 20 - Construction Noise**

- 20 1. Construction noise must comply, as far as practicable, with the long-term duration limits provided in Table 2 of NZS 6803:1999.
2. The consent holder must take all practicable measures to reduce noise levels from plant and equipment operating onsite during construction, including the generation of underwater noise.

**Condition 21 - Dust Management**

- 21 The consent holder must prevent, as far as practicable, dust that arises from construction activities from spreading beyond the boundary of the project area.

**Condition 22 - Review of conditions**

- 22 For the purposes of section 128(1)(a) of the RMA, the Council may, at any time within 6 months after the second anniversary of the date on which the constructions are completed (and at any time within 6 months after each anniversary occurring every 5 years after that second anniversary), review the conditions in this consent in order to—
  - a. deal with any adverse effect on the environment that may arise from the exercise of the consent and that is appropriate to deal with at a later stage:
  - b. review the adequacy of any monitoring.

**Issued at Christchurch on 8 March 2017**

Canterbury Regional Council