

## Appendix 1 Conditions as approved by Independent Commissioner

### Definitions, abbreviations, acronyms, and terms

Term	Definition
Active Nest	A nest containing eggs and/or chicks
AEE	Assessment of Environmental Effects for the Eastern Hills Reservoir Project
BMP	Bird Management Plan
CEMP	Construction Environmental Management Plan
CMO	Hutt City Council's Compliance Monitoring Officer
CNVMP	Construction Noise and Vibration Management Plan
CTMP	Construction Traffic Management Plan
Commencement of Construction	The time when the Construction Works start
Completion of Construction	Completion of reservoir earthworks, construction of the reservoir, restoration of the reservoir site and access track, and completion of planting in accordance with the LCP (but not including any further planting that may be required during the maintenance and monitoring period under the VMP)
Construction Works	Activities undertaken to construct the Eastern Hills Reservoir, excluding Enabling Works, up to Completion of Construction
dB	Decibel
Enabling Works	Includes the following and similar activities in relation to the Project: <ul style="list-style-type: none"> <li>• Geotechnical investigations and land investigations</li> <li>• Site establishment activities including site yards, site offices, fencing, and formation of site access points</li> <li>• Construction of site access road</li> <li>• Ecological surveys and any necessary relocations</li> <li>• Vegetation protection and salvage of manuka/forest duff</li> <li>• Construction and installation of erosion and sediment control measures</li> <li>• Establishment of mitigation measures (such as screening, bunds, noise walls)</li> <li>• The detailed scope of enabling works specified in Section 4 of the Notice of Requirement for a New Designation in relation to the Project dated 26/02/2024.</li> </ul>
Enabling Works Outline Plan	An Outline Plan of Works covering the Enabling Works and excluding the construction works
ESCP	Erosion and Sediment Control Plan
GWRC	Greater Wellington Regional Council, including any officer of Greater Wellington Regional Council
HCC	Hutt City Council in its capacity as territorial authority or regulator
HCV	Heavy Commercial Vehicle, including all truck and trailer units
LCP	Landscape Concept Plan
LMP	Lizard Management Plan
NoR	Notice of Requirement for the project as updated 27 June 2024, including all appendices
Outline Plan	An Outline Plan of Works prepared in accordance with section 176A of the Resource Management Act 1991

<b>Term</b>	<b>Definition</b>
Project	The design, construction, maintenance, and operation of the Eastern Hills Reservoir as in the AEE and these designation conditions
Project Construction Outline Plan	An Outline Plan of Works covering the Construction Works necessary for the Project, and excluding Enabling Works.
Requiring Authority	Hutt City Council in its capacity as the owner of the Project
Protected Species	All species of mammals, birds, amphibians and reptiles within New Zealand, other than those listed as 'Wildlife not protected' within Schedule 5 of the Wildlife Act 1953 and includes 'Terrestrial and freshwater invertebrates declared to be animals' listed in Schedule 7 of the Wildlife Act 1953
Suitably Qualified Person	A person (or persons) who can provide evidence to demonstrate their suitability and competence in the relevant field of expertise and put those skills and knowledge into practice in order to perform a job in an effective and efficient manner to an established standard.
VMP	Vegetation Management Plan
Working day	Has the same meaning as under Section 2 of the Resource Management Act 1991

## General Conditions

1. Except as modified by the conditions below, and subject to final design and Outline Plan(s), the Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement and supporting documents being:
  - a) The Description of the Project provided in Part B of the AEE Report prepared by Connect Water titled 'Notice of Requirement for a New Designation. Project Name: Eastern Hills Reservoir', dated 26/02/2024; and
  - b) The Project's Technical Assessment Reports, Appendix A – Appendix Q, of the Notice of Requirement for a New Designation; and
  - c) The "Design Plans and Designation Plans" attached as Appendix A to the Notice of Requirement for a New Designation prepared by Connect Water comprising the following Drawing numbers as indexed on Drawing 3-WW021.02\_C000:
    - i. 3-WW021.02\_C000 through 3-WW021.02\_C008;
    - ii. 3-WW021.02\_W001 through 3-WW021.02\_W004, 3-WW021.02\_W007 through 3-WW021.02\_W008, and 3-WW021.02\_W010 through 3-WW021.02\_W014;
    - iii. 3-WW021.02\_L001 through 3-WW021.02\_L003; and
    - iv. 3-WW021.02\_S001 through 3-WW021.02\_S005.

**Note:** Where there may be contradiction or inconsistencies between the application and any further information provided by the applicant, the most recent information applies. Where there is conflict between the documents listed above and these designation conditions, these conditions shall prevail.

2. The Project must be undertaken in accordance with any management plans required to be prepared and certified under these conditions.
3. Other than as specified in, and required by, Conditions 1, 42, 43, 47 & 48, all other conditions relate to the Construction Works of the Project only. After the Completion of Construction, these conditions will no longer apply and can be removed as part of any subsequent District Plan review or change.

Unless otherwise specified, none of these conditions prevent or apply to works required for the ongoing operation or maintenance of the Reservoir.

4. As soon as reasonably practicable following the Completion of Construction of the Project, the Requiring Authority shall:
  - a) Review the area designated for the Project;
  - b) Identify any areas of designated land that are no longer necessary for the on-going operation or maintenance of the Project or for ongoing mitigation measures; and
  - c) Give notice to HCC in accordance with section 182 of the RMA seeking the removal of those parts of the designation identified under (b) above.
5. The Requiring Authority shall submit to the CMO at least 2 months prior to Commencement of Construction, a detailed programme outlining:
  - a) The proposed staging of the Construction Works; and
  - b) The anticipated submission dates of the management plans and outline plans required by these conditions.

6. The Requiring Authority shall arrange and conduct an on-site meeting including the Project representative and appropriate contractor representative(s) and the CMO at least 10 working days prior to the Commencement of Construction. The following information shall be made available at the meeting:
  - a) Timeframes for key stages of the Construction Works;
  - b) Details of the Project representative(s), including their contact details (phone and email address); and
  - c) Contact details of the site contractor and other key contractors.

**Note:** *In the case that any of the invited parties, other than the representative of the Requiring Authority and the contractor, do not attend this meeting, the Requiring Authority will have complied with this condition, provided the CMO is invited 5 days in advance of the on-site meeting occurring.*

7. A Project Construction Outline Plan(s) shall be submitted to HCC unless a waiver for this requirement is provided in writing by the HCC.

## Certification of Management Plans

8. The Construction Works management plans listed in clause (a) shall be submitted to HCC for certification. The certification process shall be confined to confirming that the Management Plan meets the requirements of the relevant management plan conditions(s). The preparation of all management plans required by these conditions shall be undertaken by a Suitably Qualified Person with reference to relevant industry standards and guidelines as applicable.
  - a) The following plans shall be submitted for certification:
    - i. Construction Environmental Management Plan (**CEMP**);
    - ii. Construction Noise and Vibration Management Plan (**CNVMP**);
    - iii. Construction Traffic Management Plan (**CTMP**);
    - iv. Landscape Concept Plan (**LCP**);
    - v. Bird Management Plan (**BMP**); and
    - vi. Vegetation Management Plan (**VMP**);
  - b) The Lizard Management Plan (**LMP**) shall be provided in conjunction with the BMP and VMP;
  - c) If upon receiving a management plan for certification, the HCC's response is that it is not able to certify the Management Plan, HCC shall provide reasons and recommendations for changes to the management plan in writing - the Requiring Authority shall consider any of the reasons and recommendation of HCC and resubmit an amended Management Plan to be certified;
  - d) Any certified management plan may be updated or revised to reflect any changes in design, construction methods or management of effects – any changes to a management plan:
    - i. are to be submitted to HCC for certification as soon as practicable following identification of the need for an update or revision; and
    - ii. may not be implemented until certified by HCC.
  - e) No Construction Works may commence until all management plans that relate to those Construction Works or relevant stage(s) of works have been certified by the HCC;

- f) Management plans prepared under this designation must be consistent with and not hinder the implementation of the LMP approved under the Wildlife Act;
- g) Where possible, the authors of the management plans required under these conditions shall confer in order to achieve consistency and integration between different management plan requirements such that:
  - i. the BMP is consistent with the LMP,
  - ii. the VMP is consistent with the LMP and BMP;
  - iii. the LCP is consistent with the VMP, LMP and BMP; and
  - iv. the CEMP is consistent with the plans referred to in i., ii and iii.

**Note:** the LMP will be prepared under the parallel permit process under the Wildlife Act 1953. The LMP does not require certification from HCC, but must be provided to HCC in accordance with the above condition to enable compliance with related requirements to be confirmed. Refer also conditions

## Construction Environmental Management

9. The Requiring Authority shall not commence Construction Works (or relevant stage of Construction Works, if the works are carried out in stages) until a **CEMP** has been certified by HCC, in accordance with Condition 8, confirming that the CEMP satisfies the requirements of Condition 10.
  
10. The purpose of the CEMP is to set out the management procedures and construction methods to be undertaken to avoid, remedy or mitigate any adverse effects associated with the Construction Works. To achieve the purpose, the CEMP must include details of:
  - a) How the CEMP links to other management plans as detailed in Condition 8 g);
  - b) Construction methodologies and construction timeframes, including staging and timing of vegetation clearance set out in the LMP and Conditions 33 c), 33 d) and 41 c);
  - c) Working hours;
  - d) The roles and responsibilities of staff and contractors;
  - e) Details of the project manager and the Project representative(s), including their contact details (phone and email address);
  - f) The proposed site layouts (including construction yards), locations of refuelling activities and construction lighting;
  - g) Methods for providing for the health and safety of the general public;
  - h) Procedures for incident and complaint management and reporting including details of who can be contacted to report complaints throughout the duration of the Construction Works;
  - i) The complaints register that shall be maintained for the duration of the works detailing complaints received alleging adverse effects from, or related to, the works;
  - j) Procedures for how complaints are to be addressed;
  - k) Details of where machinery operations must be excluded, to ensure minimal disturbance of these areas; and
  - l) Details of where temporary signage shall be installed during construction of the Project, which informs the general public of the works, including alternative access points for accessing the Eastern Hills recreational area.

11. The Requiring Authority shall ensure that a copy of the certified CEMP, including any amendments made in accordance with the process specified in Condition 8, is kept on site at all times during Construction Works. Where the CEMP is amended, the site copy shall be updated within 10 working days of any amendments being certified by HCC.
12. As part of the Completion of Construction, the Requiring Authority shall reinstate the firebreak track as generally described in section 4.6.11 of the NoR and indicated in the drawings at Appendix A to the NoR. Public access shall be restored to the reinstated track once it is safe to do so.

## Earthworks

13. The Requiring Authority must submit an Erosion and Sediment Control Plan (**ESCP**) to HCC for information once it has been certified by the Greater Wellington Regional Council.
14. The Requiring Authority shall stabilise all areas exposed by earthworks, trenching or building work as soon as possible after excavation or, at the latest, within one month of completing earthworks.
15. The Requiring Authority shall ensure all Construction Works, including any earthworks, are carried out in a manner that controls dust travelling beyond site boundaries to the extent that it does not cause a nuisance or hazard.
16. The Requiring Authority shall ensure that vehicles and machinery leaving the site do not deposit earth or other material in or on road reserve, the road surfaces or surrounds. If such spills occur, the Requiring Authority shall clean the road surfaces to their original condition as soon as possible after the spill occurs and within 24 hours.
17. Prior to the Commencement of Construction Works, a stabilised vehicle crossing shall be installed at the site entrance(s) for the Construction Works and/or suitable wheel wash facilities on site so that earth material from the site is not tracked onto the road.

## Construction Noise and Vibration

18. The Requiring Authority shall not commence Construction Works (or relevant stage of Construction Works, if the works are carried out in stages) until a **CNVMP** has been certified by HCC, in accordance with Condition 8, confirming that the CNVMP satisfies the requirements of Condition 19.
19. The purpose of the CNVMP is to provide a framework for the development and implementation of the Best Practicable Option for the management of Construction Works noise and vibration effects, and to set out how compliance with the construction noise and vibration standards (set out in Conditions 24 and 25 below) will be achieved as far as practicable. To achieve the purpose, the CNVMP must include:
  - a) A description of the likely construction noise and vibration emissions anticipated as a result of construction activities;
  - b) A description of the construction work, anticipated equipment and processes and their scheduled durations;

- c) A description of noise or vibration suppression devices to be used on equipment or processes;
- d) The normal hours of operation and details of limited events where those hours are to be extended to enable necessary night-time works;
- e) The construction noise and vibration criteria that apply for the Project, which must be consistent with those standards specified in NZS 6803:1999 'Acoustics – Construction Noise' (Condition 24) and BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration and DIN 4150-3 (Condition 25);
- f) Identification of affected houses and other Noise Sensitive Receptors where noise and vibration criteria apply, including a list of Noise Sensitive Receivers (as defined in NZS 6803:1999 'Acoustics – Construction Noise');
- g) Requirements for monitoring road surface condition to minimise noise and vibration from trucks travelling over potholes and uneven surfaces;
- h) Methods and frequency for monitoring and reporting on construction noise and vibration to HCC;
- i) Procedures for maintaining contact with stakeholders, notifying of proposed construction activities in advance of works taking place, and handling of noise and vibration complaints (consistent with the complaints procedures and complaints register within the CEMP);
- j) Where compliance with the criteria in Conditions 24 and 25 may not be achieved, a description of Best Practicable Option that will be used including notification requirement to affected parties;
- k) The requirement for pre-construction building inspections at locations close to activities generating significant vibration, prior to and after completion of construction and processes for repair of any damage caused by the Work;
- l) Construction equipment operator training procedures and expected construction site behaviours;
- m) Contact numbers for key construction staff, and staff responsible for noise assessment and the CMO(s); and
- n) Procedures for community liaison.

20. At the time of site establishment, the Requiring Authority shall install acoustic site hoardings to attenuate noise from site works. The Requiring Authority shall take advice from a Suitably Qualified Person in acoustics ('the advising acoustic expert') regarding the location, sizing, materiality and construction of the hoardings. Unless it is impracticable due to the topography, ecological/landscape features or phasing of noise-generating works, the acoustic site hoardings shall:

- a) Be 3 metres high, unless this is not physically possible, in which case a smaller acoustic hoarding may be constructed, with the advising acoustic expert to recommend the best practicable option to minimise any corresponding reduction in acoustic performance;
- b) Be constructed in the positions generally shown on Figure 8.1 of the Noise and Vibration Assessment attached at Appendix H to the NoR, except where:
  - i. works are staged and associated moving of barriers around staged areas will provide a comparable or better level of acoustic performance; or

- ii. for any other alternative hoarding positioning, the advising acoustic expert confirms alternatives provide comparable or better acoustic performance; and
  - c) Be in place for the duration of Construction Works.
21. All pumps and generators associated with night-time over-pumping and dewatering activities shall be installed within an acoustic enclosure as generally described in section 8.2.2 of the Noise and Vibration Assessment attached at Appendix H to the NoR. The Acoustic enclosures shall remain in place for the duration of the night-time over-pumping and dewatering activities.
22. Normal working hours for construction activities shall be limited to 7:00 am to 6:00pm Monday to Saturday. Noise-generating construction activities will not commence on any given day before 7:30am except during limited periods where night-time works are required or where oversized materials deliveries are required prior to 7:30am due to traffic restrictions or traffic management reasons.

Where Construction Works require concrete pouring and post-tensioning overnight, the following additional requirements apply:

- a) The overnight works shall be limited to those necessary to complete the concrete pours for the reservoir slab and roof and all associated activities as described in the Notice of Requirement (including necessary vehicle movements, post-tensioning of concrete, and ancillary site works);
  - b) At no time during the construction period shall the overnight works be carried out on 4 or more consecutive days;
  - c) The Requiring Authority shall adopt enhanced communication procedures with residents on Summit Road and Tilbury Street identified as affected by night-time concrete pouring in Section 6.1 of the Noise and Vibration Assessment submitted with the application – such procedures will include regular updates on the project programme, nature and reason for the works, indicative timeframes, phone number(s) for complaints, advanced notice in the weeks leading up to overnight works along with information on the anticipated duration of those works and associated noise levels;
  - d) The Requiring Authority shall give consideration to providing temporary relocation for residents on Summit Road affected by noise generation from overnight concrete pours, where reasonable (and other arrangements are not practicable); and
  - e) The Requiring Authority shall take all reasonable steps to minimise the occurrence of events generating intermittent sounds such as reverse beepers, shouting, or whistling during periods when overnight works are conducted.
23. The Requiring Authority shall ensure that a copy of the certified CNVMP, including any amendments made in accordance with the process specified in Condition 8, is kept on site at all times during Construction Works. Where the CNVMP is amended, the site copy shall be updated within 10 working days of any amendments being certified by HCC.
24. Construction noise shall be measured and assessed in accordance with NZS 6803:1999 'Acoustics – Construction Noise'. The construction noise shall comply with the following criteria as far as practicable:



ii) Day of week	iii) Time	iv) dB L <sub>Aeq</sub> (15min)	v) dB L <sub>AFmax</sub>
<b>vi) Noise Criteria at Residential Neighbours</b>			
vii) Weekdays	viii) 0630 – 0730	ix) 55	x) 75
	xi) 0730 – 1800	xii) 70	xiii) 85
	xiv) 1800 – 2000	xv) 65	xvi) 80
	xvii) 2000 – 0630	xviii) 45	xix) 75
xx) Saturdays	xxi) 0630 – 0730	xxii) 45	xxiii) 75
	xxiv) 0730 – 1800	xxv) 70	xxvi) 85
	xxvii) 1800 – 2000	xxviii) 45	xxix) 75
	xxx) 2000 – 0630	xxxi) 45	xxxii) 75
xxxiii) Sundays and public holidays	xxxiv) 0630 – 0730	xxxv) 45	xxxvi) 75
	xxxvii) 0730 – 1800	xxxviii) 55	xxxix) 85
	xl) 1800 – 2000	xli) 45	xliv) 75
	xliv) 2000 – 0630	xlv) 45	xlv) 75

25. Vibration from the Construction Works must comply with the following criteria as far as practicable:

xlvi) Receiver	xlvii) Details	xlviii) Category A	xliv) Category B
<b>l) Noise Criteria at Residential Neighbours</b>			
li) Occupied Activities sensitive to vibration	lii) Night-time 2000h – 0630h	liii) 0.3mm/s ppv	liv) 1mm/s ppv
	lv) Daytime 0630h – 2000h	lvi) 1mm/s ppv	lvii) 5mm/s ppv
lviii) Other occupied buildings	lix) Daytime 0630h – 2000h	lx) 2mm/s ppv	lxi) 5mm/s ppv
lxii) All other buildings	lxiii) At all other times Vibration – transient	lxiv) 5mm/s ppv	lxv) BS 5228-2* Table B2
	lxvi) At all other times Vibration – continuous	lxvii) 5mm/s ppv	lxviii) BS 5228-2* 50% of Table B2 values

BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration

**Note:** For vibration measurements, reference should be made to BS 5228-2 and DIN 4150-3. For additional guidance on measurement techniques, reference can be made to BS 6472-1 in relation to human annoyance and ISO 4866:2010 for building damage.

## Construction Traffic

26. The Requiring Authority shall not commence Construction Works (or relevant stage of Construction Works, if the works are carried out in stages) until a **CTMP** has been certified by HCC, in accordance with Condition 8, confirming that the CTMP satisfies the requirements of Condition 27, 28, and 29.

27. The purpose of the CTMP is to set out the management procedures to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects of the Project on the availability of kerbside parking, damage to the roading surface, property access, traffic safety and efficiency during construction. To achieve the purpose, the CTMP must include:
- a) Measures to minimise the disruption to users of local travel routes;
  - b) Temporary traffic management measures required to manage and minimise impacts on road users during the proposed construction works including signage and traffic control;
  - c) Measures to maintain safe existing vehicle access to adjacent properties including safe sight lines where trucks or materials are parked or stored in the carriageway, and any measures necessary to manage potential access effects for home businesses;
  - d) Any proposed temporary changes in speed limits;
  - e) Measures to control HCV so that two HCVs are not travelling in opposite directions along Summit Road or Tilbury Street at any one time including detailing appropriate waiting locations;
  - f) Provision for safe and efficient access of vehicles to and from the construction site;
  - g) Details of induction/briefing to HCV drivers associated with the construction of the reservoir, which must include:
    - i. Awareness of the potential risks and the importance of slowing down when driving past any school site;
    - ii. Adhering to temporary and permanent speed limits at all times when driving to and from the site;
  - h) Details of where parking will be temporarily removed and where alternative on-street parking can be accessed;
  - i) Details as to where footpaths will be temporarily closed and for how long and details of alternatives walking routes for pedestrians if necessary;
  - j) Details of the pre and post construction pavement surveys on Tilbury Street, Summit Road and Balgownie Grove during construction;
  - k) Measures to manage staff parking so that it is provided off-site to avoid parking impacts on local roads; and
  - l) Details of the Temporary Traffic Management needed to ensure the safe movement of HCVs, including truck and trailer units through the Summit Road intersection with Tilbury Street.
28. Temporary traffic management as part of the CTMP shall be planned and delivered as per the most up-to-date temporary traffic management guidance provided (currently the NZ Transport Agency's *NZ Guide to Temporary Traffic Management*).
29. The Requiring Authority shall carry out a preconstruction survey of the road pavement, footpath pavement on Summit Road, Tilbury Street and Balgownie Grove and the Tilbury Street bridge prior to the commencement of Construction Works. The methodology for the survey is to be agreed with the Road Asset Manager. Prior to the Construction Works commencing, the preconstruction survey shall be supplied to the Road Asset Manager.
30. Following completion of the Construction Works, the Requiring Authority shall complete a postconstruction survey of Summit Road, Tilbury Street, and Balgownie Grove and the

Tilbury Street bridge. The Requiring Authority shall contribute a fair and reasonable cost, as determined by a Suitably Qualified Person, towards repair and maintenance of Summit Road, Tilbury Street, Balgownie Grove and the Tilbury Street bridge should damage to the road(s) be attributable to the Construction Works.

31. All HGV construction traffic that will utilise SH2, travelling to or from the North or South, shall use the Kennedy Good Bridge, Fairway Drive, Daysh Street route unless this is not practicable (for example, if roads are closed or construction traffic is not utilising SH2).

## Landscape, Visual Amenity and Natural Character

32. The Requiring Authority shall not commence Construction Works (or relevant stage of Construction Works, if the works are carried out in stages) until an **LCP**, developed in partnership with Taranaki Whānui ki Te Upoko o Te Ika, has been certified by HCC, in accordance with Condition 8, confirming that the LCP satisfies the requirements of Condition 33.
33. The purpose of the LCP is to outline the methods and measures to be implemented to avoid, remedy or mitigate adverse landscape, natural character and visual amenity effects associated with the construction and operation of the Project on nearby receivers. To achieve the purpose, the LCP must include:
  - a) Details of how the Project's landscape treatments are context-sensitive in terms of acknowledging Taranaki Whānui ki Te Upoko o Te Ika values, land use, sense of place and the viewing audience;
  - b) Details of the final earthworks levels, including confirming that they will integrate with adjacent topography, and provide appropriate revegetation conditions;
  - c) Identification of proposed planting including eco-sourced plant species, use of manuka slash (where practicable), plant/grass mixes, spacing/densities, sites (at time of planting) and layout and planting methods with input from the Project ecologist;
  - d) Specific details for the remediation and revegetation of the cut face/north facing batter slope around the reservoir and the firebreak track edge consistent with the LMP requirements for mānuka/kānuka skink habitat creation, with input from the Project herpetologist/ecologist;
  - e) Details of the replaced and/or reinstated pathways through the site including the location of replacement and/or new seating and signage;
  - f) Appropriate design treatment(s) to support safety and wayfinding;
  - g) Consideration of CPTED (Crime Prevention Through Environmental Design) principles in relation to the project;
  - h) Overall design details for artificial lighting to be used during nighttime works, including use of directional lighting to minimise glare and light spill on residential properties;
  - i) Identification of vegetation to be retained, including retention of as many as practicable significant trees and areas of regenerating indigenous vegetation;
  - j) Protection measures for vegetation to be retained;
  - k) Details of the proposed planting that is to occur within the riparian margin of the Waiwhetū Stream;

- l) Planting programme detailing the staging of planting in relation to the construction programme to implement Condition 34;
  - m) Details of how the input of a suitably qualified ecologist has provided input so that ecological benefits are attained via the proposed planting;
  - n) The proposed maintenance and management of plantings (including the replacement of unsuccessful plantings, pest plant control and pest animal control) for a minimum of 5 years or until canopy closure density of 80% is achieved, whichever is the longer (refer Condition 43) to ensure effective remediation, sediment control and plant survivorship occurs; and
  - o) Details of how vegetation clearance, salvage, stockpiling and its reuse/spread on site (where practicable), will be managed under the supervision of an ecologist and/or landscape architect, including the salvage of indigenous plant material and forest duff (topsoil layer) as part of the earthworks stage. **Note:** *This clause is redundant if the Vegetation Management Plan has already been certified*
34. Planting for mitigation or remediation purposes in any given area shall be established in the first growing season following completion of the relevant Construction Works in that area. If temporary stabilisation measures are recommended by a Suitably Qualified Person in landscape or ecology due to prolonged delay between works completion and the next growing season, temporary stabilisation methods shall be adopted by the Requiring Authority (for example, hydroseeding) until the planting can be established.

## Ecological Management Plans

35. At least 10 days prior to any works on land identified as lizard habitat, the Requiring Authority shall provide copy of the related permit obtained under Wildlife Act 1953 to the CMO for their records along with a copy of any associated Lizard Management Plan (**LMP**).
- Note:** *The Requiring Authority shall undertake the works in line with the Lizard Management Plan and any conditions of the permit obtained under the Wildlife Act 1953.*
36. The Requiring Authority shall not commence vegetation clearance or Construction Works until a **BMP** has been certified by HCC, in accordance with Condition 8, confirming that the BMP satisfies the requirements of Condition 37.
37. The purpose of the BMP is to set out the management measures to avoid disturbance or death of protected species<sup>1</sup> of birds. To achieve the purpose, the BMP must:
- a) Cross refer to the other management plans as detailed in Condition 8 g) with the LMP taking priority;

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<sup>1</sup> for the purposes of these conditions, protected species is defined as all species of mammals, birds, amphibians and reptiles within New Zealand, other than those listed as 'Wildlife not protected' within Schedule 5 of the Wildlife Act 1953 and includes 'Terrestrial and freshwater invertebrates declared to be animals' listed in Schedule 7 of the Wildlife Act 1953

- b) Identify all protected species<sup>2</sup> possible, likely, highly likely, or confirmed to nest at the site as defined in the Ecological Impact Assessment prepared by WSP dated 20 June 2024 and attached as Appendix G to the NoR;
  - c) Define vegetation types that provide nesting habitats for all protected species of birds possible, likely, highly likely, or confirmed to utilise the site.
  - d) Define the active nest<sup>3</sup> season for all protected species possible, likely, highly likely, or confirmed to utilise the site;
  - e) Provide methodologies for pre-works survey to be undertaken for active nests, if vegetation removal impacts nesting habitat and occurs during a month when active nesting is possible;
  - f) Include methods to clearly demarcate an active nest of any protected bird, and the buffer zone to be imposed around the active nest (e.g. flagging tape/tree tags/spray paint etc).
  - g) Define species-specific zones of influence/buffer zones for all protected birds that are possible, likely or highly likely to nest on-site, with 'Introduced and Naturalised' and 'Not Threatened' species to range from 10 to 25 m and all 'At Risk' and 'Threatened' species to be 50m.
  - h) Provide a methodology to re-survey active nests to confirm fledging or natural nest failure, to allow vegetation removal and construction activities to commence within any relevant previously imposed buffer zone.
  - i) Detail any pre-works checks of any suitable nesting cavities within vegetation for the purposes of implementing Condition 38.
  - j) Detail any pre-works checks of any suitable nesting habitat for the purposes of implementing Condition 39.
  - k) Outline measures to address the loss of any confirmed active nest or cavity for any regionally or nationally 'Threatened' bird species (e.g.: artificial nest box installations).
38. Prior to the commencement of any vegetation clearance works to be undertaken during the active nest season for any cavity-nesting species deemed by a Suitably Qualified Person in ecology ('the advising ecology expert') as possible, likely or highly likely to nest on site, the advising ecology expert or other Suitably Qualified Person will conduct pre-works checks of any nesting cavities within vegetation in the Project Footprint deemed to be suitable nesting cavities.
39. Prior to the commencement of any vegetation clearance works undertaken during the active nest season for kārearea (August to May inclusive), the advising ecology expert or other Suitably Qualified Person will conduct pre-works checks for any kārearea.

**Note:** Results of the pre-works checks required by Conditions 38 and 39 will inform any associated management measures in the BMP, including appropriate buffers to be imposed under Condition 37g).

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<sup>2</sup> for the purposes of these conditions, protected species is defined as all species of mammals, birds, amphibians and reptiles within New Zealand, other than those listed as 'Wildlife not protected' within Schedule 5 of the Wildlife Act 1953 and includes 'Terrestrial and freshwater invertebrates declared to be animals' listed in Schedule 7 of the Wildlife Act 1953

<sup>3</sup> A nest containing eggs and/or chicks

40. The Requiring Authority shall not commence Construction Works until a **VMP** has been certified by HCC, in accordance with Condition 8, confirming that the **VMP** satisfies the requirements of Condition 41.
41. The purpose of the **VMP** is to outline the methods and measures to salvage and reuse vegetation on-site and to identify where planting is required to ensure the site is appropriately remediated. To achieve the purpose, the **VMP** must:
- a) Cross refer to the other management plans as detailed in condition 8 g) with the Lizard Management Plan taking priority;
  - b) Ensure 'At Risk' orchids (spotted fleshy orchid and *Thylemitra* spp.) shall be searched for during pre-works checks and outline procedures for the salvage and transfer, and management, including success monitoring of any salvage and transfer attempts of orchids if discovered on site prior to vegetation clearance occurring;
  - c) Detail how vegetation clearance, salvage, stockpiling and its reuse/spread on site (where practicable), will be managed under the supervision of an ecologist and/or landscape architect, including the salvage of forest duff (topsoil layer) as part of the earthworks stage;
  - d) Identify a method to confirm and calculate the areas of vegetation lost during site clearance activities and define areas where remediation is possible;
  - e) Identify the suitable planting season (months) for site remediation, to promote plant establishment and survivorship and any areas that will require temporary measures such as hydro-seeding (or similar) immediately following the completion of construction until planting can occur in the next planting season in order to implement Condition 34;
  - f) Proposed methodology to demonstrate that all areas identified in d) as able to be remediated are planted in accordance with Condition 42, including:
    - i. any input from the Project herpetologist, as outlined within the LMP, and landscape architect as outlined within the LCP;
    - ii. identifying the areas requiring arborescent broadleaved indigenous hardwoods and indigenous low growing shrubs, mānuka/kānuka, and area of riparian planting proposed along the banks of the Waiwhetū stream;
    - iii. recommended sizing and spacing of species at planting stage.
  - g) Identify the plant species suitable for the site and SNR12, that are unpalatable to browsing herbivores present on-site (possums, deer etc) to be used for site remediation;
  - h) Include methods to protect remediation planting from plant and animal pests; and
  - i) Details of an annual monitoring and maintenance schedule to ensure 80% canopy closure on-site or for 5 years following completion of the Project, whichever is longer (refer Condition 42), to ensure effective remediation, sediment control and plant survivorship occurs.
42. The Requiring Authority shall provide for the progressive remediation planting of areas subject to vegetation clearance as follows:
- a) Any area within the Project Footprint subject to vegetation clearance – exclusive of where the reservoir is constructed or where any path, track, seating, signage or other above-ground structures associated with the Project are located – shall be subject to remediation planting;
  - b) Species for remediation planting shall be:

- i. Ecosourced as much as practicable;
  - ii. selected from the plant schedule contained in the Landscape Concept Plan attached in Appendix A to the NoR<sup>4</sup> or otherwise recommended by the project herpetologist, advising ecology expert or other Suitably Qualified Person; and
- c) Remediation planting shall be established at a density designed to achieve 80% canopy cover within 5 years of planting.

43. The Authority will monitor all remediation planting for a minimum period of 5 years or until 80% canopy cover is established (whichever is the longer). Any dead or dying plants must be replaced within the next available growing season during the required monitoring period.

## Outline Plan(s)

44. An Enabling Works Outline Plan(s) must be prepared and submitted to HCC in accordance with section 176A of the RMA for enabling works that are not otherwise a permitted activity pursuant to the Hutt City District Plan (unless the requirement is waived by HCC) prior to the Project Construction Outline Plan.

In addition to the matters required by section 176A(3) of the RMA, the Enabling Works outline plan(s) must:

- a) Detail the purpose for undertaking the Enabling Works activity prior to the Construction Works;
- b) Detail the mitigation required, and an appropriate timescale for implementing that mitigation, if an enabling work occurs and the project does not commence; and
- c) Address the requirements of ecological management plans if ecological surveys and relocations are required.

The Enabling Works Outline Plan(s) is not required to include:

- a) The management plans required by Condition 8(a).

## Accidental Discovery

45. At least 15 Working Days prior to Construction Works commencing, the Requiring Authority shall prepare an accidental discovery protocol and provide a copy to HCC for information. The protocol shall be implemented in the event of the accidental discovery of cultural or archaeological artefacts or features during construction of the Project. The protocol shall include, but not be limited to:

- a) Identification of parties to be notified in the event of an accidental discovery, who shall include, but need not be limited to, Taranaki Whānui ki Te Upoko o Te Ika, Te Rūnanga o Toa Rangatira, Heritage New Zealand Pouhere Taonga, HCC, and if koiwi are discovered, the New Zealand Police;
- b) Setting out procedures to be undertaken in the event of an accidental discovery, which shall include the cessation of Construction Works in the vicinity of the discovery until authorised to proceed; and

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<sup>4</sup> Drawing 3-WW021.02\_L0001 – Landscape Concept Plan Sheet 01 of 03

- c) Training procedures for all contractors regarding the possible presence of cultural or archaeological sites or material, what these sites or material may look like, and the relevant procedures if any sites or material are discovered.

## Earthworks – Site stability

46. Further investigations and geomorphological mapping are required to be submitted as part of the Project Construction Outline Plan. A fully-dynamic deformation analysis shall be undertaken by a suitably qualified engineer showing that a seismic resilient engineered solution in accordance with the latest versions of Wellington Water’s Regional Standard and Regional Specification for Water Services<sup>5</sup> can be constructed at the site. The analysis shall be submitted to HCC as part of the Project Construction Outline Plan.

**Note:** *Hutt City Council will have the information peer reviewed by an external experienced chartered geo-professional.*

## Ongoing Monitoring, Maintenance and Management

47. Notwithstanding Condition 3, monitoring and management measures required by the following management plans must remain in place for a minimum of 5 years once Construction Works are complete:
- a) Condition 33, **LCP**;
  - b) Condition 35, **LMP**;
  - c) Condition 41, **VMP**.
48. Where any future maintenance works require the removal of indigenous vegetation on-site, the removed vegetation will be replaced no later than the next available planting season. Replacement species will be the same or similar in number and type with those removed unless impracticable to do so (for example unavailability of species).

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<sup>5</sup> <https://www.wellingtonwater.co.nz/contractors/technical-information/specifications-and-standards>