

## Conditions not agreed or amendments proposed (updated Appendix B of Planning Evidence)

### UHCC Designation Conditions

Condition No.	Officer s.42A condition	S.42A Addendum Report Conditions Proposed	Applicant's response Status / suggested amendment
23b(i)	The condition requires: <i>i. Planting of species that grow taller than 15 metres in height are not to be planted within 30 metres of any residential buildings The applicant does not support imposing a restriction on tree planting location</i>	Condition now proposed: <i>i. Planting of species that grow taller than 15 metres in height are not to be planted within <u>10</u> metres of any residential buildings The applicant does not support imposing a restriction on tree planting location</i>	The applicant <b>does not support</b> imposing a restriction on tree planting locations.  This condition restricts the ability for larger tree species to be planted near to the stream, which is required to ensure stream health is maintained. Tree planting near residential buildings should be seen as a positive rather than a negative.  The evidence of <b>Dr Forbes</b> does not support this condition.
32	The condition requires: <i>All other vegetation types to be removed require compensation planting ratio of 3:1.</i>	Condition now proposed: <i>For the removal of all other indigenous vegetation the required compensation planting ration shall be 2:1</i>	The applicant <b>does not support</b> the condition requiring replacement planting for the 0.25 ha of native riparian vegetation loss.  The removal of other indigenous vegetation is considered to have a low level of effect and therefore this does not need to be addressed through provision of positive effects, according to best practice guidance (EIANZ 2018). The replacement of the affected indigenous vegetation is not necessary. The evidence of <b>Dr Forbes</b> does not support this condition.
36	The condition requires:	No change to condition proposed	<b>Accept</b> condition as proposed by Council.

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	<p><i>Prior to the commencement of any vegetation clearance within each construction stage, a suitably qualified ecologist with avifauna experience must inspect the Project site for the presence of any indigenous bird species nesting. No vegetation clearance may occur within 4 metres of any identified nest, until the ecologist confirms the nesting is complete.</i></p>	<ul style="list-style-type: none"> <li>- UHCC does not support change proposed as presented in H Anderson Planning Evidence</li> </ul>	
<p><b>40</b></p>	<p>The condition requires the preparation of a Site Office Management plan. The applicant seeks to incorporate the requirements of the Site Office Management Plan under the Construction Management Plan requirements (GWRC Condition 16) in order to reduce duplication.</p>	<p>Site Office Management Plan proposed</p> <ul style="list-style-type: none"> <li>- UHCC consider that this condition needs to remain for the designation as matters identified relate to matters that are controlled by Council.</li> </ul>	<p><b>Accept</b> condition as proposed by Council.</p>
<p><b>New Condition</b></p>	<p><b>50 Blue Mountains Rd – proposed new condition</b></p> <p>Prior to undertaking construction works within 50 Blue Mountains Road, the consent holder shall engage a suitably qualified ecologist to clearly demarcate setbacks from the ecologically significant trees identified for Site A, B and C described in Appendix 2 of Adam Forbes evidence in chief, dated 31/3/2020. The ecologist shall also direct any necessary tree pruning and remediation measures relating to reusing rough tree fern segments, as described in relation to Site B and C in Appendix 2 of Adam Forbes Evidence in Chief, dated 31/3/2020, listed as item e below. All construction works occurring on 50 Blue Mountains Road must adopt the following management measures:</p>	<p>New proposed condition not included in Addendum</p>	<p>This condition is proposed in order to ensure ecologically significant trees located in proximity to the construction areas in 50 Blue Mountains Road are adequately protected.</p> <p>This condition is recommended in the evidence of <b>Dr Forbes</b>.</p>

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	<p>a. Avoid works within the demarcated setback from the trees, both the above-ground components and the respective root zones;</p> <p>b. Clean all machinery of plant pest propagules prior to entry to 50 Blue Mountains Road, to prevent the importation of plant pests to the present ecosystem;</p> <p>c. An arborist shall supervise any excavation works within the root zone of three kahikatea trees located in close proximity to the existing foot bridge at Site B as described in Appendix 2 of Adam Forbes evidence in chief, dated 31/3/2020. If pruning of the root system is required, this shall be executed by an arborist in a manner (e.g., hand pruning) that maintains the integrity of the kahikatea tree root systems.</p> <p>d. An arborist shall supervise any excavation works within the root zone of one mature mataī tree is located immediately downstream of the existing foot bridge at Site C as described in Appendix 2 of Adam Forbes evidence in chief, dated 31/3/2020. If pruning of the root system is required, this shall be executed by an arborist in a manner (e.g., hand pruning) that maintains the integrity of the mataī tree's root system.</p> <p>e. Following the completion of works at Site B and C, reinstate the disturbed areas with rough tree fern seedlings and stem</p>		

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	segments salvaged from the work area pre-works, as outlined the report titled 'Supplementary Assessment of Terrestrial Ecology Effects – 50 Blue Mountains Road', dated 31 March 2020, prepared by Adam Forbes.		

#### GWRC Resource Consent Conditions

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1	<p><b>General Conditions</b></p> <p>Reference is made in Condition 1 to:</p> <p><i>b) 27 November 2019 (Flood Hazard Assessment addendum);</i></p> <p>Delete reference to the FHA Addendum report dated 27 November 2019.</p>	This reference has been deleted	<b>Accept</b> condition as proposed by Council.
10	<p><b>Detailed Hydraulic Design Memorandum</b></p> <p>The applicant proposed the following amendments to Condition 10 (suggested amendments in <u>underlined</u> and <del>strike through</del>):</p> <p>The consent holder shall submit a final Detailed Hydraulic Design Memorandum (DHDM) to the Manager, at least 20 working days prior to <del>works commencing</del> <u>commencement of construction</u>. The purpose</p>	<p>Condition now proposed:</p> <p>The consent holder shall submit a final Detailed Hydraulic Design Memorandum (DHDM) to the Manager, at least 20 working days prior to commencement of construction. The DHDM shall be prepared by a suitably qualified and experienced hydrologist or hydraulic modelling specialist.</p>	<p><b>Accept</b> condition as proposed by Council.</p> <p><b>Note:</b> Appendix 1 - condition contains a typo in the 2<sup>nd</sup> paragraph (as highlighted and should be deleted).</p> <p>The purpose of the DHDM is to confirm compliance <u>with, or improvement on, and consistency with</u> the information provided in the application. <del>The DHDM shall be prepared by a</del></p>

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	<p>of the DHDM is to confirm compliance with or improvement on <del>and consistency with</del> the information provided in the application. The DHDM shall be prepared by a suitably qualified and experienced hydrologist or hydraulic modelling specialist, and shall confirm that <u>the peak flood water levels for the 4% Annual Exceedance Probability flood event and the 1% Annual Exceedance Probability flood event 25-year and 100-year return period flood event level as specified in the information provided in the application project objectives</u> are achieved in the final design.</p> <p>The consent holder shall not commence <del>works construction</del> until the DHDM has been confirmed in writing by the Manager as complying with this condition, <del>in writing</del>.</p>	<p>The purpose of the DHDM is to confirm compliance with, or improvement on, the information provided in the application. It shall confirm that the peak flood water levels and flood extents associated with the final design do not exceed those specified in the application documents for the 4% and the 1% Annual Exceedance Probability flood events 25-year and 100-year return period flood event level project objectives are achieved in the final design.</p> <p>The consent holder shall not commence construction until the DHDM has been confirmed in writing by the Manager as complying with this condition.'</p>	<p><del>suitably qualified and experienced hydrologist or hydraulic modelling specialist, and</del> It shall confirm that the <u>peak flood water levels and flood extents associated with the final design do not exceed those specified in the application documents for the 4% AEP flood event and 1% Annual Exceedance Probability flood events. 25-year and 100-year return period flood event level project objectives are achieved in the final design.</u></p>
12	<p>Minor amendments are proposed to this condition as follows<sup>1</sup>:</p> <p>Condition 12 b) – Remove the text reference to the electric fishing machine model, “(EFM400)”</p> <p>Condition 12 e) – Replace “immediately downstream” with “upstream or downstream”</p> <p>Condition 12 f) – Change wording to “Fish transfer in closed, cool containers that are kept in the shade at all times, and consider aeration during particularly warm weather”</p>	Minor amendments adopted	Accept condition as proposed by Council.

<sup>1</sup> Refer Expert Witness Statement – Aquatic Ecology, dated, para 4.1(f)

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16	<p>Include a new requirement to the CMP condition relating to Site Office management as follows:</p> <p>j) Site office establishment and management including location, proposed working hours, traffic movements to and from the site, on and off site parking for staff, location and nature of any security fencing, light spill from security lighting, laydown areas.</p>	Minor amendment adopted	Accept condition as proposed by Council.
21	<p><u>SEMP requirements</u></p> <p>Amend matter i) of the condition to require the SEMP to include specific reference to winter works and procedures taken to manage works in winter (during the period of 1 June to 30 September inclusive each year)</p> <p>i) Details relating to the management and stabilisation of exposed areas, <u>and where works are to be undertaken in winter months (during the period of 1 June to 30 September inclusive each year), provide the following additional detail:</u></p> <ul style="list-style-type: none"> <li>• <u>Detail of winter works proposed and timeline;</u></li> <li>• <u>Plans showing erosion and sediment control devices and maintenance schedule;</u></li> </ul>	No change proposed	Deletion of Winter Works conditions (40 & 41) requested. The SEMP with the proposed amendment to matter i) will address Winter Works to ensure the SEMP will be of sufficient detail to enable works to occur in winter.

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	<ul style="list-style-type: none"> <li>contingency actions and learnings from previous stages to address increased risk;</li> </ul>		
<b>Suspended Sediment and Water Quality Limits</b>			
<p><b>26</b> (This condition applies to Standard Works)</p>	<p><i>The consent holder shall ensure any discharges (except those managed by conditions 27 and 28 of this consent) from each stage of the works directly or indirectly to freshwater, do not result in an increase in suspended solids (measured as SSC) in the Pinehaven Stream at the zone of reasonable mixing of 50g/m<sup>3</sup> above the concentration measured at the upstream baseline monitoring site.</i></p> <p><i>The method for monitoring water quality for the purposes of assessing compliance with this condition shall be in accordance with the method and locations in the certified SEMP for the relevant stage.</i></p> <p><i>Note: The zone of reasonable mixing for the purpose of this consent is defined in condition 23.</i></p> <p><i>Note: Recording and reporting of this monitoring will be set out in the ESCP certified under condition 18 of this consent.</i></p>	<p>S.42A Addendum Report notes at paras 11 and 12, that conditions 26 and 27 are not able to be amended through an adaptive management process.</p>	<p><b>Amendment to Condition 26 proposed.</b></p> <p>While the applicant understands and supports the intent of the condition, the applicant is concerned that the proposed SSC limit of 50g/m<sup>3</sup> is untested in the field and is not based on a rigorous analysis of data, which is not available for this stream, and therefore may not be appropriate or achievable. This uncertainty can be appropriately managed via the AMP.</p> <p>The concern is that the condition as currently proposed does not allow for the limit to be changed or adjusted via an adaptive management process. If the SSC limit needed to be adjusted to respond to observed changes in visual clarity (rather than simply focusing on a number provided in resource consent conditions) this would require a s.127 process.</p> <p>Applying an adaptive management process would give more flexibility to both the applicant and regulator and should be used to ensure sediment control limits can be adjusted if required.</p> <p>The following amendment is proposed, which is designed to ensure:</p>

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			<ul style="list-style-type: none"> <li>i management plans set SSC limits with the objective of ensuring any conspicuous change in visual clarity is only temporary;</li> <li>ii the 'default' SSC limits are those which are recommended by the GWRC officer; but</li> <li>iii those limits can be adjusted (without a section 127 process) if monitoring demonstrates that the limits are inadequate to achieve that objective, or more onerous than necessary; and</li> <li>iv any adjustment to limits in the management plans would need to be approved by the GWRC Manager.</li> </ul> <p><u>Suggested amendment:</u></p> <p>The consent holder shall ensure any discharges (except those managed by conditions 27 and 28 of this consent) from each stage of the works directly or indirectly to freshwater, do not result in an increase in suspended solids (measured as SSC) in the Pinehaven Stream at the zone of reasonable mixing <u>which exceeds the SSC limit stated in the certified SEMP for the relevant stage. of 50g/m<sup>3</sup> above the concentration measured at the upstream baseline monitoring site.</u></p> <p><u>The SSC limit stated in the certified SEMP shall be 50mg/m<sup>3</sup> above the concentration measured at the upstream baseline monitoring site for the same time period, unless:</u></p> <ul style="list-style-type: none"> <li>a. <u>The consent holder provides monitoring results which demonstrate that a different SSC limit is appropriate in order to ensure</u></li> </ul>



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			<p><u>any changes to visual clarity resulting from the works are temporary; and</u></p> <p>b. <u>The Manager confirms satisfaction with the different limit, in accordance with condition 15.</u></p> <p>The method for monitoring water quality for the purposes of assessing compliance with this condition shall be in accordance with the method and locations in the certified SEMP for the relevant stage.</p> <p>Note: The zone of reasonable mixing for the purpose of this consent is defined in condition 23.</p> <p>Note: Recording and reporting of this monitoring will be set out in the ESCP certified under condition 18 of this consent.</p>
<p><b>27</b></p> <p>(This condition applies during and after heavy rainfall events)</p>	<p>The consent holder shall ensure that during, and for 24 hours after heavy rainfall conditions, any discharge from each stage of the works directly or indirectly to freshwater, does not result in an increase in suspended solids (measured as SSC) in the Pinehaven Stream at the zone of reasonable mixing of 150g/m<sup>3</sup> above the concentration measured at the upstream baseline monitoring site.</p> <p>The method for monitoring water quality for the purposes of assessing compliance with this condition shall be in accordance with the method and locations in the certified SEMP for the relevant stage.</p> <p>Note: Heavy rainfall conditions are considered to be 20mm in a 24-hour period or a rainfall</p>	<p>S.42A Addendum Report notes at paras 11 and 12, that conditions 26 and 27 are not able to be amended through an adaptive management process.</p>	<p><b>Amendment to Condition 27 proposed.</b></p> <p>While the applicant understands and supports the intent of the condition, the applicant is concerned that the proposed SSC limit of 150g/m<sup>3</sup> is untested in the field and is not based on a rigorous analysis of data, which is not available for this stream, and therefore may not be appropriate or achievable. This uncertainty can be appropriately managed via the AMP.</p> <p>The concern is that the condition as currently proposed does not allow for the limit to be changed or adjusted via an adaptive management process. If the SSC limit needed to be adjusted to respond to observed changes in visual clarity (rather than simply focusing on a number provided</p>

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	<p>event with an intensity equal to or greater than 6mm/hour as measured at the GWRC Pinehaven Stream Site at Pinehaven Reservoir and/or the site rain gauge located at the main construction yard.</p> <p>Note: The zone of reasonable mixing for the purpose of this consent is defined in condition 23.</p> <p>Note: Recording and reporting of this monitoring will be set out in the ESCP certified under condition 18 of this consent</p>	<p>The consent holder shall ensure that during, and for 24 hours after heavy rainfall conditions, any discharge from each stage of the works directly or indirectly to freshwater, does not result in an increase in suspended solids (measured as SSC) in the Pinehaven Stream at the zone of reasonable mixing <u>which exceeds the SSC limit stated in the certified SEMP for the relevant stage of 150g/m<sup>3</sup> above the concentration measured at the upstream baseline monitoring site.</u></p> <p>The method for monitoring water quality for the purposes of assessing compliance with this condition shall be in accordance with the method and locations in the certified SEMP for the relevant stage.</p>	<p>in resource consent conditions) this would require a s.127 process.</p> <p>Applying an adaptive management process would give more flexibility to both the applicant and regulator and should be used to ensure sediment control limits can be adjusted if required.</p> <p>The following amendment is proposed, which is designed to ensure:</p> <ul style="list-style-type: none"> <li>i management plans set SSC limits with the objective of ensuring any conspicuous change in visual clarity is only temporary;</li> <li>ii the 'default' SSC limits are those which are recommended by the GWRC officer; but</li> <li>iii those limits can be adjusted (without a section 127 process) if monitoring demonstrates that the limits are inadequate to achieve that objective, or more onerous than necessary; and</li> <li>iv any adjustment to limits in the management plans would need to be approved by the GWRC Manager.</li> </ul> <p><u>Suggested amendment:</u></p> <p>The consent holder shall ensure that during, and for 24 hours after heavy rainfall conditions, any discharge from each stage of the works directly or indirectly to freshwater, does not result in an <i>increase in suspended solids (measured as SSC) in the Pinehaven Stream at the zone of reasonable mixing</i> <u>which exceeds the SSC limit stated in the certified SEMP for the relevant stage of 150g/m<sup>3</sup></u></p>

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			<p><del>above the concentration measured at the upstream baseline monitoring site.</del></p> <p><u>The SSC limit stated in the certified SEMP shall be 150mg/m<sup>3</sup> above the concentration measured at the upstream baseline monitoring site for the same time period, unless:</u></p> <ul style="list-style-type: none"> <li>a. <u>The consent holder provides monitoring results which demonstrate that a different SSC limit is appropriate in order to ensure any changes to visual clarity resulting from the works are temporary; and</u></li> <li>b. <u>The Manager confirms satisfaction with the different limit, in accordance with condition 15.</u></li> </ul> <p>The method for monitoring water quality for the purposes of assessing compliance with this condition shall be in accordance with the method and locations in the certified SEMP for the relevant stage.</p> <p>Note: Heavy rainfall conditions are considered to be 20mm in a 24-hour period or a rainfall event with an intensity equal to or greater than 6mm/hour as measured at the GWRC Pinehaven Stream Site at Pinehaven Reservoir and/or the site rain gauge located at the main construction yard.</p> <p>Note: The zone of reasonable mixing for the purpose of this consent is defined in condition 23.</p> <p>Note: Recording and reporting of this monitoring will be set out in the ESCP certified under condition 18 of this consent.</p>

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<p><b>28</b> (This condition applies to installation and removal of the piped diversion)</p>	<p>The consent holder shall manage discharges from the excavator movements within the stream for the construction and removal of the temporary piped diversion and dams through the following steps:</p> <p>a) Prior to commencing works in the stream to install the temporary dams, the consent holder shall collect instream turbidity data using a continuous data logger from the upstream monitoring site(s) identified in the ESCP (required by condition 18 of this consent) for at least 2 weeks.</p> <p>The monitoring data shall, in conjunction with the findings of the culvert construction works under WGN200101, be used to establish a turbidity trigger level to be applied at 50 metres downstream of the temporary dam. This trigger level shall be provided with the SEMP required by condition 21 of this consent;</p> <p>b) During the construction or removal of the temporary dam works, the consent holder shall collect instream turbidity data at the zone of reasonable mixing for the relevant stage, every hour. Measurements shall be taken using a continuous data logger.</p> <p>c) In the event that the downstream turbidity value at the zone of reasonable mixing for the relevant stage fails to return to the trigger level or within 20% of the baseline levels where</p>	<p>No change proposed</p>	<p><b>Amendment</b> to Condition 28 proposed.</p> <p>While the Applicant understands and supports the intent of the condition, we consider that the need for the two week pre-commencement baseline monitoring is unnecessary, because:</p> <ul style="list-style-type: none"> <li>- It results in a trigger level which is a static number, when it should be relative to the real time data measured at the upstream monitoring site.</li> <li>- Pre commencement baseline monitoring will be weather dependent, therefore the monitoring may not achieve what is intended, eg. poor weather will result in high SSC levels, good weather result in low SSC levels. A 2 week data set will be biased to any weather events during that 2 week period, and may not be fit for purpose for subsequent assessment applicable to the construction/removal period.</li> <li>- The SSC value should be relative to what is being measured at the upstream monitoring site (ie. live 'real time' upstream monitoring).</li> </ul> <p><u>Suggested amendment</u></p> <p>The consent holder shall manage discharges from the excavator movements within the stream for the construction and removal of the temporary piped diversion and dams through the following steps:</p>

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	<p>levels are &lt;20NTU, within 24 hours of the temporary piped dam or diversion being installed or removed, the consent holder shall undertake response actions as detailed in condition 29.</p>		<p><del>a) Prior to commencing works in the stream to install the temporary dams, the consent holder shall collect instream turbidity data using a continuous data logger from the upstream monitoring site(s) identified in the ESCP (required by condition 18 of this consent) for at least 2 weeks.</del></p> <p>The monitoring data shall, in conjunction with the findings of the culvert construction works under WGN200101, be used to establish a turbidity trigger level to be applied at 50 metres downstream of the temporary dam. This trigger level shall be provided with the SEMP required by condition 21 of this consent;</p> <p><del>a</del>b) During the construction or removal of the temporary dam works, the consent holder shall collect instream turbidity data at the zone of reasonable mixing for the relevant stage, every hour. Measurements shall be taken using a continuous data logger.</p> <p><del>b</del>e) In the event that the downstream turbidity value at the zone of reasonable mixing for the relevant stage fails to return to the trigger level or within 20% of the upstream baseline monitoring site for the same time period <del>where levels are &lt;20NTU, within 24 hours of the temporary piped dam or diversion being installed or removed, the consent holder shall undertake response actions as detailed in condition 29.</del></p>

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40 & 41	<p>Winter Works</p> <p>The applicant <b>does not</b> agree to imposition of a winter works condition.</p>	No change proposed	<p>The applicant <b>does not</b> agree to imposition of a winter works condition.</p> <p>The applicant has applied for works to occur over winter (ie. during the 'winter period' of 1 June to 30 September), and therefore does not consider a winter works condition is required.</p> <p>The SEMP's will consider contingencies for the winter conditions, where works occur over the winter period, and incorporate learnings from the monitoring of the previous stages to address the increased risks (as set out in the SEMP condition 21.i). All SEMP's are also required to be certified by GWRC prior to works commencing at each construction zone. An additional step for approval is unnecessary, as all the same best practice controls and mitigation steps, as well as the Adaptive Management Plan are already set out in the CMP and SEMP's.</p>
44	<p>Condition 43 requires that weekly audits of the erosion and sediment control methods</p> <p>Condition 44 requires that the results of the audits as required by condition 43 be provided to the Manager within five working days of being undertaken.</p> <p>This is considered to be too frequent. It is therefore proposed to amend the condition as follows:</p> <p>The results of the audits as required by condition 43 of this consent shall be provided to the Manager <u>on a monthly basis</u>.</p>	Council has accepted suggested amendment – but condition in Appendix 1 still specifies <b>five working days</b> .	<b>Accept</b> condition as proposed by Council - subject to <b>monthly</b> provision of audit information.

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56	Minor amendment to condition 56, para 2 – Replace “a fish movement barrier” with “the stages’ piped diversion dam”	Amendments adopted	<b>Accept</b> condition as proposed by Council.
79	Managing effects on network utilities - delete the condition	Amendments adopted	<b>Accept</b> condition as proposed by Council.