

Mackenzie District Council Conditions

Condition/ section of conditions	Overview of draft condition	Assessment of draft condition (including changes from previous version)	Issues/ concerns?	Further changes sought (if applicable)
Upfront section (i.e. under Land Use section 9 RMA).	Includes a commencement date, lapse date (10 years) and duration specified of 35 years unless surrendered or cancelled.	Condition 2 which specified the duration has been removed due to this change.	No concerns.	Could specify an expiry date (similar to the specified lapse date).
10.	Sub-section b. includes two parts.	Missing numbering (b (ii)).		Add back in/ omitted.
Kaitiaki Governance Group				
<u>Overall comment on Mana Whenua specific conditions:-</u> The draft conditions relating to the Kaitiaki Governance Group and Strategic Cultural Programme are generally supported. The key governance, engagement and cultural management mechanisms developed through the engagement process have been retained with only minor drafting and administrative amendments. These conditions provide an important framework for ongoing engagement with Mana Whenua and for incorporating mātauranga Māori and cultural values into the implementation of the project over its lifetime. See below for condition specific comments and where relevant, changes sought.				
12.	At least three months prior to the commencement of any construction works, the Consent Holder must invite mana whenua to establish the Kaitiaki Governance Group in relation to the Solar Farm. The invitation must seek direction on the makeup of the Kaitiaki Governance Group, frequency of hui and group composition. Advice Note: <i>Mana whenua status is to be determined by Kā Papatipu Rūnaka which comprises Te Rūnanga o Arowhenua; Te Rūnanga o Waihao; and Te Rūnanga o Moeraki.</i>	Small changes to wording- i.e. replaced ‘shall’ with ‘must’. Otherwise, largely accepted verbatim.	No concerns. This is largely consistent with the wording sought by Mana Whenua during engagement. As noted in the conditions, changes pertain to ‘consistent wording’.	
13.	The Kaitiaki Governance Group must comprise: a) up to three representatives of the Consent Holder; and b) up to three representatives appointed by mana whenua who elect to participate in the Kaitiaki Governance Group. When and if required, representatives from the Canterbury Regional Council, Mackenzie District Council, the Department of Conservation, and/or the Landowners, may be invited to attend Kaitiaki Governance Group meetings by agreement of the Kaitiaki Governance Group.	As above.	No concerns.	
14.	The purpose of the Kaitiaki Governance Group includes: a) facilitating ongoing engagement and communication between the Consent Holder and mana whenua; b) supporting the preparation and overseeing the implementation of the Strategic Cultural	The Expert Panel has retained the purpose and functions of the Kaitiaki Governance Group substantially as sought by Mana Whenua. The condition continues to: - facilitate ongoing engagement between the Consent Holder and mana whenua; - support the preparation and implementation of the Strategic Cultural Programme;	No concerns.	

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	Programme as described in Conditions 18 to 20 below; c) enabling discussions between the Consent Holder and mana whenua on the effectiveness of the measures implemented by the Consent Holder to manage impacts on mana whenua values; d) providing feedback to the Consent Holder on the required management plans; e) providing a forum for mana whenua to share mātauranga Māori and cultural perspectives relevant to the Project site and the surrounding environment; f) providing access to the site for the purposes of Mahika kai harvest and other customary practices; and g) identifying initiatives that recognise and provide for mana whenua values associated with the taiao. Advice Note: <i>Initiatives may include, but are not limited to, interpretive signage, pouwhenua, and/or artworks in locations agreed between the Consent Holder and mana whenua</i>	- provide a forum for discussing the effectiveness of measures to manage impacts on mana whenua values; - enable mana whenua to provide feedback on management plans; - recognise the role of mātauranga Māori in the Project; - provide for access to the site for mahika kai and customary practices; and - identify initiatives that recognise and provide for mana whenua values associated with the taiao. The only changes are administrative updates to the condition numbering and minor formatting/capitalisation amendments, neither of which alter the intent or legal effect of the condition.		
15.	The Consent Holder must invite the Kaitiaki Governance Group to meet at least quarterly during construction of the Solar Farm. During operation of the solar farm (generation of electricity), the Kaitiaki Governance Group must meet at an agreed frequency, with at least one meeting held each calendar year.	Small change to wording, to clarify that ongoing meetings once the solar farm is operational must be at least annually held. Does not change the role of Mana Whenua or governance commitment.	No concerns. May improve clarity around meeting arrangements.	
16.	The Consent Holder must: a) provide the Kaitiaki Governance Group with up-to-date information relevant to the design, construction, operation and decommissioning of the Solar Farm; b) seek advice from the Kaitiaki Governance Group on the draft management plans required by the conditions of this consent, at least twenty working days prior to their submission for certification;	The condition largely aligns with the wording sought by Mana Whenua and strengthens the role of the Kaitiaki Governance Group in reviewing draft management plans. The principal change relates to Condition 16(d), which now requires the Consent Holder to record a response to each comment describing how the	Overall, the intent behind the amendment appears to be to streamline the wording and improve consistency across the condition set. However, the revised wording is less explicit than both the wording originally sought by Mana Whenua and other comparable consultation conditions within the consent.	For consistency with other consultation conditions (including Conditions 27, 34 and 154), Condition 16(d) could be amended as follows: d) <i>record a response to each comment, including a clear explanation of how the advice has</i>

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	c) record any advice provided by the Kaitiaki Governance Group (including advice from Aoraki Environmental Consultancy and/or Aukaha) on the draft management plans and append that advice to the relevant management plan; and d) record a response to each comment, describing how the advice has been adopted or, otherwise, into the management plan.	advice has been adopted or otherwise into the management plan. Under this sub-section, it requires that a response is recorded to each comment, describing how the advice has been adopted or otherwise. The revised wording is less explicit than the wording originally sought, which specified that if comments are not adopted 'reasons for not incorporating this advice must be recorded'.	In particular, the current wording does not expressly require the Consent Holder to explain how each comment has been considered where it has not been adopted. Given the purpose of the Kaitiaki Governance Group is to provide advice on draft management plans, retaining a requirement to record whether comments have been incorporated, and if not, the reasons why, would improve transparency and demonstrate how mana whenua advice has been taken into account. For further examples, see conditions 27, 34 & 154.	<i>been addressed, whether it has been incorporated into the relevant management plan and, if not, the reasons why it has not been incorporated.</i>
17.	The Consent Holder must maintain a record of matters raised through the Kaitiaki Governance Group and the Consent Holder's response to those matters. Such records must be made available to Mackenzie District Council on request.	No changes.	No concerns.	
18.	Prior to the commencement of construction works for the Solar Farm, a Strategic Cultural Programme must be prepared by the Kaitiaki Governance Group and provided to Mackenzie District Council for information. The Strategic Cultural Programme must be implemented for the duration of the Solar Farm.	Small changes for consistent wording purposes.	No concerns.	
19.	The purpose of the Strategic Cultural Programme is to: a) set out a programme of works that integrates project outcomes and initiatives required by these resource consents to promote the mana of the taiao and the people; b) recognise and provide for mana whenua values of the area affected by the activities authorised by these resource consents and support the management of the impacts on those values through the implementation of monitoring, restoration and enhancement measures; and c) incorporate mātauranga Māori into environmental	Small change to reframe slightly to describe the purpose of the SCP (instead of what it will do). Retains all of the objectives sought by Mana Whenua for the SCP. Small change to wording slightly strengthens the condition.	No concerns.	

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	management associated with the Solar Farm.			
20.	The Strategic Cultural Programme, must include: a) Provision for participation of mana whenua in the monitoring, mitigation, restoration, and/or enhancement activities for the project site and other affected areas associated with the Solar Farm, as required by the conditions of these resource consents; b) mechanisms to incorporate mātauranga Māori into environmental management practices associated with the Solar Farm; c) cultural awareness or induction initiatives for project staff and contractors; d) processes to identify and respond to matters affecting mana whenua values, including the health and wellbeing of the taiao, that may arise during the construction or operation of the Solar Farm; and e) processes for periodic review of the programme to enable adaptation over time.	The condition has been accepted by the Expert Panel with no substantive changes from the wording sought by Mana Whenua. The only amendment is replacing "shall" with "must", consistent with the drafting approach adopted throughout the conditions.	Condition 20(a) refers to "the conditions of these resource consents". As these conditions relate to the land use consent, consideration could be given to referring instead to "this resource consent" for consistency and drafting precision.	Amend Condition 20(a) to replace "these resource consents" with "this resource consent" .
21	If mana whenua representatives invited to participate in the Kaitiaki Governance Group advise the Consent Holder that they do not wish to participate in the preparation or implementation of the Strategic Cultural Programme, the Consent Holder will not be required to comply with Conditions 18 to 20. For the avoidance of doubt, the Consent Holder must still demonstrate that reasonable steps have been taken to invite mana whenua to participate in accordance with Condition 12.	As above, another condition that has been fully accepted by the Expert Panel. The only changes made are admin related (i.e. updating condition numbering).	No concerns.	
22	In the event no separate agreement is in place between the Consent Holder and mana whenua in relation to these resource consents, the Consent Holder must meet the costs of establishing, resourcing, and paying (on an ongoing basis for the duration of this consent, where applicable) for any of the roles and functions of mana whenua as set out in these conditions.	As above. Accepted entirely by the Expert Panel.	Condition 22 refers to "these resource consents". As these conditions relate to the Mackenzie District Council land use consent, consideration could be given to referring instead to "this resource consent" for consistency and drafting precision.	Condition 22 refers to "these resource consents" . As these conditions relate to the Mackenzie District Council land use consent, consideration could be given to referring instead to "this resource consent" for consistency and drafting precision.
23	The Consent Holder must, subject to any relevant health and safety requirements, ensure that mana whenua representatives have access	Small changes only, to improve consistency in wording. The intent remains.	No concerns.	

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	to all relevant parts of the Site to enable them to carry out any of the roles and functions as set out in these conditions.			
24.	Pre-construction site meeting to be held at least 10 working days prior to construction works.	Includes invite for Mana Whenua (3 Waitaki Rūnaka).	No concerns.	
50.	Accidental Discovery Condition- there is still a difference in this condition from the CRC condition. Alignment is preferred by the Panel.	The Expert Panel has recognised that the accidental discovery protocol differs between the Mackenzie District Council and Canterbury Regional Council conditions and has noted that the consent authorities may wish to adopt a more aligned approach. We note that the MDC condition is more comprehensive than the CRC condition (and includes a clearer decision-making framework following an accidental discovery).	It is considered that retaining different accidental discovery protocols across the two consent authorities may create unnecessary complexity during implementation. A single, consistent protocol would provide greater certainty for the Consent Holder, contractors and mana whenua, particularly where accidental discoveries occur during earthworks authorised under both consents.	Adopt a single accidental discovery protocol across both the MDC and ECan consent condition sets. It is recommended that the more comprehensive MDC condition be used as the starting point, with any refinements made to improve consistency with Heritage New Zealand Pouhere Taonga's current Accidental Discovery Protocol.
55.	Landscape Management This condition requires that if the woody vegetation on the lakeshore of Lake Benmore/ Te Ao Marama (southern border of the solar farm site) is removed, replacement landscape mitigation plan needs to be implemented (to restore visual screening). Requires secure plants that have been hardened off to suit the environment, irrigation for the first two years and weeding and replacement planting for the first 5 years.	Improved certainty is noted as the reasons for changes.	No concerns.	
56.	Prior to the operation of the Solar Farm (the first generation of electricity), the Consent holder must establish landscape mitigation planting in Conservation/Release Area 1 (as shown on Attachment 4), in accordance with the concept outlined in Attachment 5. Requires secure plants that have been hardened off to suit the environment, irrigation for the first two years and weeding and replacement planting for the first 5 years.	Similar requirements as noted above- i.e. planting hardened species, irrigation, weeding and replacement planting.	No concerns.	
57.	Revised minimum fencing requirements. Includes- - Solar farm- rabbit permeable security fence (up to 2m). - Compensation area- minimum 1.2m with 6mm mesh designed to exclude juvenile mice, solid cap to prevent climbing animals, pest-proof gates. - Lizard areas- standard stock fence, 0.5m non-permeable.	The condition differentiates the fencing requirements for the Solar Farm, compensation area and lizard habitat areas. The amendment to provide for rabbit-permeable fencing around the Solar Farm is supported. The condition also recognises the different ecological objectives for each fenced area by tailoring the fencing specifications accordingly.	No concerns. It is understood that the detailed fencing design may continue to be refined through the ecological management framework, including input from the Technical Review Panel and the Department of Conservation, to ensure the final design remains appropriate and responsive to monitoring outcomes.	No further changes sought.
58.	PPermanent structures associated with the development, except fencing, must not be erected within 300 m of Haldon Arm Road		Minor error. The condition begins with "PPermanent" rather than "Permanent".	Amend the condition to remove the additional "P" so that it reads " Permanent structures... ".
Ecological Management				
Overall comment: The individual ecological management measures proposed through the draft conditions are generally comprehensive and establish a robust ecological management framework. Many of the conditions also appear to be intended to operate as part of an integrated system of ecological management, monitoring, reporting, review, adaptive management and compensation.				

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However, in a number of places the relationship between these components appears to be implied rather than expressly articulated. For example: - the relationship between ecological monitoring, Annual Ecological Reporting and the Technical Review Panel's ongoing review functions; - how the various ecological management plans are intended to contribute to the broader ecological outcomes sought under the consent (including no net loss of Threatened and At-risk avifauna species); - how adaptive management is intended to transition into ecological compensation where required; - how long-term ecological management obligations (including the Compensation Area and ongoing monitoring, where relevant) are intended to be addressed following decommissioning; and - ensuring consultation conditions consistently demonstrate how advice received has been considered and incorporated into the relevant management plans. Consider whether additional cross-referencing or explanatory wording could be included, where appropriate, to better demonstrate how the various ecological conditions are intended to operate collectively. This would improve certainty regarding the implementation of the ecological management framework over the life of the project and reduce the potential for differing interpretations. The comments below identify a number of opportunities to further strengthen the integration and implementation of the individual conditions.				
61-65	These conditions relate to the ecological management plan. Note: This is the overarching management plan that establishes the various ecological management measures and response methods required under the consent, including management of the Compensation Area and Conservation Areas.	The Panel's comments indicate that, following the various amendments made to the ecological management responses elsewhere in the condition set, parts of the draft Ecological Management Plan may require further revision to ensure it remains consistent with the final conditions.	Condition 62(e) requires the Ecological Management Plan to identify "ecological objectives and outcomes". However, it is not clear whether those objectives and outcomes are intended to relate solely to the Ecological Management Plan generally, or whether they are also intended to encompass the various ecological management measures delivered under the Plan, including the Compensation Area established under Condition 69. Given there is no separate management plan for the Compensation Area, consideration could be given to clarifying that the Ecological Management Plan identifies the ecological objectives and outcomes relevant to the Compensation Area and explains how management of the Compensation Area contributes to the broader ecological management framework.	Consider expanding Condition 62(e) to clarify that the Ecological Management Plan must identify the ecological objectives and outcomes sought for the various ecological management measures established under the consent, including the Compensation Area, and explain how those measures collectively contribute to achieving the overall ecological outcomes of the Plan.
Technical Review Panel				
66.	Technical review panel includes representation from the Kaitiaki Governance Group (as well as Councils and DOC). This condition requires the panel is convened at- the initiation of the solar farm operation, the first, second, fifth and tenth anniversaries of the solar farm. Purpose of technical review panel includes- - Develop the ecological research programme and administer funding of research. - Review ecological monitoring and applied research undertaken (in accordance with the requirements of this consent). - Recommend amendments to ecological management plans and monitoring programmes, - Review and confirm compensation should these be triggered (avifauna management).	Generally, support the establishment of a Technical Review Panel and the inclusion of representation through the Kaitiaki Governance Group. The ability for mana whenua to appoint an independent expert to participate on the Panel is also supported. The Panel appears intended to provide an ongoing collaborative governance mechanism to review ecological monitoring and outcomes and guide adaptive management and ecological compensation throughout the operational life of the Solar Farm.	While the overall intent of the Technical Review Panel is supported, further certainty is sought regarding its role within the broader ecological management framework. The condition provides the Technical Review Panel with responsibility for reviewing ecological monitoring, applied research and compensation, and for making a final determination regarding ecological compensation following the 10-year review. Through further communication with the applicant, it is understood that the Panel is intended to provide expert oversight and inform the Consent Holder's obligations under the consent. However, this relationship could be	Consider whether the condition could more clearly articulate the Technical Review Panel's role within the wider ecological management framework, including its relationship with the ecological management plans, ecological monitoring programmes and compensation provisions elsewhere in the consent. Consideration could also be given to including an implementation mechanism requiring the Consent Holder to give effect to any determinations made by the Technical Review Panel.

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	In addition- at the tenth anniversary, must make a final determination about ecological compensation in response to any residual ecological effects (not avoided, mitigated or offset). The scale and nature of any compensation determined by the Technical Review Panel must be commensurate with the actual residual impacts that have been identified and will be binding on the Consent Holder. The Technical Review Panel must design and administer a programme of statistically robust applied ecological research and monitoring designed to improve the knowledge and understanding of effects of solar development in dryland environments. <i>Advice Note: The Kaitiaki Governance Group, Mackenzie District Council, Canterbury Regional Council and/or the Department of Conservation may appoint an independent expert on their behalf to fulfil this role.</i>		more clearly reflected in the drafting of the condition. In particular, it is not entirely clear how the Technical Review Panel's review and decision-making functions interact with the ecological management plans, ecological monitoring programmes and compensation provisions elsewhere in the consent, including the Compensation Area and Avifauna Management Plan. While the condition provides that the Technical Review Panel's determination will be binding on the Consent Holder, it does not establish a clear implementation pathway for giving effect to those determinations. More explicit cross-referencing between these provisions, together with a mechanism requiring implementation of any determinations made by the Technical Review Panel, would provide greater certainty regarding how the broader ecological management framework is intended to operate in practice..	Example wording is provided below- <i>'Following any determination by the Technical Review Panel requiring additional ecological compensation, the Consent Holder must, within 60 working days, prepare and submit an Ecological Compensation Plan to the Mackenzie District Council for certification. The Plan must give effect to the Technical Review Panel's determination and include:</i> <i>a) any amendments required to the ecological management plans and ecological monitoring programmes required under this consent;</i> <i>b) the ecological compensation measures to be implemented;</i> <i>c) implementation timeframes;</i> <i>d) monitoring and reporting requirements; and</i> <i>e) how implementation of the Technical Review Panel's determination will be demonstrated to the Mackenzie District Council.'</i>
67.	The Technical Review Panel will determine its own processes and procedures for conducting its meetings and decision-making process. The Technical Review Panel may engage other specialist services for purposes of technical review or input on an as-required basis at the reasonable cost of the Consent Holder.	Support the Technical Review Panel determining its own meeting procedures and decision-making processes, together with the ability to engage specialist technical expertise where required. This provides flexibility for the Panel to respond to technical issues as they arise over the life of the project.	No concerns.	No further changes sought.
68.	The consent holder must provide an appropriate level of funding and administrative support for the Panel.	Support the requirement for the Consent Holder to provide an appropriate level of funding and administrative support for the Technical Review Panel. This is considered important to enable the Panel to effectively undertake its ongoing review, monitoring and decision-making functions throughout the life of the project.	No concerns.	No further changes sought.
Compensation area and release sites				
69.	Compensation area of 180ha north of the solar farm site. Purpose, includes- Maintain and enhance an area of outwash plain ecosystem. Includes through appropriate native plantings, deployment of	Condition 69 links the Compensation Area to the Ecological Management Plan (i.e. by stating that in order achieve the outcomes of the certified ecological management plan the consent holder must establish and maintain a compensation area).	The linkage between the Compensation Area and the Ecological Management Plan could be strengthened if Condition 62 more clearly identified the ecological objectives and outcomes relevant to the Compensation Area, together with its intended role within the	No further changes sought. See comments above for Condition 62.

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	native features, or coarse wood for enhancing habitat and carrying capacity for invertebrates, lizards, threatened plants. Bird foraging and nesting habitat in a pest-controlled environment.		broader ecological management framework. Given there is no standalone management plan for the Compensation Area, this would improve the integration between Conditions 62 and 69 and provide greater clarity regarding how the Compensation Area contributes to achieving the ecological outcomes sought under the consent.	
70.	Outlines features of the compensation area- includes pest management, restoration planting, ongoing monitoring and maintenance.	The condition sets out the key features of the Compensation Area, including pest management, restoration planting, habitat enhancement, and ongoing monitoring and maintenance. Together with the surrounding conditions, these measures support the intended ecological outcomes for the Compensation Area.	No concerns.	No further changes sought.
71.	States that construction works on the solar farm must not commence until- (1) the compensation area is established, fenced, and pest control is underway; and (2) Confirmation from MDC that an enduring legal arrangement has been entered to protect the area in perpetuity for nature conservation purposes.	The condition requires the Compensation Area to be established, fenced and subject to pest control prior to commencement of construction. It also requires confirmation that an enduring legal arrangement is in place to protect the Compensation Area in perpetuity for nature conservation purposes. These requirements are supported and provide confidence that ecological compensation will be established before construction commences and protected over the long term.	No concerns.	No further changes sought.
72.	Consent holder has to manage the compensation area for the life of the solar farm (in accordance with the ecological management plans).	Condition 72 provides a clear obligation for the Compensation Area to be managed throughout the operational life of the project and links its management to the broader ecological management framework established under the consent.	Condition 72 requires the Consent Holder to actively manage the Compensation Area during the life of the Solar Farm, while Condition 71 separately requires an enduring legal arrangement to protect the Compensation Area in perpetuity. While these provisions are generally supported, consideration could be given to more explicitly clarifying that the ongoing management of the Compensation Area following decommissioning is intended to be governed by the enduring legal arrangement required under Condition 71. This would help explain how management responsibilities transition beyond the operational life of the Solar Farm.	The following additional advice note could be added to clarify the ongoing management arrangements- <i>‘Advice note: Following decommissioning of the Solar Farm, the ongoing management and protection of the Compensation Area shall be in accordance with the enduring legal arrangement required under Condition 71.’</i>

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73.	Based on the results from the ten-year Technical Review Panel review, and following consideration of the results of the ecological monitoring required by the conditions of this consent to determine whether the objectives of the certified ecological management plans have been achieved, the Technical Review Panel must determine the need for additional adaptive management responses that may include: a) increased or decreased pest control within the Compensation Area; b) establishment of an additional compensation area of up to 170 ha if considered commensurate with the actual residual impacts identified; and /or c) other outcomes determined by the Technical Review Panel as part of the 10-year review described in Condition 66.	Condition 73 provides an adaptive management mechanism that enables the Technical Review Panel, following the 10-year review, to require additional adaptive management responses where the objectives of the ecological management plans have not been achieved. This includes the ability to require establishment of an additional compensation area of up to 170 ha where this is considered commensurate with the actual residual impacts identified.	The condition enables the Technical Review Panel to require establishment of an additional compensation area of up to 170 ha. However, it is not clear whether suitable land has been identified or whether any arrangements are in place to ensure additional compensation land could be secured if required following the 10-year review. Given this provision may increase the total compensation area from approximately 180 ha to up to 350 ha, greater certainty regarding the practical implementation of this requirement would provide confidence that the condition can be effectively delivered if triggered.	Consider whether the consent should identify how any additional compensation area would be secured if required, including whether suitable land has already been identified, the mechanism by which it would be secured, and any criteria that additional compensation land would need to satisfy. Example wording for the condition, is as follows- <i>‘Where the Technical Review Panel determines that an additional compensation area is required under Condition 73(b), the Consent Holder must demonstrate to the satisfaction of the Mackenzie District Council that suitable land can be secured for that purpose. The additional compensation area must be:</i> <i>a) of sufficient size to give effect to the Technical Review Panel's determination (up to 170 ha);</i> <i>b) suitable to achieve the ecological objectives of the relevant ecological management plans;</i> <i>c) legally secured prior to implementation; and</i> <i>d) managed in accordance with the relevant ecological management plans required under this consent.’</i>
Avifauna Management				
112.	The Consent Holder must engage a suitably qualified and experienced ecologist in avifauna to prepare an Avifauna Management Plan. The Avifauna Management Plan must be developed in consultation with the Department of Conservation and submitted to Mackenzie District Council for certification at least 20 working days prior to the commencement of any construction works on the solar farm.	The condition requires the Avifauna Management Plan to be prepared by a suitably qualified and experienced avifauna ecologist, developed in consultation with the Department of Conservation, and certified prior to commencement of construction. These requirements are supported and provide an appropriate process for developing the Plan.	No concerns.	No further changes sought.
113.	The purpose of the Avifauna Management Plan is to set out the response methods and management procedures to be implemented on site so as to achieve no net loss of Threatened or At-risk avifauna species during the construction and operation of the solar farm.	The purpose of the Avifauna Management Plan is to establish the response methods and management procedures for managing adverse effects on Threatened and At-risk avifauna during the construction and operation of the	The purpose of the Avifauna Management Plan is currently framed as achieving no net loss of Threatened and At-risk avifauna species. However, it appears that this outcome is intended to be achieved through the broader	Consider revising the purpose. For example: <i>“The purpose of the Avifauna Management Plan is to set out the</i>

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		Solar Farm. The condition identifies an overall objective of achieving no net loss of Threatened and At-risk avifauna species.	package of avoidance, mitigation, monitoring, adaptive management and compensation measures established under the consent, rather than through the Avifauna Management Plan in isolation. As drafted, the wording may inadvertently imply that the Avifauna Management Plan is solely responsible for achieving the overall ecological outcome. In addition, while the Plan is to be implemented "on site", it is less clear whether the intended 'no net loss' outcome is similarly confined to the Solar Farm Site or if it is intended to extend beyond the site (i.e the compensation area and/or the wider basin area)	<i>response methods and management procedures to be implemented on the Solar Farm Site to contribute to achieving no net loss of Threatened and At-risk avifauna species, in conjunction with the other ecological management measures required under this consent".</i>
Bird Collision Monitoring Plan				
118.	The Consent Holder must engage a suitably qualified and experienced ecologist in avifauna to prepare a Bird Collision Monitoring Plan. The Bird Collision Monitoring Plan must be developed in consultation with the Department of Conservation and submitted to Mackenzie District Council for certification at least 20 working days prior to the commencement of any construction works on the solar farm. Certification is required to demonstrate that the Bird Collision Monitoring Plan will provide the means to achieve the purpose and matters set out in Condition 119.	The condition requires the Bird Collision Monitoring Plan to be prepared by a suitably qualified and experienced avifauna ecologist, developed in consultation with the Department of Conservation, and certified prior to commencement of construction. Certification is also required to demonstrate that the Plan is capable of achieving the purpose and matters set out in Condition 119. These requirements are supported and provide an appropriate process for developing the Plan.	No concerns.	No further changes sought.
119.	The purpose of the Bird Collision monitoring is to: a) minimise the risk of bird collision with Solar Farm Infrastructure; b) contribute to scientific knowledge of Threatened or At-risk avifauna species and their potential behavioural response to solar panels; and c) detect as best as possible the nature and extent of any collision of birds (in particular Threatened or At-risk avifauna species likely to be present on and around the Site) with Solar Farm infrastructure (particularly solar panels) leading to death or injury.	The condition clearly establishes the purpose of the Bird Collision Monitoring Plan, including minimising bird collision risk, contributing to scientific knowledge, and detecting bird collisions to inform the ongoing management of avifauna effects. These purposes are supported and appropriately reflect the role of a monitoring plan within the broader ecological management framework.	No concerns.	No further changes sought.
120.	The Consent Holder must undertake the monitoring required by the Bird Collision Monitoring Plan for a period of not less than five years or five full seasonal monitoring periods from commencement of the installation of solar panels and ancillary infrastructure within the site.	Condition 120 establishes a minimum bird collision monitoring period of five years (or five full seasonal monitoring periods) from commencement of installation of the solar panels and associated infrastructure.	Condition 120 establishes a minimum monitoring period of five years. However, while the condition contemplates that monitoring may continue beyond that period, it does not identify the process for determining whether additional monitoring is required. Given the broader ecological management framework, including the Annual Ecological Report, adaptive	Tie the extension to the Technical Review Panel. For example, the following wording could be included- <i>'Following completion of the initial five-year monitoring period, the Technical Review Panel must, as part of its review under Condition 66,</i>

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			management provisions and the Technical Review Panel's review functions, consideration could be given to clarifying who determines whether monitoring should continue beyond the initial five-year period and the matters to be considered in making that decision.	<i>determine whether continued bird collision monitoring is required, having regard to:</i> <i>a) the results of bird collision monitoring;</i> <i>b) the Annual Ecological Reports;</i> <i>c) any adaptive management responses implemented under this consent; and</i> <i>d) whether the monitoring objectives of the Bird Collision Monitoring Plan have been achieved.</i> <i>Where continued monitoring is required, the Technical Review Panel must determine the duration and scope of that monitoring.'</i>																																
121.	The results of each year of the avifauna monitoring must be measured against the adaptive management trigger for the individual species listed in the Table below. The annual mortality period will commence following the date of the installation of the first solar panel, and thereafter 1 July – 30 June annually, unless or until a review of the Avifauna Monitoring Plan confirms otherwise. The results of the monitoring programme will be summarised and presented to Mackenzie District Council for review on 1 August annually. <table><tr><th>Species</th><th>Conservation Status</th><th>Taonga Species as per Ngai Tahu Settlement Claims Act</th><th>Adaptive Management Trigger (Annual Mortality)</th></tr><tr><td>Black Stilt / Kaki</td><td>Threatened – Nationally Critical</td><td>Yes</td><td>1</td></tr><tr><td>Australasian Bittern / Matuku-hūrepo</td><td>Threatened – Nationally Critical</td><td>No</td><td>1</td></tr><tr><td>White Heron / kōtuku</td><td>Threatened – Nationally Critical</td><td>Yes</td><td>1</td></tr><tr><td>Black Fronted Tern / Tarapirohe</td><td>Threatened – Nationally Endangered</td><td>Yes</td><td>1</td></tr><tr><td>Any other nationally critical or endangered species</td><td></td><td></td><td>1</td></tr><tr><td>Any other nationally vulnerable species</td><td></td><td></td><td>Two carcasses detected within any one survey; or Three carcasses detected cumulatively in any consecutive 12-month period</td></tr><tr><td>Any other at-risk species</td><td></td><td></td><td>Three carcasses detected within any one survey; or Five carcasses detected cumulatively in any consecutive 12-month period</td></tr></table>	Species	Conservation Status	Taonga Species as per Ngai Tahu Settlement Claims Act	Adaptive Management Trigger (Annual Mortality)	Black Stilt / Kaki	Threatened – Nationally Critical	Yes	1	Australasian Bittern / Matuku-hūrepo	Threatened – Nationally Critical	No	1	White Heron / kōtuku	Threatened – Nationally Critical	Yes	1	Black Fronted Tern / Tarapirohe	Threatened – Nationally Endangered	Yes	1	Any other nationally critical or endangered species			1	Any other nationally vulnerable species			Two carcasses detected within any one survey; or Three carcasses detected cumulatively in any consecutive 12-month period	Any other at-risk species			Three carcasses detected within any one survey; or Five carcasses detected cumulatively in any consecutive 12-month period	The condition establishes species-specific adaptive management triggers and requires the results of annual avifauna monitoring to be assessed against those triggers. It also establishes a consistent annual reporting framework. The use of species-specific triggers is supported and reflects a precautionary approach to managing avifauna effects.	No concerns.	No further changes sought.
Species	Conservation Status	Taonga Species as per Ngai Tahu Settlement Claims Act	Adaptive Management Trigger (Annual Mortality)																																	
Black Stilt / Kaki	Threatened – Nationally Critical	Yes	1																																	
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Any other at-risk species			Three carcasses detected within any one survey; or Five carcasses detected cumulatively in any consecutive 12-month period																																	
122.	If Bird Collision monitoring identifies mortality of any identified bird species (as listed in 121), the consent holder must-	Condition 122 establishes an investigation and reporting process where bird collision monitoring identifies mortality of any listed bird species. The condition requires	The applicant has confirmed that any practical mitigation or collision prevention measures identified through the investigation process are intended to be implemented through the	The following additional wording could be added to improve clarity:																																

Condition/ section of conditions	Overview of draft condition	Assessment of draft condition (including changes from previous version)	Issues/ concerns?	Further changes sought (if applicable)
	- The Consent Holder must notify the Department of Conservation, Te Rūnanga o Arowhenua; Te Rūnanga o Waihao; and Te Rūnanga o Moeraki, and the Mackenzie District Council within 48 hours of becoming aware of the exceedance. - Complete an investigation and report on possible causes of the bird mortality within 15 WD. The report must- - Identify any additional monitoring or investigation (if required) to determine cause of the bird mortality. - Provide details of any collision prevention/ deterrent measures that could be applied. - Draft report must be provided to Department of Conservation, Te Rūnanga o Arowhenua; Te Rūnanga o Waihao; and Te Rūnanga o Moeraki for review and comment. - Report (including any comments from Department of Conservation, Te Rūnanga o Arowhenua; Te Rūnanga o Waihao; and Te Rūnanga o Moeraki for review and comment) is then submitted to MDC. - Final copy of report then goes Department of Conservation, Te Rūnanga o Arowhenua; Te Rūnanga o Waihao; and Te Rūnanga o Moeraki	notification, investigation of the likely causes of mortality, consideration of further monitoring or collision prevention measures, and consultation with the Department of Conservation and mana whenua before the report is finalised.	Avifauna Management Plan and Bird Collision Monitoring Plan (including amendments to those plans where appropriate). However, this implementation pathway is not currently reflected in the drafting of the condition. Consideration could therefore be given to clarifying how the outcomes of the investigation are intended to inform the ongoing adaptive management framework.	<i>‘Following completion of the investigation, where the report identifies additional collision prevention, deterrent or monitoring measures, the Consent Holder must update the Avifauna Management Plan and/or Bird Collision Monitoring Plan as necessary to give effect to those measures.’</i>
123.	If the mortality of any identified bird species (listed in 121) has equalled or exceeded the adaptive management trigger for that individual species as a result of interactions with the solar installation, and the implementation of further mitigation measures have not prevented ongoing bird strike, then compensation of the following nature will apply: a) engagement with the Department of Conservation to identify targeted opportunities to further improve survival and breeding success of threatened and at-risk avifauna species; and b) assessment and quantification of the potential population benefits that could be achieved through additional investment in existing recovery programmes and management actions, which may include: - expanding the intensity and spatial extent of predator control; - GPS tracking to better understand movement patterns and identify causes of mortality; - habitat enhancement measures, including pest plant control; - installation of markers to improve visibility of existing electrical transmission lines to reduce collision risk. Advice note: Avifauna compensation may provide for implementation by the Department of Conservation.	While the condition establishes a clear trigger for considering additional compensation, it focuses on identifying and evaluating potential compensation opportunities following unsuccessful adaptive management. In practice, compliance with the condition requires the Consent Holder to engage with the Department of Conservation, identify and assess potential compensation opportunities, and quantify the potential population benefits of those opportunities.	Given this condition is only triggered where adaptive management has been unsuccessful in preventing ongoing bird strike, there is some uncertainty regarding the intended end point of the compensation process. While the condition clearly establishes a process for identifying and assessing potential compensation opportunities, it is less clear whether it is intended to culminate in the implementation of additional compensation measures. If implementation of additional compensation is intended, the condition could more clearly articulate how compensation measures are agreed, implemented and funded. At present, the condition does not expressly require the Consent Holder to: - implement any identified compensation measures; - fund those measures; - achieve a specified ecological outcome; or - demonstrate that the compensation addresses the remaining adverse effects.	Clarify the implementation pathway that applies once the trigger in Condition 123 has been met. If the condition is intended to result in implementation of additional avifauna compensation, amend the condition (or the broader ecological compensation framework) to clearly identify how compensation measures are agreed, implemented, funded, monitored and reported.

Condition/ section of conditions	Overview of draft condition	Assessment of draft condition (including changes from previous version)	Issues/ concerns?	Further changes sought (if applicable)
124.	The Consent Holder’s financial contribution to avifauna compensation shall comprise a payment of \$1,000,000 (CPI adjusted from 1 July 2026) to the Department of Conservation for the loss of avifauna habitat and residual risk of avifauna collision with solar farm infrastructure, payable on or before the first day of commencement of physical works on site. Payment of the specified financial contributions shall constitute full and final satisfaction of the Consent Holder’s obligations under this condition. Advice note: <i>This condition has been proposed on an Augier basis by the Applicant.</i>	Condition 124 requires the Consent Holder to provide an upfront financial contribution of \$1,000,000 (CPI adjusted) to the Department of Conservation prior to commencement of physical works. This contribution is intended to address the loss of avifauna habitat and the residual risk of bird collision associated with the Solar Farm. The requirement for compensation to be secured prior to construction is supported and provides greater certainty that compensation will be available irrespective of the future performance of the Solar Farm.	No concerns. The requirement for upfront compensation is understood to be an important component of the broader ecological management and compensation framework, particularly given the uncertainty associated with avifauna effects.	No further changes sought.
Ecological Reporting				
128.	The Consent Holder must prepare and submit an annual ecological report to the Mackenzie District Council, the Technical Review Panel, the Kaitiaki Governance Group and the Department of Conservation within 20 working days of each anniversary of the commencement of construction of the solar farm. As a minimum, the annual report must set out the monitoring requirements of the certified ecological management plans and associated monitoring conditions, including: a) the results of any baseline and ongoing ecological monitoring surveys; b) records of environmental parameters including air temperature, soil temperature, soil moisture and light levels; c) the results from any lizard and invertebrate salvage efforts that have occurred during construction; d) the outcomes of any ongoing plant translocation and propagation efforts; e) the outcomes of any weed and pest animal control undertaken; f) the results of bird collision monitoring; Improved content description g) the results of any other ecological monitoring undertaken in accordance with the monitoring requirements of this consent. h) an assessment and analysis of the monitoring data, including in relation to any trends in adverse effects on the environment by comparison with previous years; i) whether the various purposes of the ecology management plans are being achieved; j) identification of circumstances where monitoring has informed refinement to construction methods, effects management measures, or implementation of adaptive management; k) a summary of any non-compliances over the previous year, including the reasons for the non-compliance and the measures put in place to prevent the same incident happening again; and l) recommendations on any alterations to the monitoring to be implemented in the subsequent year, including the measures necessary to implement the recommended alteration.	The condition requires the preparation of an annual ecological report for the Mackenzie District Council, the Technical Review Panel, the Kaitiaki Governance Group and the Department of Conservation. The report must include the results of ecological monitoring undertaken under the consent together with a range of assessment, reporting and review matters relating to the ongoing ecological management of the Solar Farm.	The introductory wording suggests that the primary purpose of the report is to collate the monitoring required under the ecological management plans. However, the matters required under clauses (h)–(l) demonstrate that the report is intended to perform a broader evaluative function. In addition to reporting monitoring results, the report is required to assess ecological performance, identify trends and non-compliances, evaluate whether the objectives of the ecological management plans are being achieved, and recommend refinements to monitoring, management and adaptive management measures.	Consideration could therefore be given to amending the introductory wording so that it more accurately reflects the report's broader role within the ecological management framework.

Condition/ section of conditions	Overview of draft condition	Assessment of draft condition (including changes from previous version)	Issues/ concerns?	Further changes sought (if applicable)
129	The requirement for ongoing reporting will be reviewed on the tenth anniversary of solar farm operations as part of the Technical Review Panel's determination on any requirement for ecological compensation and may be discontinued on the advice of the Technical Review Panel.	The condition requires the ongoing requirement for annual ecological reporting to be reviewed by the Technical Review Panel on the tenth anniversary of the commencement of solar farm operations. Following that review, annual reporting may be discontinued on the advice of the Technical Review Panel.	No concerns with the review mechanism itself. However, consideration could be given to ensuring that the review of annual reporting aligns with the broader ecological monitoring framework established under the consent. For example, if the Technical Review Panel determines that ongoing ecological monitoring (such as bird collision monitoring under Condition 120) remains necessary beyond the initial monitoring period, it may also be appropriate for annual ecological reporting to continue so that the results of that monitoring, together with any associated management responses, continue to be reported and evaluated.	Clarify that any decision to discontinue annual ecological reporting should take into account whether ongoing ecological monitoring, adaptive management or compensation obligations remain under the consent.
Decommissioning				
163	At least 12 months prior to the decommissioning of the Solar Farm, the Consent Holder must provide written notice to Mackenzie District Council and the Kaitiaki Governance Group of the intended commencement of decommissioning of the Solar Farm	The condition requires the Consent Holder to provide at least 12 months' written notice of the intended commencement of decommissioning to the Mackenzie District Council and the Kaitiaki Governance Group. The inclusion of the Kaitiaki Governance Group is supported and provides an appropriate opportunity for mana whenua to be informed in advance of decommissioning activities.	No concerns.	No further changes sought.
165	The purpose of the Decommissioning Management Plan is to outline the methods and management procedures to be implemented on Site so as to avoid, remedy or mitigate adverse decommissioning-related effects on the environment. To achieve this purpose, the plan must include: a) details on all infrastructure to be decommissioned and specific infrastructure to remain on-site post-closure (if any) and, if so, reasons why it will remain on site; b) scheduling and timing for decommissioning; c) identification of management procedures to deal with any potential effects of decommissioning activity on the environment; d) identification of any remaining ecological management obligations and details of how those will be addressed; e) details of waste management and minimisation of material removed from the site; f) details of how decommissioning-related traffic is to be managed; g) information to demonstrate that decommissioning activities undertaken on the site will meet the safe distances within the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34: 2001) or any subsequent revision of the code, including: i. an outline of the methods and management procedures to be implemented on site so that works near the National Grid are	Condition 165 requires the Decommissioning Management Plan to identify any remaining ecological management obligations and ongoing ecological enhancement measures following decommissioning, together with the methods and management procedures to address the environmental effects associated with decommissioning.	No concerns.	No further changes sought.

Condition/ section of conditions	Overview of draft condition	Assessment of draft condition (including changes from previous version)	Issues/ concerns?	Further changes sought (if applicable)
	undertaken safely and potential adverse effects on the National Grid assets are appropriately managed; and ii. protocols to ensure that existing transmission lines and support structures will remain accessible during and after decommissioning activities; h) any ongoing ecological enhancement measures; and i) details for finished ground cover at completion of decommission and future intended land use.			
166.	Prior to submitting the Decommissioning Management Plan to Mackenzie District Council, a copy of the draft Decommissioning Management Plan must be provided to Transpower NZ Ltd, with an invitation to provide feedback within 10 working days. The Consent Holder must ensure that all written feedback on the draft Decommissioning Management Plan received from Transpower NZ Ltd within the 10 working day timeframe is provided to the Councils when submitted for certification, along with a clear explanation of where any comment made on the draft Decommissioning Management Plan has or has not been incorporated into the Decommissioning Management Plan and, if not incorporated, the reasons why.	The condition requires the draft Decommissioning Management Plan to be provided to Transpower NZ Ltd for review prior to certification. It also requires the Consent Holder to provide any feedback received to the Mackenzie District Council together with a clear explanation of how that feedback has been addressed, including the reasons where comments have not been incorporated. This provides a clear and transparent consultation process.	No concerns.	No further changes sought.

Canterbury Regional Council Conditions

Condition/ section of conditions	Overview of draft condition	Assessment of draft condition (including changes from previous version)	Issues/ concerns?	Further changes sought (if applicable)
Discharge Permit (s15)- Activity: Operational phase discharge of stormwater				
16	At least 20 working days prior to commissioning of the Solar Farm, the Consent Holder must submit a Stormwater Management Plan to the Canterbury Regional Council, Attention: Compliance Manager, for certification. The purpose of the Stormwater Management Plan is to demonstrate how stormwater from the operating solar farm and substations will be managed and discharged to land only (via soakage) to avoid, remedy or mitigate adverse effects on the environment. The Stormwater Management Plan must be prepared by a suitably qualified and experienced practitioner and must include the following information: a) Confirmation of the availability of stormwater soakage to alleviate any possible ponding under the solar panel arrays; and b) The design of the proposed stormwater soakage to be provided for associated buildings via soakage pits. The certified	The condition requires the preparation and implementation of a Stormwater Management Plan demonstrating how stormwater from the operational solar farm will be managed and discharged to land to avoid, remedy or mitigate adverse effects on the environment. The advice note also requires the Stormwater Management Plan to be consistent with other management plans certified by the Canterbury Regional Council and Mackenzie District Council.	No concerns.	No further changes sought.

	Stormwater Management Plan (and any subsequent amendments) must be implemented and adhered to throughout the operation of the solar farm. Any amendments made must be in accordance with Condition 17. <i>Advice Note: The Stormwater Management Plan must be consistent with all other management plans for the consented activity certified by Canterbury Regional Council or Mackenzie District Council</i>			
Land Use Consent (s9)- Earthworks				
7	All practicable measures must be taken to: a. Minimise soil disturbance to that necessary to carry out the works described under Condition (1); b. Prevent soil erosion; c. Avoid placing excavated material in a position where it may enter: i. Any neighbouring site; or ii. A surface water body.	The condition requires all practicable measures to be taken to minimise soil disturbance, prevent soil erosion and avoid excavated material entering neighbouring properties or surface water bodies.	No concerns.	No further changes sought.
14	a. Any activity which may modify, damage or destroy a pre-1900 archaeological site or material must follow the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. An archaeological authority is required from Heritage New Zealand to modify, damage or destroy any archaeological site, whether recorded or not in the New Zealand Heritage List/Rārangī Kōrero. b. In the event of accidental discovery of any archaeological material, all works must cease immediately in the part of the site known, or suspected, to be an archaeological site. c. The Canterbury Regional Council, Heritage New Zealand Pouhere Taonga and Papatipu Rūnanga, as well as the New Zealand Police in the case of discovery of kōiwi/human bones, must be informed immediately of the disturbance, and the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014 must be followed. d. In the event of the accidental discovery of Māori archaeological sites or material, the attached accidental discovery protocol for Māori archaeology must be followed in addition to the process under the Heritage New Zealand Pouhere Taonga Act 2014. e. To ensure that all statutory and cultural requirements have been met, any works in the part of the site subject to the archaeological discovery must not recommence until authorised by the Canterbury Regional Council and: i. Upon completion of the archaeological authority process referred to under (c); and ii. In the event of the accidental discovery of Māori archaeological sites or material, and in addition to (c) upon completion of the process referred to under (d); and iii. In the event of the discovery of kōiwi/human bones, immediately advise the New Zealand Police.	The condition requires compliance with the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014 and establishes an Accidental Discovery Protocol to be followed in the event archaeological material or kōiwi/human remains are discovered during works.	Refer to the comments on the equivalent Mackenzie District Council Accidental Discovery Protocol condition. A single, consistent Accidental Discovery Protocol applying across both the Mackenzie District Council and Canterbury Regional Council consents is preferred. The Mackenzie District Council condition is considered the more comprehensive of the two, including the incorporation of a decision-making framework.	A consistent Accidental Discovery Protocol across both consent authorities is recommended. It is recommended that the Mackenzie District Council condition be adopted across both condition sets, with any further amendments improving consistency with the latest Heritage New Zealand Pouhere Taonga accidental discovery protocol.
Discharge Permit (s15) Discharge construction phase stormwater				
Erosion and Sediment Control Conditions				

Overall comment The erosion and sediment control conditions establish a comprehensive framework for managing erosion, sediment generation and associated discharges during construction. Collectively, the conditions require the preparation, certification, implementation and ongoing maintenance of an Erosion and Sediment Control Plan prepared in accordance with recognised best practice guidance. The requirement for the Erosion and Sediment Control Plan to be consistent with the wider suite of management plans certified by both the Canterbury Regional Council and Mackenzie District Council is particularly supported, as it reinforces an integrated approach to environmental management across the two consent authorities.				
4	Requires erosion and sediment control measures to be installed prior to commencement of earthworks within each stage of works.		No concerns. Refer to the overall comments above	No further changes sought
7	Requires preparation, certification and implementation of an Erosion and Sediment Control Plan.		No concerns. Refer to the overall comments above	No further changes sought
8	Establishes the purpose and preparation requirements for the Erosion and Sediment Control Plan.		No concerns. Refer to the overall comments above	No further changes sought
9	Specifies the information required to be included within the Erosion and Sediment Control Plan.		No concerns. Refer to the overall comments above	No further changes sought
16	All practicable measures must be taken to: b. Minimise soil disturbance to minimise the potential for sediment laden stormwater runoff to be generated; c. Prevent soil erosion as a result of stormwater runoff generated from the works area; d. Avoid placing excavated material in a position where it may become entrained in stormwater runoff and discharged to: i. Any surface water body; or ii. Any neighbouring site.		No concerns. Refer to the overall comments above.	No further changes sought