

15 November 2022



KeaX Limited  
Attn To: Campbell John McMath  
PO Box 38  
Leeston 7656

**Customer Services**  
P. 03 353 9007 or 0800 324 636  
200 Tuam Street  
PO Box 345  
Christchurch 8140  
E. [ecinfo@ecan.govt.nz](mailto:ecinfo@ecan.govt.nz)  
[www.ecan.govt.nz](http://www.ecan.govt.nz)

Dear Campbell,

## Notice of Resource Consent Decision

**Record Number:** CRC223908  
**Applicant Name:** KeaX Limited  
**Activity Description:** To undertake earthworks over aquifers.  
**Decision:** Granted

### Decision

The decision of Environment Canterbury is to grant your application on the terms and conditions specified in the attached resource consent document. The reasons for the decision are:

1. The activity will achieve the purpose of the Resource Management Act 1991.
2. Any adverse effects on the environment of the activity will be minor.

### Commencement of consent

Your resource consent commences from the date of this letter advising you of the decision.

If you object to or appeal this decision, the commencement date will then be the date on which the decision on the appeal is determined.

### Lapsing of consent

This resource consent will lapse if the activity is not established or used before the lapse date of 15 November 2027. If you require more time in which to start the activity you can apply to extend the lapse date provided your request is received by Environment Canterbury before 15 November 2027.

### Your rights of objection and appeal

#### ▪ Objection to Decision

If you do not agree with the decision of the consent authority, you may object to the whole or any part in accordance with Section 357A(1)(g) of the Resource Management Act 1991 (RMA). Notice of any objection must be in writing and lodged with Environment Canterbury **within 15 working days** of receipt of this decision in accordance with Section 357C(1) of the RMA.

- **Right to Appeal**

You may appeal the decision of the consent authority to the Environment Court in accordance with section 120 of the RMA. The notice of appeal must be lodged with the Court within 15 working days of receipt of this decision, at PO Box 2069, Christchurch. A copy of the appeal should also be forwarded to Environment Canterbury within the same timeframe.

If you are in any doubt about the correct procedures, you should seek legal advice.

- **Objection to Costs**

Section 357B of the RMA allows you to object to costs. Your objection must be received **within 15 working days** of the date on which you receive your invoice. Your objection must be in writing and should clearly explain the reasons for your objection as detailed in section 357C of the RMA.

### **Monitoring of conditions**

It is important that all conditions of consent are complied with, and that the consent holder continues to comply with all conditions, to ensure that the activity remains lawfully established.

You can find online Information regarding the monitoring of your consent at [www.ecan.govt.nz/monitoringconsent.pdf](http://www.ecan.govt.nz/monitoringconsent.pdf).

Charges, set in accordance with section 36 of the Resource Management Act 1991, shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under section 35 of the Act.

### **Further information about your consent**

For some activities a report is prepared, with officer recommendations, to provide information to the decision makers. If you require a copy of the report please contact our Customer Services section. You can find online information about your consent document at [www.ecan.govt.nz/yourconsent.pdf](http://www.ecan.govt.nz/yourconsent.pdf).

### **Queries**

For all queries please contact Customer Services Section quoting your CRC number noted above.

Thank you for helping us make Canterbury a great place to live.

Yours sincerely



**Consents Planning Section**

cc:  
Boffa Miskell Limited  
Attn To: Claire Kelly  
PO Box 110  
**Christchurch 8140**

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# RESOURCE CONSENT CRC223908

*Under Section 104 of the Resource Management Act 1991*

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

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GRANTS TO:	KeaX Limited
A LAND USE CONSENT (S9):	To undertake earthworks over aquifers.
COMMENCEMENT DATE:	15 Nov 2022
DATE CONSENT NUMBER ISSUED:	15 Nov 2022
EXPIRY DATE:	15 Nov 2027
LOCATION:	150 Buckleys Road and 821 Hanmer Road, Leeston

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

#### **Limits**

- 1 The works authorised by this resource consent shall be limited to the excavation of land associated with the development of Brookside Solar Array at 150 Buckleys Road, 115 Buckleys Road and 821 Hanmer Road, Brookside, Selwyn, legally described as Lot 1 DP 46472, Lot 1 DP 54392, Lot 2 DP 3 87576, RS 8995, Lot 1 DP 7545, Lot 2 DP 54392 BLK IX Leeston SD, Rural SEC 3658 BLK X Leeston SD, and RS 5565 & PT RS 9500 BLK X Leeston SD, at or about map reference NZTM2000 1543065 mE – 5160320 mN, within the site shown on the attached Plan CRC223908, which forms part of this resource consent.
- 2 The maximum depth of excavation for the works authorised by this resource consent must not exceed 1.8 metres below ground level.
- 3 No excavation works must be carried out within the exposed water table during times when groundwater levels are higher than the deepest part of the excavations.
- 4 No excavation works must take place within 50 m of the Wahi Taonga Management Area (C59) identified within the site.

#### **Prior to Commencement of Works**

- 5 Prior to commencement of the works described in Condition (1), all personnel working on the site must be made aware of, and have access to, the following:
  - a. The contents of this resource consent document and all associated documents;  
and

- b. Resource Consent CRCC223909 and all associated documents, and
  - c. The Erosion and Sediment Control Plan required to be prepared and maintained under Condition (9) of this consent.
- 6 At least five working days prior to the commencement of works on site, the Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring (via [ECInfo@ECan.govt.nz](mailto:ECInfo@ECan.govt.nz)) must be informed of the commencement of works.
- 7 At least 10 working days prior to the commencement of works on site, the consent holder must request a pre-construction site meeting with the Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring (via [ECInfo@ECan.govt.nz](mailto:ECInfo@ECan.govt.nz)), and all relevant parties, including the primary contractor. At a minimum, the following shall be covered at the meeting:
- a. Scheduling and staging of the works;
  - b. Responsibilities of all relevant parties, including confirmation that the person [or persons] implementing the ESCP on the site is [are] suitably trained and/or experienced;
  - c. Contact details for all relevant parties;
  - d. Expectations regarding communication between all relevant parties;
  - e. Procedures for implementing any amendments;
  - f. Site inspection; and
  - g. Confirmation that all relevant parties have copies of the contents of this resource consent document and all associated erosion and sediment control plans and any other discharge treatment methodologies employed.
- 8 All erosion and sediment control measures detailed in the ESCP required by Condition (9) of this resource consent must be installed prior to the commencement of any earthworks or stripping of vegetation and topsoil occurring on the site.

### **Erosion and Sediment Control**

- 9 The works authorised under Condition (1) must occur in accordance with an ESCP. The ESCP must:
- a. Detail best practicable sediment control measures that will be implemented to ensure compliance with the conditions of this resource consent;
  - b. Be prepared by a suitably qualified person with experience in erosion and sediment control in accordance with:
    - i. Canterbury Regional Council's "Erosion and Sediment Control Toolbox for the Canterbury Region" (ESCT), which can be accessed under <http://esccanterbury.co.nz/>; or

- ii. An equivalent industry guideline. If an alternative guideline is used, the ESCP must provide details of the relevant alternative methods used and an explanation of why they are more appropriate than the ESCT.
- c. Be signed by an engineer or suitably qualified person with experience in erosion and sediment control, confirming that the erosion and sediment control measures for the site are appropriately sized and located in accordance with the ESCT or alternative guideline.

10 The ESCP shall:

- a. Include a map showing the location of all works;
- b. Detailed plans showing the location of sediment control measures, on-site catchment boundaries, and sources of runoff;
- c. Detail how best practicable measures are taken to minimise discharges of construction-phase stormwater run-off beyond the boundaries of the site;
- d. Include drawings and specifications of designated sediment control measures, if these are not designed and installed in accordance with the ESCT;
- e. Include a confirmation that the erosion and sediment control devices have been sized appropriately in accordance with the ESCT;
- f. Include a programme of works, including a proposed timeframe for each stage of the works and the earthworks methodology;
- g. Detail the management of any stockpiled material;
- h. Detail inspection and maintenance of the sediment control measures;
- i. Define the discharge points where stormwater is discharged onto land / infiltrates into land;
- j. Include a description of dust mitigation to be used and details of best practicable options to be applied to mitigate dust and sediment discharge beyond the site boundary;
- k. Detail the methodology for stabilising the site if works are abandoned; and
- l. Detail the methodology for stabilising the site and appropriate decommissioning of all erosion and sediment control measures after works have been completed.

- 11
- a. The ESCP must be submitted to the Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring, at least ten working days prior to works commencing, for certification that it complies with the ESCT and the conditions of this resource consent.
  - b. The discharge shall not commence until certification has been received from the Canterbury Regional Council that the ESCP is consistent with the ESCT or equivalent industry guideline as per the requirements under Condition (9)(b)(ii), and the conditions of this resource consent.

- c. Notwithstanding Condition (11)(a), if the ESCP has not been reviewed and/or certified within ten working days of the Regional Leader – Compliance Monitoring receiving the ESCP, the discharge may commence.
- 12 The ESCP may be amended at any time. Any amendments shall be:
- a. Only for the purpose of improving the efficacy of the erosion and sediment control measures and shall not result in reduced discharge quality; and
  - b. For the purpose of applying best practicable measures to mitigate [dust and] sediment transport off-site;
  - c. Consistent with the conditions of this resource consent; and
  - d. Submitted in writing to the Canterbury Regional Council, Attention: Regional Leader Compliance Monitoring, prior to any amendment being implemented.
- 13 Erosion and sediment control measures must be inspected at least once per day, as well as following any rainfall event that results in more than five millimetres of rainfall at the site. Any accumulated sediment shall be removed, and repairs made, as necessary, to ensure effective functioning of measures and devices. Records of any inspections shall be kept and provided to the Canterbury Regional Council on request.
- 14 If the consent holder abandons work on-site, adequate preventative and remedial measures must be taken to control sediment discharged from exposed or unconsolidated surfaces. These measures must be maintained for so long as necessary to prevent sediment discharges from the earth worked areas.

### **During Works**

- 15 All practicable measures must be taken to:
- a. Minimise soil disturbance and prevent soil erosion;
  - b. Avoid placing excavated material in a position where it may enter:
    - i. Any neighbouring site, public road or the water race along Hanmer Road.

### **Accidental Discovery of Contaminants**

- 16 In the event that any unexpected contaminated soil or material is uncovered by the works, an accidental discovery protocol must be implemented, including but not limited to the following steps:
- a. Earthworks within ten metres of the encountered contaminants must cease immediately;
  - b. All practicable steps must be taken to prevent the contaminated material becoming entrained in stormwater. Immediate steps must include, where practicable:
    - i. Diverting any stormwater runoff from surrounding areas away from the contaminated material; and
    - ii. Minimising the exposure of the contaminated material, including covering the contaminants with an impervious cover;

- c. Notification of the Canterbury Regional Council, Attention: Contaminated Sites Manager and Regional Leader – Compliance Monitoring, within 24 hours of the discovery;
- d. Earthworks within ten metres of encountered contaminants must not recommence until a suitably qualified and experienced contaminated land practitioner (SQEP) confirms to Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring that continuing works does not represent a significant risk to the environment;
- e. All records and documentation associated with the discovery shall be kept and copies must be provided to the Canterbury Regional Council upon request.

- 17 Any material removed from the site during the works that is potentially or confirmed as contaminated, must be disposed of at a facility authorised to receive such material.

### Spills

- 18 All practicable measures must be taken to avoid spills of fuel or any other hazardous substances within the site. These measures must include:
- a. Refuelling of machinery and vehicles must not occur within 20 metres of:
    - i. Open excavations;
    - ii. Exposed groundwater; and
    - iii. Stormwater devices.
  - b. A spill kit must be kept on site that is capable of absorbing the quantity of oil and petroleum products that may be spilt on site at any one time, remains on site at all times.
  - c. In the event of a spill of fuel or any other hazardous substance, the spill must be cleaned up as soon as practicable, the stormwater system must be inspected and cleaned, and measures taken to prevent a recurrence;
  - d. The Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring, must be informed within 24 hours of a spill event exceeding five litres and the following information provided:
    - i. The date, time, location and estimated volume of the spill;
    - ii. The cause of the spill;
    - iii. The type of hazardous substance(s) spilled;
    - iv. Clean up procedures undertaken;
    - v. Details of the steps taken to control and remediate the effects of the spill on the receiving environment;
    - vi. An assessment of any potential effects of the spill; and

- vii. Measures to be undertaken to prevent a recurrence.

### **Accidental Artesian Aquifer Interception**

- 19 In the event of an accidental interception or unanticipated levels of artesian flows, all practicable measures must be undertaken to remedy or mitigate any change in aquifer pressure, water quality or temperature. This must include:
- a. The contractor must immediately cease all works within the immediate area of excavation that caused the interception of the artesian flows;
  - b. The contractor must determine and document whether the flow is constant or increasing, if the turbidity is constant or increasing and if the flow is confined to the excavation;
  - c. The contractor must notify the site engineer and/or other appropriate personnel to determine the emergency measures required to arrest the artesian flow. Emergency measures must include, but not be limited to:
    - i. The installation of a layer of impermeable material to the extent required to reform a capping layer over the aquifer to prevent the upward movement of groundwater through the confining layer; or
    - ii. Inserting a vertical pipe in the aquifer interception point (if practicable) and provide for a secure seal against the pipe to enable the stabilisation of the artesian flow in the pipe, and to determine the above ground water level to assess any further measures.
  - d. The temporary artesian flow beyond the excavation must be controlled and mitigated with appropriate erosion and sediment control measures;
  - e. The Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance must be notified as soon as practicable but no later than two working days after the interception; and
  - f. Upon remediation and arresting of flow from the aquifer interception, the construction methodology must be reconsidered and, if required, revised to avoid future interceptions of the aquifer.

### **Accidental Discovery of Archaeological Material**

- 20 In the event of any discovery of archaeological material the consent holder must immediately:
- a. Cease earthmoving operations in the affected area and mark off the affected area; and
  - b. Advise the Canterbury Regional Council of the disturbance; and
  - c. Advise Heritage New Zealand Pouhere Taonga (HNZPT) of the disturbance.

**Advice Note:** *Affected area means the whole or any part of any site known or reasonably suspected to be an archaeological site, and which could be disturbed or otherwise impacted by any works.*

**Advice Note:** This condition may be in addition to any agreements that are in place between the consent holder and the Papatipu Runanga. (Cultural Site Accidental Discovery Protocol).

**Advice Note:** Under the Heritage New Zealand Pouhere Taonga Act 2014 an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. For sites solely of Maori origin, this evidence may be in the form of accumulations of shell, bone, charcoal, burnt stones, etc. In later sites, artefacts such as bottles or broken glass, ceramics, metals, etc. may be found or evidence of old foundations, wells, drains, tailings, races or other structures. Human remains/koiwi may date to any historic period. It is unlawful for any person to destroy, damage, or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga. This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the District or Regional Plan or whether a resource or building consent has been granted. The Heritage New Zealand Pouhere Taonga Act 2014 provides for substantial penalties for unauthorised damage or destruction.

- 21
- a. If accidentally discovered material is suspected to be Koiwi Tangata (human bones), taonga (treasured artefacts) or a Maori archaeological site:
    - i. The consent holder must immediately advise the office of the Kaitiaki Runanga (office contact information can be obtained from the Canterbury Regional Council) of the discovery; and
    - ii. The nature of the material must be confirmed by a qualified archaeologist appointed by the Kaitiaki Runanga and HNZPT.
  - b. If the archaeological material is determined to be Koiwi Tangata (human bones) by a qualified archaeologist, the consent holder must:
    - i. Immediately advise the New Zealand Police of the disturbance;
    - ii. Consult with the Kaitiaki Runanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation; and
    - iii. Treat the area with utmost discretion and respect and manage the koiwi in accordance with both statutory obligations under the HNZPT Act 2014 and tikanga, as guided by the Kaitiaki Runanga.
  - c. Works in the site area must not recommence until authorised by the Kaitiaki Runanga, HNZPT (and the NZ Police in the case of koiwi) and any other authority with statutory responsibility, to ensure that all statutory and cultural requirements have been met.
- 22
- If accidentally discovered material is not suspected or confirmed to be Koiwi Tangata (human bones), taonga (treasured artefacts) or a Maori archaeological site, work may recommence once Heritage New Zealand Pouhere Taonga Trust advises the consent holder that work can recommence.

**After Completion of Works**

- 23 Within two weeks of the completion of each stage of works authorised by this resource consent:
- a. All disturbed areas must be stabilised and/or revegetated; and
  - b. All spoil and other waste materials from the works must be removed from site.

**Administration**

- 24 The Canterbury Regional Council may annually, on the last working day of May or November, serve notice of its intention to review the conditions of this resource consent for the purposes of:
- a. Dealing with adverse effect on the environment which may arise from the exercise of this resource consent, and which is not appropriate to deal with at a later stage; or
  - b. Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
- 25 If this resource consent is not exercised before 15 November 2027, it shall lapse in accordance with Section 125 of the Resource Management Act 1991.

**Advice Note:** *'Exercised' is defined as implementing any requirements to operate this resource consent and undertaking the activity as described in these conditions and/or application documents.*

**Issued at Christchurch on 15 November 2022**

Canterbury Regional Council



## Exercising of Resource Consent CRC223908

**It is important that you notify Environment Canterbury when you first start using your consent.**

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<b>GRANTED TO:</b>	KeaX Limited
<b>A LAND USE CONSENT (S9):</b>	To undertake earthworks over aquifers.
<b>LOCATION:</b>	150 Buckleys Road and 821 Hanmer Road, Leeston

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Even if the consent is replacing a previous consent for the same activity, you need to complete and return this page.

A consent can only be made active after the activity has commenced and all pre-requisite conditions have been fulfilled e.g. installation of water meter and/or fish screen. If you require further advice, please contact our Customer Services section on 0800 324 636 or by email at [ecinfo@ecan.govt.nz](mailto:ecinfo@ecan.govt.nz).

Providing this information will:

- Validate your consent through to its expiry date
- Minimise compliance monitoring charges
- Help provide an accurate picture of the state of the environment.

**If consent CRC223908 is not used before 15 November 2027 this consent will lapse and no longer be valid.**

### Declaration:

I have started using this resource consent.

**Action taken** (e.g. pasture irrigated, discharge from septic tank/boiler/spray booth etc):

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**Date I started using this resource consent** (Note: this date cannot be in the future): \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Full name of person signing** (please print): \_\_\_\_\_

**Please return to:**

**Business Support  
Environment Canterbury  
PO Box 345  
Christchurch 8140**

**Fax: (03) 365 3194  
Email: [ecinfo@ecan.govt.nz](mailto:ecinfo@ecan.govt.nz)**

**File: CRC223908  
Customer No: EC423064**