

APPENDIX A

DRAFT PROPOSED CONCESSION CONDITIONS

NOTE: These DRAFT conditions are proposed by MDL to demonstrate MDL's commitment to avoiding, remedying and mitigating adverse effects on the environment during the construction and operation of the Dart Passage, as described in the *Concession Application*, including the expert reports. MDL anticipates that the conditions will be further refined over the course of the concession process, and finalised by the Department.

PART 1 CONSTRUCTION PHASE

1.1 Construction Environmental Management Plan

- 1) At least thirty days prior to commencing any physical work within Fiordland National Park and Mount Aspiring National Park, the Concessionaire shall submit to the Department the final **Construction Environmental Management Plan** (CEMP).
- 2) The CEMP shall give effect to the conditions of this consent, and in addition it shall identify the environmental impacts, mitigation measures, monitoring of environmental performance, emergency plans and reporting on all relevant construction activities including, but not limited to requirements under the Concession, the Fiordland National Park Management Plan 2007 and Mount Aspiring National Park Management Plan 1994, and all sections of the various relevant Acts and Bylaws. In addition, the following items shall be included:
 - a) A description of the Concessionaire's environmental management system which will be used to ensure that the works are carried out in accordance with the CEMP, including a detailed description of duties for all staff members who form part of the Concessionaire's environmental management system;
 - b) A description of the induction and training procedures and course contents for Site personnel in the CEMP, including provision made in the CEMP for the involvement of Department of Conservation input into the training.
 - c) A statement of all methods and equipment, by which the Concessionaire intends to ensure compliance with the concession document and environmental standards;
 - d) A statement of all methods, procedures, analytical laboratories and equipment used for environmental monitoring, the timing and frequency of monitoring and the form of reporting of monitoring results;
 - e) A statement of the avoidance, contingency, mitigation and remedial measures which will be implemented in the event that a non-compliance with the CEMP or the environmental standards has occurred, may have occurred, or may possibly occur;
 - f) A list of all hazardous and toxic substances which the Concessionaire anticipates importing onto the Site or creating on the Site as a result of Site operations. Material Safety Data Sheets (MSDS) for the above shall be provided;
 - g) A copy of the materials handling procedures and spill contingency plans for all hazardous and toxic substances used;
 - h) Provisions for waste minimisation, categorisation of waste and the provisions for temporary storage and removal of hazardous waste.
 - i) A description of the procedures which all plant and equipment will undergo to ensure that exotic plant materials are not transported into the National Parks.
- 3) The Concessionaire shall appoint and maintain on Site daily a Site Environmental Officer who shall be responsible for implementing and administering the CEMP. The Site Environmental

Officer shall have the authority to direct the works to comply with the CEMP objectives, and shall be directly responsible to the Concessionaire's Project Manager. The Site Environmental Officer is to be appropriately experienced in the type of work and will not be permitted to hold a line control management position directly supervising construction work.

1.2 Vegetation and Habitat

- 1) Vegetation removal and disturbance shall be limited to that shown on the relevant construction drawings.
- 2) Prior to beginning any clearance within 20 m of the limits of disturbance as defined on the relevant drawings, the defined limits of disturbance shall be marked out with clearly visible coloured markers. No bush clearance is permitted within this 20 metre zone without the confirmation of the limits of disturbance by DoC.
- 3) The removal of mature trees shall be avoided as far as practicable at all construction areas and road upgrades associated with the project. Any trees to be removed will be identified in consultation with DoC.
- 4) A vegetated margin of at least 10 metres shall be retained (where a vegetated margin already exists) between the Hollyford River / Whakatipu Ka Tuka and any spoil disposal area, to mitigate against potential sediment runoff.
- 5) Removal of vegetation shall be timed to avoid, to the greatest extent practicable, impacts on avifauna.
- 6) Buffer zones of vegetation shall be retained for visual screening of the works where practicable.
- 7) Following vegetation clearance to the site disturbance limits, a 1 m high wire netting fence shall be erected 1 m inside the Site boundary and around the full perimeter of the cleared area against any bush zone. Fences shall be maintained in good condition and removed on completion of the works (refer Section 5.10 for fence construction).
- 8) Any vegetation removed / cleared from all Site areas shall be shredded and stockpiled. Such material shall be re-used for rehabilitation purposes on completion of the works. Where any organic surface material such as topsoil or moss exists, or stockpiles of fines such as sand, these shall be carefully removed and stockpiled for future use with the shredded vegetation. Unavoidable inclusion of some underlying gravels or rock during this process will be acceptable. The vegetation and surface material may be mixed. Such stockpiles shall be left loose and uncompacted.
- 9) Any construction area not required for operations activities shall be subject to a planting programme to re-establish indigenous vegetation (refer Section 2.15).
- 10) Prior to construction, the merits of collecting seed and establishing an indigenous plant nursery (of local species) shall be investigated in consultation with DoC.
- 11) The Concessionaire shall, implement the Plant Pest Management Plan (prepared by Conservation Consultancy, 2007) attached as Document 6 to the **Concession Application**.
- 12) The Concessionaire shall, as soon as practicable after works commence on site implement the Routeburn Road end Predator Control Plan (Conservation Consultancy, 2007), attached as Document 7 to the **Concession Application**.

1.3 Biosecurity

- 1) An area shall be provided immediately outside the National Parks, for Steam Cleaning, and washing of any plant and equipment that is to enter the National Parks. All plant and machinery will be thoroughly washed down to ensure that dirt, vegetation and any organic matter is removed prior to entry into the National Parks. This applies specifically to all construction plant, with normal road vehicles being excluded.

- 2) All equipment and plant shall be inspected prior to entry into the National Parks and following cleaning. This shall be undertaken by an independent person. A written quality check shall be issued and must be kept with the equipment/plant at all times during operation within the National Parks.
- 3) Plant/equipment leaving the National Parks shall return its quality check record, and if re-entering go through the same process.
- 4) Materials imported into the National Parks shall be checked to minimise the potential for weed and exotic plant species to enter the National Parks. This check shall be undertaken by an independent inspector, and an inspection certificate issued. For bulk materials that are imported and used, containment or sterilisation shall be used to ensure that weed seeds cannot enter the material or are killed prior to entry to the National Parks.
- 5) Plant and equipment on the site shall be routinely checked for possible alien seeds etc, and to check the written quality check. Plant and equipment which has not been checked or shows signs of inadequate cleaning shall be removed from the site.
- 6) Inspections shall be undertaken in and around the areas of operation on a routine basis to assess weed growth and weeding/spraying carried out to kill weeds. This approach will ensure that any weeds which have inadvertently entered the area, and germinated, will be rapidly killed, minimising the potential for weeds to become established in the area.
- 7) Regular inspections will be carried out and weed control undertaken along the road edges as required, taking particular care of areas where road widening or other disturbance has occurred.
- 8) Weed control shall be undertaken by the use of herbicide from a knapsack sprayer, hand weeding, by hand pulling or by the use of an appropriate hand tool.
- 9) Routine inspections of all construction zones and roadsides will be carried out for two years after the completion of the tunnel and other site works. Routine inspections shall be carried out during April, September and December.
- 10) At the rehabilitated spoil deposit site weed control shall continue for up to five years or until the plantings cover the bare ground and are of sufficient height and coverage to shade the ground and eliminate competition from grasses and weeds
- 11) In consultation with DoC, the existing predator control and monitoring programme in the Routeburn Valley area will be extended to cover all of the beech forest areas below 600m in the vicinity of the Routeburn Road. Funding for this programme would continue for the life of the project.

1.4 Earthworks and Leachate

- 1) Disposal of spoil and other debris from the works shall only occur in the spoil disposal areas shown on the relevant drawings.
- 2) A perimeter runoff interceptor ring drain shall be constructed around all spoil disposal areas to intercept and channel stormwater through silt traps and settlement ponds. The drain shall be constructed as soon as vegetation clearance has occurred. Drains shall be designed to manage a 20% AEP event.
- 3) Any settlement ponds shall be:
 - designed, constructed and monitored following the processes in the NZSOLD Guidelines November 2000.
 - Designed to manage a 10% AEP design flood, with a provision to pass a 1% AEP design flood.
- 4) The consent holder shall be responsible for the structural integrity and maintenance of all dam works, and for all erosion control and energy dissipation works.
- 5) Where practicable, any perimeter batters shall be completed at the earliest possible stage to allow for re-vegetation.

- 6) The contours of the final surface and batters of the spoil disposal area shall be sympathetic to the surrounding landscape.
- 7) The final surface shall be scarified to a depth of 500 mm (except for the airstrip formation).
- 8) All exposed soil shall be revegetated as soon as practicable following final contouring.
- 9) All practicable measures shall be taken to eliminate any hazard or nuisance to Project personnel and other National Park users resulting from dust created by construction. This includes dust emanating from construction vehicles on roads.
- 10) Spoil removed from tunnel excavation shall be tested for leachate producing properties at least daily or whenever significant change to the rock geology is encountered in the tunnel. If detected, leachate producing material shall be disposed of in a designated and contained section of the spoil disposal area. (Refer Section 2.5 for treatment and monitoring procedures).

1.5 Water Quality and Quantity

- 1) There shall be no discharge of water or contaminants to any river that, beyond a reasonable mixing zone, results in any adverse change to the insitu water quality parameters, including:
 - a) No production of conspicuous oil or grease film, scums or foams or floatable or suspended material
 - b) No conspicuous change in colour or visual clarity
 - c) Any significant adverse effect on aquatic life.
- 2) At least thirty days prior to commencing any physical work within the National Parks, the following shall be submitted to DoC:
 - a) a detailed design of the temporary sewage collection and treatment system proposed to service the construction workforce.
 - b) a detailed design of the tunnel discharge, concrete batching plant discharge, and stormwater treatment system.
 - c) a detailed design of the tunnel water diversion system.
- 3) All waste water from temporary toilets, showers, and hand basins shall be collected in storage tanks. These tanks shall be sized based on maximum predicted workforce numbers. Effluent shall be removed periodically from the sites by tanker and disposed off at an appropriate facility outside the National Parks.
- 4) Retention tanks or chemical toilets may be used both above ground and underground subject to appropriate provision being made for the disposal of waste.
- 5) Treated tunnel water and stormwater may be discharged into Deadmans Creek. Such discharges shall be subject to the water quality criteria specified below, as measured in the Hollyford River / Whakatipu Ka Tuka.
- 6) Treatment of dirty water discharge from tunnelling operations shall be initially through a settlement pond constructed in the Airstrip Staging Area (primary water treatment pond). If required, secondary treatment using a package treatment plant shall apply to ensure receiving water quality standards are met.
- 7) For the treatment plant at the Airstrip Staging Area the following shall apply:
 - a) Design of the Treatment Plant shall be carried out by a Chartered Professional Engineer experienced in the design of such plants. The design shall include an ability to add additional treatment capacity should the discharge water quantities from the tunnel increase beyond initial design volumes. The design is to include operation and maintenance procedures.

- b) Minimise the use of flocculants, but use, as necessary to achieve the required water quality, subject to the following:
 - i. Flocculants of the non-toxic polyelectrolyte chemical group (anionic) shall only be permitted.
 - ii. The treatment system shall ensure an efficient use of flocculant, based on flow, and to have appropriate alarm systems to warn of plant or flocculant dosing failure.
 - iii. Handle and dispose of sludge in such a manner as to ensure that sludge particles disposed of in the spoil disposal areas as are not mobilised into the ground water.
- 8) A continuous recording turbidity measurement device shall be installed at the point of discharge of treated water into Deadmans Creek. Continuous records of turbidity shall be correlated to the receiving water quality requirements below to set a maximum allowable level for discharge.
- 9) Measurement and monitoring of the condition of the receiving waters shall be based on turbidity, suspended solids and the Black Disc method as outlined below:
 - a) Measure turbidity of the Hollyford River / Whakatipu Ka Tuka in a natural condition and at the specified receiving water monitoring location twice in every 24 hour period, not less than 6 hours apart.
 - b) Sample and analyse for turbidity, suspended sediment, particle size and hydrocarbon content at each discharge point (silt pond and primary water treatment pond) once in each 24 hour period. Use turbidity, visual clarity and suspended solids data to derive a correlation between suspended solids and turbidity and visual clarity and turbidity to best utilize continuous turbidity monitors.
 - c) Measure visual clarity of the Hollyford River / Whakatipu Ka Tuka in its natural conditions and at the specified receiving water monitoring location once in every 24 hour period using the Black Disc method (specified in Appendix A.2 of MfE Resource Management Water Quality Guidelines No 2).
 - d) Immediately undertake action to correct and mitigate any adverse effects brought about by a non-compliance with a water quality standard.
 - e) Submit records of all monitoring to DoC and the Regional Councils.
- 10) Water quality requirements are as outlined below [note: some figures will require revision following baseline study]:
 - a. No sediment with a particle size greater than coarse silt (0.063 mm) shall be discharged to the receiving waters.
 - b. The concentration of total petroleum hydrocarbons in discharges to the Hollyford River / Whakatipu Ka Tuka shall not exceed 15 ppm.
 - c. The suspended solids content of Deadmans Creek at the discharge point to the Hollyford River / Whakatipu Ka Tuka shall not be greater than 30 g/m³ for more than 5 % of the time.
 - d. The quality of the receiving waters of the Hollyford River / Whakatipu Ka Tuka 200 m downstream of the confluence with Deadman Creek shall comply with the following:
 - i. The visual clarity shall not be less than 5.09 m.
 - ii. Except that if the Hollyford River / Whakatipu Ka Tuka clarity is naturally less than 5.09 m in any adjacent 24 hour period the clarity at the measurement point shall not be less than that naturally lesser clarity. (The intent of this exception to the general rule is to cater for runoff in the larger but infrequent storm events.)
- 11) Potential for sediment entrained runoff shall be minimised through the following:

- a) Minimise the effect of stormwater runoff from spoil disposal areas and cleared ground by keeping the active working area to a minimum and completing areas ready for revegetation at the earliest practicable time.
 - b) Control sediment runoff from cleared ground and spoil disposal areas to prevent it entering any existing waters untreated.
 - c) Implement such measures as perimeter drains, erosion control, silt fences, bunding around working areas, maximising soakage, check dams, rock lined channels, and energy dissipation structures. Should these or other measures prove unsatisfactory, channel stormwater runoff through the water treatment system.
- 12) Abstraction of water shall only be for the purposes of supplying domestic requirements and the Concrete Batching Plant.
 - 13) The flow rate of water discharge from the tunnel shall be measured and recorded.
 - 14) In the event that leachate-bearing material is disposed of at the Hollyford Airstrip, one of the following options shall be immediately implemented:
 - Place potentially acid generating spoil at the south end of the spoil dump where there is an existing high point, well above predicted 1% AEP flood levels. Material will be mixed with lime or spoil with high acid neutralising capacity and encapsulated within a low permeability material. This would limit the oxygen flux to the waste and provide acid neutralising capacity for any acid generation.
 - Place the material low in the stockpile so that the groundwater mound that will form under the pile keeps the potentially acid generating spoil close to saturation. This will also limit oxygen flux thereby preventing acid generation.. The adjacent waste rock will have acid neutralising capacity to provide a natural buffering effect, thus providing additional protection.
 - Place the material in a hole excavated beneath the stockpile (eg. to recover coarse gravels and cobbles for use as armour material) so that it will be below the water table and therefore unable to oxidise to the degree necessary to generate acid rock drainage.
 - 16) The consent holder shall continuously monitor water entering the settlement pond and water flowing out of the pond outlet for pH and conductivity. The monitoring system shall be fitted with an alarm to indicate when trigger levels [to be determined] for pH or conductivity have been exceeded.
 - 17) The settlement pond(s) shall be configured such that in the event that contamination is detected the outflow can be stopped/managed for conditions which do not result in flow over the auxiliary spillway.
 - 18) If the trigger levels for pH and conductivity are exceeded, a grab sample of water shall be taken and analysed for pH, conductivity, ammoniacal nitrogen, nitrate nitrogen, alkalinity, chloride, potassium, and total organic carbon.
 - 19) If monitoring of the discharge system indicates leachate contamination, then immediate steps shall be taken to prevent further leachate contamination.
 - 20) There shall be no refuelling of vehicles or machinery in the bed of any river.

1.6 Air Quality

- 1) All practicable measures shall be taken to eliminate any hazard or nuisance to Project personnel and other National Park users resulting from dust created by construction. This includes dust emanating from construction vehicles on roads.
- 2) Fuel powered machinery and plant shall not be left unnecessarily idling.
- 3) Vehicles and generators will be required to meet relevant emission criteria.

1.7 Noise

- 1) All practicable measures shall be undertaken to reduce noise levels from plant, equipment and personnel operating on site to avoid disturbance to other National Park users.
- 2) All practicable measures shall be undertaken to comply with the requirements NZS 6802:1999 Acoustics – Assessment of Environmental Sound and NZS 6803:1999 Acoustics – Construction Noise.
- 3) Noise measurement and assessment shall be carried out in accordance with NZS 6801:1999 Acoustics – Measurement of Sound, utilising an independent noise expert. The results and conclusions of such assessments are to be submitted to the regulatory authorities on a frequent basis.
- 4) Noise monitoring will be carried out as soon as practicable after any significant noise source commences work on site and thereafter whenever any further significant noise source commences work.
- 5) Work in the portal locations shall take place during periods when the use of that part of the national park by other users is minimal (ie shoulder and winter seasons).

1.8 Hazardous Substances

- 1) All measures necessary shall be taken to prevent the spillage of hazardous substances during any transport, transfer and storage in the National Parks.
- 2) Any accidental spills shall be remediated immediately.
- 3) All fuel storage facilities installed on the Site shall include appropriate containment in the event of tank rupture and for the collection, treatment and disposal of any spillage should it occur. Containable volumes shall at all times be at least 10% greater than the maximum storage volume.
- 4) Provision shall be made for treating contaminated stormwater runoff from fuel and oil storage areas.
- 5) All hazardous substances are to be stored in a secured location with controlled access.

1.9 Roads and Traffic

1.9.1 Construction vehicles

- 1) Workforce personnel to be transported to the sites via van/bus. Personal vehicles are generally not to be brought to the Site, unless prior approved by the contract supervisor.
- 2) Construction vehicle movements on Lower Hollyford Road and Routeburn Road shall not unduly interfere with visitor access to the National Parks.
- 3) Vehicles shall not be left unnecessarily idling.
- 4) Speed on the construction sites and Lower Hollyford and Routeburn Roads will be restricted for the safety of personnel and Park users and to minimise noise and dust generation.

1.9.2 Road upgrades and construction

- 1) The upgrade of the Routeburn and Hollyford Roads, and the construction of the new stretch of road within the Mount Aspiring National Park, shall be undertaken in accordance with the following reports:
 - Conservation Consultancy Ltd (2006) *The natural values of the Routeburn Road end area and part of the Hollyford Valley and the impact of the proposed Milford-Dart Tunnel* (August 2006)
 - Conservation Consultancy Ltd (2007) *Upgrading the Routeburn Road in the Mount Aspiring National Park with minimal disturbance* (July 2007)

- TrafficPlan Ltd (2007) *Milford Dart Project Routeburn Area – Road Safety Audit and Traffic Report on Roading*
 - TrafficPlan Ltd (2007) *Milford Dart Project Hollyford Area – Road Safety Audit and Traffic Report on Roading*
- 2) The final route of the new road linking the Routeburn Road with the Routeburn portal shall be defined by ecologists and traffic safety experts in consultation with the Department of Conservation.
 - 3) Any road construction works within watercourses, and any placement of culverts, shall be carried out in accordance with condition 1.5. Any culverts shall be designed so as not to impede fish movement.

1.10 Buildings, Structures and Signage

- 1) The final architectural plans of the permanent portal structures shall be submitted to DOC for final approval, prior to commencement of any construction at the relevant portal. All buildings will be of a single storey construction unless otherwise approved by DOC. Exposed frontages of the portal structures will be architecturally finished in natural stone or other surface, form and colour appropriate to the environs.
- 2) All buildings and fixed structures shall be painted in accordance with colour schemes approved by DoC, and shall be clad in natural materials (stone or timber).
- 3) Any fencing shall be galvanised netting or equivalent, clipped to 3.2 mm galvanised wire at top and bottom, and supported by steel stakes, (waratahs or similar), driven into the ground at 3 m centres.
- 4) Site buildings and temporary structures shall only be located within areas identified on the relevant drawings.
- 5) All buildings shall be of a single storey construction unless otherwise approved by DoC.
- 6) All permanent buildings (e.g. portal structures) shall be landscaped as soon as practicable following the completion of construction.
- 7) Yards, access roads, staging areas and material storage areas in the National Parks shall be contained entirely within the limits of disturbance defined on the relevant drawings. Such areas shall be maintained in an orderly state.
- 8) Drawings of all construction signage showing size, wording and location of each sign shall be submitted to DoC and the territorial authorities for review ten days prior to manufacturing.
- 9) No advertising shall be erected within the National Parks.
- 10) Roading warning signs shall comply with Transit New Zealand publication "Working on the Roads."
- 11) Non-roading signs shall comply with the following:
 - a) The Project name, Principal and contractors names to be shown on the sign at the Site entrances only. No sub-contractor or supplier names shall be permitted.
 - b) Maximum size of sign: 3 square metres.
 - c) Maximum height above ground: 2.0 metres.
 - d) Typeface: Helvetica or San Serif style only
 - e) Colours shall be restricted to the following: Posts and sign blades to be painted Resene DOC Green.; Letter colour: white; Secondary letter colour for warnings: red; Limited use of other colours is acceptable for logos only.
- 12) Signs shall be located where they are easily noticed but with minimum visual impact.

1.11 Cultural and Historical

- 1) Should any archaeological material be discovered during the course of any works, all works with the potential to damage or disturb those materials shall be ceased immediately and DoC, New Zealand Historic Places Trust, and Te Ao Marama advised immediately.
- 2) Works in the vicinity of Gunns Camp and Marian Corner Camp shall be carried out in accordance with the recommendations in the archaeological assessment report by Petchey (2006) (Document 15 of the **Concession Application**).
- 3) Prior to any construction commencing the Concessionaire shall consult with Te Runanga o Ngai Tahu, and Te Ao Marama in accordance with the Cultural Impact Report (August 2006) (Document 16 of the **Concession Application**).

1.12 Refuse and Waste

- 1) Any existing construction debris or waste visible on the surface of the Site areas or dug up during clearing operations shall be collected, stored, and disposed of in the appropriate manner outside the National Park.
- 2) No personal rubbish or offensive material shall be dropped or disposed of within the Park.
- 3) All practicable steps shall be taken to minimise production of and the unsightly collection and storage of refuse or waste on Site.
- 4) Refuse should be disposed of regularly in accordance with the following conditions for each type of refuse:
 - a) Type A - Non hazardous waste which will not produce leachate on decomposition. Remove from the National Park to an established landfill.
 - b) Type B – Tunnel spoil containing leachate producing material. Contain and treat as per Section 2.4 and 2.5 of this report.
 - c) Type C - Hazardous waste (for example oil, hydraulic fluid, chemicals etc). Contain and remove from the National Park and dispose of in a manner approved by the relevant authorities.
- 5) No material, discharge or structure of any kind from the construction works shall be permitted to enter the bush beyond the fenceline, whether it be spillage, wind blown debris or any other material or waste. The clearance boundaries shall be regularly monitored and any debris that has entered the bush shall be removed. The source of debris shall be isolated or eliminated.

1.13 Personnel Behaviour

- 1) All staff working on the project shall complete a training programme prior to starting on site. The programme shall include the following subjects:
 - a) the importance and value of the National Park environment
 - b) cultural awareness
 - b) relevant statutory approvals and legislation; and
 - c) health and safety procedures.
- 2) No pets shall be permitted within the National Parks.
- 3) No feeding or domestication of bird or animal life shall occur within the National Parks.
- 4) No importation, storage or use of firearms shall occur in the National Parks without a current recreational firearms permit from DOC, and any other appropriate permits.
- 5) No open fire shall be lit in the National Parks. Care shall be taken to avoid accidental ignition and spreading of fire.

- 6) No fishing shall occur without a current sports fishing licence for trout fishing in the National Parks.
- 7) The Concessionaire shall manage the contract works so that other users of the National Parks are not hindered or their enjoyment of the National Parks significantly detracted from.

1.14 Health and Safety

- 1) Comprehensive health and safety plans shall be developed for the construction phase in accordance with the Health and Safety in Employment Act.

1.15 Restoration and Rehabilitation

- 1) On completion of work at any location, all plant, equipment, fuels, hazardous substances, buildings, fencing, signage, debris, rubbish and any other materials brought onto site shall be removed, and the site left clean.
- 2) All areas disturbed by spoil disposal, vegetation clearance, and soil disturbance shall be rehabilitated with the end aim of achieving 'National Park' standard of vegetation revegetation and rehabilitation. All rehabilitation and restoration activities will be undertaken in close consultation with DoC.
- 3) Final plans of revegetation and rehabilitation, with species list, planting locations and maintenance programme, will be prepared by a suitably qualified botanist or landscape architect and submitted to DOC for final approval prior to any commencement of works at the relevant portal.
- 4) Opportunities for vegetation enhancement, as identified in Section 5.1, shall be undertaken.

1.16 Monitoring and Reporting

- 1) A monthly report shall be submitted to the regulatory authorities within 5 days of the end of each month to demonstrate compliance on environmental aspects and any non-compliances (and related corrective actions) which have occurred.
- 2) Hold monthly meetings on site during construction with regulatory authority representatives to review environmental performance against the CEMP.

PART 2 OPERATIONS PHASE

2.1 Operations Environmental Management Plan

- 1) At least thirty days prior to commencing operation of the Dart Passage the Concessionaire shall submit to the Department the final **Operations Environmental Management Plan** (OEMP).
- 2) The OEMP shall give effect to the conditions of this consent, and in addition it shall identify the environmental impacts, mitigation measures, monitoring of environmental performance, emergency plans and reporting on all relevant operations activities including, but not limited to requirements under the Concession, the *Fiordland National Park Management Plan 2007* and *Mount Aspiring National Park Management Plan 1994*, and all sections of the various relevant Acts and Bylaws.

2.2 Vehicles and Tunnel Safety

- 1) Only approved vehicles will use the Dart Passage. Personal vehicles (including cars and campervans), motorbikes, bicycles, and pedestrians will not be permitted in the Dart Passage.

- 2) For situations where multiple vehicles are in the tunnel, approved vehicles will contain the following specialist attributes:
 - A communications system for co-ordination between coaches and the tunnel control system
 - Self-steering in the tunnel in both forward and reverse directions
 - Low combustibility construction that will minimise the contribution of the coach materials as a cause of fire and as fuel for fire
 - Fire suppression systems that would attack a fire in the unlikely event of it occurring.
- 3) Subject to (1), and provided there being no other vehicles in the tunnel at any one time, a vehicle not meeting the requirements of Clause (2) above may use the tunnel, provided the following attributes are met:
 - A communications system for co-ordination between coaches and the tunnel control system
 - Self-steering in the tunnel in a forward direction
- 4) Drivers shall be Accredited Milford Road Coach Drivers in accordance with the Bus and Coach Association (NZ) Inc. Code of Practice and will be required to undergo training and show competency in the following areas:
 - Milford Dart's normal operation and emergency fire/life/safety procedures
 - Communications interface with tunnel control and other vehicles authorised to use the Dart Passage.
 - Normal passenger comfort and safety
 - A working knowledge of the principles of Kaitiakitanga including the National Park and Conservation Values;
 - A working knowledge of the principles of Manaakitanga the Milford Dart journey Interpretation Information and Stories provided to passengers.
- 5) The Facilities Staff will control the use of the Dart Passage by coaches at all times. Any failure to comply with the directions of the Facilities Staff shall be reported immediately to the Manager of Milford Dart. The Manager will keep a written record of any reported failures and the corrective action taken.
- 6) The Facilities staff will have an automatic communications and tracking system that enables them to know the speed and direction of each coach and to let them communicate with each driver in a continuous basis.
- 7) The Dart Passage emergency ventilation system will operate automatically upon detection of fire on any vehicle while in transit within the tunnel to prevent smoke moving towards any following vehicle and their evacuation route.
- 8) Coaches shall be equipped with "grab bags" containing warm blankets, torches, radios etc. for use if passengers are required to disembark from the coach.
- 9) An emergency rescue vehicle will be based at each tunnel Portal at all times. These vehicles will be capable of entering the tunnel to retrieve passengers that have disembarked from a stranded coach, under the direction of the coach driver / guide. The rescue vehicle will have a heated, cabin capable of holding all occupants of a Milford Dart coach (typically 48 number) for transport to the portal, or away from the site if required.
- 10) A maintenance vehicle will be based at the Routeburn Portal and will be able to undertake emergency towing if required.
- 11) Both rescue vehicles will carry emergency and medical equipment.
- 12) Emergency and medical equipment will be provided and maintained at both portals.

- 13) Health and Safety signboards will be erected at both portals advising of all necessary emergency service and response contact numbers and procedures.
- 14) An emergency evacuation and rescue plan will be developed and implemented. It will also be communicated to all local emergency services. It shall include personnel training requirements and trial evacuations. Duties for all staff will be laid out in terms of various potential emergencies including but not limited to, tunnel fires, earthquakes, tunnel collapse, rock fall at portals, serious accidents or fatality in the tunnel, fuel leaks. The emergency plan will be displayed on safety bulletin boards at each Portal and carried on all vehicles entering the Dart Passage.

2.3 Passenger Experience

- 1) With respect to coaches and their design, operators meeting the following criteria will be favoured:
 - Luxury coaches carrying up to 50 passengers
 - Designed to allow for experience of scenic vistas
 - Designed to include on-board information and entertainment systems, for providing interpretation presentations.
- 2) Operators shall be required to provide a minimum level of interpretation to visitors in relation to the National Parks environments they pass through, including:
 - Explanations of the landscape formation, its geology, vegetation cover and ecology, including the transitions that occur
 - Tangata Whenua's long association with the areas and the spiritual and cultural values they still hold
 - An outline of the history (including Maori and European exploration) of the National Parks, including DoC's role
 - National Parks' conservation values, issues and objectives
 - An outline of the construction history of the Milford and Hollyford Roads, the Homer Tunnel and Dart Passage and the geological formations and structure that latter encounter.
- 3) Operators permitted to use the Dart Passage will be required to have consulted with the Department of Conservation, Tangata Whenua, the local communities of Te Anau and Glenorchy, Hollyford Museum Trust and Milford Dart in regard to the interpretation they provide.
- 4) The interpretation operators provide must be substantive, factual, current, relevant and informed by accepted sources and/or documentation. Interpretation customised to the native language of the visitor, using video and interactive media will be encouraged.
- 5) Operators may choose to have their representative bodies (ITOC, TIANZ and/or Bus and Coach Association) undertake the necessary consultation on their behalf. The interpretation presentation provided to visitors must be fresh and current and towards this end a minimum 2 years review period will be required.

2.4 Security

- 1) Facilities will be kept secure at all times. Only authorised individuals will be permitted entry to the facilities.
- 2) The Facilities Staff will control the security gates at each end of the Dart Passage. The gates will be closed at all times except when coaches arrive from either side. The gates will open automatically to allow coaches through but will not be able to be operated by unauthorised people.

- 3) Each portal will be monitored by 24 hour video surveillance cameras linked to security alarms. During operational hours, the Facilities Staff will monitor the activity at each portal to ensure no unauthorised access is attempted. Out-of-hours cover will be provided by movement sensors linked to telemetry to warn of unauthorised access by vehicles, pedestrians, or animals.
- 4) The ventilation gate will automatically shut when the emergency ventilation fans start.

2.5 Maintenance Operations

- 1) All operational and emergency systems and plant will be maintained in good working order by qualified staff at all times.
- 2) Inspections of the tunnel carriageway by Facilities Staff will occur before the first transit of the day, and after the last transit of the day. The Facilities Staff are expected to be resident in Glenorchy, and would use the tunnel to get to and from the facilities room at Hollyford Portal.
- 3) Maintenance of the Dart Passage will normally occur before 7.00 am and after 10.00 pm in the summer (September – April) and 7.00pm in the Winter (May – August).
- 4) A planned program/schedule for the maintenance of plant and equipment will be established and maintained.
- 5) Maintenance of the operational equipment at the portals will be scheduled to be outside of normal tunnel operating hours where practical, or if not practical, it will be timed to cause the minimum of disruption or visual impact to the visitors.
- 6) The facilities staff will be responsible for inspecting the Dart Passage and Access Roads and reporting/actioning any non-compliance with their Inspection Manual. They will inspect the Dart Passage and access roads each day before the commencement of operations, and after completion of operations.
- 7) An annual condition inspection of the tunnel and associated facilities will be carried out by suitably qualified experts and a written report provided to the satisfaction of the Southland and Otago Conservators.

2.6 Vegetation and Habitat

- 1) The portal surrounds will be reinstated with indigenous vegetation upon completion of construction of the tunnel and portals, in agreement with DOC.
- 2) Landscaping and vegetation will be maintained as part of the maintenance of the facility to ensure that replanting is successful and the environment of the portals returns to its natural state as soon as possible.
- 3) The programme of rehabilitation (as per CEMP) for the Hollyford Airstrip area and other areas affected by construction (and not required by operations) will be maintained.

2.7 Biosecurity

- 1) Any materials required for maintenance and imported into the National Parks will be checked to minimise the potential for weed and exotic plant species to enter the National Parks. This check will be undertaken by an independent inspector, and an inspection certificate issued. For bulk materials that are imported and used, containment or sterilisation will be used to ensure that weed seeds cannot enter the material or are killed prior to entry to the National Parks.
- 2) Inspections will be undertaken in and around the areas of operation on a routine basis to assess weed growth and weeding/spraying carried out to kill weeds. This approach will ensure that any weeds which have inadvertently entered the area, and germinated, will be rapidly killed, minimising the potential for weeds to become established in the area.

- 3) As per the CEMP, in consultation with DoC, the existing predator control and monitoring programme in the Routeburn Valley area will be extended to cover all of the beech forest areas below 600m in the vicinity of the Routeburn Road. Funding for this programme would continue for the life of the project.

2.8 Earthworks

- 1) Maintain rehabilitation programme commenced at the end of the construction phase (refer CEMP).
- 2) Maintain all sediment control works, including perimeter drains and any silt traps and settlement ponds, until soils are adequately protected from erosion.

2.9 Water Quality and Quantity

- 1) All waste water from toilets, showers, and hand basins will be collected in storage tanks. These tanks will be sized based on maximum predicted workforce numbers. Effluent will be removed periodically from the sites by tanker and disposed off at an appropriate facility outside the National Parks.
- 2) Tunnel water will be discharged to Hollyford River / Whakatipu Ka Tuka after passing through a settling tank and treatment system to remove sediments and any traces of oil.
- 3) The chemical composition of the tunnel water will be periodically tested to ensure no acid leachate is discharged.
- 4) The flow rate of water discharge from the tunnel shall be measured and recorded.

2.10 Air Quality

- 1) Vehicle emissions will be kept to a minimum at the portals and on the approach roads by avoidance of unnecessary engine running and idling time when using diesel power source.
- 2) Emissions from the diesel-powered standby power generation plant will be minimised by avoidance of unnecessary running time, except for times of power outages and agreed load-test run times.
- 3) Access roads will be sealed and vehicle speeds on any unsealed roads will be restricted to minimise dust generation.

2.11 Noise

- 1) Noise from vehicles will be kept to a minimum at the portals and on the approach roads by avoidance of unnecessary engine running and idling time when using diesel power source.
- 2) Noise from the diesel-powered standby power generation plant will be minimised by avoidance of unnecessary running time, except for times of power outages and agreed load-test run times.
- 3) Noise from ventilation plant, and electrical transmission plant will be minimised through suitable design of the equipment, strategic location of the equipment at the facility, and the use of noise attenuation facilities. The operational design noise level shall be determined in consultation with the Department.
- 4) Access roads will be sealed and vehicle speeds restricted through areas of particular concern to minimise noise generation.

2.12 Hazardous Substances

- 1) All coaches and rescue vehicles will be refuelled outside the National Parks.

- 2) All measures necessary will be taken to prevent the spillage of hazardous substances during any transport, transfer and storage in the National Parks. Any spillage that does occur will be remediated immediately.
- 3) Maintenance facilities at the portals will be appropriately constructed so that the potential for contamination is minimised as appropriate to the scale of the facility. Drainage of carriageways and maintenance areas will be to ground via suitable secure oil/water separation units.
- 4) Any bulk fuel/oil/chemical storage areas will have secondary containment systems that will be:
 - Impervious and non-reactive.
 - Able to contain the volume of the full vessel plus a freeboard of 0.5m to allow for the possible collection of rainwater at the same time as a spill
 - Covered to prevent collection of rainwater.
- 5) All fuel/oil/chemical dispensing units will have drip trays and drip containers in place at all times.
- 6) Any storage of dangerous or hazardous materials will comply with the relevant regulations or transitional regulations under the *Hazardous Substances and New Organisms Act, 1996*.
- 7) The maintenance depot at the Hollyford Portal will be secure after hours.
- 8) No oils or other substances other than stormwater are to be discharged to ground.
- 9) A general spill containment kit will be readily available at all times at both portals. The kit is to contain sawdust, gloves, an absorbent boom and a container for the disposal of contaminated equipment and material.
- 10) No dispersants will be used to control spills of hydrocarbons.
- 11) Any accidental spills shall be remediated immediately.

2.13 Roads and Traffic

- 1) Coaches will not enter the Mount Aspiring National Park earlier than 7.00 am and shall leave the Park by 10.00 pm in the summer (September – April) and 7.00 pm in the Winter (May – August).
- 2) The Drivers of Milford Dart Coaches and any other operator using the Dart Passage will hold;
 - All relevant qualifications under the transport legislation;
 - An annual certificate confirming their knowledge of the Operations Plan; and
 - A current first aid certificate.
- 3) Each coach will have an Environmental Management Plan, a Health and Safety Plan and an Emergency Plan and any necessary equipment. The driver will be fully trained in the implementation of these plans. A copy of the plan and each driver's (and any guides) annual certificate will be provided to the Department as part of its compliance.
- 4) Coaches will not exceed 100 km/h in the Dart Passage.
- 5) Coaches will comply with stipulated road speeds during transit through the National Parks.
- 6) Emergency training will include any emergencies that may arise when driving on any of the roads that may be included in the services described below. Particular focus will be on winter driving including use of chains, avalanche awareness and procedures and access to the Homer Tunnel.
- 7) Facilities Staff will maintain close liaison with Transit New Zealand and District Council staff as to road conditions and will ensure information is promptly relayed to drivers.

2.14 Buildings, Structures and Signage

- 1) All permanent buildings (e.g. portal structures) will be landscaped as soon as practicable following the completion of construction.
- 2) No advertising will be erected within the National Parks.
- 3) Roading warning signs will comply with Transit and resource consent authority requirements.
- 4) Signs will be located where they are easily noticed but with minimum visual impact.

2.15 Refuse and Waste

- 1) All rubbish (including that of passengers) will be collected and disposed of outside the National Parks.
- 2) Waste bins will be provided for the collection of domestic waste from the operations facilities, and maintenance waste such as oily rags etc. The contents of the waste bins will be regularly and appropriately disposed of outside of the National Park
- 3) All practicable steps will be taken to minimise production of and the unsightly collection and storage of refuse or waste on Site.

2.16 Monitoring and Reporting

- 1) An annual report will be submitted to the regulatory authorities to demonstrate compliance on environmental aspects and any non-compliances (and related corrective actions) which have occurred.
- 2) Hold regular meetings on site with regulatory authority representatives to review environmental performance against the OEMP.

2.17 Tunnel Operation – charging and differential charging

- 1) MDL shall consult annually with the Department, and with tour operators using the Dart Passage, in regard to applying charging differentials in terms of percentages of Milford Dart's and Dart Passage Operators average charges to achieve the objective of encouraging visitor flow patterns that avoid congestion and the feeling of overcrowding.
- 2) Information used to inform the setting of differential charging percentages will include visitor satisfaction surveys carried out by the Department and Operators and daily and seasonal visitor flow distributions.
- 3) These consultations shall not include reference to or seek to set actual Milford Dart or operator charges or in anyway influence operator competition such that any other New Zealand law or regulation in relation to competition or commercial operation is breached.
- 4) Milford Dart and Dart Passage operators may choose to use their national body including TIANZ and/or the NZ Bus and Coach Association to conduct consultation in this regard on their behalf.

2.18 Concession Rental

- 1) The Maximum Concession Rental Value shall be [X] % of Milford Dart's Annual Revenue.
- 2) The actual Concession Rental received by the Department of Conservation each year shall be the lesser of:
 - the Maximum Concession Rental Value or

→ actual Milford Dart Net Earnings after operational expenses and interest charges, but before taxation, depreciation, amortization and any dividend to shareholders.

- 3) A provisional concession rental will be paid 6 months after the start of Milford Dart's financial year, based on the previous year's financial performance.
- 4) There will be no provisional concession rental due in the first year of operation.
- 5) The calculation of the actual concession rental due will be made following completion of the Milford Dart's annual accounts each year.
- 6) Any difference between the Actual and Provisional concession rental values relating to a particular financial year will be made as an adjustment to the following year's provisional concession rental payment.
- 7) When the actual Concession Rental is less than the Maximum Values provided for, Milford Darts annual accounts shall be audited.
- 8) The auditor used will be nominated by the Department of Conservation who shall provide their audit report directly to both the Department and Milford Dart simultaneously.

2.19 Performance Bonds

Note: - The details of Milford Dart's suggested Construction and Operation performance bond terms will be outlined prior to any concession rental discussions should the Departments first determination on the concession be favourable.