

NORTHPORT LIMITED

To undertake the following activities at or near Ralph Trimmer Drive, Marsden Point and/or within the Whangārei Harbour:

Note: All location coordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection (unless expressly stated otherwise).

AUT[XXXXXXX]	[Activity description]	Commented [CG1]: To summarise all relevant consents/activities (and include maintenance).
AUT[XXXXXXX]	[Activity description]	
[...]	[...]	

SUBJECT TO THE FOLLOWING CONDITIONS:

DEFINITIONS

“Allowable Duration”	is the maximum number of hours in a rolling 30 day period during which the Intensity prescribed at a telemetered turbidity monitoring location in relation to turbidity trigger Tiers 1 and 2 or Tier 3 Compliance Level may be exceeded without a management action being required. The maximum number of hours for each Tier is as follows: (i) Tier 1: 144 (ii) Tier 2: 36 (iii) Tier 3 Compliance Level: 7.2;
“AQMP”	means the Air Quality Management Plan;
“Capital DMP”	means the Capital Dredging Management Plan;
“CEMP”	means the Construction and Environmental Management Plan;
“Certification”	has the meaning set out in condition 24;
“Channel Infrastructure”	means Channel Infrastructure NZ Ltd;
“CMA”	means the coastal marine area as defined in s2 of the RMA;
“Council”	means Northland Regional Council or its successor;
“CRMS”	means Craft Risk Management Standard;
“Dredge Spoil”	means seabed material that has been removed by a dredge;

“Declared Depth”	means the depth below Chart Datum that is required for navigational safety, therefore set as the minimum requirement for the dredge operator to achieve. This excludes the over dredge tolerance in both the vertical and horizontal planes;
“EMMP”	means the Environmental Monitoring and Management Plan;
“Exceedance”	means the exceedance of an Allowable Duration;
“Expansion Project”	means the Northport expansion to the east of the existing port authorised by these consents (and associated district consents), including reclamation and wharf construction and all associated activities and works;
“Intensity”	<p>means the turbidity level (in NTU) established for each Tier at each telemetered turbidity monitoring location using the methodology contained in Appendix 3 and the following percentiles:</p> <p>(i) Tier 1: 80%</p> <p>(ii) Tier 2: 95%</p> <p>Tier 3 Compliance Level: 99%;</p>
“Maintenance DMP”	(iii) means the Maintenance Dredging Management Plan;
“MMMP”	means the Marine Mammal Management Plan;
“MMOZ”	means Marine Mammal Observation Zone;
“NTU”	means nephelometric turbidity unit;
“Pocket Park”	<p>means the public park (recreational open space) area near the south-eastern corner of the Expansion Project site, as shown in Boffa Miskell “Proposed Concept Plan”, BM220519-201 (Revision B, 25.7.22) at Appendix 1.</p>
“Practical Completion”	in relation to the reclamation, means the date that the completed reclamation (or any part thereof) is available for port activities;
“Predicted Dredging Turbidity”	means the TSS from the dredging that is predicted from the hydrodynamic modelling detailed in Appendix 9 of the Assessment of Environmental Effects supporting the application lodged in October 2022;
“RMA”	means the Resource Management Act 1991;
“Sandbank Renourishment Area”	means the additional avifauna roosting habitat (for the benefit of Tōrea pango <i>Variable oystercatcher</i> and Tūturiwhatu <i>New Zealand dotterel</i>) that is authorised by these consents to be established through the deposition of sand within the CMA to the west of the Expansion Project (as generally shown in Tonkin+Taylor “Bird Roost Concept”, DWG No. 1017349-02

Commented [CG2]: To confirm all plan references throughout the conditions.

(Revision 1, August 2022);

“Tier 3 Compliance Level”	Means the turbidity compliance level for each of the telemetered turbidity monitoring locations established in accordance with condition Error! Reference source not found. and Appendix 3;
“TSS”	means Total Suspended Solids;
“Water Taxi Pontoon”	means the pontoon adjacent to the eastern end of the proposed reclamation which is proposed to be used for water taxi services, as shown in “Northport relocated tug facility – eastern end concept plan”, D60-X (Issue R0, September 2022) at Appendix 1.
“Working Day”	Means any day of the year other than: (a) A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Matariki, and Labour Day; and (b) If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and (c) A day in the period commencing on 20 December in any year and ending with 10 January in the following year.

Commented [CS3]: Note that some internal cross-references will be inserted/updated when the additional conditions (for instance, relating to turbidity management) are inserted.

GENERAL CONDITIONS

1. The consent holder must undertake all activities authorised by these consents in general accordance with the descriptions and plans submitted with the application or as modified through the hearing/decision process. In the event of any inconsistency between this information and these conditions, the conditions must prevail.
2. The location of the activities authorised by these consents must be in general accordance with the plans at **Appendix 1.**
3. The consent holder must provide to the Council’s Compliance Manager full copies of all final design drawings at least twenty (20) working days prior to work commencing.
4. At least ten (10) working days in advance, the consent holder must notify the Council of the intended date of the commencement of works authorised by these consents, including any staging of them.
5. As part of the written notification required by condition 4, the consent holder must provide written certification from a suitably qualified and experienced person to the Council’s Compliance Manager to confirm that all plant and equipment entering the CMA associated with the exercise of these consents is free from unwanted or pest marine species.
6. At least ten (10) working days in advance of the date of the commencement of works authorised by these consents, the consent holder must contact the Council to arrange for a site meeting between the consent holder’s contractor(s) and a Council compliance officer prior to commencement of construction works. If

this site meeting cannot occur before the commencement of works due Council compliance officer(s) not being available, then works can commence on the date specified in the notice provided in accordance with condition 4.

- 7. The consent holder must keep the CMA free of litter and other debris arising from the exercise of these consents.
- 8. The consent holder must maintain all structures and the reclamation authorised by these consents in good order and repair. Maintenance works authorised by these consents must be routine maintenance and repair, including to the exterior walls of the reclamation consistent with the scale and form of the initial approved reclamation.
- 9. A copy of these consents and the most up-to-date certified versions of all management plans required by these consent conditions must be kept on site at all times and made available to all persons undertaking activities authorised by these consents.
- 10. The consent holder must notify the Council within five (5) working days of Practical Completion of the reclamation.
- 11. The consent holder must notify the Council within ten (10) working days following the date of the completion of all construction works (excluding maintenance dredging) authorised by these consents.
- 12. All monitoring/sampling required under these consents must be undertaken by a suitably qualified and experienced person(s) who has completed appropriate training.

Review under s128 of the RMA

- 13. The Council may serve notice on the consent holder of its intention to review the conditions of these consents pursuant to Section 128 of the RMA for the purposes specified therein annually during the month of March, or, at any time, to address significant unanticipated adverse effects.

Accidental discovery protocol

- 14. If subsurface archaeological evidence is unearthed during construction (e.g. intact shell midden, hangi, or storage pits relating to Māori occupation; or cobbled floors, brick or stone foundations, or rubbish pits relating to 19th century European occupation), work in the immediate vicinity must cease. Heritage NZ Pouhere Taonga and the Council must be notified as soon as reasonably practicable.
- 15. Work must not recommence in the immediate vicinity of the discovery until either: it has been determined that no Heritage New Zealand Pouhere Taonga approval(s) are required; or that any necessary Heritage New Zealand Pouhere Taonga approval(s) have been obtained.
- 16. In the event of koiwi tangata (human remains) being uncovered, work in the immediate vicinity of the remains must cease. Heritage NZ Pouhere Taonga, NZ Police, iwi, hapu and Māori and the Council must be contacted so that appropriate arrangements can be made.

Commented [CS4]: As earlier, Northport welcomes a discussion as to whether to specify more directly the entities involved, including whether to substitute for any type of Kaitaiki Group that might be established pursuant to these consents.

Advice Note: *The Heritage New Zealand Pouhere Taonga Act 2014 makes it 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.*

Unauthorised discharges / hazardous spills

17. During construction the consent holder must take all practicable measures to prevent unauthorised discharges of hazardous substances into the CMA. Such measures must include:
- (a) Measures to prevent oil and fuel leaks from vehicles and machinery;
 - (b) Refuelling of land-based machinery and vehicles not occurring within 20 metres of the CMA where practicable, and must be supervised throughout the whole activity;
 - (c) All refuelling equipment having a shut-off valves;
 - (d) The stationary land-based storage of fuel and other hazardous substances not occurring within 20m of the CMA;
 - (e) All vehicles and/or works areas having a spill kit capable of absorbing the quantity of fuel and other hazardous substances that may leak or be spilt; and
 - (f) Spill containment equipment being immediately available and kept on-site at all times.

Advice Note: nothing in condition 17 is intended to affect existing obligations under other legislation, including the Maritime Transport Act and associated statutory instruments such as marine protection rules.

18. The consent holder must, on becoming aware of any discharge and/or spill associated with the consent holder's operations that is not authorised by these consents:
- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain the discharge/spill;
 - (b) Immediately notify the Council by telephone of the discharge/spill;
 - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the discharge/spill; and
 - (d) Report to the Council in writing within one (1) week on the cause of the discharge and the steps taken or being taken to effectively manage the discharge and prevent any recurrence.

During Council's opening hours, telephone contact with the Council must be via the Council's landline. If the relevant person cannot be spoken to directly, or it is outside of the Council's opening hours, then the Environmental Emergency Hotline must be contacted.

Advice Note: *The Environmental Emergency Hotline is a 24 hour, seven day a week, service that is free to call on 0800 504 639.*

19. In addition to the requirements in condition 18, for any spill of a hazardous substance into the CMA that is greater than 20 litres, the consent holder must provide the Council with the following information within 24 hours:
- (a) The date, time, location and estimated volume of the spill;
 - (b) The cause of the spill;
 - (c) The type of contaminant(s) spilled;

- (d) Observations of any spilt material within the marine environment;
- (e) Clean up procedures undertaken;
- (f) Details of the steps taken to control and remediate the effects of the spill on the receiving environment;
- (g) An initial assessment of the potential ecological effects of the spill; and
- (h) Measures to be undertaken to prevent a recurrence.

Website

- 20. The consent holder must maintain a website that is accessible to, and readily usable by, the public at least three (3) months prior to the first commencement of construction.
- 21. The website must include the following information:
 - (a) Copies of these resource consents;
 - (b) A summary of real-time data collected from the telemetered turbidity monitoring stations required under these conditions;
 - (c) Quarterly monitoring reports prepared under condition **Error! Reference source not found.**;
 - (d) A record of all Tier 3 Compliance Level Exceedances that are correlated with identification of any extraordinary natural events;
 - (e) Any Tier 3 Compliance Level Exceedance report prepared under condition **Error! Reference source not found.**;
 - (f) All certified management plans required by these conditions and any certified variations; and
 - (g) All written reports under conditions [XX].

Commented [CS5]: NOTE: Council may prefer to establish appropriate timeframe within which the various items are to be uploaded.

Commented [CS6]: Cross-reference TBC

Complaints

- 22. The consent holder must maintain a Complaints Register for the purpose of recording and dealing with any complaints that are received by the consent holder in relation to the exercise of these resource consents. The Complaints Register must record, where this information is available:
 - (a) Name of complainant, if offered;
 - (b) The date and time of the complaint;
 - (c) The issue raised;
 - (d) The location of the issue raised;
 - (e) Weather conditions at the time of complaint, including a description of wind speed and wind direction when the complaint occurred (if relevant);
 - (f) Any possible cause of the issue raised; and
 - (g) Any corrective action taken to address the cause of the complaint, including the timing of that corrective action.
- 23. The record of complaints must be provided to the Council on request.

Certification

24. Where any condition requires the consent holder to submit a report or management plan to the Council for “**certification**” it must mean the process set out in the following paragraphs (a) to (d) and the terms “certify” and “certified” must have the equivalent meanings:
- (a) The consent holder supplies a report or a management plan to the Council, and the Council assesses the documentation submitted (acting in a technical certification capacity) to ensure that it achieves the requirements of the relevant condition(s) of consent (for management plans, this will include that the plan proposed for certification meets the objective(s) and content requirements set out in the condition(s));
 - (b) Should the documentation supplied in accordance with (a) above, in the opinion of the Council, achieve the requirements of the relevant condition(s), the Council must issue a written confirmation to the consent holder that the requirements of the relevant condition(s) have been satisfied;
 - (c) If the Council is not satisfied that the documentation supplied in accordance with (a) above achieves the requirements of the relevant condition(s), the Council must advise (in writing) the consent holder of the Council’s concerns and ask that the report or management plan be modified so as to address the concerns, and then be resubmitted;
 - (d) This process must be repeated until the Council is able to provide written confirmation that the requirements of the applicable condition(s) have been satisfied.
25. Where no written confirmation, pursuant to either conditions 24(b) or 24(c), is provided within twenty (20) working days of a report or management plan being provided to the Council, the report or management plan must be deemed to be certified for the purpose of the respective condition to which the document pertains.

Lapse

26. These consents shall not lapse until their expiry.

DESIGN AND CONSTRUCTION OF RECLAMATION, MARINE STRUCTURES, AND SANDBANK RENOURISHMENT AREA

Reclamation design and construction

27. The reclamation must be constructed within the area marked [XXXX] on plan [insert plan reference].
28. The reclamation must be designed by a suitably experienced Chartered Professional Engineer.
29. A Chartered Professional Engineer with relevant experience in reclamation construction must oversee the construction of the reclamation to ensure it complies with the design.
30. Any material deposited into the reclamation areas for bulk filling must only consist of the following:
- (a) Dredge Spoil; and/or
 - (b) Imported material, including sand, soil, rock, gravel, and crushed concrete; and/or
 - (c) Construction materials, including stabilising agents such as cement or lime.

Pocket Park

- 31. Within six months of Practical Completion of the reclamation, the consent holder must construct the public Pocket Park near the south-eastern corner of the Expansion Project site in general accordance with the concept design shown in Boffa Miskell “Proposed Concept Plan” BM220519-201 (Revision B, 25.7.22) at **Appendix 1**.
- 32. The design and construction of the Pocket Park shall include appropriate landscaping treatment, having regard to its location and context.
- 33. [Placeholder for community input on the design of the Pocket Park, including by iwi, hapu and Māori]

Marine structures design and construction

- 34. The wharf, tug berthing facility, and Water Taxi Pontoon must be designed by a suitably experienced Chartered Professional Engineer and the design approved by a suitably qualified and experienced expert to confirm that there are no navigation or safety issues associated with the design including, but not limited to, the operation of the adjacent Channel Infrastructure jetties.
- 35. A Chartered Professional Engineer with relevant experience must oversee the construction of the wharf, tug berthing facility, and Water Taxi Pontoon structures to ensure they comply with the design.
- 36. The tug berthing facility must be located at the general location shown in “Northport relocated tug facility – eastern end concept plan”, D60-X (Issue R0, September 2022) at **Appendix 1**.
- 37. The Water Taxi Pontoon must be located at the general location shown in plan [insert plan reference].

Advice note: Public access to the Water Taxi Pontoon will be via the public Pocket Park.

Sandbank Renourishment Area

- 38. Before the commencement of construction works on the proposed reclamation, the consent holder must implement the Sandbank Renourishment Area in general accordance with Tonkin+Taylor “Bird Roost Concept”, DWG No. 1017349-02 (Revision 1, August 2022) and the Avifauna section of the CEMP.

Advice note: The purpose of the Sandbank Renourishment Area is to provide additional roosting habitat for key avifauna species, namely Tōrea pango (Variable oystercatcher) and Tūturiwhatu (New Zealand dotterel)

Contribution to Indigenous Duneland Vegetation

- 39. Before the commencement of construction works on the proposed reclamation, the consent holder must make a donation of \$[xxxx] to the Bream Bay Coastal Care Trust, with the request that the funds be utilised to works to protect indigenous duneland vegetation communities in the Ruakaka area.

Advice note: While not required to manage any effects associated with the implementation of these consents, the consent holder agrees to this condition for the purposes of s 108AA(1)(a) of the RMA. It is hoped that the funds will be utilised for planting, pest control or other practical works to restore and enhance indigenous duneland vegetation in the district.

Commented [CS7]: Note: in the s92 response, it was stated: "Landscaping will be undertaken along the access to the proposed pocket park... It is anticipated that any landscaping proposed will be a requirement of the conditions applicable to the pocket park development and its associated public access."

This suggested wording reflects this commitment.

Commented [CS8]: Note: Northport wishes here to provide an appropriate mechanism for review and input of the design. We are hopeful to understand through continuing cultural engagement how such a condition might best operate.

Public access

40. The consent holder must maintain existing public access to and along the foreshore and public reserve areas to the greatest extent practicable, except where these consents authorise exclusive occupation and/or where necessary for operational requirements or to ensure public safety.

CONSTRUCTION MANAGEMENT

AUT[XXXXXX]	[Activity description]
AUT[XXXXXX]	[Activity description]
[...]	[...]

Commented [CS9]: NOTE: We suggest that, to assist understanding/compliance/enforcement, each section of the consents clearly states which consents and activities that section relates to.

Construction noise

41. Construction noise from activities within the CMA, including from capital and maintenance dredging, must not exceed the noise limits in the following table:

RESIDENTIAL ZONES AND DWELLINGS IN RURAL AREAS:

Upper limits for construction noise received in residential zones and dwellings in rural areas

Time of week	Time period	Noise limits (dB)	
		L _{Aeq}	L _{Afmax}
Weekdays	0630-0730	55	75
	0730-1800	70	85
	1800-2000	65	80
	2000-0630	45	75
Saturdays	0630-0730	45	75
	0730-1800	70	85
	1800-2000	45	75
	2000-0630	45	75
Sundays and public holidays	0630-0730	45	75
	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

INDUSTRIAL OR COMMERCIAL AREAS:

Upper limits for construction noise received in industrial or commercial areas on all days

Time period	Noise limits (dB L _{Aeq})
0730-1800	70
1800-0730	75

Advice Note: The limits in the above table are reproduced from New Zealand Standard NZS 6803: 1999 “Acoustics -Construction Noise”

42. Construction noise must be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise”.

Construction dust

43. The consent holder must manage dust associated with construction works to avoid having an offensive or objectionable effect beyond the boundary of the land or structures owned or occupied by the consent holder.

Advice note: *There is potential for discharges to air in the form of dust from at least the following activities:*

- a) The stockpiling, crushing or handling of material;*
 - b) The loading and unloading of material and the movement of vehicles associated with the handling of material;*
 - c) Transport of material;*
 - d) Vehicle movements;*
 - e) The deposition of material associated with the construction of the reclamation; and*
 - f) Fugitive dust from unconsolidated surfaces.*
44. If dust from site activities results in any form of nuisance effect beyond the boundary of land or structures owned or occupied by the consent holder, the consent holder must immediately review the dust mitigation measures and amend or implement additional dust control methods necessary to prevent a reoccurrence.

Avifauna

Kororā Little Penguin

45. Within 24 hours prior to any works resulting in the disturbance of existing revetment rock,, the consent holder must undertake surveys by a suitably qualified and experienced coastal ornithologist and a certified penguin detector dog to determine the presence or absence of kororā *Little Penguin* within the existing eastern boundary riprap revetment.
46. If an active burrow or moulting penguin is discovered under condition 45, until such time that nesting or moulting is complete, the following applies:
- (a) No rock removal or piling activities shall be undertaken within 10 m of the active burrow or moulting penguin; and
 - (b) No other construction activity may occur in proximity to an active burrow or moulting penguin unless that activity can achieve a maximum sound level of 75 dB LAeq(15min) as measured outside of the entrance of a burrow containing an active burrow or moulting penguin.
47. If kororā *Little Penguin* are present within 10 m of a proposed reclamation works area, any rock removal works must be undertaken in the presence of a suitably qualified and experienced coastal ornithologist.

48. The consent holder must ensure that no kororā *Little Penguin* are trapped by reclamation construction works.

Advice note: *Catching, holding, and/or releasing kororā Little Penguin will require authorisation from the Department of Conservation under the Wildlife Act 1953.*

Advice note: *“Active burrow” is defined as a kororā burrow containing, or suspected to contain, a nesting bird, viable nest contents (i.e. eggs and / or chicks) or moulting bird based on the time of the year and other evidence observed at the burrow location by a suitably qualified and experienced coastal ornithologist.*

Tōrea pango Variable oystercatcher

49. If reclamation construction works are to occur during September to March inclusive (being Tōrea pango *Variable oystercatcher* breeding season), surveys must be undertaken by a suitably qualified and experienced coastal ornithologist to determine potential Tōrea pango *Variable oystercatcher* nesting habitat within the proposed works footprint(s).
50. If reclamation construction works are to occur during the Tōrea pango *Variable oystercatcher* breeding season and within 20m of an area identified as potential Tōrea pango *Variable oystercatcher* nesting habitat, a suitably qualified and experienced coastal ornithologist must survey for the presence of active nests.
51. If an active nest is detected, a 20m exclusion zone must be implemented for all reclamation construction machinery and personnel.

Advice note: *Refer also the requirements in these conditions for constructing and maintaining the Sandbank Renourishment Area to provide additional avifauna roosting habitat.*

Marine mammals

Marine Mammal Observation Zone (MMOZ)

52. Before commencing any pile driving activity, the consent holder must establish a MMOZ within which personnel having appropriate training and experience must act as observers to search the MMOZ for marine mammals as far as reasonably practicable, including pre-start and during works observations.
53. The default MMOZ extent shall be any CMA within 800m of the pile driving.
54. The default MMOZ extent shall be confirmed (or adjusted) following the verification of in-situ pile driving sound levels in accordance with the procedures set out in the MMMP.

Pile driving prohibition requirements

55. If:
- (a) a terehu *bottlenose dolphin*, popokanua *common dolphin*, kākahi *orca*, or oioi *fur seal* is sighted in waters within 200m of an active pile driving location; or

- (b) a baleen whale or popoia *leopard seal* is sighted in waters within 800m of an active pile driving location;
pile driving must not commence or must immediately cease; and must only commence or re-commence once all marine mammals have left the relevant location(s) specified in (a) and (b) above.

56. The distances in condition 55(a) and (b) must be confirmed (or adjusted) following the verification of in-situ pile driving sound levels in accordance with the procedures set out in the MMMP.

Pile-driving sound level verification

57. Verification of the in-situ noise levels produced from pile-driving activities must be undertaken during pile-driving activities utilising the underwater acoustic monitoring instruments required by condition **Error! Reference source not found.** .

Pile driving timing and scheduling

- 58. Pile driving must only be undertaken during daylight hours.
- 59. To the extent practicable, pile driving must be scheduled and carried out to minimise the potential impact on marine mammals. This includes scheduling commencement of pile driving at a time which minimises the need for it to occur over successive marine mammal “seasons” (i.e. back-to-back winters).

Advice note: Conditions 55-59 are for the purposes of minimising any risk of hearing impairment to marine mammals from pile-driving activities. Refer also the various controls required by the Marine Mammals section of the CEMP as set out in conditions 75 and 76 below.

Discharge of reclamation decant water

- 60. Reclamation construction decant water must be discharged to coastal water via pipeline with an outlet(s) that is:
 - (a) adjacent to the active reclamation edge; and
 - (b) at least 1 (one) metre below Mean High Water Springs.
- 61. Monitoring of the reclamation construction decant discharge must occur as follows:
 - (a) On a daily basis during decant discharge, the consent holder must measure the outlet discharge turbidity in NTU and compare this value with the turbidity trigger value of [xxxxx] NTU.
 - (b) If the measured turbidity exceeds the trigger value in (a), the consent holder must:
 - (i) Implement management practices to reduce the turbidity of the discharge;
 - (ii) Collect a sample of discharge from the outlet pipe at a point prior to discharge into the CMA; and
 - (iii) Analyse the sample for TSS concentration and compare it with the trigger value in (a).
- 62. The consent holder must provide the results of sampling completed under condition 61 upon request.
- 63. If a discharge sample collected in accordance with condition 61 exceeds the TSS concentration limit the following must occur:

- (a) The consent holder must immediately cease the discharge and implement any management practices required to reduce the TSS concentration of the decanted discharge, after which the discharge may recommence;
- (b) Within one (1) hour of resuming the discharge, the consent holder must measure the outlet discharge turbidity in NTU to reassess for compliance with condition 61; and
- (c) If compliance with 61 is not achieved, the consent holder must undertake further management measures to reduce the TSS concentration of the decanted discharge and inform the Council within 48 hours.

Commented [CS10]: Note: these turbidity conditions relate to decant discharge rather than for dredging. They represent Northport's current position, but like all the conditions, remain subject to amendment as Northport's expert advisors crystallise the approach to management of potential turbidity effects.

Discharge of stormwater during construction

- 64. The discharge of stormwater from the reclamation and/or wharf area while under construction must only be:
 - (a) into the decant discharge system;
 - (b) directly into coastal water; or
 - (c) into the existing canal and pond-based stormwater system.
- 65. Any construction stormwater discharge system(s) discharging directly to coastal water must be designed to achieve a NTU concentration of [xxxxx] at the point of discharge for all rainfall events up to and including the 1 in 20-year storm event.

Construction and Environmental Management Plan (CEMP)

- 66. At least one (1) month prior to the commencement of construction authorised by these consents, the consent holder must submit a Construction and Environmental Management Plan (CEMP) to the Council for certification. The objectives of the CEMP are:
 - (a) to detail the environmental monitoring and management procedures to be implemented during the Expansion Project's construction phase to ensure that appropriate environmental management practices are followed and adverse construction effects are minimised to the extent practicable; and
 - (b) to ensure construction effects of the Expansion Project are in accordance with the assessments accompanying the resource consent applications.
- 67. The CEMP must include the following sections:
 - (a) Construction phase roles and responsibilities protocols;
 - (b) Environmental Risk Assessment;
 - (c) Dust;
 - (d) Hazardous Substances;
 - (e) Erosion and Sediment Control;
 - (f) Marine Works;
 - (g) Wildlife, including:
 - (i) Avifauna; and
 - (ii) Marine Mammals;

- (h) Archaeology;
- (i) Noise;
- (j) Marine Biosecurity; and
- (k) Communications Protocols, including Complaints Procedures.

68. The CEMP must be prepared by a suitably qualified and experienced person, with advice from relevant technical experts, and be in general accordance with the draft CEMP provided as part of the resource consent application (*Enviser, Draft Construction and Environmental Management Plan, October 2022*).
69. The CEMP must be certified in writing by the Council's Compliance Manager prior to construction works authorised by these consents first commencing, and the consent holder must undertake all activities authorised by these consents in accordance with the certified CEMP (including any certified variation).
70. Any variation to the CEMP must be subject to certification by Council's Compliance Manager.
71. Specific requirements for certain sections of the CEMP are set out in the conditions below.

Dust

72. The dust section must set out dust management practices during construction to minimise the risk of dust discharges having an offensive or objectionable effect beyond the boundary of land or structures owned or occupied by the consent holder, and must include:
- (a) A description of the potential Expansion Project construction dust sources;
 - (b) The methods to be used for controlling dust at each source including:
 - (i) Stabilisation of unconsolidated surfaces using water, wetting agents, chemical dust suppressants, and/or other surface modification methods;
 - (ii) Assessing meteorological conditions in advance to determine whether dust minimisation measures need to be activated or adjusted;
 - (iii) Minimising vehicle speeds; and
 - (iv) Handling and stockpiling practices, including guidelines for removal and stockpiling during windy conditions.
 - (c) A description of inspection and monitoring procedures;
 - (d) A system of training for employees and contractors to make them aware of the requirements of the dust management section of the CMP;
 - (e) A method for recording and responding to dust complaints from the public; and
 - (f) Procedures for managing dust when staff are not on site.

Erosion and Sediment Control

73. The erosion and sediment control section of the CEMP must include measures for managing the decant discharge during reclamation, including the following information:
- (a) A plan of the location of the discharge;

- (b) A description of the best practice methods that will be used to manage the quantity and quality of the discharge;
- (c) Methods to avoid and contain spillages during pumping; and
- (d) Methods to monitor and manage the decant discharge in accordance with conditions 61-63.

Avifauna

74. The Avifauna section of the CEMP must include:
- (a) Detailed descriptions and methodologies setting out how adverse effects on Kororā *Little Penguin* and Tōrea pango *Variable oystercatcher* will be managed, including:
 - (i) For Kororā *Little Penguin*, to ensure compliance with conditions 45 to 48 (relating to pre-construction surveys, implementation of construction works exclusion zones, and measures to reduce underwater noise from pile driving); and
 - (ii) For Tōrea pango *Variable oystercatcher*, to ensure compliance with conditions 49 to 51 (requiring protocols for pre- and during-constructions surveys, and implementation of exclusions zones around active nests and nesting birds).
 - (b) Measures to minimise the effects of artificial construction lighting on avifauna, including a description of the outdoor lighting to be used during construction to reduce the potential for bird strike, for example the targeting of luminaires and the use of shields or baffles.

Marine Mammals

75. The Marine Mammals section of the CEMP must include (as an attachment) a Marine Mammal Management Plan (MMMP) which must detail:
- (a) The marine mammals that may be present within Whangārei Harbour;
 - (b) The potential for adverse effects of construction on marine mammals;
 - (c) Procedures for the verification of the in-situ noise levels produced from pile-driving activities by measuring the underwater noise of these activities as soon as practicable once pile-driving has commenced, and a process for identifying and implementing any corresponding adjustments to mitigation actions, if required (including revised Marine Mammal Observation Zones (MMOZs) and associated pile driving prohibition procedures);
 - (d) Procedures for the continuation of acoustic monitoring at the established baseline stations across the Whangārei Harbour during pile-driving activities;
 - (e) Piling methodology procedures for the reduction of noise levels at source, which may include:
 - (i) The use of vibro-driving where practicable;
 - (ii) “Soft start” or “ramping up” procedures where practicable;
Advice note: “Soft start” and “ramping up” are procedures whereby pile-driving energy is gradually increased to normal operating levels to give nearby marine animals an opportunity to move away from the area before sound levels increase to an extent that may cause discomfort or injury.
 - (iii) The use of a sacrificial non-metallic hammer cushion caps or dollies for impact piling to reduce underwater noise where practicable;

- (iv) Modifications to pile striking by changing the contact time of the hammer (to reduce the noise generated by impacts through a reduction in the amplitude of the pile vibration) where practicable;
- (v) Available technologies to reduce noise at source and their implementation where practicable (for example bottom-driven piles, air balloons inflated within open piles to reduce ringing, and/or bubble curtain technology);
- (f) Protocols for the implementation of Marine Mammal Observation Zones (MMOZs) and associated pile driving prohibition procedures, including;
 - (i) Establishment of MMOZs, including relevant procedures, within which personnel having the necessary training and experience will act as observers to search the MMOZ for marine mammals;
 - (ii) Reporting and logging of marine mammal sightings; and
 - (iii) Establishment of pile driving prohibition procedures if a marine mammal is cited within an MMOZ.
- (g) Protocols for marine mammal training of construction staff;
- (h) Protocols for vessel speed management and marine mammal interactions;
- (i) Protocols for reducing risk of entanglement of marine mammals in construction equipment;
- (j) Protocols for the control of construction-related debris and waste, including waste management protocols for the secure onboard storage of items such as lines, nets and waste;
- (k) Protocols for the maintenance and inspection of marine-based construction equipment having the potential for effects on marine mammals (for example the inspection and maintenance of marine silt curtains, if used);
- (l) Procedures for the establishment of contact points with:
 - (i) the Department of Conservation *Te Papa Atawhai* to request up-to-date regional sighting information for the duration of construction works (excluding maintenance dredging), particularly for visiting baleen whales; and
 - (ii) Marsden Cove marina staff to request up-to-date sighting information for Leopard seals *Popoia ngore* in the Marina for the duration of construction works (excluding maintenance dredging). This might include, subject to agreement, installing appropriate signage at the marina with a contact telephone number for the Northport Services Centre.
- (m) Procedures, including timeframes, for reviewing management actions to ensure their continuing efficacy during operations.

76. The MMMP must be in general accordance with the draft MMMP provided as part of the resource consent application (*Enviser, Draft Marine Mammal Management Plan, September 2022*).

Marine Biosecurity

77. The objective of the Marine Biosecurity section of the CEMP is to specify how the risk of a biosecurity incursion via Expansion Project construction vessels is to be minimised and managed. The Marine Biosecurity section must include:

- (a) A description of the construction vessel(s) and its (their) attributes that affect biosecurity incursion risk, including key operational attributes (e.g. voyage speed, periods of time idle), maintenance history (including prior inspection and cleaning undertaken), and voyage history since last dry-docking and antifouling (e.g. countries visited and duration of stay);
- (b) A description of the key sources of potential marine biosecurity risk from ballast water, sediments and biofouling. This must cover the hull, niche areas, and associated equipment, and consider both submerged and above-water surfaces;
- (c) Findings from previous inspections, if available;
- (d) If Northport is the first New Zealand destination since the latest hull cleaning, a description of the risk mitigation that has been or will be taken prior to arrival in New Zealand, including:
 - (iii) Routine preventative treatment measures and their efficacy, including the age and condition of the antifouling coating, and marine growth prevention systems for sea chests and internal sea water systems;
 - (iv) Any specific treatments for submerged and above-water surfaces that will be undertaken to address the Import Health Standards and CRMS requirements prior to departure for New Zealand. These could include, for example, in-water removal of biofouling, or above-water cleaning to remove sediment;
 - (v) Any additional risk mitigation planned during transit to New Zealand, including expected procedures for ballast water management;
 - (vi) Expected desiccation period of above-water surfaces on arrival to New Zealand (i.e. period of air exposure since last dredging operations);

DREDGING

Capital dredging

78. [Conditions 79-Error! Reference source not found. apply to capital dredging only.](#)

General

- 79. The consent holder must notify the Council at least ten (10) working days in advance of the date of the commencement of capital dredging associated with these consents.
- 80. Capital dredging must:
 - (a) be undertaken only within the area marked “Dredge Area” on [\[insert plan ref\]](#); and
 - (b) result in a Declared Depth of no deeper than 14.5m for [\[Area A\]](#) on and 16.0m for [\[Area B\]](#) on [\[insert plan ref\]](#).
- 81. The consent holder must record the locations and periods of all dredging, the method of dredging, and the quantities of in situ material dredged (in cubic metres) and must provide these records to the Council within 20 working days after the dredging work is completed.
- 82. Except for incidental dredging discharges, all seabed material dredged during the capital dredging programme must be:

Commented [CS11]: NOTE: if Council prefers this direction to take the form of an Advice Note, or if we restructure the heading to make expressly clear, we would be amenable to do so. In our view however, including this direction as a condition was the most efficient approach.

- (c) Placed in the reclamation associated with the Expansion Project; or
- (d) Deposited on land at Marsden Point presently owned by the consent holder or Marsden Maritime Holdings Ltd; or
- (e) Deposited in any other authorised location.

83. The consent holder must notify the Council within ten (10) working days following the date of the completion of capital dredging works associated with these consents.

84. On completion of the capital dredging, the consent holder must provide a bathymetric plan defining the location and depth of the dredging area and batters within the CMA to the entities listed below. The plan must include GPS co-ordinate data (using Transverse Mercator 2000 or an equivalent system).

Hydrographic Surveyor Toitū Te Whenua Land Information New Zealand PO Box 5501 Wellington 6145	Maritime New Zealand PO Box 25620 Wellington 6140
Northland Regional Council Private Bag 9021 Whangarei Mail Centre Whangarei 0148	Channel Infrastructure Private Bag 9024 Whangarei 0148

Timing of capital dredging with respect to capital dredging authorised by AUT.037197.01-13

85. Capital dredging under these consents must not commence:
- (a) during capital dredging authorised under consents AUT.037197.01-13; or
 - (b) within a 6 month period following the completion of a capital dredging event authorised under consents AUT.037197.01-13 –
- in each case only where the capital dredging event undertaken pursuant to consents AUT.037197.01-13 is of more than [X]m³ in [location].

Advice note: Channel Infrastructure holds resource consents AUT.037197.01-13 for the deepening and realignment of the Whangārei Harbour shipping channel and associated works. Condition 78 of those resource consents requires the consent holder to notify the Council, and other parties, of each dredging event at least two (2) weeks before commencing dredging. Condition 79 also requires the consent holder to publicly advertise the location and timing of dredging in the Northern Advocate at least one (1) week, but not more than two (2) weeks, in advance of commencing dredging operations on each occasion.

Advice note: Condition 85 is for the purpose of managing potential cumulative marine ecological effects associated with capital dredging under these resource consents and consents AUT.037197.01-13 held by Channel Infrastructure.

Capital Dredging Management Plan (Capital DMP)

86. At least twenty (20) working days prior to capital dredging commencing, the consent holder must submit to the Council a Capital Dredging Management Plan (Capital DMP) for certification.

Commented [CS12]: NOTE: This condition is intended to provide against unacceptable cumulative effects in the (albeit unlikely) event that both the Channel Infrastructure capital dredging and Northport capital dredging occur contemporaneously. In order to ensure the condition does not unnecessarily/inappropriately restrict Northport's exercise of its consents, we intend to provide further detail including a map identifying dredging by Channel Infrastructure in the turning basin and berth pockets and minimum volume of dredging by Channel Infrastructure here.

87. The objective of the Capital DMP is to describe the capital dredging plant, work methodologies, and environmental management systems to be used for the delivery of the capital dredging to ensure that potential adverse effects associated with capital dredging are appropriately managed and are in accordance with the assessments accompanying the resource consent applications.
88. The plan must provide the following information:
- (a) A description of proposed works, together with drawings;
 - (b) A description of the number and types of dredges to be used;
 - (c) A dredging programme including a timetable, sequence of events and expected duration of all proposed works;
 - (d) A description of dredging methodology typically used;
 - (e) A description of how the location and quantities of Dredge Spoil and/or in situ seabed material are to be recorded;
 - (f) A description of the maintenance of equipment and systems;
 - (g) Community liaison arrangements;
 - (h) A description of the storage and handling of hazardous substances;
 - (i) Protocols for managing accidental discharge of sediments or other contaminants into the CMA;
 - (j) A description of the outdoor lighting to be used to reduce the potential for bird strike, for example targeting of luminaries and the use of shields or baffles;
 - (k) A description of measures to manage any conflicts between the dredging program and organised sporting events in Whangārei harbour;
 - (l) A description of a turbulence reducing (green or environmental) valve to be incorporated with the overflow system;
 - (m) A description of all other relevant measures to manage adverse effects on the receiving environment during the operation of the dredge vessel; including measures relating to biofouling, management of waste, and refuelling.
 - (n) Details of the training for personnel involved in the operation of the dredge so that they may recognise any potential archaeological material including koiwi tangata or taonga;
 - (o) Procedures to be implemented to manage dredging noise within the noise limits specified in these consents, including how any noise complaints are to be received and actioned; and
 - (p) Other relevant requirements specified in these conditions of consent (including other management plans); and
 - (q) A Contingency response plan.
89. The Capital DMP must be certified in writing by the Council prior to capital dredging first commencing, and the consent holder must undertake capital dredging in accordance with the certified Capital DMP (including any certified variation).
90. Any variation to the Capital DMP must be subject to certification by Council's Compliance Manager.

91. The consent holder must provide the Capital DMP, and any variations to the Capital DMP, to Channel Infrastructure within ten (10) working days of the document’s certification by the Council.

Environmental Monitoring and Management Plan (EMMP)

92. At least two (2) months prior to the commencement of capital dredging, the consent holder must provide an EMMP to the Council for certification.

93. The objectives of the EMMP are to detail how:

- (a) Capital dredging turbidity monitoring and management actions are implemented to minimise the risk of elevated turbidity that can be attributed to capital dredging causing adverse effects on sensitive receptors;
- (b) Assurance monitoring is implemented to evaluate any actual or potential biological and physical effects and compare them with those predicted effects in the information filed in support of the application.

94. The EMMP must include the following topics:

- (a) The monitoring of turbidity plumes;
- (b) Management actions to be undertaken in response to an exceedance of a turbidity trigger or Tier 3 Compliance Level;
- (c) Assurance monitoring;
- (d) Reporting requirements;
- (e) Roles and responsibilities of groups involved in monitoring and any management actions;
- (f) Identifying any other relevant management plans, including the Capital DMP and Maintenance DMP, and the linkages and cross references to those plans;
- (g) Reporting requirements specified in these conditions of consent and otherwise needed to achieve the objectives of the EMMP;
- (h) The EMMP content requirements specified in other conditions of these consents; and
- (i) Documenting procedures for handling complaints.

95. The EMMP must be in general accordance with the draft EMMP provided as part of the resource consent application [insert ref].

96. The EMMP must be certified in writing by the Council prior to commencement of capital dredging, and the consent holder must undertake capital dredging in accordance with the certified EMMP (including any certified variation).

97. Any variation to the EMMP must be subject to certification by Council.

98. A copy of the EMMP and all amended EMMPs must be provided to [iwi, hapu, and Māori] as soon as practicable, and in any event not more than 5 Working Days following certification.

Commented [CS13]: NOTE: Northport welcomes discussion of whether this should be to a particular entity or entities, including through any type of Kaitiaki Group that might be established through these conditions.

Monitoring of Turbidity

99. [TBC]

Management Actions in Response to Turbidity Plumes

100. [TBC]

Assurance Monitoring

101. [TBC]

Reporting

102. [TBC]

Turbidity Triggers and Compliance

103. [TBC]

Maintenance dredging

104. Conditions 105-118 apply to maintenance dredging only.
105. Maintenance dredging must:
- (a) only be undertaken within the area marked “Dredge Area” on [insert plan ref]; and
 - (b) result in a Declared Depth of no deeper than 14.5m for [Area A] on and 16m for [Area B] on [insert plan ref].
106. The consent holder must notify the Council at least ten (10) working days in advance of the date of the commencement of a maintenance dredging programme associated with these consents.
107. When any maintenance dredging is carried out, the consent holder must record the periods of dredging, the method of dredging and the quantities of material dredged (in cubic metres) and must provide these records to the Council within twenty (20) working days after the maintenance dredging work is completed.
108. Maintenance dredging must not cause any of the following effects on the quality of the receiving waters, as measured at or beyond a 100 metre distance from the marked “Dredge Area” on [plan]:
- (a) The turbidity of the water (NTU) must not be increased by more than 50% of the background turbidity at the time of measurement;
 - (b) The production of any conspicuous oil or grease film, scums or foams, or floatable or suspended materials, or emissions of objectionable odour; and
 - (c) The destruction of natural aquatic life by reason of a concentration of toxic substances.

Commented [CS14]: NOTE: Northport appreciates that it is necessary to manage potential effects associated with turbidity. It proposes to do so via establishing in its EMMP monitoring steps for turbidity, management actions in response (likely based on a tiered response system), ecological assurance monitoring to provide robustness, and reporting obligations.

Independent of the EMMP, Northport appreciates that these resource consents will need to specify turbidity triggers and compliance mechanisms.

In both cases above, Northport continues to work with its independent expert advisors to establish the appropriate provisions. It is anticipated that these provisions will be ready to share with Council shortly.

- 109. During periods of maintenance dredging, visual checks must be carried out daily and in the event that such a check shows evidence of conspicuous change in visual clarity in the water column testing must be carried out and reported in accordance with condition 108.
- 110. The results of each monitoring event must be reported to the Council within one (1) week of monitoring being completed, or within 24 hours of any non-compliance.
- 111. Except for incidental dredging discharges, all material dredged during maintenance dredging must be:
 - (a) Placed in the reclamation associated with the Expansion Project; or
 - (b) Deposited on land at Marsden Point presently owned by the consent holder or Marsden Maritime Holdings Ltd; or
 - (c) Deposited in any other authorised location.
- 112. The consent holder must notify the Council within ten (10) working days following the date of the completion of a maintenance dredging programme associated with these consents.
- 113. On completion of a maintenance dredging programme, the consent holder must provide to the Council a bathymetric plan defining the location and depth of the dredging area and batters within the CMA. The plan must include GPS co-ordinate data (using Transverse Mercator 2000).

Maintenance Dredging Management Plan (Maintenance DMP)

- 114. At least twenty (20) working days prior to construction works commencing, the consent holder must submit to the Council a Maintenance Dredging Management Plan (Maintenance DMP) for certification. The objective of the Maintenance DMP is to describe the maintenance dredging plant, work methodologies, and environmental management systems to be used for the delivery of the Expansion Project to ensure that potential adverse effects associated with maintenance dredging are appropriately managed and are in accordance with the assessments accompanying the resource consent applications.
- 115. The plan must provide the following information:
 - (a) A description of proposed works, together with drawings;
 - (b) A description of the number and types of dredges to be used;
 - (c) A dredging programme including a timetable, sequence of events and expected duration of all proposed works;
 - (d) A description of dredging methodology typically used;
 - (e) A description of how the location and quantities of Dredge Spoil are to be recorded;
 - (f) A description of the maintenance of equipment and systems;
 - (g) Community liaison arrangements;
 - (h) A description of the storage and handling of hazardous substances;
 - (i) Protocols for managing accidental discharge of sediments or other contaminants into the CMA;
 - (j) A description of the outdoor lighting to be used to reduce the potential for bird strike, for example targeting of luminaries and the use of shields or baffles;

- (k) A description of measures to manage any conflicts between the dredging program and organised sporting events in Whangārei harbour;
- (l) A description of a turbulence reducing (green or environmental) valve to be incorporated with the overflow system;
- (m) A description of all other relevant measures to manage adverse effects on the receiving environment during the operation of the dredge vessel; including measures relating to biofouling, management of waste, and refuelling.
- (n) Details of the training for personnel involved in the operation of the dredge so that they may recognise any potential archaeological material including koiwi tangata or taonga;
- (o) Procedures to be implemented to manage dredging noise within the noise limits specified in these consents, including how any noise complaints are to be received and actioned; and
- (r) Other relevant requirements specified in these conditions of consent (including other management plans); and
- (p) A Contingency response plan.

- 116. The Maintenance DMP must be certified in writing by the Council prior to maintenance dredging first commencing, and the consent holder must undertake maintenance dredging in accordance with the certified Maintenance DMP (including any certified variation).
- 117. Any variation to the Maintenance DMP must be subject to certification by Council.
- 118. The consent holder must provide the Maintenance DMP, and any variations to the Maintenance DMP, to Channel Infrastructure within ten (10) working days of the document's certification by the Council.

SANDBANK RENOURISHMENT AREA GEOMORPHOLOGICAL MONITORING AND MAINTENANCE

- 119. The consent holder must commission intertidal and subtidal geomorphological surveys of the Sandbank Renourishment Area and the CMA within [XXm] of the Sandbank Renourishment Area.
- 120. The monitoring required by condition 119 must be undertaken every two years for the first ten (10) years following the construction of the Sandbank Renourishment Area, and thereafter every five years.
- 121. Within three (3) months of each survey required by condition 119, the consent holder must provide to the Council for certification a report by a suitably qualified and experienced coastal processes expert addressing the following:
 - (a) the geomorphological performance of the Sandbank Renourishment Area; and
 - (b) the efficacy of potential periodic renourishment "top-up(s)" through the deposition of additional sand/material, including a recommendation on whether such top-up(s) are necessary to achieve the purpose of the Sandbank Renourishment Area; and, if so, the proposed details for such top-up(s) or any changes to a current top-up(s) regime (including the location, volume, and frequency of proposed additional sand deposition).

122. Where a report certified under condition 121 recommends Sandbank Renourishment Area top-up(s), top-up(s) to the initial Sandbank Renourishment Area must be undertaken in accordance with the latest certified report.
123. Conditions 119-122 apply on an ongoing basis unless an alternative initiative to the Sandbank Renourishment Area is implemented for the purpose of providing additional roosting habitat for Tōrea pango (Variable oystercatcher) and Tūturiwhatu (New Zealand dotterel), in which case conditions 119-122 shall cease to apply.

Advice note: Any alternative initiative for the purpose of providing additional roosting habitat for Tōrea pango (Variable oystercatcher) and Tūturiwhatu (New Zealand dotterel) may require additional resource consents.

COASTAL PROCESSES SHORELINE MONITORING

124. The consent holder must commission intertidal and subtidal surveys of the following areas to monitor for potential long-term coastal geomorphological changes associated with the development authorised by these consents:
- (a) Marsden Bay; and
 - (b) The shoreline from Northport to Mair Bank (inclusive), including the Channel Infrastructure jetty area.
125. The monitoring required by condition 124 must be undertaken:
- (a) Within three months following the completion of each Dredging Stage;
 - (b) Annually for a period of five years following the completion of the construction of the reclamation and wharf development authorised by these consents.
126. A report describing the surveys required by condition 124 must be provided to the Council within 20 working days of their completion.

OCCUPATION AND USE OF THE CMA FOR PORT CONSTRUCTION, OPERATION, AND MAINTENANCE

127. These consents authorise the consent holder to occupy, on an exclusive basis, and use for the purposes of these consents (including port construction, operation, and maintenance):
- (a) those parts of the Whangārei Harbour being the proposed reclamation area (for the period such occupation is necessary); and
 - (b) those parts of the Whangārei Harbour containing all approved port structures plus an area generally within a line [60] metres seaward of all approved port structures and the proposed reclamation area, as shown on the Northport Area of CMA Occupation Plan [insert plan ref XXXX, which should include GPS coordinates].
128. Notwithstanding condition 127, the consent holder must allow for reasonable public recreational access on the Water Taxi Pontoon, except as required to ensure operational or public safety, or in an emergency response scenario.

Advice note: Public access to the Water Taxi Pontoon will be via the public Pocket Park.

EARTHWORKS (TERRESTRIAL)

129. Before commencement of earthworks (terrestrial), final engineering plans must be prepared and provided to the Council and Whangārei District Council. The plans must include:
- (a) The finished interface between the spatial extent of the port and the adjoining esplanade reserve.
 - (b) A demonstration of how public access has been facilitated to the residual beach area to the east.

STORMWATER DISCHARGES (OPERATIONAL)

130. Conditions 131 to 139 apply to all operational stormwater discharges from Northport from Practical Completion of the reclamation.

Advice Note: *It is intended that the consent holder will surrender the existing resource consent for the current stormwater collection, treatment, and disposal system (CON20090505532 issued on 28 August 2001) concurrently with the commencement of the application of conditions 131 to 139 in accordance with condition 130. This will consolidate the stormwater resource consents and conditions applying to the expanded Northport, meaning that a single consent and single set of conditions will apply to all Northport operational stormwater.*

131. Operational stormwater must be treated either:
- (a) via connection to the existing canal and pond-based stormwater system discharging to the CMA at co-ordinate location 1733997E 6033711N, and/or
 - (b) via an alternative proprietary stormwater treatment systems/devices prior to discharge to the CMA, subject to prior certification by Council.
132. The consent holder must make an underwater examination of diffuser(s) and pipelines at least once every two (2) years, and take such measures as are necessary to ensure that diffuser(s) operate as designed and that all the stormwater discharges, except for the emergency overflow(s), pass through diffuser(s).
133. A report on all such examinations and action taken to remedy defects, as required under condition 132, must be forwarded to the Council's Compliance Manager within once month of the examination being completed.
134. Operational stormwater discharges must not result in any of the following effects on coastal water quality at or beyond the mixing zone, as shown on [insert plan ref] at **Appendix 1**:
- (a) The temperature must not be changed by more than 3°C;
 - (b) The pH must not be changed by more than 0.2;
 - (c) The concentration of dissolved oxygen must not be reduced below 80% saturation;
 - (d) The visual clarity must not be reduced by more than 20% of the median background visual clarity at the time of measurement, as measured by black disk or an authorised alternative method;
 - (e) The hue must not be changed by more than 10 Munsell units of the median background hue at the time of measurement;
 - (f) There must be no conspicuous oil or grease films, scums or foams, floatable suspended materials, or emissions of objectionable odour;

Commented [CS15]: Note: The following parameters reflect those in Northport's present resource consents, which are intended to eventually be incorporated into these consents, when exercised.

- (g) There must be no destruction of natural aquatic life by reason of a concentration of toxic substances; and
- (h) The concentrations for the following determinands must not be exceeded:

DETERMINAND	CONCENTRATION IN MILLIGRAMS PER CUBIC METRE
Total copper	1.3
Total lead	4.4
Total zinc	15

135. The quality of stormwater discharged from the canal and pond-based stormwater system by the pumps must meet the following:
- (a) A pH within the range of 6.5 to 9.0;
 - (b) A total suspended solids median concentration not greater than 50 grams per cubic metre and a 95 percentile concentration not greater than 100 grams per cubic metre.
136. The operational port area must, as far as practicable, be maintained free of accumulation of wood debris and other organic product such that it is limited in its ability to be conveyed to the stormwater drains and cause objectionable odours beyond the site boundary.
137. The consent holder must undertake the following measures to minimise adverse effects associated with operational stormwater discharges:
- (a) Removal of bark and wood debris to off-site landscape suppliers.
 - (b) Routine sweeping of the operational port area.
 - (c) Dust suppression measures.
 - (d) Regular cleaning of catchpits.
138. Sediment collected from the maintenance of the stormwater system, including internal drains and any debris traps, must be disposed of at a site that is authorised to accept such wastes.

Monitoring

139. The consent holder must undertake stormwater monitoring in accordance with the monitoring programme at **Appendix 4**. Any changes to **Appendix 4** must be certified by the Council.

Commented [CS16]: Note: Appendix 4 is adopted from existing Northport resource consents. Northport has not attempted to amend the monitoring programme (as relevant), however considers it may be appropriate to revisit the requirements of Appendix 4 with Council officers to ensure the intent of monitoring is clearly reflected.

PORT ACTIVITIES AIR DISCHARGES (OPERATIONAL)

140. Conditions 141 to 143 apply to all Northport port operations from Practical Completion of the reclamation.
141. An Air Quality Management Plan (AQMP) must be prepared and submitted to the Council for certification. The objective of the AQMP is to detail dust management procedures that will be implemented by the consent holder to minimise discharges of dust from port operations and to ensure that effects are in accordance with the assessments accompanying the resource consent applications. The plan must include guidelines to control dust associated with the handling of bulk material and stockpiles, including regarding the following:

- (a) Use of appropriate equipment when transferring material, such as hoppers.
- (b) The use of covers.
- (c) Limiting drop heights.
- (d) Undertaking work in favourable wind conditions.
- (e) Having a method available to apply water to dampen material when required and as appropriate.
- (f) The regular sweeping of sealed surfaces.
- (g) Restrictions on activities during strong winds.
- (h) Limitations on the height of stockpiles.
- (i) Installation of wind breaks.

142. The AQMP must be certified in writing by the Council prior to the commencement of port operations on the reclamation or wharf authorised by these consents, and the consent holder must undertake port operations in accordance with the certified AQMP (including any certified variation).
143. Any variation to the AQMP must be subject to certification by Council.

CULTURAL

144. [To insert]

EXPIRY DATES: UNLIMITED

[INSERT DATE 35 YR FROM COMMENCEMENT]

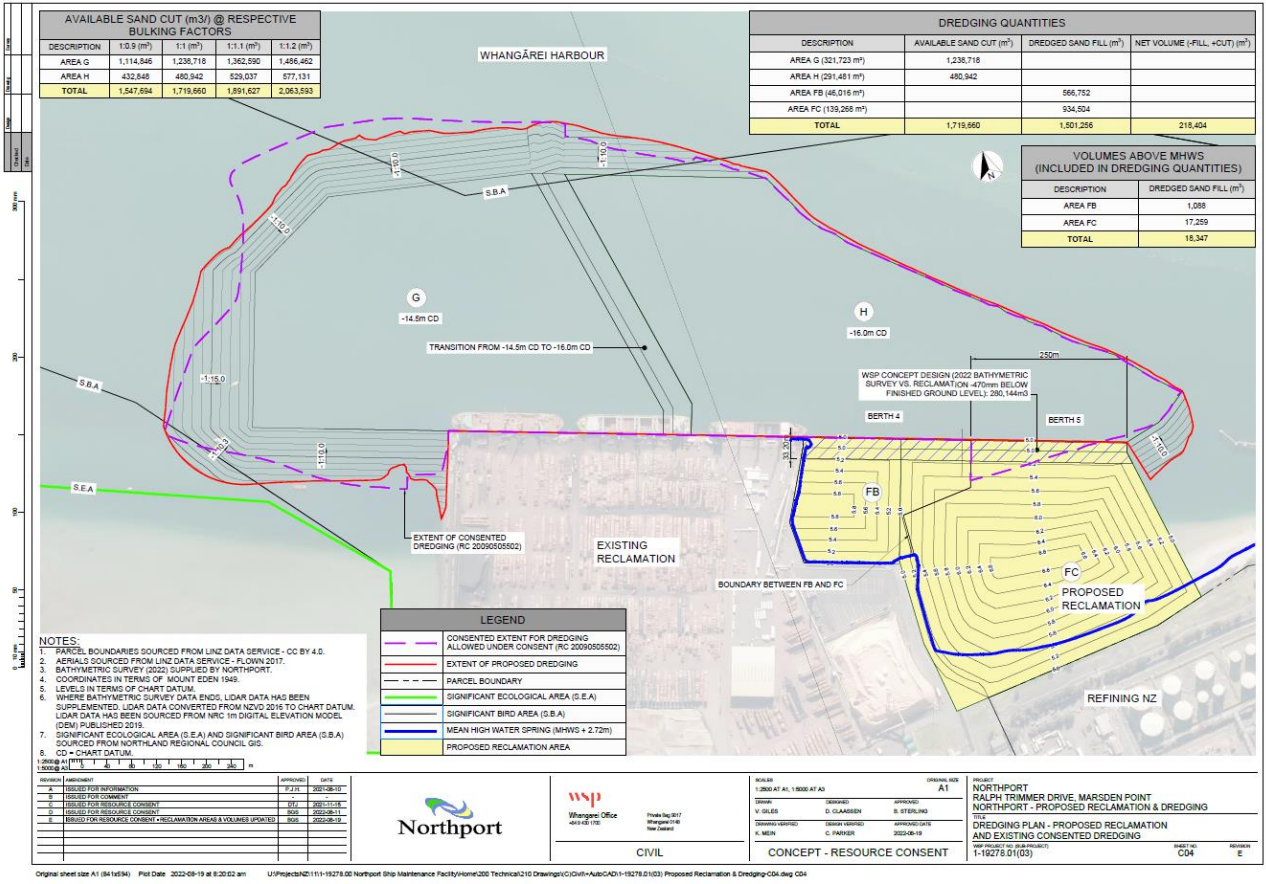
AUT[XXXXX] (Reclamation)

All other consents

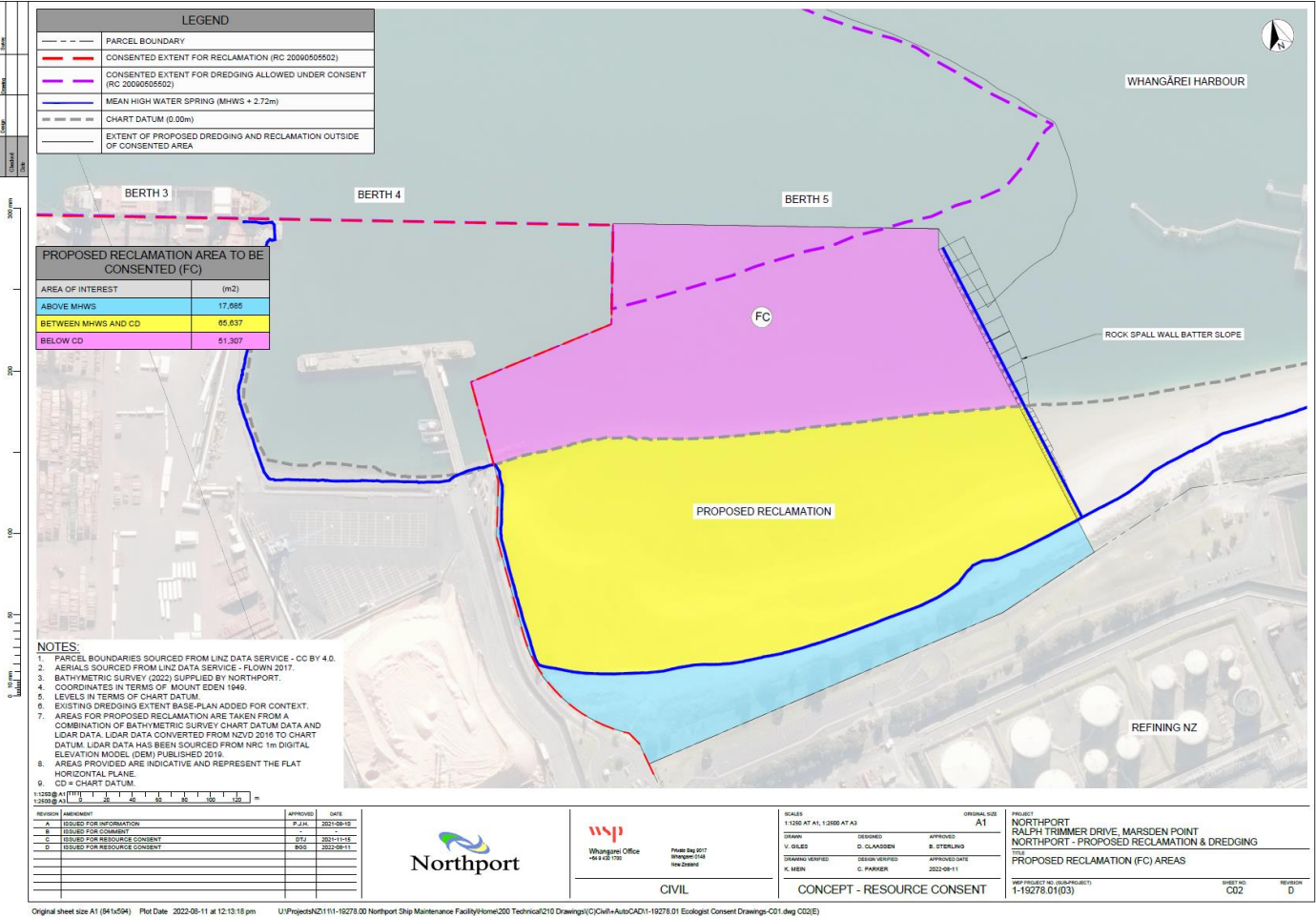
Commented [CS17]: NOTE: Northport continues to proactively and meaningfully engage with iwi, hapu and Maori. This has included attempts to engage on the likely intent, scope and content of cultural-focused conditions.

Northport has therefore been reluctant to draft cultural conditions without further considered input/direction from relevant iwi submitters. At this point it considers it appropriate not to provide any draft conditions to Council, but to instead focus on continuing its efforts at engagement.

APPENDIX 1: PLANS



Commented [CS18]: Note: plan to be updated to include mixing zone.





WORKING DRAFT (21.4.23) – SUBJECT TO CHANGE



WORKING DRAFT (21.4.23) – SUBJECT TO CHANGE



[TBC]

APPENDIX 2: TABLE OF MONITORING AND FREQUENCY OF MONITORING

DRAFT

APPENDIX 3: STATISTICAL METHODOLOGY OUTLINE

Development of Intensity component of turbidity trigger

[TBC]

DRAFT

APPENDIX 4: OPERATIONAL STORMWATER MONITORING PROGRAMME

The consent holder must undertake the monitoring as follows:

1. WATER QUALITY OF DISCHARGES FROM THE STORMWATER SETTLEMENT AND STORAGE POND SYSTEM, AND ANY PROPRIETARY SYSTEM(S)/DEVICES
- 1.1 Routine Water Monitoring for Discharges to Whangarei Harbour

The stormwater system(s) and discharges must be monitored in accordance with **Table 1** below.

If any of the following determinands in the stormwater being discharged to the coastal marine area exceed the Action Values specified in **Table A**, the consent holder will notify the Council within two weeks of receiving the sample result and investigate the source of the contaminant and advise the Council as to the findings of the investigation and any management response.

Table A

Determinands	Action values: Concentration in milligrams per cubic metre
Total Aluminium	5
Total copper	13
Total lead	44
Total zinc	150
PAHs	
– Acenaphthene	58
– Anthracene	0.1
– Benzo(α)anthracene	0.18
– Benzo(α)pyrene	0.1
– Floranthene	10
– Fluorene	30
– Napthalene	500
– Phenanthrene	6
– Pyrene	0.25

Note: ANZECC for PAH, 99% protection level as recommended in Section 8.3.7.7 and also CEQG (Canadian aquatic guidelines). For aluminium, ANZECC 8.3.7 Marine guidelines recommend 0.5 mg/m as an indicative low reliability figure.

Values in **Table A** are intended to act as an early warning to identify if concentrations are increasing relative to previously documented monitoring values/trends and warrant investigation notwithstanding that they may be well below levels of environmental concern taking into account mixing and dilution.

TABLE 1: SCHEMATIC MONITORING DIAGRAM –

Location	Sampling Frequency	Parameters	Criteria	Notes
Point(s) of discharge	First discharge per season, and two other discharge events each year			Advise Council when ponds reach design discharge level for the first time each year prior to discharge occurring
	Three samples spaced evenly over each day (operational hours) until discharge has ceased. First sample to be taken as close as possible to when discharge first occurs	TSS, VSS, NTU and pH	TSS as in Condition 135(b)	T and DO are considered not useful in this situation
	Taken with first sample from first discharge event only	Al, Cu, Pb, Zn, PAH, and resin acids. Total N and Total P to be included if fertiliser products have been stored on site in the previous season	<u>Action values</u> see table A in 1.1 above. Resin acids, Total N and P concentrations will be assessed against available literature and previous concentrations to determine potential for adverse effects. All parameters to be assessed for any increasing trends over time	If the resin acid results for the first discharge of the season are below any applicable ANZECC effect threshold after theoretical mixing, resin acids need not be further analysed in that season
Pond Influent	To be done with “First discharge per season” referred to above	T, pH, DO, TSS, Cu, Pb, Zn, resin acids, phenols, PAH, VSS	Trend data only, no compliance limits	Test to be used as an indication of pond effectiveness under different conditions eg size of storm, contributing area
Stormwater Canals, western/eastern arms	One off	<u>Sediment samples:</u>		Samples to be taken at: Join of arms, 100m upstream on eastern arm, 100m upstream on western arm
		Cu, Pb, Zn, PAH	Trend data only but reference to ANZECC ISQG values to assess pollution status.	Test to be used to determine any disposal issues for sediment
		<u>Water</u> :Winter months (when ponding in canals following rainfall)		Both sediment and water samples to be representative based on 3 sub-samples from different points of each arm composited for analytical purposes
		pH, Cu, Pb, Zn, resin acids, phenols, PAH	Trend data only. No compliance limits	

1.2 **Pumping Hours**

The consent holder must measure the pumping hours, the date, the time, and the quantity of water when discharge to Whangarei Harbour occurs from canal and pond-based stormwater system.

Advice Note: *The size of the canal and pond-based stormwater discharge pipe and the proposed capacity of the pumps limit the pumped discharge rate to approximately 2,520 cubic meters per hour.*

2 **REPORTING**

2.1 The consent holder must forward to the Council’s Compliance Manager by 31 August each year an annual report for the previous period 1 July to 30 June detailing the results of the monitoring required by Section 1 of this monitoring programme and an assessment of compliance with the conditions of consent.

3 **FIELD MEASUREMENTS, RECORDS, SAMPLE COLLECTION, SAMPLE TRANSPORT, DETECTION LIMITS, AND LABORATORY REQUIREMENTS**

3.1 **Records**

A record of rainfall conditions preceding and during sampling must be kept. This record must be based on a nearby rainfall recording site agreed by the Council.

3.2 **Sample Collection**

All samples collected as part of this monitoring programme must be collected using standard methods and approved containers.

3.3 **Sample Transport**

All samples collected as part of this monitoring programme must be transported in accordance with standard procedures and under chain of custody to the laboratory.

3.4 **Detection Limits**

The detection limits for the analysis of metals in sediment and water samples collected must be equivalent to, or better than, those specified below:

Metal	Sediment samples (milligrams per kilogram)	Water samples (milligrams per cubic meter)
total copper	2	1.0
total lead	0.4	0.2
total zinc	4	2.0
total arsenic	2	N/A
total cadmium	0.1	N/A
total chromium	2	N/A

3.5 **Laboratory Requirements**

All samples collected as part of this monitoring programme must be analysed at a laboratory with registered quality assurance procedures (see definition below), and all analyses must be conducted using standard methods.

Registered quality assurance procedures are procedures that ensure that the laboratory meets good management practices and would include registrations such as ISO 9000, ISO Guide 25, and Ministry of Health Accreditation.