~~**DRAFT NRC COUNCIL CONDITIONS (17 AUGUST 2023)**~~
~~**NORTHPORT LIMITED**~~

~~Recommended Council amends to the Applicants proposed draft conditions (working draft dated 21.04.2023, provided as part of Applicants s92 response) are shown as underlined additions, or strikethrough deletions. This document is intended to be reproduced in colour.~~

DRAFT PROPOSED NRC CONDITIONS: NORTHPORT LIMITED

PORT EXPANSION, SH15, MARSDEN POINT

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]**
AUT[XXXXXXX]	**[Activity description]**
[…]	**[…]**

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

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;
"BMP"	means the Biosecurity Management Plan(s);

"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;
"CIH"	means the Cultural Indicators Hub;
"CMA"	means the coastal marine area as defined in s2 of the RMA;
"Commencement of these consents"	means the date the last of the consents applied for by Northport for its Expansion Project commences according to s 116 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;
"DMMOZ"	means the Dredging Marine Mammal Observation Zone;
"EMMOZ"	means the Extended Marine Mammal Observation Zone;
"EMMP"	means the Environmental Monitoring and Management Plan;
"Exceedance"	means the exceedance of an Allowable Duration;
"Expansion ~~Container Terminal~~ Project"	means the Northport expansion to the east of the existing port for the purpose of constructing, operating, and maintaining a container terminal as authorised by these consents (and associated district consents), including ~~the use of the~~ reclamation and wharf ~~for the storage and loading of containers~~ construction and all associated ~~construction~~ activities and works~~.~~;
"Intensity"	means the turbidity level (in NTU) established for each Tier at each telemetered turbidity monitoring location using the methodology contained in ~~**Appendix 3**~~the document titled *"Turbidity Monitoring for the Northport Expansion Project"* (1 June 2023, Environmetrics Australia) and the following percentiles: (i) Tier 1: 80%

Commented [BM2]: Is it better to have the actual definition, or to refer to RMA or any subsequent replacement legislation?

Commented [SS3]: Pending receipt through Applicant's evidence

(ii) Tier 2: 95%
(iii) Tier 3 Compliance Level: 99%;

"KG"	means the Kaitiaki Group;
"Maintenance DMP"	means the Maintenance Dredging Management Plan;
"MMMP"	means the Marine Mammal Management Plan;
"MMOZ"	means Marine Mammal Observation Zone;
"NTU"	means nephelometric turbidity unit;
"Suitably qualified and experienced person"	means ...
"Pocket Park"	means the public park (recreational open space) area near the south-eastern corner of the Expansion ~~Container Terminal~~ Project site, as shown in Boffa Miskell *"Proposed Concept Plan"*, BM220519-201 (Revision B, 25.7.22) at **Appendix 1**.
"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 *Variable oystercatcher* and Tūturiwhatu *New Zealand dotterel)* 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 (Revision 1, August 2022);
"SCMP"	Means the Stakeholder and Communications Management Plan described in condition 15;
"Suitably Qualified and Experienced"	means a person or persons with a recognised qualification and/or more than five (5) years relevant experience relevant to the topic being assessed;
TAG	Means Technical Advisory Group;

Commented [BM4]: This term is used frequently – it there an industry accepted definition?

Commented [CG5]: To confirm all plan references throughout the conditions.

Commented [BM6]: Or subsequent replacement legislation?

"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;~~154 and the document titled *"Turbidity Monitoring for the Northport Expansion Project"* (1 June 2023, Environmetrics Australia);
"TSS"	means Total Suspended Solids, measured in mg/L;
"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.

GENERAL~~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 ~~referenced in **Tables 1A and 1B** below.~~. In the event of any inconsistency between this information and these conditions, the conditions must prevail.

~~**Table 1A**~~

~~Report title and reference~~	~~Author~~	~~Rev~~	~~Dated~~

~~**Table 1B**~~

~~Drawing title and reference~~	~~Author~~	~~Rev~~	~~Dated~~

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 6, 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.

6.3. At least sixty ten (160At least thirty (30) 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 with the consent holder's contractor(s) and a Council compliance officer prior to commencement of construction works. The details to be provided at the meeting, and then in writing no more than five (5) working days after the meeting, must include:

a.(a) The intended date of the commencement or works and a programme for the works.

b.(b) The intended date of the CEMP and any other management plans being submitted for certification.

c.(c) The intended date for providing the final design drawings to demonstrate how the works are in general accordance with the conditions of these consents, including **Appendix 1**.

d.(d) The nominated Consent Holder contact and contractor representative (or equivalent) for the works

e.(e) Any intended staging of the CEMP and works.

7.4. The consent holder must keep the CMA free of litter and other debris arising from the exercise of these consents.

8.5. 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.

9.6. 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.

10.7. The consent holder must notify the Council in writing within five (5) working days of Practical Completion of the reclamation.

11.8. The consent holder must notify the Council in writing within ten (10) working days following the date of the completion of all construction works (excluding maintenance dredging) authorised by these consents.

Commented [BM7]: Could this requirement sit as a chapter in the CEMP

Commented [BM8]: Why?

~~12.~~9. All monitoring/sampling required under these consents must be undertaken by ~~a s~~Suitably ~~q~~Qualified ~~and e~~Experienced ~~p~~Person(s) ~~who has completed appropriate training.~~ or under the supervision of a Suitably Qualified and Experienced person(s).

~~Consent Triggers~~

~~13. These consents must not be exercised until a construction contract for the Marsden Rail Link has been awarded.~~

~~Lapse~~

~~14. These consents shall lapse 10 years after the commencement date.~~

~~Surrenders~~

~~15. [Placeholder for this detail following applicant evidence]~~

Review under s128 of the RMA

~~16.~~10. 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, including for any one or more of the following purposes:to address significant unanticipated adverse effects.~~either:

(a) Annually during the month of March, for any one or more of the following purposes:

(i) To require the adoption of the Best Practicable Option to remove or reduce any adverse effect on the environment; or

(ii) To deal with any change(s) to the materials handled through the Port Terminal; or

(iii) To respond to any new technology, standards or monitoring parameters relevant to the environmental monitoring undertaken in accordance with these consents.~~To~~

~~a.~~ At any time, to deal with any adverse effects on the environment which may arise from the exercise of the consents and which it is appropriate to deal with at a later stage, including effects identified in the consent holders monitoring results or reports from activities authorised by these consents and/or as a result of Council's state of the environment monitoring in the area~~; or~~

~~b.(i). To require the adoption of the Best Practicable Option to remove or reduce any adverse effect on the environment; or~~

~~c. To deal with any change(s) to the materials handled through the Port Terminal (Notice may be served at any time for this reason); or~~

~~d.~~(b) ~~To respond to any new technology, standards or monitoring parameters relevant to the environmental monitoring undertaken in accordance with these consents.~~

11. The consent holder shall meet all reasonable costs of any such review.

Accidental discovery protocol

~~17.~~12. 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. ~~The Northern Regional office of~~ Heritage NZ Pouhere Taonga~~, tangata whenua representatives [placeholder],~~ and the ~~Council's Compliance Manager~~Council must be notified as soon as reasonably practicable.

~~18.~~13. ~~Works~~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.

~~19.~~14. 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~~hapū and Māori and the Council must be contacted so that appropriate arrangements can be made.

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. For the avoidance of doubt, the accidental discovery protocol conditions apply to works undertaken within land and CMA.*

Commented [CS9]: 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.

Stakeholder and Communications Management Plan

15. The consent holder shall prepare and implement a SCMP not later than 12 months prior to commencement of construction works. The purpose of the SCMP is to set out a framework for how the consent holder will communicate with the community, stakeholders and affected parties for the duration of construction, and the operation of the container terminal.

16. The SCMP shall set out, prior to construction, how the consent holder will:

(a) Inform the community of project process and likely commencement of construction works and programme;

(b) Engage with the community and stakeholders to foster good relationships and provide opportunities for learning about the project;

(c) Utilise the project website to provide updates to the community;

(d) Communicate with tangata whenua regarding construction of the project;

(e) Respond to queries and complaints; and

(f) Provide updates on progress with management plans.

17. The SCMP shall set out the framework for how, during construction and operation, the consent holder will:

(a) Engage with stakeholders such as Channel Infrastructure, affected landowners, tangata whenua, community groups, local businesses and representative groups, residents' organisations, other interested groups or individuals, network utility operators, Whangarei District Council and associated local authorities, and the Council;

(b) Inform the Whangarei district community of construction progress, including proposed hours of work;

(c) Inform the Whangarei district community of ongoing dredging;

(d) Engage with the communities to foster good relationships and to provide opportunities for learning about the project;

(e) Provide information of key project milestones; and

(f) Make each management plan publicly available once a management plan is finalised, and for the duration of project works.

18. The consent holder shall prepare the SCMP in consultation with the following parties and submit the final SCMP for certification with the CEMP:

(a) The Council;

(b) Whangarei District Council; and

(c) Iwi/hapū.

Website

~~20.~~19. The consent holder must ~~maintain a website ,~~ for the duration of these resource consents ~~,~~ maintain a website that is accessible to, and readily usable by, the public ~~at least three (3) months or as soon as practicable prior to the first commencement of construction following the grant of consent.~~. The website must be updated at least annually ~~between the grant of consent and Practical Completion~~.

20. Prior to Commencement~~, Tthe~~ of these consents, the website must include the following information:

(a) Copies of relevant resource consents;

(b) A statement summarising steps toward progressing commencement of these consents, and the consent holder's expected timeframe for commencement.

21. From Commencement of these consents to Practical Completion, the website must include the following information:

~~a.~~(c) Copies of these resource consents;

~~b. An executive summary of the AEE, as amended through processing;~~

c. A statement on any activities or resolutions made toward progressing the commencement of consents and the consent holders expected timeframe for commencement based on best available information, or if that remains uncertain, the dependencies or issues that need to be resolved to enable commencement.

22. From Commencement to Practical Completion, Tthe website must include the following information:

a. Copies of these resource consents;

b. An executive summary of the AEE, as amended through processing;

c.(d) A summary of real-time data collected from the telemetered turbidity monitoring stations required under these conditions;

d.(e) Quarterly monitoring reports prepared under condition **151**;

e.(f) A record of all Tier 3 Compliance Level Exceedances that are correlated with identification of any extraordinary natural events;

f.(g) Any Tier 3 Compliance Level Exceedance report prepared under condition **163(a)**;

g.(h) All certified management plans required by these conditions and any certified variations; and

h.(i) All written reports prepared under these consent conditions [XX].;

i.(j) A mechanism for members of the public to raise matters with, make an enquiry of, or lodge a complaint with the consent holder (with any complaints received to be maintained in the Complaints Register in accordance with condition 22 below) ; and

j.(k) Updated project timing and duration information for the Project and activities conducted in accordance with these resource consents, including but not limited to; reclamation, capital dredging, preclusion or reinstatement of public access to Marsden Bay Beach and Ralph Trimmer Drive, and maintenance dredging events. .

Stakeholder and Communications Management Plan

23. The consent holder shall prepare and implement a Stakeholder and Communications Management Plan within six months of grant of consent. The purpose of the Plan is to set out a framework for how the consent holder will communicate with the community, stakeholders and affected parties for the duration of construction, and the operation of the container terminal.

24.1. The Plan shall set out, prior to construction, how the consent holder will:

a.(a) Inform the community of project process and likely commencement of construction works and programme;

b.(a) Engage with the community and stakeholders to foster good relationships and provide opportunities for learning about the project;

c.(a) Utilise the project website to provide updates to the community;

Commented [CS10]: Cross-reference TBC

d.(a) Communicate with tangata whenua regarding construction of the project;

e.(a) Respond to queries and complaints; and

f.(a) Provide updates on progress with management plans.

25. The Plan shall set out the framework for how, during construction and operation, the consent holder will:

a. Engage with stakeholders such as Channel Infrastructure, affected landowners, tangata whenua, community groups, local businesses and representative groups, residents' organisations, other interested groups or individuals, network utility operators, Whangarei District Council and associated local authorities, and Northland Regional Council;

b.(a) Inform the Whangarei district community of construction progress, including proposed hours of work;

c.(a) Inform the Whangarei district community of ongoing dredging;

d.(a) Engage with the communities to foster good relationships and to provide opportunities for learning about the project;

e.(a) Provide information of key project milestones; and

f.(a) Make each management plan publicly available once a management plan is finalised, and for the duration of project works.

26. The consent holder shall prepare the Plan in consultation with the following parties and submit the final plan for certification with the CEMP:

a. Northland Regional Council;

b.(a) Whangarei District Council; and

c. Tangata whenua [placeholder].

Community Liaison Group

27. Placeholder for Community Liaison Group or similar condition set

Complaints

28.22. 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.(a) Name of complainant, (if they are provided to the consent holder)if offered;

b.(b) The date and time of the complaint;

c.(c) A description of the complaint The issue raised;

d.(d) The location of the issue raised;

e.(e) Weather conditions at the time of complaint, including a description of wind speed and wind direction when the complaint occurred (if relevant);

f.(f) Any possible cause of the issue raised; and

g.(g) Any investigations that the consent holder undertook in response to the complaint;

h.(h) Any corrective action taken to address the cause of the complaint, including the timing of that corrective action.; and

i.(i) Any feedback provided to the complainant.

29.23. The consent holder shall provide a copy of the complaints register to the Council's Compliance Manager within five working days of receiving a request to do so from the Council. The record of complaints must be provided to the Council on request.

Certification

30.24. Where any condition requires the cConsent hHolderconsent 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 cConsent hHolderconsent holder supplies a report or a management plan to the Council, and the Council assesses the documentation submitted. (acting in a technical certification capacity) The certification process for management plans and reports required by conditions of this consent must be confined to confirming that the plans or reports give effect to their purposes, consent condition requirements, and schedule requirements, and contain the required information. 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 Council determine that the documentation supplied in accordance with (a) above, in the opinion of the Council, achieves the requirements of the relevant condition(s), the Council must issue a written confirmation of certification to the cConsent hHolder that the requirements of the relevant condition(s) have been satisfiedconsent holder;

(c) If the Council's response is that it is not able to certify a management plan or report, it must provide the consent holder with reasons and recommendations for changes to the plan or report in writing. The consent holders must consider any reasons and recommendations of the Council and resubmit an amended management plan/report for certification; 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 mustshall advise (in writing) the cConsent hHolder 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;

Commented [BM11]: Changes made to reflect recent Environment court appeal processes

(d) A management plan or report cannot be subject to a third-party approval. The Council in deciding whether to certify the management plan or report, however, may also obtain advice from other qualified person(s~~)~~).

~~31.~~25. This process in ~~Condition 30~~condition 24 must be repeated until the Council is able to ~~certify~~ provide written confirmation that the requirements of the applicable condition(s) have been satisfied. ~~The consent holder must comply with the certified management plan or report at all times.~~

Lapse

~~32. Where no written confirmation, pursuant to either conditions 30(b) or 30(c), is provided within twenty (20) working days of a management plan being provided to the Council, the management plan must be deemed to be certified for the purpose of the respective condition to which the document pertains.~~

26. These consents shall not lapse until their expiry.

UNAUTHORISED DISCHARGES / HAZARDOUS SPILLS

~~33.~~27. 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.~~(a) Measures to prevent oil and fuel leaks from vehicles and machinery, including maintaining machinery and equipment in good working order;

~~b.~~(b) Refuelling of land-based machinery and vehicles not ~~occuring~~occurring within 20 metres of the CMA where practicable, and ~~must be supervised~~occurring under supervision throughout the whole activity;

~~c.~~(c) All refuelling equipment having a shut-off valves;

~~d.~~(d) The stationary land-based storage of fuel and other hazardous substances not ~~occuring~~occurring within 20m of the CMA;

~~e.~~(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.~~(f) Spill containment equipment being immediately available and kept on-site at all times.

Advice Note: nothing in condition ~~17 33~~27 is intended to affect existing obligations under other legislation, including the Maritime Transport Act and associated statutory instruments such as marine protection rules.

~~34.~~28. 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.~~(a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain the discharge/spill;

~~b.~~(b) Immediately notify the Council by telephone of the discharge/spill;

~~c.~~(c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the discharge/spill; and

~~d.~~(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.*

~~35.~~29. In addition to the requirements in condition ~~**Error! Reference source not found.**~~ ~~,~~28, 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.~~(a) The date, time, location and estimated volume of the spill;

~~b.~~(b) The cause of the spill;

~~c.~~(c) The type of contaminant(s) spilled;

~~d.~~(d) Observations of any spilt material within the marine environment;

~~e.~~(e) Clean up procedures undertaken;

~~f.~~(f) Details of the steps taken to control and remediate the effects of the spill on the receiving environment;

~~g.~~(g) An initial assessment of the potential ecological effects of the spill; and

~~h.~~(h) Measures to be undertaken to prevent a recurrence.

~~DESIGN AND CONSTRUCTION OF RECLAMATION, MARINE STRUCTURES, AND SANDBANK RENOURISHMENT AREA, AND STORMWATER INFRASTRUCTURE~~

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

Engineering Plans

~~36.~~30. The consent holder must submit detailed engineering plans (including drawings and calculations if applicable) prepared in accordance with an appropriate design standard / guideline, to Council prior to works ~~commencement~~commencing. These can be submitted in stages. The plans shall include:

~~a.~~(b) Berth 5 reclamation, wharf, revetment, sea wall, and associated coastal structures;

~~b.~~(c) Tug facility;

~~c.~~(d) Water taxi and public fishing pontoon;

~~d.~~(e) Sandbank Renourishment Area;

~~e.~~(f) Stormwater infrastructure, including:

~~i.~~(i) Floatables trap at weir-controlled-spillways; and

~~ii.~~(ii) Any new or upgraded canals, weirs, spillways and associated stormwater infrastructure servicing proposed Berth 5 or Berths 1 – 4~~.~~; and

~~37.~~31. The design and engineering plans must be independently peer reviewed by a ~~suitably qualified~~Suitably Qualified and ~~experienced~~Experienced person and when submitting the plans, the consent holder shall provide to ~~Councilwritten~~Council written evidence of this review and how the review comments have been responded to.

~~38.~~32. The structures and infrastructure related to the container terminal must be designed to the relevant Importance Level to provide lifeline utility services. The consent holder when submitting the plans, shall provide written evidence from the Ministry of Civil Defence (or Equivalent) of the necessary Importance Level.

~~39.~~33. The ~~Engineering Plans~~engineering plans must include details to demonstrate how the terminal at a later date can be modified ~~from Reachstacker operations to RTG crane~~ to enable new infrastructural and/or technological changes to increase throughput capacity of terminal operations~~ so as not to reduce capacity and delays through construction and avoid the need for additional coastal occupation~~.

Advice note: *Specific design requirements relating to each of these components are set out in conditions ~~41 – 53~~ below.*

Reclamation design and construction

41.34. The reclamation must be constructed within the area marked [XXXX]'Proposed Reclamation' on plan [insert plan reference].C03 contained in Appendix 1.

42.35. The reclamation must be designed by a suitably experienced Chartered Professional Engineer, with input from other relevant specialists. These experts could include, but are not limited to, marine ecologists, coastal process experts, and tangata whenua.

43.36. A Chartered Professional Engineer with relevant experience in reclamation construction must oversee the construction of the reclamation to ensure it complies with the design. A statement shall be provided by the engineer to Council confirming the construction was undertaken in accordance with the design (by way of a Producer Statement 4 or equivalent).

44.37. Any material deposited into the reclamation areas for bulk filling must only consist of the following:

a.(a) Dredge Spoil; and/or

b.(b) Imported cleanfill material, including sand, soil, rock, gravel, and crushed concrete; and/or

c.(c) Construction materials, including stabilising agents such as cement or lime.

Marine structures design and construction

45.38. 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 expertSuitably Qualified and Experienced person 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. This safety assessment will take account of potential recreational conflicts. The design shall be submitted to Council for certification at least two (2) months prior to construction of these structures.

46.39. 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. A statement shall be provided by the engineer to Council confirming the construction was undertaken in accordance with the design (by way of a Producer Statement 4 or equivalent).

47.40. 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**.

48.41. 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

~~49.~~42. The consent holder shall provide confirmation from a ~~Suitable~~Suitably Qualified and Experienced ~~Person~~person that the material used in the ~~sandbank~~Sandbank Renourishment Area construction contains no contaminants above background levels~~.~~, based on the average of no less than five sediment sample locations within the western intertidal area of Marsden Bay.

~~50.~~43. The final design of the ~~sandbank~~Sandbank Renourishment Area must be in general accordance with Tonkin+Taylor *"Bird Roost Concept",* DWG No. 1017349-02 (Revision 1, August 2022) and the Avifauna section of the CEMP.

~~51.~~44. Before the commencement of construction works on the proposed reclamation, the consent holder must ~~construct~~~~implement~~construct the Sandbank Renourishment Area.

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)*

~~52.~~45. The sand renourishment area plans when submitted for certification must be accompanied by:

~~a.~~(a) Minimum roost size performance standards;
~~b.~~(b) Construction methodology; and
~~c.~~(c) Maintenance monitoring, methods, and schedule.

~~53.~~46. A Chartered Professional Engineer with relevant experience must oversee the construction of the sandbank to ensure it complies with the design. A statement shall be provided by the engineer to Council confirming the construction was undertaken in accordance with the design (by way of a Producer Statement 4 or equivalent).

ENVIRONMENTAL ~~AND CULTURAL~~ MITIGATION ~~AND COMPENSATION~~

Public access

~~54. Restricted access from Ralph Trimmer Drive to Marsden Bay during the works must occur for no longer than 9 months total.~~

~~55.~~47. Prior to commencement of the works, the consent holder must provide or facilitate an alternate location for the Te Araroa trail and Water Taxi to connect from Reotahi to Marsden Point, and must maintain this facility until Practical Completion of the replacement Water Taxi Berth.

~~56.~~48. 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.

Contribution to Indigenous Duneland Vegetation

~~57.~~49. Before the commencement of construction works on the proposed reclamation, the consent holder must make a donation of $[~~Placeholder~~XXXX] to ~~the Bream Bay Coastal Care Trust,~~an established group(s) with ~~the request that the funds be utilised to~~conservation experience, for works to protect indigenous duneland vegetation communities in the Ruakaka area. ~~This must be consistent with the Duneland Compensation Plan.~~

Advice note: *While not ~~required to manage any~~directed at managing particular 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~~intended that the funds will be utilised for planting, pest control or other practical works to restore and enhance indigenous duneland vegetation in the district.*

~~58. A Duneland Compensation Plan must be submitted for certification two (2) months prior of commencement of construction.~~

~~a. The Plan shall be prepared by a suitable qualified and experienced ecologist.~~

~~b. The Plan should include, but is not limited to:~~

~~i. Description and location of the compensation site;~~

~~ii. Compensation model, calculation and approach used to set the financial compensation amount;~~

~~iii. Description of the restoration to be undertaken; and~~

~~iv. The total "in-kind" dollar amount to be contributed to the fund~~

~~CONSTRUCTION MANAGEMENT~~

Integrated marine planning initiative

50. The consent holder shall use reasonable endeavours to establish a Steering Committee to examine and promote Integrated Marine Planning and Governance for Bream Bay in accordance with the draft Discussion Document dated 28 July 2023. The consent holder's obligations include, as a minimum:

    (a) Inviting stakeholders to participate in a Steering Committee;

    (b) Providing funding towards the establishment, administration, and promotion of the roles and outcomes of, a Steering Committee ('Steering Committee Funding'). The Steering Committee Funding will total not less than [$XXX] per annum (plus GST, if any) for a period of [x] years, beginning the first full calendar year following commencement of these consents. A record of payments constituting the Steering Committee Funding for each full calendar year is to be provided by the consent holder to the Council's Compliance Manager not later than 31 March the following year; and

    (c) Generally promoting the Steering Committee to assist it to carry out its functions and achieve the outcomes sought.

Advice Note: *The consent holder has offered, on an* Augier *basis, to use its reasonable endeavours to establish and promote a Steering Committee to examine integrated co-governance of Bream Bay, including the promotion of an Integrated Marine Planning Framework that provides for the integration of all interests towards the wellbeing of the marine environment. Information regarding Northport's aim in promoting and establishing a Steering Committee, including its' proposed constitution, structure, functions, and outcomes sought is set out in the Statement of Intent.*

It is acknowledged that the likely constitution of a Steering Committee will include representatives of central and local government, quasi-governmental bodies, interest groups, industry, and hapū/iwi/Māori. As such, it is recognised that the obligations on Northport secured through these consent conditions need to be appropriately scoped.

CONSTRUCTION MANAGEMENT

AUT[XXXXXXX]	**[Activity description]**
AUT[XXXXXXX]	**[Activity description]**
[…]	**[…]**

Commented [CS12]: 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

51. 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"*

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

Construction dust

53. 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.

54. 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

55. 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.

56. If an active burrow or moulting penguin is discovered under condition 55, 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.

57. 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.

58. 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

59. 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).

60. 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.

61. 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)

62. Before commencing any pile driving activity, the consent holder must establish a MMOZ and an Extended Marine Mammal Observation Zone (EMMOZ) 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.

    (a) The MMOZ extent shall be any CMA within 200m of the pile driving.
    (b) The EMMOZ extent shall be any CMA within 800m of the pile driving.

63. The default MMOZ extent must be confirmed (or adjusted) following the verification of in-situ pile driving sound levels and model verification in accordance with the procedures set out in the Condition 67-73.

Pile driving prohibition requirements

64. If:

    (a) dolphin, toothed whale or pinniped (other than a leopard seal) is sighted in waters within the MMOZ; or
    (b) a baleen whale or popoiangore leopard seal is sighted in waters within the EMMOZ;
    (c) 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 and in accordance with (4) below.

65. if a baleen whale or popoiangore leopard seal passes through the EMMOZ and continues westward up the harbour:

(a) An additional MMO shall be stationed at One Tree Point and that MMO shall observe the waters to the west of a line between One Tree Point and Manganese Point as shown on Plan [XXX] attached to this consent and the waters between the EMMOZ and the line between One Tree Point and Manganese Point.

(b) Piling shall remain ceased whilst the sighted baleen whale or popoiangore leopard seal is observed to be west of the EMMOZ but east of the line between One Tree Point and Manganese Point

(c) Piling can recommence if:

(i) The sighted baleen whale or popoiangore leopard seal crosses the line between One Tree Point and Manganese Point in a westerly direction

(ii) The sighted popoiangore leopard seal enters the Marsden Cove Marina

(iii) The sighted baleen whale or popoiangore leopard seal exits the eastern edge of the EMMOZ

(d) If a baleen whale or popoiangore leopard seal is observed crossing the line between One Tree Point and Manganese Point in eastward direction towards the port, piling shall cease and can only recommence if the mammal is visually confirmed to exit the eastward edge of the EMMOZ or has not been sighted for 1 hour.

66. The distances in condition 62 must be confirmed (or adjusted) following the verification of in-situ pile driving sound levels in accordance with condition 67-73.

Pile-driving sound level verification

67. The Consent Holder shall carry out acoustic monitoring during Pile Driving to measure the unweighted twenty-four hour cumulative Sound Exposure level (SELcum(24h)) at the point shown on Plan [XXXXX], attached to this consent. The unweighted SELcum(24h) shall be derived from the impact driven and vibro-driven piling operations over a twenty-four hour period.

68. The acoustic monitoring required under Condition 67 shall include, but not be limited to, measurement work undertaken within two weeks of commencing pile driving activities for the wharf and during normal operating conditions on each of the different pile diameters for a minimum of three days each.

69. The monitoring results collected in accordance with Condition 67 and 68 shall be compared to the unweighted twenty-four hour cumulative Sound Exposure level (SELcum(24h)) and shall not exceed 180dB re 1µPa2s (SELcum(24 hour)) during the first year of piling

70. Within 2 weeks of completion of the measurements work completed under condition 67 and 68, an acoustic monitoring report shall be prepared by the Consent Holder. The report shall detail the acoustic monitoring undertaken, the piling activity during the monitoring and a comparison of the monitoring results to the criteria in condition 69. A copy of the report shall be provided to the NRC.

71. If piling activities are to extend into a second successive winter, the monitoring set out in Condition 67 and 68 shall be repeated in June of that year. The unweighted twenty-four hour cumulative Sound Exposure level (SELcum(24h)) measured during this monitoring shall be not exceed 170 dB re 1µPa2s at the measurement point shown on Plan [XXXX], attached to this consent.

72. The radius of the MMOZ and the EMMOZ in Condition 62 may be reduced in size to if the acoustic monitoring and subsequent model verification carried out in accordance with Condition 67 to 69 establishes that:

(a) the unweighted 190 dB re 1µPa2s SELcum(24h) contour which sets the MMOZ is less than 200m from the Pile Driving unit.

(b) the unweighted 176 dB re 1µPa2s SELcum(24h) contour which sets the EMMOZ is less than 800m from the Pile Driving unit.

73. Any reduction in the size of the MMOZ must be approved in writing by the Consent Authority Manager acting in a technical Certification capacity, on the basis of provision of the results of representative acoustic monitoring in accordance with Condition 72.

Pile driving timing and scheduling

74. Pile driving must only be undertaken during daylight hours (half hour after sunrise and half hour before sunset).

75. 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 62-73 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.*

Discharge of reclamation decant water

76. 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.

77. 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 in NTU that equates to a TSS of 300mg/l. The NTU equivalent must be established following contemporaneous TSS and turbidity testing of the discharge in the first week of operations.
(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 TSS trigger value in (a) above.

78. The consent holder must provide the results of sampling completed under condition 77 upon request.

79. If a discharge sample collected in accordance with condition 77 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 77; and

(c) If compliance with 77 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.

Discharge of stormwater during construction

80. 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.

81. Any construction stormwater discharge system(s) discharging directly to coastal water must be designed to achieve a NTU concentration of equivalent to 300mg/l TSS using the relationship established in accordance with condition 77(s) 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)

~~59.~~82. At least ~~one~~ two (~~2~~12) months 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.~~(a) to detail the environmental monitoring and management procedures to be implemented during the Expansion ~~Container Terminal~~ 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.(b) to ensure construction effects of the ExpansionContainer TerminalExpansion Project are in accordance with the assessments accompanying the resource consent applications.

60.83. The CEMP must include the following sections:

a.(a) Construction phase roles and responsibilities protocols;

b.(b) Environmental Risk Assessment;

(c) Dust;

c.(d) Hazardous Substances;

d. Marine Works;

e.(a) Dust;

f.(e) Erosion and Sediment Control;

(f) Marine Works;

g.(g) Wildlife, including:

i. Lizards;

(i) Avifauna;

ii.(ii) Lizards; and

iii.(iii) Marine Mammals;

h. Marine Biosecurity;

(h) Archaeology;

i. Construction Noise;

j.(i) Archaeology; and

k.(j) Communications Protocols, including Complaints Procedures and incident reporting.

61.84. The CEMP must be prepared by a Suitably Qualified and Experienced Personperson, with advice from relevant technical experts drafting the sections relevant to their expertise, 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).*

62.85. 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).

63.86. The CEMP may be submitted in stages to reflect the design and construction programme. If staging is proposed and any of the matters in c - j of condition 6083 are not relevant, a statement shall be provided of why management of these effects are not relevant to the particular stage of works.

64.87. Any variation to the CEMP must be subject to certification by Council's Compliance Manager.

~~65.~~88. Specific requirements for certain sections of the CEMP are set out in the conditions below.

Dust

~~66.~~89. The dust section must set out dust management practices during construction to achieve the outcomes of ~~Conditions 66-68,~~conditions 53-54, and 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) A description of the potential ~~Container Terminal~~ Expansion Project construction dust sources;

~~b.~~(b) The methods to be used for controlling dust at each source including:

~~i.~~(i) Stabilisation of unconsolidated surfaces using water, wetting agents, chemical dust suppressants, and/or other surface modification methods;

~~ii.~~(ii) Assessing meteorological conditions in advance to determine whether dust minimisation measures need to be activated or adjusted;

~~iii.~~(iii) Regular sweeping of sealed surfaces;

~~iv.~~(iv) Minimising vehicle speeds to 20km/h on unsealed surfaces; and

~~v.~~(v) Handling and stockpiling practices, including guidelines for removal and stockpiling during windy conditions.

~~c.~~(c) A description of inspection and monitoring procedures;

~~d.~~(d) A system of training for employees and contractors to make them aware of the requirements of the dust management section of the ~~CMP~~CEMP;

~~e.~~(e) A method for recording and responding to dust complaints from the public; and

~~f.~~(f) Procedures for managing dust when staff are not on site.

~~67. Dust management practices must be prepared by a suitably qualified and experienced person. Proof of certification must be provided to Council when the CEMP is submitted for certification.~~

~~68. The consent holder must manage dust associated with construction works to avoid having an offensive or objectionable effect, in the opinion of Council Compliance Officer or delegate, 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.a) The stockpiling, crushing or handling of material;*~~

~~*b.a) The loading and unloading of material and the movement of vehicles associated with the handling of material;*~~

~~*c.a) Transport of material;*~~

~~*d.a) Vehicle movements;*~~

~~*e.a) The deposition of material associated with the construction of the reclamation; and*~~

~~*f.a) Fugitive dust from unconsolidated surfaces.*~~

69.1. 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.

Erosion and sediment control*Sediment Control*

70.90. The erosion and sediment control section of the CEMP must include measures for managing the decant discharge and any other construction stormwater discharges during reclamation and the works, including the following information:

a.(a) A plan of the location of the discharge;

b.(b) A description of the best practice methods that will be used to manage the quantity and quality of the discharge, so that the discharges achieve the turbidity conditions standards;

c.(c) Methods to avoid and contain spillages during pumping; and

d. Methods to monitor, report on, and manage the decant discharge in accordance with conditions 61 – 63 70 – 77. 77-79;

71.1. Reclamation construction decant water must be discharged to coastal water via pipeline with an outlet(s) that is:

a.(d) adjacent to the active reclamation edge; and

b.(a) Methods to establish whether contaminants are present inat least 1 (one) metre below Mean High Water Springs.

72. The consent holder shall, engage an independent Suitably Qualified and Experienced Person to quarterly tests of a representative sample of the reclamation sediments and decant water. The independent Suitably Qualified and Experienced Person shall test the sediments and water to see if they contain contaminants that, if mobilised, would present a risk to the health of marine organisms.

(e) The independent Suitably Qualified and Experienced Person shall produce a report summarising their findings and advice prior to each maintenance dredging event commencing. If the independent Suitably Qualified and Experienced Person advises that contaminants are present in the sediment that could pose an unacceptable risk to the health of marine organisms (that is, if they are above the relevant Interim ANZECC Guidelines for Sediment (ISQG-Low), they shall recommend)), and if contaminants are observed above those guideline values, a strategy to reducemanage the risk to a point that is, in their opinion, deemed acceptable. Sediment guidelines for contaminants which are considered to be bioaccumulative shall be the primary focus, in particular polychlorinated biphenyls (PCBs) and organochlorides.

Avifauna

The consent holder shall implementAvifauna section of the strategy recommendedCEMP must be written by the independenta Suitably Qualified and Experienced Person.

~~73.1. 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.(a) If the measured turbidity exceeds the trigger value in (a), the consent holder must:~~

~~i.(i) Implement management practices to reduce the turbidity of the discharge;~~

~~ii.(i) 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).~~

~~74. The consent holder must provide the results of sampling completed under condition 107 upon request.~~

~~75. If a discharge sample collected in accordance with condition 107 exceeds the TSS concentration limit the following must occur:~~

~~a.(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 107; and~~

~~i. Implement management practices to reduce turbidity of the discharge, including undertaking SS sampling prior to the commencement of works to establish background turbidity~~ornithologist and must address the measures required to ensure compliance with conditions ~~– 10m north of the 'water's edge'. Analyse SS bottle samples taken at the same time as these NTU readings, at the same 'spot' and have them analysed in a NATA registered soils laboratory to establish a local NTU-TSS relationship.~~

~~c. If compliance with 107 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.~~

~~76.1. The discharge of stormwater from the reclamation and/or wharf area while under construction must only be:~~

~~a.(a) into the decant discharge system;~~

~~b.(a) directly into coastal water; or~~

~~c.(a) into the existing canal and pond-based stormwater system.~~

~~77. 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.~~

Commented [CS13]: 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.

~~*Lizards*~~

~~78. A Lizard Management Plan shall be prepared and submitted for certification two (2) months prior to commencement of construction.~~

~~a. The Plan shall be prepared by a suitable qualified and Department of Conservation (DOC) permitted herpetologist.~~

~~b. The Plan should include, but is not limited to:~~

~~i. Protocols of a comprehensive lizard survey prior to construction;~~

~~ii. Protocols of lizard salvage and vegetation clearance management during construction; and~~

~~iii. Protocols of an ongoing programme of mammalian pest control post-development.~~

55-61. ~~*Avifauna*~~

~~79.~~91. ~~The **Avifauna** section of the CEMP must~~ set out construction protocols to avoid injury/mortality of coastal avifauna, and include:

~~a.~~(a) Detailed descriptions and methodologies setting out how adverse effects on Kororā *Little Penguin* and Tōrea pango *Variable oystercatcher* will be managed, including:

~~i.~~(i) For Kororā *Little Penguin,* to ensure compliance with conditions ~~79 to 82~~55 to 58 (relating to pre-construction surveys, implementation of construction works exclusion zones, and measures to reduce underwater noise from pile driving); and

~~ii.~~(ii) For Tōrea pango *Variable oystercatcher*, to ensure compliance with conditions ~~83 to 85~~59 to 61 (requiring protocols for pre- and during-constructions surveys, and implementation of exclusions zones around active nests and nesting birds~~, and measures to reduce underwater noise from pile driving~~).

~~iii.~~(iii) Low impact sediment controls and dredging methodology as specified in the Coastal Avifauna Assessment~~.~~; and

~~iv.~~(iv) Piling methodology for protection of Kororā as specified in the Coastal Avifauna Assessment.

~~b.~~(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, and may include:

~~i.~~(i) ~~for example the~~ targeting of luminaires;

~~ii.~~(ii) use of shields or baffles;

~~iii.~~(iii) use of light dimmers and/or timers for areas that are not constantly in use; and

~~iv.~~(iv) use of coloured and/or LED lights to reduce overall light intensity.

~~*Kororā Little Penguin*~~

~~80. 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.~~

~~81. If an active burrow or moulting penguin is discovered under condition 80, until such time that nesting or moulting is complete, the following applies:~~

Lizards

92. The Lizards section of the CEMP must be prepared by a Suitably Qualified and Experienced person, and should include:

(a) Protocols of a comprehensive lizard survey prior to construction;

(b) Protocols of lizard salvage and vegetation clearance management during construction (if required); and

(c) Protocols of an ongoing programme of mammalian pest control post-development (if required).

~~a.(a) *Marine Mammals* No rock removal or piling activities shall be undertaken within 10 m of the active burrow or moulting penguin; and~~

~~b.(a) 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.~~

~~82. 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.~~

~~83.1. 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*~~

~~84. 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).~~

~~85. 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.~~

~~86.1. 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~~

~~The Marine Mammal Management Plan and section of the CEMP must be provided to Council for certification at least one month prior to the commencement of the capital dredging and disposal event, and two weeks prior to the first maintenance dredging and disposal event or pile driving.~~

~~88.~~93. 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.~~(a) The potential for adverse effects of noise produced by construction activities on marine mammals that may be present within Whangarei Harbour~~;~~.

~~c.~~(b) Procedures for the verification of the in-situ noise levels produced from pile-driving activities by measuring the underwater noise of these activities ~~within two weeks of~~ 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.~~(c) Underwater noise management, including passive acoustic monitoring ~~for all capital and maintenance dredging~~where appropriate, and implementation measures for the MMOZs provided in ~~Condition 88(g).~~ condition 93(f).

~~e.~~(d) Procedures for the continuation of acoustic monitoring at the established baseline stations across the Whangārei Harbour during pile-driving activities~~;~~.

~~f.~~(e) Piling methodology procedures for the reduction of noise levels at source, which may include:

~~i.~~(i) The use of vibro-driving where practicable;

~~ii.~~(ii) "Soft start" or "ramping up" procedures over a ten minute period in accordance with best practice for impact and vibro-piling~~;~~ 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.~~(iii) The use of a sacrificial non-metallic (e.g. wooden) hammer cushion caps or dollies for impact piling to reduce underwater noise where practicable;

~~iv.~~(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. The use of bubble curtain technology to reduce underwater noise propagation;~~

vi.(v) Available technologies to reduce noise at source and their implementation where practicable (for example bottom-driven piles, and/or air balloons inflated within open piles to reduce ringing, and/or bubble curtain technology); and/or

(vi) The use of available technologies to reduce underwater noise propagation (e.g. bubble curtains).

g.(f) Protocols for the implementation of Marine Mammal Observation Zones (MMOZs) and associated pile driving prohibition procedures, including;

i.(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.(ii) Reporting and logging of marine mammal sightings; and

iii.(iii) Establishment of pile driving prohibition procedures if a marine mammal is cited within an MMOZ.

(g) Protocols for the implementation of a Dredging Marine Mammal Observation Zone (DMMOZ) located 50m all around an actively dredging dredge vessel and associated dredging prohibition procedures including:

(i) Establishment of the DMMOZ, including relevant procedures, within which personnel having the necessary training and experience will act as observers to search the DMMOZ for marine mammals;

(ii) Reporting and logging of marine mammal sightings; and

(iii) Establishment of dredging prohibition procedures if a marine mammal is cited within an DMMOZ.

h.(h) Protocols for marine mammal training of construction staff by a DOC approved MMO training provider or an experienced marine mammal researcher;.

i.(i) Vessel operating guidelines to minimise the risk of vessel strike (including compliance with the Marine Mammals Protection Regulations 1992), equivalent to the Hauraki Gulf Transit Protocol with relation to speed limits, watch keeping, and reporting; Protocols for vessel speed management and marine mammal interactions;.

j.(j) Protocols for reducing risk of entanglement of marine mammals in construction equipment;.

k.(k) 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 to avoid entanglement of marine mammals or their ingestion of waste material;.

l.(l) Protocols for the monthly maintenance and inspection of marine-based construction equipment having the potential for effects on marine mammals, including generating underwater noise (for example the inspection and maintenance of marine silt curtains, if used);).

m.(m) Procedures for the liaison the establishment of contact points with:

i.(i) the Department of Conservation *Te Papa Atawhai* to request up-to-date regional sighting information for the duration of construction works and for maintenance dredging events (excluding maintenance dredging), particularly for visiting baleen whales; and

ii. The Rock Lobster Industry Council to receive real-time information for large whale sightings from fishing vessels off the east coast of Northland;

iii.(ii) Marsden Cove marina staff to request up-to-date sighting information for Leopard seals *Popoiangore* in the Marina for the duration of construction works and for maintenance dredging events (excluding maintenance dredging). This might include, subject to agreement, installing appropriate signage at the marina with a contact telephone number for the Northport ServicesService Centre; and.

iv.(iii)Iwi and/or hapū.

n.(n) Procedures, including timeframes, for reviewing management actions to ensure their continuing efficacy during operations.

o.(o) Incident reporting procedures.

89.94. 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).*

COMMERCIAL SHIPPING

Safety Management Plan ('SMP')

95. The consent holder must prepare a draft SMP and, following consultation on the content of the draft SMP with representatives from Channel Infrastructure, North Tugz Limited, the Whangarei Harbour Safety Committee, and the Harbourmaster (including provision of at least fifteen (15) working days for feedback to be provided), the consent holder must no later than three months prior to the commencement of Expansion Project capital dredging provide the draft SMP to the Council for Certification.

96. The objective of the SMP is to specify procedures for the management of Expansion Project capital dredging, reclamation, and construction operations to ensure that any actual or potential adverse effects of capital dredging and reclamation on other commercial shipping operations in the Whangarei Harbour, with respect to harbour safety and vessel navigation, are appropriately managed.

97. In order to achieve the objective set out in condition 96, the SMP must, as a minimum, include:

(a) The processes and procedures that will be implemented to manage commercial shipping schedules, including for ships visiting Channel Infrastructure and Northport;

(b) The measures/procedures that will be implemented in relation to Expansion Project capital dredging and reclamation operations to manage any potential conflicts between the capital dredging and reclamation programmes and other commercial shipping, including ships visiting Channel Infrastructure and Northport;

(c) The measures/procedures that will be implemented in relation to Expansion Project capital dredging and reclamation operations to maintain the safety of all commercial shipping in Whangarei Harbour;

(d) Any changes required to the existing Dynamic Under Keel Clearance System as a result of the Expansion Project, and the necessary implementation processes for any such changes; and

(e) The training and/or information regarding the above matters that will be provided to dredge vessel crews.

~~90.~~98. The consent holder must undertake ~~pile driving, capital and maintenance dredging~~ all activities authorised by these resource consents in accordance with the Certified ~~MMMP~~SMP.

99. Any amendments to the Certified SMP proposed by the consent holder must be supported by a report from a Suitably Qualified and Experienced person, following consultation by the consent holder with representatives from Channel Infrastructure, North Tugz Limited, the Whangarei Harbour Safety Committee, and the Harbourmaster. Any amendments to the MSP must be Certified by the Council.

Potential sedimentation at Channel Infrastructure jetties and turning basin

100. In order to inform the coastal process shoreline monitoring required by conditions 194-195, the consent holder must undertake an initial pre-Expansion Project baseline sub-tidal, inter—tidal, and dry beach survey of the shoreline from Northport to Mair Bank (inclusive), including the Channel Infrastructure jetty area. The pre-Expansion Project baseline bathymetry survey must be completed prior to commencement of Expansion Project capital dredging and must expressly consider the bathymetry in the vicinity of the following areas:

(a) the Channel Infrastructure jetty structures, including the berth pockets and turning basin, and

(b) other marine structures owned/operated by Channel Infrastructure (and existing as at 1 January 2023), including the firepump intake, outfall locations, and spillway.

101. A report on the outputs of the pre-dredging baseline survey required by condition 100 must be provided to Channel Infrastructure within 4 months of the completion of the survey.

Advice Note: *The consent holder agrees to also make available to Channel Infrastructure copies of all reports required by conditions 194-195 (reporting on the coastal process shoreline monitoring required to be undertaken by the consent holder) immediately after they are provided to Council in accordance with those conditions.*

102. The consent holder must procure a Suitably Qualified and Experienced person to review any reports or other data provided to the Council in accordance with conditions 194-195, and to prepare a further report that, as a minimum:

(a) Describes the levels of sedimentation or erosion in the areas in the immediate vicinity of the Channel Infrastructure structures and turning basin, and outlines any changes that have occurred since the pre-Expansion Project baseline bathymetry survey, and/or any preceding report produced under this condition; and

(b) Based on the monitoring undertaken, assesses whether it is possible to conclusively determine that any materially increased sedimentation or erosion at the Channel Infrastructure structures or turning basin has been caused by the Expansion Project (and, if so, whether the Expansion Project has in fact caused the increased sedimentation or erosion).

103. The consent holder must no later than 18 months following the completion of Expansion Project capital dredging submit the report required by condition 102 to Channel Infrastructure. Thereafter, reports must be submitted annually to Channel Infrastructure for a further five years.

104. Where a report produced under condition 102 concludes that the Expansion Project has conclusively caused materially increased sedimentation or erosion at the Channel Infrastructure structures or turning basin, the consent holder must engage with Channel Infrastructure to determine an appropriate mechanism to fund the actual and reasonable costs for any:

(a) maintenance dredging required to be undertaken to return the levels of sedimentation at the Channel Infrastructure structures or turning basin to pre-Expansion Project levels, and/or

(b) monitoring and/or scour protection works required to be undertaken to manage erosion at the Channel Infrastructure structures or turning basin due to the Expansion Project.

Advice Note: *The above conditions do not require the consent holder to obtain any authorisations required for any maintenance dredging or scour protection works at the Channel Infrastructure structures or turning basin. It is anticipated that potential maintenance dredging and/or scour protection works will be able to be carried out pursuant to existing resource consents held by Northport and Channel Infrastructure.*

Potential changes to mooring forces

105. The consent holder must within three months after Practical Completion engage a Suitably Qualified and Experienced person to:

(a) undertake a review of post-construction changes in hydrodynamics and to compare these to the modelled changes predicted in the report 'Hydrodynamic Modelling Additional Output Locations: of Proposed Reclamation and dredging Layout on Hydrodynamics' (MetOcean Solutions, April 2023); and

(b) produce a report which must, as a minimum:

(i) Describe the changes in hydrodynamics in the immediate vicinity of the Channel Infrastructure structures and turning basin, and whether those changes are materially different to the modelled changes predicted in the MetOcean 2023 report; and

(ii) If the changes in hydrodynamics are materially different to the modelled changes predicted in the MetOcean 2023 report, assess whether it is possible to conclusively determine that any such changes in hydrodynamics at the Channel Infrastructure structures or turning basin have been caused by the Expansion Project; and

(iii) assess whether any changes conclusively determined in condition b(ii) above will materially affect mooring of commercial vessels frequenting the Channel Infrastructure structures.

106. The consent holder must provide the report produced pursuant to condition 105 to Channel Infrastructure within one month of its completion.

107. Where a report produced pursuant to condition 105 concludes that the Expansion Project has conclusively caused changes in hydrodynamics at the Channel Infrastructure structures or turning basin which are materially different to predicted in the MetOcean 2023 report and which will materially affect mooring of commercial vessels frequenting the Channel Infrastructure structures, the consent holder must engage with Channel Infrastructure to determine an appropriate mechanism to (i) identify and (ii) fund the actual and reasonable costs necessary to upgrade the existing mooring equipment to safely accommodate the changed hydrodynamics.

Advice Note: *The above conditions are in addition to the other design requirements in these conditions, and the other coastal process monitoring for geomorphological changes in these conditions. They are specifically aimed to provide assurance for Channel Infrastructure that any actual effects associated with the Expansion Project on mooring forces at its jetties will be consistent with the predicted (modelled) effects, and further, to assist facilitation of a management response in the unlikely event that the actual effects are materially different than predicted.*

Full mission bridge simulation

108. Prior to construction of the port expansion, the consent holder must provide to Council results of Full Mission Bridge Simulations (FMBS) with outcomes and recommendations (i.e. ship size, environmental conditions, tug capacities and emergency response) agreed by a Suitably Qualified and Experienced independent observer / Maritime New Zealand, or their delegated representative, observers to agree findings. The FMBS are to include:

(a) Navigation to and from pilot boarding through to berthing at extended berth associated with resource application, all tide conditions, agreed limiting conditions (i.e. Harbourmaster limits for wind, waves, currents) with real time / model inputs into simulator;
(b) Assessment of passing ship, swing safety, emergency planning / procedures and minimum towage requirements;
(c) Manoeuvres into/out of bunker facility with new facility berths occupied / passing effects and safety / emergency procedures and risk assessment.

Advice Note: *The FMBS's are to include independent verification / observer as well as representation from other industry (i.e. CINZ). The comprehensive inclusion of MetOcean modelling and limiting criteria for navigation, together with suitable sized (design) vessels and support vessels (tugs) to enable a range of arrival and departure manoeuvres as well as ad-hoc (unplanned) emergencies such as loss of steerage and / or loss of propulsion.*

Oil spill risk assessment

109. At least six months prior to Practical Completion, the consent holder must provide an Oil Spill Risk Assessment (OSRA) to Council for certification. The OSRA shall be for the purpose of informing any required updates or changes to the Northland Marine Oil Spill Contingency Plan and associated spill response procedures and equipment requirements. The OSRA shall, at a minimum, consider all navigation (i.e. whole transit from boarding to departure of Pilot), emergency procedures, and potential sources and scale of oil spill and response times.

DREDGING

Capital dredging

110. Conditions 111-171 apply to capital dredging only.

General

111. At least ten (10) working days in advance of the date of the commencement of capital dredging associated with these consents, the consent holder must:

(a) notify the Council of the commencement of capital dredging; and
(b) advertise the anticipated dredging in the Northern Advocate (or equivalent); and
(c) advise the anticipated location and timing of the dredging on its website.

112. Capital dredging must:

(a) be undertaken only within the area marked "Extent of Proposed Dredge Area" on the plan C04 contained in Appendix 1; and
(b) result in a Declared Depth of no deeper than 14.5m for Area G on and 16.0m for Area H on plan C04 contained in Appendix 1.

Commented [CG14]: No volume limit is proposed by Northport because volume is appropriately controlled by proxy (area and depth). There are also practical reasons why limiting volume is problematic.

113. 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.

114. Except for incidental dredging discharges, all seabed material dredged during the capital dredging programme 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.

115. 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.

116. As soon as practicable following 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

117. 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 within Harbour Area A (inner), as described in those consents.

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* ***117*** *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)

118. The consent holder shall, at least two months prior to capital dredging commencing, submit to the Council a Capital Dredging Management Plan (Capital DMP) for certification.

119. 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 any actual or potential adverse effects associated with capital dredging are appropriately managed and are in accordance with the assessments accompanying the resource consent applications. The Capital DMP may cross reference or include relevant sections of the CEMP, particularly those relating to Wildlife.

120. 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 to be 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 that are to be used during dredging;

(g) Community liaison arrangements, including arrangements for liaising with Channel Infrastructure;

(h) A description of the storage and handling of hazardous substances during dredging;

(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 (if a TSHD is used);

(m) A description of all other relevant measures, systems, and training that will be implemented 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, and to ensure compliance with the conditions of these consents and the DMP;

(o) Measures required to ensure compliance with relevant terrestrial noise limits, including the following matters:

i) Procedures for noise monitoring at the commencement of capital dredging for each dredge used to determine actual noise emissions;

ii) Ongoing monitoring methods and procedures to ensure compliance with the noise limits;

iii) Procedures for the promotion of the awareness of noise management for the crew of each dredging vessel, including maintenance of noisy plant or equipment; and

iv) A procedure for the receipt, response and management of any noise related complaints received during the dredging period.

(p) Procedures to be implemented to manage underwater dredging noise within the noise limits specified in these consents, including how any noise complaints are to be received and actioned;

(q) Other relevant requirements specified in these conditions of consent (including other management plans); and

(r) A Contingency response plan.

121. 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.

122. Any variation to the Capital DMP must be subject to certification by Council's Compliance Manager.

123. 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.

124. Appropriate navigation signals shall be shown at all times during dredging activities.

TAG formation

125. The consent holder shall offer to establish, at its own cost, a TAG to give technical advice to the consent holder on matters of individual member expertise in relation to the capital dredging environmental monitoring and management.

126. The role of the TAG is to:

(a) Review reports prepared by the consent holder and where necessary provide advice to the consent holder in writing.

(b) Provide advice on any technical matters as sought by the Consent Holder.

(c) The TAG will not direct the nature or specifics of dredge management responses.

(d) Where the TAG does not have the expertise in any of the areas it is required to report on, it may engage the services of an appropriate expert on a relevant matter to the TAG.

127. The group shall consist of no more than 12 members as follows:

[To be decided following consultation]

128. The Consent Holder shall provide any administrative support necessary for the TAG to carry out its functions. The Consent Holder shall establish the TAG at least 2 months prior to the first commencement of dredging.

129. The Consent Holder shall offer to hold meetings at a frequency appropriate for the dredging programme and reporting intervals.

Environmental Monitoring and Management Plan (EMMP)

130. At least two (2) months prior to the commencement of marine ecology assurance monitoring required by these consents, the consent holder must provide an EMMP to the Council for certification.

131. The objectives of the EMMP are:

(e) *Turbidity monitoring and management:* to detail how 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; and

(f) *Marine ecology assurance monitoring:* to facilitate the comparison of changes in the marine receiving environment caused by Expansion Project capital dredging with those predicted in the information filed in support of the resource consent application, including by:

(i) Characterising the responses of surrounding sub-tidal and inter-tidal habitats and benthic communities to sediments suspended and deposited offsite during channel dredging, and subsequent changes after dredging is complete.

(ii) Confirming whether benthic habitats and communities similar to those currently existing re-establish on the dredged basin once dredging is complete.

(g) *Bathymetric and shoreline surveys:* to collect spatial data on the seabed and shoreline to assess any physical changes to the coastline and seabed that may result from the Expansion Project.

132. The EMMP must include the following topics:

Turbidity monitoring and management

(a) The monitoring of turbidity plumes, including roles and responsibilities of groups involved in monitoring;

(b) Management actions to be undertaken in response to an exceedance of a turbidity trigger or Tier 3 Compliance Level;

Marine ecology assurance monitoring

(c) Detailed assurance monitoring survey methodologies providing for:

(i) sub-tidal marine ecology assurance monitoring in accordance with conditions 165-166;

(ii) inter-tidal marine ecology assurance monitoring in accordance with conditions 167-169;

(iii) the collection of assurance monitoring data on the following key physical and ecological indicators:

- sediment grain size;
- the composition of sub-tidal and inter-tidal infaunal communities (including diversity, abundance, evenness);
- the distribution and cover of seagrass and macroalgae beds; and
- the presence (and/or abundance) and distribution of sub-tidal epifauna (or indicator species).

(d) Where relevant, methodologies for the analysis of marine ecology assurance monitoring data collected;

(e) A process for the refinement of the Marsden Bay seagrass monitoring area pursuant to condition 169;

Bathymetric and shoreline surveys:

(f) The methodologies for the bathymetric and shoreline surveys required by conditions conditions 194 and 195; and

Miscellaneous

(g) The EMMP content requirements specified in other conditions of these consents;

(h) Reporting requirements specified in these conditions of consent and otherwise needed to achieve the objectives of the EMMP;

(i) Identification of any other relevant management plans (for example the CEMP, Capital DMP, Maintenance DMP) and the linkages with those plans; and

(j) Documentation procedures for handling complaints relating to capital dredging.

Monitoring of Turbidity

133. As part of the EMMP, the consent holder must detail how the capital dredging turbidity plumes are to be monitored to:

(a) Confirm whether or not turbidity plumes exceed the turbidity triggers and Tier 3 Compliance Level that are to be specified under condition 136;

(b) Assess whether a turbidity event is determined to be an extraordinary natural event; and

(c) Assess the relative contributions of dredging and non-dredging sources to observed turbidity.

134. The EMMP must include the following details:

(a) The monitoring equipment to be used, including the use of nephelometers;

(b) The location of the monitoring equipment;

(c) The setting up and maintenance of monitoring equipment;

(d) The establishment of real-time monitoring; and

(e) Data management;

(f) Quality assurance /quality control methods including management of missing and aberrant data.

Management Actions in Response to Turbidity Plumes

135. As part of the EMMP, the consent holder must detail the management actions to be carried out in response to elevated turbidity as defined by the turbidity Tier 1 and Tier 2 triggers.

136. To achieve condition 135, the EMMP must include the following:

(a) Details of the rationale for classifying the turbidity observations into two (2) tiers of turbidity triggers and one (1) Tier 3 Compliance Level;

(b) Details of how the Tier 1, and Tier 2 turbidity triggers and Tier 3 Compliance Level are determined using the methodology referred to in condition 156;

(c) Setting out the Intensity values for Tier 1, and Tier 2 turbidity triggers and Tier 3 Compliance Level which are based on the 80th, 95th, and 99th percentile of baseline plus Predicted Dredging Turbidity respectively; and

(d) Description of the management actions set out in condition 138 and how they may be applied by the dredge operator when a Tier 1, or Tier 2 turbidity trigger or Tier 3 Compliance Level is exceeded.

137. The EMMP must also include procedures on:

(a) Investigating whether the exceedance of the trigger is caused by capital dredging; and

(b) Where necessary, increasing monitoring effort to better understand the characteristics of the turbidity causing an Exceedance, such as carrying out manual turbidity measurements in the vicinity of the monitoring station.

138. The EMMP must include a suite of management response measures that may be undertaken in response to an Exceedance of a turbidity trigger, including:

(a) A change in the location of dredging;

(b) A change in the dredging process, including timing of dredging within the tidal phase; and/or

(c) The cessation of dredging in the vicinity of a telemetered turbidity monitoring station.

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

140. The EMMP must be certified in writing by the Council prior to commencement of pre-dredging marine ecology assurance monitoring required by these conditions, and the consent holder must undertake capital dredging, and pre-, during-, and post-dredging marine ecology assurance monitoring and reporting, in accordance with the certified EMMP (including any certified variation).

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

142. A copy of the EMMP and all amended EMMPs must be provided to iwi, hapū, and Māori as soon as practicable, and in any event not more than five (5) Working Days following certification.

Capital dredging turbidity monitoring

143. The consent holder must undertake a capital dredging monitoring and reporting programme in accordance with conditions 144 to 153.

144. The purpose of the capital dredging monitoring programme is to:

(a) Provide baseline water quality information sufficient to enable the effects of capital dredging to be determined; and

(b) Monitor during capital dredging so that any management actions can be carried out in a timely manner.

145. The consent holder must carry out baseline water quality monitoring required by conditions 146 to 148 over a period of at least one (1) year, prior to the first commencement of capital dredging authorised by these consents.

146. There must be no fewer than three (3) stations carrying out telemetered monitoring of turbidity (NTU) for the purposes of baseline water quality monitoring and capital dredging management.

147. For the purposes of the baseline water quality monitoring, the consent holder must

(a) monitor for turbidity (in NTU) at all locations and salinity at one location. Each parameter must be monitored at a frequency of not less than once every 15 minutes. The specific location of the water quality monitoring stations, the parameters to be monitored at each station, and the methodology and equipment to be used are to be detailed in the EMMP.

(b) At each monitoring location, monthly water sampling shall be undertaken to contemporaneously record the TSS and NTU levels at that location.

148. The monitoring programme contained in the EMMP must be designed and carried out by a person(s) who is suitably experienced in marine environment monitoring.

Reporting

149. The consent holder must prepare a baseline water quality monitoring report. The report must:

(c) Present and discuss the results of baseline water quality monitoring; and

(d) Recommend any amendments to the EMMP for the purposes of future water quality monitoring required by these consents to change the location of a station(s) within the relevant zone or the monitoring parameters at each station, provided that the amended locations or monitoring parameters at the station better achieve the purpose of the EMMP.

150. The baseline water quality monitoring report must be provided to the Council at least two (2) months prior to the first commencement of capital dredging.

151. During and after capital dredging, the consent holder must provide to the Council, at least quarterly, a report that summarises the:

(a) Water quality monitoring data from the previous quarter and any monitoring or equipment issues that occurred during that period;

(b) Collation of other monitoring undertaken; and

(c) Details of any Exceedance(s), the management response measures carried out and the results of monitoring after the management response measures have been completed.

152. There must be no fewer than two (2) quarterly reports prepared immediately after capital dredging is completed.

153. Within nine (9) months of the completion of capital dredging, the consent holder must provide the Council a Dredging Turbidity Monitoring and Management Report. The report must provide a

summary of the turbidity monitoring and management response measures carried out during the capital dredging (excluding for marine ecology assurance monitoring, the requirements for which are set out below) and must include, but not be limited, to the following:

(a) Summary of the turbidity monitoring undertaken; and

(b) Summary of the management actions carried out and the results of monitoring after the management actions have been completed.

Turbidity Triggers and Tier 3 Compliance Level

Establishment of turbidity triggers and Tier 3 Compliance Level:

154. The consent holder must establish turbidity triggers and a Tier 3 Compliance Level for each of the telemetered turbidity monitoring locations. There must be two (2) tiers of turbidity triggers and one (1) Tier 3 Compliance Level, each with an Intensity and Allowable Duration value.

155. The purpose of turbidity triggers is to:

(a) Initiate a management action(s), as detailed in the EMMP and required under condition 135, in the event of a Tier 1 or 2 turbidity trigger Exceedance;

(b) Initiate requirements for compliance in the case of an Exceedance of the Tier 3 Compliance Level as set out in conditions 160 to 164.

156. Turbidity triggers and Tier 3 Compliance Levels must be established in accordance with the methodology (including the modified-Intensity-Frequency-Duration approach) in the document titled *"Turbidity Monitoring for the Northport Expansion Project"* (1 June 2023, Environmetrics Australia).

157. Upon completion of the baseline water quality monitoring, the Intensity component of the turbidity triggers and Tier 3 Compliance Level for each telemetered turbidity monitoring location must be calculated using the baseline turbidity data referred to in condition 145 plus the Predicted Dredging Turbidity at that location, using the methodology referred to in condition 156.

158. The consent holder must provide to the Council, at least two (2) months prior to commencement of capital dredging, a written report prepared by a Suitably Qualified and Experienced person which demonstrates that the turbidity triggers and Tier 3 Compliance Level have been established in accordance conditions 155 and 156.

159. The report prepared under condition 158 must be certified in writing by the Council's Compliance Manager prior to the first commencement of capital dredging authorised by these consents.

Tier 3 Compliance Levels and Exceedance Events

160. The telemetered turbidity monitoring stations required under condition 146 are to be used to determine whether there has been a Tier 3 Compliance Level Exceedance.

161. If a monitoring station records an Exceedance of the Tier 3 intensity value for more than 7.2 hours over a rolling 30-day period, capital dredging must cease in the vicinity of that monitoring station and only recommence in the following circumstances:

(a) The number of Tier 3 "exceedance hours" has fallen below the 7.2 hours available at that station over a rolling 30-day period, or

(b) The turbidity recorded at that station is less than the Tier 3 NTU intensity value calculated for that station; or

(c) The exceedance is due to an extraordinary natural event as detailed in condition 163.

162. The consent holder must ensure that methods for managing and achieving compliance with the requirements of condition 161 must be set out in the EMMP.

163. Notwithstanding condition 161, capital dredging may continue in the vicinity of a telemetered turbidity monitoring location provided that:

(a) The consent holder provides the Council a written report, within 24 hours of a Tier 3 Compliance Level Exceedance referred to in condition 161 which demonstrates that the elevated turbidity is due to an extraordinary natural event and not attributable to dredging; and

(b) If the Council, acting in its technical capacity, disagrees with the findings of the report the capital dredging must cease at the relevant location(s) and only recommence in accordance with condition 161(a)and 161(b). If the Council provides no written response after two (2) working days then it is deemed that the Council agrees with the findings of the report prepared under condition 163(a) and dredging may continue.

Advice note: *An extraordinary natural event should be a significant and self-evident natural event that has clearly caused an Exceedance of the Tier 3 Compliance Level at one (1) or more of the turbidity monitoring stations. The high-concentration turbidity plumes would have been generated from events such as a tsunami, a weather event causing significant flooding, extreme swells, or a land slip.*

164. The consent holder must place a copy of the report prepared under condition 163(a) on its website.

Marine ecology assurance monitoring

Sub-tidal monitoring

165. The consent holder must undertake marine benthic ecology assurance monitoring of sub-tidal biota and sediments:

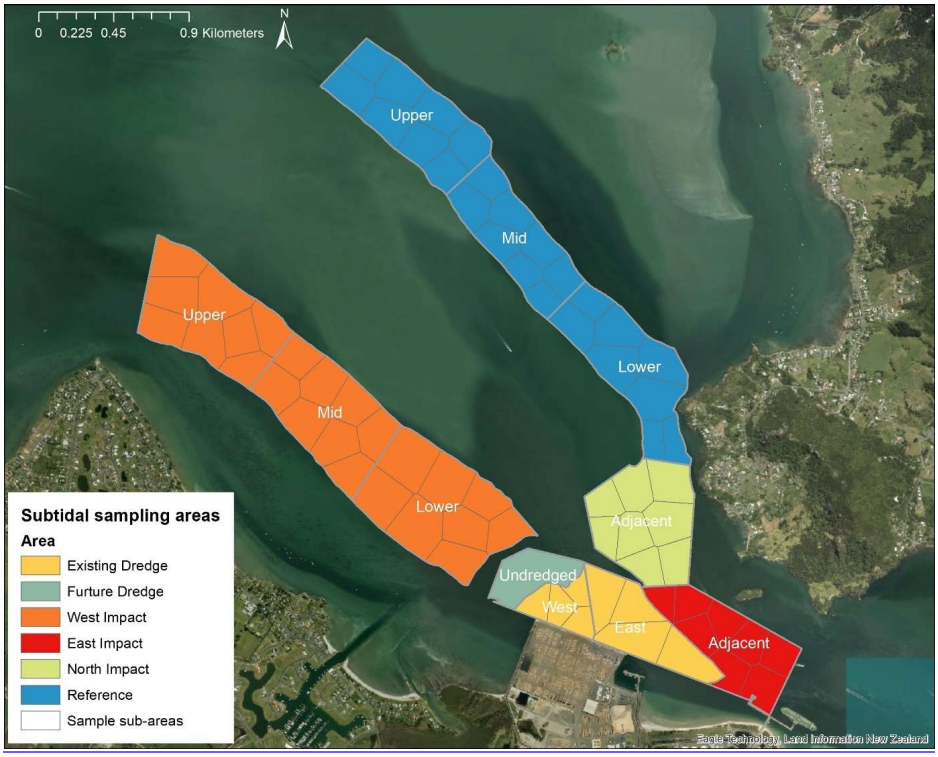
(a) in accordance with the certified EMMP; and

(b) in general accordance with the following table and plan:

Timing requirements of each sub-tidal sampling round (✓ means sampling is required; ✗ means no sampling is required)

	Within a one year period within 18 months prior to dredging commencing		During dredging (except in the dredge basin)		One year after dredging is complete		Three years after dredging is complete	
Area	Spring / summer	Autumn / winter	Spring / summer	Autumn / winter	Spring / summer	Autumn / winter	Spring / summer	Autumn / winter
Existing Dredge	✓	✓	✗	✗	✓	✓	✓	✓
West Impact	✓	✓	✓	✓	✓	✓	✗	✗
East Impact	✓	✓	✓	✓	✓	✓	✗	✗
North Impact	✓	✓	✓	✓	✓	✓	✗	✗
Reference	✓	✓	✓	✓	✓	✓	✓	✓

Plan showing indicative sample areas for sub-tidal benthic ecological monitoring



166. The spring/summer and autumn/winter sampling rounds required in condition 165 must be as close to six (6) months apart as practicable.

Inter-tidal monitoring

167. The consent holder must undertake marine ecology assurance monitoring of inter-tidal infauna, sediments, and seagrass:

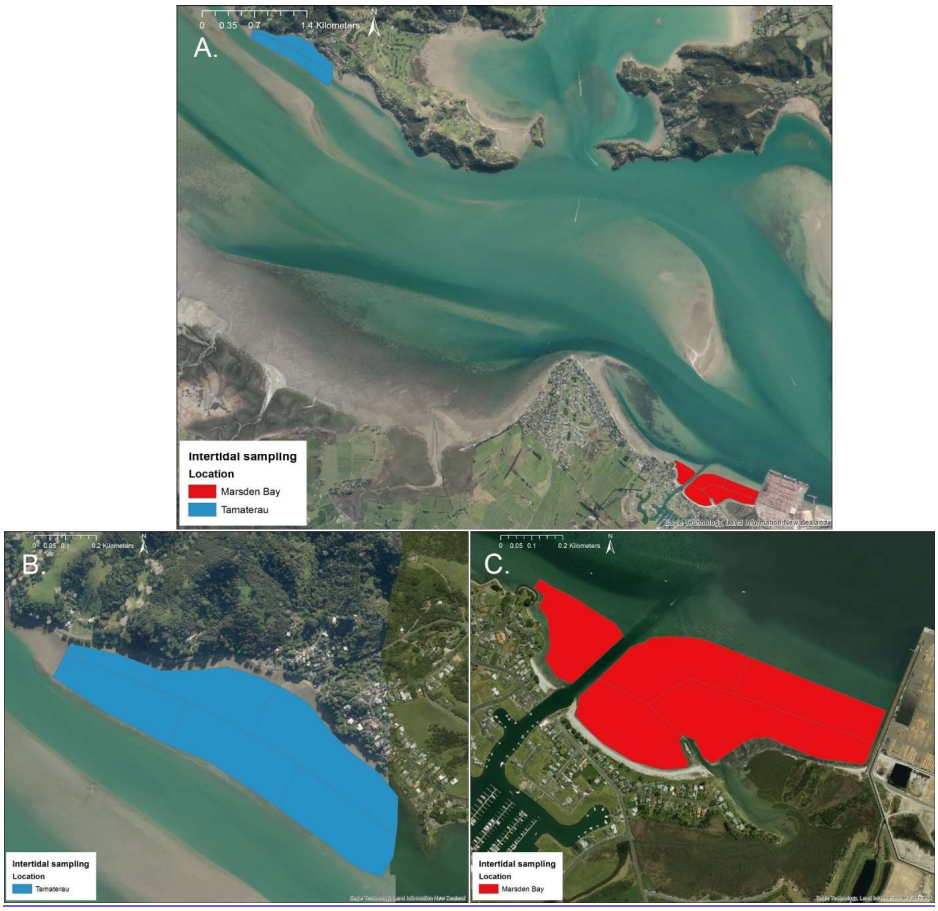
(a) in accordance with the certified EMMP; and

(b) in general accordance with the following table and plans:

Timing requirements of each inter-tidal sampling round (✓ means sampling is required;; ✶ means sampling is required if the previous monitoring round shows that scientifically significant adverse effects have occurred).

	Within a one year period within 18 months prior to dredging commencing		During dredging		One year after dredging is complete		Three years after dredging is complete	
Area	**Spring / summer**	**Autumn / winter**	**Spring / summer**	**Autumn / winter**	**Spring / summer**	**Autumn / winter**	**Spring / summer**	**Autumn / winter**
Marsden Bay benthic sediments and ecology	✓	✓	✓	✓	✓	✓	✶	✶
Tamaterau benthic sediments and ecology (reference location)	✓	✓	✓	✓	✓	✓	✶	✶
Marsden Bay seagrass	✓	✓	✓	✓	✓	✓	✶	✶

Plan showing indicative sample areas for inter-tidal sediment and infauna monitoring



168. The spring/summer and autumn/winter sampling rounds required in condition 167 must be as close to six (6) months apart as practicable.

169. The Marsden Bay seagrass monitoring required by condition 167 must include the mapping of seagrass at Marsden Bay using georeferenced and orthocorrected photogrammetry obtained by low-tide UAV (drone) survey. The initial survey area must be in general accordance with the below plan. Subsequent survey areas may be refined following the process to be set out in the EMMP.

Indicative area for Marsden Bay inter-tidal seagrass monitoring

Marine ecology assurance monitoring reporting

170. After the completion of each set of annual (i.e. spring/summer and autumn/winter) marine ecology assurance monitoring required by these consents, the consent holder must engage a Suitably Qualified and Experienced marine ecologist to produce a report detailing the assurance monitoring undertaken during that period, including with reference to any previous assurance monitoring in order to illustrate any relevant trends over time.

171. Each monitoring report required under condition 170 must be provided to the Council within three (3) months of the completion of the relevant set of annual marine ecology assurance monitoring.

Advice note: *The marine ecology assurance monitoring conditions above are consistent with the document titled "Ecological Assurance Monitoring Plan" attached to the Draft EMMP submitted during the resource consent hearing for the expansion Project. The above conditions are intended to set out the key requirements and standards of the marine ecology assurance monitoring that is required under these consents, with the EMMP to set out the detailed monitoring methodologies.*

Maintenance dredging

172. Conditions 173-187 apply to maintenance dredging only.

Commented [CG15]: As part of ongoing discussions with iwi/hapu, Northport is continuing to identify opportunities to incorporate the KG functions into the various relevant conditions (e.g. potentially requiring reporting to be provided to/commented on by the KG etc).

173. Maintenance dredging must:

(a) only be undertaken within the area marked "Extent of Proposed Dredge Area" on the plan C04 contained in Appendix 1; and

(b) result in a Declared Depth of no deeper than 14.5m for Area G and 16m for Area H on plan C04 contained in Appendix 1.

174. Except for urgent dredging required for navigational safety or stability of structures, at least ten (10) working days in advance of the date of the commencement of a maintenance dredging programme associated with these consents, the consent holder must:

(a) Notify the Council of the intended maintenance dredging;

(b) Advertise the intended maintenance dredging in the Northern Advocate (or equivalent); and

(c) Advise the anticipated location and timing of maintenance dredging on its website.

175. The consent holder shall ensure that a copy of this consent is provided to the person who is to carry out the dredging, prior to any work commencing. A copy of the consent shall be held on the dredger.

176. 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.

177. 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.

178. 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 177.

179. The results of each monitoring campaign must be reported to the Council within one (1) week of monitoring being completed, or within 24 hours of any non-compliance.

180. 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.

181. 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.

182. 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)

183. At least twenty (20) working days prior to maintenance dredging 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 to ensure that potential adverse effects associated with maintenance dredging are appropriately managed.

184. 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 to be used;

(e) A description of how the location and quantities of Dredge Spoil are to be recorded, and (if necessary) evidence that the dredge spoil disposal location is appropriately authorised;

(f) A description of the maintenance of equipment and systems that are used during dredging;

(g) Community liaison arrangements, including arrangements for liaising with Channel Infrastructure;

(h) A description of the storage and handling of hazardous substances during dredging;

(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, systems, and training that will be implemented 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, and to ensure compliance with the conditions of these consents;

(o) Procedures to be implemented to manage underwater dredging noise within the noise limits specified in these consents, including how any noise complaints are to be received and actioned; and

(s) Other relevant requirements specified in these conditions of consent (including other management plans); and

(p) A Contingency response plan and incident reporting.

185. 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).

186. Any variation to the Maintenance DMP must be subject to certification by Council.

187. 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.

188. Appropriate navigation signals shall be shown at all times during dredging activities.

SANDBANK RENOURISHMENT AREA GEOMORPHOLOGICAL MONITORING AND MAINTENANCE

189. The consent holder must commission inter-tidal and sub-tidal geomorphological surveys of the Sandbank Renourishment Area and the CMA within 200m of the Sandbank Renourishment Area.

190. The monitoring required by condition 189 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.

191. Within three (3) months of each survey required by condition 189, 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).

192. Where a report certified under condition 191 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.

193. Conditions 189-192 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 189-192 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.*

~~*Marine Mammal Observation Zone (MMOZ)*~~

~~91. Before commencing any dredging or 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.~~

~~92. The default MMOZ extent shall be any CMA within 800m of the pile driving and 50m of an operating dredge.~~

~~93. Prior to commencement of daily piling, a pre-start observation zone period shall be undertaken. This observation zone must extend from the channel and surrounds to One Tree Point. This observation may be undertaken by a camera system that is monitored remotely.~~

~~94. The MMOZ will continue to be monitored for at least 48 hours or until further sightings have been confirmed.~~

~~95. 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 and dredging prohibition requirements*~~

~~96. 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 popoiangore *leopard seal* is sighted in waters within 800m of an active pile driving location; or~~

~~c. a marine mammal is observed within 50m of an operating dredge;~~

~~pile driving must not commence or must immediately cease; and must only commence or re-commence once all marine mammals have been visually confirmed as having left the relevant location(s) specified in (a) to and (cb) above, or 30 minutes have elapsed since the last marine mammal sighting.~~

~~97. The distances in condition 96(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.~~

~~98. Observation of marine mammals within the locations outlined in (a) to (c) above and the period of cessation of piling and dredging shall be reported to Council within two (2) working days.~~

~~*Pile driving sound level verification*~~

~~99. Verification of the in-situ noise levels produced from pile driving activities must be undertaken during pile driving activities utilising underwater passive acoustic monitoring (PAM)~~

~~instrumentation and trained operators the underwater acoustic monitoring instruments required by condition **Error! Reference source not found.** .~~

~~100. Evidence of noise levels and verification shall be provided to Council within five (5) working days.~~

~~*Pile driving timing and scheduling*~~

~~101.1. Pile driving must only be undertaken during daylight hours.~~

~~102.1. 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 96-102 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* ***Error! Reference source not found.*** *and* ***Error! Reference source not found.*** *below.*~~

~~Benthic Ecology~~

~~103. [Placeholder for conditions]~~

~~Marine~~ **COASTAL PROCESSES: BATHYMETRIC AND SHORELINE MONITORING**

194. The consent holder must commission sub-tidal, inter-tidal, and dry beach 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 including the Marsden Cove Marina channel and Blacksmiths Creek channel; and

(b) The shoreline from Northport to Mair Bank (inclusive), including the Channel Infrastructure jetty area.

Advice note: *The detailed methodologies for the surveys required by condition* ***194*** *are required to be set out in the EMMP (see the above EMMP conditions).*

195. The monitoring required by condition 194, and associated reporting, must be undertaken in accordance with the frequencies in the following table. Reporting must include:

(a) a comparison between the most recent surveys and surveys undertaken in previous project phases to identify any trends over time; and

(b) observations based on the results of the analysis, including in the context of ambient conditions such as wind speed and direction, water level variations, and any significant climate events; and

(c) any recommendations around proposed mitigation measures such as sand back-passing, beach nourishment, groynes and other structures.

Bathymetric and shoreline monitoring and reporting frequencies

Project Phase	Monitoring frequency	Reporting frequency

Within a one year period within 18 months prior to dredging commencing	Two surveys over the 12 month period	Nil
During dredging and in the first year post dredging	6 monthly (biannual) surveys	One report within six (6) months of the final survey completion
1-5 years post-completion of dredging	One survey annually	One report within six (6) months of the final survey completion

MARINE BIOSECURITY

196. ~~The objective of the Marine~~ At least one (1) month prior to the arrival of a dredge or reclamation vessel in New Zealand, the consent holder must submit a Biosecurity ~~section~~Management Plan(s) (BMP(s)) to the Council for certification.

~~104.~~197. The objective of the ~~CEMP~~BMP(s) is to specify how the risk of a biosecurity incursion via ~~Expansion Project~~ introduction by ~~Container Terminal~~ Expansion Project construction vessels is to be ~~minimised and managed~~~~primarily~~primarily avoided, and to ensure effective treatment of all plant and equipment used in association with the works authorised by these consents to ensure that these do not become a vector for the spread of any unwanted or risk species. The ~~Marine Biosecurity section~~BMP must include:

~~a.~~(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.~~(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.~~(c) Findings from previous inspections, if available;

~~d.~~(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:

~~i.~~(i) 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;

~~ii.~~(ii)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;

iii.(iii) Any additional risk mitigation planned during transit to New Zealand, including expected procedures for ballast water management;

iv.(iv) Expected desiccation period of above-water surfaces on arrival to New Zealand (i.e. period of air exposure since last dredging operations);

Construction Noise

105. The consent holder shall, at least one month prior to the commencement of the capital dredging event authorised by these resource consents, submit for certification a Noise Management Plan ('NMP') or section in the CEMP, prepared by an independent Suitably Qualified and Experienced Person.

106.(a) The NMP shall as a minimum address the measures required to ensure compliance with the noise limits referred to in Condition 107 and the following matters:

a.i) Procedures for noise monitoring at the commencement of capital dredging for each dredge used to determine actual noise emissions;

b. Ongoing monitoring methods and procedures to ensure compliance with the noise limits in Schedule 1, including any restrictions arising from (b) above;

c.i) Procedures for the promotion of the awareness of noise management for the crew of each dredging vessel, including maintenance of noisy plant or equipment; and

d.i) A procedure for the receipt, response and management of any noise related complaints received during the dredging period.

107.1. 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"*

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

109. The consent holder shall undertake all activities authorised by these resource consents in accordance with the Certified NMP.

110. The NMP shall be reviewed prior to the commencement of any maintenance dredging campaign if one or more of the dredging vessels to be used differs from those used for capital dredging or any previous maintenance dredging campaign. Any amendments to the Certified NMP proposed by the consent holder shall be certified by the council's Compliance Manager.

111. The consent holder shall ensure that the dredge vessels and equipment used are maintained so as to minimise the generation of airborne noise as far as practicable.

DREDGING

Capital dredging

Conditions 111-137 apply to capital dredging only.

GENERAL

113.1. Capital dredging must:

a. be undertaken only within the area marked "Dredge Area" on [insert plan ref];

b. not exceed 1.72 million m^3 of material dredged;

c. not occur at the same time as any underwater piling activities; and

d. 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].

114.1. 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.

115.1. Except for incidental dredging discharges, all seabed material dredged during the capital dredging programme must be:

a.(a) Placed in the reclamation associated with the Expansion Project; or

b.(a) Deposited on land at Marsden Point presently owned by the consent holder or Marsden Maritime Holdings Ltd; or

c.(a)Deposited in any other authorised location.

198. The consent holder must notifyThe BMP(s) must be prepared by a suitably experienced person.

116. The BMP(s) must be certified in writing by the Council's Compliance Manager in writing within five ten (510) working days following the date of the completion of capital dredgingprior to construction works associated withauthorised by these consents.

117. The consent holder shall publicly advertise the location and timing of the dredging in the Northern Advocate (or equivalent) at least one week but not more than two weeks, in advance of first commencing dredging operations on each occasion. These operations must also be advertised on the website.

118.1. Within one month of On completion of the capital dredging, the consent holder must notify and 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

Commented [CS16]: 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 amendable to do so. In our view however, including this direction as a condition was the most efficient approach.

Commented [BM17R16]: NRC: Usually we would refer to the AUT.xxx Capital dredging as a heading to designate that the following conditions only relate to a specific consent. General conditions can come under a general conditions heading if necessary.

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

119.1. Capital dredging under these consents must not commence:

a.(a) during capital dredging authorised under consents *AUT.037197.01-13;* or

b.(a) 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]m^3 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 119 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)

120. The consent holder shall, at least two months 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.

121.1. 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 any actual or potential adverse effects associated with capital dredging are appropriately managed and are in accordance with the assessments accompanying the resource consent applications. This plan may cross-reference or include relevant sections of the CEMP, particularly those relating to Wildlife.

122.1. The plan must provide the following information:

a.(a) A description of proposed works, together with drawings;

b.(a) A description of the number and types of dredges to be used;

Commented [CS18]: 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.

Commented [BM19R18]: Is there a need to establish a similar set of conditions for any piling works between these two activities?

c.(a)A dredging programme including a timetable, sequence of events and expected duration of all proposed works;

d. A description of dredging methodology to be typically used;

e.(a) A description of how the location and quantities of Dredge Spoil and/or in situ seabed material are to be recorded;

f.(a) A description of the maintenance of equipment and systems that are to be used during dredging;

g.(a) Community liaison arrangements;

h.(a) A description of the storage and handling of hazardous substances during dredging;

i.(a) Protocols for managing accidental discharge of sediments or other contaminants into the CMA;

j.(a) 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)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, systems, and training that will be implemented to avoid, remedy or mitigate 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, and to ensure compliance with the conditions of these consents and the DMP;

o. Procedures to be implemented to manage underwater dredging noise within the noise limits specified in these consents, including how any noise complaints are to be received and actioned; and

p.(a) Other relevant requirements specified in these conditions of consent (including other management plans); and

q.(a) A Contingency response plan.

123.199. 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, and the consent holder must undertake all activities authorised by these consents in accordance with the certified BMP(s) (including any certified variation).

124.1. Any variation to the Capital DMP must be subject to certification by Council's Compliance Manager.

125.1. 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.

126. Appropriate navigation signals shall be shown at all times during dredging activities.

Environmental Monitoring and Management Plan (EMMP)

200. At least two (2) months priorAny variation to the commencement of capital BMP(s) must be subject to certification by Council's Compliance Manager.

127.201. Prior to dredging commencing, the consent holder must provide an EMMPwritten certification from a Suitably Qualified and Experienced person to the Council for certification. 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.

128. 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.

129.1. The EMMP must include the following topics:

a. The monitoring of turbidity plumes;

b.(a) 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.(a) Identifying any other relevant management plans, including the Capital DMP and Maintenance DMP, and the linkages and cross references to those plans;

g.(a) 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.

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

131. 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).

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

133. 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.

Monitoring of Turbidity

134. [TBC]

Management Actions in Response to Turbidity Plumes

135. [TBC]

Assurance Monitoring

136. [TBC]

Reporting

137. [TBC]

Turbidity Triggers and Compliance

138. [TBC]

Maintenance dredging

139. Conditions 140-155 apply to maintenance dredging only.

140.1. Maintenance dredging must:

a. only be undertaken within the area marked "Dredge Area" on [insert plan ref];

b. not exceed 285,000 m^3 of material; and

c. result in a Declared Depth of no deeper than 14.5m for [Area A] on and 16m for [Area B] on [insert plan ref].

141. 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.

142. The consent holder shall publicly advertise the location and timing of the dredging in the Northern Advocate (or equivalent) at least one week but not more than two weeks, in advance of commencing dredging operations on each occasion, and on its website.

143. The consent holder shall ensure that a copy of this consent is provided to the person who is to carry out the dredging, prior to any work commencing. A copy of the consent shall be held on the dredger, and available for inspection by the public, during the work.

144. 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 five twenty (520) working days after the maintenance dredging work is completed.

145. Maintenance dredging must not cause any of the following effects on the quality of the receiving waters, as measured at or beyond a 1050 metre distance from the marked "Dredge Area" on [plan]:

a. The turbidity of the water (NTU) must not be increased by more than 3050% of the background turbidity at the time of measurement;

b.(a) The production of any conspicuous oil or grease film, scums or foams, or floatable or suspended materials, or emissions of objectionable odour; and

c.(a) The destruction of natural aquatic life by reason of a concentration of toxic substances.

146. 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 145.

147.1. 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.

148.1. Except for incidental dredging discharges, all material dredged during maintenance dredging must be:

a.(a) Placed in the reclamation associated with the Expansion Project; or

b.(a) Deposited on land at Marsden Point presently owned by the consent holder or Marsden Maritime Holdings Ltd; or

c.(a)Deposited in any other authorised location.

The consent holder shall prepare and submit a plan to Council detailing the disposal locations of material dredged at least two (2) weeks prior to a maintenance dredging event, and if locations in (b) or (c) above are to be utilised, provide evidence of this activity being permitted or authorised by another resource consent.

149. The consent holder must notify the Council on within ten (10) working days following the date of the completion of a maintenance dredging programme associated with these consents, and provide confirmation that the total dredge volume of 285,000m^3 has not been exceeded.

150. 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 or an equivalent system).

151.1. 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 any actual or potential adverse effects associated with maintenance dredging are appropriately managed and are in accordance with the assessments accompanying the resource consent applications.

152.1. The plan must provide the following information:

a. Proposed date of works commencement and duration(s)

b.(a) A description of proposed works, together with drawings;

c.(a) A description of the number and types of dredges to be used;

d.(a) A dredging programme including a timetable, sequence of events and expected duration of all proposed works;

e. A description of dredging methodology to be typically used;

f. A description of how the location and quantities of Dredge Spoil are to be recorded;

g.(a) A description of the maintenance of equipment and systems that are used during dredging;

h. Community liaison arrangements;

i.(a) A description of the storage and handling of hazardous substances during dredging;

j.(a) Protocols for managing accidental discharge of sediments or other contaminants into the CMA;

k.(a) 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;

l.(a) A description of measures to manage any conflicts between the dredging program and organised sporting events in Whangārei harbour;

m.(a) A description of a turbulence reducing (green or environmental) valve to be incorporated with the overflow system;

n.(a) A description of all other relevant measures, systems, and training that will be implemented to avoid, remedy or mitigate 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.

o.(a) 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, and to ensure compliance with the conditions of these consents and the DMP;

p.(a) Procedures to be implemented to manage underwater dredging noise within the noise limits specified in these consents, including how any noise complaints are to be received and actioned; and

q.(a) Other relevant requirements specified in these conditions of consent (including other management plans); and

r.(a) A Contingency response plan and incident reporting.

153.1. 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).

154.1. Any variation to the Maintenance DMP must be subject to certification by Council.

155.1. 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.

156. Appropriate navigation signals shall be shown at all times during dredging activities.

Sandbank Renourishment Area geomorphological monitoring and maintenance

157. The consent holder must commission intertidal and subtidal geomorphological surveys of the Sandbank Renourishment Area and the CMA within [50XXm] of the Sandbank Renourishment Area.

158. The monitoring required by condition 157 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.

159. Within three (3) months of each survey required by condition 157, 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.(a) the geomorphological performance of the Sandbank Renourishment Area; and

b.(a) 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).

160. Where a report certified under condition 159 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.

161. Conditions 157-160 apply on an ongoing basis unless an alternative initiative certified by Council 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 157-160 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

162. 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.;

c. The Marsden Cove Marina channel seaward of the first private berth at transect intervals of 50m out to the channel drop-off; and

d. Blacksmiths Creek channel – transects 50m apart near the seaward end of the training wall/groyne at the creek mouth.

Surveys are to be undertaken to the local LINZ horizontal datum and vertical port datum (CD) [to be agreed].

163. The monitoring required by condition 162 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.

Surveys may be calibrated by echo sounder and Total Station Survey and combined to a common datum.

164. A report describing the surveys required by condition 162 must be provided to the Council within 20 working days of their completion. This report must be prepared by an independent qualified coastal engineer/scientist. The report must quantify changes in channel depth, the horizontal movement of shoreline contours, mean sea level and 2m above sea level. On the basis that the Applicant engages a suitably qualified and experienced person to undertake a morphological processes investigation of this area prior to commencement of works, the report is to discuss observed changes in the context of that report and propose mitigation/adaptive planning measures including sand back-passing, beach nourishment, groynes and other structures.

~~OPERATIONAL REQUIREMENTS~~

OCCUPATION AND ~~Use of CMA~~**USE OF THE CMA FOR PORT CONSTRUCTION, OPERATION, AND MAINTENANCE**

~~165.~~202. 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.~~(a) those parts of the Whangārei Harbour being the proposed reclamation area (for the period such occupation is necessary); and

~~b.~~(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].~~, including batter slopes, as shown on plan C03 contained in Appendix 1.

~~166.~~203. These consents authorise the consent holder to occupy, on a nonexclusive basis, and use for the purposes of these consents (including port operation, and maintenance) an area generally within a line ~~sixty~~ [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]~~plan C03 contained in Appendix 1.

204. The Water Taxi Pontoon is to be completed within twelve (12) months of Practical Completion.

~~167.~~205. Notwithstanding condition 202, 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.*

~~168. Port activities must not commence on the container terminal until tug facility, water taxi, and all rec features are certified as being constructed in accordance with the plans.~~

~~Navigation~~

~~1~~~~1.~~ ~~Prior to construction of the port expansion, the consent holder must provide to Council results of Full Mission Bridge Simulations (FMBS) with outcomes and recommendations (i.e. ship size, environmental conditions, tug capacities and emergency response) agreed by a suitably qualified independent observer / Maritime New Zealand, or their delegated representative, observers to agree findings.~~ ~~The FMBS are to include:~~

~~169.~~

~~a.~~(a) ~~Navigation to and from pilot boarding through to berthing at extended berth associated with resource application, all tide conditions, agreed limiting conditions (i.e. Harbourmaster limits for wind, waves, currents) with real time / model inputs into simulator;~~

~~b.~~(a) ~~Assessment of passing ship, swing safety, emergency planning / procedures and minimum towage requirements;~~

c.(a)Manoeuvres into/out of bunker facility with new facility berths occupied / passing effects and safety / emergency procedures and risk assessment.

Advice Note: *The FMBS's are to include independent verification / observer as well as representation from other industry (i.e. CINZ). The comprehensive inclusion of metocean modelling and limiting criteria for navigation, together with suitable sized (design) vessels and support vessels (tugs) to enable a range of arrival and departure maneuvers as well as ad-hoc (unplanned) emergencies such as loss of steerage and / or loss of propulsion.*

170.1. At least six months prior to Practical Completion, the consent holder must provide an Oil Spill Risk Assessment (OSRA) to Council for certification. The OSRA shall be for the purpose of informing any required updates or changes to the Northland Marine Oil Spill Contingency Plan and associated spill response procedures and equipment requirements. The OSRA shall, at a minimum, consider all navigation (i.e. whole transit from boarding to departure of Pilot), emergency procedures, and potential sources and scale of oil spill and response times.

That operational procedures are set to utilize either existing Pilot boat and crew, or supplement with additional vessels, a security / safety vessel to ensure the channel and swing areas are clear of recreational / fishing vessels in advance of any ship movement.**EARTHWORKS (TERRESTRIAL)**

206. 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.

Advice Note: *Whilst recreational use is sporadic, over the life of the consent application this and other behaviours may change, It is imperative that the Port takes responsibility to ensure safety of public or other users of the waterways. This can be supported by existing vessels and as the port traffic increases and likely pilotage movements dictate, then the inclusion of a specific marine safety / security vessel would be justified and not uncommon in international trading ports.*

STORMWATER DISCHARGES (Operational**OPERATIONAL)**

172.207. The consent holder must submit a Stormwater Operations and Maintenance Plan for the proposed stormwater system prior to Practical Completion. The Stormwater Operations and Maintenance Plan must include operational and maintenance details to demonstrate compliance with the following conditions and for:

a.(a) Pond and Associated Pumps;

b.(b) Channels;

c.(c) Spillways;

d.(d) Removal of silt and any contaminants settled in spillways;

~~e.~~(e) Isolation and removal of any spills on the port apron entering a canal;

~~f.~~(f) Repair of any erosion; and

~~g.~~(g) Removal of blockages.

~~173.~~208. Conditions 209 to 219 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~~13 April 2010) concurrently with the commencement of the application of conditions 209 to 219 in accordance with condition 207. 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.*

~~174.~~209. Operational stormwater must be treated either:

~~a.~~(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.~~(b) via ~~an~~ alternative proprietary stormwater treatment systems/devices prior to discharge to the CMA, subject to prior certification by Council~~.~~ that they are capable of meeting the compliance parameters in these consent conditions.

~~175.~~210. 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).

~~176.~~211. A report on all such examinations and action taken to remedy defects, as required under condition 210, must be forwarded to the Council's Compliance Manager within once month of the examination being completed.

~~Operational stormwater discharges must not result in~~**Mixing zone trigger thresholds**

~~177.~~212. IF any of the following effects on coastal water quality occur at ~~or beyond~~ the mixing zone boundary, as shown on ~~[insert~~ plan ~~ref] at~~ 014656 contained in **Appendix 1**, then the "at source" stormwater quality attributable compliance parameters in condition 213 apply:

~~a.~~(a) ~~The~~A temperature ~~must not be changed by~~ change of more than 3°C;

~~b.~~(b) ~~The~~A pH ~~must not be changed by~~change of more than 0.2;

~~c.~~(c) ~~The~~A reduction in the concentration of dissolved oxygen ~~must not be reduced~~ below 80% saturation;

Commented [CS20]: Note: The following parameters reflect those in Northport's present resource consents, which are intended to eventually be incorporated into these consents, when exercised.

Commented [BM21R20]: NRC preference for monitoring at Point of Discharge, to align with adjacent Channel Infrastructure discharge – welcome discussion on this approach

~~d.~~(d) ~~The~~A reduction in visual clarity ~~must not be reduced by~~of more than 20% of the median background visual clarity at the time of measurement, as measured by black disk or an ~~authorised~~accepted alternative method;

~~e.~~(e) ~~The~~A change in hue ~~must not be changed by~~ of more than 10 Munsell units ~~of~~compared to the median background hue at the time of measurement;

~~f.~~(f) ~~There must be no~~Production of conspicuous oil or grease films, scums or foams, floatable suspended materials, or emissions of objectionable odour;

~~g.~~(g) ~~There must be no~~The destruction of natural aquatic life by reason of a concentration of toxic substances; ~~and~~or

~~h.~~(h) ~~The concentrations for~~Concentrations exceeding the following ~~determinants must not be exceeded~~determinants:

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

Advice Note: *The mixing zone trigger thresholds in condition 212 above apply at the relevant mixing zone boundary. They are informed by an extensive body of compliance, monitoring, and enforcement (and other scientific) evidence, data, and experience gathered over time with respect to several marine discharges/resource consents at the Whangārei Harbour entrance. However, exceedances of the mixing zone trigger thresholds in condition 212 above may be caused by a range of parties and/or events, some of which are outside the scope of these resource consents and the control of the consent holder (for example another party's nearby marine discharge). The mixing zone trigger thresholds in condition 212 are therefore not enforceable compliance metrics under these consent conditions. Their function is to identify a water quality effect(s) of potential environmental concern in order to trigger the application of the stormwater quality attributable compliance metrics in condition 213 (i.e. IF a threshold(s) in condition 212 is exceeded, then the consent holder must comply with the attributable compliance parameters in condition 213).*

Attributable compliance parameters

213. IF a mixing zone trigger threshold(s) in condition 212 is exceeded:

(a) the consent holder must, as soon as practicable, undertake water quality testing in the location identified in (b) below; and

(b) for the period the threshold(s) in condition 212 remains exceeded water within the Northport site stormwater network directly upstream of the confluence with discharges from the Marsden

Maritime Holdings site (i.e. at the downstream limit of the Northport 525mm gravity pipework), or prior to discharge from any proprietary system, must not exceed the following:

(i) 15 mg/L Total Petroleum Hydrocarbons;

(ii) 10 mg/L of total copper;

(iii) 10 mg/L of total lead;

(iv) 100 mg/L of total zinc; or

(v) 100 mg/L of suspended solids.

Advice Note: *The compliance parameters in condition 213 impose enforceable limits on Northport's "at source" stormwater discharges in the event – and for the duration that – a water quality effect(s) of potential environmental concern occurs at the mixing zone boundary (as evidenced by an exceedance of a threshold(s) in condition 212). For the avoidance of doubt, the stormwater quality attributable compliance parameters in condition 213 apply only in the event a mixing zone trigger threshold(s) in condition 212 is exceeded, in which case the compliance parameters in condition 213 apply only for the duration of the condition 212 threshold exceedance(s). The compliance parameters in condition 213 do not incorporate a mixing zone dilution effect.*

214. The compliance location specified in condition 213 may be changed if the Council, following receipt of a report from the consent holder, certifies that a proposed alternative location is equally or more suitable for the purpose of measuring Northport's stormwater discharge quality.

~~178.~~215. The quality of stormwater discharged from the canal and pond-based stormwater system ~~by~~at the pumps must meet the following:

~~a.~~(a) A pH within the range of 6.5 to 9.0;

~~b.~~(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~~;~~.

~~c. The concentration of ammoniacal nitrogen from the water quality pond discharge should not exceed 1.86 milligrams per litre.~~

~~179.~~216. 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~~/or~~ cause objectionable odours beyond the site boundary.

~~180. The stormwater storage and settlement pond system shall, as far as is practicable, be maintained free of floatable solids, oil and grease, and foams, and shall not emit objectionable odours.~~

~~181. To minimise the potential for the contamination of stormwater by natural wood chemicals, the consent holder shall, as far as is practicable, maintain log storage areas, internal drains and any debris traps, so that they are free of wood material that is being stored on-site.~~

~~182.~~217. The consent holder must undertake the following measures to minimise adverse effects associated with operational stormwater discharges:

~~a.~~(a) Removal of bark and wood debris ~~to off-site landscape suppliers~~.

~~b.~~(b) Routine sweeping of the operational port area.

~~c.~~(c) Dust suppression measures.

~~d.~~(d) Regular cleaning of catchpits.

~~183.~~218. 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

~~184.~~219. The consent holder must undertake stormwater monitoring in accordance with the monitoring programme at **Appendix 42**. Any changes to **Appendix 42** must be certified by the Council.

~~185. The consent holder shall notify the Council Monitoring Manager as soon as practicable once the stormwater storage and settlement pond system reaches its design discharge level and advise the remedial action(s) proposed to enable the stormwater performance (discharge quality) standards in this consent to continue to be achieved.~~

Advice Note: *The monitoring programme at **Appendix 2** sets out monitoring and reporting requirements only. It does not include stormwater quality compliance parameters.*

Commented [CS22]: 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.

Commented [BM23R22]: NRC monitoring officers have reviewed and welcome the opportunity to discuss these operational Stormwater conditions to ensure a workable compliance regime is established. This could occur as part of conferencing process

PORT ACTIVITIES AIR DISCHARGES (OPERATIONAL)

~~186.~~220. Conditions 221 to 223 apply to all Northport port operations from Practical Completion of the reclamation.

~~187.~~221. 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.~~(a) Use of appropriate equipment when transferring material, such as hoppers.

~~b.~~(b) The use of covers.

~~c.~~(c) Limiting drop heights.

~~d.~~(d) Undertaking work in favourable wind conditions.

~~e.~~(e) Having a method available to apply water to dampen material when required and as appropriate.

~~f.~~(f) The regular sweeping of sealed surfaces.

~~g.~~(g) Restrictions on activities during strong winds.

~~h.~~(h) Limitations on the height of stockpiles.

~~i.~~(i) Installation of wind breaks.

~~j.~~(j) Minimising vehicle speeds to 20km/h on unsealed surfaces.

~~k.~~(k) ~~inclusion~~Inclusion of ~~vehicle minimisation~~ procedures to minimise emissions.

~~188.~~222. 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).

~~189.~~223. Any variation to the AQMP must be subject to certification by Council. The consent holder is to review the AQMP ~~will be reviewed every~~at no greater than three ~~(3) years~~yearly intervals.

CULTURAL

Kaitiaki Group

224. The Consent Holder shall, not later than 24 months prior to commencement of construction works, provide a written offer to the relevant representative entities of tangata whenua groups of Poupouwhenua and Whangārei Te Rerenga Parāoa to establish and maintain a Kaitiaki Group ('KG').

(a) For the purposes of these resource consents the 'relevant representative tangata whenua groups' are: Patuharakeke, Te Parawhau, and Ngātiwai;

(b) The entities nominated to represent the tangata whenua groups listed in clause (a) of this condition shall be identified by tangata whenua. Tangata whenua shall advise both the Consent Holder and the council as to whom their representative entities will be; and

(c) Other tangata whenua groups may be invited to join the KG where they have been endorsed by the majority of the members of the KG and confirmed by the council.

Advice Note: *There are existing groups exercising various roles aimed at improving the health of Whangārei Te Rerenga Parāoa, including for example the "Kaitiaki Roopu" which was established under previous resource consents granted to Northport for its port expansion. The KG is intended to be distinct from the existing Kaitiaki Roopu.*

225. Each of the above parties listed in Condition 224 who accepts the Consent Holder's offer may nominate one representative and an alternate representative to the KG. If invited in writing by the KG, the Consent Holder may also nominate one representative and an alternative representative to the KG.

226. As soon as practicable after acceptance of the Consent Holder's above offer by one or more parties, a Charter establishing the KG shall be executed by the Consent Holder and the accepting parties, following which the KG shall be constituted. The Charter shall set out/include the following, as a minimum:

(a) The name by which the KG shall be formally known;

(b) The functions of the KG in accordance with Condition 227 below, and how such functions shall be exercised by the KG;

(c) The composition of the KG and the process by which membership may be amended;

(d) How the KG intends to carry out its functions, including the frequency and format of KG meetings, and methods for decision-making;

(e) A dispute resolution process whereby any differences that may arise in establishing and/or operating the KG may be resolved by direct discussions between the parties in dispute, and failing that, by reference to mediation by an AMINZ affiliated mediator (the costs of the mediator to be met by the Consent Holder);

(f) The rates of remuneration for members of the KG; and

(g) The period the KG shall operate for; which shall be no shorter than is necessary to fulfil the KG's functions under these resource consents.

Functions of the KG

227. The functions of the KG are to:

(a) Recognise and provide for the importance of Poupouwhenua and Whangārei Te Rerenga Parāoa as a taonga to tangata whenua, within the framework of these resource consents;

(b) Recognise and provide for the kaitiakitanga of Māori who have a kaitiaki relationship with Poupouwhenua and Whangārei Te Rerenga Parāoa, within the framework of these resource consents;

(c) Facilitate the involvement of Māori who have a kaitiaki relationship with Poupouwhenua and Whangārei Te Rerenga Parāoa in the exercise of these resource consents;

(d) Facilitate the incorporation of kaitiaki responsibilities and values in the exercise of these resource consents; and

(e) Provide a forum for engagement between Māori who have a kaitiaki relationship with Poupouwhenua and Whangārei Te Rerenga Parāoa, the Consent Holder and the council regarding the exercise of these resource consents.

Roles ~~Avifauna~~

~~190. Avifauna Management Plan~~

~~a. The Plan should be submitted for certification prior to operation.~~

~~b. The Plan should include but not limited to:~~

~~i. Operational protocols to avoid injury/mortality of coastal avifauna.~~

~~ii. Operational noise and lighting recommendations to minimise disturbance.~~

~~iii. Outcome monitoring of coastal bird use of the sandbank renourishment area~~

~~Adaptive~~*of the KG*

228. In fulfilling its functions, the roles of the KG shall be to:

(a) Identify initiatives to develop expertise and capacity building for mana whenua. These could include, for example, establishing educational scholarships, providing post-graduation research funding, identifying opportunities for professional training (e.g. Directors Institute course), apprenticeships, and/or port operator training (e.g. forklift licence), and/or proposing suitable candidates for employment opportunities.

(b) Naming roads and areas within the reclamation area and operating port;

(c) Provide design input to the construction authorised by these consents, including but not limited to scoping, consultation and design of aspects of:

(i) A new entranceway display at the principal entrance to Northport, and

(ii) The accessway to the Pocket Park, which is intended to facilitate access to the remaining beach area at Poupouwhenua. This might include, for example, construction and installation of pou or waharoa;

(d) Design of the Pocket Park itself, for example landscaping, planting plans, and cultural artwork/storytelling to provide information on cultural history of the area, mahinga kai (broadly, the practices involved in producing, procuring, and protecting traditional food resources and ecosystems), and taonga species;

(e) Nominate up to two people with knowledge of mātauranga Māori to train as marine mammal observers;

(f) Nominate up to two people with knowledge of mātauranga Māori to train as field technicians for collection of samples of water/substrate/shellfish as required by these consents or more generally for Northport's operations;

(g) Receive draft reports and information from the Consent Holder required pursuant to these resource consents, including but not limited to notification of any discovery of archaeological material;

(h) Review and comment, as necessary, on the following (amongst other things): the draft CEMP; the draft EMMP; the draft MMMP; and the draft Capital DMP and draft Maintenance DMP;

(i) Review and comment, as necessary, on the draft monitoring reports produced by the Consent Holder prior to them being submitted to the council to ensure the KG views are made known to council prior to any review;

(j) Work collaboratively with the council and the Consent Holder to determine and implement appropriate procedures to control any adventive pests and weeds present within any disturbed area;

(k) Take an active role in reviewing and reporting using the Cultural Indicators Hub ('CIH') as the primary reporting tool as defined in condition 237 below;

(l) Receive from the Consent Holder notification of any receiving water quality limit exceedances; and consult with the council's Compliance Manager regarding any receiving water quality limit exceedances;

(m) Provide advice on enhancing access to mahinga kai sites;

(n) Receive requests from Māori who have a kaitiaki relationship with Whangārei Te Rerenga Parāoa for the undertaking of any cultural ceremonies relating to the exercise of these resource consents, including without limitation in the event of discovery of kōiwi; and for facilitating the provision of any such cultural ceremonies the KG reasonably deems to be appropriate; and

(o) Identify, develop, establish and/or approve suitable studies or projects designed to improve water quality, coastal processes, environmental, ecological, and cultural health of the Whangārei Harbour entrance (including its shores) and northern Bream Bay.

Consent Holder's obligations

229. The Consent Holder's obligations in respect of the KG shall be to:

(a) Provide a venue for KG meetings;

(b) Give members at least three weeks' advance notice of the date, time and location of KG meetings;

(c) Resource a Secretariat for the Committee whose role shall include taking Minutes of KG meetings, which shall be forwarded to KG members and the council within three weeks of each meeting;

(d) Consult with the KG on matters of detailed design, including by providing draft design drawings and seeking feedback on matters of design and landscape treatment of the Pocket Park which is intended to facilitate access to the remaining beach area at Poupouwhenua;

(e) Explore and discuss with the KG opportunities to engage persons nominated by the KG to undertake roles as marine mammal observers and/or field technicians for collection of samples of water/substrate/shellfish as required by these consents or more generally for Northport's operations;

(f) Identify external business opportunities for mana whenua where they arise, including in associated or ancillary businesses. Examples might be providing services to cruise ship operators and/or passengers; or preferential purchase of specimen plants for landscaping requirements;

(g) Provide copies of the relevant draft management plans, reports and documentation required by the conditions of this resource consent to the KG;

(h) Consider and, if requested by the KG, provide a written or other agreed appropriate response to recommendations made by the KG, to the extent detailed in these conditions or otherwise agreed by the KG;

(i) To make available any staff members or independent experts engaged by the Consent Holder to appear before the KG, with the costs of the experts' attendances and any necessary preparation to be met by the Consent Holder;

(j) Subject to any operational or health and safety constraints, provide reasonable ongoing opportunities for mana whenua to walk the site before works commence to observe, categorise and discharge their obligations as kaitiaki;

~~iv.~~(k) Be involved in the development, implementation and monitoring ~~methods~~of cultural indicators as contemplated by condition 238 below; and

~~v. Compliance reporting~~

~~Benthic Ecology~~

~~191. Placeholder for these conditions~~

~~CULTURAL~~

~~192. [To insert]~~

~~193.~~

~~194.~~

Commented [CS24]: 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.

Commented [BM25R24]: Noted, Conferencing may assist to progress this

~~Expiry~~

~~195. [DATE]~~

(l) Provide monthly email updates to the KG during construction works to advise of:

(i) key progress milestones,

(ii) the outcomes of monitoring conducted in accordance with these resource consents, and

(iii) any exceedances of relevant conditions of these resource consents.

230. The Consent Holder must fund the KG as follows:

(a) *Pre-construction:* An annual payment of $25,000 (plus GST, if any) is to be made from the date of the site meeting required by condition 3 of these consents until commencement of construction works;

(b) *During construction:* An annual payment of $50,000 (plus GST, if any) is to be made from commencement of construction works until Practical Completion; and

(c) Post construction: An annual payment of $25,000 (plus GST, if any) is to be made from Practical Completion for a period of three years (totalling three (3) payments).

Advice note: *Where the above payments relate to a period of less than a full year, they will be pro-rated.*

231. The Kaitiaki Fund is intended to be utilised for the following purposes:

(a) To meet the reasonable costs incurred by the KG in fulfilling its functions under these resource consents, including KG meetings and remuneration of KG members; subject to normal business practices, including invoicing and accounting, and in accordance with the Charter produced under Condition 226;

(b) To provide working capital for the KG to assess the effects of the dredging, reclamation and construction works authorised by these resource consents on Poupouwhenua and Whangārei Te Rerenga Parāoa. This includes the development and implementation of the CIH in accordance with Conditions 237 to 242 below.

(c) To enable the KG to undertake harbour restoration and enhancement projects in Poupouwhenua and Whangārei Te Rerenga Parāoa consistent with the broad purposes described in Conditions 243 and 244 below.

Advice note*: the Kaitiaki Fund payments shall not bear interest, and a default shall not attract a financial penalty under these conditions.*

232. Nothing in condition 230 above is intended to limit the use of the Kaitiaki Fund, provided such use is consistent with the KG's Charter.

General

233. The Consent Holder shall provide written confirmation to the council's Compliance Manager within two weeks of execution of the Charter establishing the KG pursuant to Condition 226.

234. The first KG meeting shall be held as soon as practicable after execution of the Charter establishing the KG. The KG shall determine how it conducts/administers its functions under these resource consents.

235. The Consent Holder shall provide written verification to the Council and Whangarei District Council of all payments made in accordance with Condition 230 within five working days of each payment being made.

236. Except where expressly provided in Conditions 238(a) or 245, or where the context requires otherwise, all of the Consent Holder's obligations with respect to the KG under these resource consents are conditional on the KG being validly constituted, including execution of the KG Charter through agreement by the relevant parties.

Cultural Monitoring Framework

Cultural Indicators Hub ('CIH') – overview

237. For the purposes of these conditions, the CIH is an online monitoring and reporting platform that:
   (a) facilitates the visualisation of monitoring data and other information recorded by the consent holder during construction and operation of the expanded container port, as authorised by these consents;
   (b) demonstrates the performance of the expanded container port against any cultural indicators developed and implemented by mana whenua, incorporating mātauranga Māori as appropriate, and as further described in conditions 238-242 below;
   (c) can be used as a tool for mana whenua to support the exercise of its kaitiakitanga; with authorised independent access to the online platform;
   (d) can be used to inform recommended changes to any management plans, including those specified in condition 228(h), as part of any annual update, or as part of any more comprehensive review; and
   (e) subject to restrictions requested by mana whenua, is otherwise publicly visible thereby providing real time information on the performance of the construction and operation of the expanded container port when measured against the conditions of consent.

Development of cultural indicators

238. The consent holder shall, as early as possible but no less than 6 months prior to the date of the commencement of works authorised by these consents, invite the KG to develop cultural indicators that assess the effects of the dredging, reclamation and construction works authorised by these resource consents on Poupouwhenua and Whangārei Te Rerenga Parāoa. The cultural indicators are to be incorporated into the CIH described in Condition 237, provided that:
   (a) if the cultural indicators are not developed by the KG prior to the commencement of works authorised by these consents, the CIH shall be constructed in a manner that allows the cultural indicators to be added at a later date, and until that time the CIH shall be operated and display other key information as described in condition 237 above;
   (b) The KG may review and amend the cultural indicators from time to time and the consent holder shall update the CIH to incorporate any such amendments as soon as practicable following any new or amended cultural indicators.

Cultural Monitoring Framework - obligations

239. The Consent Holder shall ensure all monitoring data as required by these consents and agreed by KG is visualised on the CIH.

240. The methodology of the cultural monitoring and assessment shall be determined following consultation with the KG. Any assessments shall be carried out by persons with knowledge of mātauranga Māori appointed by the KG, or by Suitably Qualified and Experienced person(s) appointed by the consent holder on the recommendation of the KG.

241. The cultural indicators referred to in condition 237 may include, but are not limited to, assessing changes in water quality, the health of taonga species and culturally significant flora and/or fauna, and the health of Poupouwhenua and/or Whangārei Te Rerenga Parāoa.

242. In addition to the CIH, the KG shall commission an appropriate person(s) to undertake and provide a written report on the cultural indicators monitoring on an annual basis during construction of the Expansion Project. The written report will be submitted to Council on an annual basis, for their information.

Advice note: *Reasonable actual costs associated with commissioning external person(s) to establish cultural indicators will be the responsibility of the consent holder, rather than the KG.*

Advice note: *Nothing in these conditions compels the consent holder to engage any person(s) for the delivery of monitoring under these consents.*

Harbour restoration and enhancement initiatives

Cultural and recreation community projects

243. The Kaitiaki Fund may be applied towards scoping, designing and implementing specific and targeted cultural and/or community recreation projects in Poupouwhenua and Whangārei Te Rerenga Parāoa.

Cultural ecological restoration and enhancement

244. The Kaitiaki Fund may be applied towards scoping, designing and implementing initiative(s) for cultural and/or ecological restoration and enhancement of Poupouwhenua and Whangārei Te Rerenga Parāoa, and may include (but is not limited to):

(a) Steps to improve water quality in Whangārei Harbour, including relating to land use within, and discharges from relevant catchments;

(b) Monitoring effects associated with dredging and reclamation;

(c) Initiatives to better understand and provide for avifauna and/or marine mammal species (e.g. nesting boxes for little penguin);

(d) Shellfish relocation and monitoring; or

(e) Seagrass restoration and/or enhancement.

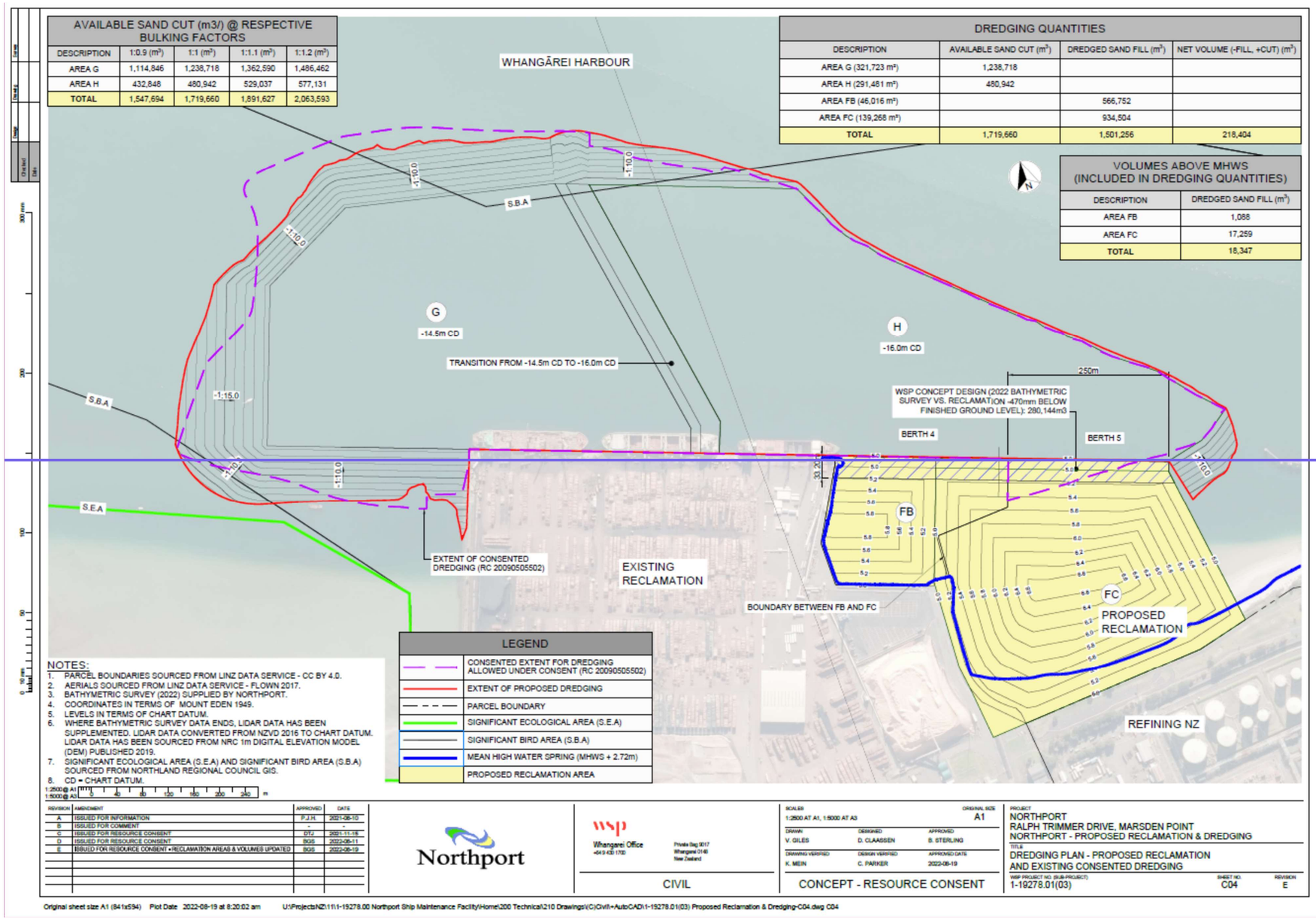
245. If for any reason the KG is not validly constituted by the commencement of construction works, then

notwithstanding conditions 230 and 236 above, the Consent Holder shall be responsible for carrying out works in lieu of the Kaitiaki Fund until such time as the KG is validly constituted. The works shall be of equivalent value as required by condition 230, for the purposes set out in conditions 243 and 244. The Consent Holder shall consult with the Council prior to undertaking the works; and following completion of the works shall inform the Council. To avoid doubt, if the Consent Holder undertakes works pursuant to this clause, it shall not be responsible for also making the Kaitiaki Fund payments pursuant to condition 230.

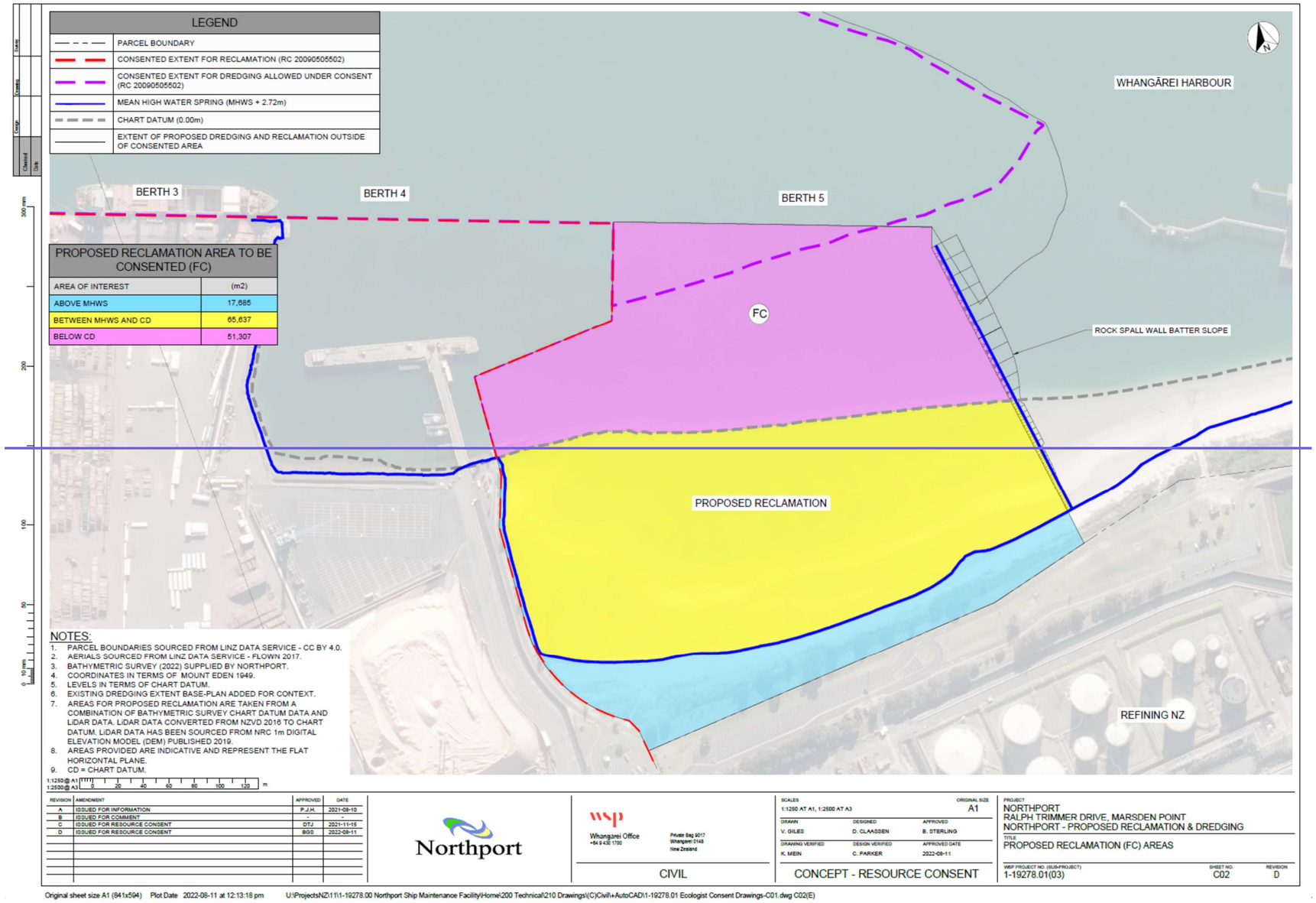
EXPIRY DATES:	**UNLIMITED**	**AUT[XXXXX] (Reclamation)**
	[INSERT DATE 35 YR FROM COMMENCEMENT]	**All other consents**

APPENDIX 1: PLANS

Commented [SS26]: To be updated



Commented [CS27]: Note: plan to be updated to include mixing zone.


LEGEND
PARCEL BOUNDARY
CONSENTED EXTENT FOR RECLAMATION (RC 20090505502)
CONSENTED EXTENT FOR DREDGING ALLOWED UNDER CONSENT (RC 20090505502)
MEAN HIGH WATER SPRING (MHWS + 2.72m)
CHART DATUM (0.00m)
EXTENT OF PROPOSED DREDGING AND RECLAMATION OUTSIDE OF CONSENTED AREA
PROPOSED RECLAMATION AREA TO BE CONSENTED (FC)
AREA OF INTEREST | (m2)
ABOVE MHWS | 17,685
BETWEEN MHWS AND CD | 65,637
BELOW CD | 51,307
WHANGĀREI HARBOUR
BERTH 3
BERTH 4
BERTH 5
FC
ROCK SPALL WALL BATTER SLOPE
PROPOSED RECLAMATION
REFINING NZ
NOTES:
1. PARCEL BOUNDARIES SOURCED FROM LINZ DATA SERVICE - CC BY 4.0.
2. AERIALS SOURCED FROM LINZ DATA SERVICE - FLOWN 2017.
3. BATHYMETRIC SURVEY (2022) SUPPLIED BY NORTHPORT.
4. COORDINATES IN TERMS OF MOUNT EDEN 1949.
5. LEVELS IN TERMS OF CHART DATUM.
6. EXISTING DREDGING EXTENT BASE-PLAN ADDED FOR CONTEXT.
7. AREAS FOR PROPOSED RECLAMATION ARE TAKEN FROM A COMBINATION OF BATHYMETRIC SURVEY CHART DATUM DATA AND LIDAR DATA. LIDAR DATA CONVERTED FROM NZVD 2016 TO CHART DATUM. LIDAR DATA HAS BEEN SOURCED FROM NRC 1m DIGITAL ELEVATION MODEL (DEM) PUBLISHED 2019.
8. AREAS PROVIDED ARE INDICATIVE AND REPRESENT THE FLAT HORIZONTAL PLANE.
9. CD = CHART DATUM.
1:1250@ A1
1:2500@ A3
0 20 40 60 80 100 120 m
REVISION | AMENDMENT | APPROVED | DATE
A | ISSUED FOR INFORMATION | P.J.H. | 2021-08-10
B | ISSUED FOR COMMENT | - | -
C | ISSUED FOR RESOURCE CONSENT | DTJ | 2021-11-15
D | ISSUED FOR RESOURCE CONSENT | BGS | 2022-08-11
Northport
Whangarei Office
+64 9 430 1700
Private Bag 9017
Whangarei 0148
New Zealand
CIVIL
SCALES
1:1250 AT A1, 1:2500 AT A3
ORIGINAL SIZE
A1
DRAWN
V. GILES
DESIGNED
D. CLAASSEN
APPROVED
B. STERLING
DRAWING VERIFIED
K. MEIN
DESIGN VERIFIED
C. PARKER
APPROVED DATE
2022-08-11
CONCEPT - RESOURCE CONSENT
PROJECT
NORTHPORT
RALPH TRIMMER DRIVE, MARSDEN POINT
NORTHPORT - PROPOSED RECLAMATION & DREDGING
TITLE
PROPOSED RECLAMATION (FC) AREAS
WSP PROJECT NO. (SUB-PROJECT)
1-19278.01(03)
SHEET NO.
C02
REVISION
D
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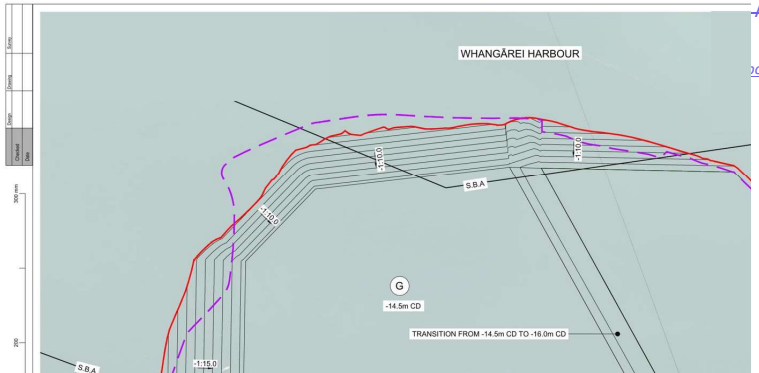
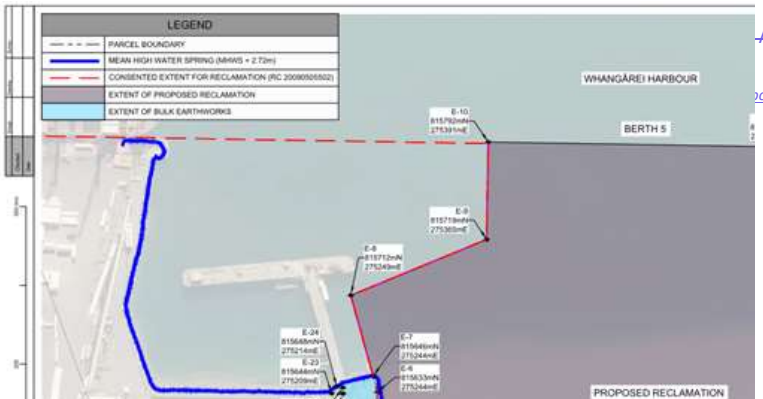
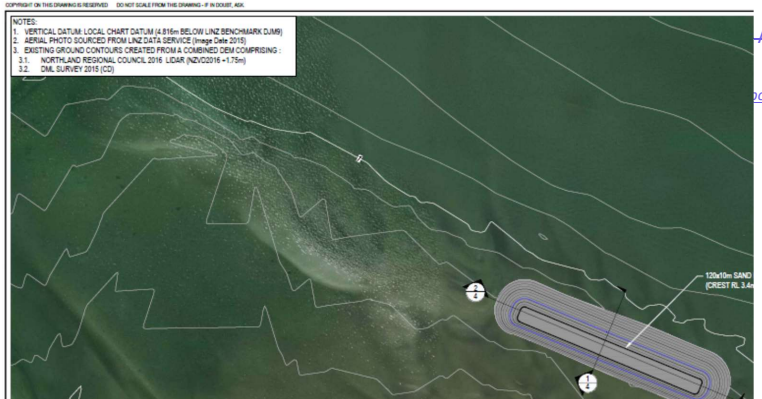
SWIMMING AREA
STEPS FOR WATER ACCESS
STEPS FOR SAND ACCESS
EASTERN RECLAMATION
BACK DUNE BUILDUP OVER TIME
SHELTER
6 PARKS
BIKE PARKING
WC
WATER FOUNTAIN
EASTERN RECLAMATION - ABOVE MHWS
ACCESS TO BE RETAINED
20 PARKS
TRANSPLANTED POHUTUKAWA
ORIGINAL IN COLOUR
KEY
Boffa Miskell
0
REV DATE DESCRIPTION
A 26.07.22 FOR INFORMATION
B 26.07.22 FOR INFORMATION
APPROVED
NORTHPORT
RECLAMATION
PROPOSED CONCEPT PLAN
Design SCo
Drawn DH
Check SCo
Scale 1:750 @ A1
1:1500 @ A3
Date 26.07.22
FOR INFORMATION
Drawing No
BM220519-201
REVISION
B


SWIMMING AREA
STEPS FOR WATER ACCESS
STEPS FOR SAND ACCESS
BACK DUNE BUILDUP OVER TIME
SHELTER
6 PARKS
ISSUE
DATE
DETAILS
APPRO
BY
Northport
P.O BOX 44
RUAKAKA, NEW ZEALAND
TEL 09 432 0010
vision4growth.co.nz
NORTHPORT
RELOCATED TUG FACILITY
EASTERN END - CONCEPT PLAN
Dwg No
D60-X
Rev
R0
Drawn
B SWEENY
Checked
Scale
1:500 (A1)
1:1000(A3)
Date
SEPT 2022
Sheet
01


WHANGĀREI HARBOUR
S.B.A
-15.0
-14.5m CD
TRANSITION FROM -14.5m CD TO -16.0m CD
S.B.A
-15.0


LEGEND
PARCEL BOUNDARY
MEAN HIGH WATER SPRING (MHWS + 2.72m)
CONSENTED EXTENT FOR RECLAMATION (RC 2009050502)
EXTENT OF PROPOSED RECLAMATION
EXTENT OF BULK EARTHWORKS
WHANGĀREI HARBOUR
BERTH 5
PROPOSED RECLAMATION


COPYRIGHT ON THIS DRAWING IS RESERVED DO NOT SCALE FROM THIS DRAWING - IF IN DOUBT, ASK
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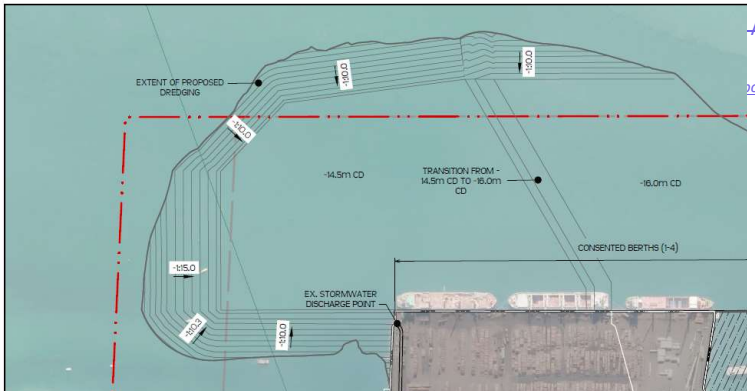
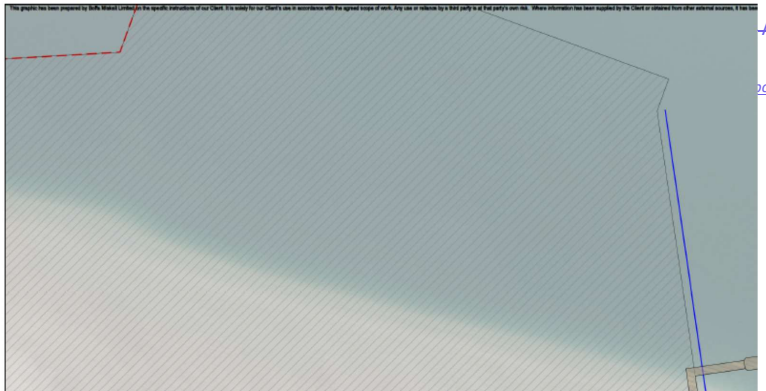
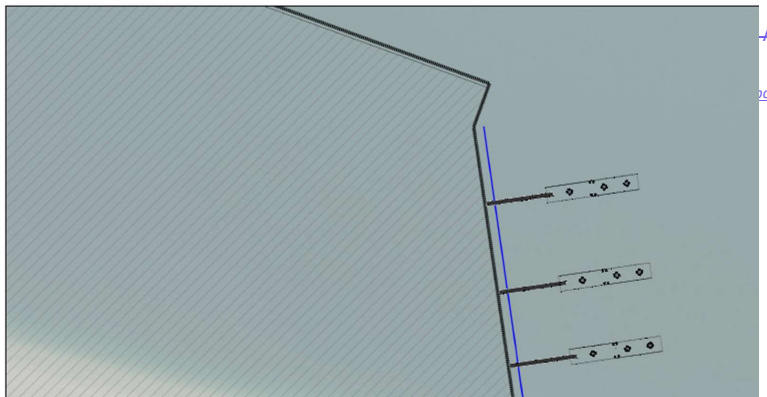
2. AERIAL PHOTO SOURCED FROM LINZ DATA SERVICE (Image Date 2015)
3. EXISTING GROUND CONTOURS CREATED FROM A COMBINED DEM COMPRISING :
3.1. NORTHLAND REGIONAL COUNCIL 2016 LIDAR (NZVD2016 +1.75m)
3.2. DML SURVEY 2015 (CD)
120x10m SAND
(CREST RL 3.4m


EXTENT OF PROPOSED DREDGING
-14.5m CD
TRANSITION FROM -14.5m CD TO -16.0m CD
-16.0m CD
CONSENTED BERTHS (1-4)
EX. STORMWATER DISCHARGE POINT





APPENDIX 2: TABLE OF MONITORING AND FREQUENCY OF MONITORING

[TBC]

APPENDIX 3: STATISTICAL METHODOLOGY OUTLINE

Development of Intensity component of turbidity trigger

[TBC]

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(∝)anthracene	0.18
– Benzo(∝)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~~mixgering and dilution.

Sensitivity: General

TABLE 1: SCHEMATIC MONITORING DIAGRAM –

Location	Sampling Frequency	Parameters	Criteria	Notes	
Point(s) of discharge from treatment pond system	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 eachOne sample per 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 178(b)	T and DO are considered not useful in this situation as they will reflect conditions intrinsic to the wetland and in any event cannot have any influence on water quality in this particular marine receiving environment.	
	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		Action values 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	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

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Commented [SS28]: Additional requirements recommended for an update Monitoring Programme. This to add to the existing monitoring programme with some further specification of sampling sites as listed below:
- Samples to be taken near the (existing) western
- Samples to be taken near the (proposed) eastern spillway

Commented [SS29]: SW memo recommends one sample per day until discharge has ceased. Northport wording is as per existing consent.

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	One-off under existing regime	WETT (Toxicity Testing)		As specified in point 1.3 below	One further WETT will be undertaken under the present port conditions. The need for any further WETT will be considered only if new port operations introduce new contaminant(s) into the stormwater.
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 e.g.eg size of storm, contributing area	
Stormwater Canals, western/eastern arms	One off	*Sediment samples:*		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	
		Water:—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	
Groundwater					All results from the water quality and sediment quality monitoring will be reviewed after 5 years of exercise of this consent for the purpose of determining if groundwater quality is at risk.

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Abbreviations

ANZECC	The Australian and New Zealand Environment and Conservation Council
T	Temperature
DO	Dissolved oxygen (both g/m3 and % saturation)

TSS	Total Suspended Solids
Total N	Total Nitrogen
Total P	Total Phosphorus
FC	Faecal Coliforms
Cu	Copper
Pb	Lead
Zn	Zinc
PAH	Polycyclic aromatic hydrocarbon
WETT	Whole Effluent Toxicity Test
VSS	Volatile Suspended Solids
NTU	Nephelometric Turbidity Unit

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.*

~~**1.3 Wett Method**~~

~~The WETT method for toxicity analyses shall be undertaken on not less than three representative marine species, including at least one algae, one invertebrate, and one fish. The choice of toxicity test species, dilutions, test endpoints to be measured, and "toxicity effect" shall be submitted to the Council for approval at least twenty working days prior to stormwater sampling. For each of the three [3] toxicity tests the EC25 (the concentration of stormwater estimated to produce a toxic effect in 25% of the test organisms) shall be greater than the equivalent of a 200-fold dilution of the stormwater. The dilution water used for toxicity tests shall be an uncontaminated sample of Whangarei Harbour water, collected on an incoming tide at the harbour entrance, at a point agreed to by the Council. There shall be no significant toxicity after a 200-fold dilution of the stormwater. For the purposes of this condition "significant toxicity" is defined as no more than a 25% toxic effect measured in the most sensitive test species used. Testing of the samples shall be carried out in accordance with the methodology outlined in the NIWA document entitled "Standard Methods for Whole Effluent Toxicity Testing: Development and Application" dated November 1998.~~

~~**1.3 pH**~~

~~The pH and TSS results taken in accordance with Table 1 will be recorded in an ongoing spreadsheet a copy of which shall be forwarded to the Council Monitoring Manager as required by Condition 2 below. Any results recorded which do not achieve the criteria included in Condition 5 shall be reported to the Council Monitoring Manager together with an explanation within seven days of their receipt by Northport.~~

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**

Sensitivity: General

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.